

THE WORKING AND LIVING CONDITIONS OF SEAFARERS
AFFECTED BY MLC 2006 IN CASE OF MERMAID SUBSEA
SERVICES (THAILAND) LTD.

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The Maritime Labour Convention, 2006 or Seafarers Bill of Rights provides international standards for seafarers' living and working conditions onboard the vessel. This new convention has a huge impact on shipowners and seafarers around the world. The purpose of this study was to identify the working and living conditions of Mermaid Subsea's Seafarers after MLC 2006 by studying the convention and collecting information from the management and Seafarers who work for Mermaid Subsea Services (Thailand) Ltd. The method employed in this study consisted of qualitative methods in which the researcher got the information by using 2 types of qualitative interview, in-depth interview and focus group.

The results revealed that the working and living conditions of Seafarers onboard Mermaid Subsea's vessels were in line with MLC before MLC came out so there were not any huge changes apart from amending the required information in the Seafarer Employment Agreements, purchasing extra insurances for the financial liabilities and health and also having a new principle called On-board Complaint Procedure. The researcher found many instances where this new convention in some way affects the Shipowner and the Seafarers either positively or negatively. These are shown in this paper.

Furthermore, the impact from MLC 2006 should be studied further with another company that is in a different country or of a different business size. The results maybe similar or totally different; however, it will be useful for others who are interested in this topic.

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CHAPTER 1

INTRODUCTION

Background and significance of the study

The Maritime Labour Convention 2006 (MLC 2006) also known as the “Seafarers Bill of Rights” officially entered into force on 20th August 2013. The Convention was developed over many years, through negotiations between Governments, Ship Owners, Employer Representatives and Unions to ensure that its provisions are sensible, pragmatic and reflect operating best practices. This Convention pulls together and updates a number of existing International Labour Organization standards and conventions, which together provide the international standards for seafarers living and working conditions, such as Seafarers employment agreements, Repatriation, Seafarers complaint handling etc.

Within the International maritime regulation framework, MLC 2006 became the fourth element, in addition to SOLAS, STCW and MARPOL. The aim of these four pillars is to cover all aspects of maritime regulation.

Overview of SOLAS, STCW and MARPOL:

SOLAS is the ‘International Convention for the Safety of Life at Sea’ which specifies the minimum safety standards for the construction, equipment and operation of merchant ships.

STCW is the ‘International Convention on Standards of Training, Certification and Watchkeeping for Seafarers’ which establishes international standards of training, certification and watchkeeping for seafarers, in order to promote the safety of life and property at sea and the protection of the marine environment.

MARPOL is the International standard covering the prevention of pollution of the marine environment caused by ships.

The following figure shows the 4 Pillars that form Maritime Law.



Figure 1 Four pillars of International Maritime Law (Uddin, 2015)

Before MLC 2006 was ratified, the beneficial ownership and control of the vessel was normally based in a different country from that of the flag of the vessel. Many conventions, laws and standards for Seafarers had not been ratified or fully ratified. According to some surveys, ship-owners from developed countries were more likely to choose a foreign flag because of lower wages, with less stringent safety and environmental standards. Seafarers at that time were taken advantage of by dishonest ship-owners. Therefore, in 2001, various seafarer organizations, ship-owners and governments started working together with the aim of creating a tool that could be used globally. This tool should be simple, clear, containing standardized rights, whilst ensuring uniform competitive conditions for ship-owners operating quality shipping. It was intended to cover all of the present requirements for seafarers' working conditions and to be achieved by the general standards included in the convention, which can then be applied everywhere in global shipping. The result of this process is to ensure that seafarers all over the world have decent working conditions.

Moreover, on International Workers' Day, 1st May, a blog called the Officer of the Watch started a poll about what their readers believe regarding MLC 2006 by asking a simple question: "Will MLC 2006 improve the seafarers' life onboard?" The result of the poll reveals that 80 out of 143 believe that the MLC will improve the lives of seafarers onboard the vessel while 40 of 143 believe that the MLC will not bring any changes in the current working conditions of seafarers and the rest seem to believe that the MLC might improve the life of a seafarer. The result shows that the success of MLC 2006 will depend on many variables and factors and it need time to see how this convention benefits the seafarers (Kairis, 2013).

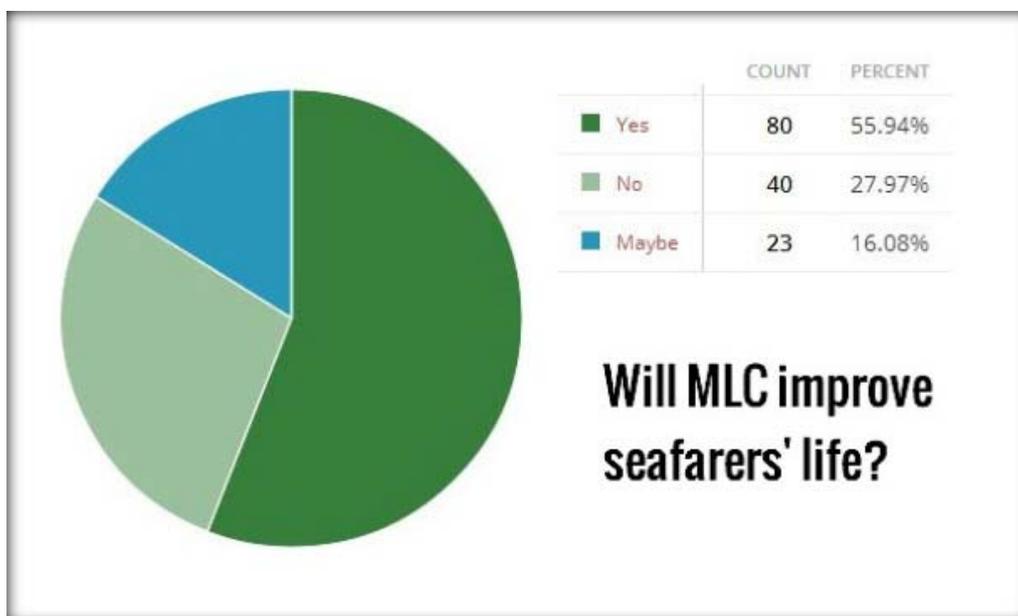


Figure 2 Pie chart of the poll asking the opinion on MLC 2006 (Kairis, 2013)

The reason that the researcher chose Mermaid Subsea Services (Thailand) Ltd. as the base company for this case study was because the researcher was and is working as a Crewing Officer for this company, which is a subsea engineering services company. The company operates 6 vessels and has around 200 Seafarers working on them in many different parts of the world. There are many regulations that the company needs to follow and one of them is MLC 2006. This convention has had a lot of impact on ship-owners around the world and on seafarers' living and working conditions.

Mermaid Subsea Services vessels are flying the Panamanian Flag and all have been complying with MLC 2006 since August 2013. The researcher was involved with the implementation when Panama ratified MLC 2006, as the ship-owner, Mermaid Subsea needed to make sure that they were fully compliant with MLC 2006. For example, the researcher had to be in contact with the legal department to renew the Seafarer Employment Agreements and also help the supervisor to check if Mermaid Subsea were providing what the seafarer should have under MLC 2006. For these reasons, the researcher was interested to study and find out what affect MLC 2006 had on Mermaid Subsea and to look at the working and living conditions of their Seafarers, in order to create models or suggestions for any improvements that could be made to Mermaid Subsea Services' current MLC 2006 system.

Objectives

The overall aim of the study is to identify the working and living conditions of Mermaid Subsea Services Seafarers after MLC 2006 came into force by studying the convention and collecting information from the Management and Seafarers who work for Mermaid Subsea Services (Thailand) Ltd. This research has 3 specific objectives:

1. To analyze the working and living conditions offered by MLC 2006
2. To identify the working and living conditions of Mermaid Subsea Services Seafarers, before and after MLC 2006.
3. To make recommendations to improve the case study company's system.

Scope of research

To study the working and living conditions and the effect of MLC 2006 on the case study Company, Mermaid Subsea Services (Thailand) Ltd., by interviewing the base company's management and seafarers. The researcher chose the sampling by selecting the office managers who have knowledge of and were involved with this new convention and selecting the seafarers, both senior and lower positions, who were working on Mermaid Subsea Services vessels that were alongside port in Thailand during May and June 2016.

Framework of the study

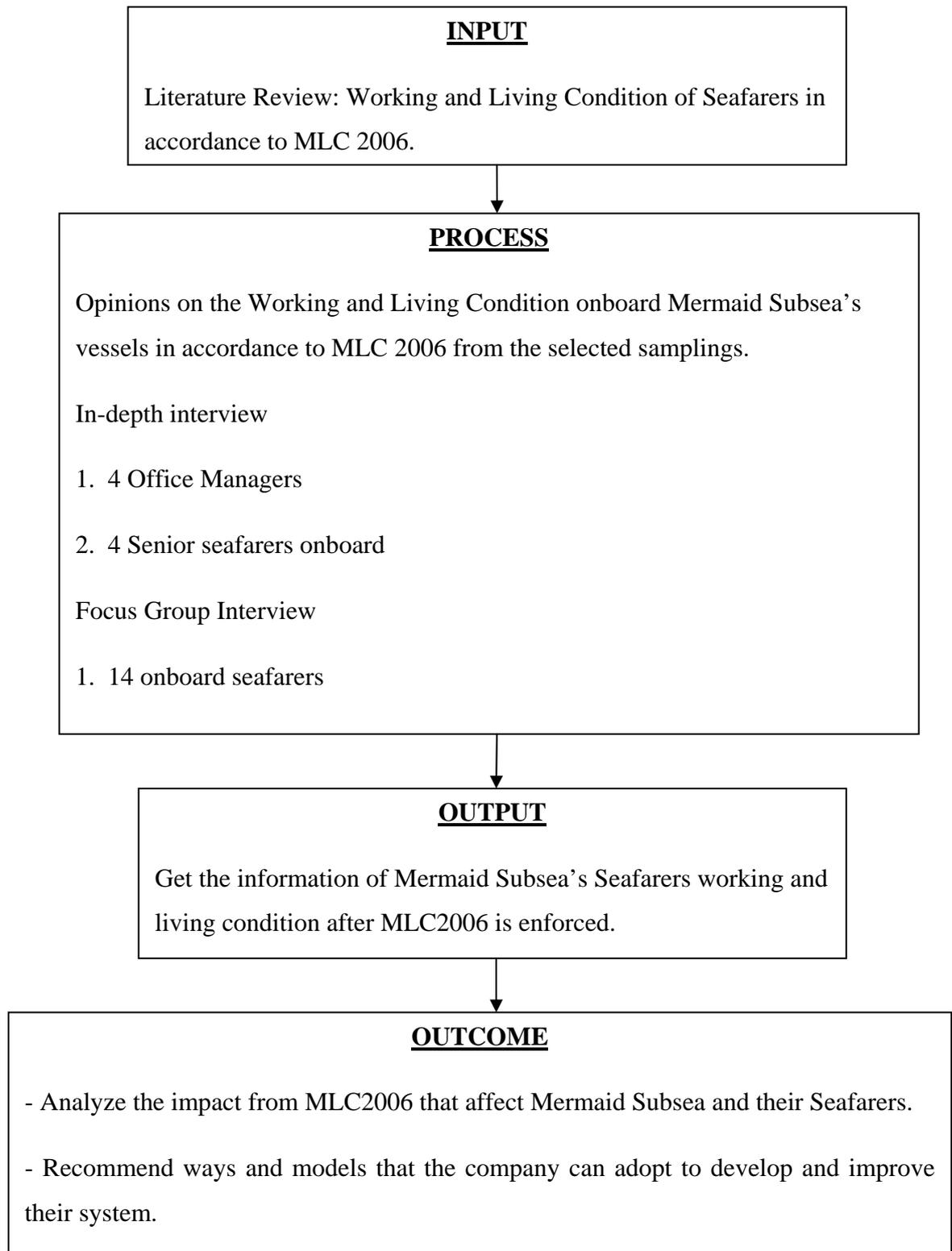


Figure 3 Framework of the study

Expected benefits

1. To understand MLC 2006 which is a new convention that is enforced worldwide and has a huge effect on Ship-owners and Seafarers all over the world.

2. To get information about the working and living conditions of Mermaid Subsea's Seafarers before and after MLC 2006 coming into force.

3. To use the results from this report to identify the effects from MLC 2006 on Mermaid Subsea Services and the working and living conditions of the Seafarers, in order to offer the company suggestions that the company could adopt to help develop and improve their system.

Definition of terms

MLC 2006 is a comprehensive international labor convention in which the seafarers have the right to fair terms of employment, with decent living and working conditions on board. They have the right to a safe and secure workplace, where minimum safety standards are regulated to secure decent work conditions for workers, including social protection, such as access to medical care, health protection and welfare. MLC 2006 consists of the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, health protection, medical care, welfare, social security protection, compliance and enforcement.

CHAPTER 2

LITERATURE REVIEWS

Seafarers' working and living conditions

Seafarers' working and living conditions previously differed from state to state, country to country and even more so from one company to another. The structure of the shipping business is also very fluid and easy to enter, which allowed many dishonest ship-owners to enter the market, aiming to gain fast, high returns. Because of the competitive nature of the business, the owners were finding new strategies and also cost-cutting, which then led to low standards of working and living conditions onboard the ship.

