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**To: Health and Safety Sub-Committee**

26 March 2020

Dear Member

**Coronavirus Implications: People and Crew**

The Chamber has prepared the attached briefing note for members setting out issues and concerns that it and members have raised in respect of people, in particular the crews of ships. It shows what actions the Chamber has taken and is taking and invites members to raise further items of concern. The Chamber intends to update and reissue this document on a regular basis. It is hoped that members will find it useful.

Members' comments should be forwarded either to myself or to Robert Carington ([rcarington@ukchamberofshipping.com](mailto:rcarington@ukchamberofshipping.com))

Yours sincerely

A handwritten signature in black ink, appearing to read "T Springett".

**Tim Springett**  
Policy Director

## **Coronavirus Implications: People and Crew**

With the ongoing COVID-19 outbreak, the Chamber's policy team has undergone a temporary change in its structure. It has been divided into five specific areas to deal with the key issues relating to the outbreak which need to be represented by the Chamber to the Government and others as appropriate.

Tim Springett and Robert Carington are dealing with all matters relating to People and Crew. The Chamber, through its contacts with members, other stakeholders and Government, has identified the following key issues affecting this area, actions taken by Government and has highlighted areas where it can work with other organisations to lobby on relevant issues. The list of these items can be found below:

### **Key issues**

#### **1) Coronavirus Job Retention Scheme**

This was announced on Friday 21 March. Several members have enquired whether UK seafarers who are employed offshore – which is the overwhelming majority – will benefit from it. At present the position is very unclear.

It is stated in the Government's announcements that the Coronavirus Job Retention Scheme is open to all UK businesses. UK employers will be able to access support to continue paying part of their employees' salary for those employees that would otherwise have been laid off during this crisis. The employees are kept on their employer's payroll, rather than being laid off (i.e. furloughed.)

The Guidance for Employees web page states that employers who access the scheme will be able to claim a grant of up to 80% of each affected employee's wage for all employment costs, up to a cap of £2,500 per month. What is meant by "employment costs" isn't explained, although the Chamber believes it would include employers' National Insurance and pension contributions. Meanwhile on the Support for Business page, it is stated that HMRC will reimburse 80% of furloughed workers wage costs.

The fact that there is no mention of non-UK-based business and employers doesn't necessarily mean that they will be excluded. Also the mechanics of the scheme are still being worked out and the first payments are a couple of weeks away at least. The Chamber considers that, since the purpose of the scheme is to prevent employees from losing their jobs and provide them with an income, it would be illogical if UK seafarers were prevented from benefiting just because they are employed via legitimate offshore arrangements.

The Chamber has sent a joint letter with the unions Nautilus International and RMT to Chancellor of the Exchequer and the Shipping Minister requesting confirmation that UK seafarers employed by offshore employers will be eligible to have their employment and earnings protected under the Job Retention Scheme. Members will be informed when a response is received.

Companies could apply to join the Job Retention Scheme anyway and designate affected employees as furloughed workers even if their wages are paid by an overseas company. However they might or might not be successful and it would be preferable to have clarity on the position in advance.

#### **2) Inclusion of seafarers in the Key Worker classification for attending school**

The Chamber's overriding priority is to ensure that governments take all necessary steps to keep supply lines operating, so that essential supplies of food, fuel, household goods, medicines and

medical equipment are delivered to those who need them. Seafarers are crucial to the maintenance of these supply lines. Their ability to join their ships and be repatriated with as little impediment as possible must therefore be safeguarded.

Seafarers, in common with all transport workers were included in the key worker definition for the purposes of continuing to attend school, following discussions with the Chamber. The definition covers all maritime and all roles, whether they are working for UK companies or non-UK companies. However it is apparent that in some parts of the UK, schools are claiming that both parents must be key workers for their children to be permitted to attend school.

### **3) Facilitation of seafarer travel, crew changes and shore leave**

The Chamber is pushing for widespread recognition that seafarers are key workers. It believes that seafarers should be exempted from national travel bans and have their repatriation facilitated with as few impediments as possible.

Following a meeting of European transport ministers last week, the European Commission has issued a recommendation to Member States – which include the UK during the transition period – that they take action to ensure the free movement within the EU of all workers involved in international transport in all transport modes, including seafarers. In particular, rules such as travel restrictions and mandatory quarantine of transport workers not displaying symptoms should be waived. Norway has already introduced procedures to enable the movement of seafarers.

The UK Shipping Minister has written to the WHO, IMO and ILO stating that the UK is committed to keeping its ports open, facilitating seafarer movement and crew changes, permitting any sick seafarers on ships calling at UK ports access to medical treatment and providing access to shore leave for ships' crews. She has called upon the three organisations to encourage other states to follow suit.

Less positively, this week both Singapore and Hong Kong have announced bans on crew changes – Hong Kong for an initial period of 14 days, Singapore indefinitely. The Government of Australia is requiring all seafarers leaving their ships in Australian ports to be quarantined for 14 days on arrival and preventing them from leaving Australia until this period has elapsed. This applies irrespective of whether a seafarer is showing Coronavirus symptoms. If the seafarer has self-isolated on board since the preceding port call, the quarantine period may be reduced by the number of days spent in self isolation on board.

The Chamber is contributing to the preparation by ICS of a proposed IMO circular that would call on all IMO member governments to implement measures to facilitate the movement of seafarers, in recognition of their essential role in the operation of global supply chains.

### **4) Seafarers' Earnings Deduction**

The Chamber is aware of seafarers who are being prevented from joining their ships or have been issued with notices of redundancy and who will not now clear the 183 day threshold for SED. HMRC has so far been less than helpful, telling seafarers that the rules will be rigidly enforced. There is no sliding scale for SED – a seafarer either qualifies for a full rebate or no rebate at all. The Chamber is considering the best means of raising this issue with the Government. It must do so carefully as it is essential that we do not lose the scheme.

