



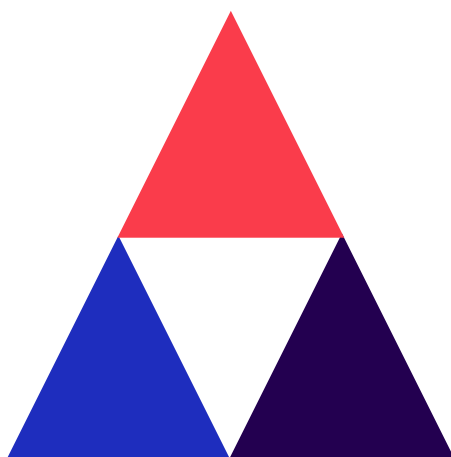
International
Labour
Organization



► STCMLC/2025/3

► Background paper for discussion

Fifth meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006, as amended
(Geneva, 7–11 April 2025)



International Labour Standards Department
Sectoral Policies Department
Geneva, 2025

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► A. Introduction

1. As of 20 February 2025, the Maritime Labour Convention, 2006, as amended (MLC, 2006) has been ratified by 108 Members.¹ Comoros, Egypt, Georgia, Guinea-Bissau, Iraq, Madagascar and Syrian Arab Republic became parties to the Convention since the last meeting of the Special Tripartite Committee (STC).
2. The STC was established by the Governing Body, at its 318th Session in June 2013, in accordance with Article XIII of the MLC, 2006.² It consists of “two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.” In addition, “Government representatives of Members which have not yet ratified this Convention may participate in the Committee” but have no right to vote on any matter dealt with in accordance with the Convention.
3. The fourth meeting of the STC took place in two parts: the first in a virtual form, from 19 to 23 April 2021, and the second in a hybrid format from 5 to 13 May 2022.³ More than 500 delegates participated in those meetings.
4. The STC, Part I, inter alia, reviewed the impact of COVID-19 on the maritime sector. In this context it adopted the *Resolution concerning the implementation and practical application of the MLC, 2006 during the COVID-19 pandemic*, which calls for States to designate and treat seafarers as key workers and take all necessary steps to ensure that they can travel to and from their country or place of residence and their place of work, and obtain medical care ashore as well as shore leave; and the *Resolution concerning COVID-19 vaccination for seafarers*, which calls inter alia on governments, to make supplies of World Health Organization Emergency Use List (WHO-EUL) vaccines available for seafarers on ships visiting ports in their territories. The STC called to restore the full respect of seafarers’ rights under the MLC, 2006, and requested the United Nations (UN) Secretary-General to convene a UN inter-agency task force to examine the implementation and practical application of the Convention during the pandemic, including its impact on seafarers’ fundamental rights and on the shipping industry. It further undertook, at the request of the Governing Body, the review of more than 30 maritime-related instruments and adopted related *recommendations*, which were endorsed by the Governing Body. As a result, by 2030, all except one⁴ of the conventions revised by the MLC, 2006 should be abrogated by the International Labour Conference, leaving the MLC, 2006 as the only up-to-date ILO instrument in the maritime field.⁵

¹ An updated list is available on the ILO’s [NORMLEX database](#).

² ILO, Standing Orders of the Special Tripartite Committee established for the Maritime Labour Convention, 2006, 2012.

³ All documents related to the fourth meeting of the STC (Part I and Part II) are available on the [ILO website](#).

⁴ The Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

⁵ See the Governing Body decision in [GB.343/PV](#). Endorsing the recommendations of the STC, the Governing Body decided to classify Convention No. 147 as outdated and that its situation would be reviewed by the STC at its sixth meeting in order to decide on its possible abrogation or withdrawal. With regard to conventions which were not revised by the MLC, 2006, the Governing Body, endorsing the recommendations of the STC, decided: (i) in relation to the Seafarers’ Pensions Convention, 1946 (No. 71), to convene a tripartite meeting of experts aimed at sharing knowledge concerning its implementation so as to determine the action to be taken and to review the situation of this Convention at the sixth meeting of the STC; and (ii) with regard to the Seafarers’ Identity Documents Convention, 1958 (No. 108), to classify it as an outdated instrument to be reviewed by the STC at its sixth meeting in order to decide on its possible abrogation or withdrawal. In this context, the Governing Body also decided to convene

5. The STC, Part II, adopted [eight amendments](#) to the Code of the Convention, related inter alia to social connectivity, medical care for seafarers in need of immediate assistance, repatriation of the remains of seafarers who have died on board, and annual report on deaths of seafarers to be recorded in a global register. In addition to the amendments, the STC adopted a number of resolutions related to [bullying and harassment of seafarers, including sexual assault and sexual harassment](#); the [financial security system to protect seafarers in cases of abandonment](#) and the [need to adopt measures to ensure that all seafarers have adequate means of contractual redress against shipowners](#).
6. At its 346th Session (October–November 2022), the Governing Body decided that the fifth meeting of the STC would take place from **7 to 11 April 2025** at ILO headquarters, Geneva. ⁶ Section B of this paper provides an overview of the tasks of the STC at its fifth meeting and addresses the items contained in the agenda adopted by the Officers of the STC and transmitted by the Director-General in the letter of invitation to the meeting. ⁷

► B. Tasks of the fifth meeting of the Special Tripartite Committee

7. As set out in the [agenda](#) of the meeting, the first task of the STC will be to hold an exchange of information related to the implementation of the MLC, 2006, in accordance with the mandate received under Article XIII of the Convention to “keep the working of this Convention under continuous review”. ⁸ Secondly, the STC will consider proposals for amendments to the Code of the MLC, 2006. The Committee will then examine any request for consultation presented under Article VII of the MLC, 2006 by Members where representative organizations of shipowners or of seafarers do not exist. Finally, any other business will be considered, including the mandate of the Joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers’ Issues and the Human Element (JTWG), the revision of the Standing Orders of the STC, as well as any draft resolutions submitted during the meeting.
1. **Exchange of information related to the implementation of the MLC, 2006: Keeping the working of the Convention under continuous review**
8. In accordance with Article XIII of the MLC, 2006, one of the primary tasks of the STC is to consider a wide range of questions relating to the working of the Convention. Where gaps or other

a tripartite meeting of experts to examine the challenges that remain for the implementation and ratification of the Seafarers’ Identity Documents Convention (Revised), 2003, as amended (No. 185). The meeting will take place from 21–23 April 2026 (see [GB.352/INS/22](#)).

⁶ See the Governing Body decision in [GB.346/PV](#), para. 885.

⁷ In accordance with article 3 of the Standing Orders. The agenda is set out in Appendix A.

⁸ The text of Article XIII of the MLC, 2006, is set out in Appendix B. Article 2 of the Standing Orders sets out the mandate of the Committee as follows:

The MLC Committee shall:

- (a) keep the working of the Convention under continuous review and provide advice on this subject to the Governing Body, or through the Governing Body, to the International Labour Conference;
- (b) consider proposals for amendments to the Code of the Convention in accordance with Article XV of the Convention;
- (c) carry out the consultation referred to in Article VII of the Convention.

difficulties are identified, this may lead to 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,⁹ or to proposals for amendments in the future. The STC also provides an opportunity for a useful intergovernmental and tripartite exchange of information regarding implementation experiences. In this context, delegates to the STC are encouraged to provide information during the meeting on the status of implementation, as well as to identify any particularly difficult issues they have encountered.

1.1. Status of the 2014, 2016, 2018 and 2022 amendments

9. To date, four sets of amendments to the Code of the Convention have entered into force.¹⁰ Regarding the [2014 amendments](#), as of 20 February 2025, the Netherlands (Curaçao) had given notice to the Director-General that it shall be bound by the amendments only after a subsequent express notification of its acceptance. The International Labour Office is still awaiting the declaration of acceptance of the amendments from the following countries: Albania, Bangladesh, Belize, Cabo Verde, China, Fiji, Gabon, Islamic Republic of Iran, Jordan, Maldives and Thailand. In relation to the [2016 amendments](#), the Office is still awaiting the declaration of acceptance of the amendments from Albania, China (Hong Kong Special Administrative Region), Djibouti, Gambia, Grenada, Indonesia, Jamaica, Lebanon and Slovakia. As regards the [2018 amendments](#), France, France (New Caledonia), the Netherlands (for the European part of the Netherlands and Curaçao) and Slovenia have given notice to the Director-General that they shall be bound by the amendments only after a subsequent express notification of their acceptance. The Office is still awaiting the declaration of acceptance of the amendments from Brazil, China (Hong Kong Special Administrative Region), Cook Islands, Djibouti, Ethiopia, Gambia, Grenada, Iceland, Senegal, Sudan, the United Kingdom of Great Britain and Northern Ireland (British Virgin Islands and Falkland Islands (Malvinas)), and the United Republic of Tanzania. The [2022 amendments](#) entered into force on 23 December 2024. France (in relation to amendments to Standards A1.4, A3.2, A4.1 and A4.3 and Guideline B4.3.5), Jamaica, Portugal and Slovenia have given notice to the Director-General that they shall be bound by the amendments only after a subsequent express notification of its acceptance. The Office is still awaiting the declaration of acceptance of the amendments from Comoros, Egypt, Georgia, Guinea-Bissau, Iraq, Madagascar and the Syrian Arab Republic.
10. The STC might wish to encourage the governments mentioned in paragraph 9 for which the Office is awaiting a declaration of acceptance to clarify their position regarding the amendments.¹¹

1.2. The work of the Committee of Experts on the Application of Conventions and Recommendations

11. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has now reviewed more than 100 first reports submitted by ratifying Member States (including non-metropolitan territories) based on article 22 of the ILO Constitution in relation to the

⁹ The Standing Orders provide in article 16, Reports to the Governing Body:

Following its meetings referred to in article 3 above, the MLC Committee, through its Chairperson, shall 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.

¹⁰ The status of the amendments to the Code of the MLC, 2006, for each ratifying Member can be consulted in [NORMLEX](#).

¹¹ See *Observations arising from the entry into force of the amendments to the Code of the MLC, 2006, adopted under the simplified procedure of Article XV of the Convention*, [General Observation adopted by the CEACR in 2016 and published in 2017](#).

implementation of the MLC, 2006. The comments adopted by the CEACR for each country can be consulted in the [NORMLEX](#) database.