Seafarers are actually members of a trade union that is based in the country where the ship is registered; however, amongst all of the working groups, seafarers are the most difficult to organize in trade unions at a national level. In many cases, union membership starts and ends with the beginning and end of the voyage and also there are many times that seafarers are isolated on board the ship and stay in port only for a few hours, so there was not enough time for the union to react adequately. Even more problematic is when multinational seafarers operate the ship; there is a conflict of interest among the different unions representing seafarers from different countries and nationalities.

There is a term "Flag of Convenience" which is commonly used to describe the flags of countries such as Panama and Liberia and some others, whose laws allow ships that are owned by foreign nationals or companies to fly those flags. In these cases, we can say that the beneficial ownership and control of the vessel are based in a country different from the flag of the vessel. According to some surveys, ship-owners from developed countries are more likely to choose a foreign flag of convenience because of lower wages and less stringent safety and environmental standards. There are also some advantages for the seafarers from this open register as well. Firstly, seafarers from countries such as the Philippines and Indonesia can find employment abroad. Secondly, nations with a high rate of unemployment benefit from the export of seafarers abroad. Therefore, crews of convenience are an easy target for dishonest

ship-owners and are denied their basic human and trade union rights, because these Flags of Convenience sometimes do not enforce minimum social standards. Therefore, many seafarers have become victims of discrimination, maltreatment and bad working and living conditions (Dimitrova, 2010).

The book 'Seafarers Rights in the Globalized Maritime Industry' gives some information about seafarers' welfare rights: that only a few companies have the best practice for welfare provisions for their crew. The countries that have high standards of accommodation on board are North European States, Japan and the United States. There are many elements that determine the standards of seafarers' accommodation onboard ships. Among these are type of ship; however, in the twenty-first century there are a significant number of ships still failing to provide basic human standards of accommodation and communication facilities, such as access to an international phone, phone cards, and internet access, which are the most important welfare services for seafarers. A survey conducted in 2007 by the Seafarers' Trust showed that only 16% of all seafarers and 3% of ratings had access to email. Now comes shore leave, which allows the seafarers to make use of the port-based welfare services. However, in a survey of 3,375 seafarers, 64% of the respondents reported that they did not have any shore leave in the previous eight weeks, as when the ship comes in port, the seafarers are restricted by workload, lack of basic information about the ports, lack of transport and restrictions imposed by the port authorities, which are the main reasons for not having shore leave (Dimitrova, 2010).

Even though, at that time, there were many conventions, laws and standards, only a few of those rules had been ratified by IMO. So, in 2001 various seafarers organizations, ship-owners and governments started working together with the aim of creating a tool that could be used globally, irrespective of the flag state a vessel may be registered with. This tool should be simple, clear, with standardized rights, whilst still ensuring uniform competitive conditions for ship-owners operating quality shipping. It was intended to cover all of the existing requirements for seafarers working conditions and further enhanced standards were included in the convention which could be applied everywhere in global shipping. The result of this process was the Maritime Labour Convention (MLC 2006) which will then provide seafarers with

fair terms of employment and guarantee them safe, secure and decent living and working conditions on board ship.

Seafarers' working and living conditions in accordance with Maritime Labour Convention 2006

To promote the rights concerning seafarers physical and psychological health and well-being, more than 80 percent of the world's global shipping tonnage has ratified Maritime Labour Convention 2006. The move of the ratification of this Convention is the independent variable that impacts the guarantee of the safety and welfare of the seafarers for all the nations that comply with this convention. When the Maritime Labour Convention 2006 came into force, it provided and updated 68 maritime-related international labour standards, replaced 40 existing conventions and 29 regulations. All ships which trade internationally must meet its requirements, whether their flag states have ratified it or not, all ships will be subject to inspection.

MLC 2006 contains various minimum rules, such as hours of rest, length of tour of duty, the right to repatriation, medical help, welfare and occupational health and for wages to be paid monthly. MLC 2006 also includes requirements for seafarers to have social security schemes to provide for them financially with pensions, maternity/paternity leave and in the event of sickness, industrial injury, etc. The first 16 Articles of the convention outline the obligations and principles involved.

To give a better picture of MLC 2006, the new convention starts with a Preamble which sets out the context on which the Convention was adopted. Followed by the Articles which cover the general obligations for the States ratifying the Convention, the fundamental rights, principles and how the Convention works. There are 5 titles with each title covering Regulations, Standards and Guidelines. The Regulations are general, non-negotiable points of principle. Part A are the Standards are mandatory and Part B are the guidelines which contain recommendations, that set out in more detail how the principles contained in Part A can be put into practice. Together, Part A and Part B are called The Code.

MLC Regulations organized under Five Titles:

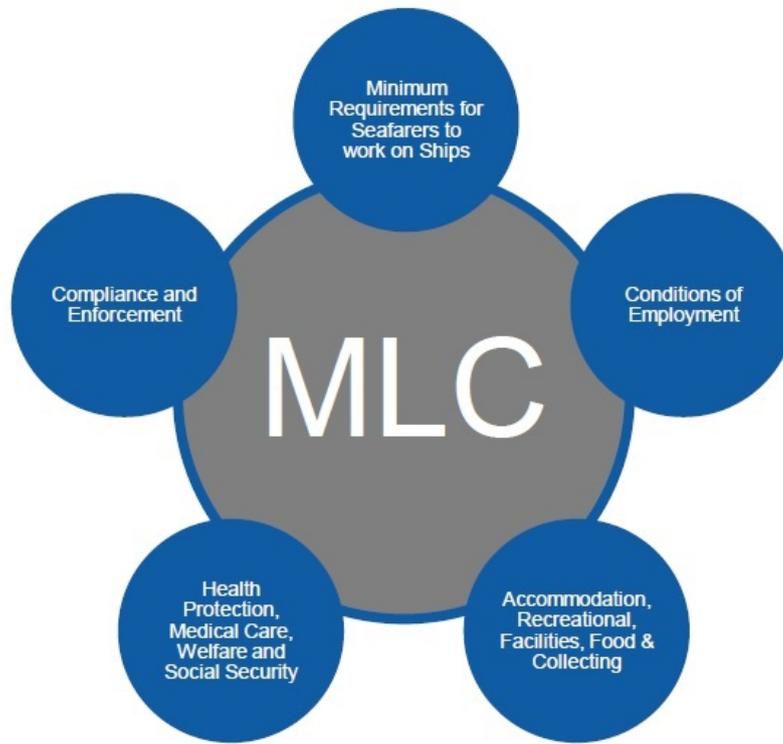


Figure 4 MLC 2006 Components (International Labour Organization [ILO], 2015)

However, for the purpose of this study, the researcher chose to focus on the 5 regulations that, in the researcher's experience, have most impact on a company and the seafarers. The researcher thought that it would be beneficial to study the impact of these regulations once MLC came in to force and to see if there is any point or way for the system to be improved. The regulations that researchers chose to study are as below:

Regulation 2.1 - Seafarers' employment agreements

The purpose of this regulation is to ensure that seafarers have a fair employment agreement. The terms and conditions of the contract need to be a clear, written, legally enforceable agreement and shall be consistent with the standards set out in the Code. The company needs to provide each seafarer with a copy of the Seafarers' contract and permit an opportunity for the seafarer to examine this and to be able to seek advice on it before signing.

Regulation 2.5 - Repatriation

The purpose of this regulation is to ensure that seafarers are able to return home. They have a right to be repatriated with no cost to themselves; the company also needs to provide financial security to ensure that seafarers are duly repatriated in accordance with the Code.

Regulation 3.1 - Accommodation and recreational facilities

The purpose of this regulation is to ensure that seafarers have decent accommodation and recreational facilities on board. The ship-owner shall provide and maintain decent accommodation and recreational facilities for the seafarers working or living on board the vessels; this will apply only to vessels that are constructed on or after the date when this Convention comes into force for the Member concerned. For ships constructed before the entry of MLC into force for the flag State, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (ILO 92) and the Accommodation of Crews (ILO 133), apply to the extent that they were already applicable under the flag state of the vessel.

Regulation 3.2 - Food and catering

The purpose of this regulation is to ensure that seafarers have access to good quality food and drinking water, provided under regulated hygienic conditions. The ship-owner shall make sure that the vessels carry and serve food and drinking water of appropriate quality, nutritional value and of a quantity that adequately covers the requirements of the ship and must provide this all free of charge during the period of engagement. The ship-owner should also take heed regarding the differing cultural and religious backgrounds of the seafarers.

However, one of the requirements that has a big impact from this regulation is the catering crew who are responsible for food preparation. MLC 2006 states that they must be trained and qualified for their position on board the ship. The ship-owner needs to check their qualifications and if the crew are not properly qualified as per the regulation, then the ship-owner will need to send them to do training to ensure compliance with the code.

Regulation 5.1.5 - On-board complaint procedures

A shipowner is required to have an onboard procedure for the fair, effective and expeditious handling of seafarer complaints or alleged breaches of the requirements of this Convention. The procedure is available for inspection on board and in the company's office ashore. Each seafarer will receive the on board complaints procedure that contains contact information for the competent authorities in the flag state and the seafarers state of residence and the name of a seafarer or other person who can give, on a confidential basis, impartial advice on making a complaint.

Implementation of the Maritime Labour Convention 2006

From August 20, 2013, every Flag State that ratified MLC 2006 is responsible for ensuring that the convention's requirements are implemented on board ships flying its flag. All vessels of 500 gross tonnages or above that fly a flag that ratified MLC 2006 are required to carry two specific documents: a Maritime Labour Certificate (MLC) and the Declaration of Maritime Labour Compliance (DMLC) when they operate on international voyages. The Maritime Labour Certificate (MLC) is a certificate that is issued either by the flag State or by the recognized organization working on its behalf and is valid for 5 years. This certificate confirms that the vessel complies with the Convention's requirements. The Declaration of Maritime Labour Compliance (DMLC) has 2 parts. Part I lists the way in which the flag State's regulation complies with the Convention and Part II is drawn up by the ship-owner to show how the vessel is compliant with Part I.

The MLC certificate and DMLC can be subject to inspection when vessels enter into the ports of the Countries that have ratified MLC 2006. Vessels that fly flags that have not yet ratified MLC 2006 are also subject to inspection with respect to the working and living conditions for seafarers, when entering into ports of the countries where MLC 2006 is in force. This inspection is called "no more favourable treatment," which is an important aspect of the Convention that is aimed at helping to ensure seafarers are provided with decent working conditions by all ship-owners regardless of the flag.

MLC 2006 was a historic event in the history of international labour standards governing living and working conditions onboard the vessel. Governments

and ship-owners need to ensure that legal implementation and ratification translates into practice. ILO is working with the key actors in the maritime industry including governments, ship-owners and seafarers to make sure that the goals of the MLC 2006 are achieved (International Labour Organization [ILO], 2013).

Case study company

Mermaid Subsea Services (Thailand) Ltd. is a global oilfield service specialist company headquartered in Thailand. The company provides subsea services to the oil and gas industry operating offshore. Services include inspection, repair & maintenance (IRM), infrastructure installation support, remotely operated vehicle (ROV) Support, cable and flexible pipe laying. The company owns and operates six vessels, which are specialized diving support vessels (DSV); they also own six saturation diving systems, seventeen air diving systems and fifteen ROV systems. Mermaid Subsea serves customers across South East Asia, China, the Mediterranean, the Middle East and the North Sea. Company operations currently span from Saudi Arabia to the United Arab Emirates, Qatar, Singapore, Thailand and Indonesia. Mermaid has a team of more than 1,000 people including Marine personnel, professional divers, technicians, and surveyors. Mermaid Subsea has built up a highly skilled workforce, utilizing modern vessels and equipment for serving customers around the world.



Figure 5 Mermaid Subsea's headquarters and branches (<http://www.mermaid-maritime.com>)

Mermaid Subsea's vision is "To be the "Contractor of Choice" in the Offshore Oil & Gas Services Industry." In order to achieve this vision, Mermaid Subsea's mission is to provide essential services that are safe, efficient, on time and on budget. Mermaid's mission and the focus on customer satisfaction have resulted in Mermaid winning repeat customers and new customers over the years.

Related studies

In order to research this topic, apart from interviewing the ship-owner and the seafarers, all of the information is gathered from various websites, announcements and also from interviews on websites with people who have had a major effect within the Maritime and Labour industry. Therefore, there are some studies that have similar topics and have some detail that is related to the same study. The researcher chose 5 studies as follows:

1. "Developing and Promoting Seafarers' Welfare under the Maritime Labour Convention: A Research Agenda" - This research studies secondary data and also has some case studies, which are 2 major Greek-owned shipping companies, and semi-structured personal interviews. The aim is to examine the promotion and development of seafarers' welfare under MLC, as well as to identify and analyze the existing knowledge on welfare facilities and services, either onboard a vessel or ashore. The conclusion of the study is that shipping companies offer additional welfare facilities and services of high quality onboard vessel exceeding MLC standards, emphasizing that the welfare provisions aim to ensure individuals' well-being, as well as social development and teamwork (Progoulakia, Katradib, & Theotokas, 2013).

2. "Imposing of Responsibility on States' to Guarantee Labour Standards for Seafarers Under the MLC 2006: Can the ILO Achieve Its Goal?" - This study discusses the various issues and applications related to State obligations and identifies ways of remedying deficiencies in an analytical manner. The study concludes that the conventional goals have been achieved in respect of the personal needs of seafarers and with respect to health, education, accommodation, food and sanitary standards and employment security and benefits, training and social security rights with some

overlapping situations with other corresponding IMO instruments (Gunasekera, 2013).

3. “Researching the system of Chinese and Vietnamese Law on Seafarers - From the Viewpoint of Maritime Labor Convention 2006” - The research analyzed the current situation to perfect the system of Chinese and Vietnamese law on seafarers from the viewpoint of Maritime Labor Convention 2006 and concludes that this convention will push maritime development and will protect the legitimate rights and benefits of Chinese and Vietnamese seafarers (Le, 2013).

