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Seafarers Rights

Victor Oyaro Gekara, Helen Sampson



Seafarers Rights:

Seafarers' Rights in the Globalized Maritime Industry Desislava Nikolaeva Dimitrova, Roger Blanpain, 2010-01-01

The enormous technological financial and structural changes of recent decades have revolutionized the international shipping industry bringing about lower freight rates shorter time in port and fast turnarounds reduction in crew size employment of cheap labour from developing countries avoidance of national regulations and taxes and diminished living and working standards on board Exploitation of seafarers has always existed but now it has become more common and frequent Shipowners can cut costs in various ways but the most profitable and easiest to achieve are those at the expense of labour costs in particular costs for maintaining proper living conditions on board the ship This bulletin examines in detail the structure of the shipping industry focusing on problems concerning the working and living conditions of seafarers on board merchant ships serving the global sea transport system Exploring all levels of maritime policymaking on a global and European level the author analyses seafarers rights in the light of international enforcement mechanisms and particularly in the light of the recent ILO Maritime Labour Convention He also considers relevant case law as well as advisory opinions and policy statements from various pertinent agencies especially in the EU context Among the issues raised and discussed in depth in relation to their effect on seafarers labour standards are the following ship manning companies illicit crewing agencies flags of convenience hours of work and rest wages occupational health and safety accommodation food water and catering recreational facilities filing of grievance and port controls The author shows that expansion and progress of the maritime industry notwithstanding there is a great need for effective enforcement mechanisms in this area This is the first detailed analysis to connect the working and living conditions of seafarers with international supranational and national maritime legislation A giant step towards establishing a global monitoring system to enforce international maritime conventions regarding seafarers labour standards it is sure to make an important contribution to both international labour and employment law and the law of the sea

Seafarers' Rights in China Pengfei Zhang, 2016-09-15 This book critically investigates the conditions of seafarers rights in China in legislation and in practice focusing in particular on the restructuring process following the 2006 Maritime Labour Convention Accordingly it poses key research questions to major Chinese stakeholders to gauge their responses to the Convention to determine whether the protection of Chinese seafarers has actually improved since the advent of the Convention and further to identify the continuing challenges for future improvement The Convention will enter into force in China in November 2016 bringing with it significant changes

Seafarers' Rights Deirdre Fitzpatrick, Michael R. Anderson, 2005-01-27 This book demonstrates how the seafarer working in a truly global industry often falls between the gaps in national and international law As a result seafarers often have inadequate legal protection Seafarers Rights seeks to document the rights and remedies available to seafarers highlight the problem areas examine the legal systems of certain seafaring nations and port states and suggest areas that are ripe for legal

reform *Seafarers' Security Measures Under the MLC 2006* Sandra Lielbarde, 2024-07-19 The book is intended to be about the Maritime Labour Convention 2006 MLC 2006 about seafarers security measures available before MLC 2006 and after its adoption The following security measures will be addressed in the book mandatory financial security established by the MLC 2006 flag State responsibility labour supplying responsibility port State control and a ship arrest The responsibility of the shipowner in respect of the seafarers engaged in work on his ship will be discussed in analysis of nowadays seafarers recruitment process and a legal structure of shipping companies Content will include the analysis of international UNCLOS ILO and IMO conventions UNCCRO s and Vienna Convention on Consular Relations 1963 and national law Denmark Estonia Finland Germany Latvia Norway The Philippines and The UK and relevant legal documents agreements guidelines and court cases Under the MLC 2006 the shipowner has an obligation to ensure appropriate working conditions on board a ship due payment of wages repatriation of seafarers and to fulfil other obligations in accordance with international and national law and the seafarer s employment agreement Even nowadays there are still shipowners who do not take care of the people who work on their ships the crew onboard is left without food and drinking water has not been paid for their work and cannot go back home because the shipowner does not pay for their repatriation Current COVID 19 pandemic turned out to be a serious challenge to the MLC 2006 operation in practice The MLC issues and seafarers employment and social rights continue to be on the agenda of shipping industry It is expected that on 24 December 2024 the amendments of 2022 to the Code of the MLC 2006 will come into force The Guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases were adopted on First Meeting of the Joint ILO IMO Tripartite Working Group to identify and address seafarers issues and the human element held on 13 15 December 2022 The book aims to promote uniformity in implementation of the MLC 2006 by this increasing effectiveness of the MLC 2006 Book will bring a new knowledge in the area of maritime labour law Accordingly the author hopes that the book will be an important contribution for promoting understanding of seafarers rights and shipowners responsibilities under the MLC It is intended that the book will be interesting for the professionals seafarers and also for students in Law shipping faculties Maritime Work Law Fundamentals: Responsible Shipowners, Reliable Seafarers Iliana Christodoulou-Varotsi, Dmitry A. Pentsov, 2007-10-31 The importance of international maritime labour law both as a component of ernational maritime law and in socio political and economic terms has been recognised by the IMO International Maritime Law Institute for a number of years Indeed the Institute has annually organised a course on maritime labour law with the participation of inter alia the International Maritime Organization the ernational Labour Organization the International Transport Workers Federation and the German Shipowners Association It was therefore a great pleasure when the authors invited me to introduce their forthcoming monograph on Maritime Work Law Fundamentals Responsible S powners Reliable Seafarers As the title suggests a fundamental challenge of this branch of international maritime law is to achieve a balance between the interests of the two main stakeholders Institutionally the effort to achieve this balance dates

