



BRIEFING

Offshore maritime workers – challenges accessing space in managed isolation

Date:	19 March 2021	Priority:	Medium
Security classification:		Tracking number:	2021-2871

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	<p>Note that seafarers who are unable to enter or legally remain in one of the countries where they have been working are eligible to access the Emergency Allocation</p> <p>Agree that the current settings for handling applications for seafarers are fit for purpose and no changes are required</p> <p>Forward a copy of this advice to the Ministers of Transport and Immigration</p>	26 March 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone	1st contact	
Privacy of natural persons	Manager, Allocation and Supply, MIQ Policy	Privacy of natural persons		✓
	Senior Policy Advisor, MIQ Policy			

The following departments/agencies have been consulted

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Offshore maritime workers – challenges accessing space in managed isolation

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Purpose

This paper notes concerns raised by New Zealand seafarers located overseas who have had difficulties in obtaining access to places in managed isolation (MIQ), and clarifies the specific circumstances in which MBIE presently allows seafarers to access the Emergency Allocation Mechanism.

Executive summary

New Zealand seafarers working overseas have raised concerns that the particular circumstances of their employment, whereby they cannot predict with certainty when they will reach a port at the end of work roster, and difficulties in obtaining internet connectivity, mean that they consider the current online booking system (MIAS) impractical.

The exact number of New Zealand seafarers operating abroad is unknown. However an estimate from Maritime New Zealand is that they number around 200 persons. Many of these seafarers pre COVID-19 would work abroad for a period of time and then return back to New Zealand once their work commitments have finished. Over a course of a year there may be several rotations between New Zealand their place of employment. The current border restrictions in New Zealand have disrupted these arrangements and this is a point of frustration for these seafarers.

Maritime New Zealand advise that seafarers' challenges obtaining an MIQ booking and onward travel to New Zealand means that a small number are unable to disembark from their ship. Border controls in some countries are preventing disembarkation from ships unless seafarers have confirmed onwards travel arrangements back to New Zealand. The result is that some seafarers are forced to remain on-board the ship they have been working on for an extended period of time. Concerns have been raised that in extreme situations this is leading to emerging mental health and wellbeing concerns among affected seafarers.

While the current border restrictions have impacted on seafarers, this impact is for the most part similar to that experienced by most other New Zealanders working offshore in industries that rely on rotations arrangements. While the restrictions are a point of frustration for these workers we do not consider there to be a strong case for allocating these individuals rooms in managed isolation outside of the normal online booking process.

In situations where seafarers are confined to ships after the end of their work rotations, due to border restrictions in other countries, and they cannot legally remain in the country in which the ship is operating, they are able to apply for under the emergency allocation. Several applications have already been approved under this allocation.

We consider these settings appropriate and do not recommend any further changes based on the issues raised by seafarers. If however, you consider a specific allocation of rooms for seafarers is warranted then officials can provide more detailed advice on how an allocation could be designed and implemented.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

a **Note** New Zealand seafarers who work abroad have raised concerns publicly about the difficulties in securing a place in a managed isolation facility, which has prevented their return to New Zealand

Noted

b **Note** that there are approximately 200 New Zealand seafarers operating abroad and a small unknown number of these seafarers are being confined to ships after their work rotation has completed due to border restrictions in the countries that they operate, and this has given rise to concerns being raised about the wellbeing and mental health of these seafarers

Noted

c **Note** that in situations where seafarers at the end of their work period on the vessel are unable to enter or legally remain in one of the countries where the ship is operating, then such workers are eligible to apply for an Emergency Allocation

Noted

EITHER

d **Agree** that the current settings for handling applications for seafarers are fit for purpose and no changes are required (**recommended option**)

Agree / Disagree

OR

e **Direct** officials to provide more detailed advice on the design of a specific allocation of rooms in MIQ facilities for seafarers in addition to what is already provided.

Agree / Disagree

f **Note** that the Transport Minister has indicated in the media that he will raise this issue with you and the Minister of Immigration.

Noted

g **Forward** a copy of this advice to the Ministers of Transport and Immigration

Agree / Disagree

Privacy of natural persons

Manager, Allocation and Supply
MIQ Policy, MBIE

19 / 03 / 21
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Hon Chris Hipkins
Minister for COVID-19 Response

