



# **The inspectorate network of the International Transport Workers Federation: A comparison of a transnational union enforcement action in Poland, Spain and Finland**

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## **Co-enforcement and transnational cooperation in maritime shipping**



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# 1. Introduction



## Background

- FOC has created deregulatory pressure on labor relations in maritime shipping
- Counterbalance strategies by ITF, e.g. FOC campaign, political lobbying.
- Why ITF inspectorate network?
  - An example of transnational cooperation
  - Top-down organized networks can facilitate the realization of transnational union enforcement.

## The objective

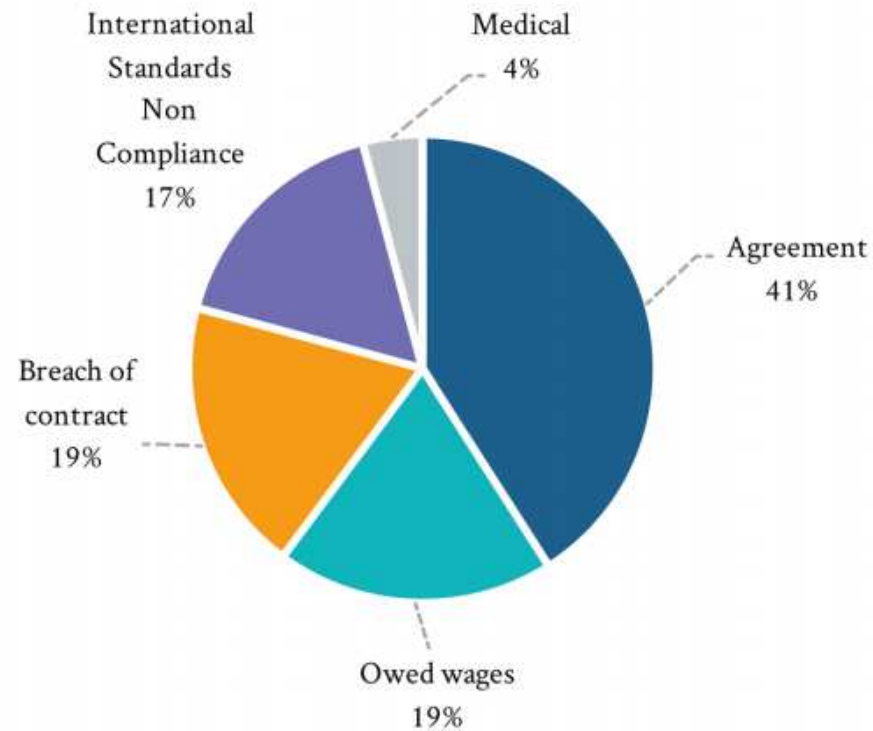
- To explore (co)-enforcement practices among ITF inspectors and authorities or other unions operating at local, national or transnational level in Spain, Poland and Finland, three countries locating important ports in the EU.

## 2. Data and Methods

Country	N	Status	Organization
Finland	1	ITF coordinator	Finnish Seafarers' Union - FSU
Finland	2	ITF inspector	Finnish Seafarers' Union - FSU
Finland	1	ITF inspector	Finnish Seafarers' Union - FSU and Transport Workers' Union
Finland	1	Port State Control authority	Traficom
Finland	2	Labor inspectors	AVI - Regional State Administrative Agencies
Estonia	1	ITF coordinator & inspector	EMSA
Poland	1	ITF coordinator & inspector	NSZZ "Solidarność"
Poland	1	ITF inspector	NSZZ "Solidarność"
Poland	1	ITF inspector, (former)	President of the National Maritime Section NSZZ "Solidarność"
Spain	1	ITF coordinator	Unión General de Trabajadores
Spain	1	ITF inspector	Comisiones Obreras
Spain	1	National coordinator of the MLC	Ministry of Public Works
Spain		Observations of ITF interventions	Port of Barcelona
<b>In total</b>	<b>14</b>		
<b>N: number of interviews</b>			

# 3. Most common fraudulent practices

Figure 2: Top five problems by type found during ITF inspections by the end of 2018 (in % of total)