back a number of decades with its genesis mainly found in the work of the International Labour Organization It has to be said that whilst this effort achieved great progress it has led to a haphazard plethora of legal instruments The Maritime Labour Convention, 2006 Moira McConnell, Dominick Devlin, Cleopatra Doumbia-Henry, 2011-05-23 This volume provides a detailed legal analysis of the fourth pillar of the international maritime regulatory regime the comprehensive Maritime Labour Convention 2006 and its provisions to achieve decent work for seafarers and a level playing field for shipowners

Human Resource Management in Shipping Lijun Tang, Pengfei Zhang, 2021-03-14 This book sheds light on the nature and causes of the issues and challenges in human resources in shipping and proposes fresh recommendations to manage them It explains the multiple forces at play including the global regulatory regime national institutional frameworks industrial practices trade union responses and pressures from customers and non governmental organisations Human Resource Management in Shipping integrates seafarer employment data released by national maritime authorities and a large body of literature that discusses discrete human resources issues in shipping into a single volume providing readers with a comprehensive understanding of the issues and challenges within human resources in shipping Beyond this the book also offers a fresh perspective on some of the long lasting HRM challenges in the industry such as skills shortage and seafarer recruitment and retention This book aims to provide readers with systematic and in depth knowledge of human resource management in shipping and offers researchers a valuable source of reference and a solid foundation on which further development can be built The Maritime Labour Convention 2006: International Labour Law Redefined Jennifer

Lavelle, 2013-12-13 With the Maritime Labour Convention now in force as of August 2013 the shipping industry is faced with a new international convention that has comprehensive implications across all sectors This vital text provides timely analysis and thought provoking essays regarding the Convention s application and enforcement in practice Hailed as the Seafarer s Bill of Rights and the fourth pillar of the international regulatory regime for quality shipping the Maritime Labour Convention is set to significantly alter the playing field for key stakeholders This book offers diverse and interesting commentary in respect of the Convention s impact on core sectors of the shipping industry identifying both strengths and weaknesses of the Convention as well as potential hurdles that will need to be overcome Each chapter focuses on a different aspect of the Convention ranging from individual rights of the seafarer to challenges of flag State implementation Special attention is given to enforcement through examination of the innovative measures provided in the Convention itself along with discussion of domestic enforcement mechanisms in certain States Furthermore the book evaluates whether the Convention has filled existing gaps in maritime labour law resolved prior difficulties or created new problems This book expertly addresses issues of fundamental importance to national authorities shipping professionals and associations maritime lawyers and academics worldwide In memory of Richard Shaw **The World of the Seafarer** Victor Oyaro Gekara, Helen Sampson, 2020-12-03

This open access book constitutes an ethnographic mosaic which depicts the contextual complexities of the life and work of

seafarers who are employed in the international merchant cargo fleet The collection is based upon the observations and interviews of researchers in multiple disciplines It is woven together to offer a richly detailed insight into the ways in which a complex global industry operates internationally The book covers issues to do with career decisions and recruitment gender life and work on board multinational vessels health and safety issues the regulation of the industry shipboard roles and role conflict and the representation of workers It will be of considerable interest to all students globally who are studying for professional seafaring qualifications to graduate students studying for masters courses in ship and port management and to welfare professionals and policy makers It is of special interest to those connected to the shipping industry who specialize in issues relating to the human element and will serve as a paradigm defining text in this area **The Future of Ocean**

