

Maritime Summary Note n°232 – June 2021

« The situation of seafarers during the Covid-19 pandemic »

Despite the crisis linked to the Covid-19 pandemic and the operational challenges it triggered, the pulse of global shipping did not slow down. Alongside healthcare workers on the "front lines" of our healthcare systems, mariners—and more broadly, seafarers—form part of the "essential infrastructure" of the global economy. They represent an invisible yet vital face of our interdependent world. Behind the commodities, there are women and men at sea and ashore who organize and manage these logistical flows. The pandemic further destabilized a profession that is already considered one of the most hazardous in the world. To the physical and mental integrity risks inherent to the seafaring profession are now added the fear of contracting Covid-19 on board, uncertainty over time spent at sea, and the management of crew changes. This insecurity raises numerous human, legal, and financial challenges. This section reviews a year of social and humanitarian crisis for seafarers and their shipowners.

Seafarers or the lack of recognition

In France, according to figures from the Ministry for Ecological Transition, the maritime transport sector experiences the highest risk of fatal casualties. Fatal accidents are 14 times higher than across all other economic sectors combined, and 6 times more frequent than within the building and civil engineering sector, despite the latter being renowned for high casualty rates¹. For over a year, another hazard has loomed over crews: contracting Covid-19 on board, being unable to embark, or failing to be repatriated to their home countries due to domestic restrictions enacted to curb the pandemic. In practice, seafarers do not benefit from "priority treatment" regarding either vaccine access or freedom of movement, particularly concerning crew change facilities.

According to the International Chamber of Shipping (ICS), at the height of the crisis, nearly 400,000 seafarers were stranded on board their commercial vessels even though their seafarers' employment agreements had expired. Some of them had to spend seventeen to nineteen months on board. A similar number of mariners were unable to join their vessels to work, impacting an equal number of families. The majority of seafarers employed worldwide originate from India, China, the Philippines, Russia, and Ukraine. Income earned at sea serves to support the entire household.

Crew changes became a genuine puzzle for shipowners, faced with constantly shifting domestic regulations: difficulties in securing visas or travel authorizations, border closures, flight cancellations, mandatory PCR testing, and imposed quarantines. On the international stage, the Maritime Labour Convention (MLC 2006)² which regulates living and working conditions on board ships, does not prescribe an explicit maximum duration for continuous service on board within its primary text. However, Regulation 2.5 regarding repatriation dictates that "*the maximum period of service on board following which a seafarer is entitled to repatriation shall be less than twelve months (...).*"

This timeframe can only be exceeded in cases of *force majeure*, but any extension must be accompanied by appropriate safeguards to prevent abuse and protect seafarers' rights.

According to this same convention, the maximum number of working hours must not exceed 14 hours in any 24-hour period and 72 hours in any 7-day period. Alternatively, the minimum number of hours of rest must not be less than 10 hours in any 24-hour period and 77 hours in any 7-day period³. Domestic

¹ In France, in 2018, 50% of maritime occupational accidents occurred in the fishing sector and 34% in merchant shipping. Aquaculture (*culture marine*), port services, and professional yachting accounted for 8%, 7%, and 1% respectively.

² The MLC 2006 Convention has been ratified by 97 Member States, representing more than 91% of the global merchant fleet in gross tonnage.

³ To learn more about onboard working hours and systematic under-reporting, see the study 'A Culture of Adjustment: Evaluating the Implementation of the Current Maritime Regulatory Framework on Rest and Work Hours,' published in November 2020 by the World Maritime University.

