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FIFTH ITEM ON THE AGENDA

Entry into force of the Maritime Labour Convention, 2006 (MLC, 2006)

Purpose of the document

Firstly, to provide the Governing Body with information on the entry into force of the Maritime Labour Convention, 2006 (MLC, 2006), and the progress made on its implementation. Secondly, to provide information and proposals with a view to convening the first meeting of the Special Tripartite Committee (see the draft decision in paragraph 29).

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Policy implications: Lessons that could be learnt for future standard setting.

Legal implications: None for the ILO per se, except that entry into force will trigger reporting obligations for member States that have ratified and that port State control can take place for ships whether or not the flag State concerned has ratified the MLC, 2006.

Financial implications: Financial arrangements have been made in the Programme and Budget 2014–15.

Follow-up action required: First meeting of the Special Tripartite Committee scheduled for April 2014.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.312/INS/2/2.

Introduction

1. The Maritime Labour Convention, 2006 (MLC, 2006), entered into force on 20 August 2013 and became binding international law for the first 30 Members that had registered ratifications on 20 August 2012. It will be recalled that the Convention contains a stringent formula for initial entry into force. Article VIII provides that:

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

2. The following 30 Members had registered ratifications on 20 August 2012, representing a total share of nearly 60 per cent of the world gross tonnage.¹ (In order of ratification) Liberia, Marshall Islands, Bahamas, Panama, Norway, Bosnia and Herzegovina, Spain, Croatia, Bulgaria, Canada, Saint Vincent and the Grenadines, Switzerland, Benin, Singapore, Denmark (which extended ratification to the Faeroe Islands), Antigua and Barbuda, Latvia, Luxembourg, Kiribati, Netherlands, Australia, Saint Kitts and Nevis, Tuvalu, Togo, Poland, Palau, Sweden, Cyprus, Russian Federation and the Philippines.
3. For Members with ratifications registered after 20 August 2012, in accordance with Article VIII, paragraph 4,² the MLC, 2006, will enter into force 12 months after the date on which the Member's ratification is registered by the Director-General. As of the date of this paper, 16³ more Members have ratified, bringing the total number of registered ratifications to 46 with a total combined gross tonnage of over 75 per cent. In addition, four⁴ Members have ratified with registration pending receipt of the information on the branches of social security protection that is required by Standard A4.5, paragraph 10, of the Convention.⁵ This brings the total number of ratifications to 50.

¹ The gross tonnage was 59 per cent. However, this may be an underestimate, as the MLC, 2006, covers a wider range of ships than the currently accepted international statistics on world gross tonnage.

² Article VIII(4) states: "Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered."

³ Morocco, Greece, Finland, Malta, France (which extended the ratification to New Caledonia), Viet Nam, Nigeria, Barbados, South Africa, Japan and United Kingdom (which extended ratification to Gibraltar and the Isle of Man), Germany, Ghana, Malaysia, Lithuania and Belgium.

⁴ Gabon, Fiji, Lebanon and Hungary have also ratified but registration is pending.

⁵ MLC, 2006, Standard A4.5, paragraph 10, provides that: "Each Member shall at the time of ratification specify the branches for which protection is provided in accordance with paragraph 2 of this Standard. It shall subsequently notify the Director-General of the International Labour Office when it provides social security protection in respect of one or more other branches stated in paragraph 1 of this Standard. The Director-General shall maintain a register of this information and shall make it available to all interested parties."

This information is currently available to all Members with registered ratifications on the ILO NORMES and MLC, 2006, website: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312331:NO.

4. The entry into force of the MLC, 2006, which is one of the most innovative of the ILO's Conventions, effectively revises 37⁶ of the maritime labour Conventions⁷ adopted since 1920 and 31 related Recommendations.⁸ As of 20 August 2013, these 37 Conventions are

⁶ Four Conventions were not included. The Seafarers' Identity Documents Convention (Revised), 2003 (Convention No. 185) and the 1958 Convention that it revises (Convention No. 108) are not consolidated in the new Convention; nor are the Seafarers' Pensions Convention, 1946 (Convention No. 71), and the (outdated) Minimum Age (Trimmers and Stokers) Convention, 1921 (Convention No. 15).

