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Restructuring Seafarers' Welfare under the Maritime Labour Convention: An Empirical Case Study of Greece

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Abstract

Maritime transport is the 'invisible' backbone that keeps the global economy moving on any given day, as has become obvious during the COVID-19 crisis. However, shipping and seafarers do not turn up in the public mind as a key sector, with key workers. It is important in this context to look into major issues concerning seafarers. This paper examines three of the major issues relating to the welfare of seafarers, including wages, social security benefits, and onboard and ashore welfare facilities and services. It is impossible to research all countries here, so this paper selects Greece – which is one of today's primary shipping countries as for shipowning, as well as for global supply and demand for seafarers – to conduct an empirical case study. The entry into force of Maritime Labour Convention 2006 (MLC), which probably is the most comprehensive convention governing maritime labour up to date, has had a significant impact on the world maritime industry. While the Convention aims to ensure fair competition and level-playing field for quality owners of ships, it is indisputable that it will increase shipowners' operation cost in the first place. Despite involving more than 30,000 seafarers, Greece had not ratified MLC 2006 until 2013 when the Convention entered into force. Based on the existing knowledge and scholarship, and primary data collected in several phases of fieldwork, this paper critically examines the three major issues relating to the welfare of Greek seafarers. The main findings reveal that there is still a gap between the theoretical legal framework and the practical implementation in Greece. The paper explains the legal concepts regarding seafarer welfare matters in detail and collects the opinions from the industry. Such dilemmas are also common in other countries. These include possible delays and irregularities of wage payments, expensive and limited online communications and insufficient rest hours. Thus, the findings and suggestions revealed from this paper are of importance for the shipping industry and other states.

Keywords: Maritime Labour Convention; Greece; Seafarers; Welfare; Wages; Social Security; Onboard and Ashore Welfare

Introduction

Seafarers' welfare on board a vessel and ashore plays an important role in maintaining their health and well-being, and it is also closely connected with their working performance. Over the past years, seafarers' welfare has been a fundamental matter for the maritime community being debated throughout the enactment and adoption of the Maritime Labour Convention (MLC 2006). This Convention, known as the "Seafarers' Bill of Rights", aims to create quality working conditions for seafarers worldwide under the principle of "no more favourable treatment" for the achievement of a level playing field. Namely, this Convention has put greater emphasis on the human factor which is closely linked with critical issues like the safeguard of the ship safety, the efficiency of maritime transport services, the protection of the human life and the marine environment. Specifically, through Titles 2, 3 and 4, MLC 2006 stresses basic needs and aspects of seafarers' everyday life. Particularly, the minimum standards, provided by the Convention, apply to seafarers' wages, medical care and health protection, accommodation, food, catering, and social security (ILO, 2013).

Despite the existence of a legal framework governing seafarers' rights, there is concern within the seafarers' community on whether seafarers' welfare on board and ashore can be successfully protected by the existing legal framework. Conformity with MLC 2006, in fact, varies country by country, because seafarers are subjected to various national laws imposed by different jurisdictions, including that of flag states, port states and seafarer supplying states. In addition, even though MLC 2006 has brought about a revolution in human rights of hardworking shipping professionals, it is not a panacea to all the problems faced by seafarers.

Greece continues to remain a prominent maritime nation, and is one of the largest ship owning and controlling nations in the world, with a market share of 17.3%, with 774 ships registered under its national flag and 3,597 registered in foreign or international flags (UNCTAD, 2018). Greek seafarers are an integral, influential part of this industry; the EU estimates that there are approximately 30,920 Greek seafarers (EU, 2006). Despite involving more than 30,000 seafarers which, Greece had not ratified the MLC 2006 until the year 2013 when the Convention entered into force in 2013. Shipping, arguably the oldest occupation undertaken by Greeks, has been a key element of the Greek economy since ancient times (Harlaftis, 2005). However, during the last decade, the number of Greek seafarers has been continuously declining under the influence of the shrinking seafarers' employment on ocean-going shipping (Tsamourgelis, 2007). The shortage of Greek seafarers, particularly Greek officers, has significantly impacted the potential of Greece in maintaining its leading position in the global maritime industry.

This paper attempts to explore and critically evaluates the impact that MLC 2006 has on the welfare of Greek seafarers who normally work on board Greek-owned merchant ships. More specifically, this paper attempts to fulfil the following objectives:

- To evaluate the existing legal framework for Greek seafarers' welfare;
- To assess the role of the Greek government and Greek shipping companies in safeguarding MLC 2006 standards relating to seafarers' welfare;

- To examine the compliance with MLC 2006 in Greece, and to identify the problems and deficiencies in safeguarding Greek seafarers' welfare; and
- To make suggestions for the improvement of welfare conditions for Greek seafarers in the future.

Methodologies

In order to effectively accomplish the above aim and objectives, this paper employs interdisciplinary methodologies. It is a study that integrates information, data, concepts, perspectives and theories in both sociology and also the legal domains. Accordingly, this paper critically investigates the following aspects:

First of all, it is a precondition to make sense of seafarers' personal experience and how they interact. Furthermore, as stated in Introduction, the paper needs to investigate responses of the seafarers and some other stakeholders in Greece to MLC 2006.

The current authors have conducted in-depth interviews in order to examine the conditions and challenges which Greek seafarers face in their lives, as well as to scrutinise the different stakeholders' experiences and opinions in explaining their responses. The detailed views of seafarers and the relevant stakeholders have generated a vast amount of meaningful information which this paper will illustrate in detail.

Secondly, a doctrinal approach is used. The relevant international conventions and national maritime legislation are systematically investigated and explained so as to facilitate a better understanding of seafarers' labour standards. The developing maritime legislation in Greece is another source of law to evaluate whether there is a link between MLC 2006 and the improvement of Greek seafarers' welfare.