4. “Dealing with multicultural human resources in a socially responsible manner: a focus on the maritime industry” - The research examines how managing multicultural crews is related to the shipping companies and the industry’s social responsibility. The focus is on the working and living conditions and the management of shipping crews, and shows important aspects of the subject. The analysis of this paper opens up new prospects for further discussion on the social responsibility of the shipping companies and the industrial actors towards the seagoing personnel. The study pointed out only a few basic matters that are believed to reveal the responsibility that lies with the involved actors when human resources are involved (Progoulaki & Roe, 2011).

5. “Decent Work in the Maritime Industry: Focus on Filipino Seafarers On Board Domestic Vessels” - This is a collaborative research undertaking of the National Maritime Polytechnic and the Philippine Coast Guard which was conducted in 2010 and completed in 2011. The research examined the living and working conditions of Filipino seafarers who work onboard domestic ships. The research shows the result that the conditions of seafarers depend on vessel type and company size. Seafarers who are employed in vessels operated by large and medium companies get better conditions but once a standard employment agreement is fixed for domestic shipping, repatriation and compensation for ship’s loss or foundering, among others, could form part of the terms and conditions stipulated therein (National Maritime Polytechnic and the Philippine Coast Guard, 2010).

CHAPTER 3

RESEARCH METHODOLOGY

“The Working and Living Conditions of Seafarers affected by MLC 2006 in case of Mermaid Subsea Services (Thailand) Ltd.” is a qualitative research which has the practices and procedures for conducting the research as follows:

Population and sampling

Qualitative research tends to be concerned with words from data rather than figures. Before collecting information from people, the researcher has to search for information from reliable sources such as official websites, national websites and books to understand this new convention, current situation, changes, etc.

To find out information from sampling, the participants of this research consists of the people who work for Mermaid Subsea Services (Thailand) Ltd. which we can divide into 3 groups:

1st group: Office Managers. There are 4 people chosen who work at management level. The participants were chosen according to their duty, experience and involvement when MLC 2006 was coming into force. Even though there are many people at management level in the company, not many of them know of MLC, or were involved with the changes.

2nd group: Senior positions onboard the vessels (2 Masters and 2 Chief Officers). The researcher chose the participants amongst all of the vessels in Mermaid Subsea Services fleet by looking at the location and availability of the vessel. As Mermaid Subsea Services vessels are operating in many parts of the world, so in order to conduct the interview, the researcher chose participants who work on vessels that are in port in Thailand.

3rd group: 14 crew onboard a Mermaid Subsea vessel. The reason for choosing these participants is the same reason as the 2nd group, in that the participants are working on vessels that are in port in Thailand.

Data collection

Interview Data as primary source:

As we have 3 sampling groups, we obtained the information by using 2 methods of qualitative interview.

1. In-Depth Interview: The researcher conducted a separate interview with 4 Office Managers and 4 Senior positions onboard the vessels by asking questions about their opinions and experiences related to MLC 2006 in order to gain an insight into their individual points of view.

2. Focus Group: The researcher conducted a group interview with 14 crew members onboard one of the Mermaid Subsea vessels. This discussion was guided, monitored and recorded by the researcher in order to generate feedback and information on their collective views about this new convention.

Document Data as secondary source:

1. Gathering information from reliable websites such as the official websites of International Labour Organization, Maritime Labour Convention 2006 and other national websites about seafarers of each country, etc.

2. Finding journals and books that have useful information about Seafarers rights such as Seafarers Rights in the Globalized Maritime Industry by Dimitrova, Developing and Promoting Seafarers Welfare under the Maritime Labour Convention by Maria, Aikaterini and Theotokasc., etc.

Research instrument

There are 3 lists of questions (Two for the In-Depth Interview (Management and Senior Seafarers) and another list for the Focus Group) that are used as the instrument and guideline for the information collection.

Data analysis

Data analysis of this qualitative research is the process of document study in which we move from the raw data that have been collected as part of the research study and use it to provide explanations, understanding and interpretation of the phenomena, people and situations. Once the researcher understands MLC 2006 by

gathering and understanding all the data from websites and other material, the researcher then gets in-depth information from the people working inside Mermaid Subsea Services. The researcher can then analyze all of the information, categorize it and summarize the data to see the impact of this new convention.

Limitations of the study

There were many limitations when conducting this research, one of which is about availability. Mermaid Subsea vessels are working in many parts of the world so the researcher needed to check the schedule and the availability of the vessel in order to be able to visit and conduct the interviews. Another limitation is about legal terminology. Normally law, convention and regulation use many legal words that are hard for people to understand. However, the group of organizations and people who created this convention, MLC 2006, tried to design the convention to be applicable globally and easy to understand for everyone, so in case there were some confusing statements, the researcher asked for the explanation and advice from Mermaid Subsea Services legal department.

CHAPTER 4

RESULTS

As in the previous chapters, the researcher collected the information from the employees (Management and Seafarers) working for Mermaid Subsea Services (Thailand) Ltd. in order to find out the working and living condition onboard Mermaid Subsea vessels under MLC 2006, the new convention that came into force since August 2013.

The researcher chose to conduct eight In-Depth Interviews and a Focus Group interview to get the information. For the In-Depth Interviews, the researcher interviewed 4 Office Managers and 4 Senior positions onboard the vessels and for the Focus group interview, researcher interviewed 14 seafarers onboard a Mermaid Subsea Services vessel. The results of the interviews are described as follows.

Participants

Of the target participants, most of them were able to do the interview. Some asked to answer the questions via email, because to conduct the interview, the participant needed to be available for an amount of time, and also the environment should be suitable for both the researcher and interviewee.

1. Office Managers

The researcher selected 4 Office Managers who were involved with the implementation process of the new convention to conduct the interview. Unfortunately, one of them had to travel overseas on business, so he was not able to give the information. For the rest, they were very cooperative in answering and explaining all information in detail.

2. Senior Seafarers

Mermaid Subsea Services vessels are working in different parts of the world, for example, Saudi Arabia, Qatar, Vietnam and Thailand and during the schedule that was set to conduct the interview, one of the vessels was soon departing to Russia, so at that time, the researcher was able to conduct the interview with Senior Officers onboard 2 vessels and another vessel could only answer the questions via email, as the

vessel was in port in Songkhla and therefore not available to visit. However, a lot of information, both overview and in detail, was narrated sufficiently. Even though one of Captains needed to prepare for the vessel's departure to Russia and one of them had an appointment with a client onboard the next day, they were welcoming and willing to provide the information that the researcher required.

3. Seafarers (Group of Seafarers)

For this group, the situation was the same as mentioned above, in that the vessels which were in Thailand port at that time were all busy and had a very tight schedule. With good cooperation from the Captain onboard one of the vessels, the researcher was able to conduct a Focus Group Interview. It was obvious that the seafarers with higher rank were able to answer and provide more detail than the lower rank, as some of them were not confident to answer and did not know the convention in detail. However, the interview went well and the researcher was able to receive the information that was needed for this research.

Data analysis

There are 3 lists of questions that were used to interview and get the data. Each list has 11 questions, created to facilitate obtaining the information from each sampling type and also to get the specific information about the working and living conditions under MLC 2006 within Mermaid Subsea Services (Thailand) Ltd. However, there are some questions that were used with every sampling group. Therefore, in total there are 18 different questions that were used to collect the information. The answers of these questions are presented as follows:

Question 1: What comes into your mind when you hear the word MLC 2006?

Office Managers: International minimum standards for seafarers, that ensures our seafarers have proper working and living conditions, where we needed to get everything in place prior to the convention coming in to force in August 2013.

Senior Seafarers: Maritime Labour Convention supposes to be an improvement to life onboard the vessel. It deals with the living standard onboard and continues to support the seafarer and his welfare onboard the vessel which can be a variety of things.

Seafarers: Maritime Labour Convention, the standard for Seafarers which supports the seafarers and welfare and it is the "GUARD" to protect the seafarers from dishonest ship-owners.

Question 2: How is the working and living conditions onboard Mermaid Subsea?

Office Managers: In general, Mermaid Subsea Services vessels meet all of the standard's requirements. The company provides good working and living conditions, the newer vessels do have better accommodation than the old vessels. Mermaid is an offshore operator and was operating closely in line with MLC before MLC came out.

Senior Seafarers: Mermaid Subsea looks after their people. The conditions onboard are good and above the MLC standard. One of Mermaid Subsea Services vessels was built in 1987. Onboard has both communication and entertainment such as movies, TV shows, satellite TV, sports, etc. The quality is good enough and the seafarers are very happy with that kind of thing.

Seafarers: Working and living conditions onboard Mermaid Subsea vessel is very good. Everything is very well.

Question 3: What are the most significant changes to Mermaid Subsea due to implementation of the MLC?

Office Managers: There was no huge change apart from ensuring that all the Seafarer Employment Agreements were in line with MLC. The company had to purchase some extra insurance for financial liabilities for repatriation and healthcare and also compile the DMLC Part II for each vessel, which is the declaration of Maritime Labour convention: these were probably the biggest changes.

Senior Seafarers: Nothing much, as Mermaid Subsea used to implement most of the items mentioned in MLC. However, the Captains will be doing extra audits and have an extra certification in the certificate folder. Another change is the cabins. Since the implementation of MLC, there are designated cabins for male and female personnel.

Seafarers: There were not many changes, because Mermaid Subsea already operated above the standard of MLC. One of the changes is the designated cabin for ladies, as before they needed to share the toilet with the men. Also in the case when

they were short of cabins the female seafarers had to share a cabin with men. Now it is designated, which is a good point. However, rather than update and improve the conditions, there is a step back as well. Before MLC 2006 the company gave 3 months notice to the seafarers if the company would like to terminate the contract and when this came in it was changed to 1 month which in some seafarers' opinion they think that it did not work.

Question 4: Are the standards in the new convention lower than existing Mermaid Subsea standard? How?

Office Managers: They are in some ways. Mermaid Subsea provides the expatriate crew with full health & life insurance where MLC only requires this when the crews are actually onboard the vessel, so in some ways we were above the standard before the standard came out.

Senior Seafarers: They are more or less parallel and more or less similar. As Mermaid Subsea offers quite a high standard, MLC comes in little lower than the standard the crews already have onboard the vessels. Seafarers are well looked after, health, welfare, safety. It's all there from Mermaid Subsea.

Seafarers: Mermaid has a higher standard than MLC 2006. The cabin is higher quality than MLC requirement and food is better than the basic requirement. As Mermaid Subsea is a subsea service company, then the client is very concerned about the rules and requirements, so they inform the company when they find something that needs to be improved.

Question 5: Are there any costs to the company ratifying the Convention?

Office Managers: The biggest cost is the insurance that the company has to buy for financial liability which is about 4,000 USD per vessel per year. The cost is depending on the crew: the more crew, the more expensive. There was a lot of manpower used to rewrite the Seafarer Employment Agreements, review them and get them so that they were compliant. The company also needed to do the DMLC Part II and the audit time needed for the office and vessels so there are continuing costs to compliance by the amount the time it takes and the manpower that this ties up to do it.

Question 6: What are the ship-owners' responsibilities under MLC 2006?

Office Managers: The ship-owner needs to ensure that all clauses contained within the MLC 2006 regulation are adhered to. The company must now employ crews that are over the age of 18. They must provide good accommodation, good food and entertainment facilities for their seafarers also provide material assistance and support to all their seafarers with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from the employment under such an agreement. These financial consequences include loss of wages and also medical and other costs. They must guarantee to repatriate the crew and not leave them stranded in a port, even in the case of bankruptcy. If the company goes bankrupt, they must have some financial responsibility insurance system that allows for that. The seafarers now also have the right to complain. Cooks must now be adequately qualified.

Question 7: How is supervision to be carried out? What are the consequences of failure to comply with the MLC?

Office Managers: Supervision is by way of audits, both internal and external, there are penalties for failing to comply and these vary on the nature of noncompliance, so if there was major noncompliance, the Port State that was auditing the vessel could detain the vessel until it can be proved that you are compliant. In general, they would issue a noncompliance notice with a time limit of two months or three months to comply, major noncompliance could result in detention of a vessel.

Question 8: What are the key liabilities and responsibilities of the ship-owner toward the seafarer that are regulated under the MLC?

Office Managers: The key ones are that MLC 2006 sets out the minimum requirements for seafarers to work on a ship: the conditions of employment, minimum standards of accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection and these are now enforceable by the flag states and port state control. Now port state controls have audit right over the MLC, where before they did not have, so now they can come onboard and make sure you are compliant with MLC. The compliance is required and enforced even if a vessel is registered with a country that has not ratified the treaty. If

the vessel flies a Thai flag and Thailand hasn't ratified the MLC 2006, then that vessel still must comply and must be able to prove that they are compliant. So if the vessel went to any port anywhere in the world that had ratified the treaty, the port state control has the right and requirement to audit the vessels which will be done on random basis or if there's the cause to believe, via the complaint from a seafarer, that the vessel doesn't comply.

Question 9: What was amended to the standard contract forms as a consequence of MLC 2006?

Office Managers: The main amendments were the addition of an address for repatriation. The comment that repatriation would be after no more than one year's service, even though Mermaid Subsea Services crew are never onboard a vessel for that long, it still has to be in the contract. The company now has to include any leave pay, so if somebody is on a day rate instead of a monthly salary, then the company now has to split it, so it shows the day rate for the time at work and the time you will be on leave. These were the major changes.