12. The CEACR has overall observed remarkable efforts to implement the Convention. It has however raised an important number of issues that still need to be addressed. In this regard, the situation differs considerably from country to country. While in some cases the CEACR draws the governments' attention to gaps regarding specific details of the Convention, in others, it requests the governments concerned to adopt the basic legislation giving effect to most of the provisions of the Convention. Some countries have encountered difficulties in drafting and submitting the first report and several countries have requested the ILO technical assistance to face challenges related to the adoption of laws and regulations to implement the Convention. Ensuring that all ratifying Member States comply both in law and in practice with at least the minimum requirements of the MLC, 2006, it is a priority to deliver on the two main objectives of the Convention, namely, to effectively protect seafarers' rights and to ensure a level playing field for shipowners. The Office, with the support of the ILO International Training Centre based in Turin, provides training and technical assistance to support countries in that regard.
13. Some of the issues raised by the CEACR concerning the implementation of the MLC, 2006, can be summarized as follows.¹²
 - (a) *Consultations*: In some countries there were no shipowners' or seafarers' organizations or both. In this context, recalling that the implementation of an important number of provisions of the Convention require consultations, the governments concerned were requested to have recourse to the STC, in accordance with Article VII of the Convention.
 - (b) *Scope of application of the Convention*:
 - (i) *Definition of seafarer*: A number of countries did not ensure that the protection afforded by the Convention is guaranteed to all seafarers covered by it. Some countries excluded cadets from the definition of seafarers. The Committee considered that obtaining on-board training for the purpose of becoming a seafarer by definition implies working on board and, as a result, no question of doubt can arise concerning the fact that cadets are to be regarded as seafarers for the purpose of the Convention. Some countries determined that "non-marine personnel, employed under outsourced service agreements" are not to be regarded as seafarers. The Committee recalled that the nature of the contract (outsource agreement in this case) was irrelevant for the definition of seafarer as long as the person works on board a ship to which the Convention applies.
 - (ii) *Definition of ship*: Some countries adopted general or ad hoc exemptions to their relevant rules and regulations for various categories of ships, based on their area of activities (distance in nautical miles, continental shelf, or notions such as "waters of the Republic", "coastal waters" or "near coastal voyages"), their size or number of seafarers on board, or their destination (for example, pleasure vessels), which are either not well-defined in the relevant provisions or in contradiction with the scope of application of the Convention.
 - (c) *Minimum age*: The legislation of some countries did not contain a clear prohibition of work on board a ship for persons under the age of 16. Several countries have not adopted a clear prohibition of night work for seafarers under the age of 18 or provide for unauthorized

¹² The summary has been prepared, for information purposes, on the basis of the direct requests adopted by the CEACR on the implementation of the MLC, 2006. They are available in NORMLEX.

exceptions. Moreover, several countries have not adopted a clear prohibition of hazardous work for seafarers under the age of 18. Some countries allow for exceptions to the prohibition of hazardous work in specific situations, while this is not authorized under the Convention. The Committee has recalled that the Convention, under Standard A1.1, paragraph 4, requires the absolute prohibition for young seafarers of the types of work considered hazardous but allows, under Guideline B4.3.10, the determination of types of work, which young seafarers cannot undertake without adequate supervision and instruction. A number of countries are yet to adopt, after consultation with shipowners' and seafarers' organizations the list of work likely to jeopardize the health and safety of seafarers under the age of 18.

- (d) *Training and qualifications*: The legislation of some countries does not ensure that all seafarers working on a ship have successfully completed training for personal safety on board ship. Additionally, some countries allow seafarers, in exceptional cases, to work without the required training and qualification while this is not authorized by the Convention.
- (e) *Recruitment and placement*: A number of countries did not adopt national provisions, or did not provide the relevant information regarding the system of licensing for agencies dealing with the recruitment and placement of seafarers; minimum requirements concerning the functioning of private seafarer recruitment and placement services; and procedures for investigating complaints. Several countries encounter difficulties regarding the effective implementation of a system of protection (insurance or other mechanism) to compensate seafarers for monetary loss due to failure by the recruitment agency or the shipowner to respect the obligations under the seafarers' employment agreement.
- (f) *Seafarers' employment agreement*: Several countries faced difficulties in implementing the requirement that the seafarers' employment agreement shall be signed by both the seafarer and the shipowner or a representative of the shipowner and that each of them shall keep a copy. Some legislations did not guarantee the seafarer's right to seek advice before signing a seafarers' employment agreement or did not comply with the requirements on the list of matters that should be included in seafarers' employment agreements. Some countries have not clearly defined the adequate minimum prior notice of termination to be given to seafarers and shipowners or do not provide for the possibility to terminate the contract on a shorter notice or without notice for compassionate reasons.
- (g) *Hours of work/hours of rest*: Several countries encountered problems in implementing the provisions requiring Members to fix either a maximum number of hours of work or a minimum number of hours of rest. It was considered that the Convention should not be understood as to give shipowners or masters the choice of regimes concerning maximum hours of work and minimum hours of rest. Some countries do not recognize the normal working hours for seafarers based on an eight-hour day with one day of rest per week and rest on public holidays. Moreover, some countries allow rest periods to be divided into more than two periods. The legislation of a number of countries does not implement the requirements regarding records of hours of work and rest.
- (h) *Annual leave*: Some countries did not ensure by law a minimum period of annual leave. A problem regarding the prohibition to forgo annual leave was raised with respect to several countries. The Convention stipulates that any agreement to forgo minimum annual leave with pay shall be prohibited, except in cases provided for by the competent authority. While noting that the Convention is silent about the nature and scope of permissible exceptions, it was considered that this provision needs to be understood in a restrictive manner. In contrast, to read in this Standard a broad authorization to forgo annual leave for cash

compensation or otherwise, would defeat the purpose of Regulation 2.4 which is to ensure that seafarers have adequate leave. The Committee drew the attention of several governments to the fact that, regardless of the duration of the employment agreement, a seafarer is entitled to a minimum of 30 days of paid annual leave after 11 months of continuous service on board, except in specific cases restrictively provided for by the competent authority. For shorter periods of service, the corresponding number of days should be calculated on a pro rata basis.

- (i) *Repatriation*: Some countries had a wide definition of the cases where the seafarer is not entitled to repatriation. Concerning the cost distribution, some countries have not provided enough information on provisions setting out the procedure to be followed and the standard of proof to be applied in order for a seafarer to be found liable for serious default. The Committee recalled that even when the seafarer has been found, in accordance with national laws or regulations or applicable collective agreements, to be in serious default of the seafarer's employment obligations, this situation does not release the shipowner from the obligation to pay for the repatriation in the first instance. Some countries did not comply with the requirements regarding the maximum period of service on board. In relation to the 2014 amendments of the Code of the Convention (financial security in case of abandonment), the Committee has noted with interest that the majority of countries have adopted the necessary measures to give effect to the 2014 amendments.
- (j) *Manning levels*: The Committee noted that a number of countries did not indicate how the determination of the safe manning levels takes into account the requirements mentioned in Regulation 2.7 of the Convention, in particular in relation to seafarers' fatigue and the particular nature and conditions of the voyage. The Committee also noted that the laws and regulation of a number of countries does not take into account the requirements concerning food and catering established under Regulation 3.2 and Standard A3.2 (Standard A2.7, paragraph 3) when determining safe manning levels. The Committee recalled in particular that ships with a manning of ten or more than must carry on board a qualified ship's cook. The Committee also noted that a number of countries do not have put in place mechanisms to investigate and resolve any complaints or disputes concerning the manning levels on a ship (Guideline B2.7.1).
- (k) *Accommodation*: Applicable provisions relating to accommodation and recreational facilities of seafarers in a number of countries provided for exemptions which are not allowed by the Convention, go beyond what is allowed, or, while falling within the exemptions provided by the Convention, were adopted without consultation with seafarers' and shipowners' organizations.
- (l) *Medical care*: Several countries have not provided sufficient information on the legislation and other measures adopted to give effect to various requirements in relation to medical care, for example, the right to free medical care, to visit a doctor or a dentist in ports of call and the requirement of free medical advice by radio or satellite communication.
- (m) *Shipowners' liability*: In a number of countries the legislation limits or excludes the shipowners' liability in respect of the financial consequences of sickness, injury or death of seafarers beyond the limits allowed by the Convention. In relation to the 2014 amendments (financial security in case of death or long-term disability), the Committee has noted that a majority of countries have adopted the necessary measures to give effect to the amendments.
- (n) *Safety and health*: Several countries did not adopt national guidelines for the management of occupational safety and health on board ships, after consultations with representative

shipowners' and seafarers' organizations. A number of countries have not adopted requirements to establish a safety committee on board a ship on which there are five or more seafarers.

- (o) *Social security*: A large number of countries did not ensure that all seafarers ordinarily resident in their territory benefit from the social security protection in the applicable branches. In particular, some European countries do not ensure equality of treatment between seafarers and shoreworkers as regards social security protection in the case of seafarers serving on board foreign ships (other than the European Union (EU)).
- (p) *Declaration of Maritime Labour Compliance (DMLC)*: A number of countries faced difficulties regarding the content of the DMLC Part I, as it only referred to the provisions of the Convention and not to the content of the national requirements embodying those provisions. Regarding the DMLC Part II, which is intended to identify the measures adopted by shipowners to implement the national requirements, it was noted that the examples provided by some countries did not contain any information on such measures. In those cases, the DMLC did not fulfil the purpose for which it is required which is to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the national requirements on the 16 listed matters are being properly implemented on board ships. Some countries have not provided sufficient information on the measures adopted to give effect to various requirements in relation to the scope of inspections and interval of inspections.
- (q) *Inspections and enforcement*: Laws and regulations in force in some countries do not give effect to the following requirements: inspection of all ships, status and independence of the inspectors, procedures for receiving and investigating complaints and confidentiality of sources of complaints, powers of inspectors and grounds for detention, intervals of inspection, reporting on inspections, compensation in case of wrongful exercise of the inspectors' powers. The Committee recalled that all ships falling within the scope of application of the Convention must be inspected at least once every three years.
- (r) *Port State control*: A number of countries have not adopted measures regarding: (1) the effective monitoring system to ensure that the working and living conditions for seafarers on board ship meet the requirements of the Convention; and (2) the confidentiality of the complaints. Other countries have not established procedures concerning onshore complaints for seafarers calling at foreign ports. Some countries refer in general to the regional memoranda of understanding without indicating relevant national provisions with respect to port State control responsibilities.

14. The 2024 General Report of the CEACR contains a special paragraph on [current developments on maritime matters](#). In particular, the Committee noted that in the last year, a number of seafarers have lost their lives and several merchant ships have suffered missile attacks in the Red Sea, severely affecting the safety of the seafarers on board. In this context, the Committee welcomed the unprecedented Resolution adopted in July 2024 by the United Nations Human Rights Council on [Promoting and protecting the enjoyment of human rights by seafarers](#). Noting that the Resolution builds clear synergies between the work conducted by the ILO, the International Maritime Organization (IMO) and the UN General Assembly regarding the need to adopt measures to strengthen the effective enjoyment of seafarers' human rights, including labour rights, the Committee called upon all ILO Member States to step up their efforts to give effect to the Resolution.

1.3. Port State control

15. Port State control plays a key role in ensuring a worldwide harmonious implementation of the MLC, 2006 and is complementary to the supervisory work conducted by the CEACR.¹³ In this regard, it is interesting to note that several Memoranda of Understanding on Port State Control (MOUs) including Tokyo, Paris, Mediterranean, Viña del Mar, Abuja, Indian Ocean and Black Sea, launched a concentrated inspection campaign focusing on certain provisions of the MLC, 2006. This campaign, which was run from 1 September 2024 to 30 November 2024, aimed to ensure compliance with regulations regarding crew wages, including requirements on financial security and seafarers' employment agreements. The campaign's objectives were to: (i) raise awareness within the shipping industry about the requirements of the MLC, 2006; and (ii) verify that ships comply with these requirements. The final overall results of the campaign will be analysed and presented to the governing bodies of the relevant MOUs.

1.4. Developments since the fourth meeting of the STC

1.4.1. ILO Subcommittee on Wages of Seafarers of the Joint Maritime Commission

16. The [Subcommittee on Wages of Seafarers of the Joint Maritime Commission](#) met from 16 to 17 May 2022, immediately after the STC, Part II, and updated the minimum basic wage figure for able seafarers fixing it at US\$658 as of 1 January 2023, US\$666 as of 1 January 2024 and US\$673 as of 1 January 2025. The Director-General, in accordance with Guideline B2.2.4 of the MLC, 2006, notified the revised amounts to all Members of the ILO. The next meeting of the Subcommittee will be held on 14 and 15 April 2025.