⁷ MLC, 2006, Article X "Effect of entry into force" provides that: "This Convention revises the following Conventions: the Minimum Age (Sea) Convention, 1920 (No. 7); the Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8); the Placing of Seamen Convention, 1920 (No. 9); the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); the Seamen's Articles of Agreement Convention, 1926 (No. 22); the Repatriation of Seamen Convention, 1926 (No. 23); the Officers' Competency Certificates Convention, 1936 (No. 53); the Holidays with Pay (Sea) Convention, 1936 (No. 54); the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55); the Sickness Insurance (Sea) Convention, 1936 (No. 56); the Hours of Work and Manning (Sea) Convention, 1936 (No. 57); the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); the Food and Catering (Ships' Crews) Convention, 1946 (No. 68); the Certification of Ships' Cooks Convention, 1946 (No. 69); the Social Security (Seafarers) Convention, 1946 (No. 70); the Paid Vacations (Seafarers) Convention, 1946 (No. 72); the Medical Examination (Seafarers) Convention, 1946 (No. 73); the Certification of Able Seamen Convention, 1946 (No. 74); the Accommodation of Crews Convention, 1946 (No. 75); the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76); the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91); the Accommodation of Crews Convention (Revised), 1949 (No. 92); the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93); the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109); the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133); the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134); the Continuity of Employment (Seafarers) Convention, 1976 (No. 145); the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146); the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147); the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147); the Seafarers' Welfare Convention, 1987 (No. 163); the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164); the Social Security (Seafarers) Convention (Revised), 1987 (No. 165); the Repatriation of Seafarers Convention (Revised), 1987 (No. 166); the Labour Inspection (Seafarers) Convention, 1996 (No. 178); the Recruitment and Placement of Seafarers Convention, 1996 (No. 179); and the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)."

⁸ While the MLC, 2006, does not expressly provide the list of Recommendations that it revises, the Recommendations that are related to the Conventions set out above are: the National Seamen's Codes Recommendation, 1920 (No. 9); the Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10); the Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26); the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27); the Labour Inspection (Seamen) Recommendation, 1926 (No. 28); the Seamen's Welfare in Ports Recommendation, 1936 (No. 48); the Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49); the Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75); the Seafarers (Medical Care for Dependants) Recommendation, 1946 (No. 76); the Vocational Training (Seafarers) Recommendation, 1946 (No. 77); the Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78); the Ships' Medicine Chests Recommendation, 1958 (No. 105); the Medical Advice at Sea Recommendation, 1958 (No. 106); the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107); the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108); the Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109); the Vocational Training (Seafarers) Recommendation, 1970 (No. 137); the Seafarers' Welfare Recommendation, 1970 (No. 138); the Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139); the Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140); the Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141); the Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142); the Dock Work Recommendation, 1973 (No. 145); the

no longer open for ratification, although Members that have ratified any of these earlier Conventions but not the MLC, 2006 will remain bound by the Convention in question, and responsible for submitting any reports required under article 22 of the Constitution of the International Labour Organisation.

5. Aside from its comprehensiveness, the MLC, 2006, contains a number of new approaches intended to help ensure that the Convention is more effective in achieving decent work for seafarers, and to help achieve a level playing field for shipowners, including, for the first time ever, mandatory on-board documents – a maritime labour certificate and the declaration of maritime labour compliance, Parts I and II – to certify compliance with the requirements of the Convention relating to working and living conditions.
6. The preparation of the MLC, 2006, also called for some innovations in practice by the ILO, including the development of a legal approach to allow the more technical part of the Convention, the Code, to be updated by means of an accelerated amendment process in order to address changes and emerging needs in the sector without having to adopt another revising Convention. The preparation of the MLC, 2006, also involved changing the design and structure of ILO Conventions to include, within a mandatory Convention, provisions (called Guidelines in Part B of the Code of the MLC, 2006) that contain a significant amount of technical or detailed guidance for implementation, which must be given due consideration when implementing the Convention at the national level but which are not in fact mandatory. Many relevant provisions of the existing 31 Recommendations have also been reflected in these Guidelines. The Convention also includes specific areas of flexibility that allow national determinations to be made regarding the fulfilment of a requirement based on consultations with the relevant national social partners. This approach can serve, and has served, to encourage the organization of national social partners where none exists. The Convention also provides for the establishment of a Special Tripartite Committee with “special competence in the area of maritime labour standards” under Article XIII, to “keep the working of this Convention under continuous review”, which includes considering any proposals for amendments to the Code by means of an accelerated amendment process (under Article XV). Another important role of this Committee relates to providing views to countries that have not been able to undertake tripartite consultations in order to make national determinations under the Convention.⁹
7. Many other strategic innovations were introduced both at the time of drafting the Convention text and as part of the follow-up, promotional and other initiatives launched following its adoption on 23 February, 2006. Most of these follow-up initiatives gave effect to the 17 resolutions¹⁰ adopted by the International Labour Conference (ILC) at its 94th (Maritime) Session, when it adopted the Convention. Information about the MLC,

Protection of Young Seafarers Recommendation, 1976 (No. 153); the Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154); the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155); the Seafarers’ Welfare Recommendation, 1987 (No. 173); the Repatriation of Seafarers Recommendation, 1987 (No. 174); the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185); the Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186); and the Seafarers’ Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187).