Thirdly, a qualitative approach is an appropriate way to interpret and analyse these data and findings collected from the above two methods. The qualitative methodology offers a means to analyse in great-depth and detail the development of legal instruments. Therefore, the qualitative approach enables a systematic analysis of law and materials collected through the above two methods.

Fourthly, deduction reasoning is a basic approach followed for the formulation of process, aiming to confirm or reject a hypothesis that there have not been significant improvements in Greek seafarers' welfare since the implementation of MLC 2006. In addition, the shortage of Greek seafarers results from the lack of compliance with the established standards which defend seafarers' welfare. Therefore, this paper first puts forward the above-mentioned hypothesis and then precedes an analysis of MLC 2006, its implementation in Greece regarding welfare issues and the impact having on them.

Finally, in addition to a critical examination of the existing knowledge of this topic, the current authors examine empirical data collected among employees of seven Greek shipping companies which own tanker vessels or bulk carriers. For example, the first contact took place via telephone communication with the shipping companies which further introduce the authors to their companies' executives and more importantly seafarers.

In this research, several measures were undertaken to improve representativeness and reduce 'bias' in sampling. Firstly, where practicable, various efforts were made to increase sample size in order to actually represent the larger population of Greek seafarers. Secondly, diverse shipping companies of different types were chosen in sampling, including private companies, foreign companies and joint-venture companies. Besides, in view of the different conditions of employment, the investigation has been carried out among seafarers working on board of different categories of ships, including bulk carriers, tankers, and container ships. Most importantly, when choosing seafarers samples, at least five factors have been taken into

account to ensure representativeness of sampling seafarers and involving various ranks, ages, home places and educational backgrounds. The data collected have analysed by using the tool of “Thematic Analysis” which is of value in evaluating different interpretations of the phenomenon studied in this paper. Regarding the welfare of Greek seafarers, different interpretations contribute to clarifying the working and living conditions dominating on board Greek-owned vessels.

Regulatory Framework of Greek Seafarers’ Welfare

The concept of welfare is generally defined referring to all the factors which are significant to how people perceive and experience their life (Edgar, 2017). In the current era, the well-being of employees has drawn the attention of the academic community and workers’ unions since the workplace influences people’s life and the way that they perceive it (Grant, 2007). According to the International Labour Organization (ILO), the welfare at work is connected with “all aspects of working life, from the quality and safety of the physical environment, to how workers feel about their work, their working environment and the climate at work” (ILO, 2017). Additionally, a reasonable balance between work and non-work activities contributes to employees’ satisfaction, motivation and productivity (Armstrong, 2014).

In terms of the maritime industry, human resources management has become a critical part of managerial practices over the last years (Theotokas, 2007). This kind of management relates to the occupational group of seafarers, who work under employment agreements on board several types of vessels like merchant cargo (Borovnik, 2004). Seafarers’ job is linked with hazards and risks due to its nature, which is “infamous” of long working hours, poor working and living standards and unfair treatment towards seafarers by shipping companies and manning agencies (Zhang, 2017). The consolidation of their well-being requires the provision of various services, benefits and special treatment on board ships and ashore. Specifically, here is an unexhausted list of some examples which can contribute to their well-being include communication services (such as the internet), sports facilities, libraries, port welfare facilities, the compliance with the working and rest hours and the respect of their shore leave.

The international community has started to regulate the maritime employment centuries ago. Nevertheless, systematic efforts to regulate internationally seafarers’ rights were absent until the end of 19th and the beginning of the 20th centuries. This situation changed with the inauguration of the ILO in 1919, which dealt with the problems of seafarers through special sessions of the ILO Conference (Tsandis, 1992). Specifically, the ILO has adopted various Conventions, Recommendations and Resolutions which have become part of various national legislation, and they are related to maritime labour, offering the legal framework for minimum working and living standards (Delos Santos, 2008). Among the issues which have been come under scrutiny by the ILO is seafarers’ welfare, in the essence of respecting seafarers’ rights emphasizing on physical and psychological health. In fact, this topic is the centre of interest of Seafarers’ Welfare Convention 1987 and of the most recent MLC 2006. However, there are many other conventions, which raise an aspect of this matter like the International Convention on Standards of Seafarers’ Training, Certification and Watchkeeping (STCW) adopted by the International Maritime Organization (IMO) that regulates the rest and work hours of seafarers as well as predecessor conventions like Social Security (Seafarers) Convention 1987 and Repatriation of Seafarers Convention 1987 (Progoulaki, 2013). However, because MLC 2006 incorporates 37 existing ILO treaties and recommendations (Zhang, 2016), as well as essential principles, to ensure decent working and living conditions for all seafarers, it is the legal framework under investigation in this paper.

The need for regulation has been the result of the coexistence of the working and living environment of seafarers, where they are isolated from the external world and face difficulties in stated connected with social life. MLC 2006 has concentrated most points to impose an improved reality for seafarers all around the world. Specifically, Titles 2, 3 and 4 of MLC focus on the most important aspects of seafarers' well-being. Title 2 deals with employment conditions including wages, hours of work and rest, right to leave and repatriation. To ensure the quality of seafarers' life aboard, specific standards are stipulated in Title 3, covering accommodation, recreational facilities, food and catering, etc. Title 4 aims to provide seafarers with health protection, medical care, welfare and social security protection.