1.4.2. United Nations ad hoc inter-agency Task Force on the impact of COVID-19 on seafarers

17. Based on the [Resolution concerning the implementation and practical application of the MLC, 2006 during the COVID-19 pandemic](#) adopted in 2021, at the fourth meeting of the STC, Part I, the United Nations Secretary-General's Executive Committee established, in January 2022, a UN inter-agency Task Force on the impact of COVID-19 on seafarers to examine the implementation and practical application of the MLC, 2006 during the pandemic, including its impact on seafarers' fundamental rights and on the shipping industry. The Task Force took into account, as appropriate, the outcomes of the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain ([JAG-TSC](#)), a group established in December 2021 and which involved ILO, IMO, the World Health Organization (WHO) and the International Civil Aviation Organization (ICAO) and four key international organizations representing transport workers namely the International Chamber of Shipping (ICS), the International Transport Workers' Federation (ITF), the International Air Transport Association and the International Road Transport Union.¹⁴ The Task Force submitted a report to

¹³ See the Committee of Experts [General observation on matters arising from the application of the Maritime Labour Convention, 2006, as amended \(MLC, 2006\) during the COVID-19 pandemic](#), adopted in 2020.

¹⁴ The ([JAG-TSC](#)) held three technical meetings where it discussed ways to minimize adverse impacts on transport workers, their families, global trade and supply chains during the COVID-19 pandemic, while at the same time ensuring that public health needs are fully safeguarded. On 24 January 2023, the principals of the organizations concerned adopted Recommendations, which include actions to be taken by all JAG-TSC Members, by the UN agencies concerned, through UN Resident Coordinators and Country Teams, and by the international transport sector organizations themselves. They also call on Governments to take concrete actions to protect the rights of transport workers during PHEICs, recognize the key role played by transport workers during PHEICs, in particular mobile and cross-border transport workers that serve the sustenance of essential supply chains, and designate them as "key workers", stressing the importance of an inter-Ministerial approach, including all Ministries and Authorities concerned with the response to PHEICs.

the UN Secretary-General's Executive Committee in July 2023, which subsequently issued decisions on the actions to be advanced. Such actions included: further strengthening collaboration between the ILO and the IMO for the effective implementation of the MLC, 2006; ensuring that seafarers receive adequate training on their rights under the Convention; enhancing the training of port State control officers on the requirements of the MLC, 2006; advocating for the incorporation of relevant text in any pandemic-related instruments adopted by the WHO to address seafarers' situations during public health emergencies of international concern (PHEICs); utilizing existing platforms to assist UN Resident Coordinators and UN Country Teams in raising awareness of State parties' obligations under the MLC, 2006, including in the context of PHEICs and working towards the further development of due diligence tools to protect maritime and other transport workers' rights in global supply chains, including to support implementation of the MLC, 2006.

1.4.3. WHO draft instrument on pandemic prevention, preparedness and response

18. In December 2021, the World Health Assembly established an intergovernmental negotiating body (INB) to draft and negotiate a convention, agreement or other international instrument under the Constitution of the WHO to strengthen pandemic prevention, preparedness and response. The [WHO's draft instrument on pandemic prevention, preparedness, and response aims to create a comprehensive framework to better prepare for and respond to future pandemics](#). This initiative was driven by the lessons learned from the COVID-19 pandemic, highlighting the need for global cooperation, equity in access to health resources, and robust health systems. Following on the recommendations of the UN Task Force mentioned above, the ILO actively participated in this process by drawing attention to critical issues related to the protection of workers, with a particular emphasis on seafarers. At the ninth meeting of the INB, held at the WHO from 18 to 28 March 2024, governments agreed on a revised language that took into account ILO suggestions on the need to ensure decent working conditions and a safe and healthy environment not only for health and care workers but also for other workers who provide essential public goods and services during pandemics. It should be noted that, while some parts of the draft instrument are still subject to negotiation at the INB, the agreed text of Article 7 reads as follows: "The Parties, taking into account national circumstances, shall take appropriate measures in order to ensure decent work and a safe and healthy environment for other essential workers that provide essential public goods and services during pandemic emergencies. The Parties, taking into account national circumstances, shall also take measures to develop and implement coordinated policies for the safety and protection of transport and supply chain workers, as appropriate, by facilitating the transit and transfer of seafarers and transport workers among others, and their access to medical care."

1.4.4. The ILO/IMO tripartite working group to identify and address seafarers' issues and the human element (JTWG)

19. The JTWG held three meetings since the fourth meeting of the STC.
 - I. Abandonment
20. The [First Meeting of the ILO-IMO JTWG](#) was held at the ILO in Geneva in December 2022. The meeting discussed and adopted [Guidelines on how to deal with seafarer abandonment cases](#). These Guidelines are a reference tool to facilitate the design and implementation of policies, strategies, programmes, legislation, administrative measures and social dialogue mechanisms aiming at the expeditious and effective resolution of cases of abandonment of seafarers. They are addressed to shipowners; financial security providers; port States; flag States; States of which

abandoned seafarers are nationals or are resident or are otherwise domiciled in their territory; recruitment and placement services and the States in which they operate; seafarers; representatives of seafarers' and shipowners' organizations concerned; and other stakeholders able to contribute to the resolution of seafarer abandonment cases.

21. The IMO Legal Committee, at its 111th session in April 2024, decided to establish a new Task Force to review and update the ILO/IMO joint database on abandonment of seafarers for consideration at a future meeting of the ILO/IMO JTWG. The terms of reference of the new task force would include to review the general procedure for the database operation, the existing reporting form and the current definition and recording process of the case status, as well as to provide for a procedure to deal with disputed abandonment cases and a framework to issue joint standardized annual reports of abandonment cases. The IMO Legal Committee also agreed to extend the duration of the JTWG and request the joint ILO/IMO Secretariat, through the relevant IMO and ILO governing bodies, to convene a JTWG meeting to conduct a final review and consideration of the Task Force Report, and subsequently provide a clear report to the ILO Governing Body and the IMO Legal Committee for endorsement. The IMO Council, at its 132nd meeting, approved the extension of the duration of the JTWG and endorsed the request of the Committee to convene a JTWG meeting. This request will be discussed at the STC under the item Any other business.
22. In February 2024, the ILO decided to initiate a set of critical technical updates aimed at preserving the functionality of the ILO/IMO joint database on abandonment of seafarers. The database in its upgraded version went live in October 2024. The update was vital for ensuring that the database remains a robust tool for managing and resolving effectively cases of abandonment of seafarers.
23. According to the ILO/IMO joint database on abandonment of seafarers, there were 312 cases of abandonment reported in 2024. This represents an exponential growth of cases compared with the 132 cases reported in 2023, 85 in 2020 and 40 in 2019.

II. Harassment and bullying

24. In keeping with the [Resolution on Harassment and Bullying, including Sexual Assault and Sexual Harassment, in the Maritime Sector](#) adopted by the Fourth Meeting of the STC (Part II) in 2022, as well as with the outcome of IMO Maritime Safety Committee (MSC) 105, a [Second Meeting of the JTWG](#) took place from 27 to 29 February at IMO Headquarters in London. The meeting resulted in several key [Recommendations](#) addressed at the ILO Governing Body or the IMO MSC, as appropriate, which include:
 - (a) endorsement of the use of the terminology "violence and harassment including sexual harassment, bullying and sexual assault";
 - (b) call for submission to the fifth meeting of the STC in 2025 proposals to amend the Code of the MLC, 2006, in line with the ILO Violence and Harassment Convention, 2019 (No. 190), to ensure that Member States prohibit and define violence and harassment, adopt all relevant measures to prevent and remedy such behaviours and adapt existing on board and onshore procedures to provide effective procedures for seafarers affected by them;
 - (c) revision of the IMO International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), to include mandatory training for seafarers with regard to violence and harassment;
 - (d) development of new guidance, in the context of the IMO International Safety Management Code, so that shipowners can better deal with the prevention of violence and harassment as part of their safety management measures;

- (e) the launching of a joint ILO/IMO international awareness campaign to combat shipboard violence and harassment.
 - (f) that ITF and ICS carry out a review of their Guidance on eliminating shipboard harassment and bullying, 2016, and update it, as necessary, in accordance with the actions taken by IMO and ILO bodies as a result of the recommendations emanating from the JTWG.
25. Subsequently, the ILO has supported IMO and its Member States in reviewing the relevant STCW model course for seafarers with a view to including content on violence and harassment.

III. Criminalization

26. The [Third meeting of the JTWG](#) was held at the ILO in Geneva from 26 to 28 November 2024. The meeting discussed and adopted [Guidelines on fair treatment of seafarers detained in connection with alleged crimes](#). The guidelines take into account, inter alia, that seafarers are recognized as a special category of worker and many countries have designated them as key workers. Given the global nature of the shipping industry and the different jurisdictions with which seafarers may be brought into contact, they need special protection, especially in relation to contacts with public authorities. These Guidelines are a reference tool to facilitate the design and implementation of policies, strategies, programmes, legislation, administrative measures and social dialogue mechanisms with a view to ensuring that seafarers detained in connection with alleged crimes are treated fairly during any investigation and detention by public authorities, are guaranteed due process and that detention is for no longer than necessary. They are addressed to flag States; port States; States of which detained seafarers are nationals; shipowners; and seafarers. The Guidelines should be applied where seafarers may be investigated or detained [in connection with alleged crimes](#) in a jurisdiction other than that of the seafarers' nationality, during the course of their employment on board a ship.

1.4.5. Global register on seafarers deaths

27. With regard to the 2022 amendment to the Code of the MLC, 2006 that requires that all deaths of seafarers are adequately investigated and recorded, and reported on an annual basis to the Director-General of the ILO to be published in a global register, the Office, in consultation with the Officers of the STC, the governments who sponsored this amendment (Australia, Norway, Panama, New Zealand, Kenya and France) and the United Kingdom, developed a questionnaire to support its implementation and the establishment of a [Global register on seafarer deaths](#). The questionnaire was transmitted to ILO Member States on an experimental basis in 2024, to allow governments to prepare for formal reporting in 2025 and to identify areas requiring improvement, including the suitability of definitions provided and the feasibility of collecting the requested level of details. The invitation to complete the questionnaire, along with instructions, was sent to all ILO Member States at the end of March 2024. Letters were addressed to Ministries of Labour and, where available, national maritime authorities. Responses were received from 57 countries. A brief report with the initial findings will be published before the meeting of the STC.

2. Consideration and possible adoption of proposals for amendment of the Code of the MLC, 2006

- 28.** The function of the STC with respect to the consideration of amendments to the Code of the MLC, 2006, is set out in Article XV of the Convention. This procedure has been used in 2014, 2016 and 2022. On 10 September 2024, the Office received 16 proposals for amendments to the Code: 5 joint proposals from the Seafarers' and Shipowners' groups, 5 proposals from the Seafarers' group, 1 proposal from the Shipowners' group, and 5 from a number of governments. All Members of the Organization were invited to provide observations or suggestions regarding those proposals in accordance with the Convention not later than 15 March 2025. A synthesis of those comments will be made available online prior to the meeting. It should be recalled that, at its fourth meeting (Part II), the STC deferred further examination of two proposals for amendments to the Code of the MLC, 2006, in relation to the maximum period of service on board, and the right for seafarers to be repatriated to their home. In this regard, it should be noted that two new proposals for amendments have been presented by the Seafarers' group (proposal No. 10) and a group of Government members of the European Union (proposal No. 16), respectively, to replace the original proposals they had submitted for the 2022 discussion. These new proposals therefore replace the previous ones, which will no longer be considered by the fifth meeting of the STC. The complete information received regarding each proposal is reproduced below.

