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**WORLD MARITIME UNIVERSITY**

Malmö, Sweden

**A CRITICAL ANALYSIS OF IMPLEMENTATION  
OF MLC 2006 REGULATION 2.2 IN NIGERIA**

**By**

**YAKUBU MUHAMMED ANYAPA**

**Nigeria**

A dissertation submitted to the World Maritime University in partial  
fulfilment of the requirements for the award of the degree of

**MASTER OF SCIENCE  
in  
MARITIME AFFAIRS**

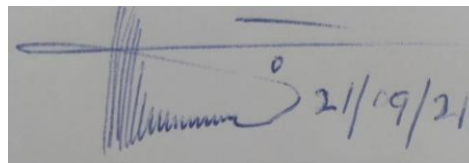
**(MARITIME LAW AND POLICY)**

2021

# Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

A handwritten signature in blue ink, followed by the date 21/09/21.

(Signature): .....

(Date): 21 September **2021**

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# Abstract

**Title of Dissertation:** A Critical Analysis of Implementation of MLC 2006 Regulation 2.2 in Nigeria

**Degree:** Master of Science

The dissertation investigated the implementation of the Maritime Labour Convention (MLC), 2006, Regulation 2.2 in Nigeria, examining the system of payment of wages vis-a-viz the provision of the convention, the Standards and Guideline on the minimum basic pay or wage payable to seafarers working on ships, which the convention applies. The dissertation briefly highlighted the concept and historical background of seafarer's wages from the medieval era of navigation to the 21st century. The dissertation further examined the international regulations governing seafarer's wages and the measures adopted by Nigeria in the implementation of the provisions of the convention. The research used questionnaires and interviews for data collection, the primary and secondary gathered were discussed, analyzed, and interpreted using both quantitative and qualitative methods, concurrent/explanatory mixed methods and interviews. The research found that Nigeria made significant efforts in the implementation of the convention and the protection of the right to wages of Nigerian seafarers, through her competent authority NIMASA. The research also discovered however, delays in payment of wages and remuneration due to seafarers and discrepancies in wages between Nigerian seafarers and their foreign seafarer's counterparts, which is below the recommended ILO minimum basic pay or wage figure for seafarers. The research recommended the need to improve on the enforcement of the regulation to ensure compliance and proposed the harmonization of wages across board between Nigerian and foreign seafarers in line with international best practices and in accordance with the provision of MLC, 2006, as amended.

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## **List of Abbreviations**

AB	Able Seafarer
CBA	Collective Bargaining Agreement
EEZ	Exclusive Economic Zone
GLME	Gulf of Guinea Large Marine Ecosystem
MLC	Maritime Labour Convention
IBF	International Bargaining Forum
IMO	International Maritime Organization
IMEC	International Maritime Employers' Council
ILO	International Labour Organization
ILC	International Labour Conference
ICS	International Chamber of Shipping
IFSDRW	International Federation of Ship, Dock and River Workers
ITF	International Transport Workers' Federation
IMMAJ	International Maritime Managers Association of Japan
LCAS	London Committee of Asian Seamen
KSA	Korean Ship Owner's Association
NPA	Nigerian Ports Authority
NIMASA	Nigerian Maritime Administration and Safety Agency
NJIC	National Joint Industrial Council
MSA	Merchant Shipping Act
SEA	Seafarers Employment Agreement
JNG	Joint Negotiating Groups
JMC	Joint Maritime Commission
SOAN	Ship Owners Association of Nigeria
ISEG	International Shipping Employers Group
UN	United Nations
ISAN	Indigenous Ship-Owners Association of Nigeria
USD	United State Dollar
NGN	Nigerian Naira

## **Chapter One: Introduction**

The maritime sector, mainly the shipping industry, is key to the global economy (Mejia, 2020). International shipping transport about 90 per cent of the world trade to people and countries worldwide by sea (UNCTAD, 2020), require seafarers' services at different categories to manage the ships that operate in the shipping industry. There are estimated to be over 1,647,500 seafarers across the globe (BIMCO/ICS, 2016). Therefore, they are essential to international trade and critical to the growth development of the shipping industry and the facilitation of the global economy.

The shipping industry dependence on the services of seafarers at different levels cannot be overstressed; The industry relies heavily on their hardworking services, which play a greater role in keeping the global trade afloat. Therefore, to achieve a sustainable and efficient maritime industry the well-being of seafarers must be paramount, seafarers must be paid wages, which is commensurate with their technical qualification, skills and competence.

Petersen, (2019), a human resources expert posit that a well paid worker enjoys a good physical and mental health, which in turn improves their performance and the worker is likely to improve his/her skills and pursue a career to greater height, it also bring about social stability, reduces mobility of labour. The author further maintained that a worker who get a good minimum pay is more likely to maintain his/her job.

In its effort to protect seafarers worldwide for their contribution to international shipping and trade, the International Labour Organization (ILO) has adopted over 70 instruments (41 conventions and related recommendations) setting an international standard for regulating labour practices in the maritime sector.

The Maritime Labour Convention, (MLC 2006) establishes the minimum conditions to "decent work" which address the most aspect of seafarers work, and their rights, this convention, which is often referred to as "seafarer's bill of right".

The MLC, 2006, sets minimum requirements for seafarer's recruitment and work on a ship. This is provided for in title one of the convention, and there are four other titles which covers condition of employment (Seafarers' employment agreement, wages, hours of work and hours of rest, entitlement to leave, repatriation, seafarers compensation for ship's loss or foundering, manning levels, career and skill development and opportunities for seafarers' employment), accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection compliance and enforcement. Regulation 2.2 under title two focus on the right to wages of seafarers. This regulation ensures that seafarers are fully paid for their services in time and at regularly interval in accordance with their employment agreement.

In view of the foregoing, the ILO through the Joint Maritime Commission (JMC) has for many decades established a mechanism for setting minimum pay or wage for able seafarer's hours of work and ships manning. The main purpose is to establish an international safety standard for protection of seafarers rights and to ensure decent work for seafarers, this was done by adopting Recommendation (No. 187) of 1996, which put into consideration some factors such as cost of living and prevailing currency exchange rate of the United State Dollar in determining the minimum pay or wage figure for seafarers (ILO, 2018).

The JMC has provides guidance to maritime member state authorities, ship owners, and seafarer's representatives with respect to the interpretation of monthly wages while considering hours of work, overtime, leave entitlements including off days and public holidays. The 1996 recommendations (No. 187) provides that the monthly wages of able seafarers should not be less than the Figure periodic review by JMC's subcommittee on seafarers wages which is ILO's bipartite body established for ship owners and seafarers. The current International Transport Workers Federation (ITF) ILO minimum monthly wage scale for an able seafarer (AB) is \$ 641 based on joint interpretation of ILO recommendation by ITF/ISF, which is the ITF standard agreement rate, applicable from 1st January, 2021 (ITF, 2021).

## **1.1 Background**

Generally, the government regulates maritime policies in Nigeria. The Nigerian Maritime Administration and Safety Agency (NIMASA) under the supervision of the Federal Ministry of Transportation, is responsible for maritime safety administration, maritime labour regulations, marine pollution prevention and control, search and rescue, cabotage enforcement, shipping development and ship registration, training and certification of seafarers (NIMASA act, 2007).

As a member State of International Maritime Organization (IMO) and International Labour Organization (ILO), Nigeria must ensure that IMO and ILO's international instrument and conventions that protect seafarers' rights and welfare are adopted into national laws. This will bring about professionalism and ensure high standard practices by seafarers' employers without compromising international standard practices.

The right to wages, is among the various rights and protection of seafarers, this is provided for in Nigeria under the Merchant Shipping Act, 2007(Kenneth, 2021), and the Nigerian Maritime Administration and Safety Agency Act, 2007 in line with the relevant international conventions. The MLC 2006, was adopted by the Government of Nigeria on 18 June 2013 (ILO, 2021), implemented through the above mentioned Acts, these Acts are the main national law that protect the rights to wages of seafarers in Nigeria.

Although, seafarers do not have a specific minimum wage, any state which adopt the MLC, 2006, is encouraged to collaborate with ship owners and seafarers representatives to set up procedures and come up with minimum pay or wages for seafarers. In addition, it is recommended that the minimum monthly pay or wages should not be less than the amount set by JMC subcommittee on wages from time to time or any other body authorized by the Governing Body of the International Labour Office (ILO, 2021).

It is based on the forgoing that the study found it expedient to examine the national regulations or any other measures adopted in Nigeria to regulate seafarers wages. The dissertation will further analyze the implementation of MLC, 2006, Regulation 2.2 in Nigeria. As a corollary, the

dissertation will examine the role of shipowners and seafarer's representatives in Collective Bargaining Agreement (CBA), as well as NIMASA as a regulator on issue concerning seafarers' wages and, indicating tools for seafarers' right toward decent working conditions on Nigerian ships. This study found it necessary to critically discuss this area worthy of contributing to knowledge and provide information that could aid in decision-making, which will help address the issues of seafarers' wages in Nigeria.

## **1.2 Problem Statement**

Working at sea is not an easy task because it requires both physical and mental strength to be able to carry out the job; seafarers are at risk of diseases, injury and death in the course of discharging their work (Jensen et al., 2006). Such a difficult task, requires adequate remuneration however, this is not the case as seafarers worldwide face issue such as inadequate, irregular and non-payment of wages particularly seafarers from developing country (Macola, 2021).

COVID 19 pandemic has worsened the situation, with over 300,000 seafarer's stranded onboard ships across the globe who are unable to travel home due to restrictions, and these restriction have severely affected their right to wages, shore leave, repatriation, and medical care (IMO 2020). Similarly, the issue of delay or non-payment of their wages and other entitlements, in some cases abandonment, is among the crises suffered by seafarers in recent times, major ports across the world have hosted these abandoned ships and their crew on board (Oanh Ha K. Stanley, Bruce, 2020).

In Spite of the existing international legal framework governing seafarers rights, the concern among the seafarers is whether the existing law can successfully protect their rights, because MLC 2006 implementation varies from country to country and are subjected to different national laws from flag state to port state including the seafarers supplying states (Zhang, P. et al., 2020).

This situation and many others have given room for seafarer's economic rights as provided for in MLC, 2006, and national laws to be threatened by unfair labour practices, such as not getting paid minimum wage as it is supposed to, by many seafarer's employers around the world. Seafarers' wages have become an issue of global concern (Macola, 2021).

Seafarers have made so much effort putting their lives at risk for their companies and the global economy to survive especially during the pandemic, unfortunately, the issue of adequate payment of their wages remains a concern in Nigeria , negotiation between ship owners and the seafarers representatives to increase their wages have failed to yield a positive outcome in effort to revise the current minimum wage for seafarers (ITF,2020). The International Chamber of Shipping (ICS) representing the ship owners offered a 3% plan to increase crews ‘minimum wage was rejected by the representative of seafarers.

*“For only the second time in the long history of these negotiations the ship owners and the seafarers have failed to agree a revised minimum wage for seafarers,”*

According to Mark Dickinson, the ILO seafarers group spokesperson as cited in (Macola, 2021). Seafarer’s wages is a global issue of concern, which requires both parties (Ship owners and seafarer’s representatives) to come to terms in the interest of all.

Apart from the challenges posed by the pandemic, Nigerian seafarers have had their peculiar experience in terms of wages. These experience include shabby treatment mostly by ship owners who recruit them with poor wages, and working conditions compared to what their foreign seafarer’s counterparts earn. Although some of the companies maintain the international standard practice, but there also foreign shipping line operating in Nigeria who marginalize indigenous seafarers and prefer their foreign counterparts (Abiodun, 2021).

There are also unfair labour practices by some ship owners recruiting foreign seafarers and paying them higher than Nigerian counterparts who are of the same rank doing the same job and serving in the same vessels or company. This practice has negative repercussions and could stall the growth of Nigerian seafarers (Foyeku, 2018), and is in conflict with the provision of MLC 2006 regulation 2.2

This situation continues to exist despite the fact that Nigeria has ratified MLC, 2006, in 2013, and have other existing regulations such as merchant shipping act and NIMASA act 2007 in place

foreign seafarers get their wages in line with provisions of the Maritime Labour Conventions, 2006, while their Nigerian counterparts are consistently discriminated against, by getting lower wages said Mr. Otunba, Kunle Folarin the Chairman, National Seafarers Welfare Board of Nigeria as cited in (Foyeku, 2018).

