

# Appendices

## Appendix A: Indicative Questions for Interviews

### *Part 1: To International Organisations Such as IMO, ILO, etc.*

1. Recent legislative efforts by international organisations.
2. Adoption of the Maritime Labour Convention 2006 and ILO Guidelines on the standard of seafarers' working and living conditions.
3. Global review of the shipping industry, including manning industry and seafarers' rights conditions (both about seafarers' rights protection and seafarers' rights abuse)
4. Analysis of leading shipping countries' attitudes towards implementation and enforcement of international standards of seafarers' rights protection,—from an “outer” or independent perspective.
5. Flag states' responses. In particular the stances of those major FOC countries.
6. Port state control over seafarers' working and living conditions.
7. What is the background of Maritime Labour Convention 2006, was there any conflict between different countries when the policy was made? If so, how to balance the different interests?

### *Part 2: To Governmental Agencies, Trade Unions, NGOs and Industrial Associations*

1. Overview of the development, status quo and prospects of the shipping industry in China.
2. Investigate seafarers' rights standard in the shipping industry of China.
3. Is there any long-term development plan to improve seafarers' working and living conditions, welfare and social security?

4. Does China apply sustainable policy to seafaring industry? If so, how does it implement and enforce the policy? How do you evaluate the effects?
5. What are the seafarers' rights criteria applicable in China? Can you make a qualitative and quantitative comparison with the other leading shipping countries?
6. Is there any discrepancy or conflict between development of shipping industry and seafarers' rights policies? If so, what are the differences?
7. Are you confident in continuing development of Chinese seafarers export? Is there a possibility that China would be "phased out", as the developed countries, when the regulatory regime becomes more and more stringent? Any counter-measure to sort out the dilemma to ensure its "sustainable development" in China?
8. Please outline the structure of governance over the industry. How to rationalise the multiple, overlapping jurisdictions that may cause low administrative efficacy?
9. Apart from the general law and policy, how do the related authorities exercise specific control to ensure the international standards are respected?
10. Your general impression of the working conditions, occupational safety and health (or accidents or diseases), protective equipment and facilities, welfare, training, etc. of Chinese seafarers. Are the workers well covered and protected by the Labour Law and Employment Contract Law? Any resort or remedy available to those that may have no fair opportunity to sign employment contract with the shipowners?
11. Is there any gap between domestic and internationally accepted seafarers' rights standards? If so, what kind(s) of assistance extended by the international maritime community do you expect, e.g. regulatory, technical or financial? Do you have any specific proposal who is to provide such assistance and how the assistance is to be provided?
12. Any other concern about the maritime labour industry?

### ***Part 3: To Crew Manning Company***

1. Brief history of your company.
2. Scale and portfolio of your company (including structural analysis, e.g. types, sizes, ages of ships in your company)
3. Prospects in the forthcoming 5 years
4. What method(s) do you adopt in ship management? Are the particular methods to be adopted pertinent to the seafarers' management? If so, please provide details.
5. What kinds of precaution are used in preventing the operations from damaging the environment? What facilities do you use to ensure the operations to comply

with the “green” criteria? How do you dispose of the wastes? Are you capable of disposing of the hazardous materials that may otherwise have to be treated in accordance with the “pre-cleaning” requirements? Can you show me the operation of the facilities?

6. Is there any standardised procedure (e.g. ISO quality management system) enforced in your ship management practice? If not, how do you assure that the international and national policy could be respected?
7. How many seafarers do you employ? Do you sign employment contract with every individual worker or outsourcing contract with contractor, or no contract at all? If employment contract is signed, could you provide a copy of pro forma contract? Alternatively, if recruitment of labour is based upon outsourcing arrangements or advertisements or any other expedient (*ad hoc*) muster, how do you make sure that the minimum statutory labour protections are enforced?
8. Welfare Schemes for seafarers, inclusive of wage standards, leaves, social insurances, medical treatments, health care, labour dispute settlement mechanism, etc. Any differentiated standards applied?
9. How do you tackle the new requirements after the enforcement of Maritime Labour Convention 2006? What do you think the new convention will bring to your company and the entire shipping industry?
10. Do the administrations and/or associations inspect the operational procedures regularly or at random? If so, how? What items do they inspect?
11. If the international standards (e.g. The Maritime Labour Convention 2006, ILO Guidelines, etc.) are adopted and enforced, how and to what extent will your business be affected? Apart from the cost and competitiveness factors, is there any positive influence upon your operations? To achieve fair play at international level, what preconditions do you expect to be prearranged and enforced, regulatory, technical and/or financial, etc.?