Proposal No. 1 (Seafarers' and shipowners' groups)

1. Topic

Violence and harassment

2. Background

One of the recommendations from the [Second meeting of the ILO–IMO Joint Tripartite Working Group on Seafarers' Issues and the Human Element \(JTWG SIHE 2\)](#), held in February 2024, was that the ILO Governing Body should endorse the use of the terminology “violence and harassment, including sexual harassment, bullying and sexual assault” in relevant ILO instruments and guidance, as appropriate, with an associated reference to the definition of “violence and harassment” in the Violence and Harassment Convention, 2019 (No. 190) (hereinafter, Convention No. 190).

Another recommendation arising from that meeting was that the ILO Governing Body should invite the members of the STC to consider submitting proposals to amend the MLC, 2006, taking into account the provisions in Convention No. 190, in order to ensure that Member States:

1. define and prohibit shipboard violence and harassment, including sexual harassment, bullying and sexual assault;
2. adopt relevant policies, measures and programmes to prevent and address these issues, specifying the different and complementary responsibilities of flag States, port States, labour-supplying States, shipowners, seafarers and other relevant stakeholders, as appropriate;
3. require shipowners to adopt relevant policies and measures to prevent and address violence and harassment, including sexual harassment, bullying and sexual assault;
4. adapt existing onboard and onshore complaints mechanisms to provide easy access to effective remedies in cases of violence and harassment, including the protection against victimization or retaliation and of the privacy and confidentiality of those involved; and
5. enhance cooperation among flag States, port States and labour-supplying States on these issues.¹

3. Purpose

To reflect the balance of responsibilities between employers, workers and their organizations and governments, similar to what was achieved in Convention No. 190. The social partners believe that Standard A4.3 is the most suitable place for new mandatory provisions covering this issue, noting that Guideline B4.3 already contains non-mandatory provisions and a reference to the *Guidance on eliminating shipboard harassment and bullying* jointly published by the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF).

¹ The recommendations adopted by the JTWG can be found in: ILO, [Report to IMO Maritime Safety Committee and the ILO Governing Body, Second Meeting of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers' issues and the human element, ILO/IMO JTWG-SIHE 2/6 \(extract\), 2024.](#)

4. Relevant considerations

The proposal has been developed to address the specific recommendations from the JTWG SIHE 2 meeting and the table below provides some relevant considerations with respect to those recommendations.

JTWG SIHE 2 recommendation	Relevant considerations
1. Define and prohibit shipboard violence and harassment, including sexual harassment, bullying and sexual assault.	It is considered that the definitions used in Convention No. 190 should be applied, as these are of general application. They are understood to include sexual harassment, bullying and sexual assault.
2. Adopt relevant policies, measures and programmes to prevent and address these issues, specifying the different and complementary responsibilities of flag States, port States, labour-supplying States, shipowners, seafarers and other relevant stakeholders, as appropriate.	Taken into account in the proposal by the social partners.
3. Require shipowners to adopt relevant policies and measures to prevent and address violence and harassment, including sexual harassment, bullying and sexual assault.	Taken into account in the proposal by the social partners.
4. Adapt existing onboard and onshore complaints mechanisms to provide easy access to effective remedies in cases of violence and harassment, including the protection against victimization or retaliation and of the privacy and confidentiality of those involved.	The MLC, 2006, contains onboard and onshore complaints procedures. A recommendation on access to confidential third-party reporting lines is contained in the ICS-ITF Guidance.
5. Enhance cooperation among flag States, port States and labour-supplying States on these issues.	Article I, paragraph 2 of the MLC, 2006, requires cooperation between Members.

5. Transitional measures

No transitional measures are considered necessary. An increasing number of parties to the MLC, 2006, have ratified Convention No. 190, or are in the process of doing so. Those that have not yet ratified Convention No. 190 will have the option of implementing substantially equivalent measures in respect of seafarers, in accordance with Article VI, paragraph 3, of the MLC, 2006.

6. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A4.3, paragraph 1, add new letter (e)		1. The laws and regulations and other measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subjects: ... <u>(e) prevention and elimination of violence and harassment, including sexual harassment, bullying and sexual assault, in accordance with the Violence and Harassment Convention, 2019 (No. 190).</u>

Standard	Guideline	Proposed text (amendments in track changes)
Standard A4.3, paragraph 2(b), add text		2. Provisions referred to in paragraph 1 of this Standard shall: ... (b) clearly specify the obligation of shipowners, seafarers and others concerned to comply with the applicable standards and with the ship's occupational safety and health policy and programme, <u>as well as with the measures implemented to prevent and eliminate violence and harassment, including sexual harassment, bullying and sexual assault on board ship</u> with special attention being paid to the safety and health of seafarers under the age of 18;
Standard A4.3, paragraph 4, add text		4. Compliance with the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programmes <u>and on the prevention and elimination of violence and harassment, including sexual harassment, bullying and sexual assault on board ship</u> shall be considered as meeting the requirements of this Convention.
	Guideline B4.3.1, paragraph 1, add text	1. The provisions required under Standard A4.3 should take into account the ILO code of practice entitled <i>Accident prevention on board ship at sea and in port</i>, 1996, and subsequent versions and other related ILO and other international standards and guidelines and codes of practice regarding occupational safety and health protection, including any exposure levels that they may identify. Account should also be taken of <u>the Violence and Harassment Recommendation, 2019 (No. 206), and</u> the latest version of the <i>Guidance on eliminating shipboard harassment and bullying</i> jointly published by the International Chamber of Shipping and the International Transport Workers' Federation.
	Guideline B4.3.1, paragraph 4(d), add text	4. In addition, the competent authority should ensure that the implications for health and safety are taken into account, particularly in the following areas: (a) emergency and accident response; (b) the effects of drug and alcohol dependency; (c) HIV/AIDS protection and prevention; and (d) <u>violence and harassment, including sexual harassment, bullying and sexual assault</u> ~~harassment and bullying.~~

Proposal No. 2 (Seafarers' and shipowners' groups)

1. Topic

Repatriation

2. Background

In May 2022, the IMO adopted amendments to its Convention on Facilitation of International Maritime Traffic (FAL), via resolution FAL.14(46), which entered into force on 1 January 2024, as a result of a comprehensive review of the annex to that instrument. Included among those are amendments based on lessons learned from the COVID-19 pandemic, with respect to "arrival and departure of persons". In this context, the amendments proposed are intended to build on these developments related to the FAL Convention, within the framework of the MLC, 2006. More specifically, they relate to repatriation of non-national and non-resident seafarers working on board ships engaged in international voyages.

3. Purpose

To ensure that further lessons are learned from the COVID-19 pandemic, in particular to guarantee that seafarers are not required to hold a visa or a special permit when disembarking from their ship for the purpose of repatriation. The proposal also aims to ensure that seafarers are not discriminated against, on any grounds.

4. Relevant considerations

The proposals will remove an unwarranted administrative burden and facilitate the movement of seafarers, for the purpose of repatriation. It will also ensure that seafarers do not suffer discrimination on any grounds and irrespective of the flag State of the ship on which they are employed, engaged or work.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.5.1, paragraph 8, add text		8. In particular, a Member shall not refuse the right of repatriation to any seafarer because of the financial circumstances of a shipowner or because of the shipowner's inability or unwillingness to replace a seafarer. <u>Each Member shall not require seafarers to hold a visa or a special permit when disembarking from their ship for the purpose of repatriation.</u>
Standard A2.5.1, add new paragraph 10		<u>10. Each Member shall facilitate the repatriation of seafarers in a manner which excludes discrimination on any grounds and irrespective of the flag State of the ship on which they are employed, engaged or work.</u>

Proposal No. 3 (Seafarers' and shipowners' groups)

1. Topic

Shore leave

2. Background

Notwithstanding the requirement under the MLC, 2006, for seafarers to be granted shore leave to benefit their health and well-being (Regulation 2.4, paragraph 2), in the midst of, among other things, the recent COVID-19 pandemic, supply chain disruptions and conflicts, the opportunities for seafarers to benefit from their right to shore leave have been reduced significantly. In presenting this proposal, the social partners drew inspiration from recent amendments to the provisions of the IMO FAL Convention.

3. Purpose

To expand the provision on shore leave in Regulation 2.4, paragraph 2, by incorporating new text related to shore leave under Standard A2.4 and Guideline B2.4. The social partners believe that, where a particular subject is covered in more than one mandatory instrument, the provisions of each instrument needs to be consistent with the other. With governments having already agreed to similar text under the IMO's FAL Convention, it is hoped that there would be broad support for incorporating similar amendments into the MLC, 2006.

4. Relevant considerations

The proposals will strengthen the rights of seafarers with respect to shore leave, for the benefit of their health and well-being. Implementation of these proposals will also put into practice further lessons learned from the COVID-19 pandemic.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.4 – Entitlement to leave, replace by Standard A2.4.1 – Annual leave		~~Standard A2.4 – Entitlement to leave~~ ~~Standard A2.4.1 – Annual leave~~ 1. Each Member shall adopt laws and regulations determining the minimum standards for annual leave for seafarers ...
Standard A2.4 – Entitlement to leave, add new Standard A2.4.2 – Shore leave		~~Standard A2.4.2 – Shore leave~~ <u>1. Each Member shall ensure that seafarers are allowed ashore by the public authorities while the ship on which they arrive is in a port in its jurisdiction, provided that the relevant formalities have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety and security or public order.</u> <u>2. Shore leave shall be allowed in a manner which excludes discrimination on any grounds and irrespective of the flag State of the ship on which seafarers are employed, engaged or work.</u>

Standard	Guideline	Proposed text (amendments in track changes)
		<u>3. No seafarer shall be required to hold a visa or special permit, e.g. a shore leave pass, for the purpose of shore leave.</u> <u>4. In any case where permission for shore leave has been refused, the relevant public authorities shall communicate their reasons for such denial to the seafarer concerned and the master. If requested by the seafarer concerned or the master, such reasons shall be provided in writing.</u> <u>5. Each Member shall require shipowners to allow seafarers serving on ships that fly its flag to take shore leave to benefit their health and well-being, and consistent with the operational requirements of their positions.</u> <u>6. Shipowners shall allow shore leave to seafarers off duty, upon the vessel's arrival in port, except only when leaving the vessel is prohibited or restricted by relevant authorities of the port State, or due to safety or operational reasons.</u>
	Guideline B2.4, add new Guideline B2.4.5 – Facilitation of shore leave	<u>Guideline B2.4.5 – Facilitation of shore leave</u> <u>1. Each Member should cooperate with shipowners and their agents in port to establish procedures on board ships and in ports to facilitate shore leave for seafarers.</u> <u>2. Each Member should recognize the seafarers' right to shore leave and the need to access welfare facilities when approving port facility security plans and overseeing their implementation.</u> <u>3. Each Member should ensure that personnel in its ports and terminals are provided with appropriate information and training on seafarers' rights, including the right to shore leave.</u>

Proposal No. 4 (Seafarers' and shipowners' groups)

1. Topic

Key workers

2. Background

The proposal is in response to the effect of the COVID-19 pandemic on the maritime industry, including the widely reported breaches of the MLC, 2006. During COVID-19, travel restrictions left tens of thousands of seafarers stranded on or unable to join ships. Seafarers had their employment agreements extended, with or without their consent; they were denied shore leave and access to shore-based facilities; and they were denied access to medical care ashore. Cases of abandonment of seafarers were exacerbated by the pandemic. In its general observation "on matters arising from the application of the Maritime Labour Convention, 2006, as amended (MLC, 2006) during the COVID-19 pandemic", adopted in 2020, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) recalled that: "The

Office has also received information about hundreds of individual seafarers' complaints which have been sent directly by the seafarers concerned or transmitted by the Seafarer Crisis Action Team set up by the Secretary-General of the International Maritime Organization (IMO). ... Both the ITF and the ICS indicate that they have received thousands of individual claims from seafarers around the world describing desperate situations of violations of the provisions of the MLC, 2006. Seafarers are requested to continue working beyond the terms agreed in their seafarers' employment agreements (SEAs), they are denied access to medical care ashore (Regulation 4.1) and are deprived from their rights to repatriation (Regulation 2.5), annual leave and shore leave (Regulation 2.4) in a number of cases. It is recalled that most ships do not have medically trained staff on board and as consequence when access to medical care ashore is denied, seafarers have no medical care whatsoever. ..." The CEACR observed that based on information provided by the ITF and the ICS and the evidence available at the Office "the provisions of the Convention continue to be disregarded worldwide. ..." Further, the CEACR considered that: "... these elements constitute sufficient basis to conclude that Members, as a whole, have failed to comply with *Article I, paragraph 2* of the MLC, 2006. The Convention does not contain any provisions allowing for the temporary suspension of the implementation of its provisions, in case of crisis, health related or otherwise. To the contrary, the Committee is of the view that it is precisely at times of crisis that the protective coverage of the MLC, 2006, assumes its full significance and needs to be most scrupulously applied. This is even more so as the Convention contains only minimum standards for the protection of seafarers' rights". In addition, the CEACR stressed that: "... the failure to apply any of the core principles and requirements [of the Convention] ... under the pretext of a protracted health crisis risks, may render the Convention meaningless especially at a time and in circumstances where its protective coverage would be most needed. ..."