Turning to Greece, it has adopted the major requirements of MLC 2006 in Greek Law No. 4078/2012 on 12 September 2012 and this law entered into force on 4th of January 2014. For the implementation of the requirements of this Convention, Regulations have been adopted with the no. 3522.2/08/2013/28.6.2013 (Government Gazette B'1671) and 4113.305/01/2013/17.6.2013 (Government Gazette B'1553) (Class, 2013). These Greek Regulations were the result of Common Ministerial Decisions developed between the Ministry of Health and the Ministry of Shipping and Island Policy, as well as the Ministry of Finance and the Ministry of Shipping and Island Policy. Furthermore, these Regulations were modified by the Common Ministerial Decisions 4337.6 / 03/2014 / 3.9.2014 (Government Gazette B' 2491) and 641.28 / AS 3196/2014 / 11.12.2014 (Government Gazette B'3405). However, a critical issue that emerges after the adoption of this Convention by the Greek authorities lies in its implementation and how faithfully it enforces this legal framework to defend the well-being of Greek seafarers on board Greek-owned vessels. This issue remains unexplored because there are not many testimonials dealing with it. The lack of oral evidence probably results from seafarers' fear of losing their job in case of starting a complaint procedure. Since the entry into force of MLC 2006, while there are positive signs given as regards the services provided on board Greek vessels, it is reported that Greek seafarers have to face problems like the insufficient social security services (Papachristou, 2017). As a matter of fact, Greece has been criticised for the prevalence of non-compliance attitudes towards legislative provisions which leads to the violation of many established rights (OECD, 2012).

Major Issues relating to Greek Seafarers' Welfare

Workers are entitled to certain employment rights, including wages and other benefits, as well as safe working and living conditions. Seafarers are a special category of workers, and thus they should be granted some special rights relating to welfare at sea. This section examines the major issues relating to Greek seafarers' welfare, including wages, hours of work and rest, social security coverage, available recreational facilities, and access to good quality food and catering, as well as access to port welfare facilities.

Seafarers' Wages

Seafarers are entitled to receive their wages not only in full amount but also and in a regular and timely manner. However, before the adoption of MLC 2006, there had been no international labour standards explicitly requiring that seafarers get regular and routine payments in return of their labour. For the first time, this issue was addressed under MLC 2006: according to Regulation 2.2, 'all seafarers shall be paid for their work regularly and in full in accordance with their employment agreements' (MLC, 2006: Reg. 2.2). The meaning of the word 'regularly' was earlier interpreted as 'monthly or at some other regular interval' (ILO R187, 1996: Art. 6-d). However, this was amended and replaced with the words 'at no greater

than monthly intervals' under MLC 2006 at its Intercessional Meeting held after the Preparatory Technical Maritime Conference (PTMC, 2005). This amendment sets out a minimum requirement that seafarers should be paid in full at least once a month; namely, the longest interval of payment is a month, and no more.

It should be noted, in practice, Regulation 2.2 of MLC 2006 is frequently been violated by shipowners, and particularly when the shipping industry is going through financially difficult times (since the 2008 financial crisis and particularly the ongoing COVID-19 crisis). According to data of Paris Memorandum of Understanding (MoU), seafarers often undergo psychological and financial stress and uncertainty due to delays or non-fulfilment in the payment of their wages (Captain, 2014); from 20 August to 31 December 2013, Paris MoU inspections recorded 86 cases, regarding detainable deficiencies in seafarers' wages, which violated MLC 2006 (Čulin, 2015). Likewise, the International Transport Workers' Federation (ITF) underpins that unpaid wage is the most frequently reported problem by ITF's inspectors during 2014-2015 (World Maritime News, 2015). Accordingly, these observations lead to the conclusion that the nonconformity with MLC standards on seafarers' wages and delays are serious problems, jeopardising the psychological well-being of seafarers.

Still importantly, seafarers should receive payment in line with the international and national standards of the minimum wages. The ILO has stipulated a scale of minimum wages, based on a formula which reflects changes in prices and exchange rates of the currencies of 49 countries with US Dollars. This scale is used by shipowners for the calculation of seafarers' wages. According to the ILO as agreed by its Subcommittee of the Joint Maritime Commission (JMC), the minimum monthly basic wage for competent seafarers is at the rate of \$ 614 USD from 1 January 2016, which aim at contributing to decency at work for seafarers (ILO, 2014). Furthermore, the minimum wage of ILO for all categories of seafarers is significantly lower compared to those of ITF pay scales.

The current authors have found that 'the Greek collective agreement' – which is signed by the Panhellenic Seamen's Federation (PSF) concerning salaries for seafarers – and the Union of Greek Shipowners have established a much higher standard than the aforementioned basic wages provided by the ILO and ITF. Typically, a Greek seafarer who is employed on a vessel flying the Greek flag would get paid in line with the Collective Agreement of Greek seafarers. Furthermore, final wages are a result of the terms included in an employment agreement signed by Greek seafarers. The level of wages indicates in employment agreements depends on the rank of individual seafarers, as well as their bargaining power. Nevertheless, Greek seafarers' wages are kept at higher levels in relation to the minimum standards defined in the Collective Agreement of Greek Seafarers, since most Greek shipowners employ various bonus schemes, as a *quid pro quo* for the loyalty of their seafarers, longer durations of employment, the security of future employment status or even employability of their kin (Tsamourgelis, 2007). For example, the current authors conducted interviews and approached several Greek seafarers. A 38-year-old Greek Master working for an oil-tanker shipping company which was established in Athens commented his wages as follow (2017):

"The monthly gross wage of a Master in Greece is quite high. Specifically, my monthly gross salary is 13,500 euros. Except for the wage mentioned above, the company offers me a standby bonus of 3,300 euros for every month that I am on board vessel. However, the bonus is repaid when I will embark again with the [same] company. Despite the difficulty that many companies face, this company does not delay the payment of my wages. From a general aspect of view, my salary allows me to live a good life with my family".

