

Transport Committee & Business, Energy and Industrial Strategy Committee

Oral evidence: [P&O Ferries](#), HC 1231

Thursday 24 March 2022

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Members present:

Transport Committee: Huw Merriman (Chair); Mr Ben Bradshaw; Simon Jupp; Chris Loder; Grahame Morris; Gavin Newlands.

Business, Energy and Industrial Strategy Committee: Darren Jones (Chair); Alan Brown; Ms Nusrat Ghani; Paul Howell; Andy McDonald.

Questions 16–37

Witnesses

[II](#): Mark Dickinson, General Secretary, Nautilus International; and Mick Lynch, General Secretary, National Union of Rail, Maritime and Transport Workers (RMT).

Examination of witnesses

Witnesses: Mark Dickinson and Mick Lynch.

Chair: We will now move swiftly on to panel 2, which is made up of representatives from the trade unions. We have Mark Dickinson, the General Secretary at Nautilus International, and Mick Lynch, the General Secretary of the RMT. Good morning to both of you. Thank you for coming in at short notice. The first questions are from Alan Brown.

Q16 Alan Brown: I have seen a response from P&O Ferries to the BEIS Department. It argued that the day P&O did the notification, it did do a personal notification to seafarers on the ships rather than, as reported, sending pre-recorded messages. Is that right, or is P&O not accurate with that?

Mick Lynch: My understanding is that the vast majority of our members heard about this via video—via the Zoom call. Other members who were rostered off got all sorts of communications from couriers and postal services; but if you're not in the house, you don't get the message. It's my understanding that some of our people have still not had their packages; they don't know what the company is going to reward them or award them with, so they are in a very difficult position. P&O has said that they have got access to these lawyers. They are not getting access to lawyers because the lawyers can't cope with the amount of traffic coming their way. So some of our people have still had no advice from the lawyers that P&O has put up. So they are in a very difficult position.

They are also facing this peculiar situation where all these eminent people, up to the level of the Prime Minister, are discussing their future—and QCs and professors are discussing the law—but nobody is discussing, as far as I can see, how we are going to get these people back to work. Because this company have made flagrant breaches of the law, as has just been described; they have done it deliberately, and they have factored in what they are going to have to pay for it. And they are threatening and blackmailing our people—"If you do not sign this document by next Thursday, you will be out of work and you will potentially get no award whatsoever and you have to give up all of your legal rights to take this company to task." This is absolutely outrageous. Not only is it calculating, in terms of what they have got to pay, but they brought into life this company—IFM in Malta—six weeks ago. It didn't exist. So they are TUPE-ing people to a company that doesn't exist, and they are informing people behind a brass plate in Bermuda, the Bahamas, Malta and Cyprus about our members' future in County Antrim. So what are you going to do—phone up somebody in the Bahamas and say, "I am getting rid of 100 of your people in County Antrim" and not tell their representatives?

The whole thing is a set-up, and the law in this country is a shambles. The politicians and the lawyers in this country have watched over the last 30



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years, while not only workers have been made vulnerable, but our merchant marine has been decimated and destroyed.

If this goes the way it is likely to go, from what I have seen, we won't have a merchant navy in this country. There will be no ratings working out of British ports and on British ships. British ships will cease to exist, and British ratings will cease to exist. That is what P&O are aiming to achieve—to kill our merchant marine and to kill our employment laws; and something has got to be done about it today. The Prime Minister said he is going to prosecute. This Government have got to intervene now: impound these ships and get our people back to work. Then we will sort out the law after.

Q17 Alan Brown: Okay. Obviously, your key asks are impounding and legal action, and for the Government to be seen to be doing something. Do you have any other key asks that will actually get your employees back and working?