Question 10: Onboard complaint is one of the outstanding principles set by MLC 2006. For Mermaid Subsea, what was the company procedure when the crew would like to make a complaint about the living and working conditions onboard the vessel? In your opinion, do you think this principle can be of any benefit or loss to the company?

Office Managers: Before MLC 2006, Mermaid Subsea did not have an official onboard complaints procedure in place. They did not have any document for the crew to complain, apart from an ISM requirement through the DPA, but the crew would have to know that. After MLC, the procedure now is that the seafarer fills in a complaints form and passes to his immediate supervisor: if this cannot be solved, then it will go up the chain to the Master, for in the event the Master cannot resolve it, then it will be passed to the DPA. The seafarer also has the right to go directly to the relevant flag state, or complain to an auditor.

The process has positives and negatives; the positives are that the company can improve the vessel and conditions if there is a problem, so if the seafarer has identified a problem in the system or with the vessel and the crew member has then made a complaint bringing it to our attention, the company needs to do something

about it, which is a good thing. The negatives are that seafarer can use this procedure to complain about something that is perhaps not justified or not a valid complaint and if they go directly to flag state it actually could cause the owner, Mermaid Subsea in this case, a problem, when it should not, as the flag state takes these things very seriously, as it is a part of MLC.

Senior Seafarers: Before the implementation of MLC 2006, all seafarers on board Mermaid Subsea vessels could pass their complaints to the Master of the vessel. However, there are 3 things that would happen. If the seafarers were brave enough, they would go straight to the Master and complain. The other way they would do is the engine room crew would go to the Chief Engineer or 1st engineer and eventually it would get to the Master, usually through the Chief Engineer. Another way is they would go to the medic, especially the Filipino personnel, they tend to use a spokesperson and for them this is the Medic, because he is on the bridge all the time and he deals with Captain on a daily basis, so he then went to the Captain with the complaint. Another way was a little bit old fashioned. They just spoke about it, moaned, complained and made noise in the galley and the mess room, then eventually the Captain would hear about it. When MLC came in, it is a more official way, in which everyone gets the complaints form when signing the contract. However, the Captain says it seems too official for them. As a Mariner and as a seafarer they can feel like they should be able to work things out as a team. To make it official and put it on a piece of paper sometimes is a step too far, so in reality the seafarers just speak and moan still.

As per the interview, they said this principle is a benefit. It is very important to share information, before the information used to be all coming from the office to the ship, but now everything is a two-way street and it opens lines of communication, whether it be complaints or positive feedback. So, it is better for both the ship and the office on the whole.

Seafarers: Before MLC if you would like to complain, you would communicate to the head of the department by voice or email. If he didn't help, you will go to the Captain. Now the seafarers have the onboard complaints form, where if it cannot be solved on the ship, it goes to the company, so the company needs to

resolve the complaint and do something about it, which is a bit better than it was before.

Question 11: Was there any problem about repatriation before Mermaid Subsea complied with this new convention? Once the company was certified were there any significant changes in the company procedure?

Senior Seafarers: Now that the price of oil has gone down pretty low and budgets are much tighter and margins are much smaller it will not reflect repatriation, but it will affect the crews feeling over repatriation, because they are now not getting the flights that they want or they are not getting the flight time that they want. The comforting thing is that it is not contained in the requirement. About repatriation concerns, the seafarers have always been repatriated whenever there has been a case onboard, such as a medical case. They have always been repatriated immediately and there is always the assistance of major clients like Chevron or CUEL. The clients all offer a helicopter to get a person in as quickly as possible, the same goes for compassionate reasons, if somebody's family member is seriously ill or dies so that they need to be home for the ceremony. Mermaid Subsea is very good and the clients have always been very good, so there is no cause for complaint about it. One of the senior positions gave us an example of his experience from a previous company. He worked 10 weeks on 10 weeks off and a lot of the time, when his 10 weeks were up then he had no relief, so it was 11 weeks, 12 weeks. Therefore, you can't really plan your life at home and sometimes his family at home were wondering what was happening. However, in this regard, Mermaid Subsea has always been very good with repatriation and that is another reason why he liked working with this company.

In addition, there was Seafarer abandonment insurance so the company will not leave a seafarer in port in a foreign country without being looked after, regardless of the circumstances.

Question 12: What is the standard of normal working hours on Mermaid's vessels? In your opinion, was the standard of Mermaid before better than Mermaid now with MLC 2006? How?

Seafarers: Normal working day on Mermaid's vessels is 12 hours and rest 12 hours which before and after MLC 2006 are the same condition. However, it also depends on the job. Seafarers work 8 hours per day while the vessel is in port and 12

hours per day during the project. In the seafarers' opinion, the standard is same as before and each crew has their full rest as per normal standard.

Question 13: Referring to MLC 2006 Regulation 3.1, the ship-owner shall ensure that the vessels have decent accommodations and recreational facilities for seafarers which is consistent with promoting the seafarers' health and well-being. Please let me know what are your views on Mermaid Subsea accommodations onboard before and after MLC 2006?

Seafarers: There is no difference before and after MLC 2006. Mermaid Subsea has always had a good standard. They provide facilities that have a higher standard than MLC 2006. They provide good food, gym facilities, recreation rooms, books for people who like to read. The accommodation on Mermaid Subsea vessels are quite comfortable, the company has additional messman onboard to assist the seafarer to do any cleaning and housekeeping. As the vessel's projects are related with passengers and clients, then the company has to keep and maintain the accommodation in good condition and be ready to serve the client all of the time.

Question 14: From your own experience before MLC 2006, have you ever faced any unfair situations from another ship-owner? How about Mermaid Subsea?

Senior Seafarers: Most participants said no, but one gave example situations from his previous experience. He said that he had been made redundant twice. First time it was because the vessel of the company was sold and everybody was made redundant. The second time he was made redundant on his own because he was the last person to join the company, so he was the first person to be made redundant, he did not take that up to the company as he saw it was part of working offshore. However, there was one situation where he worked for a short while in West Africa as a DP training officer. He was going around several vessels within a large fleet, for the second largest ship operator in the world and he was teaching the crew onboard the vessels that had DP installed at the time. When he got to the first ship that he was assigned to, it was old and the conditions onboard were quite poor. There were no easy ways of communicating with home. Other than using a satellite telephone which was very expensive at the time and as there was no public computer to use there, there was no email and no internet. The only way he could communicate with

home was by using the ship's fax machine. This was in 2000, so the internet was around, email was around, there were communication methods available, but not on that vessel. It was very difficult to work because you could not create a form or print a document. Fortunately, he was quite good with IT, so he managed to build a computer out of 2 old computers that were broken, he then managed to get a computer with Windows 98 and the crews were delighted about this. It was not connected to the internet, but it was a computer that they could use together. Eventually a few weeks later he managed to get a French Canadian company to supply them with email, so that was even better, everybody onboard was absolutely delighted. However, the problem was only ten days into his trip. They were off hired in a city in West Africa. It was very hot and the air conditioning failed, so life got to be very difficult on the ship. There was danger of mosquitoes with the worry of malaria and it was extremely difficult to sleep at night whilst you were sweating and the conditions were really poor. He left the vessel whilst everybody was still onboard and they were just getting air conditioning system fitted to the ship. He heard that the Captain and the Chief Engineer were both being dismissed over not doing enough for the crew, so that was really the only time in his career that he could think of where he had a real grievance with a company. At the time, the head of department, the Captain or the Chief Engineer were supposed to have passed the complaints on to the Company, but it seems that they did not. Things are very different now with the onboard complaints procedure, so it is much easier now for people to complain. For Mermaid Subsea, seafarers are always being treated well and are looked after. The senior seafarers think that the company is always very fair to their people, which they enjoy.

Seafarers: Some seafarers gave the information that another company was bad at taking care of the rating positions. Everything was different from the officer, different food, different in everything, but at Mermaid Subsea, they provide same the food and conditions. The company is taking very good care of their crew. Another crew also gave an example of an unfair situation from a previous company. When she was working in Mexico, before MLC came in, the company did not care about the welfare of the people working onboard their vessel. The food was very different between the ranks of the crew. Hours of rest were not respected. They sometimes had to work 20 hours straight with no choice. With Mermaid Subsea, the conditions are

very different, hours of rest are respected, and the food is equal for everyone. Another crew added the information where he once worked on a cargo ship in 2001. The living conditions onboard were uncomfortable, small cabins with no soundproofing. Sometimes they even had to ration the water but for Mermaid Subsea, he has never faced situations like that.

Question 15: What impact has MLC 2006 had on you?

Senior Seafarers: Captains have extra audits and extra certificates to look after now and if there is any complaint, it must be solved within a limited time. Captains must take action to find the best solution to solve it. If they cannot, then it should be handed to an onshore representative.

Seafarers: One of the impacts is the designated cabin for female seafarers. However, as the Mermaid Subsea standard was similar to MLC 2006, so once this convention came, there was not much impact to anyone.

Question 16: In your opinion, how will MLC 2006 protect more of the world's seafarers?

Senior Seafarers: One of Mermaid Subsea Services Captain's said that he had always been on offshore vessels similar to Diving Support Vessels for most of his career, so the conditions onboard were already fairly high. The vessels are paid a high day rate for the services that they offer to the clients and as such the client expects a certain level of service, a certain quality of food, a certain standard of accommodation and certain level of communication and entertainment. However, he did give the researcher his opinion of what he saw in the news. According to the maritime news that he read, there are still a huge amount of vessels going around the world with very poor working conditions. In the North East Coast of England in the Port of Tyne, once in a while the local news has stories of ships, where seafarers have not been paid for 6 months plus. They have not received any provisions for three months and they have not been able to get off the vessel because the vessel has been impounded for being illegal. These kinds of stories still occur and MLC is not going to totally stop this, MLC can only make things better, regular auditing of the vessels, regular inspections by a Port State Authority, regular Flag State inspections making sure that the MLC policy or the MLC regulations are being adhered to. The standards are being raised to at least the minimum. MLC 2006 is going to raise the standard on those vessels being

traditionally run with a very low budget with seamen being paid a very small wage and with bad food, terrible living conditions and accommodation, working very long hours and not being looked after at all. So yes, it's going to make the world's seafarers more comfortable and the law should protect them. Mermaid Subsea implemented MLC, but as they were above the standard already, the seafarers of other companies will benefit from this convention more than Mermaid Subsea Services crew.

Question 17: How does MLC 2006 benefit you?

Office Managers: Generally, the company has happier, more secure & satisfied seafarers. The biggest benefit is that this shows our clients and anybody else looking at the vessels, that Mermaid Subsea is a responsible owner who actually cares about the welfare of their crew. The benefit of MLC 2006 was not really directed to the company, it is there to protect the crew, because there are some very bad ship-owners out there, that literally, if the ship or company went bankrupt, would just leave the crew wherever they are. The idea is to try to stop this type of practice. If they have properly covered all aspects of MLC 2006, then that company should have the required insurance to ensure that this type of thing cannot happen.

Senior Seafarers: MLC 2006 will benefit the seafarers who are in the lower ranks on the vessel. As Captains and other senior officers are pretty well looked after on most vessels, so the real difference will be for the crew that are in the lower ranks, the ABs, the motormen and oilers etc. Another benefit is the onboard complaints form, as it could make the company more aware of the situation of the seafarers and their wellbeing.

Seafarers: Now we can be heard, as there is a form for the complaints procedure, so if there is something to deal with or to talk about, we can fill out that form and somebody in the office, DPA, will give them a reply, so we are being heard now and not just being ignored. MLC 2006 will also ensure that the company keeps good living conditions onboard their vessels.

Question 18: Please provide any other comments you wish to make about working and living conditions of Mermaid Subsea Seafarers.

Senior Seafarers: One Captain brought up the topic about communication, which he said, is the most important thing for a seafarer, to be able to be in touch with

their family. The seafarers would rather have that, than good food and good living standards. Communication is very important. The bandwidth here is heavily restricted and there are only 2 public computers that are shared with around 50 others, so they can only have a limited amount of time on the computer. Mermaid Subsea is very tight when it comes to bandwidth. Communications are mentioned in MLC, but they do not go far enough to state the minimum of bandwidth per person, or how much time per day or per week a person can spend on a company provided computer to communicate with home. So the regulations are there, but they are not specific enough to force the company into offering more. In his opinion, he thinks the company could do a little bit more in the way of providing better electronic communication, which means internet.

For another Captain, he mentioned that the company did their best to provide a decent and up-to-standard living condition for seafarers on board vessel, viewing this from all aspects (accommodation, food, entertainment, etc). It happens a lot that Mermaid Subsea will listen to individual's personal problems and do their utmost, within their best ability to solve that problem.

One of the Captains also mentioned about repatriation. When his vessel is actively operating offshore, then quite often the dates for the crew change are changed to suit operational requirements and there are certain clients that will not allow a crew change to take place whilst the vessel is offshore. This makes it difficult plan their personal life when the seafarer does not know when they are going to be able to return home if the crew change date suddenly changes, so they hope that those situations will change once things pick up in the industry. However, nobody is complaining, but they do hope that it is going to improve.

One senior seafarer informed us that, in his opinion, one thing that Mermaid Subsea never spends lots of money on, is getting the accommodation to be a really nice area to live in. He has tried very hard to get the cabins refurnished on the lower deck, because it makes a huge difference, even just by painting and new beds. They did get new mattresses over the last year, which was good, so if Mermaid Subsea really wants to improve something, he thinks there is a lot that could be done on the accommodation.