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Background

1. Maritime New Zealand estimates there could be as many as 200 New Zealand seafarers working overseas. These seafarers work on a range of vessel types from super yachts to cargo ships. The nature of the work requires crew to work offshore (often internationally) for periods of time from several weeks to several months. Once the contract is complete, the crew member would disembark the vessel overseas, and then travel home to New Zealand for a period of leave before taking on a new contract.
2. The border restrictions imposed by the COVID-19 response has impacted on these workers. There are complaints that they are finding it extremely difficult to secure a booking in the managed isolation facilities (MIF). These seafarers consider that these arrangements are impractical for the following reasons and are asking for prioritised access to rooms in managed isolation for the following reasons:
 - Seafarers are often unsure of the exact date when their ship will reach a port at the end of their employment period as a ship may be delayed for a day or two due to weather or other circumstances, which means it can be difficult to predict when a booking in a MIF facility will be required.
 - Access to the online booking system can be difficult when on board a ship due to diminished internet connectivity while at sea.
 - Due to strong demand, relevant dates are often fully booked by the time they know when they can disembark from ships. Notification of a crew change could be made in as little as 72 hours beforehand, which creates additional logistical challenges to the seafarer getting home.
 - Some countries are preventing seafarers from disembarking from their ships unless the seafarer has an onward ticket back to their home country. This situation is causing distress for some seafarers who are forced to remain on board their ships for extended periods of time.

Analysis

3. There is very high demand for rooms in managed isolation and limited availability.
4. Anyone with an uncertain date of travel faces similar challenges as the majority of the seafarers. However, the unique nature of offshore maritime work – often involving long periods of isolation – does mean that some of these workers may experience particularly high levels of hardship associated with the difficulty of returning home.
5. Maritime trade (with the exception of cruise travel) has not been affected by COVID-19 to the same level as air travel. As a result there is a group of New Zealand based seafarers who will likely resume working on overseas vessels and then return to New Zealand on a regular basis.
6. New Zealand border restrictions have impacted on all seafarers working offshore to some extent. Some of these seafarers will be in less pressing circumstances. For some there may be uncertainty about the exact date they are allowed to disembark and have been able to secure a booking in MIF in the future after a delay. This delay may be a point of frustration, but it is a common frustration experienced by many New Zealanders who are living offshore and seeking to return to New Zealand, along with critical workers seeing to enter New Zealand
7. There are however risks that a proportion of the seafarers are particularly adversely affected due to a combination of difficulties in obtaining a booking in a MIF facility and border

restrictions in other countries. Restrictions that prevent seafarers from disembarking from their vessels unless the seafarer has an onward booking back to New Zealand result in a smaller unknown number of seafarers being confined to these vessels as they are unable to go ashore or return to New Zealand. In these situations, these individuals cannot legally remain in the country and are currently eligible to apply for an Emergency Allocation under Category 2c (The categories for the emergency allocation mechanism are outlined in Annex 1). A number of applications from seafarers have been approved to date using this mechanism.

8. The mechanism of allowing access to the emergency allocation for those confined to vessels does not however benefit most of the seafarers who rely on a fly in, work, fly back to New Zealand basis. We consider this to be appropriate.

Table 1: Overview of approach to different groups of seafarers seeking access to space in managed isolation

Potential scenarios	Current Approach
Seafarer experiencing difficulties in obtaining access to MIF booking system due to poor internet access	Book using MIAS – seafarer would likely need to rely on family or friends to try to access booking system, the system allows for third-party bookings
Seafarer unsure when vessel will reach port meaning it is difficult to predict when booking required	Book using MIAS – when booking space in a MIF individual seafarers may need to allow for some delays in when vessel reach port
Seafarer unable to obtain booking for a MIF for dates they require but is able to stay ashore in the country the operate	Book using MIAS – situation is similar to that faced by many other New Zealanders located offshore
Seafarer unable to obtain a booking, unable to leave vessel due to restrictions in other countries and cannot legally remain in the country in which the ship is operating	Able to apply under category 2c of the emergency allocation system
Seafarer is under severe mental distress	Able to apply under category 1a of the current emergency allocation system

Note: the categories for the existing emergency allocations are outlined in Annex 1. These are changing on 1 April to the categories outlined in Annex 2.

9. There is a risk that a few seafarers return to New Zealand after being provided with an emergency allocation voucher and then return offshore for another work rotation, and then face similar circumstances and apply again. To counter the risk of this happening we intend to provide advice to applicants, following their first successful application that they should only seek to apply under this mechanism once. Further applications would not be considered under the emergency allocation system and they would need to book on MIAS.

Creating a specific allocation for seafarers

10. Ministers could create a specific allocation of rooms (approximately 20 per fortnight) that was only available to seafarers in addition to the existing Maritime Allocation MBIE manages of around 60 rooms. This option however is not recommended for the following reasons:
 - It would be difficult to forecast numbers returning week to week and this would likely result in more rooms being empty that would have been available for other returnees

- We would need to consider the precedent that such an allocation would lead to for other groups of New Zealand workers who also operate abroad on a similar basis and return to New Zealand after a period of employment before returning again overseas for another employment rotation.