#### ***Part 4: To Ship Owner, Ship Operator, or Ship Manager***

1. Brief history and nature of your company
2. Scale and portfolio of your company (including structural analysis, eg., types, sizes, ages, routes of ships that you own, control or operate/charter)
3. What do you understand about seafarers’ rights? What kind of rights do you think seafarers should have and how do you ensure them to fulfilled their rights?
4. Fundamental consideration(s) deciding your choice of crew for your ships. Do you care about the seafarers’ rights? (e.g. Seafarers’ wage, health and safety protection, social security and welfare).
5. If there are additional costs for implementation of higher standard, to what extent are you willing to contribute to the success of global goodwill, knowing that you always can have tactic arrangement for FOC at the last minute?

6. If the seafarers' cost from other countries is cheaper than Chinese seafarers, will you opt to have your ship manned by foreign seafarers?
7. Normally what kind of dispute you may have with seafarers and how to deal with it?
8. What methods you may use in practice to perform the responsibilities of ensuring seafarers' rights?
9. Nationality options of your fleet. The procedures and costs for altering the ship registration.

### ***Part 5: To Seafarers***

1. Your age, education level, working experience and present post, your hometown, place of birth, your family situation.
2. Your wage and income. If this is too much sensitive, alternative question will be: are you satisfied with the employer's payment,—to be assessed with the local standard and your homeland standard respectively?
3. Did you sign an employment contract with the shipowner or crew agent? To what extent do you know your rights and welfare, inclusive of social insurance, occupational health protection and care, medical treatment, compensation for chronic illness, leave, overtime payment, etc.? Do you have any effective channel to complain if you are unhappy with the working conditions? Is the Trade Union or public resort readily accessible?
4. Pre- and en-working training courses you have been provided.
5. Working environment and procedures, visible and invisible risks, protective equipment, maximum continuous working hours, perceived and supposed pain or harm to your health, etc.
6. If there is another employer (not engaged in work on board) offering better terms, will you leave the present position? Are you free to do so?
7. Does your family support your decision to work on board? Is there any problem with your family caused by your position as a seafarer?
8. Do you have any expectation for the employer to improve your working conditions that can reasonably be achieved?
9. Do you have a feeling of comradeship when you are working with others?
10. Do you think it better to become a skilful and experienced seafarer or to pursue a post with higher reward for the purpose of personal development?
11. Do you know about the legislation in respect of seafarers' rights in China? Do you know about Maritime Labour Convention 2006?

## Appendix B: Questionnaire A

### 海员权利保护及保障问卷调查(海员适用,共2页) *for Seafarers*

尊敬的海员同志,您好!

我是格林尼治大学的研究人员,我们正在做关于海事劳工公约的研究,想问您几个问题并了解您的宝贵意见。所有回答将被完全保密。请在您认为的选项内打“x”或“\_”上写上相应的答案。您的回答将为本研究提供重要参考!如果留下邮箱本课题组将反馈调研结果并提供所编写的海员权利保护手册一份,非常感谢您的协助与支持!

