



## Governing Body

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**Legal Issues and International Labour Standards Section**  
*International Labour Standards and Human Rights Segment*

**LILS**

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### SECOND ITEM ON THE AGENDA

## Report of the third meeting of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (Geneva, 23–27 April 2018)

### Report of the Chairperson to the Governing Body, in accordance with article 16 of the Standing Orders of the Special Tripartite Committee

#### Purpose of the document

As required by the Standing Orders of the Special Tripartite Committee (STC), the Chairperson of the third meeting of the STC (23–27 April 2018), presents her report on the working of the Convention. The Governing Body is invited to take note of this report; to endorse the establishment of a subsidiary body of the STC; to appoint the Chairperson of the STC for a three-year period and to convene the fourth meeting of the STC in 2021. In relation to the review of maritime-related international labour standards, carried out in the context of the Standards Review Mechanism, the Governing Body is invited to take decisions on recommendations concerning 34 instruments, including their classification, possible withdrawal or abrogation, and practical follow-up (see the draft decision in paragraph 22).

**Relevant strategic objective:** Promote and realize standards and fundamental principles and rights at work, as well as promote social dialogue.

**Policy implications:** Implications arising from the decisions taken by the Governing Body on the recommendations submitted by the STC.

**Legal implications:** Possible withdrawal of ten Recommendations and nine Conventions and possible abrogation of eight Conventions.

**Financial implications:** Financial arrangements relating to the fourth meeting of the STC.

**Follow-up action required:** Scheduling of meeting of the STC and follow-up on the withdrawal and abrogation procedures in accordance with any decision taken by the Governing Body.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** GB.326/LILS/6; GB.326/LILS/3/2 and GB.334/INS/2.

## Introduction

1. The third meeting of the Special Tripartite Committee (STC) established by the Governing Body under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006),<sup>1</sup> was held from 23 to 27 April 2018 at ILO headquarters in Geneva. The meeting was attended by 270 participants.
2. In accordance with article 16 of the [Standing Orders](#) of the STC, the Chairperson of the Committee is to report to the Governing Body "... on the working of the Convention. The report may contain recommendations to the Governing Body on action to be taken to ensure the effective, efficient and, to the extent deemed expedient, uniform implementation of the Convention."
3. The STC dealt with all the matters on its [agenda](#) in a very efficient manner. It reached agreement on important issues through constructive and high level tripartite discussions as reflected in the [final report](#) of the meeting. The remainder of the report of the Chairperson sets out the outcome of the meeting with respect to each point on the agenda.

### 1. Report from the Working Group of the STC

4. In March 2016, the Governing Body [endorsed](#) the establishment of a Working Group of the STC called upon: (i) to examine issues related to the protection of seafarers' wages when the seafarer is held captive on or off the ship as a result of acts such as piracy or armed robbery, and to prepare proposals including an amendment to the Code of the MLC, 2006, to address these issues; and (ii) to recommend improvements to the process for preparing proposals for amendments to the Code of the MLC, 2006, for consideration by the STC in accordance with Article XV of the Convention and article 11 of the Standing Orders of the STC, to promote their earlier and fuller consideration by member States and representative organizations of seafarers and shipowners. The Working Group worked by correspondence from August 2016 to January 2017 and held a meeting at the ILO headquarters, in Geneva, from 3 to 5 April 2017. The [final report](#) of the Working Group was published nine months before the third meeting of the Committee.
5. In relation to the protection of seafarers' wages when the seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, the Working Group agreed on a set of proposals. On 25 August 2017, the group of Seafarer representatives appointed to the STC submitted a proposal for amendment to the Code of the MLC, 2006, regarding the protection of wages of seafarers held captive on or off the ship as a result of acts of piracy or armed robbery against ships. On 26 August 2017, the group of Shipowner representatives appointed to the STC submitted a proposal to adopt guidelines outside the MLC, 2006, on the same issue.<sup>2</sup> As explained below (paragraphs 7–13), the STC finally adopted amendments to the Code of the MLC, 2006.

