



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## Court Assigns Lashing Work to Dock Workers

A Dutch court has ruled that ship managers, ship owners and charterers must honour an international clause stipulating that cargo lashing work is to be assigned to dock workers rather than seafarers.

The Non-Seafarers Work Clause, otherwise known as the “Dockers’ Clause”, came into force internationally about two years ago as part of a collective bargaining agreement of the International Bargaining Forum.

The clause states:

“Neither seafarers nor anyone else onboard whether in permanent or temporary employment by the company shall carry out cargo handling services in a port, at a terminal or onboard of a vessel, where dock workers, who are members of an ITF-affiliated union, are providing the cargo handling services.

“Where there are not sufficient numbers of qualified dock workers available, the ship’s crew may carry out the work provided that there is prior agreement of the ITF Dockers’ Union or ITF unions concerned, and provided that the individual seafarers volunteer to carry out such duties, and those seafarers are qualified and adequately compensated for that work.

“For the purpose of this clause ‘cargo handling services’ may include but is not limited to loading, unloading, lashing, unlashng, checking and receiving.”

The ITF, maritime trade union Nautilus and Dutch dockers’ union FNV Havens brought the case against several companies alleged to be assigning lashing work to seafarers in the Netherlands despite being signatories to the collective bargaining agreement.

The Dutch court determined the clause is exempt from competition law and plays an important role in ensuring seafarers’ safety.

Nautilus says this reinforces its view that the clause provides that lashing must be done by qualified dock workers, with seafarers only lashing on a voluntary basis if dock workers are not available, and in return for additional pay.

ITF Dockers’ Section vice-chair Niek Stam, who is also the leader of FNV Havens, said the ruling was both a victory for seafarers’ safety and for dockers’ jobs.

The ruling can be found [here](#) [Ed – please note to enable page translation].

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