⁹ MLC, 2006, Article VII – Consultation with shipowners’ and seafarers’ organizations: “Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners’ and seafarers’ organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII.”

¹⁰ Resolutions adopted by the ILC at its 94th (Maritime) Session. See: http://ilo.org/global/standards/maritime-labour-convention/WCMS_088130/lang--en/index.htm.

2006, follow-up approaches and their impact may be of wider interest to other sectors. These are discussed in detail in section A of the present paper.

8. The various new concepts and approaches referred to above, which are embodied in the MLC, 2006, and the particular form of tripartite cooperation that led to its adoption, could be usefully considered in the more general context of a future discussion within the Governing Body on standard-setting policy and the standards review mechanism.
9. The present paper has two purposes. The first is to provide the Governing Body with information on the entry into force of the MLC, 2006, and the progress being made on its implementation. The latter is provided in section A below. The second purpose, which is also related to the entry into force of the Convention, is to provide information and proposals, in accordance with the Standing Orders of the Special Tripartite Committee,¹¹ to allow decisions that are necessary for convening the first meeting of the Special Tripartite Committee to be taken. This information is provided in section B and in the appendix to this paper.

A. Progress made on the implementation of the MLC, 2006

10. It will be recalled that the Office provided an update on the implementation of the MLC, 2006, to the Governing Body at its 316th Session (November 2012).¹² That update noted that, in September 2006, the International Labour Office had adopted a five-year (2006–11) Action Plan to achieve rapid and widespread ratification and effective implementation of the MLC, 2006.¹³ As its title indicated, the Action Plan was aimed at achieving both widespread ratification and effective implementation of the Convention. The approach adopted in this Action Plan has proved to be very successful in achieving its primary objective; the essential precondition for widespread ratification was met in August 2012. As noted above in paragraphs 1–3, the MLC, 2006, entered into force on 20 August 2013 and currently applies to nearly 60 per cent of the world fleet of ships and to the seafarers working on board those ships. In addition, 16 ratifications have been registered, which will extend coverage to over 75 per cent of the world fleet during 2013 and 2014. This is a truly remarkable outcome, particularly since this is the first international labour standard to require Members (flag States) to certify working and living conditions on board ships. The global nature of the sector means that widespread ratification, particularly by key port States and countries from which the world's seafaring force is drawn, is essential to ensuring that the Convention meets the twin goals of decent work for seafarers and a level playing field for shipowners. While there are some regions with a low number of ratifications, it is expected that many more ratifications will be deposited over the next 12 months, particularly from Members in Europe and Asia and the Americas. It is certainly reasonable to expect widespread and a very high level of, if not universal, ratification with the exception of certain landlocked countries. In addition, the Office understands that a number of countries that have not yet ratified the Convention are (perhaps as a result of a

¹¹ Standing Orders of the Special Tripartite Committee established for the MLC, 2006. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_183944/lang--en/index.htm.

¹² See: GB.316/LILS/INF/1.

¹³ See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_088034/lang--en/index.htm.

provision¹⁴ in the MLC, 2006, intended to help achieve the abovementioned level playing field) already requiring ships that fly their flags to implement the MLC, 2006.

11. However, the Action Plan and the strategic approach that was adopted seek to achieve more than the entry into force of the Convention. The second objective of the Action Plan, which is to ensure effective implementation at the national level, has been the focus of extensive efforts over the five years of the Plan until 2011 and over the subsequent 24 months. This reflects the importance that the Convention attaches to compliance and enforcement at the shipboard level. There was a need, identified in 2006, to focus on building the capacity of maritime labour inspection systems in flag and port States well in advance of the entry into force of the Convention in order to deal with the immense workload of inspecting and certifying, which, in 2006, was estimated to be at least 40,000 ships, by its initial entry into force.¹⁵ The Office has responded by devising an array of training courses and workshops that are mainly delivered through the Maritime Labour Academy established by the International Training Centre of the ILO (Turin Centre).¹⁶ Participants in these training courses, who are often drawn from the industry, as well as from governments, have then gone on to provide training at the national or organizational level.¹⁷ The Office has also organized workshops in cooperation with

¹⁴ Sometimes called the “no more favourable treatment” clause: see: MLC, 2006, Article V(7): “Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.”

¹⁵ See, inter alia, resolutions I, IV, XIII and XVII adopted by the ILC at its 94th (Maritime) Session.