regulations and collective bargaining agreements can complement this framework through the application of the most favorable clause. On average, within French shipping lines, deep-sea voyages vary between one and four months, with financial compensation provided in the event of overruns depending on the employment contract. Article L. 5542-29 of the French Transport Code stipulates that for seafarers residing in France, the maximum duration of service on board stands at six months, which can be extended up to nine months by collective agreement. This period may be extended or reduced by a maximum of one month for reasons directly related to the commercial operation of the vessel. Shipping companies sometimes had to rely on voluntary extensions to cope with personnel shortages. Faced with the administrative and logistical hurdles of crew changes, the United Nations—through the IMO⁴ and the ILO (International Labour Organization)—urged governments to designate maritime personnel on board vessels, energy, and offshore sectors, as well as port service providers (regardless of their nationality), as "key workers providing an essential service." This status is designed to lift travel and movement restrictions on seafarers, thereby streamlining embarkation and repatriation. In partnership with international organizations representing the maritime industry⁵, the IMO had defined recommendations for Member States, maritime administrations, shipping lines, and ports as early as March 27, 2020, to respond to the constraints imposed by Covid-19⁶. These protocols were expanded late last year, addressing recommendations to authorities in charge of health, customs, immigration, and civil aviation⁷. The objective is to secure access to berths in ports and ensure that quarantine measures are not systematically imposed on vessels. The IMO encourages the facilitation of crew changes in ports through:

- The designation of "key workers"
- Exemptions from national travel restrictions
- The granting of transit permits
- The dissemination of information on Covid-19 protection measures
- Flexibility regarding administrative documents related to seafarers' professional qualifications

It also aims to streamline port operations by:

- Extending "key worker" status to port authority and service personnel
- Limiting physical ship-to-shore contact
- Ensuring the proper functioning of customs, piloting, and mooring services
- Allowing inspections and surveys by classification societies

Furthermore, targeted measures were implemented for onboard health:

- Reporting any changes in the vessel's sanitary situation (symptoms or confirmed cases)
- Limiting physical ship-to-shore contact except during cargo operations and provisioning
- Communicating protection measures against Covid-19
- Providing personal protective equipment (PPE)
- Guaranteeing seafarers access to emergency shoreside medical care

These recommendations were accompanied by state-level initiatives. Governments implemented highly variable adjustments to their national entry and exit rules. Singapore was one of the very first countries to prioritize maritime personnel in its vaccination campaign and acted as a major global hub for crew changes (120,000 crew changes on its territory according to the Maritime and Port Authority of Singapore). However, faced with surging contamination rates in India (+400,000 cases per day during that spring), the city-state decided to restrict transit for mariners who had traveled through (or transited via) India, Bangladesh, Nepal, Pakistan, and Sri Lanka. Similarly, certain Chinese ports prohibited entry to vessels that had transited through India or Bangladesh within the previous three months. Canada implemented a simplified online visa application process, but restricted it strictly to Western mariners.

⁴ As of April 23, 2021, 58 IMO Member States and two associate members have designated seafarers as 'key workers.' Notably absent are China and Russia, despite being the nations of origin for a large proportion of the world's mariners. The IMO comprises 174 Member States.

⁵ ICS, BIMCO, CLIA, FONASBA, IACS, IMCA, IMEC, INTERCARGO, INTERFERRY, INTERMANAGER, INTERTANKO, IPTA, ITF, les P&I Clubs et le WSC.

⁶ Circular Letter No. 4204/Add.6 of 27 March 2020. Coronavirus (COVID-19) - Preliminary list of recommendations for Governments and relevant national authorities on the facilitation of maritime trade during the COVID-19 pandemic.

⁷ MSC.1/Circ.1636 2 December 2020 Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic.

Seafarers rank among the most internationalized workforces in the world, crossing borders multiple times during a single contractual period, with up to 30 nationalities stowed on board a single vessel. Facilitating crew changes also carries financial implications. According to the British consultancy firm Drewry, crew costs are expected to increase by 10% to 15% this year. Continuous service extensions on board, shoreside stagnation for some, and keeping others in position led to a spike in the wage bill—not to mention expenses linked to medical testing, quarantine hotel stays, chartering dedicated repatriation flights, vessel deviations, or more complex and therefore costlier maintenance scheduling for shipowners. Mandatory vaccination also represents a significant financial and legal anxiety for carriers. A non-vaccinated crew facing entry bans in a port will trigger costly operational delays, leaving open the question of legal liability. In practice, managing crew changes proved exceptionally complex. The extension of seafarers' employment agreements beyond legal durations combined with burdensome protocols severely impacted the health and well-being of seafarers, thereby compromising vessel safety.