Moreover, the current authors received similar feedback in other interviews reaffirming the above point. For instance, the Chief Officer, of another Greek Shipping Company which owns 33 Greek flagged bulk carriers, also stressed the positive role that his high salary and the

consistency with his monthly wage payments play on his well-being in an interview (2017) as below:

“I have never faced delays in the payment of my monthly salary as long as I work for the Greek merchant navy. My monthly gross salary is 8,450 euros. Both facts have positive results on my psychological welfare since I can afford to offer to my family what they want and primarily to my children better chances for education”.

Nevertheless, the interviews conducted by the current authors have also unveiled negative feedbacks regarding Greek seafarers’ wages. A noting phenomenon is revealed in an interview with a crew manager who runs a shipping company of tanker vessels, which is established in Piraeus (2017):

“Despite the consistency of the company to respond to its basic economic responsibilities towards Greek seafarers, they always have complaints as regards the issue of bonuses, which is an important incentive for them in order to re-work for the same company. Since the global financial crisis, many Greek shipping companies often delay the payment of this extra money. Also, many seafarers complained that their monthly gross salaries were much lower than before”.

Apart from the bonus payment illustrated in this afore-mentioned testimonial, it is worth noting the Greek seafarers’ wages are far from faultless when all ranks of seafarers’ welfare are taking into account.

Our fieldwork has revealed a dilemma of the Greek seafaring. On the one hand, while Greek senior officers receive decent payment, the wages for junior positions, in particular, that for cadets, are not attractive at all. Many Greek seafarers holding junior positions claim that they have some but insufficient employment opportunities and thus have limited bargaining power when being offered an employment contract. Accordingly, to be seafarers is no more ideal profession for the Greek young generations, and a decreasing number of young people would choose seafaring to be their careers. On the other hand, the shrunken population of lower-ranked seafarers also results in the shortage of Greek senior officers to be, and the existing Greek senior officers are benefiting themselves individually, through reiterating the fact, to some extent exaggerated, of the shortage of the level of their qualifications, so as to more effectively defend their economic interests (Tsamourgelis, 2007). Their attitudes probably are derived from their way of thinking – linking self-confidence and satisfaction from life with the economic comfort of families and the fulfilment of their recreational needs (e.g. free trips).

Moreover, in the event of delays and irregularities of wage payments, hardly has the existing law brought about radical changes to improve the safeguards of Greek seafarers’ rights. Under the Greek Laws 690/1945 and 2336/1995, the non-payment of seafarers’ wages means that shipowners commit a criminal offence; the criminal liability for the failure to pay seafarers wages is imprisonment up to six months and a fine; however, the law has not enabled unpaid seafarers any means to recovery from economic loss (Astras, 2012; Pavlakis-Moschos, 2016).

Seafarers’ Social Security Benefits

Social security is a fundamental human right established by the ‘Universal Declaration on Human Rights’ and other international instruments of the United Nations (ILO, 2012). It is a service offered by a State, which usually provides employees with a pension once they retire and pays the costs of medical treatment, as well as supplying the unemployed with income for a certain period (known as “unemployment benefits” or “universal basic income”). In the case of seafarers, Regulation 4.5 of MLC 2006 stipulates such a legal framework which require a

Member State offer seafarers social security services; more precisely, Member States should supply various categories of social security benefits, including: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.

Four Member States of the EU – Greece, Croatia, Luxembourg and France – had complied with all of the listed-above social security benefits at the ratification of MLC 2006, according to the European Commission. However, the Convention has not clarified whether a State is obliged to make these social security services available for all of its national seafarers irrespective of whether the seafarer working on a vessel flying the State's flag or a foreign flag. Namely, it is problematic when seafarers work on foreign vessels; this ambiguity in law has resulted in the emergence of problems relating to contributions for pension among several national pension systems (Beifert, 2015). Additionally, in the case of the lack of bilateral or multilateral agreements between the country of nationality of seafarers and the flag State of a vessel, it is not clear if the State's provision of social security services could constitute "decent conditions".

The social security policy governing Greek seafarers is associated with non-progressive steps towards their welfare. Greek seafarers are insured with two funds: one is the "Greek Seamen's Pension Fund" (NAT), responsible for seafarers' pension, and the other fund is "ΟΙΚΟΣ ΝΑΥΤΟΥ" which offers medical care services (Πιπερά, 2010). The former discourages Greeks from finding jobs on board a vessel which is not contracted with the NAT, namely, a vessel which is not Greek-flagged or Greek-owned.

The NAT has acquired a monophonic position in the Greek seafarers' labour market for two reasons. One key factor is that Greek seafarers highly depend on the NAT. This dependency is because Greek seafarers must purchase their insurance rights from a third social security organisation and then hand over the insurance to the NAT. A seafarer pays both his employer's and his own pension contributions, if he works on a foreign-flagged or owned vessel. That is to say, working on a non-Greek vessel would place additional financial burdens on the Greek seafarers (Harlaftis, 2005). We also found that seafarers who are entitled to pension benefits remain working on board non-Greek ships, probably because they are insecure of losing their pension rights (Papachristou, 2017). Another factor that puts Greek seafarers in a difficult situation is that the amount of contributions from seafarers to the NAT Fund is very high, but it does not reward proportionately high pension benefits (Πιπερά, 2010). This pension cannot cover their expenses to live a decent life. Therefore, seafarers are not so motivated to get their pension and to unwind after a certain age limit (i.e. retirement age).

