

## ZhangImpact Case Study Template

<b>Title of case study</b>	Seafarers' Rights in China: Impact on Legislation and Practice
<b>Author(s)</b>	Dr Pengfei Zhang
<p><b>1. Summary of the impact</b></p> <p>State the specific impacts, benefits or contributions claimed in this case study.</p>	
<p>Over 90% of international trade is transported by sea so the protection and wellbeing of seafarers is crucial to sustain the world economy and global stability. China is the largest seafarer-supplying country in the world, and its effort in protecting seafarers is pivotal in maintaining maritime sustainability. This research has led to significant impact across academia, industry and government in (a) improving awareness of seafarers' protection, for example to inform seafarers about their entitlements in different dimensions; (b) promoting consensus building among major stakeholders, for example to investigate the response of the industry to new regulations and propose the best practice in seafarers' protection; (c) developing new international legislation, company policy and best practice aiming at reducing unfair treatment of seafarers, for example, to identify the problems in the existing maritime regulatory framework and make recommendations for future improvement.</p>	
<p><b>2. Underpinning Research</b></p> <p>Explain the research that underpinned the impact, when it was undertaken (<b>must be between 1 January 2000 and 31 December 2020</b>) and by whom (names the key researchers and positions they held at the institution at the time of the research).</p>	
<p>The nature of work at sea, such as isolated workplaces and complicated employment relationships, makes seafarers vulnerable to exploitation. This is further exacerbated by an increasingly globalised environment leading to conflicts and disputes in policymaking between nations, governance bodies and other interested parties. To fully understand the challenges faced by Chinese seafarers, various factors, such as their special profile, employment conditions and the background of the Chinese maritime industry, must be considered in combination rather than alone.</p> <p>With this in mind, Solent University led a research project (2014-2018) to establish the case for examining some major issues relating to Chinese seafarers, including maritime health, social security, welfare, legal remedies and so on. A multi-method approach, including questionnaire survey, interview, comparative studies, was employed to answer the key research questions, studying a total number of over 10,000 participants. The key research findings included:</p> <ul style="list-style-type: none"> <li>• Chinese seafarers not only constitute the labour force for the PRC (People' Republic of China) fleet, but they also work on board numerous ships either owned or flagged in other countries; e.g. Maritime Labour policy in China: Restructuring under the ILO's Maritime Labour Convention (MLC) 2006.</li> <li>• Compared with seafarers in many other countries, Chinese seafarers have unique profiles which pose special challenges and employment conditions in the Chinese seafaring community; e.g. Global problems, local solutions: Unfree labour relations and seafarer employment with crewing agencies in China.</li> <li>• While the Chinese government has taken various measures to comply with international maritime labour conventions, significant gaps still exist between Chinese and international standards. The adoption of the MLC 2006 and the development of the labour legislation in China since 2007 have certainly intrigued various responses from major stakeholders in the Chinese maritime industry; e.g. Seafarers' Rights in China: Restructuring in Legislation and Practice Under the MLC 2006.</li> <li>• The major improvement of seafarer protection in China exists with regard to seafarers' pre-employment conditions, which include seafarers' registration, physical requirements and medical examination, maritime training and qualification, and seafarer recruitment</li> </ul>	

services; e.g. Maritime Labour Convention, 2006 and the Chinese seafarers: How far is China to ratification?

- The major gaps exist with regard to Chinese seafarers' in-employment conditions, which includes seafarers' employment agreements (SEAs), wages and salaries, health protection, social security benefits, and access to jurisdictions over labour disputes; e.g. Maritime health of Chinese seafarers.
- The ratification of MLC 2006 by China in 2015 has helped to strengthen Chinese seafarers' awareness of their rights and interests. The sharp increase of maritime labour disputes in China and demands for improved salary rates and other conditions in recent years can well illustrate this point; e.g. Seafarers' Rights in China: Restructuring in Legislation and Practice Under the Maritime Labour Convention 2006.
- The majority of Chinese women cadets do not have the opportunity to sail and develop a career at sea. This is primarily because of the prejudice and discrimination of the shipping companies but also because of societal forces such as gender inequality and traditional values. e.g. Chinese women seafarers: A case study of the women cadets in Shanghai; Chinese women seafarers: Past, present and prospects.
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The researchers at Solent University were Dr Pengfei Zhang (Senior Lecturer in Maritime Business, [2015-present]) who was a former Master Mariner, Professor Minghua Zhao (Director of China Centre (Maritime), [2015-2019]), and Associate Professor Kate Pike (Senior Research Fellow, [2015-2019]).