A tripartite agreement for the harmonization of wages between Nigerian and foreign seafarers in the country is not yet implemented by the regulatory Agency in the country (Utulu, 2018), the representatives of seafarers in Nigeria have over the years expressed concerns over the manner in which Nigerian ship owners handle the remuneration of the local seafarers, highlighting that this these could send a wrong signal to the international community, and will further depicted the image of Nigerian seafarers as having a second class rating and a source of cheap labour in the international shipping market (McLaughlin & Fearon, 2018).

It is evident that there are gaps in the implementation and enforcement of MLC, 2006, Regulation 2.2 and there are weaknesses in implementing policies relating to wages considering the current manner in which wages paid to Nigerian seafarers differs from the wages paid to their foreign counterpart as highlighted earlier. This situation has highlighted the need to examine the implementation of MLC, 2006, Regulation 2.2 in Nigeria as well as identify issues related to unfair labour practices and wage discrepancies in Nigeria. Findings from this research will contribute to existing knowledge on the subject as well as aid decision makers in ensuring decent wages for seafarers in Nigeria in line with relevant international instrument regulating wages.

### **1.3 Research Objectives**

Decent working conditions and protection of rights for all seafarers is the focus of MLC, 2006. However, the seafaring profession in Nigeria is bedeviled with the challenges of poor remuneration and discrepancies in terms of wages for Nigerian seafarers. The aim of this research is to assess the implementation of MLC, 2006, and identify existing issues related to unfair labour practices and wage discrepancy against Nigerian seafarers, as well as proffer solutions to this issue in line with the relevant provisions of MLC, 2006. The specific objectives are;

- i) To evaluate the measures adopted in the implementation of the MLC, 2006, Regulation 2.2 in Nigeria, whether it meets the international standard best practices.
- ii) To identify the problems associated with the payment of seafarer's wages and other entitlement in Nigeria.
- iii) To explore other measures and make recommendations on some global best practice initiative for the competent authority to adopt in terms of enforcement to ensure proper implementation of the provision of the convention.

#### **1.4 Delimitation of the Study**

The dissertation attempts to critically assess the implementation of MLC, 2006, Regulation 2.2 in Nigeria vis-a viz the national laws and other measures adopted by the government to ensure that seafarers are paid fully and regularly for their work in line with the global best practices. However, the topic of this research seems to be broader and very extensive, which makes it difficult or impossible to cover all matters related to wages in Nigeria in this study.

Seafarers wages as provided for in Regulation 2.2 of MLC, 2006, as amended including 2018 amendment covers many issues from collective bargaining to calculation of hours of work and hours rest, overtime, wages on abandonment of ship, wages for seafarers in pirate captivity or armed robbers, wages as maritime lien in the event of employer's insolvency amongst others. Therefore, the research will focus on analyzing the implementation of only some specific parts of the Regulation 2.2 of the convention in Nigeria. These are;

- i) Standard A2.2 paragraph 1 which mandate payment of wages due to seafarers at no more than monthly interval
- ii) Guideline B2.2.2.2 paragraph 4 which takes into account the following; equal pay for equal work done to all seafarers, payment of wages in a legal tender, payment of all remuneration of seafarers upon termination of engagement, deduction and charges from seafarers pay and imposition of penalty or remedies by competent authority on erring ship owners .



## **1.5 Research Questions**

1. How is MLC, 2006 Regulation 2.2 implemented in Nigeria?
2. What, if any, discrepancies in payment of seafarers wages are reported in Nigeria?
3. How could Regulation 2.2 implementation be improved and any such discrepancies solved?

## **1.6 Research Methods**

A research methodology is a channel used to collect data for the research, assemble the data, study and analyze the data, and interpret it. The steps will be as follows;

### **1.6.1 Research Design**

The researcher uses mixed methods where both qualitative and quantitative methods of data collection and analysis will be employed. The nature of the research topic makes it suitable for mixed methods, a combination of qualitative and quantitative components. Integration of both data collected can give the researcher a better understanding of perspective or connectivity between qualitative and quantitative data, as it gives participants opportunities to express their views and share their experiences (Allison, 2017).

### **1.6.2 Method of Data Collection**

The researcher will use both primary and secondary data. The researcher through online questionnaire (snowballing method) and interviews will form the source of primary data for this study; the questionnaire is to be administered to Nigerian seafarers, seafarers union, ship owners and staff of the maritime administration in Nigeria. The Secondary data will be collected from relevant literature such as books, journal articles, internet sources, newspapers and reports.

### 1.6.3 Method of Data Analysis

The information and data collected from both primary and secondary would be interpreted, analyzed and discussed using explanatory and concurrent mixed method design, from the data gathered, interviews conducted and discuss together with the available literature on the subject matters of the dissertation, finally the theoretical framework will be considered in the course of arriving at the findings.

### 1.7 Definition of Key Terms

**Seafarers:** Ordinarily means someone who is engaged to work aboard any merchant vessel. It has been defined by article II of MLC, 2006, as any person who is employed or engaged or works in any capacity on board a ship to which the Convention applies (MLC, 2006).

**Wages:** is defined by Oxford languages (2021) “as a regular fixed payment earned for work or services rendered, usually paid on a daily or weekly basis. It could also be on a monthly basis.

The “Black Law Dictionary” 8<sup>th</sup> edition define wages as payment for labour or services, usually based on time worked or quantity produced; Specific compensation for an employee based on the time work or output of production. These include every form of remuneration payable for given period to an individual for personal service in form of salary, commission, vacation pay and Bonuses payment in kind, tips and any similar favour received from employer.

**Implementation:** Cambridge Dictionary has defined implementation as “the act of putting a plan into action or of starting to use something” of change, policies or programme.

**Regulation:** The “Black law Dictionary” Eight edition define regulation as the act or process of controlling by rule or restriction. Where specified, regulations may refers to those in Nigerian law or the MLC, 2006.

**Convention:** has been defined by International Labour Standards glossary terms as “instrument *which upon ratification creates legally binding obligation for States parties*” in many case in this dissertation reference is to MLC, 2006 as the convention.

### 1.8 Structure of the Dissertation

This work is structured into five chapters. Chapter One offers the introduction and background and provides insight to the study covering problem statement, aims and objectives, delimitation of the study, research questions, method of data collection and analysis, definition of terms and structure of the work.

Chapter Two highlights the general overview of international Regulations and instruments on seafarer's wages. The historical background of seafarers wages, the concept of wage, minimum wage, ILO minimum wage for seafarers, the role of ILO's Joint Maritime Commission (JMC), International Maritime Employers Council (IMEC), International Bargaining Forum (IBF) in determining seafarers minimum pay or wage figure. The chronology of ILO's instrument relating to seafarers wages hours of work and hours of rest and manning of ships.

Chapter three is the assessment of the legal framework and other measures adopted in the implementation of provision of MLC, 2006, convention Regulation 2.2 in Nigeria.

Chapter Four consists of analysis of data collected on the implementation of Regulation 2.2 in Nigeria, discussion and summary of findings.

Chapter Five is the conclusion, limitation, recommendation, references and appendices.

## **Chapter Two: Overview of International Regulations on Seafarers Wages**

### **2.1 Introduction**

Since the creation of the International Labour Organization (ILO) in 1919, the main focus of the organization has been to promote social justice, establishment of a universal lasting peace through its contribution to the socio- economic wellbeing of people in the world by ensuring decent living standards, satisfactory working condition and payment, equal employment opportunities without discrimination on the ground of nationality, race, gender, religion or ethnic background (Seekings, 2008).

The ILO is the only United Nations (UN) agency that brings governments, employers and workers of all its member States in a tripartite arrangement to set standards for policies and programmes to achieve decent work for all men and women across the globe (Onyinkwa, 2017).

In the past 75 years, ILO has made a number of recommendations for international standard wages for seafarers, which happens to be the only sector that has international standards minimum wage (ILO, 2021). This demonstrates the importance of seafarer's wages to ILO `s activities and core mandate.

The aim of this chapter is to identify and assess the effort of various stakeholders' and international regulations and instrument that ensure hard working seafarers are adequately and sufficiently compensated in terms of wages and other entitlements.

### **2.2 The Concept of Wages**

Wage literally means the reward for labour or service rendered. The Merriam-Webster dictionary defines wages as *“a payment usually of money for labor or services usually according to contract and on an hourly, daily, or piecework basis”*. Wages are viewed from the economic perspective as the price paid for labour in the production process.

Benham defines *“wage as the sum of money paid under contract by an employer to workers for services rendered”* as cited in (Kumar, 2015).

The ILO convention (No. 95) of 1949 Article 1 defines wages as follows;

*“the term wages means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered” (ILO, 2017).*

Wages have to do with compensation for work or service rendered usually in monetary form paid by an employer to the person or group of people that carry out these services, the pay rate could be on an hourly, daily, weekly or monthly basis. In some cases, a piece rate system is used to determine the wages, where the payment depends on how much the worker produced during this period (Blakemore, 2017). What determines the wage rate from the economic point of view is the market forces of demand and supply, as well as national legislations of a country or international regulations governing the industry. The international regulations as well as national law of member states that ratify the international conventions therefore, regulate seafarer’s wages.

The MLC, 2006, defines “basic pay or wages” as well as “consolidated wage” in Guideline B2.2.1 c and d as;

- i) Basic pay or wages; means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration and
- ii) Consolidated wage; means a wage or salary which includes the basic pay and other pay-related benefits; which may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation.

## 2.3 Historical Background of Seafarers Wages

The history of modern seafarer's wages can be traced to the eighteenth century, when seafarers payment was determined by freight earned from the ship's voyage. There was no specific or precise rate or amount as paid wages, the payment varies depending on the type of ship, route traded and time, and these are what determined the wages of seafarers in the past and extreme disparity existed in the payment until the twentieth century (Fischer, 1988).

In 1848 Blunt, an American lawyer, author and editor, observed that “*Freight is the mother of wages*” as no wages were due unless freight was earned, the right to wages solely depends on the freight earning of the ship; loss of freight means loss of all rights of seafarers to wages (de Oliveira Torres, 2014).

In the past, seafarers were required to sign an agreement stating their wages for the entire voyage before the journey starts.

Basically there are three types of seafarer's wages agreement;

- The share system
- The wage system and
- The Monthly wage system

The share system was the first mode of payment and was more prevalent in the medieval shipping era, where the seafarers were paid their wages from proportional share of the freight generated by the ships. This system of payment of wages continued for some time into the modern days of hunting whales for food and including coastal fishing by seafarers (Dalton, 2017).

The wages system, which is the second phase of payment, started in the sixteenth century, during this period the shipping industry witnessed a shift from the share system to wages system, the wages are a fixed amount of payment to seafarers for a particular voyage. This practice lasted for some time and partially coexisted with the present day type of wages agreement (Blakemore, 2017).

The third is the monthly wages system, which is the most common practice today in the twenty-first century where seafarer's wages are paid monthly based on hours of work carried out, usually between one-month intervals.

In the Nineteenth century, the shipping industry witnessed a technological advancement, a change from sail to steam, which made shipping activities to be strictly structured, that led to improvement in seafarers wages to reasonable level and payment became regular. However, disparity in payment remains a problem. The labour supply split into the type of ship seafarer work on, the sailing ships, steamer, cargo liner and passenger liner. The sailing ships offered lower wages compared to steamers with a wide gap, the officers got regular wages whereas the ratings got irregularly wages and hours of work (Blakemore, 2017).

Seafarers in the present day's twenty first century still find themselves in a situation similar to the past; most seafarers employed under the ships flying the flag of a country operating an open registry are paid below the minimum standard, which has been a growing trend of maritime labour supply from developing countries, which has become cheap sources of labour and they are employed with low wages and remuneration and longer hours of work (Ruggunan, 2011).

Seafarers may be working together but employed on different working conditions; some of the seafarers may have permanent employment contracts with high wages while others performing similar or same jobs may work on temporary contracts with less pay due to socio economic conditions of the globalized labour market for seafarers (Aspers & Sandberg, 2020).

## **2.4 The Concept of Minimum Wage System**

The issue of wages of workers has been in front banner of ILO right from the beginning of the organizations 'campaign, from the treaty of Versailles, which later metamorphosed to become the ILO constitution, has entrenched the necessity of adequate wages for worker (Marinakis, 2008 ), that labour should not be regarded as a commodity.

The ILO has made it clear in the preamble of its Constitution, the concern about the condition of labour by stressing on “*provision of adequate living wages*” and “*the recognition of the principle of equal remuneration for work of equal value*” (ILO, 2017). Barnes, 1926 as cited in (Marinakis,

2008), Posit that Article 427 of the Treaty of Versailles referred to “*The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country*”.