3. Purpose

To prevent as far as possible the violations of the MLC, 2006, that occurred during COVID-19 in the event of another international pandemic or global health emergency. The proposed amendments are in addition to other initiatives that may be taken internationally or nationally to protect against the effects of any future pandemic or global health emergency. Given the mandate of the STC, the proposed amendments are to the Standards in Title 5 of the Convention.

During COVID-19, there were many calls for seafarers to be designated as key workers. Some examples in chronological order are:

Calls for seafarers to be designated as "key workers"

- (i) On 27 March 2020, Circular Letter No. 4204/Add.6 of the IMO, Annex, stated that Governments and relevant national authorities are recommended to: "Designate professional seafarers and marine personnel, regardless of nationality when in their jurisdiction, as 'key workers' providing an 'essential service'; and "Identify port workers, port authority and port service personnel, and, inter alia, other vital ancillary personnel such as pilots, mooring tug and dredger crew, and ship suppliers as 'key workers' because they provide an essential service to facilitating shipping and port operations to maintain the movement of cargoes and the conduct of other vital economic activities, regardless of whether they are public or private sector employees".
- (ii) On 31 March 2020, a statement of the Officers of the STC on the coronavirus disease affirmed that: "Seafarers should be officially recognised as key workers, and be granted exemptions from any travel restrictions and special considerations to enable them to

join and leave their ships and return home without impediment, while complying with good practice in infection control”.

- (iii) On 22 May 2020, the Secretary-General of the International Civil Aviation Organization (ICAO), the ILO Director-General and the Secretary-General of the IMO issued a Joint Statement on designation of seafarers, marine personnel, fishing vessel personnel, offshore energy sector personnel, aviation personnel, air cargo supply chain personnel and service provider personnel at airports and ports as key workers, and on facilitation of crew changes in ports and airports in the context of the COVID-19 pandemic.
- (iv) On 8 June 2020, the Director-General of the ILO, Guy Ryder, said: “I urge Member States to recognize seafarers as ‘key workers’ and adopt the urgently-needed measures that will enable those who have been working hard to keep us supplied with medicines, food and other necessities, to go home and be replaced by fresh crews ... Forcing exhausted seafarers to continue working more than four months beyond the end of their contract is unacceptable. This jeopardizes their health and endangers maritime safety. Action is needed now to ensure decent work for seafarers, avoid maritime accidents and environmental disasters. We call on governments to work together to make these crew changes happen in safety”.
- (v) On 12 June 2020, the UN Secretary-General, António Guterres, referred to the growing humanitarian and safety crisis facing seafarers around the world and called on “all countries to formally designate seafarers and other marine personnel as ‘key workers’ and ensure crew changeovers can safely take place”.
- (vi) On 9 July 2020, in a joint statement of the international maritime virtual summit on crew changes, the Governments of Cyprus, Denmark, France, Georgia, Germany, Greece, Indonesia, the Netherlands, Norway, the Philippines, Saudi Arabia, Singapore, the United Arab Emirates, the United Kingdom and the United States of America: “Encourage[d] all International Maritime Organization (IMO) states to designate seafarers as ‘key workers’ providing an essential service, to facilitate a safe and unhindered movement for embarking or disembarking a vessel ...”.
- (vii) On 21 September 2020, a resolution of the Maritime Safety Committee of the IMO: “... Urge[d] Member States and relevant national authorities to: ... 2. designate seafarers as ‘key workers’ providing an essential service, in order to facilitate safe and unhindered movement for embarking or disembarking a vessel and consider legal possibilities for accepting internationally recognized documentation carried by seafarers as evidence of their status as ‘key workers’, and for the purpose of their travel and movement for crew change ...”.
- (viii) On 1 October 2020, the Officers of the STC issued a statement which indicated that: “... Member States are requested to bring together the appropriate departments and agencies urgently to address the following: Recognize seafarers officially and globally as **key workers** and shipping as an essential service to the global community ...”.
- (ix) On 1 December 2020, the UN General Assembly adopted resolution A/RES/75/17 on international cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chain which: “... 2. Call[ed] upon the United Nations system ... to work with all relevant actors in order to mobilize a coordinated global response to the pandemic and its adverse social, economic and financial impact on all societies; 3. Urge[ed] Member States to designate seafarers and other marine personnel as key workers; 4. Encourage[ed] Governments and relevant stakeholders to

implement the protocols to ensure safe ship crew changes and travel during the COVID-19 pandemic as approved by the International Maritime Organization Maritime Safety Committee at its 102nd session, allowing stranded seafarers to be repatriated and others to join ships, taking into account the essential preventive measures taken by port States against COVID-19; 5. Call[ed] upon Governments to promptly implement relevant measures designed to facilitate maritime crew changes, including by enabling embarkment and disembarkment and expediting travel and repatriation efforts as well as ensuring access to medical care ...”.

- (x) On 8 December 2020, the ILO Governing Body at its 340th Session adopted the Resolution concerning maritime labour issues and the COVID-19 pandemic which: “1. Urges all Members, in accordance with applicable national laws and regulations, to: ... (b) designate seafarers as ‘key workers’, for the purpose of facilitation of safe and unhindered movement for embarking or disembarking a vessel, and the facilitation of shore leave, and when necessary, to shore-based medical treatment ...; (d) ensure that a seafarer who is in need of immediate medical care is given access to medical facilities ashore, emergency medical treatment regardless of nationality and, where necessary, emergency repatriation ... 2. Calls upon Members that have ratified the MLC, 2006, to adopt without delay the necessary measures to fully implement the Convention in law and practice during the COVID-19 pandemic in coordination among relevant ministries and agencies within national administrations, in cooperation with other ratifying Members and in consultation with relevant social partners ...”.
- (xi) On 10 December 2020, UN Human Rights Day, then IMO Secretary-General Kitack Lim, called “on all Governments who have not already done so to designate seafarers and marine personnel as key workers, with all the related priorities for travel, transit and vaccination this entails. ... This year’s Human Rights Day provides an opportunity to focus on the rights of vital workers, including those in the maritime sector. We all depend on them”.
- (xii) On 12 December 2020, in its general observation, the CEACR stated that: “The Committee welcomes the resolutions recently adopted by the United Nations General Assembly, the ILO Governing Body and the IMO Maritime Safety Committee, urging Member States to designate seafarers as key workers for the purpose of facilitation of safe and unhindered movement for embarking or disembarking a vessel, the facilitation of shore leave, and, when necessary, to shore-based medical treatment. ... The Committee therefore strongly encourages ratifying States in their different capacities as flag States, port States or labour-supplying States who have not yet done so, to recognize seafarers as key workers without delay and to draw in practice the consequences of such qualification, in order to restore the respect of their rights as provided for in the MLC, 2006”.
- (xiii) On 25 March 2021, in IMO Circular Letter No. 4204/Add.38 on Coronavirus (COVID-19) – Joint Statement calling on all Governments to prioritize COVID-19 vaccination for seafarers and aircrew, the Secretary-General of the ICAO, the Director-General of the ILO, the Secretary-General of the IMO, the Director-General of the World Health Organization (WHO) and the Director-General of the International Organization for Migration (IOM) stated: “We reiterate our call upon countries that have not done so to designate seafarers and aircrew as key workers”.
- (xiv) On 19–23 April 2021, the Fourth Meeting of the STC (Part I) adopted a resolution concerning the implementation and practical application of the MLC, 2006, during the COVID-19 pandemic and requested the ILO “to call on Members to ensure that seafarers

are provided with access to COVID-19 vaccination at the earliest opportunity as well as to promote the mutual acceptance of vaccine certificates, where issued, including when in transit to or from their ships and when taking shore leave, in order to protect their health and safeguard their ability to carry out their duties as key workers maintaining global supply chains.”

- (xv) On 15 December 2021, IMO resolution 1160 (32) – Comprehensive action to address seafarers’ challenges during the COVID-19 pandemic: “[U]rges Member States and relevant national authorities to: 1. designate seafarers as ‘key workers’ in order to facilitate shore leave and safe and unhindered movement across borders, recognizing relevant documentation carried by seafarers as evidence of this status, which would entail the application of temporary measures including (where possible under relevant law) waivers, exemptions or other relaxations from any visa or documentary requirements; ...”.
- (xvi) On 28 February 2022, in a Joint Statement urging continued collaboration to address the crew change crisis, safeguard seafarer health and safety, and avoid supply chain disruptions during the COVID-19 pandemic, the ILO, IMO, UNCTAD and WHO called on Governments, national and local authorities, and all relevant stakeholders, including employers to: “Designate seafarers as ‘key workers’, providing an essential service, to facilitate maritime crew changes and safe movement across borders, and recognize relevant documentation for this purpose.”
- (xvii) On 13 May 2022, the IMO Facilitation Committee adopted the Amendments to the Annex to the FAL Convention as follows: “6.22. Standard. Contracting Governments and their relevant authorities shall ensure that port workers and ship’s crew, regardless of their nationality or flag of their ship, when in their territory, are designated as key workers (or equivalent) providing an essential service during a public health emergency of international concern.”
- (xviii) On 25 January 2023, the Joint Action Group established to review the impact of COVID-19 on the world’s transport workers and the global supply chain (JAG-TSC) adopted 23 recommendations including recommendations to Governments to: “18 recognize the key role played by transport workers during PHEICs [Public Health Emergencies of International Concern], in particular mobile and cross-border transport workers that serve the sustainment of essential supply chains, and, if not having already done so, designate them as ‘key workers’.”

