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Asserting our right "...to petition the Government for redress of grievances."
Amendment 1, U.S. Constitution, Dec. 15, 1791

UNFAIR LABOR PRACTICES IN THE RIVER INDUSTRY ARE DOCUMENTED

Conventional wisdom with "lower-level" mariners twenty years ago was that a mariner should be happy that his employer provided him with a job that allowed him to put a roof over his family's head and food on his table. Thus, anything less than appreciation bordered on ingratitude and, if taken further, bordered on disloyalty.

Things have changed over the past twenty years. In certain domestic sectors of the maritime industry, wages remained virtually static for most of the period while the cost of living continued to push upward. Crew sizes were reduced, "unnecessary" crew members like cooks were removed, and hours of work increased. However, competition dictated that most employers at least provide basic health insurance to their employees since access to USPHS hospital care ended for merchant mariners.

In late 1997 into early 1998 dissatisfaction with existing conditions increased aboard towing vessels on the western rivers. Dissatisfaction sprang from several sources. New Coast Guard regulations in the aftermath of the Bayou Canot accident in Alabama required that towboat and tugboat Captains attend radar school mostly at their own expense and on their off-duty time. New towing vessel license proposals by Coast Guard in league with the Towing Safety Advisory Committee (TSAC) divided and further antagonized mariners in the industry. The Coast Guard's action in removing pilotage on the western rivers above Baton Rouge struck a blow to those pilots who had worked hardest throughout the years to prove their knowledge of the rivers by seeking first-class pilotage endorsements. The failure of the Coast Guard to push industry to come up with a reasonable and workable horsepower-to-barge ratio in the New Orleans area when workable plans existed elsewhere further discouraged towboatmen who were left to cope with underpowered tows that could barely get out of their own way. The 12-hour rule, coupled with undermanning, did not allow any slack to assist pilots that had problems with tows on difficult portions of the river.

During this period, one group of working mariners, the American Inland Mariners Association (AIM), worked hard to gain the confidence and respect of river employers and to represent mariners in Coast Guard and industry forums through established channels. While AIM gave mariners a voice, the combination of management "partnering" with the Coast Guard and also providing a job market for retiring Coast Guard officers severely limited

any meaningful progress in improving working conditions.

Fed up with existing conditions, a large segment of the work force, estimated at more than 1,400 river mariners who belonged to an organization called Pilots Agree went on strike on April 1, 1998. Approximately 20% of the members of Pilots Agree also chose to join the International Organization of Masters, Mates, and Pilots (MM&P), an established labor union with a history extending back more than 120 years. Finding itself involved in the strike through its recent affiliation with Pilots Agree, MM&P did its utmost to support the striking towboatmen. MM&P subsequently worked to gain formal recognition of the union as the towboatmen's bargaining agent when Pilots Agree closed its doors.

Although the strike was not successful, it was evident that the Coast Guard was either unwilling or unable to crack down on companies that violated federal regulations including the 12-hour rule. Although the Coast Guard proclaimed its neutrality, this served to benefit management rather than labor. Notable civil penalties assessed during the work stoppage against well-placed companies were later simply excused with lame apologies and a slap on the wrist. Although the strike was not successful, it soon became evident to MM&P officials that a number of employers had put their thumbs on the scale of justice and had engaged in illegal labor practices. As a result, MM&P attorneys challenged a number of employers on behalf of their MM&P members that suffered personal losses as a result of the strike. The conflict moved into hearings conducted before the National Labor Relations Board (NLRB). This was done at great expense to the union on behalf of its union member mariners participating in the strike who were unjustly fired. However, this series of Unfair Labor Practices cases secured for a total of 39 individual mariners an estimated \$414,210 in awards and left the distinct impression that the companies had unconscionably screwed working mariners. (See chart on page 3).

It is interesting to note that MM&P did not call the strike on April 1, 1998. In fact, it advised Pilots Agree against going on strike at that time. A strike is labor's ultimate weapon that should be used only after every other alternative has been exhausted. MM&P felt that it would take another six months and a great deal of additional effort before a strike could even be considered. However, the work force and the leadership of Pilots Agree felt itself

abused when none of the employers would even enter into discussions. That move, viewed as contempt by the towboatmen, caused the strike to take off like a roller coaster. When the strike finally came to rest several months later after running its course, it had not achieved many of its goals.

However, the employers managed to shoot themselves in the foot on a long term basis. MM&P, at a public hearing in St. Louis, pointed out that there are very few young river pilots. Because of the aging work force and the inability to attract and train new river pilots, the industry will face a growing personnel crisis over a period when more goods will move by barge. The industry has been scarred by the widespread knowledge of its use of unfair labor practices and marked by its failure to respond to legitimate worker complaints.