### 3. References to the research

Cite up to six references to key outputs from the research, evidence about the quality of the research and details of any grants that supported the research.

#### Book

3.1 Zhang, P., 2016. Seafarers' Rights in China: Restructuring in Legislation and Practice Under the Maritime Labour Convention 2006. Springer.

#### Journal Articles

3.2 Tang, L. and Zhang, P. and Zhao, M., 2019. Global problems, local solutions: Unfree labour relations and seafarer employment with crewing agencies in China. Industrial Relations Journal

3.3 Zhang, P. and Zhao, M., 2015. Maritime Labour Convention, 2006 and the Chinese seafarers: How far is China to ratification?. Marine Policy, 61, pp.54-65.

3.4 Zhang, P. and Zhao, M., 2017. Maritime health of Chinese seafarers. Marine Policy, 83, pp.259-267.

3.5 Zhao, M., Zhao, L., Zhang, P., Wu, J., Pike, K. and Broadhurst, E., 2017. Chinese women seafarers: A case study of the women cadets in Shanghai. Marine Policy, 83, pp.40-47.

#### Final Report

3.6 Pike, K., Broadhurst, E., Zhao, M., Zhang, P., Kuje, A. and Oluoha, N., The Gender Empowerment and Multi-cultural Crew (GEM) Project Report, 2015–2016 For the ITF Seafarers' Trust.

<https://www.solent.ac.uk/research-innovation-enterprise/documents/gem-full-report.pdf>

3.7 Zhao, M., He, G. and Zhang, P., 2018. Seafarers Welfare in Chinese Ports (SWiC) Project Report for the ITF Seafarers' Trust.

<https://www.solent.ac.uk/research-innovation-enterprise/documents/china-centre/swic-project-research-report.pdf>

The above research reports not only have an academic impact, but also generate a far-reaching impact within the ITF who have global affiliated unions and members. Both reports were examined and overseen by independent expert advisory panel, such as Capt. Kuba Szymanski, the Secretary General of Inter Manager and Director of TK Foundation. Then they were

published on ITF website and disseminated by ITF on different occasions.

#### Grant funding

- ITF Seafarers' Trust. K. Pike, E. Broadhurst, M. Zhao, P. Zhang. Gender, Empowerment and Multicultural Crews (GEM). 1 July 2015 – 1 July 2016. £ 75,000.
- ITF Seafarers' Trust. M. Zhao and P. Zhang. Seafarers Welfare in Chinese Ports. 1 June 2017 – 1 June 2018. £ 75,000.

#### **4. Details of the Impact (around 750 words)**

This section should explain the nature and extent of the impact, the nature of the beneficiaries and how the research led or contributed to this. Include dates.

#### **Changes to national legislation, trade union protection and shipping company policy**

Although a list of international conventions has been enacted to promote the importance of seafarers, China has not yet ratified many of these. Therefore, many widely recognised standards have not yet been implemented in China and so fail to attract extensive attention. Even the seafarers' trade union in China has not played its due role as effectively as it could have done. It was a significant step forward in 2015 when China ratified the MLC, 2006 (5.3) during the period when this research was being undertaken.

In recent years, both the PRC Ministry of Transport and Maritime Safety Administration have enacted a list of national regulation and policies to keep in tune with the international requirements (5.4). Some of them were directly or indirectly influenced by the underpinning research, for example, in the areas of seafarers' health issues, seafarers' port welfare facilities and so on (5.5).

In addition, the Chinese trade union ACFTU has always distanced itself from international trade unions. There existed a tense and unpleasant relationship between ACFTU and the International Transport Workers' Federation (ITF), which provides international co-ordination of transport workers' unions, meaning the push for seafarers' rights in China has lagged behind the rest of the world. Through our research on seafarers' port welfares, the research team facilitated the talk between them. In February 2019, ACFTU invited ITF to China. An ITF delegation visited Chinese ports and since then further joint work has been planned to improve seafarers' protection (5.6). This research has also been used to support changes to seafarers' trade union.

In terms of impact on shipping companies, COSCO, the largest shipping company in China and one of the leading shipping companies in the world, says that Zhang's research has "truly informed us and made us reflect what could be done to better protect our seafarers." This has led to the following changes in COSCO's policies and practice:

- Aligned company policy with the requirements of the Maritime Labour Convention 2006 by including onboard recreational facilities, seafarers' health protection, social security, seafarers' access to shore-based welfare facilities.
- Established 24 hours helpline to provide assistance for our seafarers and their family members.
- Built accommodation in ports for seafarers to stay in before signing on or after signing off.
- Appointed a company welfare officer responsible for seafarers' welfare issues, including dealing with seafarers' complaints.