<sup>1</sup> The MLC, 2006, entered into force on 20 August 2013 and, as of 30 August 2018, had been ratified by [88 member States](#) representing more than 91 per cent of the world fleet.

<sup>2</sup> Both proposals were communicated by the Director-General to all Members of the Organization with an invitation to submit observations or suggestions on the proposed amendments within a six-month period. In accordance with Article XV, paragraph 4, of the MLC, 2006, a [summary](#) of these observations or suggestions was transmitted to the STC.

6. Concerning the issue of improvements to the process for preparing proposals for amendment to the Code of the MLC, 2006, the Working Group adopted a draft [template](#) and [resolution](#) which were later also adopted by the STC. In the future, those wishing to submit a proposal for amendment are invited to use the new template in order to provide as much information as possible on the background and purpose of the proposal.

## 2. Consideration of proposals for amendments to the Code of the MLC, 2006

7. The meeting considered the abovementioned proposed amendments to the Code of the MLC, 2006, related to the protection of seafarers' wages and entitlements while they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships.
8. The STC, having reviewed and revised the proposed amendments adopted them by an overwhelming majority <sup>3</sup> in accordance with the requirements set out in Article XV, paragraph 4, of the MLC, 2006. <sup>4</sup>
9. The amendments refer to three different provisions of the Convention. The first amendment relates to the Code implementing Regulation 2.1 of the MLC, 2006 (Seafarers' employment agreement) and is intended to ensure that a seafarer's employment agreement continues to have effect while a seafarer is held captive as a result of acts of piracy or armed robbery against ships.
10. The second amendment relates to the Code implementing Regulation 2.2 of the MLC, 2006 (Wages) and provides that wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations.
11. The third amendment relates to the Code implementing Regulation 2.5 of the MLC, 2006 (Repatriation) and is intended to ensure that the entitlement to repatriation may not lapse where a seafarer is held captive as a result of acts of piracy or armed robbery against ships.
12. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and article 17 of the Standing Orders of the STC, amendments to the Code together with a commentary on the amendments, are to be communicated by the Chairperson of the STC to the Governing Body for transmittal to the next session of the International Labour Conference. As the third meeting of the Committee took place after the 332nd Session (March 2018) of the Governing Body, the amendments were brought to the attention of the Officers of the Governing Body who decided to transmit them to the 107th Session of the International Labour Conference. <sup>5</sup>

<sup>3</sup> There were no votes against the amendments and only three Governments abstained.

<sup>4</sup> To be adopted, an amendment needs to receive the votes in favour of at least two-thirds of the Committee members, including the votes in favour of at least half the Government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting. Article XIII of the MLC, 2006, requires the votes of each Shipowner and Seafarer representative to be weighted so that the Shipowners' and Seafarers' groups each have half the voting power of the Government group.

<sup>5</sup> Under Article XV, paragraph 5, of the MLC, 2006, such approval requires a majority of two-thirds of the votes cast by the delegates present. If these amendments are approved by the Conference, they

On 5th June 2018, the [amendments](#), as reproduced in Appendix I, were approved by an overwhelming majority of the delegates to the Conference.<sup>6</sup>

13. The amendments were notified to member States on 26 June 2018, in accordance with Article XV, paragraph 6 of the MLC, 2006. The period to express formal disagreement runs until 26 June 2020. The amendments are expected to enter into force on 26 December 2020, through the tacit acceptance procedure, in accordance with Article XV, paragraph 7 of the MLC, 2006.

### 3. Exchange of information related to implementation

14. There was a rich exchange of information on several matters related to the practical application of the MLC, 2006. A member of the Committee of Experts on the Application of Conventions and Recommendations (Professor Lia Athanassiou), presented key issues arising out of the examination of more than 50 first reports on the application of the Convention submitted by ratifying member States. A member of the Secretariat of the Memorandum of Understanding on Port State Control of Paris presented the outcome of the Concentrated Inspection Campaign on the MLC, 2006, conducted in 2016 with very encouraging results. Several specific topics were raised during the discussion, including: the outstanding progress made in the implementation of the Convention in countries with maritime interests; the use of electronic certificates; the continued problem of abandonment of seafarers; the obstacles to the exercise of the right to shore leave, etc.