Regime-Building Aldo Chircop, Theodore McDorman, Susan Rolston, 2009-02-23 One of the most creative innovations of the international diplomatic community in the 20th century was its invention of the international regime wrote Douglas M Johnston in his last major work published posthumously The Historical Foundations of World Order The Tower and the Arena Nijhoff 2008 While regimes often provide order and certainty and a consequent reduction in disputes and misunderstandings regimes are driven by specific concerns With diverse disciplinary backgrounds and perspectives the distinguished contributors to this tribute follow a long tradition of scholarly inquiry into the governance creation operation viability and maintenance of international regimes Their contributions on ocean and environmental regimes as diverse as fisheries ocean dumping maritime security seafarers rights or enhancement of marine environmental protection attest to the depth to which modern international law and the underlying international relations have been transformed into an international law of structured cooperation This book includes biographical and bibliographic notes on Douglas M Johnston **Transport Law**

in China James Zhengliang Hu, 2024-09-17 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides a systematic approach to transport law as applied in China The book describes the main sources of transport law jurisdiction and courts state immunity and the legal role of transport intermediaries with detailed reference to maritime law transport by road transport by air transport by rail and inland navigation A special chapter is devoted to multimodal transport Among the elements of transport law considered are the legal status of the vessel its acquisition ownership and registration vessel liens and mortgages the position of master and crew maritime salvage and assistance marine pollution collision and carriage of passengers Other topics discussed include liability and limitation of liability charter parties and transport under bill of lading Case law intergovernmental cooperation agreements and interactions with environmental tax and competition law are also covered Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers handling transport contracts or cases affecting China It will also be welcomed by researchers and academics for its contribution to a field that continues to gain significance in the study of comparative law **The IMLI Manual on International Maritime Law: Shipping law** David Joseph

Attard, Malgosia Fitzmaurice, Norman A. Martínez Gutiérrez, IMO International Maritime Law Institute, 2014 This three volume Manual on International Maritime Law presents a systematic analysis of the history and contemporary development of international maritime law by leading contributors from across the world Prepared in cooperation with the International Maritime Law Institute the International Maritime Organization's research and training institute this a uniquely comprehensive study of this fundamental area of international law Volume II Shipping Law provides a detailed understanding of the historical development of shipping law looking at concepts sources and international organizations relating to shipping law nationality registration and ownership of ships ship sale and shipping contracts ship management and ship finance arrest of ships international trade and shipping documents carriage of goods passengers and their luggage by sea maritime labor law law of maritime safety law of marine collisions law of salvage law of wrecks law of general average law of towage law of harbors and pilotage limitation of liability for maritime claims and law of marine insurance Volume II published in October 2014 addresses the major issues which arise in the law of the sea The forthcoming Volume III will provide analysis of marine environmental law and maritime security law The full three volume Manual will set out the entirety of international maritime law re stating and re examining its fundamental principles how it is enacted and the issues that are shaping its future It will be a superlative resource for those working with or studying this area of law The IMLI Manual on International Maritime Law Volume II Shipping Law David Attard, Malgosia Fitzmaurice, Norman Martinez, Ignacio Arroyo, Elda Belja, 2016-05-26 This three volume Manual on International Maritime Law presents a systematic analysis of the history and contemporary development of international maritime law by leading contributors from across the world Prepared in cooperation with the International Maritime Law Institute the International Maritime Organization's research and training institute this a uniquely comprehensive study of this fundamental area of international law Volume II Shipping Law provides a detailed understanding of the historical development of shipping law looking at concepts sources and international organisations relating to shipping law nationality registration and ownership of ships ship sale and shipping contracts ship management and ship finance arrest of ships international trade and shipping documents carriage of goods passengers and their luggage by sea maritime labour law law of maritime safety law of marine collisions law of salvage law of wrecks law of general average law of towage law of harbours and pilotage limitation of liability for maritime claims and law of marine insurance Volume II published in October 2014 addresses the major issues which arise in the law of the sea The forthcoming Volume III will provide analysis of marine environmental law and maritime security law The full three volume Manual will set out the entirety of international maritime law re stating and re examining its fundamental principles how it is enacted and the issues that are shaping its future It will be a superlative resource for those working with or studying this area of law **International Law and the Protection of People at Sea** Irini Papanicolopulu, 2018 From the actions of Somali pirates to the fate of asylum seekers in the Mediterranean the rights of those at sea is of vital importance The first book to comprehensively analyse the legal status of