Responses by national governments to calls for “key worker” designations

Many States responded to the COVID-19 pandemic by designating seafarers as “key workers”. In a Circular Letter of 15 November 2022, the Secretary-General of the IMO stated that 66 notifications had been received from Member States, and two from Associate Members, that they had designated seafarers as key workers. The list of Member States and Associated Members is as follows: Azerbaijan; Bahamas; Barbados; Brazil; Bangladesh; Belgium; Bulgaria; Canada; Chile; Croatia; Cyprus; Denmark; Dominica; Egypt; Finland; France; Gabon; Gambia; Georgia; Germany; Ghana; Greece; India; Indonesia; Iran (Islamic Republic of); Ireland; Italy; Jamaica; Japan; Jordan; Kiribati; Kenya; Lebanon; Liberia; Maldives; Marshall Islands; Montenegro; Morocco; Myanmar; Netherlands; New Zealand; Nigeria; Norway; Pakistan; Panama; Peru; Philippines; Poland; Portugal; Republic of Korea; Republic of Moldova, Romania; Russian Federation; Saudi Arabia; Slovenia; Spain; Singapore; South Africa; Sweden; Thailand; Türkiye; United Arab Emirates; United Kingdom; United States; Venezuela (Bolivarian Republic of); and Yemen. The Associate Members are: Faroe Islands and Hong Kong (China).

4. Relevant considerations

Aim of proposed amendments

The proposal seeks to prevent future violations of the MLC, 2006, and to ensure the maintenance of international supply chains in the event of another international pandemic or global health emergency. It gives effect to the multiple calls that have been made to designate seafarers as key workers and to the notifications that have been made by Members that they have designated seafarers as key workers. The proposal also takes into account the amendments to the Annex to the IMO FAL Convention adopted on 13 May 2022.

Consequences of designating seafarers as key workers

The proposed amendments also itemize the consequences of designating seafarers as key workers. These consequences are derived from the requests and calls in the “General observation on matters arising from the application of the Maritime Labour Convention, 2006, as amended (MLC, 2006) during the COVID-19 pandemic”, adopted by the CEACR in 2020.

Cooperation

In its 2020 general observation, the CEACR recalled that: “... these elements constitute sufficient basis to conclude that Members, as a whole, have failed to comply with *Article I, paragraph 2* of the MLC, 2006. The Convention does not contain any provisions allowing for the temporary suspension of the implementation of its provisions, in case of crisis, health related or otherwise. To the contrary, the Committee is of the view that it is precisely at times of crisis that the protective coverage of the MLC, 2006, assumes its full significance and needs to be most scrupulously applied. This is even more so as the Convention contains only minimum standards for the protection of seafarers’ rights ...”. Experience derived from the pandemic showed that cooperation was required, not only between Members, but also within the Member, and with international and national public institutions and other organizations, while also ensuring that public health needs are safeguarded and local communities are protected.

Force majeure

In its 2020 general observation, the CEACR stressed that “the notion of force majeure may no longer be invoked from the moment that options are available to comply with the provisions of the MLC, 2006, although more difficult or cumbersome, and urges ratifying States which have not yet done so, to adopt all necessary measures without delay to restore the protection of seafarers’ rights and comply to the fullest extent with their obligations under the MLC, 2006. ...”.

Balance between key workers and protection of public health

The JAG-TSC sought to: “discuss serious and urgent challenges faced by transport workers resulting from the COVID-19 pandemic, with a view to minimize adverse impacts on transport workers, their families, global trade and supply chains, while at the same time ensuring that public health needs are fully safeguarded, and local communities are protected”. An amendment to the MLC, 2006, based on designating seafarers as key workers should therefore acknowledge the need of Members to ensure that public health needs are fully safeguarded, and local communities are protected.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A5.1.1 add new paragraphs 3, 4, 5, 6, 7		<u>3. Each Member shall designate, in accordance with applicable national laws and regulations, in all circumstances, including during public health emergencies of international concern, seafarers as key workers providing an essential service, in order to facilitate their safe and unhindered movement when embarking or disembarking a vessel, including, but not limited for, access to shore leave, repatriation, crew changes and when necessary, access to shore based medical treatment.</u> <u>4. Each Member, taking into account national circumstances, shall take appropriate measures to develop and implement coordinated policies for the safety and protection of national and non-national seafarers in all circumstances, including during public health emergencies of international concern, as key workers providing essential services.</u> <u>5. Each member, in discharging its obligations under international health regulatory frameworks, including during public health emergencies of international concern, shall grant seafarers such exemptions from restrictive measures as are appropriate and necessary to protect their rights and uphold their status as key workers.</u> <u>6. Force majeure shall not be relied on as justification for non-compliance with members' obligations under this Convention, save to the extent that the occurrence is of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation, while the force majeure circumstance in question subsists.</u> <u>7. Force majeure shall not annul or terminate Members' adherence to their obligations under this Convention, which shall resume as soon as it is no longer materially impossible to comply.</u>

Standard	Guideline	Proposed text (amendments in track changes)
Standard A5.2.1, add new paragraphs 9–13		<u>9. Each Member shall recognize, in accordance with applicable national laws and regulations, in all circumstances, including during public health emergencies of international concern, seafarers as key workers providing an essential service, in order to facilitate their safe and unhindered movement when embarking or disembarking a vessel, including, but not limited for, access to shore leave, repatriation, crew changes and when necessary, access to shore based medical treatment.</u> <u>10. Each Member, taking into account national circumstances, shall take appropriate measures to develop and implement coordinated policies for the safety and protection of national and non-national seafarers in all circumstances, including during public health emergencies of international concern, as key workers providing essential services.</u> <u>11. Each member, in discharging its obligations under international health regulatory frameworks, including during public health emergencies of international concern, shall grant seafarers such exemptions from restrictive measures as are appropriate and necessary to protect their rights and uphold their status as key workers.</u> <u>12. Force majeure shall not be relied on as justification for non-compliance with Members' obligations under this Convention, save to the extent that the occurrence is of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation, while the force majeure circumstance in question subsists.</u> <u>13. Force majeure shall not annul or terminate Members' adherence to their obligations under this Convention, which shall resume as soon as it is no longer materially impossible to comply.</u>

Standard	Guideline	Proposed text (amendments in track changes)
Standard A5.2.1, add new paragraph 10		<u>10. Each Member shall, in the event of a public health emergency of international concern:</u> <u>(a) allow seafarers to enjoy their right to shore leave;</u> <u>(b) facilitate the repatriation of seafarers serving on ships which call at their ports or pass through their territorial or internal waters;</u> <u>(c) allow and facilitate the replacement of seafarers who have disembarked and consequently ensure the safe manning of ships, by providing an expeditious and non-discriminatory treatment of new crew members who enter their territory exclusively to join ships;</u> <u>(d) ensure that seafarers on board ships in their territory who are in need of immediate medical care are given access to medical facilities on shore; and</u> <u>(e) refrain from the adoption and repetitive modification of restrictive national measures or port regulations which may hinder the reasonable planning of ships' voyages and avoid inconsistent implementation and enforcement of this Convention vis-à-vis other Members.</u>
Standard A5.3, add new paragraph 2		<u>2. Each Member, in the event of a public health emergency of international concern, while ensuring that public health needs are safeguarded, shall ensure that:</u> <u>(a) all national and resident seafarers are allowed to return to its territory, as would be the case under normal circumstances;</u> <u>(b) measures are in place to support all national and resident seafarers returning to its territory. This includes ensuring, as necessary and appropriate, that the required facilities are put in place in relation to transport, testing and quarantine; and</u> <u>(c) seafarers are granted such exemptions from restrictive measures as are appropriate and necessary to protect their rights and uphold their status as key workers.</u>

Proposal No. 5 (Seafarers' and Shipowners' groups)

1. Topic

Fair treatment of seafarers in the event of marine casualties

2. Background

Criminalization is one of the most serious problems facing seafarers today and has been on the increase for many years. When there has been a maritime accident or a marine pollution infringement, seafarers have often been detained and denied access to normal rules of fair

play and justice with which to defend themselves against criminal charges or early release. The maritime press is replete with reports of seafarers who have been unfairly treated and detained for long periods, often years, in foreign countries. A very recent case is that of the crew of the MV Dali, who were detained on board for months after their vessel collided with Francis Scott Key Bridge in Maryland, United States. Criminalization and unfair treatment of seafarers are a worldwide problem and both seafarer unions and shipping companies wish to see action taken. Arising from the continued neglect of seafarers, the [joint IMO/ILO Guidelines on Fair Treatment of Seafarers in the event of a maritime accident](#) were adopted on 27 April 2006 and came into force on 1 July 2006. Unfortunately, many countries do not follow these Guidelines. The Seafarers' and Shipowners' groups wish to see them more widely promoted and applied. In 2012, Seafarers Rights International (SRI) carried out a survey of 3,480 seafarers of 68 different nationalities. Of those surveyed, 8 per cent of seafarers and 24 per cent of masters had faced criminal charges in the course of their professional duties. The most frequent charges related to incidents of pollution, collision and fatal accidents. Seafarers were also asked about their experiences if they had faced criminal charges, producing some startling statistics on the absence of fair treatment.

- 91 per cent of seafarers who had faced criminal charges and who needed interpretation services were not provided interpretation;
- 90 per cent did not have legal representation;
- 88 per cent did not have their legal rights explained to them;
- 80 per cent felt intimidated or threatened;
- 46 per cent said that they would be reluctant to cooperate fully and openly with casualty inquiries and accident investigations.
- Overall, 81 per cent of seafarers who faced criminal charges did not consider that they had received fair treatment, and 85 per cent were concerned about criminalization.

3. Purpose

To amend the MLC, 2006, to incorporate relevant provisions of the joint IMO/ILO *Guidelines on Fair Treatment of Seafarers in the event of a maritime accident*. In fact, there is currently no express reference in the MLC, 2006, to such Guidelines. However, it is clear that the application of such an instrument is within the tenets on which the MLC, 2006, is founded, referring, as does its preamble, to the following recitals:

Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons, and

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

Mindful also of the international standards on ship safety, human security and quality ship management in the International Convention for the Safety of Life at Sea, 1974, as amended, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, and the seafarer training and competency requirements in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and ...

Recalling that Article 94 of the United Nations Convention on the Law of the Sea, 1982, establishes the duties and obligations of a flag State with regard to, inter alia, labour conditions, crewing and social matters on ships that fly its flag, and ...

It is paramount that any inquiries under Regulation 5.1.6 must protect the rights, dignity and freedoms of seafarers who become involved.

4. Relevant considerations

Benefits would include: (i) the promotion of an international minimum and uniform observance of the IMO/ILO *Guidelines on Fair Treatment of Seafarers in the event of a maritime accident*, in turn enhancing the rights, dignity and freedoms of seafarers; (ii) the progression of the years-long efforts of the industry to banish the scourge of criminalization and so enhance the image of seafaring and shipping; and (iii) the consequent enhancement of the appeal of careers at sea, which will aid recruitment and retention.

5. Transitional measures

There are no anticipated transitional measures. The proposal should be adopted and implemented as soon as possible, in accordance with the MLC, 2006 amendments procedures.

6. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A5.1.6, add new paragraph 1		<u>1. In carrying out an inquiry into a marine casualty, Members shall take due account of the recommendations of the latest version of the IMO/ILO Guidelines on Fair Treatment of Seafarers in the event of a maritime accident. Without prejudice to national legislation Members shall cooperate, as far as practicable, with concerned flag States, port States and labour-supplying States, to assist in their application of the above-mentioned Guidelines.</u>

Proposal No. 6 (Seafarers' group)

1. Topic

Addressing fatigue: Hours of work and rest

2. Background

Fatigue among seafarers has been widely reported in research and is often cited as a major or contributing factor to marine casualties causing loss of life and marine pollution. While work and rest regulations are instrumental in mitigating fatigue risk at sea, numerous studies, including one recently published by the World Maritime University (WMU), show how, due to reduced manning, seafarers struggle to comply with existing standards. The Seafarers' group believes, and the available evidence supports this conclusion, that fatigue and the long hours culture that is prevalent in shipping are fuelling an escalating recruitment and retention crisis.