### 4. Consideration of any request for consultation under Article VII of the MLC, 2006

15. There were no requests for consultation at this meeting.

### 5. Review of maritime-related international labour standards

16. It is recalled that in February 2016, the Standards Review Mechanism Tripartite Working Group (SRM TWG) referred the review of 68 maritime instruments to the STC. This decision was [endorsed by the Governing Body](#) at its 326th Session (March, 2016). In view of the high number of Conventions and Recommendations to consider, the Officers of the STC decided to organize them into [thematic groups](#) and carry out the review in two stages. A first group of 34 instruments was submitted for review to the third meeting of the STC, and a second group of 34 instruments will be presented at its fourth meeting.
17. Accordingly, the STC examined 34 maritime-related instruments on the basis of a series of technical notes prepared by the Office. It made corresponding recommendations concerning their classification and possible follow-up action, which are set out in Appendix II and summarized in the following table.

will be notified to Members whose ratification of the MLC, 2006, was registered prior to the date of the Conference's approval. These Members will have a period of two years from that notification to express a formal disagreement to the amendments. The amendments will enter into force six months after the end of that period unless more than 40 per cent of ratifying Members, representing not less than 40 per cent of world gross tonnage, have formally expressed their disagreement with the amendments.

<sup>6</sup> 372 votes in favour, 1 vote against and 17 abstentions.

| <b>Minimum age (Technical Note 1)</b>                                |                                |   |
|--|--------------------------------|---|
| <b>Instrument</b>  | <b>Proposed classification</b> | <b>Action proposed</b>  |
| Minimum Age (Sea) Convention, 1920 (No. 7)                           | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Minimum Age (Sea) Convention (Revised), 1936 (No. 58)                | Outdated                       | <ul style="list-style-type: none"> <li>■ Encourage countries bound by Convention No. 58 to ratify the MLC, 2006.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 58 in respect of non-metropolitan territories (NMTs) to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Encourage States bound by Convention No. 58 having ratified Convention No. 138 to set a minimum age of 16 (in accordance with the MLC, 2006) or, for those that have set the minimum age for maritime labour at 18 years, to send a declaration to the Office stating that Article 3 of Convention No. 138 is applicable to maritime labour.</li> <li>■ Review the situation of Convention No. 58 at the next STC.</li> </ul> |
| Protection of Young Seafarers Recommendation, 1976 (No. 153)         | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| <b>Medical examination (seafarers) (Technical Note 2)</b>            |                                |   |
| <b>Instrument</b>  | <b>Proposed classification</b> | <b>Action proposed</b>  |
| Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16) | Outdated                       | <ul style="list-style-type: none"> <li>■ Abrogation to be considered by the ILC.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 16 or Convention No. 73 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Promote ratification of the MLC, 2006, among countries still bound by Conventions Nos 16 or 73.</li> </ul>   |
| Medical Examination (Seafarers) Convention, 1946 (No. 73)            | Outdated                       |   |
| <b>Training and qualifications (seafarers) (Technical Note 3)</b>    |                                |   |
| <b>Instrument</b>  | <b>Proposed classification</b> | <b>Action proposed</b>  |
| Officers' Competency Certificates Convention, 1936 (No. 53)          | Outdated                       | <ul style="list-style-type: none"> <li>■ Abrogation to be considered by the ILC.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Conventions Nos 53 or 74 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Promote ratification of the MLC, 2006, among countries still bound by Conventions Nos 53 or 74.</li> </ul>   |
| Certification of Able Seamen Convention, 1946 (No. 74)               | Outdated                       |   |