Furthermore, the contributions from Greek seafarers to the insurance Funds are also used for seafarers' health care whether they are actively working or retired. Despite the high monthly contributions that seafarers pay for this medical insurance, the Greek health system to which they are affiliated is characterised of disruptions and low efficiency in the provision of medical services. For instance, 'Intensive Care Units' (ICU) are not functioning well in some Greek hospitals, thus patients in a critical situation have to be transferred to other hospitals with ICU facilities. These problems resulted from a cost-cutting project which caused a consolidation of funds among the "ΟΙΚΟΣ ΤΟΥ ΝΑΥΤΟΥ" and others. Moreover, the economic crisis which hit Greece has caused economic problems in and also excessive administration over the Greek medical system, which further undermined the levels of satisfaction among patients. Hospitals in Greece are facing shortages of medicines, understaffed with an insufficient number of doctors to treat patients. These cause further delays, and patients have to wait a long time for a surgery or a medical diagnostic test.

The observations illustrated above is confirmed in our fieldwork. For instance, typical feedback supported the findings mentioned above is a testimonial of a Chief Engineer who works for a Greek company which runs 28 Greek-flagged tanker vessels (2017):

“I am not satisfied with the medical care services provided by the new public Fund, which is responsible for seafarers’ health issues. A characteristic example of the poor situation dominating over the medical insurance of Greek seafarers is that they are not allowed to do some specialised diagnostic health exams completely free and they pay much of the cost for them”.

Therefore, it seems that the relevant laws – MLC 2006 and the aforementioned Greek national legislation – have not fulfilled their aims to safeguard the welfare of seafarers in Greece, and the key issue lies in the implementation of these laws. The Greek seafarers are unable to benefit from a free, qualitative medical system because the current means of implementing social security rights under the law can neither effectively fulfil seafarers’ medical care needs, nor do so in an affordable way. In the existing system, Greek seafarers cannot claim their rights to being offered standard medical services in case of illness. This factor is particularly stressful for them because they have to unnecessarily get involved in a bureaucratic process without being able to find a solution. Consequently, instead of seeking medical service under the pension scheme, the Greek seafarers have no other choice but to go to private doctors, due to their higher reliability and less bureaucracy involved.

Onboard and Ashore Welfare Facilities and Services

Seafarers who provide professional service in a niche sector share the same basic needs in common with average persons. MLC 2006 has made efforts to improve seafarers’ living environment in four areas: MLC has imposed special standards of accommodation, recreational facilities, food and catering on board vessels, and right to access shore-based welfare facilities. Moreover, MLC 2006 has regarded ‘easy access to communication’ and ‘free transportation’ as the most important attributes of a welfare scheme (Seafarers’ Trust, 2016). Besides, MLC 2006 requires that policies of shipping companies should take into account all these factors in order to achieve a high level of seafarers’ satisfaction and consequently, to improve shipping companies’ reputation and attractiveness. It is a question that whether MLC 2006 has achieved these aims in practice and its *status quo* of implementation in Greece. Thus, this section examines the accessibility to welfare facilities and services both on board and ashore by looking at the case of Greek seafarers.

Recreational and Communication Facilities for Greek Seafarers

Welfare facilities on board play a key role in maintaining seafarers’ health and well-being. Dissatisfaction with facilities provided on board ships can lead to physical and psychological problems among crew members, such as the lack of interest in work, unseriousness towards one’s duties and onboard safety, careless mistakes while doing work, and frustration (Raunek, 2017). The minimum standard of recreational and communication facilities on board is stated under Title 3 of MLC 2006. In our fieldwork, we have approached seafarers from seven Greek shipping companies, including both tanker vessels and bulk carriers. Our study has examined to what extent these companies supply seafarers with “welfare facilities” (e.g. gym) and “welfare services” (e.g. communications) which are both important for seafarers’ health and well-being and required under MLC 2006.

Firstly, all interviewees were unanimous in the processes of data collection and data analysis on welfare facilities on board. For example, some seafarers explained to us that electronic devices (e.g. karaoke) and play station allowed them to enjoy themselves sometimes on board as “a team”. They point out that recreational facilities on board, irrespective of whether they are good quality for a mature workplace or not, have significantly contributed to the improvement of their well-being. Some Greek seafarers further commented that the onboard situation has been much better than that before 2013 when MLC 2006 came into force

in Greece. However, a critical majority of the interviewees expressed some dissatisfaction regarding their companies' attitude towards welfare facilities on board; for instance, a 28-year-old Second Engineer claim that (2017):

“My company provides some entertainment opportunities in order to break our daily routine, such as ping-pong table. Some older seafarers mention the recreational conditions on board have improved in comparison with two decades ago. There are also some devices that make us having fun like the play station, the home cinema and the radio. On the other hand, there are aspects, which make me feel disappointed by my company's indifference towards its seafarers. Gym equipment is usually undersupplied, as well as defects, and the library only contains a very limited collection of outdated books”.

The authors also identified that two onboard facilities – gym and library – as essential for seafarers' well-being, because both were emphasized by nearly all interviewees. However, it is also found by us that these facilities cannot cater the needs of recreation and personal development, owing to the poor quality of the facilities, such as a limited number of or dated books and undersupplied or defected gym equipment. These made seafarers feel bored and lose motivation to work.

Moreover, communication services are still unsolved problems. Existing research finds that “without a doubt, the most important welfare concern for seafarers is communication back home” (ISWAN, 2017). However, the authors found in interviews that many seafarers, in particular, those holding junior positions, could not use these services, since these are too expensive and quite limited. For instance, a Second Officer from a Greek shipping company with forty-five tanker vessels explained to us how telephone communication works on board his company's vessels (2017):

“My company provides me with virtual vouchers of nineteen dollars (each month), which gives me access to satellite communication for thirty-two minutes only. This duration is too limited in order to learn my family's and friends' news. Additionally, for this reason, I spend a great amount of money monthly without being satisfied by the provided service”.

