



**03-02**

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**January 18, 2002**

- ◆ In a 6-3 decision, the U.S. Supreme Court ruled this week that arbitration agreements barring employees from suing their employers for discrimination can't prevent the federal government (i.e., the Equal Opportunity Employment Commission) from going to court on the employee's behalf to seek back pay, damages, and reinstatement for victims of discrimination. The ruling somewhat softens a ruling from the Court last year that upheld the use of mandatory arbitration in the workplace. Part of the dissenting opinion written by Justice Clarence Thomas reads, "I cannot agree that the EEOC may do on behalf of an employee that which an employee has agreed not to do for himself." The majority opinion, written by Justice John Paul Stevens, did not decide what would happen to an EEOC case if the employee had already arbitrated or settled a claim. Industry experts believe the decision will make arbitration agreements less attractive to employers because it essentially removes "the promise of expedition and finality" from such agreements. (Source: *New York Times*)
- ◆ As you may know, the Occupational Health and Safety Administration's ("OSHA's") new system for tracking workplace injuries and illnesses became effective January 1, 2002 for some 1.4 million employers. The new record-keeping system is supposed to be easier for employers to understand and better protects employee privacy in sensitive cases. Additional information, such as the new forms, training materials, fact sheets, and more is available on OSHA's web site at [www.osha.gov](http://www.osha.gov). (Source: *SafetyNews*)
- ◆ This week, we received a copy of the U.S. Coast Guard's submission on behalf of the United States to the International Maritime Organization ("IMO") Maritime Safety Committee, which will be presented at an intersessional meeting of the group in London on February 11. Titled "Prevention and Suppression of Acts of Terrorism Against Terrorism: Measures to Improve Maritime Security", the submission was developed based upon input the Coast Guard received from various sources and from comments received at the public meeting of January 3, 2002 at the Coast Guard headquarters. Included with the document was the notice from the *Federal Register* announcing the Coast Guard's Maritime Security Public Workshop and providing the format and agenda for the workshop. This meeting takes place January 28-30, 2002 at the Grand Hyatt in Washington, DC. If you would like a copy of the U.S. submission to IMO or the *Federal Register* notice, send your request to us at [mikes@scaa-spill.org](mailto:mikes@scaa-spill.org). (***Our thanks to Capt. Glenn Wiltshire for providing this information!***)

- ◆ During this weeks' National Maritime Salvage Conference in Seattle, a few of our members were reminiscing about a response to a spill in the Antarctic some years ago. When the response was over, part of the journey home included passage on a ship. Well, quarters were very limited, and there wasn't room to separate beds in the crew quarters. Ultimately, sleeping quarters had to be shared. At the time, one of the passengers (Gary Reiter, then the CO of the Pacific Strike Team) said to his bunk-mate (a private sector responder), "I hope this isn't viewed as the Coast Guard getting into bed with contractors . . ."
- ◆ Phillips Petroleum Corp. recently agreed to pay \$2,169,500 in penalties for safety and health violations at its facility in Pasadena, Texas. In addition, Chevron Phillips Chemical Co., the

current owner and operator of the facility, will hire dedicated safety and health consultants to ensure compliance with OSHA's process safety management standards. The citations were issued against the company in September 2000 after an explosion occurring six months earlier that killed one worker and injured 69 others. (Source: *SafetyNews*)

- ◆ The Air and Waste Management Association's 95th Annual Conference and Exhibition will be held June 23-27, 2002 at the Baltimore Convention Center in Baltimore, Maryland. For more information on this event, call Kara Lotto at 1-301-493-5500, or visit the conference web site at <http://www.awma.org/ACE2002/>.
- ◆ A Baltic and Maritime International Council ("Bimco") working group, assisted by the London Maritime Arbitrator's Association and the Society of Maritime Arbitrators in New York, recently developed a new standard dispute resolution clause in an effort to encourage the use of mediation. The clause will be incorporated into Bimco's standard law and arbitration clause. The clause does not attempt to impose mediation on parties that believe it's not appropriate for solving their dispute. Copies of the clause are available on Bimco's web site at [www.bimco.dk](http://www.bimco.dk) (Sources: *JOC Weekly* and *Lloyd's List*)
- ◆ The property-casualty insurance industry is expected to renew its efforts to obtain federal protection against terrorism-related losses when Congress returns at the end of this month. A bill introduced in the Senate late last year met with several obstacles, including demands by the Bush Administration to change tort law aimed at limiting suits in the event of an attack, along with an attempt to work out an economic stimulus package. The question of funding the federal protection scheme was also a significant obstacle. The House of Representatives has already passed its own bill providing \$100 billion in potential loans for the insurance industry to cover future terrorism losses. With predictions of continuing rises in commercial insurance premiums and the decreasing availability of such coverage, the insurance industry expects strong backing from the U.S. business community. (Source: *Lloyd's List*)
- ◆ This week, SCAA received a resume from a recent graduate of Texas A&M University who is now looking for full time employment as an entry-level environmental engineer. She has a Master of Engineering degree in Civil Engineering, and her major field of study focused on electronic resources to control oil spills. If you would like to obtain her contact details and resume, please request them via e-mail to [mikes@scaa-spill.org](mailto:mikes@scaa-spill.org).
- ◆ We were happy to hear from Sally Dalton this week. She reports that she's healthy and staying very busy. ***We wish her all the best!!***
- ◆ ***Work/Life/Health:*** Effective communication is one of the hallmarks of a successful manager. Besides understanding how to address specific communication-related problems, managers may also consider implementing some of the following general guidelines. (1.) Conduct your meetings first thing in the morning when employees are mentally fresh. (2.) Be "faster than a speeding bullet" – be sure to give good news or bad quickly to help quell the rumor mill. (3.) Answer the common question "what's in it for me" by accompanying any directive with a personal motive for employees. (4.) Keep it short – hit the main points and keep it simple. (5.) Stick around for questions that will arise after announcing changes in policies, schedules, or work rules. (6.) Keep the door open – employees won't talk to managers that aren't around. Make it a point to mix and mingle, and listen to what employees have to say. (Source: *Manager's Legal Bulletin*)
- ◆ ***Quote of the Week:*** "Friends are the pillars on your porch. Sometimes they hold you up, sometimes they lean on you, and sometimes it's just enough to know that they are standing by." – Unknown