Workplace death at sea: Chinese surviving families’ experiences of compensation claims

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Workplace fatalities

• More than 2.3 million workers died as a result of occupational accidents or work-related diseases in the world (ILO 2015).

• In 2012, 71,983 workplace fatalities were reported in China.
The impacts of workplace fatalities on surviving families

• Serious health, social and consequences threaten surviving families’ life and welfare.

• The cost burden on surviving families are not properly included in current compensation schemes.

• The adequacy of organisational and institutional responses surviving families’ needs are not well examined.

• (Matthews, Bohle, Quinlan and Rawlings-Way 2011)
High risks of seafaring jobs

• Traditionally hazardous and adventurous occupation
  (Bailey 2003; Alderton et al. 2004; Liu 2007; Bloor 2011)

• Higher rates of work-related deaths at sea
  26 times higher than the UK average national rate
  11 times higher than shore based industries in Demark

Chinese seafarers: international precarious workers

- By the end of 2013, China has 419,029 international seafarers.
- Chinese seafarers finished 119,316 duties on foreign vessels in 2013.
- 45.92% of seafarers do not have long term employment relationships.
- 58.45% seafarers are not covered by the Work-related Injury Insurance schemes.
The labour supply chain of seafarers
Research Question:

Whether the loss and needs of Chinese surviving families can be covered and met by the organisations of shipowners, administrative and judicial institutions.
Methods

• in-depth interviews

 ▫ Eight recorded in-depth interviews with surviving family members

 ▫ 33 interviews with shipowners’ representatives, crew agency managers, maritime judges and maritime lawyers
Findings (1) Organisation-related issues

- The management workflow of workplace fatalities are fragmented:
  - the liabilities of involving parities are not properly defined;
  - the liable parties’ behaviour cannot be transparently observed.
The organisational workflow of accidents/claims management.

Shipowners' Duties

- Transport of Remains back to China OR Overseas Cremation

Crew Agencies' Responsibilities

- Assisting the Transport of Remains and the funeral organisation in China

Workplace Accidents on Board

Death

Shipowners' Duties (Under the instruction of P & I Clubs and with crew agencies' assistance)

- Ensuring the claimant(s) to sign the Receipt and Release. Making the payment. (Case Closure)
- Asking the claimant(s) to sign the settlement agreement.
- The final compensation amount is agreed.
- Negotiating with bereaved families
- Calculating Death Compensation
Findings (1) Organisation-related Issues

(1) The fragmented management chain:

Enabling shipowners to avoid facing surviving families;

Enabling crew agencies, shipowners’ representatives and liability insurers work in black box to decide how to treat and compensate surviving families.
Surviving families’ voices

- ‘The shipowner never sent a representative and never paid any attention to us. For the company, my father’s death was only a loss of an instrument. Why would they care about the loss of a tool?’ (SF_NT_F)

- ‘We had more than 20 family members waiting at the crew agency office, asking for shipowners’ name and address. But the crew agency refused to disclose anything. We asked to meet the shipowner but they said the shipowner was too busy to meet us.’ (SF_FZ_Z)
Findings(2): Organisation-related Issues

- (2) The surviving families cannot access accident investigation results.

- (3) The organisations provide limited supports in search, transport and burial of remains.
‘I was trying to investigate why my cousin disappeared on board and requested to talk to other crew on board. The company told me all crew were replaced in Hong Kong and it was impossible to conduct any investigation.’ (SF_NT_C)

‘We insisted that we must find the bodies. But the company said it was too expensive to search bodies on high sea. If they continued searching, they would reduce the cost from our compensation.’ (SF_FZ_Z)
Findings (3): Institution-related issues

Administrative authorities’ negative attitudes towards regulating foreign-related cases.

The large financial costs and time-consuming procedures of judicial procedures discourage surviving families to seek legal remedies.
‘The police station said they could not help because the accident was not in China. We went to the whistleblowing office of the Ministry of Transport, but they did not allow us to enter. We went to the Ministry of Foreign Affairs but a civil servant told us my cousin’s disappearance was not a matter big enough to be regulated by the Ministry of Foreign Affairs.’ (SF_NT_C)

‘We went to a law firm. But the lawyer told us that the compensation was capped by the law. It was not wise to pursue an unpredictable result through time-consuming litigation’. (SF_FZ_Z)
Findings(4): family-related issues

(1) Limited knowledge of contractual compensation standards, law and regulations

- ‘I asked the crew agency to give me the crew management agreement containing compensation standards. The company refused and argued that was their commercial secrets.’ (SF_TJ_Z)

- ‘The so-called legal rules are very complex. I wanted to raise work-related injury damages first, but the Beijing company (the crew agency) and the HK company (the ship management company) said they were not liable to that damages. My legal search was useless.’ (SF_TJ_Z)
(2) Internal conflicts and discrimination against widows

‘My sister-in-law incited my mother-in-law to exploit my rights to compensation. I was helpless and desperate then. The only thing I could do was to kneel down in front of my parents-in-law, begging them to have some mercy on my daughter and me.’(SF_NJ_X)
Conclusions

The current business management of workplace accidents/claims enable shipowners to be unapproachable to surviving families;

The surviving families have limited information and support from companies and institutions after accidents.

Internal conflicts of families threaten the solidarity of families.
Thank You!

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