Minimum wage is considered the lowest amount an employer of labour is mandated to pay workers for work done for a given period. It is the lowest wage legally accepted by national law or international regulations for an employer to pay workers per hour or month or by any special or collective agreement. It was intended to ensure that workers received a fair pay for their work (Neumark & Wascher, 2008)

The ILO committee, in its 1992 General Survey on Minimum Wages, considered and define minimum wages in its understanding to mean;

*“the minimum sum payable to a worker for work performed or services rendered, within a given period, whether calculated on the basis of time or output, which may not be reduced either by individual or collective agreement, which is guaranteed by law and which may be fixed in such a way as to cover the minimum needs of the worker and his or her family, in the light of national economic and social conditions”* (ILO, 2014).

The purpose of minimum wage is to safeguard the employees against excessively low payment by employers of labour and to help ensure fairness to all the people that are engaged in certain categories of work. Minimum wage could also serve as a means of reducing inequality and poverty in the society.

## **2.5 The roles of International Transport Workers` Federation**

The International Transport Workers' Federation (ITF) is a confederation of almost 700 affiliated transport workers trade unions from over 140 countries, representing close to 20 million workers across the globe. Founded in 1896 as the International Federation of Ship, Dock and River Workers (IFSDRW), the present name ITF came as result of expansion and inclusion of non-maritime industries. The root of the organization was based on the outcome of the various special conferences, the federation of European seamen and railway in 1890s, and the dock strikes of



1896-7 of the international co-operation of European transport unionists in Rotterdam and Hamburg (ITF, 2019).

The primary objective of ITF is to help protect the rights, equality, secure justice and decent working conditions for its members around the world, through a global network of affiliated unions. The roles ITF play in protecting seafarer's wages cannot be overemphasized, the growing influence of ITF in fighting by engaging the ship owner's representatives, the International Chambers of Shipping and other social partners to negotiate seafarer's wages, the aim is to provide an international agreed standard pay for seafarers around the world. (Lillie, 2005)

Recently, the ITF and the International Chamber of Shipping (ICS), reached an agreement in Geneva. The deal is to uplift the minimum pay or wage figure for seafarers as per the Maritime Labour Convention, 2006, based on ILO recommended basic minimum wage for an able seaman, which will see seafarers minimum wage reviewed periodically (ITF, 2018). ITF as the international representative of seafarers has done well in facilitating international maritime labour instruments. Several collective bargaining agreements with seafarer's employers have demonstrated how influential the institution is in the global industrial relations fora.

This is evident by the recent effort put in realizing the implementation of the new ILO minimum pay or wages figure for able seafarers, with an incremental stages span over three years from USD \$ 618 in July 2019, to USD \$ 625 effective from January 2020 and USD \$ 641 with effect from January 2021 (ITF, 2018)

## **2.6 The roles of International Maritime Employer's Council**

The International Maritime Employers Council (IMEC) was established over fifty years ago as a global employer's organization that is committed to maritime industrial relations. The organization represents over 250 shipping companies both large and small located in different parts of the world operating all types of ships; these include container, dry bulk, tankers, cruise liners, reefers and livestock carriers. IMEC succeeded from London Committee of Asian Seamen, (LCAS) a forum created to regulate wages and condition of service of seafarers during World War II, where the wages rate was determined by the local cost of living (IMEC, 2016).

Since then the organization continues to take on a broader role in seafarer's wages negotiations with the seafarer's representatives International Transport Federation (ITF) to cover seafarers working on ships that ITF designated as flying the flag of convenience. The activities of IMEC have gradually grown to a full-scale global organization registered in 38 countries across the world (IMEC, 2016).

The primary objectives of IMEC amongst others are; to provide an employer's platform to exchange information and view on seafarers wages and condition of service, provide effective employer's views in wage negotiations and create a forum for development of collective bargaining between employers and seafarer organizations. According to Mr. Rajesh Tando, IMEC's Chairman the forum has been a platform for negotiations that the outcome is considered one of the competitive in maritime labour market respected by both parties (IMEC, 2016).

## **2.7 International Bargaining Forum**

The International Collective Bargaining Forum (IBF), founded in 2003 to facilitate collective bargaining between maritime labour employers and maritime labour unions. The purpose and focus of the collective bargaining agreement is wages and condition of service of seafarers working on foreign ships flying the flag of the countries covered by the ITF special agreements (IMEC, 2016).

The IBF brings ITF and Joint Negotiating Groups (JNG) together, the ITF represents seafarers, from about 691 trade unions in more than 140 countries across the globe (ITF, 2021) and JNG represents the employer which comprises of IMEC, International Shipping Employers Group (ISEG), International Maritime Managers Association of Japan (IMMAJ), the Taiwanese shipping company Evergreen and Korean Ship Owner's Association (KSA) these negotiations will set a pattern of payment of wage of seafarers and other condition of service, the forum try to build and enforce a uniform inter-union agreement between the developed and developing countries around a common wage rate (Lillie, 2004).

In his statement Mr. Stephen Cotton, the ITF General Secretary said, “ *IBF is the only Unique forum that provides truly global collective bargaining agreements legally binding that set out seafarer's wages and working conditions on flags of convenience ships in international shipping*”.

The IBF incorporates both central and local negotiations in their process where it gives room for development of the core principle that can be incorporated and fit into local arrangements (IMEC, 2016).

## **2.8 Seafarers Employment Agreement (SEA)**

The seafarer's employment agreement is provided for in title 2 Regulation 2.1 of the MLC, 2006, the purpose of which is to ensure that employment contains a fair agreement between seafarers and ship owners. Seafarers employment agreement is key in determining the wages of seafarers, as it sets out in writing the terms and conditions of employment which shall put into consideration any collective bargaining agreement or the applicable national law and practice of the member state. The seafarers employment agreement shall any situation contain the amount of wages of the seafarers and the amount of paid annual leave where applicable and the formula used in calculating such (Standard A2.1 paragraph 4, e, f).

The amendment made in 2018 to the Maritime Labor Convention 2006 (MLC 2006) is to ensure protection of seafarer's wage, as they will continue to receive wage while pirates or armed robbers hold them captive at sea, the seafarer employment agreements (SEAs) will remain in force, and seafarers shall continue to get their pay. Despite there are no mandatory provision in the amendment for financial guarantee on captive seafarers' wages, it is still a significant milestone (Zhang, L. et al., 2021).

The collective bargaining under which a seafarer employment is agreed upon and the applicable national law therefore, is a very important factor in determining the wage level of seafarers, in as much as such collective bargaining or employment agreement is in accordance with international best practice.

## **2.9 The role of ILO's Joint Maritime Commission (JMC) in Development of Seafarers Wages.**

The Joint Maritime Commission (JMC) is the ILO's sole standing bipartite body established in 1920 as the first minimum monthly wage committee set for determination of wages for able seafarers, the committee was set to give the Governing board advice on maritime issues and

setting standards for the shipping industry. The committee comprises chairman, two members (one workers, one employers) and twenty regular seafarers and ship-owners members and four deputy members each (ILO, 2021).

One of the specific roles attributed to the JMC is to update the seafarers minimum basic wage figure for able seafarers, in line with Recommendation No. 187 of 1996 on Seafarers' Wages, Hours of Work and Manning of Ships (ILO, 2017), the figure provided by the committee is the basis member State used for the implementation of Minimum monthly basic pay or wage for able seafarers, as provided for in the maritime Labour Convention, 2006, as amended, Guideline B2.2.4. The aim is to create a global level safety net for the protection of seafarers and to contribute to their decent working conditions.

The governing board of the International Labour Office at its 280th session in 2001 established a Subcommittee on Wages of Seafarers of the JMC with the task of reviewing and updating the ILO minimum basic wage of able seafarers, to make appropriate recommendation the Governing board based on the cost of living and the prevailing purchasing power and the exchange rate of the United state dollar. The committee meets and discusses every two years for review of the wages figure.

Recently, the Committee reviewed and increases the updated ILO minimum monthly basic pay or wage figure for able seafarers: Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187); The Maritime Labour Convention, 2006, as amended, Guideline B2.2.4, from US\$614 to US\$618 effective as of 1 July 2019, US\$625 as of 1 January 2020 and US\$641 as of 1 January 2021, representing an increase of 4.5%, this is in line with the agreement reached in Geneva, November, 2018 between representatives of Ship owners and that of seafarers as contain in the final report of Subcommittee on Wages of Seafarers of the Joint Maritime Commission No. SWJMC/2018/6 (ILO, 2018; ICS. 2020). It should be noted that this figure covers basic pay or wage only and does not include overtime payment and other entitlements. Furthermore, the agreed minimum wage or basic pay figure does not in any way predisposes collective bargaining or adoption of higher wage or pay in other settings of the international wage system (ILO, 2018). This is one the long standing and unique mechanism that supports the collective bargaining for the wages of seafarers across the globe.

## **2.10 ILO`s Instrument Relating to Seafarers` Wages, Hours of Work and Hours of Rest, and Manning of Ships**

The ILO has made quite a number of regulatory approaches regarding wages, hours of work and hours of rest, and manning; there are several maritime labour instruments that provide adequate protections for the right of seafarers to wages and hours of work , these include among others five conventions and three recommendations.

However, many of these conventions were adopted by ILO but never entered into force due to few or no ratifications by member States, some of the instruments were outdated and some up to date and replaced by MLC, 2006, ( ILO, 2018). The rights and protection of seafarers are provided by these conventions and instruments are listed as follows;

- i) Hours of Work and Manning (Sea) Convention, 1936 (No. 57)
- ii) Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49)
- iii) Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
- iv) Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
- v) Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
- vi) Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109)
- vii) Seafarers` Hours of Work and the Manning of Ships Convention, 1996 (No. 180)
- viii) Seafarers` Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187)

## **2.11 Provision of the MLC 2006 Regulations 2.2**

The Maritime Labour Convention, 2006, as amended reproduces virtually every content of Recommendation No. 187 the ILO instrument adopted in 1996 concerning Seafarers` Wages,

Hours of Work under some Regulations such as Regulation 2.2 on wages; Regulation 2.3 on hours of work and hours of rest; .

The MLC, 2006, Regulation 2.2 falls under title 2, condition of employment for seafarers, and the purpose is to ensure that seafarers are paid for their services regularly and in full in accordance with their employment agreement. The MLC 2006 Regulation 2.2 has provided more protection to seafarers right to wages, Article VI of the convention makes the provisions in part A of the Code as mandatory and the provisions of part B of the Code non mandatory, also requires member States that adopt national laws governing seafarers wages to give due considerations to guideline in part B of the Code.

As explain at the beginning of this dissertation, the study will be analyzing only specific parts of the provisions of Regulation 2.2 of MLC, 2006, as amended, including the 2018 amendment. This dissertation will focusing on Standard A2.2 paragraph 1, 6, Guideline B2.2 paragraph 4, a, c,d,e, h and Guideline B.2.2.3 paragraph 1 and 2.

### **2.11.1 Purpose and Implications of the Regulation**

The purpose of this regulation is to protect the right of seafarers and ensure that seafarers are paid for their services. This implies that seafarers have these rights among others;

- Seafarers have the right to be paid in full and regularly at minimum of monthly intervals, in line with their employment agreement or collective bargain agreement (Standard A2.2, paragraph 1)
- Seafarer's employers must provide them with a detailed monthly account of payment due, the amount paid, such a wage, overtime pay and any other additional payment and exchange rate if the money is paid in currency other than that in the employment agreement (Standard A2.2, paragraph 2).
- The basic wages means the pay for normal hours of work as established by the convention, not more than 8 hours/ day and 48 hours/ week. The basic pay should never go below the ILO recommended minimum wage periodically reviewed by JMC (Guideline B2.2.4, paragraph 1).
- Seafarers who are members of a trade union, in most cases their wages negotiated on their behalf between the employer and their trade union. The reference point for agreeing wage

scale between ship owners and trade union is the ILO recommended minimum wage for able seafarers that takes into account change in cost of living and prevailing exchange rate of US dollar.

### **2.11.2 Seafarers Entitlement**

According to the forgoing provisions of Regulation 2.2 Standards Code and Guidelines seafarers are entitle to the following among others.