Apart from telephone communication, online communication is also problematic. Online communication in a timely and efficient manner has become indispensable for seafarers to keep in touch with the external world. With the development of the Internet and social media, seafarers have started to contact their families and friends through social media and email. For shipowners, to offer a suitable means of communication at an affordable cost could be a way to improve seafarers' welfare. However, not all shipping companies have done so yet. It is estimated that approximately one half of the global fleet grant internet access for seafarers, that is to say, the other half number of vessels in the world have no internet access on board (Wingrove, 2015). For example, in the interviewers, a Third Engineer from a tanker company commented that (2017):

“When the internet access is available, it can be slow and expensive. Especially, my company charges 10 dollars for 20 megabytes. It is impossible to chat with my friends for more than 15 minutes. I felt very sad every time that I ran out of megabytes and consequently, my discussions with my friends were cut off immediately”.

Therefore, the implementation of MLC 2006 regarding recreational and communication facilities is of problem as demonstrated above, and these should be duly considered by Greek shipping companies for the sake of seafarers' health and wellbeing. Certainly, the existence of these facilities and services, though deficient in many cases, have improved somehow the everyday life of seafarers on board. However, further enhancements are urgently needed in order to motivate Greek seafarers to spend time on board more productively. The living environment on board Greek vessels in no case should be perceived as ‘prison’; rather,

seafarers should have opportunities to socialise with colleagues, families and the external world to meet psychological needs and maintain mental health.

Food and Catering Services of Greek Vessels

Good-quality food and clean drinking water play an important role in seafarers' life, and the inadequacies of these supplies can undermine seafarers' health and wellbeing (Chuahu Tiu, 2017). The significance of these matters has been emphasised under MLC 2006 which sets minimum standards of food and catering. The availability of appropriate quality and quantity of food, as well as clean potable water, helps a seafarer to have a healthy body and mind, and consequently, to be happier and more productive during his work. In the fieldwork, we have found that all Greek seafarers who we interviewed have access to a sufficient quantity of food and water; however, as far as quality is concerned, it differs from vessel to vessel, since it depends not only on a shipping company's overall policy but also, probably more importantly, on cooks who provide catering service.

One phenomenon that we found in fieldwork is that many Greek shipping companies tend to employ Filipino cooks. Probably for two reasons. One factor is that Filipino cooks are much cheaper than Greek counterparts. The other reason is that there are not many Greek cooks available in the maritime labour market. One Second Officer from a Greek shipping company with 45 tankers articulated this phenomenon in one of our interviews (2017):

"The food on board the vessels of my company is really delicious. I am quite satisfied with the services provided by some Filipino cooks, who tend to use traditional Greek recipes when preparing our meals. The vegetables and fruits are always fresh and of good quality. Also, the portion of food is satisfactory without ever having the feeling of hunger. Along with the free and decent quality food, my company provides us with bottles of free mineral water".

However, for some senior officers, their expectation tends to be higher than that described right above. For example, a 36-year-old Chief Officer explained in an interview conducted by the current authors (2017):

"The Greek company for which I work hires only Filipino cooks. They might attend some necessary courses on how to cook Greek food. While the quantity is really large, I am not satisfied with the taste at all. As for the water, there are some desalination machines, which purify the seawater into freshwater. I do not know whether the water produced by these machines is healthy or not. For those who do not prefer drinking this kind of water they can be supplied with mineral water underpayment".

A Chief Engineer of an oil-tanker company expressed a balanced point of view, stating that, in an interview conducted by the authors (2017):

"The food is not so bad in quality and taste. However, it depends on the cook. In each case, the quantity of food is satisfactory. Moreover, we are supplied by the company with many bottles of mineral water. In the case of running out of mineral water, we may have to drink purified water produced by desalination machines".

Therefore, it is clear that each company applies its standards regarding food and catering in different manners as shown above. However, on the whole, the authors claim that the legal requirements of MLC 2006 are broadly implemented by most Greek shipping companies. Even though there are cases that Greek seafarers are not totally satisfied with factors like the taste of food, but this would happen even if they were living on land. Furthermore, the Greek shipping companies have demonstrated their caring about the quantity of food and are aware of the relationship between catering and the productivity of their employees.

Greek Seafarers' Access to Port-Based Welfare Facilities

Regulation 4.4 of MLC 2006 requires that seafarers be granted access to shore-based facilities and services to secure their health and well-being. Guideline B4.4.6 of MLC further recommends that 'effort should be made' to 'facilitate shore leave for seafarers as soon as possible after a ship's arrival in port'. The Greek legislation has incorporated the MLC requirements explicitly into Articles 9 and 30 of the Regulation No. 3522.2/08/2013 stating that "seafarers shall be granted shore leave" and "access to shore-based welfare facilities" (Class, 2013). Even so, the authors have found that Greek seafarers are still facing various challenges in this area, in particular in getting information regarding port facilities and in attitudes of shipping companies being indifferent towards this.

First of all, due to restricted access to communication services (e.g. the Internet) as explained above, seafarers themselves cannot search for information of shore-based welfare facilities in ports on their own, such as information of shore-based facilities and services in relation to location, categories and schedules and availability. Progoulaki, Katradi and Theotokas point out that this information is mainly supplied to seafarers by ship agencies (2003). A 38-year-old Greek Master explained to the authors in an interview (2017):

"My shipping company provides us with no information about port-based welfare facilities. It is at the discretion of the port agent to keep us aware of them. However, quite often, even port agents do not tell us anything at all because these facilities provide seafarers with services like free transportation that they are offered too by the port agent underpayment".

