

Projet Femmar

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Abstract (FEMMAR Project)

FEMMAR PROJECT

The evolution of the role and the statute of women in maritime activities

There are very few, if any, studies of labour law and social protection law that pertain to women who are directly or indirectly employed at sea (women seafarers) or in terrestrial services for the maritime and fisheries industries. Such studies that do exist take a sociological rather than a legal approach. Although maritime law is a particular branch of the legal order, an order that is so important in Europe, we do not have any studies adopting a legal approach concerning the problems confronting women who are employed in the maritime sector (maritime transport and fisheries).

There are of course many studies concerning the employment of women in the industrial, commercial, and agricultural sectors, and some adopt a legal perspective. It is necessary to note, however, that the diverse functions of women have been taken into account by historians in the agricultural domain only since the 1970's. The work of A. Corbin and A. Cabantous concerning coastal societies shows that such societies seem to have identified with maritime concerns for a long time, as well as having played a role in the administrative supervision of registered seafarers, naval construction, fishing activities, and navigation. The coastal economy reveals a significant integration of the dominant agrarian economy of the hinterland with the maritime economy. After 1850, coastal zones experienced important economic and technological changes with the industrialization of port and fishing activities. This led to the professionalization of maritime jobs, which in turn resulted in the professional separation of the sexes and a split between maritime jobs and other employment. Although sociological treatments of these matters exist, there are no comprehensive legal studies, pertaining either to France or to the European Union, of labour laws and the social status of women whose activity is directly or indirectly linked to the maritime sector.

In agriculture in Brittany women were traditionally in charge of milking activities on family farms. As a result they obtained jobs in the first small-scale dairies which appeared in the 1880's. The decline of female activities in dairies became evident in the 1930's. In 1950, the female workforce played only a subsidiary, often part-time, role. Women returned to the fields, while men were employed in the fields and in larger-scale milk processing facilities.

The growth of the dairy industry played a decisive role in this development.

Recent historical studies of maritime activities demonstrate that people whose livelihood depends on the sea are not living in a closed world and that self-replication is a myth. The fishing industry has always had recourse to the pool of rural inhabitants to constitute crews. In the Marennes-Oléron oyster basin, exclusive rights to harvest

oysters on the public domain are for the most part transferred between men by virtue of their status as registered seafarers. Masculine succession allows family concessions to be kept intact by favouring the youngest male sibling. At 55 years of age, the concessionaire receives his retirement pension (ENIM) and cedes his oyster beds to the oldest son who still works with him. At 65 years of age he gives up all his property rights. The heir must work under paternal supervision. Since 1965, registration as a seafarer is no longer required. The ability to engage in the profession and professional training in shellfish farming have since then been open to women. Most of the women participating in shellfish farming activities, however, are not recognized as having a professional status.

Administrative pressures seem to have created a barrier to entry and have favoured men in the access to areas of production, both public and private.

Similarly, the maritime inscription had reinforced the masculine dimension, because of serviceman, of the navigation function, both in merchant and fishing sectors. It resulted from it, for a long time, a masculine view of the sea people's right, as testify it difficulties to affiliate to ENIM the women who participate at the management of the craft fishing firms but without boarding, this affiliation traditionally concerning only seafarers. So it will be necessary to wait until 1997 so that the law n° 97-1051 of concerning Directions on Maritime Fishing and the Marine Farming of November 18, 1997 finally endows the spouses of a true status just like the merchant or hand craft's spouses. This law intended to endow the maritime fishery sector of an innovative frame, by applying labour law to the fishermen but also creating new structures in order to allow to preserve family heritage. Certainly target apparently asserted to renovate the fisheries sector by endowing it with an accounting, financial and juridical frame adapted to the sector's economic evolution, does not today seem to have been reached. Nevertheless, the role of the fishermen's wives in the adoption of major articles of this law, famous particularly the impact of these on the legislation evolution.

It is, in effect, thanks to the struggle led by fishermen's women associations since 1994, that had been acquired the legal recognition of the spouse's role in the firm management. Although this one participates often in the terrestrial ship exploitation, there was before then no legal recognition of this activity. Failing spouse's real status, they indeed benefit from the dispositions of the law of July 10th, 1982 related to the merchant and hand craft's spouses working in the family firms. By becoming aware of the necessity of safeguarding home and family heritage, the women have been a real vector of the fishery's sector modernization, partly by the way of learning how to manage the firms.

Ten years after this adoption, the necessity to endow the spouses a real status has been taken into account and has just found an interesting illustration in the field of maritime training with the creation of a "brevet de conjoint collaborateur dans les entreprises artisanales maritimes".

In the course of the last twenty years, the condition and role of women within the maritime world has evolved considerably, generating an important but insufficiently implemented legal evolution, owing, most likely, to the still marginal place granted to maritime activities, but also to the weight of socio-cultural traditions.

While we still have difficulties conceiving a woman as a fisher or as a naval shipboard officer, nevertheless, today, these activities are becoming more and more open to women. This development, however, raises difficulties from the legal point of view.

The access of women to maritime activities raises the question of the possible adaptation of social norms in the name of the principle of equality between men and women. It also presents the more general question of the

adaptation of an entire sector of the economy to the evolution of a social norm from the dual perspectives of sustainable development and social justice.