3. Purpose

To contribute to addressing the problem of seafarer fatigue by increasing hours of rest, as well as tackling the question of unfair competition that currently exists between flags depending on the hours of work and rest system that they choose.

In particular, the proposal aims at resolving the numerical discrepancy between the regulation of hours of work and the regulation of hours of rest regimes provided for in Standard 2.3, paragraph 5, as follows:

5. The limits on hours of work or rest shall be as follows:

(a) maximum hours of work shall not exceed:

- (i) 14 hours in any 24-hour period; and
- (ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest shall not be less than:

- (i) 10 hours in any 24-hour period; and
- (ii) 77 hours in any seven-day period.

While countries that chose the regime under (a)(i) and (ii) allow a maximum of 72 hours work in any seven-day period, those that choose (b)(i) and (ii), allow seafarers to work 91 hours of work in any seven days. It signifies a discrepancy of 19 hours per week or 82 hours over 30 days.

This proposal seeks to:

- (i) increase the hours of rest hours so that they are equal under either option (a) or (b); and
- (ii) contribute to the continuous improvement of seafarers' living and working conditions.

Some countries have stipulated in their national legislation that hours of rest and hours of work should be regulated in parallel. However, the large majority has opted to regulate hours of rest (or provided the shipowner with a choice) because it provides greater flexibility to shipowners, flexibility that in many cases is being exercised to the detriment of health, safety and well-being of seafarers. It is also jeopardizing the protection of the marine environment.

Numerous marine accident investigation reports attest to the impact of long hours and the resulting fatigue experienced by seafarers. The research by the WMU cited above also recalls discrepancies in the treatment of shore workers and seafarers. Additionally, a 2021 WHO/ILO research study identified that working long hours (above 55 hours per week) is detrimental to the health of workers; yet seafarers could be required to work up to 91 hours per week under the MLC, 2006.

The Seafarers' group believes it is illogical to provide two options that are materially at odds (three options if the Fitness for Duty provisions in A-VIII/1 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended are considered, which apply to watchkeeping personnel). This undermines the occupational health and safety of seafarers and thus seafarers' fundamental rights and principles enshrined in Article III of the MLC, 2006.

4. Relevant considerations

The cited research by the WMU has identified that seafarers view fatigue as a significant challenge to their safety, health and well-being and that the existing regulatory framework is considered ineffective in alleviating fatigue at sea. Furthermore, the research states that for nearly 88 per cent of seafarers there is a reported imbalance between work demand and crewing levels. Seafarers report, on average, working for 11.5 hours, resting for 10.8 hours and sleeping for 7 hours daily. The above-mentioned research notes that 28 per cent of seafarers may rest less than 10 hours thus violating the MLC, 2006 rest hours standards. Seafarers also report working on average 75 hours per week without a day off; 78 per cent of seafarers report

not having a single day off during their entire contract period contradicting Standard A.2.3, paragraph 3. This data suggests widespread violations of MLC, 2006 standards.

In addition, at the ILO-IMO JTWG SIHE 2 on the topic of violence and harassment, including sexual harassment, bullying and sexual assault, fatigue was specifically highlighted as a “psychosocial hazard”, that is that seafarers are more vulnerable to the consequences of bullying, sexual harassment and/or sexual assault as a result of fatigue.

In this regard, Article 9 of Convention No. 190 requires Members to adopt laws and regulations “... requiring employers ... to prevent violence and harassment ... and in particular ... to ... take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health”.

The proposed amendment will materially improve the number of hours seafarers are expected to work and increase rest hours. This will, inter alia, improve recruitment and retention of seafarers.

The cited research suggests that on average seafarers work around 75 hours per week so the impact of the changes proposed by the Seafarers’ group will be mainly limited to those that flout the existing standards by removing the option to exploit the rest hours regime, providing for 91 hours work in any 7 day period, and will thereby contribute to maintaining a level playing field for good shipowners who are mindful of the impact of long working hours on their crews.

Two WMU reports support the proposed amendments as follows:

- *A Culture of Adjustment: Evaluating the implementation of the current maritime regulatory framework on rest and work hours* (2020); and
- *Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours* (2024).

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.3, paragraph 5(b), replace		5. The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period; or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period; and (ii) ~~96~~ ~~77~~ hours in any seven-day period.

Proposal No. 7 (Seafarers’ group)

1. Topic

Addressing fatigue: Hours of work and rest – Exceptions

2. Background

Fatigue among seafarers has been widely reported in research and is often cited as a major or contributing factor to marine casualties causing loss of life and damage to the marine environment. Work and rest regulations are instrumental in mitigating fatigue risk at sea. A

recently published report by the WMU – *Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours* (2024), revisits an earlier report presented to the STC in 2021 – *A Culture of Adjustment: Evaluating the implementation of the current maritime regulatory framework on rest and work hours* (2020). Providing first hand data and recalling decades of research, these reports set out the rationale for the changes that are proposed herein to the provisions in Standard A2.3, paragraph 13.

Furthermore, the Seafarers' group believes, and the available evidence supports this conclusion, that fatigue and the long hours culture that is prevalent in shipping are fuelling an escalating recruitment and retention crisis.

3. Purpose

The cited research by the WMU has identified that seafarers view fatigue as a significant challenge to their safety, health and well-being and that the existing regulatory framework is ineffective in alleviating fatigue at sea. Furthermore, the research states that for nearly 88 per cent of seafarers there is a reported imbalance between work demand and crewing levels.

Seafarers report, on average, working for 11.5 hours, resting for 10.8 hours and sleeping for 7 hours daily. These findings are consistent with previous research on the same population. The cited research notes that 28 per cent of seafarers acknowledge resting less than 10 hours thus violating the MLC rest hours standards.

Furthermore, seafarers report working on average 75 hours per week and work without a day off; 78 per cent of the seafarers surveyed report not having a single day off during their entire contract period contradicting the principles of Standard A2.3, paragraph 3.

Furthermore, under the provisions of the MLC, 2006, seafarers may work uninterruptedly on board for up to 11 months.

Standard A2.3, paragraph 13, provides exceptions from the requirements of Standard A2.3, paragraphs 5 and 6. Ratifying States must have national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out in Standard A2.3, paragraphs 5 and 6.

Thus, collective agreements are the only mechanism by which exceptions to Standard A2.3, paragraphs 5 and 6, can be agreed and implemented and these agreements must, as far as possible, follow the provisions of the Standard, but may make provision for shorter voyages and compensatory leave.

For reasons elaborated below this amendment will require States to ensure that maximum and minimum standards are provided for in collective agreements where exceptions from the provisions in Standard A2.3, paragraphs 5 and 6, are being sought by shipowners for watchkeeping seafarers and seafarers working on ships engaged in short voyages.

4. Relevant considerations

In [Annex A](#) (available online in English) the Seafarers' group sets out recent comments of the CEACR in respect of exceptions to Standard A2.3, paragraphs 5 and 6, that are provided for in Standard A2.3, paragraph 13. In summary these include the following observations:

- a State has excluded senior officers from the protection provided by the hours of work and rest provisions but failed to provide evidence that this was done via a collective agreement;
- States have provided exceptions from the standards without authorizing those exceptions through the mechanism of an authorized collective agreement;

- a State has circumvented social dialogue to create an alternative “workforce agreement” which is not in the spirit of the MLC, 2006, as amended, nor within the meaning of “collective agreement”.

The Seafarers’ group further notes that the chapeau to the MLC, 2006, recalls that the United Nations Convention on the Law of the Sea, 1982 (UNCLOS), sets out a general legal framework within which all activities in the oceans and seas must be carried out and then recalls that Article 94 of UNCLOS establishes the duties and obligations of a flag State with regard to, inter alia, labour conditions, crewing and social matters on ships that fly its flag. Thus, each flag State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

In [Annex B](#), the Seafarers’ group sets out, for the top three flag States (representing nearly 40 per cent of the world fleet and over 19,000 ships of nearly 780 mt dead-weight tonnage), the national “legislation” as submitted to the CEACR in respect of exceptions granted under Standard A2.3, paragraph 13.

This amendment seeks to ensure that flag States fulfil their obligations stemming from UNCLOS and, as Annex B identifies, not simply leave it to shipowners to determine the basis upon which they will apply exceptions to Standard A2.3, paragraphs 5 and 6 of the MLC, 2006, for watchkeeping seafarers and seafarers working on ships on short voyages.

The Seafarers’ group recalls that one of the arguments proffered for the inclusion of an exception from the provisions of Standards A.2.3, paragraphs 5 and 6, was the inability of vessels operating “6 on 6 off” watchkeeping patterns, with reduced crew levels and engaged in short voyages, to comply with the Standard A2.3, paragraphs 5 and 6.

It is unconscionable that seafarers can be required to serve up to 11 months, without a single day off, and routinely working hours even in excess of those regulated by Standard A2.3, paragraphs 5 and 6, and that, furthermore, flag States are not authorizing or registering collective agreements that explicitly stipulate compensatory leave or shorter voyages for watchkeeping seafarers and seafarers working on board ships on short voyages.

Two WMU reports support the proposed amendments as follows:

- *A Culture of Adjustment: Evaluating the implementation of the current maritime regulatory framework on rest and work hours* (2020).
- *Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours* (2024).

See also Annex A: [Extracts from the CEACR comments on certain States regarding Standard A.2.3, paragraph 13.](#)

Annex B: [Extracts from the legislation relating to hours of work and rest from the top three flag States as declared to the CEACR.](#)

5. Transitional measures

None. These improved standards will be delivered through collective agreement and in discussion therefore between the representatives of the Shipowners and Seafarers and thus require no other intervention or cost on the part of Member States beyond that required to set the revised enabling standards in law.

6. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.3, paragraph 13, replace		13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. <u>In determining the circumstances under which such collective agreements may be authorized or registered, the Member shall set out the minimum and maximum standards to be provided for in terms of maximum voyage length, additional leave and compensatory leave periods. The exceptions provided in such collective agreements shall as far as possible follow the provisions of this Standard.</u> ~~Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.~~

Proposal No. 8 (Seafarers' group)

1. Topic

Training and qualifications

2. Background

The conclusions of the study commissioned by the Maritime Just Transition Task Force and prepared by the classification society DNV *Insights into seafarer training and skills needed to support a decarbonized shipping industry*, identified the need for training for at least 800,000 seafarers from the world's workforce by 2050. This is not only from the perspective of required professional training, but training to ensure safe and secure handling of complex alternative fuels, that can have an impact on the environment and coastal states. In addition, the study has also highlighted how attracting and retaining seafarers is a problem in the maritime industry and poses a significant challenge to ensuring that there are sufficient competent seafarers to support shipping's green transition.

The safety culture that takes into account the human factor as the centre by which the transition is going to be implemented imposes the need for careful consideration of the training aspects that will be developed by the IMO with the contribution of the shipping industry.

3. Purpose

To ensure that there is an equal opportunity offered to all seafarers to gain the necessary training at no cost to themselves by introducing a new standard under Regulation 1.3.

4. Relevant considerations

Training is not only for professional development that will benefit a seafarer, but a shared responsibility to ensure a safe and environmentally sound mode of transport that benefits

communities, economies and ports. In addition, it will boost attraction toward the industry of young and, potentially, women, to the maritime profession.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Regulation 1.3 – Training and qualifications, add new Standard A1.3 – Training and qualifications		<u>Standard A1.3 – Training and qualifications</u> <u>1. In giving effect to Regulation 1.3, paragraphs 1 and 2, including in relation to any training which may be developed or required to meet future improvements in shipping, seafarers shall not bear directly or indirectly, in whole or part, the costs of such training fees, other charges or any associated costs.</u>

Proposal No. 9 (Seafarers' group)

1. Topic

Career and skills development

2. Background

With the development and implementation of the training necessary to equip seafarers with the skills to handle and manage alternative fuels and technology, a career long personal development is the pathway for a just transition for seafarers.