Furthermore, the increasing size of vessels addresses a challenge for the crew. Over recent years, the average deadweight tonnage and cargo capacity of merchant ships have increased significantly. However, there has been no corresponding change which increases the number of crew members, to adapt to the larger ships (Zhao, 2020). On the contrary, the average size of ship crews has decreased because of increasing labour costs. For example, for 19,000 TEU container ships there are usually only 23 seafarers working on board (Zhang, 2016).

Moreover, enormous technological developments have brought more efficient cargo-handling, faster turnarounds and accordingly shorter duration of port-stays of ships. These significantly impact seafarers: more intense workload, in a shorter period. The authors found some interviewees could not leave the vessels during the port visit, even when they were not on duty. With a growing number of international conventions entering into force, increasingly stricter maritime regulations require compliance involving seafarers (Zhang and Phillips, 2016); they must cope with an increasing amount of paperwork, more inspections, and longer working hours. As a result of all these factors aforementioned, seafarers have only limited time and opportunities to take shore leave. Even so, shore leave is often been denied because of lack of visas, port regulations, the relevant information, inaccessibility to transportation, etc.

Apart from the factors mentioned above, there is another factor worth noting: shipping companies sometimes deny seafarers' shore leave. We have found that three reasons. One factor is the financial cost of disembarkation for seafarers at ports; another reason is indicated in written policies of some shipping companies, which works as a further restriction and sets forth the number and rank of seafarers who must always be on board in port for safety reasons. As a 36-year old Greek Chief Officer from a company with 30 tanker vessels commented in an interview (2017):

"Shipping companies have no intention to learn more things and consequently, to keep us aware of these facilities. Whether there is information on this matter depends on the Master's initiative to ask the port agent. Even if all conditions are met, sometimes shipping companies reject paying the cost of a launch boat and of the visas or the pass needed for seafarers in order to be

permitted to be at port facilities. However, they do not perceive how beneficial such a quick stop would have been for our health and consequently, for our work”.

Furthermore, the COVID-19 pandemic has addressed newly-emerged challenges over biosecurity and mobility of seafarers and their shore leave. According to ITF, the restrictions and costs of repatriation and disembarkation have surged during the ongoing COVID-19 and continuing lockdown (2020).

It is worth noting that interviewees seemed to be tolerant with the violation of these rights which play an important role in maintaining mental health, since they claimed to have no intention to initiate the complaint procedure stated under MLC 2006. Even though having concerns to claim these rights, the seafarers recognised these entitlements as important for the improvement of their quality of life and work. They agreed that these rights may release them from their daily work routine and help them to stay connected with other people. Moreover, they emphasised the importance of intervals of service and shore leave for better performance at work. Nevertheless, Greek shipping companies seem to prefer maintaining a number of seafarers on board vessels in case of emergency and to reduce the cost of seafarers' disembarkation. This practice of the shipping companies constitutes a violation of international standards under MLC 2006, as well as an unethical human resources practice; their attitudes also show indifference towards seafarers' psychological needs.

Greek Seafarers' Working and Rest Hours

The maritime industry has made a huge effort in regulating seafarers' hours of work and rest through a number of maritime conventions, including ILO's MLC 2006, Seafarers' Hours of Work and the Manning of Ships Convention and IMO's STCW 1978. The established legal framework in this regard aims to reduce excessive stress and physical fatigue among seafarers and to maintain the efficiency of work on board. However, factors like reduced crew size, faster turnarounds and shorter port-stays of ships, administrative work and unannounced inspections lead to systematic violations of seafarers' entitlement to rest (Jepsen, 2015). It is criticised that the compliance with the relevant requirements are presented only in the paperwork maintained for inspections, primarily to ensure the commercial viability of ships (Bhargava, 2016).

Greek seafarers are not an exception to this rule. The primary goal of any company is to make profits. Under the pressure of cost-cutting strategies, many shipowners contrive to reduce operating costs by introducing various methods, including violating the shipping regulations and conventions. Even though the record of working and rest hours has become an important aspect of Port State Control (PSC) Inspection, this paper found that in some shipping companies seafarers are either explicitly asked or (more often) taken hints to record false hours; some companies might even keep double book-keeping aiming at evading PSC inspections. This malpractice makes the paperwork look compliant with MLC 2006. However, such practices have become a major cause of serious problems, such as seafarers' fatigue and the lack of safety on board.

Ngwatung claimed that “across all compliance areas, complaints about heavy workload were reported most frequently, followed by long work hours and inadequate rest” (2016). This point of view is partially endorsed by our interviews. For instance, a 38-year-old Greek Master revealed that (2017):

“During loading and unloading operations at ports, seafarers need to work many more hours than those defined by the MLC 2006 and the contract [of employment]. However, compensatory measures are taken while the vessel is at sea. These measures give the chance to seafarers, who worked additional hours during operations at ports, to rest for more hours. Even

so, as for *officers* who have watch duties at sea, they cannot have this kind of compensations”.

In the meantime, the authors interviewed a Chief Engineer from an oil tanker company who expressed a less respectful attitude towards this point. Especially, he stated that (2017):

“The workload is the main reason for the noncompliance with the rest hours defined by the MLC 2006. Greek shipping companies care more about their profit rather than our entitlements. Loading and unloading operations and inspections keep us awake even for 36 hours. Also, the obsession of my company to reduce operation costs worsens the above-mentioned situation. For example, at ports the company take all opportunities for the delivery of spare parts, provisions, lubricants and bunkers, but they refuse to spend extra money for proceeding with them [i.e. the increased workload]”.