The traditional licensing system, despite its weaknesses and failures, is about to undergo sweeping change at a time when the Coast Guard has hopelessly overloaded its inadequate Regional Exam Centers with problems connected with STCW. Coast Guard "justice" reached its nadir last summer by forcing unpopular and complex new bureaucratic procedures on mariners. New Coast Guard health and physical requirements will also take their toll on aging and stressed-out mariners. Those that have an opportunity to retire generally choose to do so.

River pilots are best trained through a "steersman" program. In the past, this program was based on the willingness of a senior pilot to voluntarily train a person who aspired to serve in the wheelhouse. However, the number of "cub" pilots is far too low to meet the natural attrition rate. But the Coast Guard, in its wisdom and profound knowledge of the river, has provided for a new "steersman" program in its new towing vessel licensing program. Only time will tell if its results will be better than the EEOC program that turned AMTRAK-nemesis Willie Odom loose as a river pilot that resulted in the death of 47 civilians. How many more accidents and deaths will it take to make the Coast Guard and the towing industry proactive instead of reactive?

River Pilots / IOMM&P Unfair Labor Practice Cases

Date	Case	City	Company	Status	Settlement	Amount	TOTAL
10-Nov-98	26-CA-18650	St. Louis	Marquette Towing	Confidential Settlement, MMP favor	Monetary Settlement Mutiny charge dropped	4 manners Estimated at over \$30,000	\$30,000
13-Jan-99	26-CA-18704	New Orleans	Blessey Marine	Confidential Settlement in MMP favor	Monetary Settlement	1 manner Estimated at over \$20,000	\$20,000
21-Sep-99	26-CA-18664 26-CA-18659	Memphis	ACBL / HinesAmenca	MMP WON - Appeal Pending	Respondents Brief due on 11/9/99	7 mariners	?
26-May-99	26-CA-18645	Memphis	Alter Barge Line	Case pending-Board doing Supplemental investigation	Hearing Brief Due on 11/9/99	7 manners	?
10-Mar-99	26-CA-18658 26-CA-18654	Memphis	Brown Water Towing	Settled in MMP favor		3 mariners-\$3,500 to \$12,000	\$25,500
22-Feb-99	26-CA-18823 26-CA-18655	Memphis	Canal Barge Company	Settled in MMP favor	Monetary Settlement	7 manners - \$5,000 to \$75,000	\$90,630
30-Jul-99	26-CA-18861	Memphis	Capital Marine Supply/Triangle	Settled in MMP favor		2 mariners	\$25,544
12-Jan-99	26-CA-18685	Memphis	Coastal Towing	Settled in MMP favor	Monetary Settlement	1 mariner	\$10,000
19-Oct-99	26-CA-18649	Memphis	Ingram Barge Company	AU-Pilots are Supervisors? MMP LOST - Appeal Pending	Briefs due 11/12/99	4 manners	?
13-Jan-99	26-CA-18653	Memphis	John W. Stone Oil Distributor	Settled in MMP favor	Monetary Settlement	1 mariner	\$6,850
24-Feb-99	26-CA-18657	New Orleans	Kirby Inland Marine	Settled in MMP favor	Monetary Settlement	4 mariners - 12,424 to 24,886	\$71,266
7-Sep-99	26-CA-18650	Memphis	Marquette/Blue Grass Mame	MMP WON - Appeal Pending	Brief filed 8/11/99 Await NLRB Ruling	3 mariners	?
5-Mar-99	26-CA-18654	Memphis	McKinney Towing/River Marine Charter	Settled in MMP favor	Monetary Settlement	2 mariners	\$10,000
24-Jun-99	26-CA-18656	Memphis	Memco Barge Line, Inc.	Settled in MMP favor	Monetary Settlement	3 mariners - \$3,000 to \$30,000	\$40,000
22-Mar-99	26-CA-16705	Memphis	Mid-South Towing, Inc.	Confidential Settlement in MMP favor	Monetary Settlement	2 mariners Estimated at over \$6,000 each	\$12,000
26-Apr-99	14-CA-18654 26-CA-18663	St. Louis	Paragon Marine	Settled in MMP favor	Monetary Settlement	5 manners-\$5,000 to \$8724	\$32,420
15-Feb-99	15-CA-15068 26-CA-18691	Memphis	Ranger Marne/Jack Jackson	Case Pending	Region 15 is investigating case	2 manners	?
16-Nov-98	14-CA-25101	St. Louis Memphis	Riverway Harbor Service	Settled in MMP favor	Monetary Settlement	4 manners - \$5,000 to \$15,000	\$40,000
Apr-99	26-CA-18660		Western Towing Company	Captains ARE NOT Supervisors Case Closed - Appeal Denied	NLRB refuses to issue complaint.	1 mariner	\$0
4-Apr-99	26-CA-18643	Memphis	ADM	Case Closed - Appeal Denied	NLRB refuses to issue complaint.	3 mariners	\$0

39 total mariners Estimate at over \$414,210