

THE PARTICULARITY OF THE SOCIAL AND LEGAL STATUS OF SEAFARERS UNDER BELGIAN FLAG.

The painful economic situation of shipping under Belgian flag has been sufficiently emphasized by the maritime press. Unfair competition of the so-called flags of convenience and the COMECON mainly results in discrepant manning-costs. Although an unavoidable outflagging and sale of Belgian ships has taken place, it seems however unlikely to fear a complete starvation of Belgian shipping. Its importance now stabilizes in the neighbourhood of 60% of its previous volume. Equivalent manpower will be necessary. Working conditions and social security will stay essentially unchanged and adapted to what is generally called «the particularity of seafaring». We estimate their number at or about 1.800 seafarers and 100 shoregangers, who are former seafarers and who replace the crews in home-ports.

Contrary to the labour-legislation of land-workers, seafarers have no contracts for unlimited periods. They sign on for one or several voyages, for a fixed period or for an undetermined period, limited however to six months. Their specific law dates from 1928. Its redrafting in the light of modern realities should be urgently considered. Discipline is an absolute necessity on board, as a ship at sea is a real autocratic community. This is one of the reasons why legal force is granted to the employment-contracts of seafarers. Consequently, shortcomings or infringements of their execution are severely punished in appliance of the Shipping Disciplinary Code of 1928, which gives particular authority to captains, consuls, water-bailiffs and judges. Comparative stringency cannot be imagined in industries ashore.

The maritime labour-legislation contains no provisions concerning trial-periods, whilst the admission of female seafarers as provided for by E.E.C.-standards did not appear to be a sufficient reason to introduce clauses tending to adapt certain aspects of maritime labour to women, such as pregnancy-protection, maternity and others, which ashore are reasons for suspension of the execution of the contract, the consideration of temporary lighter work, the protection-period etc. The whole of this problem has been solved by administrative arrangements, merely based on the innocent consideration that a pregnant woman is a sick person, unable to sign on or to stay on board. In general, seafarers disembarked for illness or injuries are signed off, which implicates that their contract comes to an end.

As the employment of seafarers is never permanent, its co-ordination is entrusted to the Pool of the Seamen, established by the Ministry of Labour in 1945. All candidates are to be accepted and registered with the Pool. They have to comply with severe professional and physical regulations. Once registered, they are automatically covered by the whole specific social system for seafarers. They have no choice of ship or ship-owner, crews being hired on a waiting-list system supervised by the Pool. Nor will they have free choice of their sickness-insurance. The social security as a whole is administered by the Office of Social Security for Seafarers under Belgian Flag, established about a century and a half ago.

Registration with the Pool is valid as working-permit for foreigners, a quite simple system in comparison with the one applicable to workers ashore.

Seafarers retire at the age of sixty instead of sixty-five, but higher contributions are due by themselves and the employers.

If the seaman is landed during the voyage on account of sickness or injury, his contract terminates at once. However all costs and wages are due by the ship-owner until repatriation, in spite of the fact that he contributes permanently to the compulsory sickness- and accident-insurances of his seafarers for both medical care and wages-compensation. Absurd situations of this kind are unexisting in shore-industries, where employment-legislation is up-to-date and in harmony with social security-provisions.

Another senseless burden for ship-owners is the children-allowance. This system is administered by a compensation-fund. It is however a demographic fact that the maritime population is not prolific. Family-fathers usually don't stay at sea. So, it is clearly established since ever that ship-owners contribute as much as the double of what is needed for the children-allowances of their seamen. No change has ever been taken into consideration.

Equally, training, additional schooling and refreshment-courses particularly needful in shipping, are ill-financed, while on the other hand, ship-owners are as well kept liable for a considerable share of these training and schooling-costs.

No doctor is signed on unless a hundred souls are on board. As crews do not exceed twenty in general, first aid on board is the captain's and his officers' duty, for which they are specially trained.

As the labour-contracts of seafarers come regularly to an end, and also the fact that they are accommodated and nourished on board, they benefit of increased unemployment-allowances and sickness-indemnities.

Collective bargaining is separate for shipping, as negotiations take place exclusively between seafarers' and ship-owners' organisations. On board small security and sanitary-boards are set up, as more important bodies on the level of the whole company are impossible, for the evident reason of the absence of the seafarers.

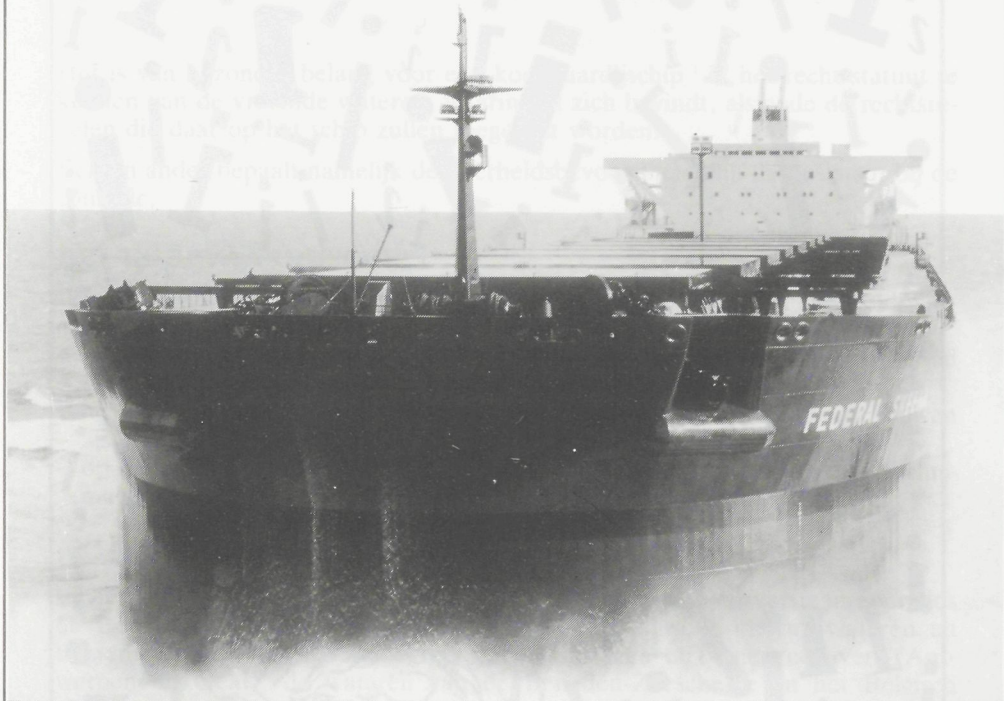
Seamen have a privileged military status and the right to vote by delegation.

It should finally be mentioned, that Belgium as one of the first members of the International Labour Organisation, ratified an important number of its conventions for seafarers, and duly adapted the national legislation.

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