Seafarers: Mermaid Subsea has got higher standards than the MLC requirements. Everybody onboard is happy with the working and living conditions here. Mermaid is always focusing on having direct contact with their employees. Seafarers think that the management side and the crew management side know the crew, which differs from other companies, where the person in the office does not remember a seafarer's face, or who they are. Here they feel like that they belong to a big, happy family.

After the completion of the interviews, all of the information can be divided into 5 categories as follows.

1. Maritime Labour Convention, 2006
2. Implementation of the MLC
3. Costs to company ratifying the Convention
4. The outstanding principles set by MLC 2006
 - 4.1 Seafarers' employment agreements
 - 4.2 Repatriation
 - 4.3 Accommodation and recreational facilities
 - 4.4 Food and Catering
 - 4.5 On-board Complaint procedures
5. Benefits

1. Maritime Labour Convention, 2006

From the participant's point of view, MLC 2006, the fourth pillar of ISM, is the international standard to look after seafarers worldwide and to ensure that they have proper working and living conditions onboard the vessel. The new convention supposes to continue the support for the seafarers and their welfare, which required the ship-owner to get everything in place by 20th August 2013 when it first introduced.

2. Implementation of the MLC

Once MLC 2006 came into force, Mermaid Subsea needed to ensure that all regulations contained within the convention were adhered to. The key ones are that MLC 2006 sets out the minimum requirements for seafarers to work on a ship, the conditions of employment, minimum standards of accommodation, recreational

facilities, food and catering, health protection, medical care, welfare and social security protection. The company must guarantee to repatriate the seafarers and not leave them stranded in a port and if the company went bankrupt, they must have some form of financial responsibility insurance system that allows for that. Mermaid Subsea needed to also support the financial consequences of the vessel floundering, crew sickness, injury or death occurring, whilst crews are serving under a seafarers' employment agreement. These provisions complement the protection of the seafarers.

To ensure that the company fully complies with the MLC 2006, supervision is by way of audits both internal and external, in the office and onboard the vessel. Now Port State Control have audit rights over the MLC, which before they did not have, so now they can come onboard and make sure the company and vessel is compliant with MLC 2006. If there was major non-compliance, the Port State officer that was coming to do the inspection onboard the vessel could basically detain the vessel, until it can be proven that there is compliance. One of the important tasks that Mermaid Subsea staffs need to do, is to constantly monitor the vessel's condition and ensure that any discrepancies are quickly dealt with, to avoid any major non-compliance that could result in the detention of a vessel.

The compliance is required and enforced, even if a vessel is registered with a country that has not yet ratified the treaty. For example, if a vessel is flying a Thai flag and Thailand hasn't yet ratified MLC 2006, then that vessel must still comply and needs to be able to prove that they are compliant, when this vessel goes to a port anywhere in the world that has ratified the treaty, the Port State Control officers have the right of and requirement to audit the vessel and the audits will be conducted on a random basis.

3. Costs to the company of ratifying the Convention

In order for Mermaid Subsea to comply with this convention, there are costs. The company had to purchase extra insurance for financial liabilities, which is the biggest cost. The cost is about 4,000 USD per vessel per year and the cost is depending on the crew; more crew more expensive. For the certificate, there was also a lot of manpower used initially to write the Seafarer Employment Agreements, review them, and get them compliant, to write the DMLC Part II and the audit time

needed for the office and vessels. So there are costs to compliance just by the amount of time this takes and the manpower that this ties up to maintain compliance.

4. The outstanding principles set by MLC 2006

Mermaid Subsea is an offshore operator which was in line with MLC 2006 before the MLC came out. Their standards are maintained to a very high level and meet most of the convention's requirements. In general, Mermaid Subsea Services vessels have good working and living conditions. From the participants' point of view, the living conditions onboard Mermaid Subsea vessels are in the forefront of offshore companies that are operating in Thailand.

Comparing to MLC 2006, the standards of Mermaid Subsea are similar to the convention. However, in some ways the convention's standards are a bit lower. Mermaid Subsea provides the expatriate crew with full health and life insurance regardless of the crew being onboard a vessel, whereas MLC 2006 requires these policies only when the crew are actually onboard the vessels, so in some ways Mermaid were above the standard, before this standard within the convention came out.

4.1 Seafarers' employment agreements

Even though Mermaid Subsea standards are similar to MLC 2006, there were some parts of the Seafarer Employment Agreements that needed amending in order to comply with the convention. The main amendments were the addition of an address for repatriation, the comment that repatriation would be after no more than one year's service onboard. Even though Mermaid Subsea never let the seafarer to stay that long anyway, it has to be mentioned in the contract. The company has to make sure of the addition of leave pay if somebody is on a day rate, which now has to be split up so that it shows the day rate component for the time the seafarer works and the time they will be on leave. Mermaid Subsea used to give the seafarer 3 months notice if the company would like to terminate the contract, but when this convention came in, the seafarer was given the minimum, 1 month termination notice, so some crew feel that rather than an improvement that this is a step backwards.

4.2 Repatriation

As per the requirement from MLC 2006, Mermaid Subsea had to purchase some additional insurance, one of which is financial liability for repatriation.

The company must guarantee to repatriate the crew and will not leave them at a port in a foreign country without being looked after, even in the case of bankruptcy. One of the Seafarers had been in Aberdeen Harbor. There was a Russian fishing vessel there. The guys had just been left. The company said that the vessel has been arrested and would not relieve them, so they were onboard for year and a half and could not get off. There was no support or money to fly them home, so this regulation should protect them. Another example is on the North East coast of England. Once in a while the local news has stories of ships where seafarers have not been paid for 6 months. They had not received any food provisions for three months and they were not able to get off the vessel because the vessel had been impounded for being illegal. These stories still occur. MLC 2006 is not going to completely stop this kind of story, there will still be unscrupulous ship operators who are running low on money and trying to make a quick profit. When things do not go well the seafarers end up being the ones who get punished. For Mermaid Subsea, the seafarers have always been repatriated, whenever there has been a medical case onboard. They have always been repatriated immediately. The company has always received the assistance of major clients like Chevron or CUEL. They all offer a helicopter to get a person in as quickly as possible, the same goes for compassionate leave if somebody's family member is seriously ill or dies so they need to be home for the ceremony. Mermaid Subsea is very good and their clients have always been very good also.

Because the price of a barrel of oil has gone down to a lot lower price than recent years and budgets are consequently much tighter, the seafarers are not getting the flights that they want, or they are not getting the flight time they want because the budget can be strained. The comforting thing is that it is not required in the convention, so it does not affect repatriation, but it will affect the crews feeling over repatriation. Nevertheless, seafarers that are onboard Mermaid Subsea vessels have never been left onboard too long and Mermaid are always very fair. The company has always got the crew home and in some of the Seafarers' opinion, they do not think that the company's management like the crew to be onboard for too long, as it has a negative impact on safety as well. Mermaid Subsea has always been good at providing relief, where in some companies it has been different. In some companies, when the crew has been working a 10 weeks on / 10 weeks off rotation, a lot of time

his 10 weeks were up and they had no relief for them, so then it was 11 weeks or even 12 weeks, where the seafarer cannot really plan their life at home, Mermaid Subsea has always been very good with that and this is another reason why the seafarers like working with them.

However, one of Mermaid Subsea's vessels would like the company to improve repatriation, as it seems to be a bit of a problem with some of the projects. On some trips the seafarers need to extend their stay 1-2 more weeks onboard because the project has not been completed as planned. One of the vessel's clients sometimes will not allow crew changes to take place offshore, so it is not easy for the seafarers to plan their personal lives, as they do not know when they are coming or going if the vessel's crew change timing is changed. This issue has already been raised with the office and they are finding ways to solve this problem, even though nobody is complaining and before extending the trip, the company always asks for their consent to stay and if the crew is not able to, the company will find a relief. The seafarers are hoping there will be some improvement about this.

4.3 Accommodation and recreational facilities

In general Mermaid Subsea vessels have good working and living conditions, the newer vessels do have better accommodations than the old vessels and because Mermaid Subsea was in line with MLC before MLC came out, so, as per the information from Mermaid Subsea Seafarers, there were not many changes about the accommodation after the implementation of MLC 2006 because Mermaid Subsea already operated above the standard set by the new convention. However, there is one major change for the accommodation since the implementation of the MLC. The seafarers have got designated cabins for male and female personnel. Previously female seafarers needed to share toilets with the male seafarers. In some cases, when cabin space was short they would even have had to share cabins with the men. Now these are designated, which is a very good point as Mermaid Subsea currently has 2 female crew working in the fleet, so this change is beneficial for them.

Concerning older vessels, Mermaid Subsea has one vessel that was built in 1987, as a dive support vessel, so now she is getting on in age. She has been around for a long time and has proven her reputation time and time again as a solid working vessel and she is still working. In 1987 the quality of the accommodation was

adequate. The Captain's cabin is nice, but the other cabins are not so great and they are quite small. This however, is the nature of trying to get 90 people on a vessel of this size. From a MLC prospective, the accommodation complies under the older regulations. Mermaid Subsea vessels are paid a very high day rate for the services that they offer to clients and as such the client does expect a high level of service with good quality food, good standard of accommodation, good levels of communication and entertainment.

Even though the MLC accommodation standard should protect the seafarers facing problems, this is not achieved 100%. There are still parts of the world where companies can get away with mistreatment of their employees and nothing would stop them from doing this.

Mermaid Subsea implemented the convention and they are above the standard. The accommodations on Mermaid Subsea vessels are comfortable and Mermaid has additional messman on board to assist the seafarer to do the cleaning and housekeeping and this was in place even before MLC 2006. For other companies, seafarers will benefit from this convention, which means it is going to raise the standard on vessels that were traditionally run on a very low budget with seamen being paid very low wages, given bad food, suffering terrible living accommodations, sharing a cabin with 8 other people and generally not being looked after at all, so it is going to make the world's seafarers workplace more comfortable and pleasant. One Mermaid Subsea crew told the researcher that in 2001, when he was working on a cargo ship, the living conditions onboard were uncomfortable, with small cabins and no soundproofing. Sometimes they even had to ration water. This seafarer has never faced this kind of situation whilst working with Mermaid Subsea.

Although the conditions onboard Mermaid Subsea vessels are quite good, there is a suggestion from a Mermaid Subsea senior officer who is working on an older vessel. He suggested that the company needs to spend more money on getting the accommodation to be a really nice area to live in, little bits are getting done such as getting new bathroom floors and mattresses, which in his opinion really needs to happen for their accommodation and he thinks that this is an area of MLC where Mermaid can improve.

4.4 Food and Catering

There are some new requirements for catering for seafarers from MLC 2006. Catering staff need to be properly trained and be adequately qualified, so ship-owners need to make sure that their seafarers have the correct certification in place. Ship-owners must provide good food; the food provided onboard Mermaid Subsea vessels are well above the basic requirement. The company is taking good care of all ranks, not only the officer positions. One of the officers said that when she was working previously in Mexico, before MLC 2006 had been introduced, the company that she worked for did not care about the welfare of the people working onboard the vessel. There was not much food provided and it differed between the crew ranks. Officers can ask for additional food but the riggers, the oilers, ABs etc. did not have the same options or the right to ask for more food. At Mermaid Subsea, the conditions are different, the food is equal for everyone and there aren't two standards onboard the vessel.

4.5 On-board Complaint Procedures

Before Mermaid Subsea was certified for MLC 2006, the company did not have an official onboard complaints procedure in place. When seafarer would like to complain, they would raise it with the head of the department, by voice or email. If this didn't help, they would raise it to the Captain and he would, if needed, send this to the office. From the information that the researcher could get, some of the Captains operate with an open door policy, so the crew can come straight to the Captain and complain. The other way they would do is the engine room crew would go to the Chief Engineer or 1st Engineer and eventually it would get to Captain, usually through the Chief Engineer. Another way was the Filipino crew would go to the Medic, especially those in a rating position. They would use a spokesperson and for them, this was the Medic, because he was up on the bridge all the time and he was dealing with Captain on a daily basis, so he then came to Captain with the complaint.

After MLC came in to force, there was a more official onboard complaints procedure. The company provides the complaints form when the seafarer signs the contract. The procedure is that the seafarer fills in an onboard complaint form and passes this to his immediate supervisor. The complaint must be solved with a limited period of time/ if it cannot be solved, then it will go up the chain of command to the

Master/ in the event the Master cannot resolve it, then it will be passed to the DPA. The seafarer also has the right to go directly to the relevant flag state, or complain to an auditor. However, the reality is there is not much change. The seafarers are still doing the same thing that they did before MLC as it seems too official to some of them to do the paper work. However, on one Mermaid Subsea vessel, the onboard complaint form has been used a couple times onboard regarding pay situations and crew changes and both times it was taken to consideration as a legitimate complaint and was looked at and resolved.

From the point of view of Mermaid Subsea management, this principle has positives and negatives. The positives are that the company gets to make improvements to the vessel. If there is a problem and the complaints procedure has identified an issue within the system or within the vessel and a seafarer has brought that to the company's attention, then the company needs to do something about it and resolve the issue, which is a good thing. To be open and share information is very important. Prior to MLC 2006, the information used to be all from the office to the ship, but now, with MLC 2006 it is more of a two-way street and anything that opens the lines of communication, whether it is complaints or whether it is positive feedback, is a better situation for both the ships and the company on the whole. The negatives are that crew can use this procedure to complain about something that maybe is not justified or even is not a valid complaint. If they go directly to the flag state, it actually could cause the owner a problem where it should not; the flag state takes these issues very seriously as it forms a part of MLC 2006.