- Seafarers working on the same ship or vessel doing the same task should be paid equally without any discrepancies or discrimination.
- Seafarer's employer should make available seafarers employment agreement on board including details rate of wages payable.
- Seafarers should get paid in full his outstanding remuneration if any upon termination of employment.
- The flag state should have a mechanism or system in place where seafarers can easily contact in situations where the ship owner fails to meet his obligation of paying seafarer his outstanding remuneration, there should be penalty for defaulting ship owners.
- There should be no deduction or charges from seafarer pay for gaining employment except it is expressly stated in the national of the member country or a collective agreement.

## **Chapter Three: Implementation of MLC 2006 Regulation 2.2 in Nigeria**

### **3.1 Introduction/ Background**

Nigeria, officially referred to as the Federal Republic of Nigeria (capital city: Abuja) is a country in West Africa. Neighbouring Niger Republic to the north, Chad to the north east, Cameroon to the east, and Benin to the west, located in the south coast of Gulf of Guinea in the Atlantic ocean, with a width of about 923, 769 square kilometer (356,669 sq. miles) (Udo, 2020).

Nigeria, formerly a British colony surrounded by widely French speaking neighbours. It has a coastline of 850Km with an extended Exclusive Economic Zone (EEZ) beyond 200 nautical miles, with an inland waterways estimated at about 4,000 Km (Nwilo & Badejo, 2006). Nigeria is one of the countries recognized for its rich marine biodiversity, mineral resources and ocean based oil-producing economy; it also shares part of the Gulf of Guinea Large Marine Ecosystem (GLME), with Benin Republic and Cameroon, which is widely known for its unique biodiversity (Cronin et al., 2014).

Furthermore, Nigeria is the largest oil producer in Africa, the country's oil production amounted to an average of 1.5 to 2 million barrels per day in 2020 and estimated 101.4 million metric tons per annum (OPEC, 2020), which comes from different offshore fields in the coast of the Niger delta region. The oil and gas sector make up 74% of Nigerian Gross Domestic Product (GDP) (World Bank, 2019) with population estimated to be approximately 206 million people (Statista, 2020). The agricultural sector also forms a significant part of the country's economy, as it plays a major role as a source of food security in West Africa, exportation of food and cash crops from the agricultural sector contribute to about 22,35% of the country GDP between 2019 to 2021(Varrella. Simona, 2021).

Nigeria's maritime sector also contributes immensely to the socio- economic development of the country. Nigeria has a total of six (6) operational sea ports and six petroleum exportation terminals in the country, the Lagos port, Tin-can port, Rivers port, Onne port, Delta port and Calabar port which handles the country's export and import of general cargo, agricultural goods and oil and gas, crude oil exportation is one of the major maritime transport activities (NPA, 2021).



Nigeria had a breakthrough in the shipping industry more than five decades ago, starting from the setting up of Nigeria National Shipping Line in 1959, the government affiliated with a private company Elder Dempster and Palm line, which joined the West Africa Line Conference in the same year (Adeyanju, 2014), since then Nigeria has steadily increased and expanded its maritime activities over the years.

Currently, Nigeria has about 696 merchant ships fleet operating in Nigerian waters, with about 6000 registered seafarers which represent 0.26 % officers supply and 0.43 % ratings supply of the global seafaring workforce (UNCTAD, 2020), the Nigerian maritime industry has the employment capacity of engaging thousands of youth and seafarers (Agabi et al., 2019).

### **3.2 Historical Background of Maritime Transport Activities in Nigeria**

The history of maritime transport in Nigeria can be traced back to the fifteenth century before the British colonial era. In the ancient days before the coming of European navigation along the Nigerian coast, maritime transport activities were mainly carried out by wooden boats, floating contraption and calabashes were used to transport large scales of bulky items to far places in the coastal region. In the past, coastal communities of Bonny and Calabar used some of these boats to carry up to 60 to 70 people (Ugochukwu, 1990 P.18).

The British colonial masters came and laid the foundation for a modernized maritime transport system. MacGregor Laird established the Royal African Steamship Company in 1848. This led to the development of maritime transport and business activities. Consequently, the establishment of another shipping company, British and Africa Steam Navigation Company, which later merged to form Elder Dempster and Palm line. In the early 19th century, 1906 precisely heralded significant development in Nigeria maritime activities, with the opening of the Lagos Lagoon, there was dredging at the bar and approval was granted for the construction of the first east mole. And further advancement which resulted in the development of present Apapa port and Port Harcourt port (Chilaka, 2015), the economic growth push for expansion of international trade between Nigeria and Europe, America, Asia and other parts of the world. Consequently, Nigeria maritime activities and shipping became more prominent in the Africa region. In recent years Nigeria has witness a surge in container shipping, an improvement in the cargo handling up to an average throughput

of 1,484,000,000 TEU in 2019 and average annual cargo throughput of 29,079,827,000 metric tons between December, 2012 to 2017 (UNCTAD, 2020).

### **3.3 General Obligations in the Implementation of ILO Conventions**

The general obligation of an ILO member State that ratifies the MLC, 2006, is that it must make available detailed information of measures adopted to fulfil its commitments, and how it gives effect to its obligation in a manner set out in Article VI of the convention. The Member State must also cooperate with other members to ensure effective implementation. Member States shall implement and enforce national laws or regulations or adopt other measures to fulfil its commitment to the obligation under Article 1 and Article V of the convention. Further to the above obligations, a member State is required to submit an annual report on the implementation of MLC, 2006, to the International Labour Office, in accordance with Article 22 of ILO constitution (ILO, 2019).

The Merchant Shipping Act, 2007, Nigeria Maritime Administration, and Safety Act, 2007 are the Nigerian national laws that align with the implementation of MLC, 2006. In fulfilment of this obligation, NIMASA which is the competent authority responsible for the implementation of the convention carry out both flag state and port state inspections of ships in her waters to ensure protection of seafarers wages and other entitlements.

### **3.4 Legal Framework for Maritime Labour Practices in Nigeria**

Nigeria has been a member of the ILO since October 1960 immediately after her independence from the British colonial rule. Nigeria so far has ratified 40 ILO conventions (ILO, 2017), out of which some are fundamental conventions, governance conventions and technical conventions.

Most of these conventions were ratified since Nigeria achieved independence in 1960, since then, Nigeria has steadily ratified relevant ILO conventions to improve its general labour standards and maritime labour practices. There were significant steps taken to ratify some relevant ILO maritime conventions before the MLC, 2006, in an effort to improve maritime labour practice and protection of seafarer's rights.

Another significant move was the ratification of one of the important maritime instruments, convention No. 185 is on Seafarers' Identity Document (SID), this shows how the country's commitment to the improvement of the well-being of Nigerian seafarers for the overall interest of shipping and maritime industry.

On matters relating to seafarers wages, Nigeria has ratified quite a number of conventions on wages, which have effect on seafarers pay. These include amongst others.

- Protection of Wages Convention, 1949 No. 95
- Minimum Wage-Fixing Machinery Convention 1928 No. 26
- Equal Remuneration Convention, 1951 No. 100
- Right to Organize and Collective Bargaining Convention, 1949 No. 98

The ratification of MLC, 2006, and all the three amendments, demonstrates how committed Nigeria is toward improving the living and working conditions and protection of seafarer's rights. Therefore, international law and Nigerian national law protects seafarers' rights. The primary legislation on the rights of any Nigerian working as a seafarer is contained in various national laws, regarding the rights to basic pay or wages for Nigerian seafarers are set out in the Merchant Shipping act, 2007, and Nigerian Maritime Administration and Safety Agency Act, 2007.

The right to wages of seafarers in Nigeria is provided for under the Merchant Shipping Act, 2007 these will be discussed hereunder.

### **3.5 The Merchant Shipping Act 2007**

The Merchant Shipping Act makes provision for matters relating to shipping and the process of registration, licensing and making of ships in Nigeria. It also makes provision relating to carriage of dangerous goods by ships and the prevention of marine pollution from ships.

This work will primarily focus on issues relating to the regulation of maritime labour practices, particularly as it relates to wages.

Part IX of the Merchant Shipping Act, 2007 contains the maritime labour regulations; it makes provisions on issues relating to the employment and wages of Nigerian seafarers working onboard ships flying its flag. The Act, made detailed explanation of conditions in which seafarers shall be entitled to be paid their wages including arrest and maritime lien on ship on account of wages. These are briefly highlighted in various sections as follows;

- Section 125 - 134 make provision for matters relating to payment of wages
- Section 135 - 141 provides for annual leave with pay for seafarers
- Section 145 - 149 covers matters relating to advance and allotment of wages
- Section 150 - 160 right of seafarers in respect of wages
- Section 161 - 164 provides for mode of recovering wages

Under these provisions seafarers are entitled to the following rights to wages amongst others in Nigeria;

1. Nigerian seafarers have the right to wages at the time he or she commences work or at the time specified in the employment agreement on a ship flying the flag of the country (section 151).
2. Seafarers cannot be deprived of their right to wages in cases of abandonment of ship or forfeit their lien on the ship by just an agreement (section 152).
3. The right to wages of seafarers on Nigerian ships shall not depend on the freight earnings of the ships (section 153).
4. Where a seafarer is disengaged before the voyage commences or earning first month wages and the disengagement is without his consent or fault, the seafarer is entitled to get wages he has earned and a compensation not exceeding one-month wage (section 159).
5. Seafarers has the right to sue his employer summarily for his wages in any court of competent jurisdiction, where or near the place that his service is terminated, and any decision made by the court shall be binding (section 161)

### **3.6 The Competent Authority**

The Nigerian Maritime Administration and Safety Agency (NIMASA) is the competent authority recognized by law responsible for the implementation of MLC, 2006, in Nigeria (ILO, 2017). NIMASA is empowered by Section.22 (1) of NIMASA Act, 2007 No. 7, and Cap 224 LFN 1990 to ensure the promotion of maritime safety and security, protection in the maritime environment, shipping registration and commercial shipping and maritime labour.

Part VII, Section 27 of the NIMASA Act empowers NIMASA to regulate matters relating to maritime labour standard and practice and the protection of the rights and welfare of seafarers with decent living and working conditions of ILO's international labour standard.

Concerning the implementation of MLC, 2006, Regulation 2.2 provision in Nigeria, NIMASA through the power conferred on the Agency by the Act, enforces among others, the following;

- Ensure that Maritime Labour Employers comply with existing regulations and standards relating to crewing, wages, safety, welfare on board Nigerian vessels.
- Ensure that Employers of Maritime Labour implement the agreed collective bargaining or Conditions of Services
- Handle Industrial relation issues and enforce payment of seafarer's wages entitlement and other Compensation Benefits.

### **3.7 The Roles Ship owners**

The MLC, 2006, refers to "Ship owner" as the owner of a ship, or any other person or company, charterer or agent who takes full responsibility for the operation of the ship from the owner in line with the provision Article II, paragraph 1, j of the convention. Ship owners play important roles in determining the wages of seafarers. The MLC, 2006, requires that the seafarer's employment agreement signed between the seafarers and ship owners or their representatives specify the amount of wages to be paid to the seafarer pursuant to the provisions of an existing national law governing wages (Regulation 2.1 paragraph 4, e). Therefore, the payment of wages is the exclusive

responsibility of the shipowner; however, this responsibility must be carried out in accordance with national laws and international instruments.

The Ship Owners Association of Nigeria, (SOAN) and Indigenous Shipowners Association of Nigeria (ISAN), are the two umbrella shipowner bodies that have participated in several negotiations with the representatives of seafarers trade unions on issues of wages and other conditions of service of Nigerian seafarers (Ebong, E. et al, 2020), the most recent is the August, 2019 collective bargaining agreement between the representative of ship owner and that of seafarers.

The SOAN`s stated primary objectives are to protect the interests of its members and provide a platform for dialogue on policies and issues concerning ship ownership operations among themselves and other maritime industry stakeholders and to also among others, help the authorities in the application and implementation of relevant IMO and ILO instruments in Nigeria (SOAN, 2015)

### **3.8 The Role of Labour or Trade Unions**

The labour union in other word trade union is an organization created by workers to protect their interests. Seafarers` trade unions are formed to promote and protect the interest of seafarers towards achieving decent working conditions.

Furthermore, the Unions are entitled to enter into negotiations with the ship owners or their representatives and reach a collective bargaining agreement on behalf of the seafarers. Agreement on matters related to seafarers wages, hours of work and hours of rest, overtime and other employment terms and conditions. Trade unions have made a significant contribution to the global maritime labour market today, which enables seafarers to have their legal rights well protected and prescribed under international legal instruments and national laws (Ebbinghaus & Visser, 2000).