Mick Lynch: The key ask is that we put in a safety regime and get some safety inspections that are not just superficial. I have got no faith that P&O will run these vessels safely—maybe Mark will have some more comments on that. But we have got a desperate race by P&O to get these vessels back out on the seas. We understand that they moved one of them last night to empty Hull, to get people over on an empty voyage over to Rotterdam. P&O are desperate to get these vessels back on the seas. They think it is all going to blow over as soon as they have put discount prices out to the hauliers and the public. They think it is all going to blow over.

The Government must do something. The only people with power in this situation are the Ministers of the Crown. They are either going to sit there and watch this happen, or they are going to get the MCA to impound those ships and not let them travel. P&O have already taken them out of the ports, so they are outside your jurisdiction. So not only do they have contempt for the law, but they have contempt for your House. You discussed it yesterday, and what do they do last night? They move one of the vessels outside of your jurisdiction.

So our ask is for intervention. I don't mind what kind of intervention it is, as long as you stop P&O breaking the law, and putting two fingers up to every Member of this House, and potentially completely diluting employment law in this country.

Q18 Alan Brown: Thanks. We have limited time. Mark, can I ask you about the safety concerns? Mick was saying you might want to comment. Can you outline what UK companies have been complicit in bringing in these new staff to take over? That is clearly a key issue as well.

Mark Dickinson: Thank you for the question. I would very much like to associate myself with Mick's comments about the situation that our members face. On the issue around the safety case, this has been a long-running discussion with P&O Ferries over the years. I will take Dover as an example, because in a way it is the most extreme example. With Dover to Calais, you are running passenger and freight vessels across the busiest



shipping lane in the world, and you are crossing it at, essentially, right angles. That is the way it works, and the traffic is moving up and down in the separation zones. It is an incredibly dangerous situation.

You need skilled, qualified, experienced maritime professionals—both Mick's members and my own members—on board the vessels to cope with that. They do 10 crossings a day and they do 12 hours a day—in two shifts, obviously, to cover the 24-hour situation: two crews, so four crews in total. We already know and can already see, because they have tried it with us time and again, that they want to move to two weeks on and two weeks off. That is two weeks on, working 12-hour shifts, looking after the safety of passengers, and truck drivers moving the freight. This, for us, is one of the key issues.

We have spoken to the company; we have discussed this with the company. In 2012, they conducted a research project and produced a paper with Cardiff University to look at the working patterns on board. From my sense of it, that is where one week on and one week off is derived from, and we don't believe two weeks on and two weeks off is safe. In the past, we have made proposals to the company to increase the manning of crew in order to cope with a potential two weeks on, two weeks off, but the company rejected those proposals.

So we have maintained, for the safety of those on board—not just our own members, but the passengers and the lorry drivers who we transport across on those vessels—that one week on and one week off is the appropriate pattern. For me, that is one of the key issues, and it goes to the heart of the safety case that Mick mentioned and that you, Alan, questioned me on.

Beyond that, and this speaks to the issue of whether these vessels can, with a new crew or with a substantial number of replacement crew being drafted in to replace the sacked seafarers, be readied in a matter of days to conduct and reintroduce those services in a safe way. We do not believe that that can be done. There are international rules about these issues: the standards of training, certification and watchkeeping convention—STCW—from the IMO, and the International Safety Management code—ISM code. Our estimation is that actually, in the scenario we are facing, it could take months, not days, to prepare a crew to safely operate those vessels. You probably have more questions, so I will limit my answer to that if I may, Alan.

Q19 Alan Brown: I had asked about UK companies being complicit. It is clear to us that there has been a very covert operation for P&O to spring this surprise. What companies have helped in terms of trying to restaff these ships?

Mark Dickinson: I would highlight two companies in particular that I am aware of and that the evidence suggests have been central to enabling P&O Ferries to introduce the mass sacking of UK seafarers and the recruitment of their replacements. That would be Columbia Shipmanagement of Cyprus and Clyde Marine, which is based in Glasgow.



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One or two others have been quick to deny any involvement, but some of the jobs they have been advertising look suspiciously like the jobs that our members have been sacked from. Those are the two principal companies that I would name.