#### 一、关于《2006年海事劳工公约》 **About the MLC 2006**

- 您对《2006年海事劳工公约》的熟悉程度如何? How do you know about the MLC 2006?  
 (a)  十分熟悉 very much; (b)  基本了解 basically; (c)  略有了解 a little; (d)  完全不了解 not at all
- 您通过什么方式了解到《2006年海事劳工公约》? By which means did you first know about the MLC 2006?  
 (a)  公司培训 company training; (b)  同事或朋友 colleagues and friends; (c)  海员工会 trade union; (d)  海事局 MSA; (e)  其他 other \_\_\_\_\_
- 您认为《2006年海事劳工公约》能对中国海员权利产生什么样的影响? How do you think the impact of MLC 2006 on Chinese seafarers' rights?  
 (a)  非常大的影响 significantly; (b)  一般影响 slightly; (c)  影响非常有限 very limited impact; (d)  几乎没有影响 no impact
- 您认为中国政府是否应该批准《2006年海事劳工公约》? Do you think that China should ratify the MLC 2006  
 (a)  应该立刻批准 immediately; (b)  待条件成熟后批准 not ready to ratify; (c)  无所谓 doesn't matter; (d)  反对批准 objection
- 您是否愿意给出问题4选择的原因是 what is the reason for answer to question 4? \_\_\_\_\_
- 您认为《2006年海事劳工公约》是否对我国航运政策产生影响? How do you think the impact of the MLC 2006 on Chinese maritime policy?  
 (a)  非常大的影响 significantly; (b)  一般影响 slightly; (c)  影响非常有限 very limited impact; (d)  几乎没有影响 no impact
- 您认为我国批准公约后,我国海事劳工标准是否能满足公约要求? How do you think whether the maritime labour standard in China can satisfy the requirements of MLC 2006?  
 (a)  满足或高于公约要求 completely; (b)  基本满足 basically; (c)  有较大差距 large gap; (d)  差距非常大 very large gap

- 您认为我国批准公约后, 海事管理和执行机关能否顺利执行公约标准? How do you think whether maritime authority in China can enforce the MLC 2006 properly?  
(a) 有非常大的难度 not possible; (b) 短期比较困难 huge difficult for the moment; (c) 基本满足要求 slight difficult; (d) 完全满足要求 no problem at all
- 您是否愿意给出问题8选择的原因是 what is the reason for answer to question 8 \_\_\_\_\_
- 您最关心的是《2006年海事劳工公约》的哪一部分? Which part of MLC 2006 do you care about most?  
(a) 服务合同 SEA; (b) 工资 wages; (c) 福利及社会保障 welfare and social security; (d) 海员遣返 repatriation; (e) 其他 other \_\_\_\_\_
- 您是否认为所在公司已经采取积极措施来实施《2006年海事劳工公约》? Whether you company have taken proper measures to enforce the MLC 2006?  
(a) 已采取积极措施 enough measures; (b) 采取有限措施 limited measures; (c) 反应比较消极 negative response; (d) 反应非常消极 very negative response
- 您是否认为公约生效后, 船东提供给中国海员的综合待遇有所变化? How do you think the improvement of Chinese seafarers' treatment because of the MLC 2006?  
(a) 有显著提高 significant; (b) 有所提高 limited improvement; (c) 没有变化 no change; (d) 有所下降 negative impact; (e) 无法判断 cannot tell
- 您是否认为公约生效后, 反而对中国海员有不利影响? Do you think there is negative impact of the MLC 2006 on Chinese seafarers?  
(a) 没有不利影响 no negative impact; (b) 利大于弊 do more good than harm; (c) 弊大于利 do more harm than good
- 您认为若有不利影响, 其原因是 what is the reason for answer to question 13 \_\_\_\_\_

## (二) 海员职业特点 Characteristics of Seafaring Profession

- 您认为海员在我国是否具有良好及应得的社会地位? How do you think seafarers' social status in China?  
(a) 社会地位很高 very high; (b) 社会地位一般 very normal; (c) 社会地位偏低 slightly low; (d) 社会地位非常低 very low
- 您认为近年来我国海员的社会地位是否有变化? How do you think the change of Chinese seafarers' social status in recent years?  
(a) 有显著提高 significantly improve; (b) 有缓慢提高 slightly improve; (c) 没有变化 no change; (d) 缓慢下降 slightly decline; (e) 显著下降 significantly decline
- 您认为海员社会地位与下述那个因素关系比较大? Which factor do you think significantly affect Chinese seafarers' social status?  
(a) 收入水平 income; (b) 权利保护 right protection; (c) 社会认可 recognition of contribution; (d) 享有社会资源 access to public resources; (e) 以上都是 all above