The Nigeria seafarer`s trade unions play an important role in negotiations or discussions with their employers and other relevant stakeholders on behalf of the seafarers on issues related to their wages, hours of work and rest and other conditions of service.

There are two major trade unions representing seafarers in Nigeria, The Nigerian Merchant Officers and Water Transport Staff Association, representing the Officers and the Maritime Workers Union of Nigeria representing the ratings. Recently, the unions signed a Collective Bargaining Agreement (CBA) with shipping companies, Nigerian Maritime Administration, and Safety Agency on improvement of condition of service of Nigeria seafarers, particularly wages. The agreement will benefit around 8,000 workers in the Nigerian maritime industry (ITF, 2019).

### **3.9 The Role of National Joint Industrial Council (NJIC)**

The National Joint Industrial Council (NJIC) is an employer and employees council constituted under the provision of Wages Board and Industrial Act, 1974. The Wages Board and Industrial Act of 1974 was enacted for the purpose of negotiating and reaching a consensus agreement for issues relating to wages and such other matters as have been considered by those employers and workers to be a matter worthy of negotiation.

The Minister of Transport is empowered by section 1, paragraph 1 of the Act, to establish an industrial wage board to perform specific functions in relation to workers and their employer as specified in Section 1 and also the Industrial wage board is to act in the event that the minister is satisfied that wages of the specified workers is unreasonably low and that no adequate mechanism in place for effective regulation of wages or conditions of employment of those workers (Uvieghara, 1974).

By virtue of this Act, the NJIC is specifically charged with the responsibility of mediating in any collective bargaining agreement negotiations between the seafarer's employer and representative of seafarers (Ebong, E. et al, 2020)

On August 20th, 2019, after a series of deliberations and negotiations between the representatives of the employer (ship owners) and the representatives of employees (seafarers union) at various meetings of the NJIC, the parties reached an agreement and adopted terms of service for seafarers, particularly wages (Okon, 2019) .

The conditions and obligation set out in Article 1 (General Obligation of the CBA) provided amongst others;

- To incorporate the provisions of the maritime labour convention, 2006 as amended and to ensure it is applied to all seafarers that work on ships as stipulated by the convention.
- All parties to the agreement shall ensure proper and effective implementation of MLC, 2006, as amended.

With regards to the appropriate wage figure to be paid by employers to seafarers pursuant to Article 13 of the CBA, the NJIC resolved that the seafarers ‘employers and the seafarers representatives shall proceed with negotiations on wages of seafarers on a “Company by Company basis”, this process must be witnessed by NIMASA, and the employer and union shall agree at each company level the percentage of wages and the increase payable (NJIC, 2019).

In the light of the foregoing, the Nigerian Maritime Administration and Safety Agency is responsible for ensuring effective implementation of the collective bargaining agreement, in accordance with the provisions of MLC, 2006, Regulation 2.2. To this end, it is implied that Nigerian seafarers should not be paid below the ILO minimum wage scale as updated from time to time.

### **3.10 Enforcement**

The purport of Title 5 of MLC, 2006 “Compliance and Enforcement” is to ensure that every member States enforces the provisions of convention in order to achieve both flag State, port State and labour supply implementation responsibilities. This mandate is done through regular inspections by NIMASA ILO trained labour inspectors in Nigeria.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has made some comments to Nigeria on effective implementation of MLC, 2006, as it relates to seafarers wages and entitlements. These comments are that;



- i) The government did not indicate the provisions ensuring that charges for transmitting earnings to seafarers' families are reasonable or not.
- ii) The Committee noted that wages of seafarers is based on 12 hours per day, seven days a week on board vessels and as provided in the seafarers employment agreement. The Committee advised the government to eliminate any form of inconsistencies in the applicable provision of the convention and ensure conformity of all regulations governing wages and hours of work and rest. The committee therefore, requested the Government to indicate measures taken to give effect to the convention in line with the provision of the Regulation.

### **3. 11 The Perceived or Alleged Unfair Labour Practices in Nigeria**

The issues surrounding seafarers' wages is a global one, particularly ones from labour supplying countries which are mostly developing countries as earlier mentioned in this work. In recent years, there have been several publications in newspapers and articles from different sources, alleged that Nigerian seafarers are victims of unfair treatment in terms of wages, particularly in the context of Regulation 2.2 of the MLC, 2006. Nigerian seafarers were reported to be among the lowest paid in the world (Foyeku, 2018), which is below the ILO recommended figure, and there is also the issue of huge disparity in wages between them and foreign seafarers.

Similarly, Okeke, (2018) a 2<sup>nd</sup> Engineer, wrote that in his article titled "Poor Nigerian Seafarers' Salary as Major Obstacle to Cabotage Act" *narrated* how most Nigerian seafarers' employers prefer to engage foreign seafarers of the same rank and pay them higher wages than their Nigerian seafarers counterparts. The News Telegraph of 17th February, 2021 reported, in its published article titled "*Nigerian Seafarers Battle Ship Owners for 79.80% Wages*" *suggested that* Nigerian seafarers are fighting for an increase in wages after the ITF/ ILO international minimum wage benchmark for seafarers, the findings revealed that Nigerian seafarers earned less than their foreign counterparts, *as they are being shortchanged by manning managers involved in their recruitment* (Akomolafe, 2021).

Utuhu, wrote in a report published in the INDEPENDENT news of 10th January, 2018 title "*Nigerian Seafarers Blame NIMASA Over Wage Disparity With Foreign Counterparts*" the report gathered that foreign seafarers in Nigeria are paid their wages in line with the provision of

MLC, 2006, while their Nigerian counterpart are heavily discriminated, as they continued to receives lower wages.

In view of the foregoing, the researcher will conduct random surveys and interviews among seafarers, ship owners, seafarers union, crew agency and the regulatory agency to find out the views of the in industry stakeholder and that of the seafarers.

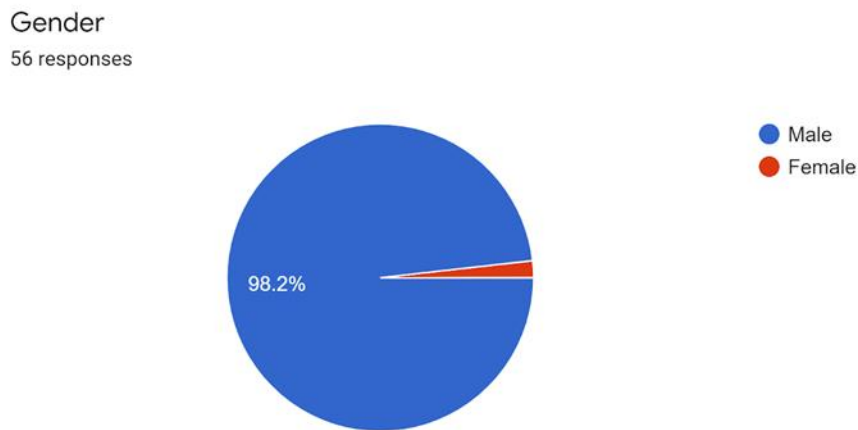
## **Chapter Four: Data Analysis Discussion and Findings**

### **4.1 Data Analysis**

This chapter presents the data which was obtained from a population of Nigerian seafarers. Data obtained through structured questionnaires, the questionnaire was generated by researcher using a google form, the questionnaire contained 12 question, these question were both close and open ended questions asked with the aim of assessing the level of implementation of MLC, 2006, Regulation 2.2 in Nigeria which formed the first research question of the dissertation. The questionnaire also contained question which sought related to the second and third research question on whether the purpose of the provision of the convention is achieved in accordance with international best practice, and also to have an insights or idea of the challenges facing the implementation of the convention.

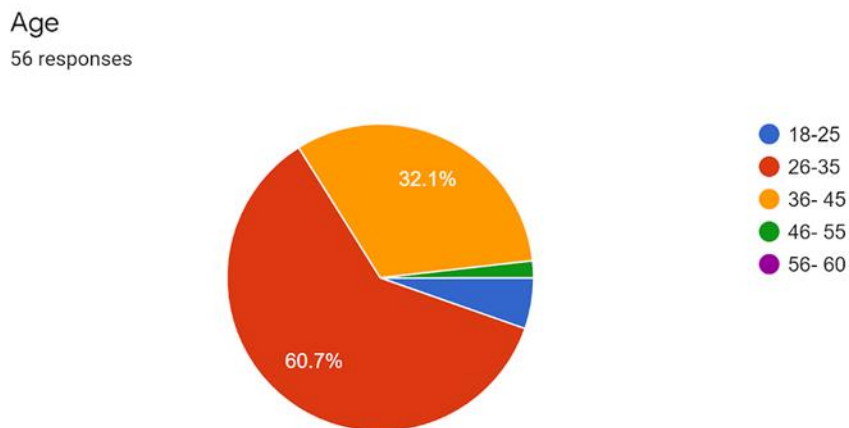
The questionnaires were randomly administered to Nigerian seafarers to have their views and opinion about the implementation of the provision of the convention. Out of 80, which were administered 56 were duly completed and returned which exceeded the targeted percentage of 50 participants. The researcher duly analyzed the response obtained from these questionnaires. The researcher further conducted interviews; these interviews were conducted with some ship owners, seafarers union, representatives and a staff of the regulatory body (NIMASA) which is the body responsible for the implementation of the Regulation in Nigeria. The interview were conducted in a semi-structured manner, the researcher prepared a sets of questions which were answered by all respondents, in some situation, additional questions were required to either clarify or elaborate certain issued raised.

Figure1, Response on Gender of the participants



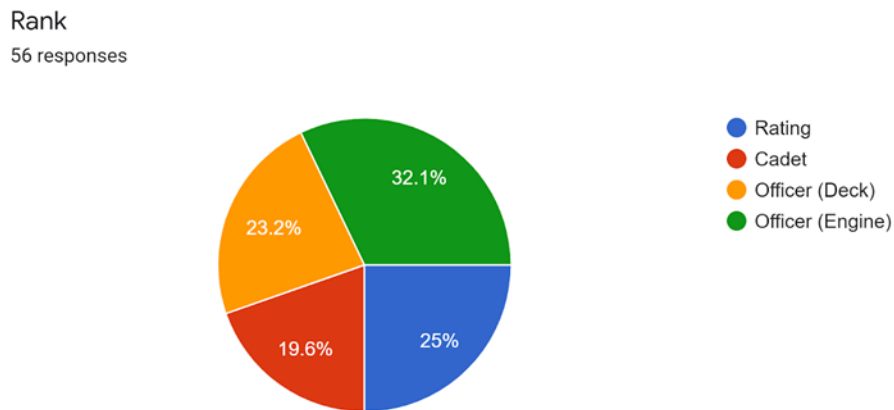
The data collected reveal that out of the 56 respondents, 55 are male representing 98.2% and the remaining 1, a female, which is 1.18%

Figure 2, Responses on the age distribution of the respondents.



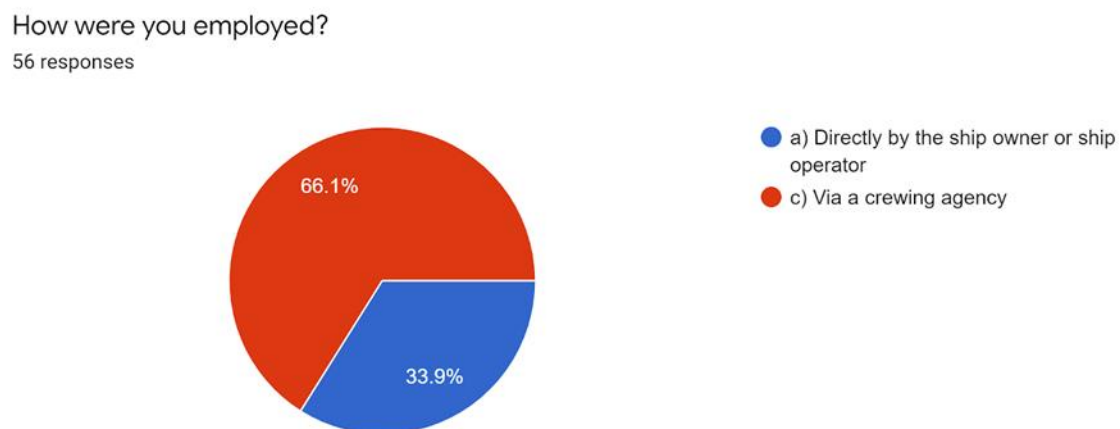
The data obtained shows that 3 respondents representing (5.4%) are between the age of 18 – 25, the second age group have 34 respondents (60.7%) which are between the age of 26-35 years, and 1 respondent (1.8%) is between the age of 46-55 years.