Physical and mental integrity put to a severe test

A little over a year after the onset of Covid-19, nearly 200,000 seafarers worldwide (according to March 2021 IMO data) were unable to be repatriated despite the expiration of their seafarers' employment agreements. Today, 1.65 million seafarers work on board 60,000 commercial vessels. Each month, approximately 150,000 crew changes take place to handle the embarkation and/or repatriation of mariners to their home countries.

Mariners frequently form highly heterogeneous crews composed of nationalities from all corners of the globe, which are constantly being renewed. Access to healthcare and shoreside medical facilities for deep-sea shipping and distant-water fishing can prove exceptionally complex. The MLC 2006 stipulates that *"any ship carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care."* Passenger vessels appear to be the primary target of this provision. Domestic legislation and collective bargaining agreements can further complement this text. The Convention also mentions that in the absence of a doctor on board, a mariner who has previously completed medical care training (in compliance with the 1978 STCW International Convention) must be designated as the person in charge of medical care and the administration of medicines. They must also be competent to provide first aid. Despite the presence of a doctor on board, or at the very least a qualified mariner, onboard accidents or illnesses can rapidly escalate into emergencies, especially during a pandemic. This was tragically illustrated by the deaths from Covid-19, in late March, of two mariners who had embarked on board a tuna purse seiner belonging to Sapmer, a Réunion-based shipowner operating out of the Seychelles. Due to the distance from coastlines and the confined spaces of a vessel—which complicate the enforcement of social distancing and barrier measures—maritime professionals urgently requested access to vaccination.

According to IMO Secretary-General Kitack Lim, *"as vaccination is deployed in many countries, I urge governments to prioritize seafarers in their national Covid-19 vaccination programs."* In France, after including "ferry and river shuttle operators" aged over 55 in the priority vaccination list on April 20, 2021, access was expanded on May 7, 2021, to all French commercial, fishing, and cruise mariners operating internationally without any age restrictions. This represents approximately 11,300 mariners. However, questions remain regarding foreign mariners working under the French flag, as well as personnel from port authorities and services. Another lingering question is whether contracting Covid-19 on board should be classified as an occupational disease, which, in the hypothesis of "Long Covid," would guarantee better coverage and support in terms of disability benefits.

Certain States are taking responsibility, notably the Seychelles. Following the Sapmer tragedy, the Seychellois health authorities decided to vaccinate foreign mariners on board fishing vessels operating within their waters. Distant-water fishing is vital for the country and involves mariners originating from Madagascar, Indonesia, Ivory Coast, and Senegal—countries that, unfortunately, lacked access to vaccines. According to the ICS, around 60% of seafarers originate from countries where vaccination is not widely available. Another example is the United States, where sixteen states also launched a vaccination program for foreign crews calling at their ports. The Netherlands is expected to follow this initiative starting in mid-June. General interest is beginning to transcend national interest. It would be

highly valuable to draw inspiration from this through⁸ the creation of "port vaccination hubs" where vaccination policies are already operational, as some fear that without a universalist vision, global vaccine coverage might not be achieved until 2024 at best. The ICS mentions another alternative: a public-private partnership where pharmaceutical laboratories would supply vaccines directly to shipping companies, which would then be responsible for having them administered to their mariners. However, another critical question arises regarding consent: will shipowners be legally allowed to make Covid-19 vaccination a condition of employment, mirroring the mandate for yellow fever vaccination required to travel to certain West African nations? For the time being, only the cruise line Ponant mandates vaccination for both its passengers and its employees. MSC mandates it only for crew members. The other option is to suspend the recruitment of crews originating from countries where the pandemic is surging (India, South Africa, Brazil, Argentina, Chile). According to the Norwegian Seafarers' Union, 15% of crews and personnel come from India, 30% from the Philippines, and 11% from Indonesia. If the pandemic does not recede in the short term within these countries, some recruitment agencies fear a severe labor shortage.