5. Benefits

The Maritime Labour Convention, 2006 raises the standard for the lowest common denominator. The world's vessels that really had poor standards onboard are now legally required to improve the standard. This convention benefits the seafarers who are in the lower ranks on the vessel, as a captain or a senior officer is already well looked after on most vessels. So the real difference will be for the crew that are in the lower ranks, the ABs, the motormen and the oilers, the crew who start their careers at the bottom of the ladder, you can see the biggest changes there.

MLC 2006 will help to keep good living conditions whilst working onboard and when the seafarers have a problem, the company need to respond immediately. You can say that now seafarers can be heard. As there is the form for the complaints procedure, if the crews have something to deal with or to talk about, they can now fill out that form and somebody in the office, the DPA for instance, will give them a reply, so they are being heard now.

This convention is to help protect the crew from the bad owners. However, the company also benefits from this convention as well. As a fully compliant company with MLC 2006, Mermaid Subsea can run the business without being denied or detained for any port call and the best benefit is to show their clients and anybody else looking at the vessels that Mermaid Subsea is a responsible owner who cares about the welfare of their crew.

Table 1 Summary of the information from Mermaid Subsea' participants about MLC 2006

Topic	In-depth interview		Focus group
	Office managers	Senior seafarers	Seafarers
<u>1. MLC 2006</u>	1. The international standards to ensure that the seafarers have proper working and living conditions onboard the vessel.	1. Living standard onboard and looking after Seaman worldwide.	1. Standard for Seafarers 2. It supports seafarers welfare.
	2. Shipowner needed to get everything in place in August 2013.		

Table 1 (continued)

Topic	In-depth interview		Focus group
	Office managers	Senior seafarers	Seafarers
<u>2.</u> <u>Implementation</u> <u>of the MLC</u>	1. Mermaid Subsea needs to ensure that all regulations contained within the convention are adhered to such as the conditions of employment, Minimum standards of accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection etc.	1. More Paperwork, more files to keep and more inspection and audits.	1. Answering questions to the audits. 2. Catering crew need to be properly trained and qualified.

Table 1 (continued)

Topic	In-depth interview		Focus group
	Office managers	Senior seafarers	Seafarers
<u>3. Costs ratifying the Convention</u>	<p>1. Purchase extra insurance for financial liabilities. The cost is about 4,000 USD per vessel per year.</p> <p>2. There are the costs to compliance. (Manpower used initially to write the Seafarer Employment Agreements, review them, and get them compliant and also the audit time needed to do the DMLC II)</p>	1. None	1. None
<u>4. The outstanding principles set by MLC 2006</u> 4.1 Seafarers' employment agreements	1. Some parts in the Seafarer Employment Agreements were amended to comply with MLC 2006.	1. The termination period was set to be 1 month notice which is less than before (3 month notice).	1. The termination period was set to be 1 month notice which is less than before (3 month notice).

Table 1 (continued)

Topic	In-depth interview		Focus group
	Office managers	Senior seafarers	Seafarers
4.2 Repatriation	1. Mermaid Subsea has to purchase extra insurance including financial liability for repatriation. It is to guarantee that the company will repatriate the crew and will not leave them in a foreign country, even in the case of bankruptcy.	1. Mermaid Subsea always got the crew home and always has been good at providing a timely relief. 2. Because of the oil price has gone down and budgets are much tighter, the seafarers are not getting the flights they want but the comfort is it is not required.	1. Mermaid Subsea always got the crew home and always has been good at providing a timely relief. If the trip is delayed, the company will ask for the crew's consent to stay and if not available, they will find someone to relieve you.
4.3 Accommodation and recreational facilities	1. Mermaid Subsea is an offshore operator in general they were in line with MLC before MLC came out. The newer vessels do have better accommodation than the older vessels.	1. The conditions onboard are good and above the MLC standard. 2. The cabin has been designated as stated in MLC.	1. There is a designated cabin for male and female personnel. 2. The living condition onboard Mermaid Subsea is in forefront for an offshore company in Thailand.

Table 1 (continued)

Topic	In-depth interview		Focus group
	Office managers	Senior seafarers	Seafarers
4.4 Food and catering	<p>1. The food onboard Mermaid Subsea vessels are above the basic requirement.</p> <p>2. The company needs to make sure that Catering staff are properly trained and adequately qualified.</p>	<p>1. The company is taking good care of all ranks not only the officer positions.</p> <p>2. Catering staff need properly trained as per the requirement.</p>	<p>1. The company is taking good care of all ranks not only the officer positions. The food is equal for everyone; there isn't two standards in place onboard the vessel.</p>
4.5 On-board Complaint procedures	<p>1. Company provides the form when the seafarer signs the contract.</p> <p>2. Company has the official procedure for the onboard complaint system to comply with MLC 2006.</p> <p>3. The company can improve the vessel if there is a problem in the system.</p>	<p>1. The information is now a two-way street.</p> <p>2. Seniors officers informed that the seafarers are still doing the same thing that they did before MLC, as it seems too official to some of them.</p>	<p>1. The onboard complaint is something which is a bit better than it was before as now Seafarers can be heard. However, there is nothing to complain to the company.</p>

Table 1 (continued)

Topic	In-depth interview		Focus group
	Office managers	Senior seafarers	Seafarers
<u>5. Benefit</u>	1. To show clients and anybody else looking at the vessels that Mermaid Subsea is a responsible owner who cares about the welfare of their crew.	1. This new convention raises the standard for the lowest common denominator and the world's vessels that had poor standard onboard. 2. This convention benefits the seafarers who are in the lower ranks on the vessel.	1. To keep good living conditions during working onboard. 2. Seafarers now can be heard. 3. When seafarers have a problem, the company will need to respond immediately.

CHAPTER 5

CONCLUSION AND DISCUSSION

Conclusion

Table 2 Conclusion of the impact from MLC 2006

Outstanding principles from the interview	Before MLC 2006	After MLC 2006	Results (Positive/ Negative impact)
1. Seafarers' employment agreements	Mermaid Subsea had the required detail in the Seafarer Employment Agreements compliant with ILO and the Flag of the vessels.	1. Add the detail of address for repatriation	<u>Shipowner, Seafarers:</u> None: No change
		2. Mention the duration of the trip and repatriation, which is not over one year service onboard.	<u>Shipowner, Seafarers:</u> None: Mermaid Subsea never let the seafarer stay more than 1 year so this affects nothing.
		3. Termination notice period was amended from 3 months to 1 month.	<u>Shipowner</u> Positive: Ship-owners can release earlier, the seafarer who is not suitable or whose performance does not meet the requirement to avoid any negative situation that may occur. <u>Seafarers:</u> Negative: Seafarers have less time to find new job.

Table 2 (continued)

Outstanding principles from the interview	Before MLC 2006	After MLC 2006	Results (Positive/ Negative impact)
2. Repatriation	<p>1. Mermaid Subsea always got the crew home and always has good timely crew relief.</p> <p>2. The seafarers have always been repatriated whenever there has been a case onboard, such as a medical case or a family member is seriously ill or dies.</p>	<p>The company needs to purchase additional insurance, one of which is the financial liability for repatriation insurance.</p>	<p><u>Shipowner</u></p> <p>Negative: Mermaid Subsea needs to spend more money on additional insurance on every vessel in their fleet.</p> <p><u>Seafarers:</u></p> <p>Positive: The seafarers are ensured to be looked after and will not be left in a foreign country, even in the case of bankruptcy.</p>
3. Accommodation	<p>1. Mermaid Subsea was in line with MLC before MLC came out. In general Mermaid Subsea' vessels have good working and living conditions.</p> <p>2. There is no rule to separate the cabin for male and female.</p>	<p>The seafarers have got designated cabins for male and female personnel.</p>	<p><u>Shipowner</u></p> <p>None: No change. No extra cost.</p> <p><u>Seafarers:</u></p> <p>Positive: Mermaid Subsea has 2 female seafarers, so this change makes it more comfortable and pleasant for them whilst working onboard the vessel.</p>

Table 2 (continued)

Outstanding principles from the interview	Before MLC 2006	After MLC 2006	Results (Positive/ Negative impact)
4. Food and Catering	<p>1. Mermaid Subsea vessels provided above the basic requirement for food and hygiene.</p> <p>2. There was no regulation for Catering crew to have the certificate of competency. Only Food Hygiene Training and experience were enough.</p>	<p>1. Catering staff need to be properly trained and adequately qualified.</p>	<p><u>Shipowner</u> Negative: Company need to make sure their Catering staff have everything in place by sending them to do the training and apply for new certificate so there are costs incurred. Positive: Company will have proper trained staff onboard the vessel.</p> <p><u>Seafarers:</u> Positive: Catering staff will have better and suitable knowledge for their career.</p>
5. On-board Complaint Procedures	<p>1. No official form.</p>	<p>1. The company provides the onboard complaints form when the seafarer signs the contract.</p>	<p><u>Shipowner</u> Positive: It makes things more proper and in the same format. It is easier to keep and track the record.</p> <p><u>Seafarers:</u> Negative: Some seafarers think that it is too official for them so they keep doing the same thing as before.</p>

Table 2 (continued)

Outstanding principles from the interview	Before MLC 2006	After MLC 2006	Results (Positive/ Negative impact)
5. On-board Complaint Procedures	<p>2. No official procedure about onboard complaints. If there were any complaints, the seafarer would raise it by voice or email to the head of the department.</p>	<p>The procedure now is that the seafarer fills in a complaints form then sends it to the responsible person as below;</p> <ol style="list-style-type: none"> 1. Passes to his immediate supervisor, (if this cannot be solved then go to #2) 2. Go up the chain to the master. (if still cannot be solved then go to #3) 3. Passes to the DPA. <p>*The seafarer has the right to go directly to the relevant flag state, or complain to an auditor.</p>	<p><u>Shipowner</u></p> <p>Positive:</p> <ol style="list-style-type: none"> 1. Company and Seafarers have the official rule and a procedure to follow which is more proper and easier to track the issue. 2. Information is now a two-way street. 3. The company can improve the vessel's system if there is any issue raised. <p>Negative:</p> <ol style="list-style-type: none"> 1. Seafarers can use this procedure to complain about something that is not justified for complaint. 2. In reality it is not much different as the seafarers are doing the same thing as before. <p><u>Seafarers</u></p> <p>Positive: They can be heard.</p> <p>Negative: Some seafarers think that it is too official for them, so they keep doing same thing as before.</p>

Discussion of the study

According to the study, Maritime Labour Convention, 2006 is a tool that sets the minimum standard for the working and living conditions of the seafarers onboard the vessel. This convention is to ensure that the seafarers are looked after and not taken advantage of once MLC came into force. The companies that had low standards and were not looking after their seafarers have felt a lot of impact from this convention, but not for Mermaid Subsea Services Ltd. Using the information gathered from the interviews, Mermaid Subsea operate the vessels above the basic standard and above the MLC 2006 requirement, so there is not much difference between before and after the convention came into force. The biggest changes would be the detail added in to the Seafarer Employment Agreements and the company had to purchase extra insurances for financial liability for repatriation and health to be compliant with MLC 2006, which means there were some costs incurred to comply with the convention.

After the completion of the interviewing, the researcher found interesting information that this new convention did, in some ways, affect the ship-owner, in this case, Mermaid Subsea Services Ltd. and the seafarers with both positive and negative impacts.

The first topic is the seafarers' employment agreements. Even though MLC 2006 is supposed to upgrade the benefits and working conditions for the seafarers, there is one case that was raised during the interview. It is about termination notice. Before the convention, Mermaid Subsea gave the seafarers 3 months notice if they would like to terminate the crew, but now it is 1 month only, which is actually more than the minimum requirement of the MLC 2006 (seven days). However it seems that the seafarers think that this time is not enough for them, as they will have less time to find a new job and plan their life, so rather than an improvement, this is a step backwards. However, Mermaid Subsea gains some benefit from this change. Normally when the company gives the notice to the seafarer, then they would not issue the termination notice if he is still on the vessel, this is to avoid any bad or unplanned situation happening, the company would prefer that the seafarer depart the vessel as soon as possible, so to decrease the notice period to be 1 month, the company takes less risk in keeping an unqualified or a poor performing seafarer onboard. As one month notice is more than the minimum standard in the convention

then there is no need to change this in order to satisfy the crew, but the company will need to make sure that they pay them fairly and it is better to avoid giving notice to the seafarer when they are still onboard as even though most seafarers are professional enough to not do any harm to the vessel, it is far safer for the company to give them the notice when they are at home to avoid anything that may happen.

The second topic is repatriation. This regulation affects Mermaid Subsea mainly in money, as the company needs to purchase extra insurance to comply with the convention, which in this case it is the financial liability that costs about 4,000 USD per vessel per year. The cost is depending on the seafarer, the more crew, the more expensive. Even though it does have a cost to the company, it does have a lot of benefit for the seafarers, as this insurance ensures that they are looked after and will not be left at port in a foreign country, even in the case of bankruptcy. For this topic, there is no way for the company to avoid paying the cost as it is mentioned in the convention for the company to have this kind of insurance in order to protect the seafarer.

The third topic is Food and Catering, as per the information above and in the table it shows that Mermaid Subsea provides higher standards of food and water than the MLC requirement and everybody is equal. Higher and lower ranks have the same food and the company provides enough for everyone. The company even provides extra Messmen/ Stewards to take care of the cleanliness of the vessel, so there is no issue about the food and hygiene onboard Mermaid Subsea vessels. However, as per the requirement from MLC 2006, Catering staffs need to be properly trained and be adequately qualified. Mermaid Subsea needs to send the catering staff to do training and courses in order to meet the requirement which it is actually a good thing for both the crew and the company, as the crew will have a better, suitable knowledge in their career and the company will have a qualified crew onboard. In order to gain this knowledge, the company needs to send the crew to do extra training, for which there are costs. Nevertheless, the company cannot avoid paying the course fee for the crew, so to make sure the company pays the money efficiently the office staff need to check the courses properly and compare with other training centres course fees and book the one that is cheapest and is approved and qualified for the flag of the vessels.