Figure 3, Response on the ranks of the respondents.



The result revealed that 14 respondents about 25% are ratings, while 11 respondents (19.6%) are cadets, 13 respondents (23.2%) are Deck officers and 18 respondents representing 32.1% are engine officers.

Figure 4, Response on method of employment



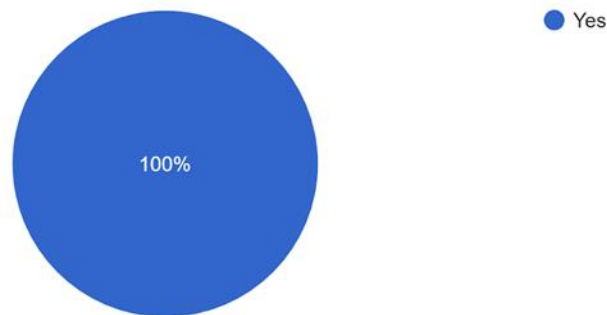
On recruitment method, the data collected reveals that 37 respondents (66.1%) were recruited via crewing agencies, 19 respondents (33.9%) are directly employed directly by ship owners while 2 respondents stated they started as a cadet before they were fully employed

#### **4.1.1 On issue of payment due to seafarers regularly in full and according to the employment agreement.**

In response to the question on whether they are being paid in full and in accordance with their employment agreement. 55 respondents almost 100% answered in affirmative.

Figure 5, Responses on payment of wages.

Do you feel you are paid fully in accordance with your employment agreement?  
55 responses

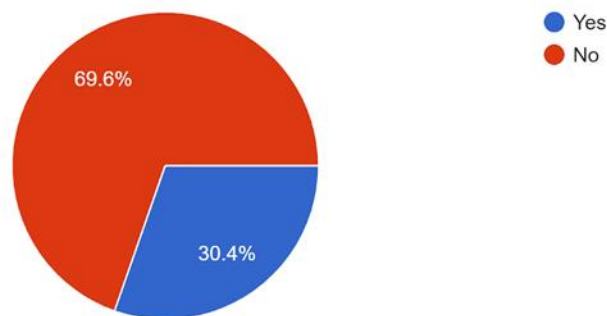


Based on the responses from the first set of questions, the answers provided above by the respondents in Fig. 1. Shows that Nigerian seafarers are paid their wages in full and in accordance to the employment agreement.

Figure 6, Response on if wages are paid in a timely manner.

Are you paid your wages in a timely manner?

56 responses



Most Nigerian seafarers, about 70% of the response received from 39 respondents, indicated that their wages are not paid in a timely manner and at no regular interval, while 17 respondents, about 30.5% acknowledged that they get their wage on time and at a regular interval. Despite the ratification of the MLC, 2006 in the country, Nigerian seafarers still face the challenges of getting their wages at a regular monthly interval as specified in Regulation 2.2 of the MLC, 2006.

#### 4.1.2 Issue of equal pay and remuneration for work of equal value

Figure 7, Response to the question on whether they are paid the same wages as foreign seafarers doing equal work and of the same rank.

Are you paid approximately the same wages as foreign seafarers doing equal work and in the same rank in your company?

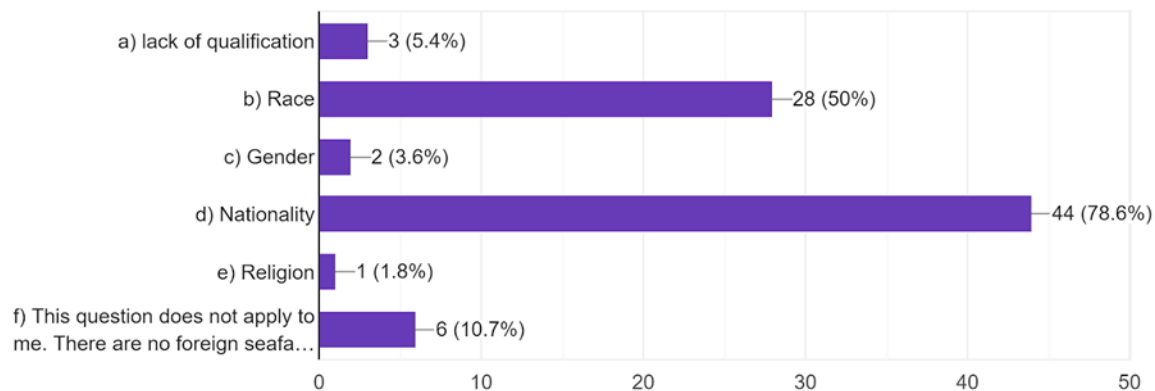
56 responses



50 Respondents, about 89.3% stated that they are paid LESS than foreign seafarers counterpart doing equal work and of the same rank, while the remaining respondents said there are no foreign seafarers doing the same job with them.

Figure 8, Response on what they think is responsible for the discrepancies

If you are paid LESS than a foreign seafarer counterpart in your company, what do you think is responsible for the discrepancy? You may select more than one answer.  
56 responses



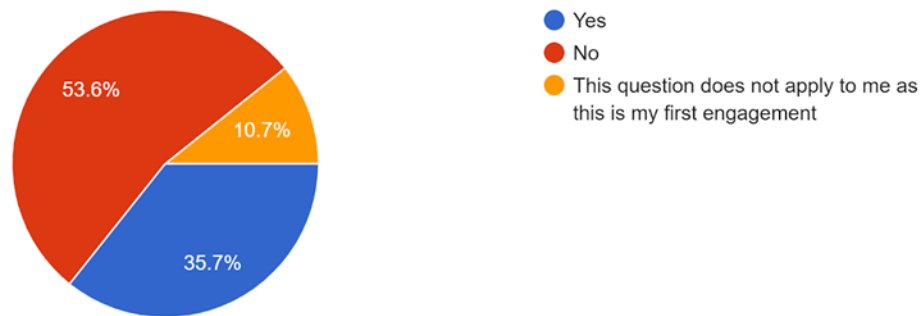
This question provide an option for multiple answers, according to 3 respondents, it is lack of qualification, 28 representing 50% believe it is because of their race, 2 respondents think it is related to their gender, 44 respondents representing 78% believe it is because of their nationality, one respondent think it is related to religion and 6 respondent representing 10% are of the opinion that the question does not apply to them as there are no foreign seafarers in their company.



Figure 9, Response on whether seafarers get full payment of remuneration upon termination of engagement.

Do you get full payment of remuneration upon termination of engagement?

56 responses

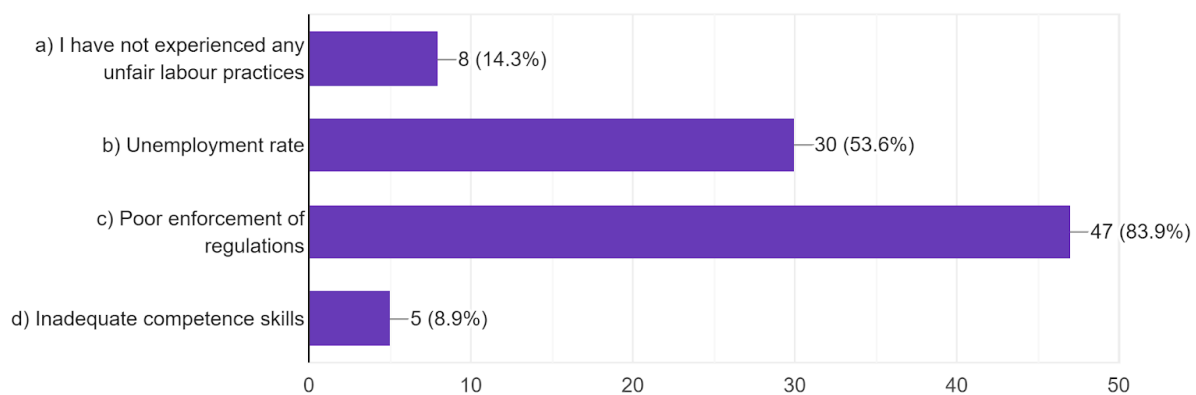


30 respondents, representing 53.6% stated that they do not get their full remuneration upon termination of their employment, while 20 respondents, representing 35.7% affirmed that they get their full remuneration when their employment is terminated and 6 respondents say the question does not apply to them as this is their first engagement.

Figure10, Response on why they think these unfair labour practices will continue.

If you have experienced unfair labour practices, why do you think these unfair labour practices continue? You may select more than one answer.

56 responses

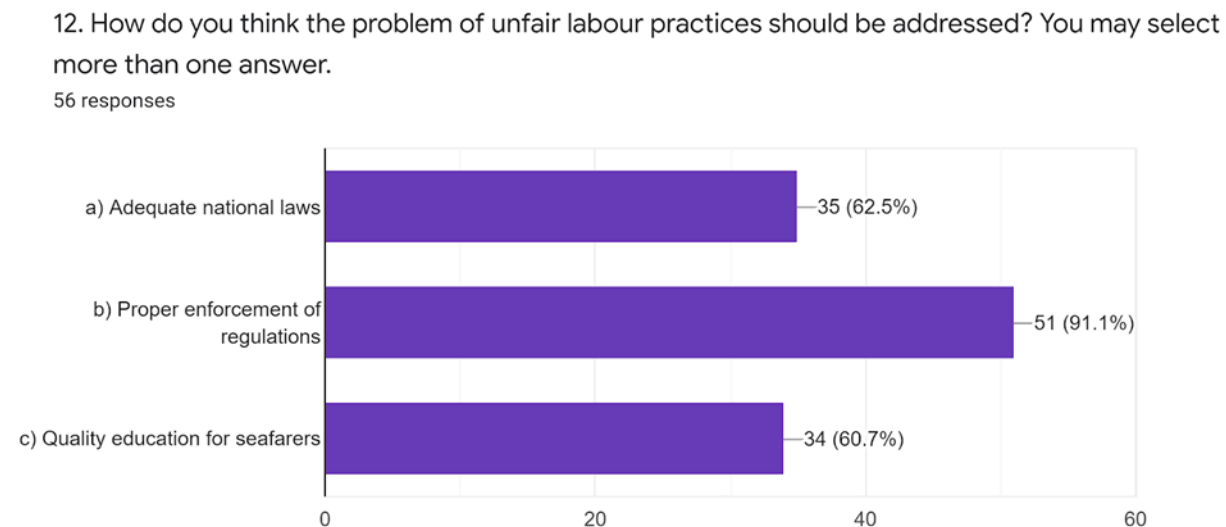


This question also has an option for multiple answers. 8 Respondents stated that they have not experienced any unfair labour practices, 30 respondents are of the opinion that it will continue as a result of high unemployment rate, 47 respondents representing 83.9% believed that poor enforcement of regulations is responsible for the situation and 5 respondents stated that it is inadequate competent skills.

#### 4.1.3 How could this issue be addressed

This question sought to collate the views and opinion of the respondents on what necessary measures should be taken to address the perceived unfair labour practice. The participants have been given the option to choose more than one option.

Figure 11, Response on how the issue of unfair labour practice can be addressed



According to the result, 35 respondents, representing 62.5 % of the responses stated that adequate national laws will address the issue, 51 respondents representing 91.1 % states that the challenge can be overcome through proper enforcement of regulations, while 34 respondents representing 60.7 % believe that quality education for seafarers is the way forward and will address the problem.

## **4.2 Summary of Interview Responses**

In line with the research methodology chosen for this research work, interviews were conducted to better understand and explore the research subject matter. The aim of the interview was to sample the opinion as well as get the views of those people involved or affected by the issue of alleged unfair labour practices and wages disparity. The conduct of this interview did cut across the stakeholders in the maritime industry, such as the ship owners, the crew agency, the seafarers union and the regulators.

Open-ended questions were asked; this was to enable the participants give in-depth answers on the implementation of MLC, 2006, Regulation 2.2 and the regulation of seafarer's wages in Nigeria.

The first question asked related to MLC, 2006 and its implementation in Nigeria. The participants were specifically asked whether Nigerian seafarers are paid wages in full and in a timely manner in accordance with their employment agreement. In response to this question, both the seafarers, ship owner; member of the seafarers union interviewed affirmed that most Nigerian seafarer's wages are paid in full in line with their employment agreement. However, they equally stated that some Nigerian seafarers experience undue delay, as they do not get their wages paid regularly and in a timely manner.

