

Nautilus FAQs on Covid-19 Coronavirus

With the spread of Covid-19 Coronavirus eliciting extreme responses from countries as they implement containment strategies, we have put together some general advice to common member queries over their employment rights and responsibilities. Many of these concern the employment rights and security of seafarers who have queries about joining their ship or being repatriated home.

This Frequently Asked Questions (FAQ) article sets out some general guidance for members, mostly relying on the Maritime Labour Convention (MLC) and Seafarers' Employment Agreement (SEA) deriving therefrom. However, note that there will be differences between flag states' laws. For specific advice based on your own SEA please contact your union official.

Members are also urged to check their shipowner's responsibilities under flag state laws, including those imposed under implementation of the MLC on matters such as health and safety, medical care, sick pay and repatriation. Flag states that have ratified MLC are required to ensure that shipowner's provide their seafarers with adequate measures for protection of their health, and that they have access to prompt and adequate medical care whilst on board.

If your flag state does not uphold its responsibilities under MLC it can be reported to the International Labour Organization (ILO). Contact your union for help in this situation.

'There is a lot in the MLC that can help you with the security of employment,' Nautilus International director of legal services Charles Boyle said. Mr Boyle is an expert in the MLC and has published a book on its implementation.

'Remember that when crew raise concerns at a collective level with union help, you have a much stronger voice,' Mr Boyle said. 'A shipowner or operator might not listen to one seafarer but may find it harder to ignore the union representing you collectively. We can also help you talk to your employer in a way that doesn't endanger security of employment.'

1. I am due to join my ship in a Covid-19 hotspot, can I refuse?

Refusal to join a ship would be considered misconduct or gross misconduct under many SEAs, so check your SEA and any applicable Collective Bargaining Agreement (CBA).

Employers demanding travel to a hotspot could be in contravention of national government travel advice, risk corporate travel insurance cover and fall foul of employee health and safety responsibilities under the MLC.

It may be that, in extreme cases, refusing to join a ship in a hotspot would be considered to be reasonable on health and safety grounds. However, a bad employer

may still wish to treat this as a disciplinary issue. Affected members should contact Nautilus immediately, which can then put their concerns to their employer.

2. Can I refuse to join my ship if, as part of the rotation, it is going into a Covid-19 hotspot?

Under the MLC shipowners have a duty to protect the health and safety of seafarers.

However, it may be harder to justify refusing to join a ship that will visit a hot spot as part of its rotation, as the risk of contracting the virus could be considered minimal if there is no contact with the local population.

3. Do I need to self-isolate when I off-sign from a ship that has been to a Covid-19 hotspot?

Check travel advice from your country of residence.

Public Health England has published guidance on specified areas with implications for returning travelers arriving in the UK, which is subject to change at any time. It currently advises travellers to self-isolate, even if asymptomatic, if they have been to Category 1 countries. These include Wuhan city and Hubei Province China; Iran; Daegu or Cheongdo Republic of Korea; and Italy.

Travel to Category 2 countries does not require self-isolation, but should symptoms develop, you should self-isolate and call NHS 111.

4. My employer is refusing to pay me after ordering mandatory self-isolation following a trip to a known Covid-19 hotspot, is this legal?

If an employer orders you to self-isolate following a visit to a Covid-19 hotspot, you should still be paid in accordance with your SEA.

An employer should not order you to take unpaid contractual or statutory leave for which you would normally be paid. Any contravention of this can be challenged with the assistance of Nautilus.

5. My employer is refusing off-signing and repatriation at the end of my contract due to Covid-19 fears at port, is this legal?

Under the MLC you have a right to be repatriated once your tour of duty is finished.

An employer can only refuse that if, under your SEA, there is a clause that permits it to extend the tour of duty.

Your employer will be liable to pay you for any such extension of your tour of duty.

6. What if I get sick or contract the Covid-19 virus while onboard, what are my rights?

You have a duty to protect yourself while at sea and a duty to protect others who may be affected by your activities.

You should follow the general advice published by the World Health Organization (WHO), The International Maritime Health Association (IMHA) and The International Chamber of Shipping (ICS). There may also be a company policy carried on board, and perhaps other advice from the ship's flag state.

If you do become unwell at sea, you should inform the master and your line manager, and request to self-isolate in your cabin.

You should also see the medical officer for advice, who can contact shore-based services that give medical advice to ships.

7. I am feeling unwell onboard and due to dock in a port that is refusing shore access, what can I do?

MLC states that when you are in port you have a right to visit a medical doctor 'where practicable'. In an MLC-ratifying state you also have the right to shore leave and to access any shore-based welfare facilities.

However, in a known Covid-19 hotspot, you may be better off staying onboard and seeking medical advice from the ships medical officer.

8. I have been hospitalised with Covid-19, is my employer liable for medical bills and sick pay?

The employer has a duty to provide and pay for your medical care when you become ill or are injured during a tour of duty. You will also be entitled to full pay until you are repatriated.

If the ship owner refuses unreasonably to allow for medical checks or medical help, it would be considered a serious breach of the MLC on the part of the ship owner

which would be breaching the flag state's statutory laws. Refusal in this circumstance would be a criminal offence under flag state law, in many instances, and the ship owner could be liable for prosecution.

While in port ships will also be governed by port state MLC laws. So an MLC onshore complaint could be made as well.

Action from your union can help enforce these mechanisms.

9. I am home on leave and ready to rejoin my ship, however the ship owner is refusing to send me back. What can I do?

Some contracts allow the shipowner to suspend work for 'force majeure' or unforeseen circumstances without pay depending on which country's laws apply.

However, if you're on a UK contract there's nothing in it that enables the ship owner to suspend your work without pay, then you should be entitled to continued payment.

Aanvullende informatie :

Mocht het schip/ bemanning in quarantaine dan is dit voor zover de bemanning aan boord zit voor rekening van de werkgever. Dit valt in de risicosfeer van de ondernemer en is dus voor risico van de werkgever. Voor degenen die thuis met verlof zijn, kan de werkgever werktijdverkorting aanvragen. Het ministerie van sociale zaken heeft deze regeling ook opengezet voor bedrijven die getroffen worden door het Coronavirus. Werknemers ontvangen hun reguliere loon. De werkgever wordt gecompenseerd vanuit de WW pot.

Dit geldt niet voor zieke werknemers. Voor hen geldt de loondoorbetalingsverplichting bij ziekte. Het UWV toetst of een bedrijf aan de voorwaarden voldoet.

Neem eerst contact op met Nautilus International voor dat u weigert aan boord te gaan vanwege eventuele risico's