



Response to Business and Human Rights Resource Centre

4 March 2019

BHP provides the following response **as at 4 March 2019** to the article *ITF Claims Crew Neglected aboard Ship at BHP Terminal*, February 13 2019, World Maritime News (<https://worldmaritimeneews.com/archives/271319/itf-claims-crew-neglected-aboard-ship-at-bhp-terminal/>):

When concerns were raised, the MV Villa Deste was anchored off Hay Point Coal Terminal. Hay Point Coal Terminal is located near Mackay in central Queensland, Australia and is owned and operated by BHP Mitsubishi Alliance (“BMA”). The MV Villa Deste is not a vessel controlled or chartered by BHP. It has been chartered by a customer.

Due to production scheduling, berthing of the vessel at the terminal was delayed and concerns were raised by the International Transport Workers Federation (“ITF”) that the crew were starving and not receiving adequate payment whilst on board. The Australian Maritime Safety Authority (“AMSA”), the relevant authority, were notified. AMSA contacted the vessel’s owners and Captain and confirmed there were sufficient food supplies for a further week. AMSA subsequently confirmed that status with BHP. We understand that the vessel’s agent nonetheless provided the vessel with fresh food supplies on Friday 15 February 2019, via helicopter, to ensure the vessel was well provisioned for any unforeseen delays. A BHP representative also contacted the vessel’s owners and Captain regarding the concerns raised.

The Hay Point Coal Terminal was contacted by the ITF to arrange inspection of the vessel upon berthing at the terminal. Neither BHP nor BMA is entitled to grant access to the vessel itself – the vessel’s Captain and owner have the authority to determine who will be granted access to the vessel. To ensure worker safety and security at Hay Point Coal Terminal, access to the site is restricted to people who are essential to loading operations, and those with lawful authority to access. The ITF were advised to contact the vessel’s owner or agent to arrange access to the vessel by other means.

AMSA boarded the vessel on 28 February 2019 after it berthed at Hay Point Coal Terminal. AMSA representatives confirmed to BHP that the crew had food provisions for a further seven days and that additional provisions would be supplied on 1 March 2019, prior to the vessel leaving port. After conducting interviews with a number of the crew members, AMSA confirmed to BHP that there is no cause for concern regarding wage underpayment.

BHP is committed to operating in a manner consistent with the United Nations Guiding Principles on Human Rights and takes the welfare of seafarers very seriously. We work closely with regulators to seek to ensure the rights of seafarers are respected on the vessels we charter.