



**INTERNATIONAL
TRANSPORT
WORKERS'
FEDERATION**



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PRACTICAL GUIDELINES

Non Seafarers' Work Clause (NSWC) in Ports in the Netherlands

Article 4 of the IBF Framework Agreement, containing the NSWC, reads:

Neither seafarers nor anyone else on board whether in permanent or temporary employment by the Company shall carry out cargo handling services in a port, at a terminal or on board 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, unlash, checking and receiving.

This NSWC is included in many different national and international collective bargaining agreements.

In order to facilitate the implementation of the NSWC in practice and help all companies to comply with the NSWC, the ITF and its affiliated unions ("the unions") in the Netherlands have adopted the following guidelines, based on the information available at the time of adoption. These guidelines reflect the unions' understanding of the procedures to be followed with the lashing companies to comply with the NSWC in Dutch ports and propose a streamlined, one-stop approach to request the unions' prior agreement when a sufficient number of qualified dock workers is not available and how to proceed in case of a sudden safety impediment. For the avoidance of doubt, these guidelines do not change and are not meant to change the wording nor the spirit of the NSWC and they do not exempt owners, managers, captains or charterers from obtaining all necessary information, making arrangements and contacting the unions in good time.

In all Dutch ports, the following guidelines are relevant for the NSWC in practice:

1. In accordance with the NSWC, seafarers are, in principle, prohibited from carrying out cargo handling services. Local dock workers must carry out the cargo handling services on board the vessel, i.e. the lashing and unlash of containers. In the Netherlands, lashers can be ordered at local lashing companies active in the respective Dutch port.

In the Port of Rotterdam, there are currently two lashing companies active:

- International Lashing Service B.V. (<https://www.lashing.nl/>): for the ordering

process of lashers see: www.lashing.nl/diensten/lashing-securing/

- Matrans Marine Services (<https://www.matrans.nl/>): these lashers are ordered and arranged via the terminals of Hutchison Ports ECT (Euromax and Delta).

In the Port of Flushing, lashing services are offered by TOS (<https://www.tos.nl/>).

Please note that this is for informational purposes only. For questions about the services provided by lashing companies such as their ordering process, please contact them directly.

2. In accordance with the NSWC, 'prior agreement' is required to allow for seafarers to do the lashing on board the vessel. 'Prior agreement' is granted by the appropriate ITF-affiliate in case not sufficient number of qualified dock workers are available at that time.
3. FNV Havens is the ITF-affiliate for all Dutch ports. 'Prior agreement' is granted by FNV Havens. Such 'prior agreement' can be requested by sending an email to lashing@fnv.nl. Such requests, including a substantiation of the request, shall be submitted immediately after the lashing company has informed that sufficient number of qualified dock workers are not available for that terminal visit. FNV Havens will respond as quickly as possible.
4. Owners of the vessel bear the responsibility that the vessel is in line with the safety standards for lashing that are applicable in Dutch ports. In practice, the unions recommend the following procedure:
 - The Captain or the responsible officer will allow local lashing companies to visit and inspect the vessel for safety. The lashing companies will issue a written report of its inspections to the Captain.
 - Should any safety issues and/or recommendations follow from such reports, Owners will address these as soon as possible and invite the lashing companies again to inspect the vessel until the lashing companies confirm that there are no more impediments ('no known issues').
 - Owners may request a surveyor to attend these inspections at their own expense.
 - After the vessel has received the confirmation of 'no known issues', Owners shall uphold the status quo of the vessel, while recognizing that safety requires ongoing attention and that improvements in the future may be desirable and/or necessary.
5. While a vessel may possess 'no known issues' (see 4), there can occur **a sudden safety impediment**, meaning that a safety device or equipment on the ship becomes or is discovered to be defective during or immediately before lashing, and the time to fix this is not available. In these circumstances, the lashing company may indicate that it will therefore not lash the specific positions where a safety device or equipment is located. If lashing of these positions is urgently required, the following procedure shall be followed during that port call:
 - When the Captain has confirmed to the lashing company that the safety device or equipment will be repaired as soon as possible, then only those positions with defective safety devices or equipment may be lashed by

seafarers during that port call. All other positions are to be lashed by the lashing company.

- The conditions of the NSWC towards lashing seafarers (on a voluntary basis, against adequate compensation and with qualifications) are abided by and the seafarers will lash as safely as is possible in that specific situation.
- Subsequent notification of this sudden safety impediment will be made by sending an email to lashing@fnv.nl with the lashing company and the charterer in cc (proof of the order of the material and/or repair work by specialists will be provided upon request).

In case of such a sudden impediment, whilst this procedure is followed, the unions consider that there is no violation of the NSWC during that port call.

*If you have any questions or points of attention, please send these to:
infol@nautilusint.org and lashing@fnv.nl*