Whalewatching

Framsýn union members working on whale watching vessels

2016

| Deckhands | engineer |
| guides    | captains |

Framsýn
Húsavík Labour Union Office
Gardarsbraut 26
640 Húsavík

www.framsyn.is
Tel. 464-6600
between the Confederation of Icelandic Employers(SA) and Framsýn union on the interpretation of rights and legal status of Framsýn union members working on whale watching vessels.

General rights of whale watching employees are in accordance with the Collective Agreement between the Confederation of Icelandic Employers and Framsýn union for employees in the tourism sector (Collective Agreement between The Confederation of Icelandic Employers and The Federation of General and Special Workers in Iceland (GS) for service and tourism)

The conditions and terms of employees may not be less than stated in the Collective Agreement at each time. However the following deviations from the stated Collective Agreement are in place for employees who are a part of a registered crew on whale watching vessels:

- Employees working at sea that are subject to the nautical laws no. 35/1985 shall be subject to rights and duties of those laws, including article 36 regarding incapacity due to illness or injury.

- Provisions of the maritime laws no 34/1985 shall be in place for employees as applicable, including the provisions of paragraph 1 of article 172 on accident insurance.

- Due to the special status of whale watching employees and the lack of placement in a wage category in the applicable Collective Agreement, both parties agree that in the year 2013 the minimum wage for full employment, cf. article 1.4 of the Collective Agreement, as well as the hourly rate shall be the same as stated in the Collective Agreement between the Seamen’s Federation and The Federation of Icelandic Fishing Vessel Owners regarding wage guarantee and hourly rate. Further clarification of this is stated in the Proclamation regarding minimum wage insurance and hourly rate. During the upcoming wage negotiations parties shall reach a conclusion on the wage category for this work, with regard to its nature and responsibility.

Whale watching companies shall strive to provide employees with the necessary training courses to ensure they can execute their job with diligence and safety according to official requirements. During courses, arranged by the company for their employees, they shall receive the wage guarantee and reimbursement for accommodation and travel cost, as agreed upon, if the course is held away from the regular working area. The course cost shall be paid by the company.

Upon hiring the company shall issue a contract of employment with the employee since the employment is temporary; that is during the regular whale watching season. A contract of employment shall at least include working arrangement and payment for trips, also if the arrangement is for shifts, hourly rate or payment per trip.

Parties shall mutually assess if injury insurance according to maritime law sufficiently covers the nature of whale watching work and make suggestions for improvements if necessary.

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to the agreement between the Confederation of Icelandic Employers (SA) and Framsýn union for union members working on whale watching vessels.

- Upon hiring a contract of employment shall be made with all employees. It shall, among other things, include whether the rates are regular hourly rates, fixed hourly rates or shift rates. A job title and a short description of the work shall also be included.

- All employees shall be wage earners. It is unauthorized to recruit employees as contractors since their employment is for regular whale watching duties on behalf of the companies.

- The minimum wage for employees shall be according to the wage table of Framsýn union and the Confederation of Icelandic Employers that is based on provisions in the Collective Agreement between the Seamen’s Federation and The Federation of Icelandic Fishing Vessel Owners for minimum wages.

- Regular trips/shifts shall be fully paid even if they are cancelled since the employee is on boat duty during that time.

- Employees shall receive Major Holiday pay on Major Holidays.

- For single trips, such as for non-regular employees, the minimum wage stated in the Confederation of Icelandic Employers (SA) and Framsýn union wage table shall be in effect.

- Work experience supplement shall come into effect after 2 years and 3 years. The supplement will not affect the regular hourly rate. See further in the wage table.

- Employees sailing on Major Holidays, such as 17 June, shall receive Major Holiday supplement as stated in Article 3.2 in the Collective Agreement between The Confederation of Icelandic Employers and The Federation of General and Special Workers in Iceland (SGS) for service and tourism.
Agreement for Framsýn union members working on whale watching vessels

The agreement between the parties from 9 August 2013 shall also apply to 2015 with the salary amendments stated in the parties Collective Agreement.

The monthly rate for general workers will increase as below:

- ISK 25.000 1 May 2015
- 6.2% 1 January 2016
- 4.0% 1 May 2017
- 3.0% 1 May 2018

Other wage rates will increase in accordance with the Collective Agreement between SA and Framsýn from 1st of May 2015.

Reykjavik 1 May 2015.

Wage structures

The following wage structures are valid for whale watching. Available are a fixed hourly rate, a regular hourly rate and overtime or shift rates. A contract of employment shall stipulate which wage structure is being used.

Fixed hourly rate:
It is allowed to negotiate on a fixed hourly rate for the first 43 trips including time for the trip, preparation, cleaning and closing. Upon deciding the fixed hourly rate all Major Holiday supplement must be taken into consideration or paid separately. After 43 trips per month an 80% supplement must be added to all hours, as they are stated in this agreement. Holiday pay shall be added to the fixed hourly rate.

Regular hourly rate
If this method is chosen the minimum rate for a 4 hour trip is as follows. After 43 trips per month an 80% supplement shall be added. Major Holiday supplement shall be paid for work on major holidays.

Deckhands/guides
Daytime trips: ISK 6.432
Overtime trips: ISK 11.576

Engine attendants
Daytime trips: ISK 7.688
Overtime trips: ISK 13.838

Shift pay
If this method is chosen the minimum rate for a 4 hour trip is as follows. After 43 trips per month an 80% supplement shall be added. Major Holiday supplement shall be paid for work on major holidays.

Deckhands/guides
Daytime trip: ISK 6.432
33% supplement Evening trips: ISK 8.555
45% supplement Weekend trips: ISK 9.326

Engine attendants
Daytime trip: ISK 7.688
33% supplement Evening trips: ISK 10.255
45% supplement Weekend trips: ISK 11.148

Captains/mates/engineer officers
Daytime trip: ISK 9.180
33% supplement Evening trips: ISK 12.209
45% supplement Weekend trips: ISK 13.311

Wage structures

Up-dated: Framsýn union

In accordance with the agreement between Confederation of Icelandic Employers (SA) and Framsýn union the wage insurance shall increase on 1st may 2015 to:

Wage insurance:
Deckhands/guides: ISK 278.671
Engine attendants: ISK 333.074
Captains/mates/engineer officers: ISK 397.782