

Maritime Labor Convention, 2006



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An Introduction to the
Maritime Labor Convention, 2006

presented by

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Seafarers' Rights

Sources of seafarers' rights law

- General Maritime Law
- Statutes
- Conventions
- Collective Bargaining Agreements

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The International Labor Organization

- United Nations Specialized Agency
- Established in 1919 by Versailles Convention
- Headquarters in Geneva (since 1920)
- 180 Member States
- ICMA has non-governmental international organization status at ILO

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The International Labor Organization

What does it do?

- Creates international labor standards
 - Conventions
 - Recommendations

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The International Labor Organization

How does the ILO develop international labor standards?

- Tripartite structure (unique for UN agency)
 - Governments
 - Employers (shipowners)
 - Workers (seafarers)
- Consensus preferred

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The International Labor Organization

How are ILO labor standards enforced?

- Conventions – must be ratified and in force
 - ILO enforcement? No, but it has supervisory functions
 - Ratifying States implement
 - Flag state control
 - Port state control

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The International Labor Organization

The Geneva Accord

- Joint Maritime Commission Geneva Accord, 26 January 2001
 - Initiated by Social Partners (ISF & ITF)
 - not a government initiative
- Consolidate and update all ILO maritime labor standards
 - Super convention
 - Fourth pillar of maritime standards (with SOLAS, STCW, MARPOL)

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Geneva Accord: Why?

- Too many instruments (more than 70)
- Outdated – did not reflect current working & living conditions
- Loosely ratified
- Inadequate amendment procedures
- No practical enforcement procedures
- Inconsistent application

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- Consolidating ILO Instruments: Five Year's work
- 85 different countries participated
- International Christian Maritime Organization Participated:
 - ICMA Standing Delegation
 - Douglas Stevenson, Chair (SCI, NY & NJ);
 - Ken Peters, vice chair (MTS, London);
 - Domingo Gonzales Joyanes (AOS, Madrid);
 - Rev. Jaakko Laasio (FSM, Helsinki);
 - Commodore Chris York (AOS, London);
 - Also
 - Berend Van Dijken (ICMA Scty. Gen.)
 - Juergen Kanz (ICMA Scty. Gen.)

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- International Christian Maritime Organization Strategy:
 - Include seafarers' welfare (ILO-163);
 - Maintain the ILO-147 standards for port state control, catering, working conditions, and accommodations;
 - Prevent eroding established seafarers' rights;
 - Convention must be capable of being ratified; and
 - Convention must be enforceable

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Adopted by ILO on February 23, 2006

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Consolidates 37 Conventions and 30 Recommendations

No Country (of 106 there) opposed Convention

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Most significant achievement in history of seafarers' rights law!

- Minimum standards for working on ships
- Standards for conditions of employment
- Promotes compliance by flexible implementation
- Strengthens enforcement

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ICMA Contributions to MLC 2006

- Welfare provisions included
- Widest possible application (seafarers and vessels)
- Rights to medical care protected
- Right to shore leave introduced
- Introduced security for repatriation
- 30+ recommendations adopted

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Definitions

- Seafarers broadly defined (includes masters)
- Shipowner is person or organization assuming responsibility for the operation (Owner, manager, agent, bareboat charterer)
- Applies to commercial vessels 200 gross tons and above
 - Except ships exclusively in inland or sheltered waters where port regulations apply (except: fishing vessels, dhows, junks, warships, and naval auxiliaries)

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Format

Articles

- Legal provisions and definitions

Regulations

- Principles, obligations

Code

- Details to implement Regulations
 - Part A Mandatory standards
 - Part B Guidelines (not mandatory)

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Article III

Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to:

. . .(c) the effective abolition of child labour;

Regulation 1.1

1. No person below the minimum age shall be employed or engaged or work on a ship

Standard A1.1

1. The employment, engagement or work on board a ship of any person under the age of 16 shall be prohibited.

Guideline B1.1

1. When regulating working and living conditions, Members should give special attention to the needs of young persons under the age of 18.

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Regulations & Code Integrated under 5 Titles

Title 1 - Minimum requirements for seafarers to work on a ship

Title 2 - Conditions of employment

Title 3 - Accommodation, recreational facilities, food and catering

Title 4 - Health protection, medical care, welfare and social security protection

Title 5 - Compliance and enforcement

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Title 1 - Minimum requirements for seafarers to work on a ship

- Minimum Age
- Medical Certificates
- Training and Qualifications
- Recruitment and Placement

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Title 2 - Conditions of employment

- Seafarers' Employment Agreements
- Wages
- Hours of Work and Hours of Rest
- Entitlement to Leave
- Repatriation
- Compensation for Ship's Loss or Foundering
- Manning Levels
- Career and Skill Development and Opportunities for Seafarers' Employment

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Title 3 - Accommodation, recreational facilities, food and catering

- Shipboard standards
 - Accommodation and Recreational Facilities
 - Food and Catering

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Title 4 - Health protection, medical care, welfare and social security protection

- Medical Care on board ship and ashore
- Shipowners' liability (short term medical care)
- Health and Safety Protection and Accident Prevention
- **Shore-based Welfare Facilities**
- Social Security

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Title 5 - Compliance and enforcement

- **Flag State Responsibilities**
 - Maritime Labor Certificate
 - Declaration of Maritime Labor Compliance
 - Inspection and Enforcement
 - On-board Complaint Procedures
 - Marine Casualty Investigations
- **Port State Responsibilities**
 - Port State Control
 - Onshore Seafarer Complaint-handling Procedures
- **Labor Supplying Responsibilities**
 - Recruiting and placement

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Entry into force: ratification by **30** countries with a total share of **33%** of the **world's** gross tonnage

Expected to be in force within **3-5 years**

Liberia first to ratify

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What's Next?

- Inform Public about seafarers' value to economy.
- Inform Public about the need to protect seafarers.

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What's Next?

- Inform Governmental Authorities about seafarers' value to economy.
- Inform Governmental Authorities about the need to protect seafarers.

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What's Next?

Ratify the Convention!



The End