¹⁶ With financial support from Sweden (SIDA) and financial and in-kind support from the Governments of Australia, Italy, Republic of Korea and United Kingdom, as well as from national and international shipowners’ and seafarers’ organizations. See: The Maritime Labour Academy, http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_154969/lang-en/index.htm.

¹⁷ The Office designed a dedicated training package to be used in the training of trainers courses that were first held in 2009. The ILO Maritime Labour Academy offers five highly specialized courses. In addition to the “Training of trainers and maritime inspectors in the application of the ILO MLC, 2006” (Track 1), that was launched in 2009, four new courses were launched in 2011: one intended for governments’ legal counsels involved in the transposition of the MLC, 2006, into domestic legislation (Track 2 – Workshop on the national legal implementation of the ILO MLC, 2006), one for ship operators and officers organized jointly with the International Shipping Federation (ISF) (Track 3 – Workshop for ships’ operators and officers on the ILO MLC, 2006), one for seafarer representatives in collaboration with the International Transport Workers’ Federation (ITF) (Track 4 – Workshop on the ILO MLC, 2006, for ITF inspectors and awareness-raising workshop on the ILO MLC, 2006, for ITF affiliates), and one for the cruise industry (Track 5 – Implementing the ILO MLC, 2006, in the cruise industry). More information can be found on the dedicated training website: <http://mlc-training.itcilo.org>. Since February 2009, a total of 663 representatives of maritime authorities, shipowners and seafarers have attended the activities organized by the ILO Maritime Labour Academy. Some 152 were female and 511 were male. 325 participants attended the “Training of trainers and maritime inspectors in the application of the ILO MLC, 2006”, 47 participants completed the “Workshop on national legal implementation of the ILO MLC, 2006”, 67 participants attended the “Workshop for ships’ operators and officers on the ILO MLC, 2006” designed in cooperation with the ISF, and 148 ITF inspectors or affiliates participated in the workshops organized jointly with the ITF. In addition, 76 participants from a leading cruise operator attended the workshop “Implementing the ILO MLC, 2006, in the cruise industry”. In order to assess the impact of Track 1 (Training of trainers and maritime inspectors in the application of the ILO MLC, 2006), the Turin Centre conducted a survey among all the former participants, which clearly emphasizes the multiplier effect achieved through the training of trainers approach. Of the 286 participants trained from 2009 to 2012 who answered the survey, 154 had undertaken national

international seafarers' and shipowners' organizations and other actors in the sector to build capacity in the industry. In addition, the Office responded to requests from Members for assistance in building their capacity to carry out the legal work necessary to move towards ratifying the MLC, 2006. This has involved the ILO regional or subregional offices adopting a coordinated approach to supporting national legal gap analyses, using regional or national legal consultants and developing and publishing a handbook with model national provisions to assist with the legal implementation of the MLC, 2006.¹⁸ This was combined with the delivery of legal implementation workshops at the Maritime Labour Academy of the Turin Centre, which mainly involved relevant legal counsel and officials from countries that had undertaken gap analyses in order to help build national legal capacity. There is a growing demand for these focused maritime labour inspector training and MLC, 2006, legal implementation workshops, particularly at the national level and usually in connection with Decent Work Country Programmes.

12. The national implementation of the MLC, 2006, with its cross-cutting content, requires a significant level of national tripartite and interdepartmental discussion and cooperation among social security, labour health and maritime administrations. This has helped to lay a foundation for future cooperation in other areas, including working together on reporting obligations under article 22 of the Constitution.¹⁹
13. The Action Plan and the subsequent 24 months have given rise to many other initiatives identified as key follow-up actions by the 17 resolutions²⁰ adopted at the 94th (Maritime) Session of the ILC, when it adopted the MLC, 2006. Follow-up action and reporting on the progress made on giving effect to these resolutions remain key factors to be considered in determining future initiatives to be undertaken by the Office.
14. For the most part, the tasks or steps identified in the Action Plan have been completed and have been built upon over the period since 2011. These include the development of model national provisions combined with one-week legal training courses at the Turin Centre, and responding to requests for shorter workshops at the national level or for specific sectors of the industry. Additional guidance on specific areas of difficulty for implementation (mainly as indicated in the resolutions) was also prepared, as funds have become available and constituents indicated a need for this guidance.²¹

and regional training activities. Even more remarkable is the fact that 11,299 new trainees were trained by the certified trainers at the national or organization level.

¹⁸ *Handbook: Guidance on implementing the Maritime Labour Convention, 2006 – Model National Provisions*. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_170389/lang--en/index.htm.