A point mentioned in common by many seafarers in our fieldwork is that the shipping companies disregard these violations of MLC concerning work and rest hours. However, they are unwilling to start a complaint procedure under MLC 2006, because they are afraid that their names might be stigmatised in the labour market. This fear is confirmed by a 57-year-old Safety Manager, who has been working in a bulk carrier company for over 17 years. He mentioned some examples of nonconformities on board a vessel of his company during the loading operation as follows:

“In a long period when my company’s vessel was at the port of Rotterdam for loading operation, the Master and crew were not able to rest due to all kinds of operations. That was only one of the many times an incident like this has happened. However, what anyone can say about this? Not everything that is established by the law can be practically applied. Any formal complaint about this may result in the issue of job security.”

In order to resolve these problems, one feasible solution could be to increase crew members on board a ship. This would enhance ship safety, especially during port stays, which are the busiest time, especially for deck officers and crew. Nevertheless, different management practices, as well as the lack of cabins, make this impossible in most cases (Uğurlu, 2016). In addition, the working hours of senior officers should be combined with sufficient rest hours for the safety of the vessel and their psychological well-being.

What is mentioned above proves that violations of these kinds of Greek seafarers’ essential rights also occur to seafarers of other nationalities. However, shipping companies are not the only ones to take the blame, since shipping is often known as an industry that “never sleeps” and crew are expected to be constantly available for the best operations.

Conclusions

This paper has scrutinised three major areas regarding the welfare of seafarers. Due to the importance of Greece in global trade and shipping, the authors selected this country to conduct this empirical case study. Namely, the focus of this research is Greeks seafarers who have been critically examined. Despite involving more than 30,000 seafarers which, Greece had not ratified the MLC 2006 until the year 2013 when the Convention entered into force in 2013. This paper has reveals possible delays and irregularities of wage payments, expensive and limited online communications and insufficient rest hours. Such dilemmas are also common in both Greece and the other countries. Thus, the findings and suggestions revealed from this paper is of importance for the shipping industry and other states.

Since the entry into force of MLC 2006 in Greece in 2013, significant changes have been made in the Greek legislation and the practices adopted by Greek shipping companies. This research has found that: firstly, although there is a shortage of the supply of Greek seafarers,

Greek shipping companies try to offer them some concessions to keep the supply of labour stable. However, this is not a primary objective of these companies in some cases and can be sacrificed, and consequently, this gives rise to Greek seafarers' dissatisfaction. Even if there have been signs of improvement in seafarers' welfare after the implementation of MLC 2006, Greek shipping companies, as well as the Greek government, have avoided intensifying their efforts due to this opportunistic attitude and depressed market tone since the 2008 financial crisis and the COVID-19 pandemic at present. In this regard, the authors conducted interviews and fieldwork; our main findings reveal that there is still a gap between the theoretical legal framework (e.g. MLC 2006) and their implementation in practice. Namely, many seafarers' rights, being only established theoretically, are yet to be protected and implemented.

The fieldwork and interviews have shown that Greek shipping companies are willing to fulfil their duties relating to Greek seafarers' salary payment, vessels' catering, and the care of seafarers' diet; however, they ignore some other rights which are stipulated under regulations and MLC 2006 for seafarers. This paper concludes that seafarers' shore leave and the compliance with seafarers' working and resting hours are the legal requirements which are being frequently violated by shipping companies, due to economic and security reasons. Greek shipping companies are not eager to focus on solving these matters since the infringement of these rights is beneficial for them mainly due to the reduction of extra costs. Furthermore, as Greek seafarers insist, onboard recreational facilities seem to have dramatically improved in contrast to the time prior to the adoption of MLC 2006, partially contributing to their needs of entertainment. Nevertheless, they are still dissatisfied, and hence efforts are urgently needed for further improvement.

Another aspect of seafarers' welfare, which needs to be improved, is social security services provided by the government. Since the State is directly responsible to comply with the requirements set forth by the legal framework of MLC 2006, governmental measures must be introduced to ensure complete compliance. The government should develop a strategic plan in rectifying the existing defects. This can be achieved by introducing changes in both policy and practice. Best practice from other countries or companies, such as treating seafarers the same as workers in other industries, can also be used to ensure better compliance on the part of shipping managers, crewing agents and other stakeholders and to enhance their awareness of the significance of social security for seafarers.

Except for the above findings, this study gives rise to further research and consequently, to changes in the Greek shipping industry. First of all, the non-fulfilment of MLC 2006 requirements regarding issues like seafarers' shore leave in combination with the appalling conditions which were prevalent on board Greek vessels decades before the adoption of the Convention, leading to the defamation of this sector. Therefore, many people prefer having lower earnings rather than working in an inferior and indecent environment. Thus, in many cases, the cost reduction that Greek shipping companies aiming at, in combination with the indifference towards health and safety issues like seafarers' rest hours can cause a domino effect. Besides the reputation risk that Greek shipping companies run, seafarers also can face the risk of stigmatisation in case of starting the complaint procedure defined by MLC 2006. Even though they have this established right, seafarers cannot claim it effectively since it can jeopardise their job security. Therefore, an interdependent relationship which is profit-driven and conceals the lawlessness has evolved between Greek shipowners and seafarers. These facts cause the Greek people's aversion towards seafaring. The shortage of Greek seafarers in combination with the increasing presence of cheaper labour from countries of the East on board Greek-owned vessels are added to the reasons why many Greek people dislike this profession.

MLC 2006 which is not a panacea for all the problems only sets forth a benchmark by prescribing minimum requirements. To attract and retain more Greek seafarers, changes must be introduced to improve their welfare at various levels and by various key stakeholders. The

Greek State should undertake more active measures, such as to pay more attention to medical and retirement needs of this class of workers, which provides significant revenue to the State. In order to achieve a better development level of Greek seafarers' welfare at sea, Greek-owned shipping companies should prioritise their resources and focus on what Greek seafarers perceive as important, such as communication services, shore leave and better recreational facilities.

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