Consistency of treatment under the emergency allocation mechanism

11. Allowing seafarers, who are unable to disembark from their ship because of the border restrictions in another country, to apply under the emergency allocation mechanism is consistent with other applications under section 2c of the criteria. While some of these seafarers may be able to stay on board vessels at present, these situations are not sustainable and there is a risk that in the future that the seafarers may be removed from the vessel by the shipping owners.

International obligations

12. New Zealand is a signatory to the Maritime Labour Convention (MLC). With regard to seafarer repatriation, New Zealand's obligations under the MLC relate to seafarers on merchant ships that fly the New Zealand flag, and to facilitating repatriation of seafarers on foreign ships visiting New Zealand.
13. The New Zealand seafarers who are having difficulty returning home are not on New Zealand ships and should be covered by the foreign flag state's obligation under the MLC to ensure that seafarers on their ships are repatriated at the end of their contract. However, New Zealand's actions could be seen as frustrating the repatriation of seafarers by not giving them priority for MIQ vouchers. New Zealand's action may be inconsistent with the spirit of the MLC rather than in breach of New Zealand's convention obligations.

Consultation

14. Maritime New Zealand and the Ministry of Transport were consulted over this briefing.

Next steps

15. The Minister of Transport has commented publicly that he intends to raise concerns about the situation facing seafarers with you and the Minister of Immigration.
16. We recommend you forward a copy of this report to the Ministers of Transport and Immigration.

Annex One: Managed Isolation Allocation System – current emergency allocation (until 31 March 2021)

Category 1

1a) New Zealand citizens or residents where a serious risk to health exists for the applicant or their dependant, which requires urgent travel to New Zealand; OR

1b) Where urgent travel is required to ensure a child is provided with appropriate care and protection.

Category 2

2a) New Zealand citizens or residents who are required to provide critical care for a dependant person in New Zealand and need to travel urgently to do so; OR

2b) A person whose entry to New Zealand is time-critical for the purpose of delivering a critical public or health service, such as the provision of specialist health services required to prevent serious illness, injury or death; or the maintenance of essential infrastructure whose failure would result in significant harm or disruption to a large number of New Zealanders; OR

2c) New Zealand citizens or residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand; OR

2d) New Zealand and non-New Zealand citizens, where urgent travel to New Zealand is required for national security, national interest or law enforcement reasons.

2e) New Zealand citizens or residents entering New Zealand to visit a close relative^[3] who is dying, where timely travel is unlikely to be possible if the person books through MIAS.

Applications will be prioritised depending on their category, as these reflect the most time-critical situations which may require travel to New Zealand. Category 1 applications will be given priority over Category 2 applications.

Annex Two: Managed Isolation Allocation System – emergency allocation categories from 1 April

Category 1

- a. New Zealand citizens or residents where a serious risk to health or safety exists for the applicant or their dependant, which requires urgent travel to New Zealand; OR
- b. Where urgent travel is required to ensure a child is provided with appropriate care and protection.

Category 2

- a. New Zealand citizens or residents who are required to provide critical care for a dependant person in New Zealand and need to travel urgently to do so; OR
- b. A person whose entry to New Zealand is time-critical for the purpose of commencing work that involves delivering a critical public or health and disability service, such as the clinical and direct provision of specialist health services required to prevent serious illness, injury or death; or the maintenance of essential infrastructure or lifeline utilities whose failure would result in significant harm or disruption to a large number of New Zealanders; OR
- c. New Zealand citizens or residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand; OR
- d. New Zealand and non-New Zealand citizens, where urgent travel to New Zealand is required for national security, national interest or law enforcement reasons; OR
- e. New Zealand citizens or residents:
 - i. entering New Zealand to visit a close relative who is who is dying living with a terminal illness or end-stage disease (with a life expectancy of six months or less), where timely travel is unlikely to be possible if the person books through the Managed Isolation Allocation System; OR
 - ii. who are living with a terminal illness or end-stage disease (with a life expectancy of six months or less) entering New Zealand to visit a close relative or to reside in New Zealand, where timely travel is unlikely to be possible if the person books through the Managed Isolation Allocation System; OR
 - iii. who are living with a terminal illness or end-stage disease (with a life expectancy of less than six months) who have travelled or are travelling to visit a close relative who resides overseas, where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System; OR
 - iv. who have travelled or are travelling to visit a close relative who is living with a terminal illness or end-stage disease (with a life expectancy of six months or less) and resides overseas, where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System.
- f. Citizens or residents of Pacific countries requiring access under an official medical treatment scheme to time-critical medical treatment in New Zealand that is unavailable in their own country, and accompanying clinical personnel or essential caregivers.”