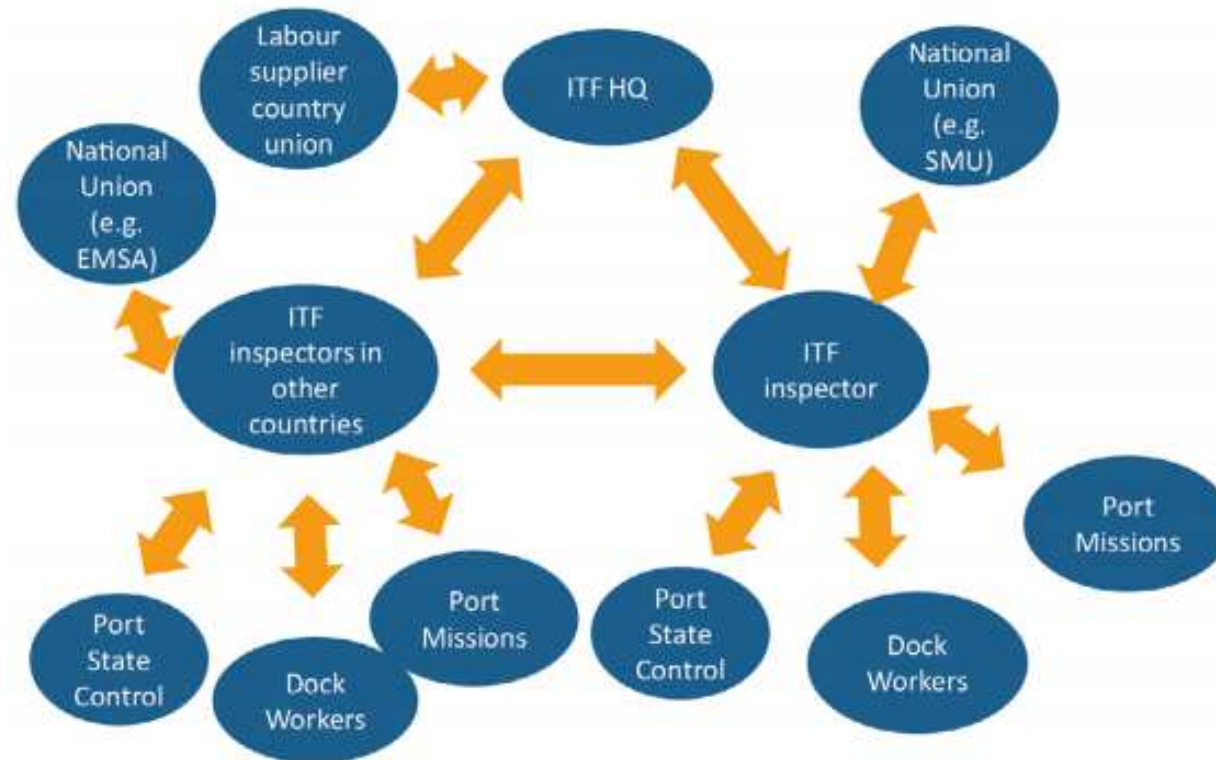
Source: ITF Seafarers' Bulletin, 2019: 4

## 4. Legal basis

- **FOC Campaign (1948)**
  - Collective bargaining
  - Political lobbying and campaigns, e.g. dockers campaign
- **Legal measures**
  - MLC 2006
  - Mexico Policy (ITF, 2011): *all Flag of Convenience (FOC) ships should be covered by an ITF approved collective agreement.*
  - ITF collective bargaining policy (2010)

## 5. Design of ITF inspectorate and cooperation partners

Figure 3: Design of ITF inspectorate and cooperation partners



Source: Own elaboration, based on an internal SPLIN presentation by Nathan Lillie

# 6. Co-enforcement in maritime transport

Co-enforcement practices and collaboration forms at three levels:

6.1 Sectoral (local)

6.2 Governmental (national)

6.3 Transnational

## 6. 1 Co-enforcement at sectoral level (1/2)

- Smooth cooperation when unions belong to ITF.
  - in Finland and Poland, e.g. dockers and provide help for the seafarers to make an embargo or a threat of an embargo.
  - In Spain there is a lack of cooperation because of membership in different unions.
- The ITF may sometimes have tactics available through its network that are not available to PSC.



## 6. 1 Co-enforcement at sectoral level (2/2)

*All final measures such as refusal to unload a ship must be approached carefully. We cannot use this threat“ too often because it will cease to be effective. I assess the cooperation of trade unions representing port employees with ITF inspectors as good.*

TU leader from NSZZ “Solidarność” Seaports’ National Section

## 6.2. Governmental level (1/2)

- PSC authorities in charge of MLC agreements focus particular on the technical features of a FOC ship as well as on the occupational health and safety issues. (The latter in Spain).
- *It is easy to inspect a machine, while it is harder to obtain information interviewing a seafarer in private, because they may often be reluctant to talk about possible problems relating to their working and living conditions.*

Devlin, 2011

## 6.2. Governmental level (2/2)

- Good cooperation between PSC authorities and ITF inspectors in Poland and Spain, hardly any in Finland.
- Lack of cooperation with local health and safety inspectors in all three countries.
- Smoother cooperation could benefit the achievement of a renewal of agreements and help to maintain a continuous union pressure.

## 6.3 Transnational level

- Guidance by transnational organizations, e.g. ITF and ETF.
- Enforcement improved by transnational activities
  - E.g. campaigns, training courses, conferences and exchange networks
- Transnational union enforcement improves not only the visibility of ITF but increases also the exchange of best practices among the actors.
  - E.g. campaign on lashing organized and monitored by ETF + *Baltic Network* (in Nordic and Baltic countries)
  - E.g. *Baltic weeks* by ITF & ETF: Focus on FOC campaign

# 7. Conclusions

- Transnational cooperation is more common among unions and regulatory authorities than in other industries.
- ITF inspectors have an exemplary model of transnationally coordinated labor inspection, could be applied to other industries with transnational practices.
- National power resources guide ITF's ability to enforce standards.
- PSC inspectors focus mainly on technical standards.
- Smooth cooperation in Spain, and to some extent in Poland, whereas lack of cooperation in Finland.
- Safety and health inspectors could be better incorporated.
- Challenge: Dispersed unions hinder efficient implementation of transnational union enforcement activities, e.g. docker campaign.
- Top-down organized networks can facilitate the realization of transnational union enforcement.



# Thank you!