¹⁹ In March 2010 (GB.307/10/2(Rev.)), the Governing Body adopted a report form for the national reports on the MLC, 2006, which are required under article 22 of the Constitution. A new format and approach have been adopted for the form. It is anticipated that this new design will allow for electronic reporting. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_145296/lang--en/index.htm.

²⁰ See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_088130/lang--en/index.htm.

²¹ For example, *Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_101787/lang--en/index.htm; *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_101788/lang--en/index.htm; *Handbook: Guidance on implementing the Maritime Labour Convention, 2006 and Social Security for Seafarers*: <http://www.ilo.org/global/>

15. As also noted above, work was undertaken in several regions, particularly in Members identified as targets for the 2012–13 biennium and the prior bienniums, to carry out legal gap analyses²² and to prepare draft legislation. In many cases, these initiatives have resulted in national tripartite consultations and, ultimately, the ratification of the MLC, 2006. Countries in almost every region, particularly those targeted in the last two bienniums in the African, Caribbean and Pacific regions, have moved forward to ratify the Convention, adopt legislation and train inspectors. To assist in the effective implementation of the Convention, the Office has also undertaken promotional activities²³ and cooperated in the development of other complementary initiatives, including supporting the development of a course that is a part of the master's degree programme offered by the World Maritime University (Sweden), which operates under the auspices of the International Maritime Organization (IMO).
16. In response to a growing number of requests for information and electronic resources, a database for port State control reports and other MLC, 2006, related information and reports, which are to be submitted to the Director-General of the ILO, will be put in place.²⁴ However, it should be noted that the entry into force of the MLC, 2006, poses some challenges to the International Labour Office and the Director-General, as they will both have to assume new roles. The Convention's entry into force on 20 August 2013 entailed certain legal and practical obligations for the Office. For example, it was important to communicate to ratifying Members, flag and port States (in particular), the ideas contained in resolution XVII of the 94th (Maritime) Session of the ILC on the importance of allowing some flexibility regarding ship inspection and certification by flag States and port States for a one-year transitional period after the initial entry into force of the Convention. The Convention also envisages a new role for the Director-General with regard to the receipt of information about compliance problems identified by port States during a port State inspection of foreign ships or through seafarer complaints. The Office is also required to ensure that national information regarding social security protection (under Standard A4.5, paragraph 10) and information provided by Members regarding authorized and recognized organizations is made public. Today's communication environment means that this information must be available on the Internet. In addition, many constituents have requested that the contact addresses of the competent authorities for MLC, 2006, matters in each country also be made available, preferably on the Internet. This entails a major

standards/maritime-labour-convention/WCMS_170388/lang--en/index.htm; Maritime Labour Convention, 2006 Frequently Asked Questions (FAQ) – Online revised edition, 2012: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_177371/lang--en/index.htm. In addition, in accordance with a resolution adopted by the ILC at its 94th Session, the Office is preparing a draft text for a handbook to assist with the implementation of the maritime occupational safety and health provisions of the MLC, 2006. It has been reviewed by an ad hoc tripartite expert working group and will form the basis of a tripartite meeting of experts in 2014. This work was supported by the Government of Sweden through a multi-year partnership for technical cooperation. Moreover, a promotional handbook on the implementation of the MLC, 2006, provisions relating to seafarers' access to shore-based welfare facilities has been circulated for tripartite expert comments and is currently being finalized. This resource has been supported by the ITF Seafarers' Trust.

²² To date, the Office has supported legal gap analyses in 30 countries, the preparation of draft legislation for some 20 countries, and has provided advice and comments to assist with implementation for a large number of other Members and industry actors.

²³ In Benin (Francophone African countries, validation sub-regional workshop for national gap analysis); Senegal (Francophone African countries, MLC legal workshop for drafting legislative provisions); Egypt, Islamic Republic of Iran (national tripartite seminar); Sultanate of Oman (training workshop for Port States Control Officers); Ukraine (ITF seminar on crewing agencies); Seychelles (validation workshop) and Trinidad and Tobago (national tripartite seminar).