Next topic is Onboard Complaints, which is one of the most outstanding principles of this convention. Before this regulation came, Mermaid Subsea seafarers sent their complaints via email which was normally sent to the Captain or the Chief Engineer. Some emails had a lot of detail which was enough for the company to understand and take action, however, there were some emails that were just 2-3 lines long, which lacked the important information and therefore the company was unable to understand the situation. To have an Onboard Complaints Form for the seafarers helps the company to track the issues easily, as there is a limited amount of time available to solve the issue. This is very useful and makes the system more suitable for everyone. Although it is a positive for the company, some seafarers do not like it, as they feel that it is too official, so they keep on doing things the old way, which is complaining via voice (talk to the middle man who will then take it to Master) or by email. To improve upon this, the Master could assign someone onboard to brief the seafarers on how to fill in the form and who they can come to ask for some advice about this, or perhaps create the instructions and post on a noticeboard for them to read and understand by themselves.

It is not just the form that affects the ship-owner and seafarers. The system of onboard Complaints is slightly different than before the convention came. After MLC, the seafarers can now just bring the issue directly to the flag state and not pass it to anyone onboard. For the company, if the seafarers complain about something that is not justified or not a valid complaint, it could cause the owner a problem, where it should not, as the flag state take this type of thing very seriously. This is a negative side of this regulation. For the seafarers, this regulation is a way for them to complain and be heard. For the company to try and prevent this situation, the company should instruct the Master to inform the seafarers on his ship about the Onboard Complaints, about what can be raised and the proper way to do so. The company could also create clear instructions about this. The instructions can be sent at the same time as the onboard complaints form, which is when they sign their contracts. However, this onboard complaints principle can also be positive for the company as the information is now a two-way street, which means the company can also receive the information from onboard personnel and when there is an issue or problem in the system, the company can then improve the system to be better than before.

All in all, Mermaid Subsea Services (Thailand) Ltd. is an offshore vessel operator that operates the vessels to a high standard and was closely in line with MLC 2006 before it was ratified. The company needed to amend only a few details in the Seafarer Employment Agreements, purchase some extra insurance for financial liability for repatriation and health and introduce the onboard complaints procedure. From the interviews, Mermaid Subsea is a ship-owner that is taking good care of their seafarers and everybody is seemingly happy with the working and living conditions onboard Mermaid Subsea vessels.

According to the related studies from the previous chapter, the researcher compared the result between this study and each of the related studies as shown below.

1. *Developing and Promoting Seafarers' Welfare under the Maritime Labour Convention: A Research Agenda* by Maria Progoulakia, Aikaterini Katradib and Ioannis Theotokas: The results from both studies are similar. The case study companies not only met MLC requirements but also offer additional welfare facilities and have high quality services onboard the vessels before MLC 2006 came in which both studies can be emphasized that the new convention aims to insure individuals' well-being as well as social development.

2. *Imposing of Responsibility on States' to Guarantee Labour Standards for Seafarers Under the MLC 2006: Can the ILO Achieve Its Goal?* By Dan Malika Gunasekera: Comparing against this study, they have similar results. MLC 2006 has achieved its goal to offer labour standards for seafarers in respect of personal needs, health, accommodation and food standards. The seafarers are offered designated cabins separated for male and female, the cooks need to have the required knowledge, so they need to do the training and the company needs to provide the required insurance for the seafarers. These are only some of the examples that every shipowner needs to make sure they provide everything as per the minimum requirement, in order to make the working and living conditions onboard vessel meet the international standard.

3. *Researching the system of Chinese and Vietnamese Law on Seafarers - From the Viewpoint of Maritime Labor Convention 2006* by Nguyen Thanh Le: The result between two studies is the same: MLC 2006 is pushing maritime development

and will protect the rights and benefits of the Seafarers not only for Chinese and Vietnamese but for seafarers all over the world.

4. Dealing with multicultural human resources in a socially responsible manner: a focus on the maritime industry by Maria Progoulaki and Michael Roe: This paper opens up the discussion on the shipowners' social responsibility towards the seafarers. Shipowners that have a corporate culture can operate in a socially responsible manner and they should not think only to gain money but should also move towards more socially responsible behavior. Regarding to the researcher's paper, MLC 2006 is the international standard to look after all the crew equally and make sure they have a proper working and living conditions onboard the vessel. The researcher's interview results show that Mermaid Subsea operates the vessels closely in line with MLC 2006 before the convention came into force and were taking very good care of the seafarers without any mistreatment. Higher and lower ranks are getting the same food and same conditions onboard the vessels, so it means Mermaid Subsea is fully compliant with the convention and shows social responsibility towards their seafarers and meets all requirements.

5. Decent Work in the Maritime Industry: Focus on Filipino Seafarers On Board Domestic Vessels by the National Maritime Polytechnic and the Philippine Coast Guard: This study concluded that the conditions of seafarers depended on the vessel type and the company size, where large and medium companies offered better conditions of employment, but once a standard employment agreement is fixed for domestic shipping, it could form part of the terms and conditions stipulated afterward. The results from Mermaid Subsea, as a case study, reconfirm this. As a medium size company and an offshore vessel operator, Mermaid Subsea operates the vessels to a high standard and even a bit higher than MLC 2006 minimum requirement and the seafarers have better working and living conditions than the smaller companies as per the Seafarers experience.

Recommendation in implementation for the business

After completing the conclusion and analysis of the study, Mermaid Subsea is one of the companies that were above the standards before MLC came in, so there is not much room for improvement. However, the researcher can see some areas to make the current system work better. The researcher has created the models below that the company can use or adapt to update their current system.