### **5) Poaching of crew**

The Chamber has received some reports of poaching of their crew members by operators in different sectors from their own, as seafarers have been stranded by travel restrictions and operators have resorted to desperate measures to find replacements. The Chamber hopes that its efforts to persuade national governments to facilitate seafarer travel and exempt them from

restrictions will ease this pressure. However, since it can be expected that a proportion of the world's seafarers will at some point be incapacitated by coronavirus (either through infection or the need for self-isolation), additional measures may need to be considered.

#### **6) Statutory sick pay**

The Government's Coronavirus Bill contained a provision under which the Government funding of employers' liabilities by Government. This should apply in respect of seafarers engaged in home trades and UK shore-based personnel of shipping companies.

#### **7) Training and cadets**

Completing Sea time is currently impossible, except for cadets or ratings who are prevented from disembarking by current port restrictions, or company decisions to suspend crew changes. Those waiting to join vessels will have difficulty getting their training back on track over the coming 6-12 months. The impact of delaying training on companies will be huge financially and will likely have an impact on the number of cadets recruited 2020/21. Companies will be required to extend their training commitment for many of their cadets well past the original finish date to ensure their cadets achieve the correct amount of sea time and complete their underpinning knowledge.

The Merchant Navy Training Board (MNTB) is calling upon the Government to reallocate some of the funding set aside for SMarT Plus placements to assist trainees and their sponsoring companies and to extend the time available for the completion of training.

The Chamber has also been asked whether the inability of cadets to obtain sea time of attend college will affect their tonnage tax status. The Chamber does not believe that it will, but is seeking confirmation.

#### **8) Statutory Annual Leave**

MCA consulted the Chamber and the unions on whether the rule requiring that the 38 days' statutory annual leave to which seafarers are entitled be taken in the year that it accrues should continue to be enforced. MCA is aware that some seafarers have had to remain on board because of restrictions on crew changes etc. as a result of the pandemic. The Chamber responded stating that it should not be enforced whilst restrictions on crew changes continued to apply. However the unions requested that MCA put safeguards in place to ensure that the relaxation of the requirement was not abused. A response from MCA is awaited.

#### **9) Seafarers to be allowed to continue to serve on board even if their certificates of competency/proficiency or medical certificates have expired**

A circular from IMO, calling on governments to relax their requirements in order to keep ships moving, is expected imminently

#### **10) New EU restrictions on exports of medical supplies**

The EU has introduced a ban on exports of medical supplies and equipment. Initially it was feared that it might prevent ships from obtaining their required medical stores. However, following enquiries, the European Commission has confirmed that ships' medical supplies are exempted from the new restrictions.

#### **11) Reduced cost or free internet access for crews on ships**

The International Seafarers' Welfare and Assistance Network (ISWAN) has written to Inmarsat and KVH to ask that they provide seafarers serving on board ships with the ability to communicate with

their family members free of charge or at reduced costs, particularly where crew have had to remain on board for longer than they had expected. Responses are awaited.

## **12) Ship Sanitation Control Certificates**

The Chamber, through ECSA and ICS, is lobbying the World Health Organisation to permit the validity period of Ship Sanitation Control and Exemption Certificates to be extended beyond the current maximum of six months. It has pointed out that the number of visitors to ships must be kept to a minimum and the risk of coronavirus being brought on board reduced as much as possible,

## **13) Restricted access to port services for seafarers**

Port welfare workers are reporting that their services are increasingly less available to seafarers as a result of Government policies in different countries to close establishments and apply social distancing measures.

## **14) Restricted access for ship visitors/Chaplains/Reps**

Port welfare providers are undertaking virtual ship visits using remote communications where they have been unable to meet seafarers in person. The virtual visits have been well received and greatly appreciated by seafarers.

## **15) Advice for seafarers returning home with symptoms following sea service**

Any travellers returning to the UK who feel unwell with either a high temperature or new continuous cough are required to self-isolate for seven days if they live alone. If they live with others, the whole household is requested to isolate for 14 days. These procedures apply equally to seafarers. However, there is no mandatory quarantining of seafarers, unlike in some countries where this is being applied.

## **HMG Action**

The Chamber is updating its online library frequently to keep up to date with Government announcements. These include the following:

1) Key Worker Guidance - <https://www.ukchamberofshipping.com/library/government-guidance-key-workers-maritime-industry/> Issued to Chamber members on 20 March 2020.

2) Financial Assistance for companies –  
<https://www.ukchamberofshipping.com/coronavirus-covid-19-update/government-announces-additional-support-protect-businesses/>  
<https://www.ukchamberofshipping.com/coronavirus-covid-19-update/further-information-financial-package-support-businesses-through-period-disruption-caused-covid-19/>

3) Coronavirus Bill –  
<https://www.gov.uk/government/publications/coronavirus-bill-summary-of-impacts/coronavirus-bill-summary-of-impacts>

## **Interaction with other organisations and countries**

- 1) Working through BROA liaising with OGUK on the ports access for rigs and offshore vessels in Scotland, with OGUK leading on HSE stuff and representing COS to improve efficiency.
- 2) Working with Ports on Key Worker definition

3) Working with the unions on the Job Retention Scheme and whether it covers UK seafarers employed offshore.

**If members have any questions relating to the foregoing, or if there are any other areas which members wish to raise, please contact either [TSpringett@ukchamberofshipping.com](mailto:TSpringett@ukchamberofshipping.com) or [RCarington@ukchamberofshipping.com](mailto:RCarington@ukchamberofshipping.com)**