²⁴ This electronic database was officially launched on 20 August 2013.

change in the traditional role of the Office and seems to require it to become, in some respects, “a one-stop shop” for a substantial amount of legal and operational or practical information on the implementation of MLC, 2006. Despite the many limitations in terms of the resources needed to supply and keep this information up to date, and to meet this communication need, efforts are under way to ensure this work is carried out.²⁵

17. In addition to these ILO-sponsored initiatives, there has been considerable activity related to the promotion and implementation of the MLC, 2006 in the maritime industry²⁶ in all regions. This has ranged from designing training courses or online or video modules to preparing detailed manuals for inspections, and checklists for flag State inspections related to the certification of MLC, 2006, compliance. Activities have also been undertaken in the marine insurance sector in order to meet the requirements under the MLC, 2006. In addition, several regional organizations are now designing training workshops for inspectors.
18. Finally, it will be recalled that the Governing Body²⁷ established a Preparatory Committee to lay the foundations for the entry into force of the Convention and the establishment of the Special Tripartite Committee (also referred to as “the MLC Committee”), to carry out tripartite consultations to identify urgent matters to be placed on the agenda of its first meeting, and to develop a proposal for Standing Orders for the Committee. The Preparatory Committee met twice and fulfilled its mandate. The first meeting in 2010, in particular, also helped to encourage international tripartite discussion on issues for implementation and wider ratification. Two urgent matters relating to proposals for amendments to the Convention were identified as needing to be placed on the agenda of the first meeting of the Committee.²⁸ In addition, a proposal for Standing Orders was

²⁵ In this regard, it is important to note the broad interest that the MLC, 2006, has generated. In a survey conducted by the ILO on key online/social media/clippings statistics concerning the MLC, 2006, the following results were obtained. **Web content:** on 20 August 2013, 374 people watched the live webcast of a panel discussion on the MLC, 2006. There were 3,683 page views of the MLC portal page on that day. By way of comparison, the ILO homepage (the most visited page on any given day) received around 6,000 page views. The lead story on the day, “Global shipping industry sets sail under new standard,” received 1,242 page views. From January to August 2013, the number of visitors to all MLC, 2006 stories grew from just hundreds in January to 98,493 by 20 August 2013. Total page views of MLC, 2006 stories reached 307,891 as the Convention entered into force. The most popular item from January to August 2013 was the text of the Convention, which received 136,965 page views; “Frequently Asked Questions (FAQ) Online revised Edition, 2012” received 12,355 page views. **Social media:** 131,000 users were on social media on 20 August. MLC, 2006 content was shared over 1,200 times; 1,500 clicks were made to the links. **Online media:** from 19 to 21 August 2013 (morning), 331 stories were published online about the MLC, 2006 coming into force. Big titles included Radio Television Suisse, EFE, ABC (Spain), RTVE (Spain), BBC Mundo (Spanish), China Daily and NZZ Online. The remainder was mainly trade media.

²⁶ There is an unprecedented level of private sector uptake of the MLC, 2006, with marine insurers and many others designing products to meet the requirements under the MLC, 2006, and its future requirements related to the impact of abandonment or death and long-term disability of seafarers and their families, and many private sector organizations training people to implement the MLC, 2006. There is now an “MLC APP”, created by one organization as an electronic MLC, 2006, compliance tool.

²⁷ The Governing Body of the ILO, at its 306th Session, established a Preparatory Tripartite MLC, 2006, Committee modelled on the future “Special Tripartite Committee” to be established under Article XIII of the MLC, 2006, when it comes into force. The Committee met in September 2010 and December 2011.

²⁸ This is also a follow-up to a resolution adopted by the 94th Session of the ILC, with a view to amending two areas of the Code to review the principles for amendments of the Code that were

recommended to the Governing Body. The Governing Body adopted the Standing Orders at its 313th Session in March 2012.²⁹

19. One of the most important responsibilities of the Special Tripartite Committee will be to consider proposals for amendments to the Code of the Convention, in accordance with Article XV of the MLC, 2006. As noted above, two matters both relating to proposals for amendments to the Code were identified as urgent matters for consideration at the first meeting of this Committee. In order to allow time for adequate consultation, as required under Article XV,³⁰ the Governing Body took an initial step at its 318th Session in June 2013³¹ and established the Special Tripartite Committee to give effect to Article XIII of the MLC, 2006, on the understanding that the Committee would not meet until a definitive decision is taken by the Governing Body at its 319th Session. The Governing Body in accordance with Article XIII, paragraph 2, of the MLC, 2006, and article 4, paragraph 3, of the Committee's Standing Orders appointed a minimum number of Shipowner and Seafarer representatives to the Committee and invited the Government of each Member that had ratified the MLC, 2006, to nominate two Government representatives to the Committee and to notify their names to the Director-General.³²

agreed at the Ninth Session of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers (IMO/ILO Working Group) in March 2009. *Final report of the Preparatory Tripartite MLC, 2006, Committee* – Geneva, 20–22 September 2010: ILO PTMLC/2010/4. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_150401/lang--en/index.htm.

²⁹ GB.313/LILS/3. Standing Orders of the Special Tripartite Committee established for the Maritime Labour Convention, 2006. These Standing Orders and the Introductory Note were adopted by the Governing Body at its 313th Session (March 2012). See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_183944/lang--en/index.htm.