Q20 Alan Brown: I will have to hand over to a colleague shortly. We heard earlier that the crossing from Scotland to Northern Ireland is wholly within UK waters, so the minimum wage should not be breached at all. What terms and conditions are P&O trying to put on staff who are trying to move into that crossing? Would it breach the minimum wage in the UK?

Mick Lynch: My understanding is that they would have to pay the minimum wage on that crossing for ratings, but they will be without a pension, holiday pay, or any terms and conditions. They will just be voyage only, so for the hours they are on board that ship. There will be no conditions associated with it, but we will have to see. P&O will use whatever it can, and at the minute it is desperate to get people, because people are walking off their ships. That is our understanding. We believe that it would have to honour the national minimum wage but, of course, our members were not getting paid the minimum wage. Our members were getting paid negotiated, decent terms and conditions. Any step down to the minimum wage is a dilution of what we already have. It has broken the union agreements.

Just very quickly, Alan, that company is undermining every other seafaring company in this country. We have good agreements with Stena and DFDS. What are they going to do? How will they compete with this piracy on our shores? They are really concerned about that, and we are really concerned about our members. We could end up with a race to the bottom initiated by P&O, and I think that is what it is designed to do.

Alan Brown: Initiated by P&O and facilitated by Clyde Marine.

Mick Lynch: Exactly. We've also had it with Irish Ferries, which has done exactly this procedure already.

Q21 Chris Loder: Good morning, gentlemen. It is good to have you with us today. My first question is, could you confirm, to your knowledge, whether this is a matter for the UK workforce of P&O Ferries only, or whether other workforces in other countries are affected? Do you know?

Mark Dickinson: Thanks for the question, Chris. You know, my union—

Chris Loder: Sorry, I want just a straightforward answer. Are there others? If so, which other countries, please?

Mark Dickinson: No, it is the UK only.

Q22 Chris Loder: Lovely. Thank you very much. I understand that 786 people have been affected by these redundancies. Could you tell me, roughly, what percentage of those 786 are members of the RMT—and also, Mark, of your union?

Mick Lynch: Of those 786, about 450 are RMT members.



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Mark Dickinson: I presume that the rest would be Nautilus members.

Q23 **Chris Loder:** Okay, so 60:40-ish. Of the wider workforce—those who are not being made redundant—are you aware of the number of staff not being made redundant? I do not know the wider workforce number.

Mick Lynch: They said it is something above 2,000, but that will include administration, marketing and finance. They are not within the RMT's sphere.

Mark Dickinson: It is the entire UK seafaring workforce.

Q24 **Chris Loder:** That is very helpful. Thank you. Those who have been made redundant—Mick, you mentioned just now that they are paid above the minimum wage. Were those who have been made redundant paid above the living wage?

Mick Lynch: Absolutely, yes. That was properly negotiated. There is a whole scale of salaries, right up from the master, who is at professional status, to the people working in the canteens.

Q25 **Chris Loder:** And I am assuming that is on the same terms and conditions.

Mick Lynch: Yes.

Mark Dickinson: Yes.

Q26 **Chris Loder:** Great. When were the last negotiations that the unions would have had with P&O about terms and conditions?

Mick Lynch: I haven't got the date. It is on a regular cycle. We could have been in a two-year deal. However, I would say that we have no beef with P&O; we are in a dispute. We were meant to meet them on the 18th about their prospects for new vessels, which would be about new staffing numbers and new crewing procedures, and I assume Mark's union was as well. Instead of honouring that meeting, they sacked all our members on St Patrick's day—a St Patrick's day massacre, you might call it.

Chris Loder: In terms of the last negotiations, would you say it was 12 months ago?

Mick Lynch: I haven't got that that figure, but it would be on a regular cycle.