| <b>Recruitment and placements (seafarers) (Technical Note 4)</b>                               |                                |   |
|--|--------------------------------|---|
| <b>Instrument</b>  | <b>Proposed classification</b> | <b>Action proposed</b>  |
| Placing of Seamen Convention, 1920 (No. 9)   | Outdated                       | <ul style="list-style-type: none"> <li>■ Abrogation to be considered by the ILC.</li> <li>■ Promote ratification of the MLC, 2006, among countries still bound by Convention No. 9 and provide technical assistance to that effect.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 9 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> </ul> |
| Recruitment and Placement of Seafarers Convention, 1996 (No. 179)                              | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107)                         | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186)                          | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| <b>Seafarers' employment agreements (Technical Note 5)</b>                                     |                                |   |
| <b>Instrument</b>  | <b>Proposed classification</b> | <b>Action proposed</b>  |
| Seamen's Articles of Agreement Convention, 1926 (No. 22)                                       | Outdated                       | <ul style="list-style-type: none"> <li>■ Encourage countries bound by Convention No. 22 to ratify the MLC, 2006.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 22 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Review the situation of Convention No. 22 at the next STC.</li> </ul>   |
| <b>Seafarers' wages, hours of work and hours of rest, and manning ships (Technical Note 6)</b> |                                |   |
| <b>Instrument</b>  | <b>Proposed classification</b> | <b>Action proposed</b>  |
| Hours of Work and Manning (Sea) Convention, 1936 (No. 57)                                      | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49)                                  | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)                               | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)                     | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)                    | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>   |
| Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109)                          | Outdated                       | <ul style="list-style-type: none"> <li>■ Recommend that the Governing Body take note of the juridical replacement of Recommendation No. 109 by Recommendation No. 187.</li> </ul>   |

| <b>Seafarers' wages, hours of work and hours of rest, and manning ships (Technical Note 6)</b> |                                |  |
|--|--------------------------------|--|
| <b>Instrument</b>  | <b>Proposed Classification</b> | <b>Action proposed</b>   |
| Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)                   | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187)        | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| <b>Entitlement to leave (seafarers) (Technical Note 7)</b>                                     |                                |  |
| <b>Instrument</b>  | <b>Proposed Classification</b> | <b>Action proposed</b>   |
| Holidays with Pay (Sea) Convention, 1936 (No. 54)  | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| Paid Vacations (Seafarers) Convention, 1946 (No. 72)   | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)                                 | Outdated                       | <ul style="list-style-type: none"> <li>■ Abrogation to be considered by the ILC.</li> <li>■ Encourage countries bound by Convention No. 91 to ratify the MLC, 2006.</li> </ul>   |
| Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)                                    | Outdated                       | <ul style="list-style-type: none"> <li>■ Encourage countries bound by Convention No. 146 to ratify the MLC, 2006.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 146 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Review the situation of Convention No. 146 at the next STC.</li> <li>■ Recognize that Convention No. 146 provides that States may extend its application to persons excluded from the definition of seafarers in the Convention, or certain categories thereof, and draw the attention of the SRM TWG to any issues this may raise.</li> </ul> |
| <b>Repatriation of seafarers (Technical Note 8)</b>  |                                |  |
| <b>Instrument</b>  | <b>Proposed Classification</b> | <b>Action proposed</b>   |
| Repatriation of Seamen Convention, 1926 (No. 23)   | Outdated                       | <ul style="list-style-type: none"> <li>■ Encourage countries bound by Convention No. 23 to ratify the MLC, 2006.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 23 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Review the situation of Convention No. 23 at the next STC.</li> </ul>  |
| Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27)                      | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| Repatriation of Seafarers Convention (Revised), 1987 (No. 166)                                 | Outdated                       | <ul style="list-style-type: none"> <li>■ Encourage countries bound by Convention No. 166 to ratify the MLC, 2006.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 166 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> <li>■ Review the situation of Convention No. 166 at the next STC.</li> </ul>   |
| Repatriation of Seafarers Recommendation, 1987 (No. 174)                                       | Outdated                       | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |



| Seafarer compensation for the ship's loss or foundering ( <a href="#">Technical Note 9</a> )                   |                         |  |
|--|-------------------------|--|
| Instrument   | Proposed Classification | Action proposed  |
| Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)  | Outdated                | <ul style="list-style-type: none"> <li>■ Abrogation to be considered by the ILC.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 8, to extend its application to NMTs.</li> </ul>  |
| Career and skill development and opportunities for seafarers' employment ( <a href="#">Technical Note 10</a> ) |                         |  |
| Instrument   | Proposed Classification | Action proposed  |
| Vocational Training (Seafarers) Recommendation, 1946 (No. 77)  | Outdated                | <ul style="list-style-type: none"> <li>■ Recommend that the Governing Body take note of the juridical replacement of Recommendation No. 77 by Recommendation No. 137.</li> </ul>   |
| Vocational Training (Seafarers) Recommendation, 1970 (No. 137)   | Outdated                | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139)                                | Outdated                | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |
| Continuity of Employment (Seafarers) Convention, 1976 (No. 145)  | Outdated                | <ul style="list-style-type: none"> <li>■ Abrogation to be considered by the ILC.</li> <li>■ Encourage countries bound by Convention No. 145 to ratify the MLC, 2006.</li> <li>■ Encourage countries having ratified the MLC, 2006, and still bound by Convention No. 145 in respect of NMTs, to extend the application of the MLC, 2006, to NMTs.</li> </ul> |
| Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154)  | Outdated                | <ul style="list-style-type: none"> <li>■ Withdrawal to be considered by the ILC.</li> </ul>  |

## 6. Officers of the Special Tripartite Committee

18. In accordance with article 6(2) of its Standing Orders, the Government members of the Committee decided to nominate to the Governing Body Ms Julie Carlton (United Kingdom) for appointment for a second term as Chairperson of the Committee for the three-year period 2019–21.
19. In accordance with article 6(3) of its Standing Orders, the Committee appointed the following representatives as Vice-Chairpersons for the Committee for the same three-year period:
- Mr Martin Marini (Government member, Singapore);
  - Mr Dirk Max Johns (Shipowner member, Germany);
  - Mr David Heindel (Seafarer member, United States).

## 7. Establishment of a subsidiary body of the STC

20. The STC adopted a [resolution](#), in accordance with article 15 of its Standing Orders, to establish a subsidiary body with the following terms of reference: (i) to work by correspondence to amend the *Guidelines for flag State inspections under the MLC, 2006* and



the *Guidelines for port State control officers carrying out inspections under the MLC, 2006* to only reflect the amendments to the Convention; (ii) to circulate the output, before finalization, to all member States for comment by the competent authority, within three months of receipt; (iii) to submit the outcome of this work to the Governing Body for authorization to publish the amended Guidelines on the ILO website.

## 8. Resolutions

21. In addition, the STC adopted three other resolutions concerning action to be taken in relation to [seafarer abandonment](#); decent work in the [inland navigation](#) sector and facilitation of [shore leave and transit](#).

### Draft decision

22. *The Governing Body took note of the report of the Chair of the STC concerning its third meeting and:*
- (a) welcomed the work conducted by the STC in relation to the review of 34 maritime-related international labour standards and the consensual recommendations thereon;*
  - (b) decided that the 34 maritime-related instruments reviewed by the STC should be classified as outdated, and requested the Office to take the necessary follow-up action in that regard;*
  - (c) noted the STC's recommendations concerning the withdrawal of Recommendations Nos 27, 49, 107, 137, 139, 153, 154, 174, 186 and 187 as well as of Conventions Nos 7, 54, 57, 72, 76, 93, 109, 179 and 180, in relation to which it would consider placing an item on the agenda of the 109th Session (2020) of the International Labour Conference (see GB.334/INS/2);*
  - (d) took note of the juridical replacement of Recommendation No. 109 by Recommendation No. 187 and of Recommendation No. 77 by Recommendation No. 137 and requested the Office to take the necessary follow-up action;*
  - (e) noted the STC's recommendations concerning the abrogation of Conventions Nos 8, 9, 16, 53, 73, 74, 91 and 145, in relation to which it would consider placing an item on the agenda of the 109th Session (2020) of the International Labour Conference (see GB.334/INS/2) and drew the attention of the SRM TWG to any issues that may arise from the abrogation of Convention No. 145;*
  - (f) endorsed the establishment of a subsidiary body of the STC with the mandate described in paragraph 20 of document GB.334/LILS/2(Rev.);*
  - (g) appointed Ms Julie Carlton (United Kingdom) for a second term as the Chairperson of the STC for a three-year term (2019–21); and*
  - (h) decided to convene the fourth meeting of the STC in 2021 (18–22 April), and requested the Director-General to include a provision for that purpose in the Programme and Budget proposals for 2020–21.*