- 您认为海员职业最显著的特殊性是什么? What is the unique characteristics of seafaring profession?  
(a)  高风险 dangerous; (b)  辛苦 laborious; (c)  与家人分离 separation with family; (d)  封闭 isolation; (e)  其他 other features \_\_\_\_\_
- 与陆上很多职业相比, 您如何看待海员所做出的社会贡献? How do you think the contribution of seafarers?  
(a)  非常特殊, 不可替代 very unique and irreplaceable; (b)  很大贡献 significant contribution; (c)  一般贡献 normal contribution; (d)  没有特殊性 nothing special

### (三) 海员权利及其保障 Seafarer Protection in China

- 您认为与陆上很多职业相比, 海员是否需要特殊保护? Do you think that seafarers need special protection compared with land-based workers?  
(a)  非常有必要 very much; (b)  有必要 necessary; (c)  很难说 difficult to say; (d)  完全没有必要 not necessary at all
- 如果需要特殊保护, 您所认为的原因是 what is the reason for answer to question 20 \_\_\_\_\_
- 您是否在工作中经历权利被侵害的情形? Do you have any experience that your rights were violated?
- 从来没有 never; (b)  1-3次; (c)  3-5次; (d)  5-10次; (e)  10次以上 above
- 如果权利被侵害时, 您的解决途径一般是? What would you do when you found that your rights were violated?  
(a)  忍气吞声 do nothing; (b)  工会申诉 rely on trade union; (c)  诉讼 legal procedures; (d)  仲裁 arbitration; (e)  伺机报复 revenge when there is opportunity
- 您认为我国目前的法律体系, 是否给予海员充分的保护与保障? Do you think there is sufficient protection for seafarers in Chinese legal system?  
(a)  非常充分 very sufficient; (b)  一般充分 sufficient; (c)  不充分 not sufficient; (d)  非常不充分 far from sufficient
- 您认为在实践中, 中国海员权利是否给予充分的尊重和保护? Do you think there is sufficient protection for seafarers in practice?  
(a)  非常充分 very sufficient; (b)  一般充分 sufficient; (c)  不充分 not sufficient; (d)  非常不充分 far from sufficient
- 您认为我国是否有迫切需要制定《船员法》? Do you think there is urgent need to enact seafarer law in China?  
(a)  非常紧迫 very urgent; (b)  一般紧迫 slight urgent; (c)  不紧迫 not urgent; (d)  可有可无 unnecessary to have that
- 您认为制定《船员法》是否能改善我国海员权利现状? Do you think to enact Chinese seafarer law can improve seafarer protection in China?  
(a)  非常有必要 very likely; (b)  比较重要 likely; (c)  一般重要 not likely; (d)  用处不大 it is not useful

#### (四) 被访者简要背景 **Background of Respondent**

- 年龄 age: (a)  21–30; (b)  31–40; (c)  41–50; (d)  51–60; (e)  61 及以上 above
- 婚否 marriage status: (a)  未婚 single; (b)  已婚 married
- 学历 education: (a)  中专及以下 secondary school; (b)  大专 college; (c)  本科 undergraduate; (d)  硕士及以上 master and above
- 海龄 sea experience: (a)  1–5年; (b)  5–10年; (c)  10–15年; (d)  15–20年; (e)  20及以上 20 and above
- 证书类别 certification: (a)  国内 national trade; (b)  沿海 coastal trade; (c)  远洋三千总吨以下 ocean-going below 3000 dwt; (d)  远洋三千总吨以上 ocean-going above 3000dwt
- 籍贯来源 place of birth: \_\_\_\_\_
- 工作职务 rank on board: \_\_\_\_\_
- 登记机关 registration MSA: \_\_\_\_\_ 海事局
- 您是否有其他希望发表的意见  
any other comments \_\_\_\_\_
- 电子邮件 contact information: \_\_\_\_\_

### Appendix C: Questionnaire B

#### 关于《海事劳工公约》的问卷调查(机构适用,共2页) *for Institutions*

尊敬的女士/先生,您好!

我是格林尼治大学的研究人员,我们正在做关于《海事劳工公约》的研究,想问您几个问题并了解您的宝贵意见。所有回答将被完全保密。请在您认为的选项□内打“x”或“\_”上写上相应的答案。您的回答将为本研究提供重要参考!如果留下邮箱本课题组将反馈调研结果及研究报告,非常感谢您的协助与支持!