Q27 **Chris Loder:** I just wondered if both of you could confirm that, at those last negotiations, P&O ferries will have given both of your unions—and the MP for Dover—the assurances that those negotiations were going to safeguard the future of P&O. If you cannot answer it today, I understand that, given your respective roles, but we would very much appreciate it if you would write to the Committees and confirm—you could maybe consult the regional organiser—because I think that is a very important point. I have been informed by those who have an interest that, actually, assurances were made to the unions, and to the MP for Dover, that those negotiations were going to safeguard the future, so that would be really



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good to understand.

Where actually are the affected employees based?

Mick Lynch: For Dover, many are in Dover and the Kent area. However, the way that seafaring works, and the way that it has been in decline, means that we will have members from Ireland—the Republic and the north—working at Hull, and we may have people from Great Britain working in Ireland. In Dover, they are concentrated around that area, but people do travel across the UK, and some live abroad.

Chris Loder: So the people who are affected by this redundancy are Dover-based. Are there any other bases?

Mark Dickinson: They are not all Dover-based. Often, they live in the vicinity of the port, simply for the convenience of joining the ships in their regular rotations, so there will be substantial numbers in the Dover area, and in Hull, Cairnryan, Larne, and Liverpool—where I'm from. There will be significant numbers.

Chris Loder: And all those bases have been affected by this.

Mark Dickinson: Absolutely. All of them.

Q28 **Chris Loder:** Wonderful. Could you just confirm, to your knowledge, whether or not staff were physically and forcibly removed from ships?

Mick Lynch: What I can confirm is that security personnel came on board, in security outfits, and that our members were told they had to leave the ship immediately. They were escorted to their lockers and their cabins, because our people live on these things for seven days at a time so they have their own personnel effects, as it is their part-time home. They were made to load those into plastic bags and until they did that, they would not receive the packets containing the information about their dismissal and therefore the compensation, as they might call it.

I have not heard about any force or any restraint or anything like that, but there was intimidation in the sense that you had four or five security guards standing around individuals or groups of individuals, saying, "You must go to your cabin now, clear out your stuff and remove yourself from the vessel."

Q29 **Chris Loder:** I understand, and I reference the BBC and *The Independent*, which reported that a leaked email suggested that a company called Interforce was engaged by P&O. A little bit of research tells me that Interforce are handcuff-trained security professionals. Are you aware of handcuffs being used to forcibly remove personnel?

Mark Dickinson: No, I am not aware of any instances—I don't know whether Mick is—of handcuffs being deployed, but there has been some suggestion, I think from the company, that nobody was wearing balaclavas. I have reports from my members that that is not correct and that some were wearing balaclavas.

Q30 **Chris Loder:** Can you remember what ship was that on?



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Mark Dickinson: I can't, but maybe I can find out.

Q31 **Chris Loder:** Can you write to us and tell us? I am sure we would appreciate that.

Mark Dickinson: I want to follow up the point that Mick made that our members live on these vessels for varying periods. This morning I received a photograph of the personal effects of crew that were sacked in bin bags on the deck of the Pride of Kent by skips, ready to be thrown in the bin, just like the seafarers who have lost their jobs.

Chris Loder: Disgraceful.

Mark Dickinson: I am sorry, but that is the most disgraceful thing beyond what happened one week ago today. That is a new low, and I am really shocked by it.

Q32 **Chris Loder:** Would you agree that this is the most extreme form of corporate mass bullying that you have ever seen in your career so far?

Mark Dickinson: Mick and I have been spending a lot of time together over the past seven days, and the anger that we feel is real.

Chris Loder: So would you agree with what I said?

Mark Dickinson: Not anger at being with him, by the way—I've learned that he is a hell of a nice guy. I am not sure that P&O intended to throw Nautilus into the arms of the RMT but that is what has happened.

Chris Loder: Would you agree with what I said?

Mark Dickinson: The answer to that straight question is that it is absolutely shocking. I have never seen anything like it in 44 years in the shipping industry.

Chris Loder: Is that a yes? Do you agree with what I said?

Mark Dickinson: Yes.