## Appendix I

### Amendment to the Code of the MLC, 2006, relating to Regulation 2.1

#### **Standard A2.1 – Seafarers’ employment agreements**

Insert new paragraph 7:

7. Each Member shall require that a seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *armed robbery against ships* means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

### Amendments to the Code of the MLC, 2006, relating to Regulation 2.2

#### **Standard A2.2 – Wages**

Insert a new paragraph 7:

7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers’ employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

### Amendments to the Code of the MLC, 2006, relating to Regulation 2.5 – Repatriation

#### **Guideline B2.5.1 – Entitlement**

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

## Appendix II

### Special Tripartite Committee's recommendations concerning the review of maritime-related instruments

#### 1. Instruments relating to the **minimum age (seafarers)**

*The STC recommends:*

1. To classify Convention No. 7 as “outdated” and propose its withdrawal.
2. To classify Convention No. 58 as “outdated”. In this regard, the STC recommends:
  - (a) to encourage States still bound by this Convention to ratify the MLC, 2006. This would involve the automatic denunciation of Convention No. 58;
  - (b) to encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 58 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.
  - (c) to encourage States still bound by Convention No. 58 that have ratified Convention No. 138 but have set a minimum age of 14 years: (i) to set a minimum age of at least 16 years, in accordance with Standard A1.1, paragraph 1, of the MLC, 2006; or (ii) for those that have set the minimum age for maritime labour at 18 years, to send a declaration to the Office stating that Article 3 of Convention No. 138 is applicable to maritime labour. Both these situations would also involve the automatic denunciation of Convention No. 58;
  - (d) to review the situation of this Convention at the next meeting of the STC in order to decide on its possible abrogation or withdrawal.
3. To classify Recommendation No. 153 as “outdated” and propose its withdrawal.

#### 2. Instruments relating to **medical examination (seafarers)**

*The STC recommends:*

1. To classify Convention No. 16 as “outdated” and propose its abrogation.
2. To classify Convention No. 73 as “outdated” and propose its abrogation.
3. With regard to the above, to encourage States which have already ratified the MLC, 2006, but remain bound by Conventions Nos 16 and 73 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.
4. To request the Office to launch an initiative to promote ratification on a priority basis of the MLC, 2006, among those countries still bound by these Conventions.

#### 3. Instruments relating to **training and qualifications (seafarers)**

*The STC recommends:*

1. To classify Convention No. 53 as “outdated” and propose its abrogation.
2. To classify Convention No. 74 as “outdated” and propose its abrogation.
3. With regard to the above, to encourage States which have already ratified the MLC, 2006, but remain bound by Conventions Nos 53 and 74 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.
4. To request the Office to launch an initiative to promote ratification on a priority basis of the MLC, 2006, among those countries still bound by these Conventions.

#### 4. **Instruments relating to *recruitment and placement* (seafarers)**

*The STC recommends:*

1. To classify Convention No. 9 as “outdated” and propose its abrogation. In this regard, this STC urges member States which remain bound by Convention No. 9 to ratify the MLC, 2006. It further requests the Office to provide technical assistance to that effect to those member States.