seafarers and sea travellers Papanicolopulu's timely text provides a compelling argument for the responsibility of the state to protect those at sea The Way of the Sea Roald Kverndal, 2008-01-01 The sea has been both a source of bounty and a bridge of communication through the ages The Way of the Sea explores the unique role of seafarers in promoting the revealed plan of the Creator and Redeemer of both land and sea As a follow up to The Seamen's Mission Kverndal's comprehensive survey of maritime mission presents both historical and current perspectives While The Way of the Sea provides a much needed tool for the developing field of maritime Missiology people from all walks of life will learn from the rich history and culture of kingdom minded seafarers **The Elgar Companion to the Law and Practice of the**

International Maritime Organization Laura Carballo Piñeiro, Maximo Q. Mejia Jr, 2024-09-06 This Companion sheds light on the law and practice of the International Maritime Organization IMO which plays a key role in securing safe secure and efficient shipping on clean oceans Laura Carballo Piñeiro and Maximo Q. Mejia Jr bring together a diverse range of international experts to outline the development and impact of the IMO as an institution *Managing Human Resources in the Shipping Industry* Jiangang Fei, 2018-04-17 Each industry faces unique human resource management challenges and opportunities and in shipping these include a global labour market and global unionism long periods spent at sea and health and safety issues resulting from a variety of risks This book explores all the key aspects of human resource management in the shipping industry and how they specifically relate to the shipping workforce The book also discusses the practices and issues associated with recruitment training and development and retention of personnel and knowledge in the shipping industry In addition the book addresses the human resource management challenges faced by the industry including achieving work life balance maintaining employee health and wellbeing managing risk and crisis and applying knowledge management principles With case studies in chapters exploring how the principles have been put into practice in the real world and discussion questions to prompt further enquiry this book will be of great interest to students and academics of maritime studies and human resource management more broadly as well as professionals in the shipping industry

Regulation of Risk Abhinayan Basu Bal, Trisha Rajput, Gabriela Argüello, David Langlet, 2022-12-28 Regulation of Risk provides comprehensive insight into regulation of risk in transport trade and environment Contributions provide national regional and international perspectives on pressing questions How is risk conceived in light of novel technological deployment climate change political upheaval evolving geopolitics and the COVID 19 pandemic What legal tools such as contractual frameworks and governance structures are available to manage the changing landscape of risk This book highlights the importance of dialogue and collaborative decision making on risk between policymakers institutions societal stakeholders and the scientific community *Cruise Ship Industry* United States. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Merchant Marine, 1986 **The Regulation of International Shipping:**

International and Comparative Perspectives Aldo Chircop, Norman Letalik, Ted L. McDorman, Susan Rolston, 2012-06-22

In this work the contributors examine the public law and policy framework for shipping and maritime trade the complex relationship between shipping and the marine environment

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Table of Contents Seafarers Rights

1. Understanding the eBook Seafarers Rights
 - The Rise of Digital Reading Seafarers Rights
 - Advantages of eBooks Over Traditional Books
2. Identifying Seafarers Rights
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Seafarers Rights
 - User-Friendly Interface
4. Exploring eBook Recommendations from Seafarers Rights
 - Personalized Recommendations
 - Seafarers Rights User Reviews and Ratings
 - Seafarers Rights and Bestseller Lists
5. Accessing Seafarers Rights Free and Paid eBooks

- Seafarers Rights Public Domain eBooks
- Seafarers Rights eBook Subscription Services
- Seafarers Rights Budget-Friendly Options
- 6. Navigating Seafarers Rights eBook Formats
 - ePub, PDF, MOBI, and More
 - Seafarers Rights Compatibility with Devices
 - Seafarers Rights Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Seafarers Rights
 - Highlighting and Note-Taking Seafarers Rights
 - Interactive Elements Seafarers Rights
- 8. Staying Engaged with Seafarers Rights
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Seafarers Rights
- 9. Balancing eBooks and Physical Books Seafarers Rights
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Seafarers Rights
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Seafarers Rights
 - Setting Reading Goals Seafarers Rights
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Seafarers Rights
 - Fact-Checking eBook Content of Seafarers Rights
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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