1. Seafarers' employment agreements: Notice period

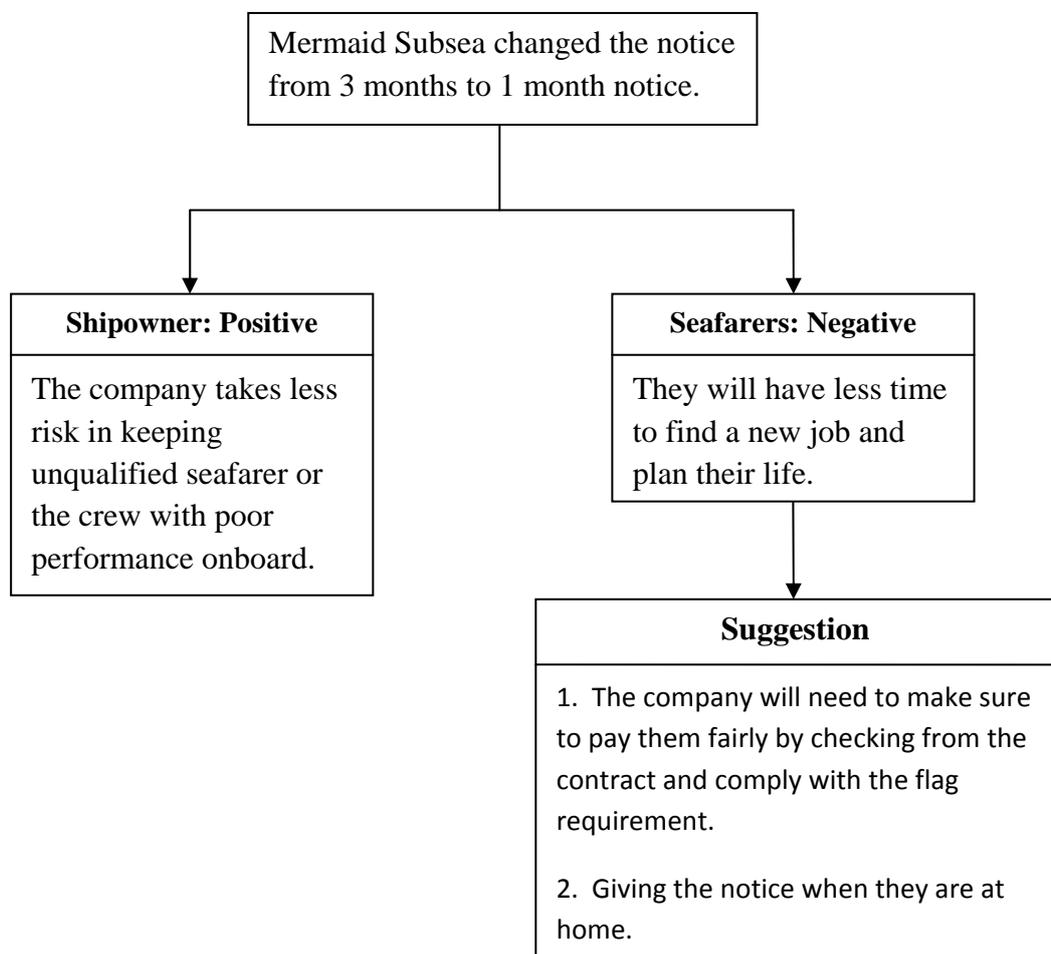


Figure 6 Model of Seafarers' employment agreements: Notice period

2. Repatriation:

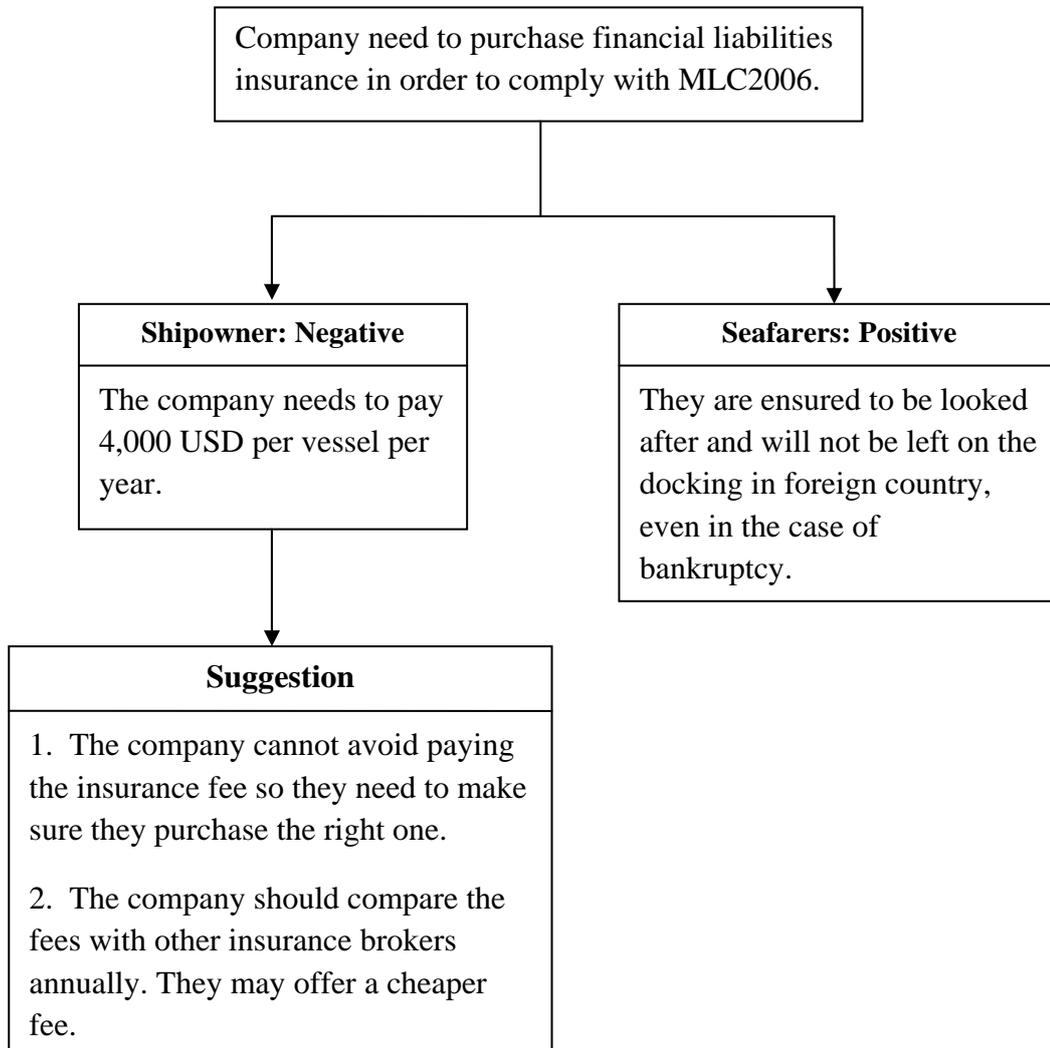


Figure 7 Model of Repatriation

3. Food and Catering:

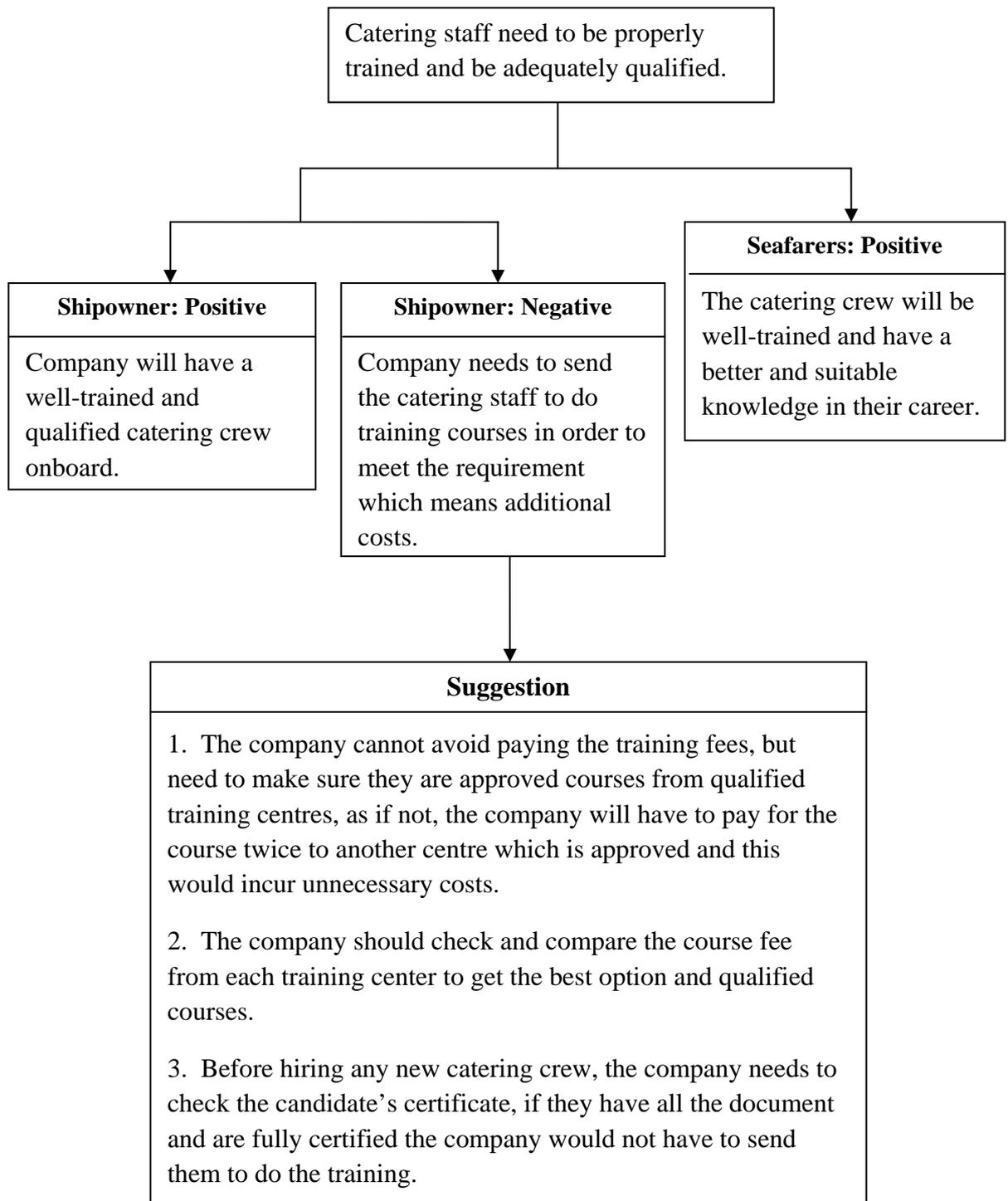


Figure 8 Model of Food and Catering

4. On-board Complaint Procedure:

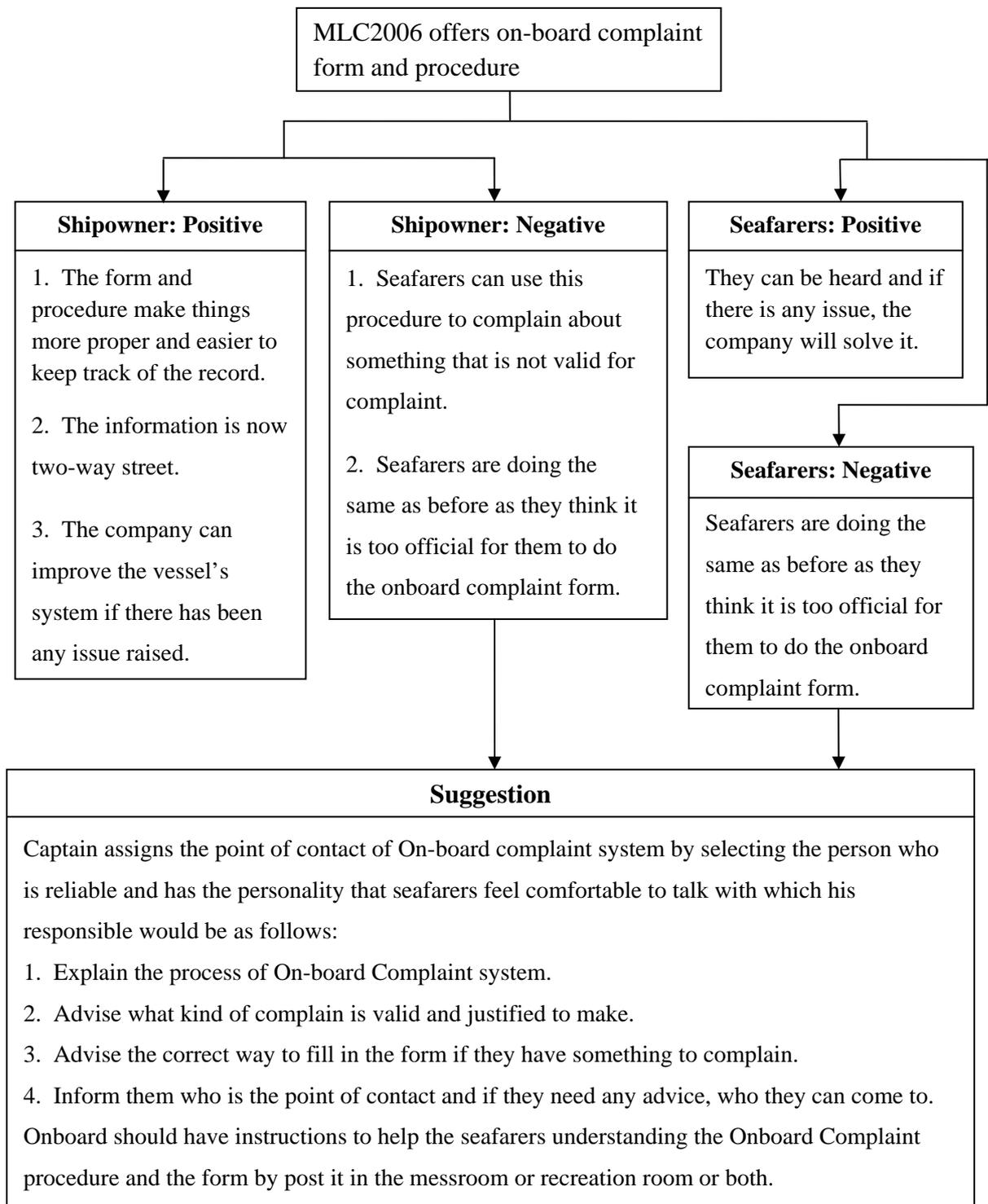


Figure 9 Model of On-board Complaint Procedure

Recommendation for further research

This study collected and analyzed the data of seafarers' working and living conditions affected by MLC 2006 in the case of Mermaid Subsea Services (Thailand) Ltd. According to the results of this study, the findings can be extended to other related subjects as recommended below:

1. Study the same topic using another company in a different country or of a different size, to see if the impact differs from Mermaid Subsea and what are their significant changes due to the implementation of MLC 2006.

2. Study the development & promotion of Filipino seafarers living and working conditions under MLC 2006 with the base company. The Philippines is the largest source of the world's seafaring workforce and the home of nearly one third of seafarers working on foreign flag ships, so some of them may have the experience of working with several companies and the information that they have would be interesting and could be of benefit to other companies to improve their system.

3. Study the welfare standard set by MLC 2006 at the base company to see the benefit and loss of the seafarers and shipowners affected by the convention. The researcher can analyze and see if there is anything the company can improve in their system.

4. Study the impact of STCW2010 on the base company, as this has a huge effect on every shipping company, training center and seafarer around the world. The information that the researcher could get from this study could help the company to prepare the budget required for the changes and be able to make sure their crews have all the required certificate, as there are many additional courses the crews will need to take.

5. Compare the working and living conditions between the onshore and offshore staff from the base company to see the differences. The company will obtain useful information and be able to improve their system.

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APPENDIX

Interview Form

(Management working for Mermaid Subsea Services (Thailand) Ltd.)

Topic “The Working and Living Conditions of Seafarers affected by MLC 2006
in case of Mermaid Subsea Services (Thailand) Ltd.”

This interview is a part of a study “The Working and Living Conditions of Seafarers affected by MLC 2006 in case of Mermaid Subsea Services (Thailand) Ltd.” which aimed to know the working and living conditions of Mermaid Subsea’s Seafarers before and after MLC 2006 came into force in order to create the model or ways that the company can be developed and improved.

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1. What comes into your mind when you hear the word MLC 2006?

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2. What are the shipowners’ responsibilities under MLC 2006?

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3. How is the working and living conditions onboard Mermaid Subsea?

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4. What are the most significant changes to Mermaid Subsea due to implementation of the MLC?

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5. Are the standards in the new convention lower than existing Mermaid Subsea's standard? And how?

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6. Are there any costs to the company ratifying the Convention?

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7. How is supervision to be carried out? What are the consequences of failure to comply with the MLC?

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8. What have been amended to the standard contract forms as a consequence of MLC 2006?

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9. Onboard complaint is one of the outstanding principles set by MLC 2006. For Mermaid Subsea, what was the company procedure when the crew would like to make a complaint about the living and working conditions onboard the vessel? In your opinion, do you think this principle can be of any benefit or loss to the company?

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10. What are the key liabilities and responsibilities of the shipowner toward the seafarer that are regulated under the MLC?

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11. As a shipowner, how MLC 2006 benefits you?

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Interview Form

(Senior Officers onboard Mermaid Subsea’s Vessels)

Topic “The Working and Living Conditions of Seafarers affected by MLC 2006
in case of Mermaid Subsea Services (Thailand) Ltd.”

This interview is a part of a study “The Working and Living Conditions of Seafarers affected by MLC 2006 in case of Mermaid Subsea Services (Thailand) Ltd.” which aimed to know the working and living conditions of Mermaid Subsea’s Seafarers before and after MLC 2006 came into force in order to create the model or ways that the company can be developed and improved.

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1. What comes into your mind when you hear the word MLC 2006?

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2. How is the working and living conditions onboard Mermaid Subsea?

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3. What are the most significant changes to Mermaid Subsea due to implementation of the MLC?

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4. In your point of view, are the standards in the new convention lower than existing Mermaid Subsea's standard? How?

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5. From your own experience before MLC 2006, have you ever faced any unfair situation from another shipowner? How about Mermaid Subsea?

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6. Onboard complaint is one of the outstanding principles set by MLC 2006. For Mermaid Subsea, when the crew would like to make a complaint about the living and working conditions onboard the vessel, what did they do before MLC 2006 is ratified? In your opinion, do you think this principle can be of any benefit or loss to the company?

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7. Was there any problem about repatriation before Mermaid Subsea complied with this new convention? Once the company is ratified, are there any significant changes in the company procedure?

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8. In your opinion, how will MLC 2006 protect more of the world's seafarers?

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9. What impact has MLC 2006 had on you as company representative?

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10. As a company representative, how MLC 2006 benefits you?

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11. Please provide any other comments you wish to make about working and living conditions of Mermaid Subsea's Seafarers.

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Interview Form

(Seafarers onboard Mermaid Subsea’s Vessel)

Topic “The Working and Living Conditions of Seafarers affected by MLC 2006
in case of Mermaid Subsea Services (Thailand) Ltd.”

This interview is a part of a study “The Working and Living Conditions of Seafarers affected by MLC 2006 in case of Mermaid Subsea Services (Thailand) Ltd.” which aimed to know the working and living conditions of Mermaid Subsea’s Seafarers before and after MLC 2006 came into force in order to create the model or ways that the company can be developed and improved.

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1. What comes into your mind when you hear the word MLC 2006?

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2. How is the working and living conditions onboard Mermaid Subsea?

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3. What are the most significant changes to Mermaid Subsea due to implementation of the MLC that you notice?

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4. In your point of view, are the standards in the new convention lower than existing Mermaid Subsea's standard? How?

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5. What was your experience before MLC 2006, have you ever faced any unfair situation from another shipowner? How about Mermaid Subsea?

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6. What is the standard of normal working hours on Mermaid's vessels? In your opinion, was the standard of Mermaid before better than Mermaid now with MLC 2006? How?

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7. Referring to MLC 2006 Regulation 3.1, the ship-owner shall ensure that the vessels have decent accommodations and recreational facilities for seafarers which consistent with promoting the seafarers' health and well-being. Please let me know what are your views on Mermaid Subsea's accommodations onboard before and after MLC 2006?

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8. When you would like to make a complaint about your working and living condition, what did you do before MLC 2006? And what you do currently?

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9. What impact has MLC 2006 had on you as Mermaid Subsea's Seafarer?

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10. As Mermaid Subsea's seafarer, how MLC 2006 benefits you?

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11. Please provide any other comments you wish to make about working and living conditions of Mermaid Subsea's Seafarers.

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BIOGRAPHY

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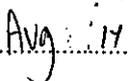

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.....
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Dean of Graduate School of Commerce

....., 2016