³⁰ In accordance with Article XV(2) of the MLC, 2006, amendments to the Code may be proposed by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives appointed to the Special Tripartite Committee. The first meeting of the Special Tripartite Committee is currently proposed for 7–11 April 2014. It was, therefore, important that the proposed amendments were presented as soon as possible after the entry into force of the Convention in August 2013. This would ensure that they could be submitted first to the Special Tripartite Committee for consideration at the end of the six-month period for review by ILO Members and then, if adopted, to the International Labour Conference at its 103rd Session (June 2014). The prompt proposal of amendments, allowing for their consideration at the first meeting of the Special Tripartite Committee in early 2014, would not only enable their early entry into force, but could also avoid having to hold a subsequent meeting of the Special Tripartite Committee after a six-month period solely to consider proposals.

³¹ GB.318/INS/7/1, paragraph 8, as amended.

³² The number of Government representatives is set out in Article XIII(2) of the MLC, 2006. Since Members are continuing to ratify the MLC, 2006, actual composition will depend on the number of ratifications by the date of the first meeting. Article XIII(3), provides that Government representatives of Members that have not ratified may participate in the Committee but have no right to vote. The Governing Body may also invite other organizations or entities to be represented on the Committee as observers.

B. Maritime Labour Convention, 2006: Convening the first meeting of the Special Tripartite Committee

20. At its June 2013 meeting, the Governing Body left the questions of further appointments to the Special Tripartite Committee, confirmation of the date of the first meeting, and the adoption of the agenda of the first meeting to be decided at its 319th Session. This section provides information to assist the Governing Body in making the necessary decision to convene the first meeting of the Special Tripartite Committee.
21. Article XIII of the MLC, 2006, already provides the framework for decisions relating to the composition, some procedures and the mandate of the Committee. These provisions combined with the detailed Standing Orders adopted by the Governing Body for this Committee constitute the basis for these decisions.

Confirmation of the date of the first meeting

22. Financial arrangements have been made in the Programme and Budget for 2014–15 for the first meeting of the Special Tripartite Committee. After consultation, it appears that 7–11 April 2014 would be the most appropriate dates,³³ taking into account the requirements under article 3, paragraph 4, of the Standing Orders that:

4. The agenda of meetings shall be circulated along with the invitation letter to the Government members of the MLC Committee, with a copy to the Governments of all other member States of the International Labour Organization (hereinafter referred to as “Members”), and to the Shipowner and the Seafarer representatives on the MLC Committee through the secretariats of their respective groups, no less than four months before the opening day of the meeting concerned.

Adoption of the agenda of the first meeting

23. A proposal for the agenda of the first meeting is set out in the appendix to this paper.
24. The agenda of future meetings will be adopted by the Officers of the Committee in accordance with article 3, paragraph 2, of the Standing Orders, which provides that:

Article 3

2. The agenda of these meetings shall be adopted by the Officers referred to in article 6 below, after consulting the Officers of the Governing Body.
3. The MLC Committee shall at its meetings also consider any reports of its Officers under article 7, paragraph 7, below and any report under article 14 below, and deal with any other matter coming within the MLC Committee’s mandate under article 2 above.

³³ At its 318th Session, the Governing Body also approved these dates as part of its approval of the programme of meetings for 2013 and 2014 (GB.318/INF/1).

Appointment of the Chairperson and any other Shipowner and Seafarer representatives

25. As provided in article 4, paragraph 3, of the Standing Orders of the Special Tripartite Committee:

3. Without prejudice to the funding arrangements decided by the Governing Body and unless the Joint Maritime Commission recommends a lesser number, the number of representatives of Shipowners and Seafarers on the MLC Committee shall each be equal to the number of Members that have ratified the Convention at the time of the Governing Body's appointment of the Shipowner and Seafarer representatives, after consultation with the Joint Maritime Commission in accordance with Article XIII, paragraph 2, of the Convention. The nominations of the representatives shall be notified to the Director-General by the secretariats of the groups to which the representatives belong. The notification shall indicate the names of the representatives. Any changes shall be notified under the same procedure.

