

COMPENDIUM OF MARITIME LABOUR INSTRUMENTS



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Compendium of maritime labour instruments

Maritime Labour Convention, 2006
Seafarers' Identity Documents (Revised) Convention, 2003
Work in Fishing Convention and Recommendation, 2007
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PREFACE

This book contains three Conventions relating to the maritime sector and several other documents related to their implementation. The first is one of the International Labour Organization's most innovative and successful international labour Conventions, the Maritime Labour Convention, 2006 and other related Conventions, the Seafarers' Identity Documents Convention, (Revised) 2003, and the Work in Fishing Convention, 2007.

The Maritime Labour Convention, 2006 (MLC, 2006), which entered into force on 20 August 2013 and at that date already applied to 30 Members with a total share of nearly 60 per cent of the world gross tonnage of ships, is often described as a charter for decent work or a "bill of rights" for the world's maritime workers and a framework for creating a level playing field for shipowners. Governments, seafarers and shipowners all regard the adoption of this Convention as a landmark development for the world's most globalized sector.

The MLC, 2006, consolidates and updates the majority (68 out of 72) of the ILO's maritime (37) Conventions and Recommendations adopted since 1920. This in itself is a major step forward in assisting countries to improve working and living conditions on ships operating under their flags – ships, for which they have international responsibility. This Convention demonstrates that social dialogue and international cooperation can effectively address the challenges of living, working and conducting business at sea. But it goes even further by showing how dialogue and tripartism can also address the challenges of globalization.

The Convention takes forward the ILO's 21st century approach of actively seeking innovative ways to ensure the relevance and effectiveness of international labour standards in modern economic and social conditions.

The MLC, 2006, has strengthened compliance and enforcement requirements. These include, for the first time for an ILO Convention, certification by flag States of seafarers' working and living conditions with a requirement that the documents are carried onboard ships and are subject to inspection when ships enter ports of other countries. It is addressed to flag States, port States and countries with labour-supplying interests.

This book also contains two documents to help with national implementation. First is the text of the 17 resolutions adopted by the International Labour Conference in 2006 when it adopted the Convention. Several of

these provide useful implementation guidance including with respect to national determinations as to “who is a seafarer”. The second is the most recent (2015) edition of the “Frequently asked questions” (FAQ), a database which is also available online on the ILO MLC, 2006 website. The information responds to questions asked since 2006. In June 2014, the International Labour Conference approved two very important amendments to the Code (Standards and Guidelines) of the MLC, 2006. They are intended to better address the problem of abandonment of seafarers and to further clarify matters related to claims for compensation in the case of a seafarer’s death or long-term disability due to an occupational injury or illness. They were adopted on 11 April 2014 by the Special Tripartite Committee established under Article XIII of the Convention. This Committee also adopted a resolution concerning transitional measures, which is also included. Under the Convention’s more rapid amendment procedures these amendments are expected to enter into force by early 2017.

The Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), reflects important new maritime concerns. Seafarers typically work as part of a multinational crew, for a foreign shipowner on a ship flying the flag of still another country. Ships’ voyages usually take seafarers to several foreign ports, often with short notice. For their health and well-being and to carry out their work, seafarers need temporary admission into the territories of the countries visited: short periods of shore leave after working at sea on voyages that can last up to several months at a time; and permission to transit through a country to join or change ship or to return home (for repatriation).

How can these needs be reconciled with the security measures being taken by countries to confront the modern day phenomena of terrorism and clandestine immigration? This is taken up in Convention No. 185, the second subject of this book.

Convention No. 185 was developed after 2001 and adopted in 2003 to respond to the enhanced security needs and priorities of Members while also serving the practical needs of the industry. It addresses the concerns of shipowners and seafarers by including an assurance that would allow seafarers the necessary facilities to go ashore in foreign countries upon presentation of the new more secure biometric identity document. The Convention aims to ensure that the related issuance procedures respect the dignity and rights

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