The second question asked related to disparity or discrimination in wages between Nigeria seafarers and their foreign counterpart. In response to this question; both the seafarers, ship owner and the regulator admitted the existence of a disparity in wages, they further stated that Nigerian seafarers are paid LESS than their foreign counterparts, the ship owner interviewed said the reason for the discrepancy is because foreign seafarers are considered as expatriates and therefore paid in accordance to international standards. The labour inspector from the regulatory agency is of the opinion that disparity exists but not as poor as the media portrays.

The last question was on how these issues can be addressed. The seafarers were of the view that there should be quality education for seafarers; adequate national laws can change the situation. The ship owner and the regulator are of the view that significant efforts have been made to address

the situation, with the recent collective bargaining agreement signed in August 2019 to harmonize the wages between Nigerian seafarers and their foreign counterpart in line with the MLC, 2006.

### **4.3 Discussion**

The analysis of data collected through questionnaires administered the participants and interview conducted tried to answer the research question of the dissertation.

The data gathered from the questionnaire and interviews reveals the existence of unfair labour practices in Nigeria, this is evident in the discrepancies in wages paid to indigenous seafarers and their foreign counterpart of the same rank, the data also revealed that system of paying wages is faulty and therefore need to be improved. This evident in the responses of the respondent indicating that their wages are not paid at regular interval and in a timely manner,

The first question this research seeks to answer is related to how is MLC, 2006, Regulation 2.2 is implemented in Nigeria? This question revolve around how their wages are been paid. The focus and purpose of the above-mentioned provision of convention is to ensure that seafarers are paid for their services at a regular interval, in full and in accordance with their employment agreements. The convention provides standard Codes, which are mandatory, and Guidelines, which provide the member States tools, which will be adopted into their national laws, or any other measures adopted to protect the right to wage of seafarers should implement detailed explanation on it.

The outcome of the survey reveals that the situation is not at its best for the Nigerian seafarers; there is a gap that need to be addressed. Although, all the respondents acknowledge that they get their full wages in line with the employment agreement.

However, on getting wages in a timely manner and at regular intervals in line with standard A.2.2 Paragraph 1, of the convention, the majority of seafarers representing 69.6% of the responses confirmed that they do not get their wages on time and at regular intervals, while 30.4% shows they are paid regularly. This delay in payment is also confirmed by a ship owner interviewed, where he stated that the delay in payment of wages sometimes is caused by what he termed as trading factor, this the respondent explained to mean the unsustainable nature of the

business environment in the Nigeria maritime industry. This contravene the above mentioned provision of Regulation 2.2 Paragraph 1, of the convention which states that “payment due to seafarers working on ships of members states of the convention are made at no greater than monthly intervals and in line with applicable CBA”. It is obvious that much need to be done to ensure compliance with the provision of the convention, to ensure full protection of the right to wages of the Nigerian seafarers.

Similarly, on the payment of all remuneration to seafarers upon termination of employment without undue delay pursuant to Guideline B2.2.2.2 Paragraph 4 (d) , the outcome of the survey suggest that there are delay in payment, with 53.6% of responses confirming this delay while 35.7% stated that they have not experienced delay in payment of remuneration upon termination of employment contracts.

The research question two sought to investigate whether there are any discrepancies in payment of seafarer’s wages in Nigeria. Despite several collective bargaining negotiations and other efforts made by Nigerian seafarers trade unions on wages, to ensure that Nigerian seafarers are paid in accordance with the provision of MLC, 2006, and other international labour standard practices, Nigerian seafarers still experience disparity in wages, which is far below what their foreign seafarers counterpart on the same ranks doing equal work earn.

Majority of the seafarers responded and pointed out that they are paid LESS than foreign seafarer counterparts in their company. This outcome agreed with the claims of Foyeku, (2018), that Nigeria seafarers are paid below the recommended rate, and also aligns with the views of most of the stakeholders. The researcher ask the respondent during interview if there are disparity in wages between Nigerian seafarers and foreign seafarers. One of the respondent interview stated that there are discrepancies in wage because foreign seafarers in Nigeria are regarded as expatriates that is why they are paid higher than their Nigerian counterparts a situation many Nigerian seafarers feel is as result of their race and nationality. This claim of disparity in wage is supported with a document attached in appendix 1, 2 and 3 of this dissertation; where a Nigerian fourth Engineer is paid ₦ 250,000 NGN equivalent to \$600 USD meanwhile a foreign seafarer on the same rank earn as much as \$ 1,168.00

The MLC, 2006, Regulation 2.2 Guideline B2.2.2 Paragraph 4 (a) states that national laws should take into account the principles of *equal remuneration for work of equal value should apply to all seafarers employed on the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin.*

Guideline B.2.2.4 Paragraph 1, states that *the basic pay or wages for a calendar month of service for an able seafarer should be no less than the amount periodically set by the Joint Maritime Commission or another body authorized by the Governing Body of the International Labour Office.* Without prejudice to agreed collective bargaining between ship-owners or their representatives and seafarers` organizations.

To end this discussion on the issue of discrepancies of wages between Nigerian seafarers and their foreign counterparts in the country, the NJIC Collective Bargaining Agreement (CBA) of August 20th, 2019 between the representatives of seafarers employers and seafarers organizations whereas both parties agreed to incorporate the provisions of the Maritime Labour Convention, 2006 as amended and to ensure it is applied to all Nigerian seafarers that work on ships which this convention applies, and the agreement shall ensure proper and effective implementation of MLC, 2006, as amended.

However, at the time of this research survey, many Nigerian seafarers who formed the respondents to the questionnaire still maintained that they are paid less than foreign seafarers. The respondents stated that there still exist disparities in wages and under payment of wage and other entitlements. Therefore, much is needed to be done by the competent government authorities responsible for the implementation of the convention to ensure that seafarers employers comply with the agreed CBA on wages and other conditions of service, by protecting the rights of Nigerian seafarers and enabling them to compete favourably at the international maritime labour market because countries who pay poor wages to seafarers are often time a market for cheap labour at the global market.

The third research question revolved around how the implementation of Regulation 2.2 could be improved and any such discrepancies in wages of Nigerian seafarers can be solved? The majority of the respondents stated that quality education and training of seafarers, adequate national laws

and regulations and Proper enforcement of regulations by the competent government agencies could address the problem.

In its efforts to protect the seafarers and ensure the implementation of the convention, the Nigeria government through her competent authority NIMASA has in recent years mediated negotiation meetings between the National Joint Industrial Council (NJIC) the representatives of seafarers employers and seafarers representatives on modalities to improve the wages and other conditions of service of Nigerian seafarers in line with the provision of MLC, 2006, there have been a significant effort made in this regards in protecting the right to wages of her seafarers. However, more efforts is needed by the competent authority in terms of taking appropriate remedies or imposing penalty against any seafarer employer that unduly delay or fail to make, all forms of payment or remuneration due to seafarers.

According to the maritime labour inspector interviewed, he stated that the Nigerian government is putting I efforts to ensure compliance with MLC, 2006, part of this effort include the withdrawal of certificate of maritime labour compliance for defaulting shipowner who fail to act in line with MLC, 2006, and its provision, The inspector further stated that the government is putting in place an anonymous reporting system whereby Nigerian seafarers who are unfairly treated can report without the fear of being blacklisted by the shipowners.

#### **4.4 Summary of findings**

Based on the outcome of analyzed data collected administered through questionnaires and interviews, the researcher found the following.

- i) Nigeria seafarers work longer than the 8 hours a day recommended by MLC, 2006 up to maximum of 14 hours a day and 72 hours seven days period (NJIC CBA, 2019).
- ii) Most Nigerian Seafarers are underpaid, with a consolidated (including overtime and other entitlements) monthly wage for an AB is around ₦ 140,000 NGN to ₦ 150,000 NGN equivalent to \$ 367 USD, see Appendix 1,2 and 3, which is below the ILO

recommended minimum basic wage figure for an AB which is \$ 641 USD with effect from January, 2021.

- iii) There is a disparity in wages; the study found that most Nigerian seafarers are paid less compared to what is paid to their foreign seafarer's counterpart doing equal work and of the same rank.
- iv) Delay in payment of wages, some of Nigerian seafarers' wages are not paid regularly and in a timely manner hence, experienced delay in payment of their remuneration upon termination of employment.



## **Chapter Five: Conclusion Limitation and Recommendation**

### **5.1 Conclusion**

Shipping industry is the key to the global trade and crucial to global economic growth (Mejia, 2020). Shipping requires the services of seafarers in different level to be successfully carry out, to achieve this, the decent working condition of service of seafarers becomes of paramount importance, in line with the UN Sustainable Development Goal 8 (decent work for economic growth). Therefore, the role of seafarer's wages toward attaining a decent and sustainable work cannot be overemphasized; much attention should be given to how well seafarers are paid wages that are commensurate to their skills, qualification and competence.

In view of the above, the research conducted focus of the level of implementation and compliance with the provision of MLC, 2006, Regulation 2.2 in Nigeria and reports found that Nigerian seafarers are among the lowest paid seafarers in the world and expected to serve longer hours of work. The wages is far below internationally accepted figure recommended by ILO, which is the minimum basic pay or wage for seafarers, which is of great concern, the study concluded that the situation could create demoralization and demotivate seafarers to pursue their career which essential to the development of the Nigerian maritime industry.

Therefore, adequate measures need to be taken in term of enforcement of regulation to ensure that Nigeria seafarers treated fairly together with foreign seafarers in the international market.

### **5.2 Limitation**

This research just like any other study has its own limitation; one is the limited time for comprehensive coverage of all the provisions of the topic under study, which led to delimitation of the dissertation to specific parts of Regulation 2.2 of the MLC, 2006.

There are also difficulties in getting access to the data for the research, especially the pay slip of seafarers to be able to ascertain the wages disparity due to sensitivity and confidentiality of information.

Another thing is low response from ship owners the researcher tries to interview and some decline to comment on the issues of disparity in wages between Nigeria seafarers and their foreign

seafarer's counterpart due to confidential reasons consequently, hindered access to relevant information needed to back up the research.

Lastly, there are limited or no scholarly articles or academic writing on this particular topic with scientific research findings in relation to the Nigerian situation.

### **5.3 Recommendations**

Seafarer's labour market ought to operate within an internationally recommended and accepted minimum standard; the ILO has established a minimum pay or wages structure for seafarers. Therefore, there is a need for Nigeria as ILO member State to adopt all the necessary measures to protect seafarers' right to full wages in accordance with international standards. This will enable Nigerian seafarers to compete favourably in the international labour market and not a source for cheap labour.

In view of the foregoing, the following recommendations are suggested to ensure proper implementation and enforcement of regulation 2.2 of MLC, 2006 and the protection of seafarer's right to wages and other entitlements.

- i) It is recommended that the government strengthen the enforcement capacity of the competent authority NIMASA to enforce regulation dealing with seafarer's wages and the power to impose sanctions on deterrent ship-owners. This can be done through the amendment of the existing national laws governing seafarer's wages. The government should set up programmes that will create awareness as well as sensitize seafarers on their rights as provided for in MLC, 2006 to follow the complaint procedure as provided in the convention, as well as understanding the implications of the collective bargaining or seafarers employment agreement they enter into with ship owners and their representatives.
- ii) It is further recommended that the issue of wage discrepancies between Nigerian and foreign seafarers be addressed. The National Joint Industrial Council should do this through the adoption of a CBA with a uniform wage figure for all seafarers irrespective

of their nationality. This uniform wage figures shall be applicable to all seafarers working on ships to which the convention applies to Nigeria. Granted, B2.2.2 is a non-mandatory guideline in MLC, 2006. Nevertheless, its inclusion in the convention sends a strong message that it is deemed essential to follow its spirit to ensure a fair calculation and payment of wages.

- iii) It is recommended that the government and in accordance put in place mechanisms to monitor seafarer's recruitment agencies in accordance with Regulation 5.3 of MLC, 2006, to ensure that seafarers are protected from any form of exploitation on wages and other entitlements.
- iv) It is also recommended that the government enact a separate Act, which will specifically deal with the issues of seafarer's wages rather than rely on the convoluted laws currently in force.
- v) Nigerian government should have an open door policy to bring more ship owners to participate in Nigeria maritime industry, to create more competition and increase demand for service of seafarers, which will lead to better payments for their services.

