
Graduate Certificate in Seafarer Employment Law

Employment Contracts and Agreements

Employment Contracts and Agreements

An employment contract is a legally binding agreement between an employer and an employee that outlines the terms and conditions of employment. It sets out the rights, responsibilities, and obligations of both parties during the course of employment. Employment contracts can be written, oral, or implied by the actions of the parties involved.

Employment contracts and agreements are crucial in the maritime industry, especially for seafarers, as they govern the relationship between the shipowner or operator and the seafarer. These contracts ensure that both parties understand their rights and obligations, provide clarity on working conditions, and help resolve disputes that may arise during the employment period.

Below is a comprehensive glossary of terms related to employment contracts and agreements in the context of the Graduate Certificate in Seafarer Employment Law:

1. Arbitration Clause:

An arbitration clause is a provision in an employment contract that requires any disputes between the employer and the employee to be resolved through arbitration rather than through the court system. This clause outlines the process by which disputes will be arbitrated, including the selection of arbitrators, the venue for arbitration, and the rules that will govern the arbitration proceedings.

Related Terms: Dispute Resolution, Arbitration Agreement

Example: The employment contract included an arbitration clause that required any disputes to be resolved through binding arbitration in London.

2. Collective Bargaining Agreement (CBA):

A collective bargaining agreement is a contract negotiated between an employer (or group of employers) and a labor union (or group of unions) that sets out the terms and conditions of employment for a group of employees. CBAs typically cover wages, benefits, working conditions, and other aspects of employment. In the maritime industry, CBAs are common for seafarers who are members of a union.

Related Terms: Labor Union, Negotiation, Collective Agreement

Example: The seafarers' union successfully negotiated a new collective bargaining agreement with the shipping company that included higher wages and improved working conditions.

3. Confidentiality Clause:

A confidentiality clause is a provision in an employment contract that requires employees to keep certain information confidential. This clause prohibits employees from disclosing sensitive or proprietary information about the employer, clients, or business operations. Confidentiality clauses are common in industries where protecting confidential information is critical, such as maritime and shipping.

Related Terms: Non-Disclosure Agreement, Trade Secrets, Confidential Information

Example: The seafarer signed an employment contract that included a confidentiality clause, preventing them from disclosing the ship's route or cargo details to third parties.

4. Fixed-Term Contract:

A fixed-term contract is an employment agreement that specifies a definite period for which the employee will be employed. Unlike permanent contracts, fixed-term contracts have a predetermined end date, after which the employment relationship automatically terminates. Fixed-term contracts are common in the maritime industry for short-term projects or seasonal work.

Related Terms: Temporary Employment, Contract Duration, Renewal

Example: The seafarer was hired on a fixed-term contract to work on a cruise ship for six months during the summer season.

5. Implied Terms:

Implied terms are unwritten provisions in an employment contract that are not explicitly stated but are understood to be part of the agreement based on custom, practice, or the nature of the employment relationship. Implied terms are inferred from the conduct of the parties or the circumstances surrounding the contract.

Related Terms: Unwritten Agreements, Custom and Practice, Legal Presumptions

Example: Although not explicitly included in the contract, the court inferred an implied term of mutual trust and confidence between the employer and the employee.

6. Jurisdiction Clause:

A jurisdiction clause is a provision in an employment contract that determines which country's laws will govern the interpretation and enforcement of the contract. This clause specifies the legal jurisdiction in which any disputes arising from the contract will be resolved, as well as the courts or arbitral tribunals that will have jurisdiction over the matter.

Related Terms: Choice of Law, Forum Selection Clause, Conflict of Laws

Example: The employment contract contained a jurisdiction clause stating that any disputes would be

governed by the laws of England and resolved through arbitration in London.

7. Minimum Safe Manning:

Minimum Safe Manning refers to the minimum number of qualified seafarers required to safely operate a vessel in compliance with international regulations and industry standards. The concept of minimum safe manning ensures that ships have an adequate crew complement to perform essential tasks, maintain safety standards, and respond to emergencies effectively.

Related Terms: Crewing Requirements, Safe Navigation, International Maritime Organization (IMO)

Example: The shipping company was fined for operating a vessel below the minimum safe manning levels prescribed by international conventions.

8. Seafarers' Employment Agreement (SEA):

A Seafarers' Employment Agreement (SEA) is a legally binding contract between a seafarer and their employer that governs the terms and conditions of employment at sea. SEAs outline the rights and obligations of both parties, including wages, working hours, leave entitlements, repatriation, and other employment terms. SEAs are required under international maritime labor standards, such as the Maritime Labour Convention (MLC).

Related Terms: Employment Contract, Seafarer Rights, MLC Compliance

Example: The seafarer signed a Seafarers' Employment Agreement before joining the vessel, detailing their duties, salary, and duration of employment.

9. Termination Clause:

A termination clause is a provision in an employment contract that specifies the circumstances under which the contract may be terminated by either party. This clause outlines the grounds for termination, notice requirements, and any other conditions that must be met for the contract to be legally terminated. Termination clauses help prevent disputes and clarify the process for ending the employment relationship.

Related Terms: Notice Period, Termination for Cause, Termination Without Cause

Example: The termination clause in the contract allowed either party to end the employment relationship with 30 days' notice in writing.

10. Zero-Hours Contract:

A zero-hours contract is an employment arrangement where the employer does not guarantee a minimum number of working hours to the employee. Under a zero-hours contract, the employer only offers work as and when needed, and the employee is not obliged to accept the work. Zero-hours contracts provide flexibility for employers but can be challenging for employees who rely on stable income.

Related Terms: On-Call Employment, Casual Labor, Flexible Work Arrangements

Example: The seafarer was hired on a zero-hours contract, which meant they were not guaranteed a set number of hours each week.