2. To encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 9 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.

3. To classify Recommendation No. 107 as “outdated” and propose its withdrawal.

4. To classify Convention No. 179 and Recommendation No. 186 as “outdated” and propose their withdrawal.

#### 5. **Instruments relating to *seafarers’ employment agreements***

*The STC recommends:*

1. To classify Convention No. 22 as “outdated”. In this regard, the STC recommends:

(a) to encourage States still bound by this Convention to ratify the MLC, 2006. This would involve the “automatic” denunciation of Convention No. 22;

(b) to encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 22 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.

(c) to review the situation of this Convention at the next meeting of the STC in order to decide on its possible withdrawal or abrogation.

#### 6. **Instruments relating to *seafarers’ wages, hours of work and hours of rest, and manning of ships***

*The STC recommends:*

1. To classify Conventions Nos 57, 76, 93, 109 and 180 and Recommendations Nos 49 and 187 as “outdated instruments” and propose their withdrawal.

2. That the Governing Body takes note of the juridical replacement of Recommendation No. 109 by Recommendation No. 187.

#### 7. **Instruments relating to *entitlement to leave* (seafarers)**

*The STC recommends:*

1. To classify Conventions Nos 54 and 72 as “outdated” and propose their withdrawal.

2. To classify Convention No. 91 as “outdated” and propose its abrogation. In this regard, the STC recommends to encourage States still bound by this Convention to ratify the MLC, 2006.

3. To classify Convention No. 146 as “outdated” and review its situation at the next meeting of the STC in order to decide on its possible withdrawal or abrogation. In this regard, the STC recommends:

(a) to encourage the States still bound by this Convention to ratify the MLC, 2006. This would involve the automatic denunciation of Convention No. 146;

- (b) to encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 146 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories;
- (c) to recognize that Convention No. 146 provides that States may extend its application to persons excluded from the definition of seafarers in the Convention, or certain categories thereof, and draw the attention of the Standards Review Mechanism Tripartite Working Group (SRM SWG) to any issues this may raise.

## **8. Instruments relating to the *repatriation of seafarers***

### *The STC recommends:*

1. To classify Convention No. 23 as “outdated” and to review its situation at the next STC in order to decide on its possible withdrawal or abrogation. In this regard, the STC recommends:

(a) to encourage States that are still bound by Convention No. 23 to ratify the MLC, 2006. This would involve the automatic denunciation of Convention No. 23;

(b) to encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 23 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.

2. To classify Recommendation No. 27 and Recommendation No. 174 as “outdated” and to propose their withdrawal.

3. To classify Convention No. 166 as “outdated”. In this regard, the STC recommends:

(a) to encourage States that are still bound by Convention No. 166 to ratify the MLC, 2006;

(b) to note that Convention No. 166 provides that States may extend its application to commercial maritime fishing, and to draw the attention of the SRM TWG to any issues this may raise; and

(c) to review the status of this Convention during the next meeting of the STC, in order to decide upon its possible withdrawal or abrogation.

## **9. Instruments concerning *seafarer compensation for the ship’s loss or foundering***

### *The STC recommends:*

1. To classify Convention No. 8 in the category of “outdated standards” and propose its abrogation.

2. To encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 8 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.

## **10. Instruments relating to *career and skill development and opportunities for seafarers’ employment***

### *The STC recommends:*

1. To classify Convention No. 145 and Recommendation No. 154 as “outdated” and propose their abrogation and withdrawal respectively. In this regard, the STC recommends:

(a) to encourage the ratification of the MLC, 2006, by the five States still bound by Convention No. 145. This would involve the automatic denunciation of Convention No. 145;

- (b) to encourage States which have already ratified the MLC, 2006, but remain bound by Convention No. 145 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.
  - 2. That the Governing Body takes note of the juridical replacement of Recommendation No. 77 by Recommendation No. 137.
  - 3. To classify Recommendation No. 137 as “outdated” and propose its withdrawal.
  - 4. To classify Recommendation No. 139 as “outdated” and propose its withdrawal.