Finally, further research should be conducted to ascertain the link between underpayment of seafarer's wages in Nigeria and the quality of service rendered. This research will further ascertain if there is a relationship between poor wages paid to these seafarers and their attitude to work. In addition, to ascertain if the poor wages of seafarers in Nigeria contributes to the unattractive nature of the seafaring profession in Nigeria.

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## Appendix 1

### Salary of foreign crew in Nigerian

Month & Year :		March-21						
Vessel Name		MT ST AMRAH						
SR. NO	NAME OF SEAMAN	RANK	AMOUNT (USD)	NAME OF BENEFICIARY (ACCOUNT HOLDER)	BANK ADDRESS	ACCOUNT NO	SWIFT CODE	IFSC CODE
1	KALICHARAN CHINNA	MASTER	12,000.00	KALICHARAN CHINNA	H.D.F.C BANK,PLOT -10,DISTRICT CENTRE,CHANDRASHEKHARPUR,BHUBANESWAR, PIN CODE-751016,STATE-ODISHA,INDIA.	50100281541239	HDFCINBBBHU	HDFC 0001252
2	RITESH SAHAY	CH OFF	5,726.00	RITESH SAHAY	STATE BANK OF INDIA, BLUE STONE,1/104 SUPER TECH,SECTOR 93 A NODIA,UP (INDIA),201304	32643584599	SBININBB	SBIN0011474
3	GURPREET SINGH (INDIAN)	2ND OFF	2,958.00	GURPREET SINGH	HDFC BANK LTD, VILLAGE SAMBALPUR, PO- THANA CHAPPAR, THANA CHAPPAR-133103, HARYANA	50100218470169	HDFCINBB	HDFC0003235
4	SURYA PARKASH RAI	3RD OFF	1,468.00	SURYA PARKASH RAI	INDUSIND BANK, GROUND & FIRST FLOOR,PATEL HERITAGE ,SHOP -54&55, SECTOR-7 PLOT NO 15& 17, KHARGHAR,NAVI MUMBAI- ,MAHARASHTRA,INDIA.410210	'100117534747	INDBINBB	INDB0000358
5	MD AKHTARUL ISLAM MONDAL	CH/ENG	9,915.00	MD AKHTARUL ISLAM MONDAL	STANDARD CHARTERED BANK,NORTH GULSHAN BRANCH,GULSHAN CENTRE POINT,HOUSE# 23-26, ROAD#90 GULSHAN-,DHAKA-1212 BANGLADESH	01-1285532-01	SCBLBDDX	
6	MOSIN HUSAIN KAPDI (INDIAN)	2ND ENG	8,926.00	MOSIN HUSAIN KAPDI	IDBI BANK,SHOP NO'S-19-23,PLOT NO. 61-62,CHATURBHUI CHS,SECTOR-21,KHARGHAR,NAVI MUMBAI,MAHARASHTRA-410210,INDIA.	0302104000120142	IBKLINBB183	IBKL 0000302
7	RAJU DWIVEDI	3RD ENG	3,158.00	RAJU DWIVEDI	STATE BANK OF INDIA, SEC-11,POCKET-4 DWARKA,NEW DELHI	32459794301	SBININBB233	SBIN0060458
8	MISHAL SHARAN	EL/OFF	3,958.00	MISHAL SHARAN	AXIS BANK,LOK NAYAK JAY PRAKASH BHAWAN,DAK BUNGLOW CROSSING,PATNA,BIHAR (INDIA)	915010056397192	AXISINBB142	UTIB0000142
9	SALMAN KHAN PATHAN	P/MAN	779.00	SALMAN KHAN PATHAN	KOTAK MAHINDRA BANK, 286-MAHAVIR ARCADE, SECTOR 28 VASHI, MUMBAI-400705	6912619323	KKBKINBB	KKBK0001244
10	RAO MADVOLU JAGNNATH(INDIAN)	4TH ENG	1,168.00	MADVOLU JAGNNATH RAO	INDUSIND BANK,NERUL BRANCH,GROUND FLOOR,KRISHNA KAMAL CHS,SHOP#1&2,PLOT NO-111/E/1,SECTOR 21,NERUL EAST,400706,NAVI MUMBAI,MAHARASHTRA,INDIA.	100101424597	INDBINBBBOV	INDB0000267
	<b>TOTAL AMOUNT</b>		<b>50056</b>	<b>TOTAL AMOUNT</b>				

## Appendix 2

### Salary of Nigerian Crew

Month & Year :		March-21				
Vessel Name		MT ST AMRAH				
SR. NO	NAME OF SEAMAN	RANK	AMOUNT (NAIRA)	NAME OF BENEFICIARY (ACCOUNT HOLDER)	BANK ADDRESS	ACCOUNT NO
1	YUSUF NURA	3RD OFF	250,000.00	YUSUF NURA	GT BANK ,NNAMDI AZIKIWAY KADUNA	0124294481
2	DANLADI JEHU.D	D/CDT	50,000.00	DANLADI JEHU DIZZA	GTB BANK ,BARNAWA KADUNA SOUTH ,KADUNA SOUTH	0459755624
3	YAHAYA MUHAMMED BELLO(NIGERIAN)	E/CDT	50,000.00	MUHAMMED YAHAYA BELLO	ACCESS BANK PLC,GONA QUARTER'S,DUKKU L.G.A,GOMBE STATE,NIGERIA.	0053041757
4	MOHAMMED UMAR KUBA(NIGERIAN)	A/B	150,000.00	MOHAMMED UMAR KUBA	G.T.B BANK ,BURMA ROAD ,APAPA,LAGOS,NIGERIA.	0261742999
5	MUSA BASHEER	A/B	140,000.00	MUSA BASHEER	FIRST BANK ,KADUNA REFINERY	3040373778
6	AMINULAI ABDULQUADRI ADENIYI	A/B	150,000.00	AMINULAI ABDULQUADRI A.	APAPA 1 COMMERCIAL ROAD,LAGOS STATE,NIGERIA	0239301289
7	ILU YAKUBU	O/S	110,000.00	ILU YAKUBU	ACCESS BANK, YANIDOKA ROAD, BAUCH STATE	0025857540
8	ADAM MUHAMMAD BELLO	O/S	110,000.00	MUHAMMAD BELLO ADAM	GURANTEE TRUST BANK,	0021909631
9	MUHAMMED SANI ABUBAKAR	OILER	140,000.00	MUHAMMED SANI ABUBAKAR	FIRST CITY MONUMENT BANK	3461426012
10	DAUDA DAUDA ADAMU	OILER	140,000.00	DAUDA DAUDA ADAMU	ACCESS BANK, AHMADU BELLO WAY JOS PLATEAU STATE	1410478917
11	OGBONNA NDUBUISI VALENTINE	OILER	150,000.00	OGBONNA.N. VALENTINE	FIDELITY BANK PLC,BURMA ROAD APAPA , LAGOS STATE,NIGERA	6237551501
12	TIJANI ABDULAFEEZ AKINKUNMI	WIPER	120,000.00	TIJANI ABDULAFEEZ AKINKUNMI	GURANTEE TRUST BANK,	0568349190
13	DUROTOYE JOHNSON SOGO	CH.COOK	200,000.00	DUROTOYE JOHNSON	ACCESS BANK NO 16B,SILVER BWD ROAD ADEOLAODEIN VICTORIA ISLAND, LAGOS	0052627243
14	AKANNI SULEIMAN MUSA	MESSMAN	90,000.00	SULEIMAN MUSA AKANNI	GURANTEE TRUST BANK,	0026157176
15	ALADETIMI OLUKOREDEADEGOKE	4TH ENG.	250,000.00	ALADETIMI OLUKOREDE ADEGOKE	GURANTEE TRUST BANK, CAR WASH,IDIMU-EGBEDA ROAD, LAGOS	0018799616
16	OBANYANGBOR JACOB	FTR	200,000.00	OBANYAMGBOR JACOB	FCMB, KETU BRANCH LAGOS	4927197015
	<b>TOTAL AMOUNT</b>		2300000			
	<b>CURRENCY : NIGERIAN NAIRA</b>					

### Appendix 3

#### NIGERIAN & FOREIGN CREW SALARY SCALE

RANK	NIGERIAN (N)	FOREIGNERS(\$)
CAPTAIN	NIL	9000- 11000
CHF.OFFICER	NIL	5000-7000
2 <sup>ND</sup> OFFICER	700,000	3000-5000
3 <sup>RD</sup> OFFICER	350,000	2000-3000
TR. OFFICER	250,000	1000-1500
CADET	50,000	NIL
CHF. ENGINEER	NIL	7000-8000
2 <sup>ND</sup> ENGINEER	NIL	5000-6000
3 <sup>RD</sup> ENGINEER	700,000	3000-4000
4 <sup>TH</sup> ENGINEER	350,000	1000-1500
ELECTRICIAN	500,000	1000-1300
FITTER	300,000	1000-1300
PUMPMAN	250,000	1000-1300
AB/OILER	150,000	1000
OS/WIPER	120,000	500-700
MESSMAN	100,000	NIL

## **Appendix 4**

### **Research Survey Questions**

#### **PART A (Personal information)**

##### **1. Please tell me about yourself**

- a. Gender:  
Male  
Female

- b. Age:  
18-25  
26-35  
36- 45  
46- 55  
56- 60

- c. Rank:  
  
Rating  
Cadet  
Officer (Deck)  
Officer (Engine)

- d. How many years have you been a seafarer?  
0-5  
6-10  
11-15  
16-20  
More than 20 years

## PART B

1. How were you employed?
  - a) Directly by the ship owner or ship operator
  - c) Via a crewing agency
  - d) Other. please specify: .....
2. Did you pay any charge for getting an employment opportunity?
  - a) Yes
  - b) No
3. Do you feel you are paid fully in accordance with your employment agreement?
  - a) Yes
  - b) No please comment: .....
4. Are you paid your wages in a timely manner?
  - a) Yes
  - b) No
5. How are you paid your wages?
  - a. Bank transfer
  - b. Bank cheque
  - c. Postal cheque
  - d. Money order
  - e. Cash
  - f. Other. Please specify: .....
6. Have you ever experienced any discrimination in wages?
  - a) No
  - b) Yes. Please comment: .....
7. Are you paid approximately the same wages as foreign seafarers doing equal work and in the same rank in your company?
  - a) I am paid about THE SAME wage as foreign seafarer counterpart in my company
  - b) I am paid LESS than foreign seafarer counterpart in my company
  - c) I am paid MORE than foreign seafarer counterpart in my company
  - d) I feel that it is a combination of the above

- e) There are no foreign seafarer in my company doing equal work and in the same rank
8. If you are paid LESS than a foreign seafarer counterpart in your company, what do you think is responsible for the discrepancy? You may select more than one answer.
- a) lack of qualification
  - b) Race
  - c) Gender
  - d) Nationality
  - e) Religion
  - f) This question does not apply to me. There are no foreign seafarers doing equal work and in the same rank as me in my company
  - g) Other. Please specify: .....
9. Have you ever experienced any perceived unfair deductions from your wages?
- a) No
  - b) Yes. Please specify .....
10. Do you get full payment of remuneration upon termination of engagement?
- a) Yes
  - b) No
  - c) this question does not apply to me as this is my first engagement
11. If you have experienced unfair labour practices, why do think these unfair labour practices continue? You may select more than one answer.
- a) I have not experienced any unfair labour practices
  - b) Unemployment rate
  - c) Poor enforcement of regulations
  - d) Inadequate competence skills
  - e) Other. Please specify .....
12. How do you think the problem of unfair labour practices should be addressed? You may select more than one answer.
- a) Adequate national laws
  - b) Proper enforcement of regulations
  - c) Quality education for seafarers
  - d) Other. Please specify .....



## **Appendix 5**

### Interview questions

The interview questions focus on the implementation of MLC 206 Regulation 2.2 in Nigeria, how seafarer's wages and other entitlements is paid in line with the provision of MLC 2006 and the applicable national law.

- As a stakeholder in Nigerian maritime industry how will you rate the implementation of MLC 2006 Regulation 2.2 concerning seafarer's wages?
- What framework or instrument do you use in determining the wages of seafarers under your employment?
- Do you think Nigerian seafarers are getting equal pay for equal work as their foreign seafarer's counterpart in Nigeria?
- Are there any disparity in the wage structure of foreign seafarers and their Nigerian seafarer's counterpart?
- If yes, what do you think is responsible for this disparity in payments of wages
- How often do you think Nigerian seafarers get their wages paid, regular and on timely manner?
- What do you think the relevant authority and stakeholders should do to address this perceived problem?