26. Accordingly the Governing Body may wish to make further appointments (see paragraph 20 above) of Shipowner and Seafarer representatives, so as to make their numbers equal to the number of ratifying Members as of the 319th Session. It should be noted that the Standing Orders provide, in Article 4, paragraph 3, that these appointments would be without prejudice to the funding arrangements decided by the Governing Body for each meeting. As indicated at paragraph 22 above, a decision was taken with respect to funding arrangements for this meeting in the approved Programme and Budget for 2014–15. These funding arrangements included approval of funds for the travel and subsistence expenses of 15 Shipowners' representatives and 15 Seafarers' representatives.³⁴

27. Under article 6 of the Standing Orders the three Vice-Chairpersons are appointed by the Committee for a term of up to three years. Accordingly, these appointments will be made by the Committee at its first meeting. However, under article 6, the Chairperson is proposed by the Government members of the Committee and appointed by the Governing Body, for a term of up to three years. The Chairperson must remain neutral in discussions and shall not vote. Where the Chairperson is a Government representative on the

³⁴ The Introductory Note to the Standing Orders provides that:

5. Under the Standing Orders, meetings of the MLC Committee are to be convened by the Governing Body. When taking the decision to convene a meeting, the Governing Body is expected to take account of the request that the meetings be convened at regular intervals (article 3 of the Standing Orders) and will need to consider their composition each time (article 4 of the Standing Orders). The number of participants depends on the number of ratifying Members, as each of them has the right to appoint two Government representatives (article 4 of the Standing Orders; Article XIII, paragraph 2, of the Convention). Furthermore, the Governing Body has to determine the number of Shipowner and Seafarer representatives after consultation with the Joint Maritime Commission (article 4, paragraph 3, of the Standing Orders; Article XIII, paragraph 2, of the Convention). In line with the proportion that the ILO Constitution set forth for the International Labour Conference, the Standing Orders (article 4, paragraph 3) provide that the number of Shipowner and Seafarer representatives shall each be equal to the number of ratifying Members, which gives the possibility to the Shipowner and Seafarer groups to each nominate up to one quarter of the total number of voting participants, unless the Joint Maritime Commission (consisting of Shipowner and Seafarer representatives) recommends that the Governing Body appoint a lesser number of representatives. The Standing Orders provide that this is without prejudice to funding arrangements (article 4, paragraph 3); the Governing Body may thus also decide, depending on the funding arrangements for each meeting, to cover from the ILO budget participation expenses for all or only some of the appointed representatives of Shipowners and Seafarers.

6. Once these numbers are determined, it would be for each Government and the secretariats of the other two groups to communicate their nominations to the Director-General of the International Labour Office. Governments normally do this in the form of credentials signed by a competent state authority. The deadline for such communications will be established in the invitation letter for each meeting.

Committee, her or his government may nominate another person as representative or substitute representative on the Committee. As in the case of the agenda of the first meeting, in the absence of a proposal under article 6, paragraph 2, of the Standing Orders, and in light of the necessary decision to convene the first meeting of this Committee, it is proposed that the Governing Body appoint the Chairperson for the first meeting for an initial term of one year.³⁵

Invitations to other organizations and entities to participate as observers

28. Article XIII, paragraph 3, provides that the Governing Body may invite other organizations or entities to be represented on the Committee as observers. Article 9, paragraphs 3 and 4, of the Standing Orders also addresses this matter.

Draft decision

29. *The Governing Body may wish to:*

- (a) take note of the information in the Introduction and Part A of this paper;*
- (b) convene a meeting of the Special Tripartite Committee in Geneva from 7 to 11 April 2014;*
- (c) adopt the Committee's first agenda as proposed in the Appendix to this paper;*
- (d) appoint to the Committee, having consulted the Joint Maritime Commission in accordance with Article XIII, paragraph 2, of the MLC, 2006, the additional Shipowner and Seafarer representatives in accordance with Article 4, paragraph 3, of the Standing Orders of the Committee;*
- (e) request the Director-General to address an invitation to all ratifying Members and Shipowner and Seafarer members appointed to the Special Tripartite Committee; and*
- (f) delegate decisions relating to the appointment of the Chairperson of the Committee, and other matters that may arise related to the convening of the meeting, including invitations to observers, and to the Officers of the Governing Body.*

³⁵ The Office would try to conduct consultations to the extent possible and taking into account the continuously changing situation of number of ratifying Members.

Appendix

Agenda of the meeting of the Special Tripartite Committee for the Maritime Labour Convention, 2006 (MLC Committee)

(Geneva, 7–11 April 2014)

1. Appointment of the three Vice-Chairpersons (to be nominated by the MLC Committee).
2. Consideration of proposals for amendments to the Code of the Maritime Labour Convention, 2006 (MLC, 2006).
3. Exchange of information related to implementation.
4. Consideration of any request for consultation under Article VII of the MLC, 2006.
5. Adoption of the arrangements for consultation under Article VII of the MLC, 2006.¹
6. Any other business.

¹ See article 14 of the Standing Orders.