



Unite response to Department for Transport consultation on Strengthening Seafarer Protections on UK-France Routes

1. Introduction

This submission is made by Unite the Union, the UK's largest trade union with over one million members across all sectors of the economy, including: manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government, and the not-for-profit sector.

Of particular interest to this consultation are Unite's 17,000 plus members working in or adjacent to the maritime sector. Unite has members employed on government survey vessels, commercial ferries, in-harbour maritime services (including tug boats crews and pilots), as port operatives, and at Eurotunnel.

Although Unite has members employed as onboard crew that will be directly impacted by the changes envisioned in this consultation, Unite's wider interest is in a level playing field for workers across the UK's maritime industries. Unite shop stewards have expressed a strong interest in this consultation from the point of view of raising standards across the board, to the benefit of all workers both on- and offshore.

2. Questions

2.1 Do you agree or disagree that the safe working and remuneration declarations should apply to all sea services between the UK and France and Channel Islands, that visit a UK port at least 120 times a year?

Yes, and this 120-visit threshold must not be raised any further. Although this 120-crossing threshold will capture the high-volume routes across the channel, it must be kept under review and routes with less frequent crossings should not fall out of the scope of these changes.

The scope of these changes cannot be limited to UK-France and UK-Channel Island routes but must also apply to other sea crossings including the between the UK and Ireland, Belgium, and the Netherlands as priority. The UK government should seek to make bilateral agreements with these countries as a matter of urgency.

Unite notes that, if these regulations are limited to UK-France and UK-Channel Island crossings, they will potentially miss a majority of seafarers covered by the Seafarers Wages Act 2023, creating an unacceptable two-tier regulatory regime.

Finally, although the scope of this consultation relates to international crossings, workers on domestic ferry routes (for example between Scotland and Northern Ireland), often employed by the same operators, must have equivalent levels of protections.

2.2 Do you agree with the use of the remuneration regulations to require payment of the equivalent of national minimum wage for the entirety of cross-Channel routes?

Yes, Unite agrees with this, but further believes that the higher rate of minimum wage must apply to entirety of the crossing. For example, as the UK National Minimum Wage is higher than the French, while the UK NMW should apply to the entire crossing.

2.3 Are there other types of remuneration that these powers should be used to regulate?

Yes, all forms of remuneration including holiday pay, sick pay, and pension contributions should be included as mandatory standards within the scope of these changes.

These must be included when these regulatory changes come into effect and not be amended onto the legislation at some future time. Retrospective addition of other forms of remuneration will be time consuming and give less reputable employers greater freedom of action for withholding appropriate remuneration from their workers and allow undercutting of employers who participate in good faith collective bargaining.

2.4 Are there any parts of the existing seafarers' wages regulations that ought to be adapted for in their application in remuneration regulations to the whole of the journey between UK and France?

Operators must be required to include in seafarers' contracts their hourly rate of pay for an expected number of hours of work, alongside relevant formulae for (for example) part time and pro-rata arrangements. This should be a condition of the remuneration declaration.

2.5 Do you agree with a maximum period of service aboard of no more than 14 days, followed by an equal period of leave?

Unite is broadly in favour with the 14-day maximum period of service, followed by an equal period of leave, and agrees this should be the baseline standard. Only in exceptional operational, emergency or personal circumstances can seafarers work beyond the two week on two week off roster cap, and then only with the agreement of the recognised trade union.

Unite is, however, open to allowing limited flexibility to these arrangements where they can be achieved to the satisfaction both operators and seafarers through a formal collective bargaining process.

As in the offshore oil and gas industry, where Unite represents a significant workforce, training and time required to complete re-validation of mandatory certifications should be taken during rostered periods of work wherever possible not during rest periods. If taken in rest periods, the principle of compensatory rest must apply.

2.6 Do you agree that those in training should have a maximum period of service aboard of no more than 21 days, with an equal period of leave?

Since apprentice ratings cannot be required to work more than an 8-hour day, this is an acceptable difference in maximum time allowed aboard. Trainee seafarers must, nonetheless, have access to adequate berthing facilities, including single cabin occupancy.

2.7 Do you think it would be beneficial to require fatigue management plans?

Unite understands that Fatigue Management Plans are already mandatory in the ferries sector and Unite is concerned by the inclusion of this question in this consultation.

Fatigue Management Plans already exist within the rail, bus, and road transport sectors, and it makes no sense that seafarers, operating in similarly safety critical environments, should not be subject to the same level of regulatory oversight.

2.8 What, if any, elements of fatigue management plans should be required?

All elements of a standard Fatigue Management Plan should be required of operators, including risk assessments, accurate records of hours of rest, training, and monitoring of overtime and split shifts.

2.9 Do you agree that the timescales for providing safe working and remuneration declarations should be the same as those for the existing equivalence declarations?

Yes.

2.10 Do you agree that the same relevant year should apply for safe working and remuneration declarations as for equivalence declarations?

Yes.

2.11 Do you agree with the proposed surcharge tariff for

Remuneration declarations

Yes.

Safe working declarations

Yes.

2.12 Do you agree with the timescales for communicating refusal of access?

Yes, however Unite notes the refusal of access to port facilities is a severe penalty for operators with implications beyond the profit margin of the business. Passengers, crew, and other operators (especially in busy shipping lanes) and likely to be impact, and appropriate early warning systems should be in place where possible.

If a vessel or operator is not compliant with the Seafarers' (Wages and Working Conditions) Act 2023 and associated secondary regulations it may be appropriate to warn passengers at the point of purchase of the tickets.

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