Vaccination will likely become a mandatory condition for entering certain countries (vaccine passports). The IMO Secretary-General warned States against creating bottlenecks when developing national vaccination certification protocols. The validity of these certifications must not constitute a barrier to crew changes in the future. There are currently more than 50 vaccines, each at different stages of testing and approval, and only some of them have been recognized by the WHO. Furthermore, questions remain regarding the duration of protection offered by vaccines and the immune response against different variants. This precariousness in access to healthcare, vaccines, and information reinforces a sense of helplessness and can increase psychological distress among seafarers, who already constituted an at-risk population.

In 2019, the international maritime charity *Sailors' Society* estimated that a quarter of seafarers suffered from depression and that nearly 6% of deaths at sea were attributable to suicide. The association wished to make seafarer well-being training, provided for under the MLC 2006 Convention, mandatory. Long working hours, an increase in administrative paperwork and responsibilities, tighter commercial constraints, the difficulty of forming a cohesive onboard community, multilingualism, and the isolation of the modern mariner—who is connected yet powerless against the tribulations of daily life ashore—combined with family absence, expose seafarers to mental health issues or even suicidal ideation. Covid-19 acted as a true catalyst for some⁹, highlighting the need for better integration of seafarers' psychological well-being. "Mental resilience" had already been the subject of guidance from P&I Clubs, welfare agencies, trade unions, maritime charities¹⁰, and training centers. Appointing an onboard crew welfare officer or psychologist could be an option, even though this role is generally filled by the ship's doctor. A dedicated listening and support system was launched in March 2020 through the Maritime Psychological Help Resource Center (CRAPEM) at the Saint-Nazaire Hospital. It caters to both French and foreign seafarers, shoreside teams, and maritime rescue services. The Center's objective is to evaluate stress, anxiety, burnout, and suicidal crises, and to assist individuals through follow-up consultations.

The CRAPEM works in close collaboration with the CCMM (Maritime Medical Consultation Centers), which act as the telephone-based emergency medical service at sea, psychological medical centers, the SSM (Maritime Social Services), and seafarer physicians. Upon a mariner's request and in coordination with the CCMM, it can contact the shipowner under severe circumstances to arrange a repatriation. Whether on land or at sea, access to psychological care in France carries a heavy social stigma. The Covid-19 crisis exacerbated the psychological exhaustion that was already present among crews. The rise in anxious and/or depressive states linked to lockdowns, psychosocial and economic impacts, and the perception of the virus, illness, and death—both within the general population and among crews—points to the urgent need to destigmatize access to psychological care. Very concretely, mental health exerts a predominant influence on physical health. Chronic stress can contribute to immune deficiency, the development of cardiovascular diseases, hypertension, diabetes, psychosomatic conditions (chronic fatigue, migraines, psoriasis, etc.), and mental health disorders (eating disorders, panic attacks, or acting as a source of depression and dependency). This represents both a public health challenge and a long-term economic issue. Recently, the classification society DNV

⁸ It is worth noting an epidemic resurgence in the Seychelles, along with strong suspicions regarding the effectiveness of the Chinese Sinopharm vaccine against the South African variant.

(Det Norske Veritas) declared its intention to integrate seafarers' mental health conditions into its audits under vessel safety management frameworks. Recognizing seafarers as essential workers and, *a fortiori*, allowing them priority access to vaccines means protecting a vulnerable population and collectively contributing to the maintenance of global supply chains, which are fundamentally vital during a pandemic.

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