#### 一、关于《2006年海事劳工公约》**About the MLC 2006**

- 您对《2006年海事劳工公约》的熟悉程度如何? How do you know about the MLC 2006?  
(a)  十分熟悉 very much; (b)  基本了解 basically; (c)  略有了解 a little; (d)  完全不了解 not at all
- 贵单位是否组织过《2006年海事劳工公约》的学习培训? Have you ever attended any training regarding the MLC 2006?  
(a) 经常组织 always; (b)  偶尔组织 once a while; (c)  从不组织 never; (d)  没有兴趣 no interest

- 您认为《2006年海事劳工公约》是否会增加航运公司运营成本? How do you think the matter that the MLC 2006 will improve the operation cost of shipping companies?  
(a) 大幅增加 significantly; (b) 略有增加 slightly; (c) 增加非常有限 very limited impact; (d) 几乎没有影响 no impact
- 您认为《2006年海事劳工公约》能对中国海员权利产生什么样的影响? How do you think the impact of MLC 2006 on Chinese seafarers' rights?  
(a) 非常大 significantly; (b) 一般影响 slightly; (c) 影响非常有限 very limited impact; (d) 几乎没有影响 no impact
- 您认为中国政府是否应该批准《2006年海事劳工公约》? Do you think that China should ratify the MLC 2006?  
(a) 应该立刻批准 immediately; (b) 待条件成熟后批准 not ready to ratify; (c) 无所谓 doesn't matter; (d) 反对批准 objection
- 您是否愿意给出问题5选择的原因是 what is the reason for answer to question 5? \_\_\_\_\_
- 您认为《2006年海事劳工公约》是否对我国航运政策产生影响? How do you think the impact of the MLC 2006 on Chinese maritime policy?  
(a) 非常大 significantly; (b) 一般影响 slightly; (c) 影响非常有限 very limited impact; (d) 几乎没有影响 no impact
- 您认为我国批准公约后,我国海事劳工标准是否能满足公约要求? How do you think whether the maritime labour standard in China can satisfy the requirements of MLC 2006?  
(a) 满足或高于公约要求 completely; (b) 基本满足要求 basically; (c) 有较大差距 large gap; (d) 差距非常大 very large gap
- 您认为我国批准公约后,海事管理和执行机关能否顺利执行公约标准? How do you think whether maritime authority in China can enforce the MLC 2006 properly?  
(a) 有非常大的难度 not possible; (b) 短期比较困难 huge difficult; (c) 基本满足要求 slight difficult; (d) 完全满足要求 no problem
- 您是否愿意给出问题9选择的原因是 what is the reason for answer to question 9? \_\_\_\_\_
- 您最关心的是《2006年海事劳工公约》的哪一部分? Which part of MLC 2006 do you care about most? (a) 服务合同 SEA; (b) 工资 Wages; (c) 福利及社会保障 welfare and social security; (d) 海员遣返 repatriation; (e) 其他 other issues \_\_\_\_\_
- 您是否认为贵公司已经采取积极措施来实施《2006年海事劳工公约》? Whether you company have taken proper measures to enforce the MLC 2006?  
(a) 已采取积极措施 enough measures; (b) 采取有限措施 limited measures; (c) 反应比较消极 negative response; (d) 反应非常消极 very negative response
- 您是否认为公约生效后,船东提供给中国海员的综合待遇有所变化? How do you think the improvement of Chinese seafarers' treatment because of the MLC 2006?  
(a) 有显著提高 significant; (b) 有所提高 limited improvement; (c) 没有变化 no change; (d) 有所下降 negative impact; (e) 无法判断 cannot tell

- 您是否认为公约生效后, 反而对中国海员有不利影响? Do you think there is negative impact of the MLC 2006 on Chinese seafarers?
- (a)  没有不利影响 no negative impact; (b)  利大于弊 do more good than harm; (c)  弊大于利 do more harm than good
- 您认为若有不利影响, 其原因是 what is the reason for answer to question 14? \_\_\_\_\_