Mick Lynch: I am an electrician and I was blacklisted from construction, which is why I am on the railway and how I have ended up with this job. I had to take McAlpine and Kier Group to the High Court to get that settled, along with 3,000 others, so there are other examples of corporate hostility, but that made us paranoid because we couldn't see it all the time. This is when it is in your face. This is probably the most extreme I have seen in my career. I have never seen a reputable company destroy its reputation so quickly.

Q33 **Chris Loder:** I want to go on now to what staff have been offered. First, could you confirm that it is your understanding that all staff affected by redundancies have been told they must sign a non-disclosure agreement, otherwise there is no discussion, no negotiation and nothing to be offered in terms of recompense?



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Mick Lynch: My understanding is that our members have got what are called “settlement agreements” that have non-disclosure in them. It is at a rate of two and half weeks per year. Everybody is saying that this is so generous, but that is under the level that we negotiate on the railway and at many other companies; it is not that generous. They have given them 13 weeks’ pay in lieu of notice, because they never gave them any notice so they have to give them that. And they have built in, as the QC was talking about, a protective award—they have factored that in. You have to sign that you will not take any legal cases for any issue against P&O. Our understanding is that you can never talk about P&O in the open at any time in the future. If you don’t sign that agreement, you will have to take them to tribunal for the statutory award of only one week per year of service.

Q34 **Chris Loder:** I think we have been clear on the non-disclosure agreement. I have to hand back to the Chair shortly, so finally can you tell us what the staff affected by this redundancy have actually been offered by the company, as far as you know?

Mick Lynch: Two and a half weeks per year of service. They have been given 13 weeks’ pay in lieu of notice—they haven’t been given it; it is in the document—and a 13-week compensatory award to buy off the tribunal case. If they don’t sign it, they would have to take the statutory minimum awarded by the Government at capped rates, so it is blackmail, in our view.

Mark Dickinson: The point was made earlier that there is no rehire involved in this. Actually, the company has put in writing that they want 91 of my members to come back and, in addition to the package that Mick has outlined, they are offering a re-sign bonus that will be payable in 12 months’ time if my members accept today. There is an additional pressure on my members to sign no later than today; if they do not sign by today but by next week, that bonus offer is reduced by half.

The crewing strategy is in tatters because they did not plan to do any of this rehire; they planned to replace everybody with Ukrainian seafarers and Russian seafarers, and for obvious reasons, that part of the plan—if you can call it a plan—is plan B.

Q35 **Ms Ghani:** I must put on the record that I am a trustee of the Seafarers’ Charity, and you are a trustee as well, Mr Dickinson. I have two short questions for you, and I hope you can respond with short answers. I am anxious about one of Mr Brown’s lines of questioning, and I want to make clear that I have had private messages or DMs from people on board the ship. They were not made aware of where they were being sent; they were not aware that they were going to a P&O ferry destination, and there is huge anxiety about what they have been caught up in. This has been dreadful for everybody involved, and I do not want them to feel any more anxious, frightened and threatened. Do you agree Mr Dickinson?

Mark Dickinson: I agree, and that is correct—I have received the same information from members.



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Q36 Ms Ghani: Are you as anxious as me that P&O Ferries thought that they could turn this around in just 10 days? Considering the lack of experience and knowledge of the crew, where do you think they came up with that 10-day number? Do you think there were any conversations with anybody that caused them to feel comfortable that they could have those ships safe and ready to sail in 10 days?

Mark Dickinson: I do not think that anybody who knows the maritime industry, or who considers themselves a maritime expert or a maritime professional, would have come up with a figure of 10 days.

Q37 Ms Ghani: Do you agree that it would be impossible for them to comply, within 10 days, with the standards of training certification and watchkeeping—STCW—or the international safety management code?

Mark Dickinson: No.

Ms Ghani: It would be possible?

Mark Dickinson: No, sorry; I agree that it would not be possible.

Chair: Thank you Mike Lynch and Mark Dickinson for your contributions this morning.