According to the Director of COSCO, "these changes have benefitted over 2000 seafarers and also improved our competitiveness in the maritime labour market and ensured our company to retain the first-class seafarers. While these measures have surely incurred more operation costs, we believe that these will help us to further fulfil our corporate social responsibility and to contribute to a sustainable maritime world." (5.7)

## **Launch of Subjective Well-being Index (SWI) of Chinese seafarers**

The subjective well-being of Chinese seafarers is at a very low level. Identifying the main factors for seafarers' vocational happiness is crucial to find effective solutions to maintain the sustainability of maritime labour resource. The underpinning research informed the design of the Subjective Well-being Index of Chinese seafarers (5.8), launched on the 2018 international Day of the Seafarer (25 June 2018) which was themed "seafarer wellbeing" by the International Maritime Organization. In order to examine Chinese seafarers' personal experience of well-being, a multiple approach was employed, including online questionnaire survey and semi-structured interview. A total number of 9175 seafarers participated in this survey. This study has found out a very low overall SWI (4.91 of 10) of Chinese seafarers, which has addressed significant attention in the Chinese maritime industry. Following the survey, a list of recommendations has been made to the industry and the government department, such as the role of manning agency, access to internet and port welfare facilities and so on. The study informed the industry regarding what seafarers really expected and most needed. This survey will be carried out every two years. The next survey is due in June 2020 and by then a better understanding of the changes of Chinese seafarers' subjective well-being will be available.

## **Improved public awareness of seafarers' protection in China**

This research has brought about improved awareness of seafarer protection in China and the development of seafarer protection network among key stakeholders. Generally, there was a very low awareness of seafarers' entitlements and interests, in particular among Chinese seafarers. Lack of training and information isolation are among the most important reasons. As a result of this research, a series of public lectures were produced by the research team and presented in various platforms (5.9) including the Xinde Marine platform which has presented the public lectures to over 200,000 users (5.10). These public lectures have informed seafarers of their rights and entitlements and shown them how to use different instruments to defend their rights. For example, one seafarer commented that "As seafarers we have always been isolated from the outside world. I was very fortunate to watch this video and read the lecturer's other articles. It opens another door for me to improve my knowledge and prepare myself for future challenges."

Since then, port welfare facilities have become a key consideration for port operators and local government. In the meantime, this research, and the associated activities, has helped key stakeholders raise this awareness, promote the establishment of seafarer protection network through consensus building, develop the best practice concerning provision of maritime social corporation responsibility (5.11). For example, a new forum on seafarers' port welfare was set up as a result of this research to bring key stakeholders together (5.12).

## **5. Sources to corroborate the impact (indicative maximum of ten references)**

Cite up to 10 pieces of evidence to verify the above impact claims. These could be reports, reviews, web-links, media, statements from users/beneficiaries, or details of users/beneficiaries who can provide such a statement.

- 5.1 Chinese Seafarers: An Invisible Group <https://www.maritime-executive.com/features/chinese-seafarers-an-invisible-group>
- 5.2 The HRAS Interview with Dr Pengfei Zhang – Chinese Seafarers: An Invisible Group <https://thehrasinterview.wordpress.com/2017/02/10/the-hras-interview-with-dr-pengfei-zhang-chinese-seafarers-an-invisible-group/>
- 5.3 China Ratifies the Maritime Labour Convention <https://www.maritime-executive.com/article/china-ratifies-the-maritime-labor-convention>
- 5.4 <http://www.msa.gov.cn/html/xinxichaxungongkai/index.html?id=ECC41F3D-A642-47D9-8FAA-C727398489E6>

- 5.5 <https://news.hsdhw.com/433628>
- 5.6 [http://hyjs.acftu.org/art/2018/2/8/art\\_1239\\_297547.html](http://hyjs.acftu.org/art/2018/2/8/art_1239_297547.html)
- 5.7 Letter from Director of COSCO Shipping Lines Ltd, 10<sup>th</sup> June 2019.
- 5.8 <http://www.chinanews.com/gn/2018/06-25/8546388.shtml>
- 5.9 <http://www.xindemarinenews.com/m/view.php?aid=7352>
- 5.10 Letter from CEO of Xinde Marine Group, 10<sup>th</sup> July 2019.