For the purpose of exploring these questions, this project proposes an investigation of the condition and role of women not only as seafarers, but also in their terrestrial roles insofar as their activity is linked to the maritime sector. This study will be structured around four groups of questions:

- Working conditions
 - Professional training
 - Social status
 - Social connections and territorial arrangements
- 1- Working conditions. The inquiry relating to working conditions has for its object to take stock of recent adaptations of labour law applicable to women who sail, whether as sailor (fishing, merchant navy, national navy) or as employee (merchant navy, national navy, yachting). This domain is vast and seeks to examine working conditions as such, particularly through the lenses of hygiene and safety, as well as those of respect for the human person and the struggle against degrading working conditions. Thus, this first inquiry will provide an opportunity to deal with a variety of problems, such as maternal leave for women seafarers (which exists only since 2006), the place of women in the prevention of professional risks, the problems linked to the employment of women at sea when the vessel must navigate in regions with a high risk of piracy, and the need to combat the resurgence of practices relating to slavery and the traffic of women on pleasure craft. In this way, the access of women to jobs at sea is contributing to the emergence of the concept of an international social public order.
 - 2- Professional training. The inquiry related to professional training will provide an opportunity to think about the evolution of maritime professional training, particularly about training to meet the specific needs of women (especially for the spouses of managers of maritime or aquacultural enterprises), and also to think about difficulties encountered by women in completing their training program to become officers in the merchant navy. There are many women who are unable to obtain necessary assignments on seagoing vessels to fulfil the internship requirements of their training program, thus indicating that much more has to be done to promote equality of access to training and employment.
 - 3- Social status. The third inquiry related to social status concerns the recent evolution in the social status of managers of maritime or aquacultural enterprises. Following the example of merchants, artisans, and farmers, a large number of women participate as spouses without any social status and lawful (or even societal) recognition. Ten years after the entry into force of Law No. 97-1051 concerning Directions on Maritimes Fishing and Maritime Farming of November 18, 1997, which provided an innovative framework to endow spouses with true social status, it seems particularly relevant to draw up a balance sheet to see how social status has evolved, or, perhaps on the contrary, what were the roadblocks and what can be done to enhance the role of women in management, as well as to enhance the dissemination of information and knowledge regarding the management and transmission of enterprises.
 - 4- Social connections and territorial arrangements. The fourth inquiry related to social connections and territorial arrangements is intended to stress the role of women as vectors of social connection. We

realize that in the present economic and social crisis women play a warning role which activates a collective dynamism leading to legislative advance. At first this was the case concerning the sensitizing of spouses to the importance of rules pertaining to shipboard hygiene and safety (for example, wives were an essential vector of communication sensitizing their spouses to the necessity of wearing floatable clothing on board fishing vessels) and their denouncing of addictive behaviour at sea (like alcoholism and drug dependency). More recently, the organization of women in associative networks to confront problems of fishing areas or the abandonment of foreign seafarers in French ports has empowered women to become involved in crisis situations and to play a major role. It is thanks to the action of women that emergency medical-psychological units have been routinely constituted in the wake of serious maritime incidents. Beyond this, such action, when brought about by an associative structure or through a professional organization, leads to the organization of territorial arrangements to the extent that it contributes to the maintenance of vitality of the socio-economic fabric of the region (by example the women's role in the development of Pesca Tourisme or else the development of guest's houses intended to support a comfortably rate of job in the coastal communities). This is true both with respect to the protection of commercial enterprises and family structures.

The project described above requires the use of questionnaires and interviews to verify both quantitative and qualitative factors before the results can be exploited and conceptualized. Moreover, it requires a multidisciplinary and European approach.

- A multidisciplinary approach

Numerous matters discussed above call for a multi-factoral analysis that utilizes a variety of relevant social science disciplines, particularly economics, sociology, and geography. In this regard the Centre for Maritime and Ocean Law at the University of Nantes, directed by Gwenaële Proutière-Maulion, is a part of the Ocean and Coastal Pole (a cooperative structure for a number of programs that deal with marine matters in the human and social sciences as well the hard sciences). This project could very well advance interdisciplinary cooperation within the Ocean and Coastal Pole between its constituent parts by fostering the development of a common research program between different units by means of organized discussions and publications gathering together economists, jurists, and geographers.

- A European approach

Since there are now so few legal studies of this topic, there is an obvious interest in developing a synergy with European partners.

This project will provide a vehicle for the development of cooperation and interaction among researchers working on this topic in different Member States of the European Union to share results and to compare legal systems and ways of thinking. In addition, the implementation of this project would allow for the creation of a European-wide network of researchers that could be utilized on other European research projects.

This project should result in the collection of numerous empirical and theoretical studies on the evolution of the condition and the role of women in maritime activities, particularly in the fields of labour law and the social welfare system. The above-described developments include political, historical, legal, and sociological dimensions, which are essential to understanding the variables that explain the recent changes in the condition and role of women in maritime activities in Europe and their relation with social policy. Certainly as a study's

gender, the offered project could appear schematic and reductionist. Therefore, the woman's prism is particularly highlighting for the recent evolution of the maritime sector. Number of social, economic and juridical evolution of last twenty years are linked in the women's will to achieve jobs until then traditionally reserved for men, or in the awareness of the necessity to renovate the legal framework of those activities (spouse's status, respect of hygiene and security's rules permanence of family's activities assertion of social link and dynamism of the coastal region. The women access to jobs, to management of firms or to some representatives functions within the professional organisation drew away a feminization of workstation and an adaptation of training. But it also drew away a change in the traditional perception, not only as regard the share of man-woman role, but also as regards the incorporation of new ways of reasoning and functioning.

No single analysis can answer the questions raised above; no single analysis can answer the questions raised above. Only research in different disciplines and in different countries can provide a solid analytical basis for dealing with them.

The magnitude of this task requires a five year plan in order to allow the formation of a working group, the organization several workshops and two conferences, and the publication of results.