## (二) 海员职业特点 Characteristics of Seafaring Profession

- 您认为海员在我国是否具有良好及应得的社会地位? How do you think seafarers' social status in China?
  - (a)  社会地位很高 very high; (b)  社会地位一般 very normal; (c)  社会地位偏低 slightly low; (d)  社会地位非常低 very low
- 您认为近年来我国海员的社会地位是否有变化? How do you think the change of Chinese seafarers' social status in recent years?
  - (a)  有显著提高 significantly improve; (b)  有缓慢提高 slightly improve; (c)  没有变化 no change; (d)  缓慢下降 slightly decline; (e)  显著下降 significantly decline
- 您认为海员社会地位与下述那个因素关系比较大? Which factor do you think significantly affect Chinese seafarers' social status?
  - (a)  收入水平 income; (b)  权利保护 right protection; (c)  社会认可 recognition of contribution; (d)  享有社会资源 access to public resources; (e)  以上都是 all above
- 您认为海员职业最显著的特殊性是什么? What is the unique characteristics of seafaring profession?
  - (a)  高风险 dangerous; (b)  辛苦 laborious; (c)  与家人分离 separation with family; (d)  封闭 isolation; (e)  其他 other features \_\_\_\_\_
- 与陆上很多职业相比, 您如何看待海员所做出的社会贡献? How do you think the contribution of seafarers?
  - (a)  非常特殊, 不可替代 very unique and irreplaceable; (b)  很大贡献 significant contribution; (c)  一般贡献 normal contribution; (d)  没有特殊性 nothing special

## (三) 海员权利及其保障 Seafarer Protection in China

- 您认为与陆上很多职业相比, 海员是否需要特殊保护? Do you think that seafarers need special protection compared with land-based workers?
  - (a)  非常有必要 very much; (b)  有必要 necessary; (c)  很难说 difficult to say; (d)  完全没有必要 not necessary
- 如果需要特殊保护, 您所认为的原因是 what is the reason for answer to question 21? \_\_\_\_\_

- 您认为我国目前的法律体系, 是否给予海员充分的保护与保障? Do you think there is sufficient protection for seafarers in Chinese legal system?  
(a) 非常充分 very sufficient; (b) 一般充分 sufficient; (c) 不充分 not sufficient; (d) 非常不充分 far from sufficient
- 您认为在实践中, 中国海员权利是否给予充分的尊重和保护? Do you think there is sufficient protection for seafarers in practice?  
(a) 非常充分 very sufficient; (b) 一般充分 sufficient; (c) 不充分 not sufficient; (d) 非常不充分 far from sufficient
- 您认为我国是否有紧迫需要制定《船员法》? Do you think there is urgent need to enact seafarer law in China?  
(a) 非常紧迫 very urgent; (b) 一般紧迫 slight urgent; (c) 不紧迫 not urgent; (d) 可有可无 unnecessary to have that
- 您认为制定《船员法》是否能改善我国海员权利现状? Do you think to enact Chinese seafarer law can improve seafarer protection in China?  
(a) 非常有可能 very likely; (b) 一般可能 likely; (c) 不太可能 not likely; (d) 用处不大 it is not useful

#### (四) 被访单位简要背景 **Background of Respondent**

- 贵单位的性质是 Your background 1: (a) 政府机构 government department; (b) 事业单位 public institution; (c) 国企公司 state-owned company; (d) 民营企业 private company; (e) 合资公司 joint-venture company; (f) 外资公司代表处 representative office of foreign company; (g) 其他 other \_\_\_\_\_
- 贵单位的所属角色是 Your background 2: (a) 海事局 MSA; (b) 船东 shipowner; (c) 海员劳务代理 manning agency; (d) 船舶管理公司 ship management company; (e) 海员工会 trade union; (f) 海员教育培训 Maritime education and training institution; (g) 其他 other \_\_\_\_\_
- 贵公司(如适用)规模, 服务海员人数 How many seafarers in management: (a) 50人以下 below 50; (b) 51-100人; (c) 10-200人; (d) 201-1000人; (e) 1000人以上 above 1000
- 贵公司(如适用)规模, 岸上管理人员人数 How many staff in management: (a) 5人以下 below 5; (b) 6-10人; (c) 11-20人; (d) 21-50人; (e) 50人以上 above 50
- 您在贵单位的工作职务 Your role in your company: \_\_\_\_\_
- 您是否有其他希望发表的意见  
any other comments \_\_\_\_\_
- 电子邮件contact information: \_\_\_\_\_