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Nautilus International

Expression of interest in the provision of legal services

Expression of Interest explanation

Nautilus International is a trade union representing around 20,000 members working in the shipping industry at sea and on shore. The maritime industry is global and employment arrangements are very fragmented and spread across many jurisdictions. The Union therefore recruits and organises on an international basis, with most members being British, but with a significant Dutch membership and a smaller Swiss membership. Specific legal services are already in place in the Netherlands and this EOI relates only to the UK jurisdictions of England and Wales, Scotland and Northern Ireland.

Nautilus is issuing this Expression of Interest document (EOI) to invite proposals for the provision of legal services to cover two important work streams in the UK:

- employment law advice and services to members and the Union's Organising Department;
- handling personal injury cases through to settlement

In the first instance, this is a scoping exercise, following which law firms will be invited to take part in a formal tendering process.

Nautilus only supports members' cases where they meet the Union's criteria for support. Main conditions are that, as respects personal and employment matters, the claim must be assessed as: being more likely than not to succeed, as determined by Nautilus and their appointed lawyer; being economically prudent to pursue on a costs/benefit analysis and continue to remain so (costs should generally not exceed 50% of the amount claimed); and, there be a realistic and cost-effective means of enforcing the member's claim.

Members' individual and collective employment issues are dealt with, in the first instance, by an industrial organiser who is responsible for the sector in which those members work, being mainly: deep sea (cruise ships, container and tanker ships); offshore (support and supply vessels to the oil & gas and windfarm sectors); ferry sector; yacht sector. Occasionally legal advice is needed to resolve disputes, and this will require the provision of verbal and written advice to the organiser, direct correspondence with the member and employer and, where necessary, progressing claims through ACAS and the employment tribunal. Claims generally concern: unfair dismissal, TUPE,

discrimination, wage claims and settlement agreements. Any firm providing employment law services would be expected to be easily contactable and accessible.

Any bid for this work may include the provision of this service based on a retainer fee for some or all the service and/or hourly rates.

The Union also provides a personal injury claims service to members who have been injured during their employment. Claims arise in connection with: fatal accidents, slips, trips and falls; use of equipment; exposure to dangerous substances such as asbestos; exposure to noise resulting in hearing loss and tinnitus, etc. Previous experience of personal injury claims in the maritime sector is highly desirable, demonstrating knowledge of health and safety laws on ships, and a record in negotiating settlements with P&I Clubs. So far, this service has been provided by various firms on a no-win, no-fee basis, which is how we wish to proceed. Nautilus will need a service provider in each jurisdiction within the UK.

Due to the international nature of our members' work, both the employment and personal injury claims can present territorial jurisdictional challenges, although in many cases, claims will be subject to a UK jurisdiction/laws. However, formal or informal connections with overseas law firms in major maritime hubs will be an advantage. So too will knowledge and experience of maritime claims and important international instruments like the ILO's Maritime Labour Convention, 2006.

The requirements

Employment claims

The successful service provider(s) will be required to:

- provide employment law advice and services to Union organisers and members
- build a close working relationship with the Union organisers and understand their needs and requirements
- correspond directly with employers to settle disputes
- progress claims through the ACAS early conciliation process and employment tribunal
- liaise with the Nautilus director of legal services on: updating on progress of claims and requesting authorisation for next steps and expenditure; providing detailed bills of costs incurred; providing periodic statistics of work carried out and results

Personal injury claims

The successful service provider(s) will be required to:

- accept instructions from the director of legal services on members' personal injury claims
- promptly contact the member to discuss the claim and keep them (and the director of legal services) regularly and fully updated on prospects and progress
- progress the claim to settlement or commence court proceedings and see the claim through to completion
- carry out the work on a no-win, no-fee basis

Other services

Nautilus would also be interested to hear of other services you may be able to provide, such as: drafting wills; conveyancing; consumer advice; legal helpline for members and their relatives in the same household.

Submission of expressions of interest

Nautilus's director of legal services coordinates and arranges the provision of such services for the Union, overseeing quality control, making decisions on further steps to be taken and authorising costs and expenditure. Any new provider would therefore be working closely with the director.

Nautilus is interested to hear of any firms that can provide one or more of the required services. Proposals should include: a summary of why you think your firm is suitable to provide the service(s); experience of providing legal services in a maritime context; available resources; cost estimates.

Submissions should be sent to eo@nautilusint.org by Friday 17th January 2020