The Maritime Just Transition Task Force/DNV study has identified the need to improve the professional competences of seafarers, and the industry is already highlighting the potential difficulties in recruiting and retaining the maritime professionals needed to crew ships.

Equally, it is becoming evident that there is a lack of professionals engaged in strategic positions ashore in and around the shipping industry. Developing skills and therefore offering everyone the opportunity to gain access to the industry in just transition remains primarily confined to the financial ability of individuals to afford training, while the combination of public and private funding is seen as the only option to provide seafarers around the world the possibility to access training to secure their future employment.

3. Purpose

Standard A2.8 is good in its intentions, but lacks clarity and does not fall within the scope of validation or inspection to verify its implementation. A more precise mechanism to indicate how seafarers can gain access to training to develop their skills, and the costs component associated to it, will provide clarity and serve to encourage youth and women to consider a career at sea as an attractive one.

4. Relevant considerations

Amending Standard A2.8 will provide an option to the current generation of seafarers to acquire the skills needed to operate greener ships, as well as to attract future seafarers to a career at sea. At the same time, it will permit Member States to gain professionals who, at the end of their career at sea, can become key players in highly qualified positions within administrations, as well as in shipping and port infrastructures.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.8, paragraph 3, replace		Each Member shall, after consulting the shipowners' and seafarers' organizations concerned, establish clear objectives for the vocational guidance, education and training of seafarers, <u>including by identifying and adopting the economic measures, public, private or a combination thereof, necessary to ensure that any required training is offered at no cost to the seafarers</u> ~~whose duties on board ship primarily relate to the safe operation and navigation of the ship, including ongoing training.~~

Proposal No. 10 (Seafarers' group)

1. Topic

Repatriation

2. Background

During the pandemic and resulting international lockdown, it became apparent that the ancillary rights applying to repatriation under Standard A2.5.1 and Guideline B2.5.1 are weaker than those where an abandonment has occurred, to which Standard A2.5.2 applies.

This arises because the mandatory Standard A2.5.2, paragraph 9(c) provides that the assistance provided by the financial security system shall be sufficient to cover, among other things:

"(c) the essential needs of the seafarer including such items as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home."

However, the corresponding provision that applies while a repatriation (which has not arisen out of an abandonment) is in progress is contained in the non-mandatory Guideline B2.5.1, paragraph 3.

This means that seafarers who are in the course of repatriation (which has not arisen out of an abandonment) will not be entitled on a mandatory basis to the same statutory entitlements as those seafarers who are in the course of repatriation that has arisen out of an abandonment. Further, although food, accommodation and medical care are common to both (although mandatory in one but not the other), clothing, drinking water (which must be provided free of charge from December 2024), fuel and other reasonable costs apply only in a repatriation arising out of an abandonment, but not to a non-abandonment repatriation.

This discrepancy must be remedied, because seafarers in the course of a non-abandonment repatriation could foreseeably be stranded for lengthy periods en route home, due to such incidences as international lockdowns due to pandemics or major travel disruption such as that caused by the Icelandic volcanic eruptions in 2010.

3. Purpose

Standard A2.5.1 does not provide the mandatory ancillary rights to seafarers during the course of repatriation as those that apply under Standard A2.5.2. This must be remedied as there is no logical reason for the current dichotomy.

4. Relevant considerations

Such benefits will include:

- the harmonization of the entitlements of seafarers whether the repatriation is in the course of abandonment or otherwise (they currently differ as explained above);
- ensuring that seafarers who get stranded in a foreign country during the course of a non-abandonment repatriation are entitled to the same rights and entitlements as those covered by the financial security system (which only applies to abandonment repatriations). There is no logical justification for the current dichotomy.

5. Transitional measures

There are no anticipated transitional measures. The proposal should be adopted and implemented as soon as possible, in accordance with the MLC, 2006 amendments procedures.

6. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.5.1, add new paragraph 3		<u>3. The costs and liabilities to be borne by the shipowner for repatriation under paragraph 2(c) of this Standard shall provide for the essential needs of the seafarer and include at least the following: passage to the destination selected for repatriation, adequate food, clothing where necessary, accommodation and necessary medical care; pay and allowances from the moment the seafarers leave the ship; transportation of 30 kg of the seafarers' personal luggage to the repatriation destination, and any other reasonable costs or charges until the seafarer's arrival at home.</u> [Subsequent renumbering of existent paragraphs].
	Guideline B2.5.1, paragraph 3, delete	~~3. The costs to be borne by the shipowner for repatriation under Standard A2.5 should include at least the following:~~ ~~(a) passage to the destination selected for repatriation in accordance with paragraph 6 of this Guideline;~~ ~~(b) accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;~~ ~~(c) pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, if provided for by national laws or regulations or collective agreements;~~

Standard	Guideline	Proposed text (amendments in track changes)
		~~(d) transportation of 30 kg of the seafarers' personal luggage to the repatriation destination; and~~ ~~(e) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination~~

Proposal No. 11 (Shipowners' group)

1. Topic

International medical guide

2. Background

The MLC, 2006, under Standard A4.1, paragraph 4(a), stipulates the following:

"4. National laws and regulations shall as a minimum provide for the following requirements:

(a) all ships shall carry a medicine chest, medical equipment and a medical guide ..."

This mandate for the carriage of a medical guide on board ships is complemented by paragraphs 2 and 4 of Guideline B4.1.1 – Provision of medical care, which makes reference to specific medical guides and other resources that can be used to support the medical care needs of seafarers on board ships.

Recognizing the urgent need for updated medical information, to protect the health of seafarers and ensuring their prompt access to medical care on board, in this proposal, the Shipowners' group jointly suggest incorporating into Guideline B4.1.1, references to the *International Medical Guide for Seafarers and Fishers*.

3. Purpose

Highlight the need for amending Guideline B4.1.1 – Provision of medical care.

Given the remote nature of shipping, the lives of seafarers may sometimes depend on at-hand practical information readily available during the first crucial moments after an on-board medical emergency arises. As such, medical guidance covering illness, injuries and other health issues need to be readily available as a vital aid to saving lives.

The first edition of the *International Medical Guide for Seafarers and Fishers* was published in March 2023. This was a cooperative effort coordinated by the ICS, with support from the ITF and the International Maritime Health Association (IMHA).

How proposed amendments will help meet the objectives of the MLC, 2006

Including references to the *International Medical Guide for Seafarers and Fishers* will ensure that the MLC, 2006, makes reference to the most up-to-date guidance, noting that, for example, the most recent edition of the *International Medical Guide for Ships*, as referenced in Guideline B4.1.1, paragraphs 2 and 4, was published in May 2009. It is also worth noting that discussions are currently ongoing regarding the prospect of establishing a collaborative arrangement between the custodians of the new *International Medical Guide for Seafarers and Fishers* (2023) and the custodians of the 2009 *International Medical Guide for Ships* (ILO, WHO and IMO), for possible cooperation on future editions of the 2023 Guide.

4. Relevant considerations

Benefits and implications of the amendments to Guideline B4.1.1

Ensuring that ships have the most up-to-date medical information and updated knowledge will safeguard the safety and well-being of seafarers, physically and mentally, with the Guide including a specific chapter on treating mental health issues and specific mental health disorders.

The medical guide has been written and reviewed by an international group of maritime medical practitioners. It is not written for doctors, but as a tool for the person responsible for medical care on board. It is divided into four main sections – injuries; illnesses; additional information; and assessment forms and charts – and is accompanied by the ship's medicine chest, which lists the medicines and medical equipment to be carried on board.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
	Guideline B4.1.1, paragraph 2, add text	2. The training referred to in paragraph 1 of this Guideline should be based on the contents of the most recent editions of the <i>International Medical Guide for Seafarers and Fishers</i> , <i>International Medical Guide for Ships</i> , the <i>Medical First Aid Guide for Use in Accidents Involving Dangerous Goods</i> , the <i>Document for Guidance – An International Maritime Training Guide</i> , and the medical section of the International Code of Signals as well as similar national guides.
	Guideline B4.1.1, paragraph 4, add new text	4. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, should be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who should ensure that the labelling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required. In adopting or reviewing the ship's medical guide used nationally, and in determining the contents of the medicine chest and medical equipment, the competent authority should take into account international recommendations in this field, including the latest edition of the <i>International Medical Guide for Seafarers and Fishers</i> , the <i>International Medical Guide for Ships</i> , and other guides mentioned in paragraph 2 of this Guideline.

Proposal No. 12 (Governments)

Australia, Canada, Marshall Islands, Norway, South Africa, United Kingdom ²

1. Topic

Violence and harassment

2. Background

Recognizing that all seafarers have a right to a safe and secure maritime work environment, the ILO-IMO JTWG SIHE 2 recommended that the STC invite proposals to amend the MLC, 2006, to include provisions that address violence and harassment in the maritime sector, including sexual harassment, bullying and sexual assault.

This proposal is submitted in response to the JTWG's recommendations to the STC.

The ILO-IMO JTWG SIHE 2 was held at the IMO headquarters from 27 to 29 February 2024. At the direction of the ILO and IMO, the JTWG SIHE 2 considered violence and harassment in the maritime sector, including sexual harassment, bullying and sexual assault, and provided recommendations for future steps to address these issues and ensure a safe working environment for seafarers. The JTWG SIHE 2 considered existing maritime legislation and policy and identified gaps in the maritime legislation that should be resolved to better protect seafarers in the workplace. In examining the MLC, 2006, the JTWG SIHE 2 observed that the provisions of the MLC, 2006, did not adequately address the responsibilities of Member States and shipowners in the prevention of and response to violence and harassment, including sexual harassment, bullying and sexual assault in the maritime sector. The JTWG SIHE 2 considered whether these gaps could be sufficiently covered by Convention No. 190, but noted that Convention No. 190 does not include any requirements specific to the unique environment of the maritime workplace. The JTWG SIHE 2 concluded that the MLC, 2006, should be amended to establish requirements for Member States and shipowners in the prevention of and response to violence and harassment, including sexual harassment, bullying and sexual assault.

3. Purpose

Propose amendments to the MLC, 2006, that reflect the recommendations of the JTWG, and that serve to improve maritime safety by establishing standards for Member States and shipowners in the prevention of and response to violence and harassment, including sexual harassment, bullying and sexual assault.

The JTWG SIHE 2 recommended that the ILO Governing Body invite the members of the STC to consider submitting proposals to amend the MLC, 2006, to ensure that Member States:

1. define and prohibit shipboard violence and harassment, including sexual harassment, bullying and sexual assault;
2. adopt relevant policies, measures and programmes to prevent and address these issues, specifying the different and complementary responsibilities of flag States, port States, labour-supplying States, shipowners, seafarers and other relevant stakeholders, as appropriate;
3. require shipowners to adopt relevant policies and measures to prevent and address violence and harassment, including sexual harassment, bullying and sexual assault;

² The proposers indicated that the Government of the United States endorsed the proposal.

4. adapt existing onboard and onshore complaints mechanisms to provide easy access to effective remedies in cases of violence and harassment, including the protection against victimization or retaliation and of the privacy and confidentiality of those involved; and
5. enhance cooperation among flag States, port States and labour-supplying States on these issues.

4. Relevant considerations

All seafarers have a right to a safe and secure maritime work environment. Workplace violence and harassment, including sexual harassment, bullying, and sexual assault, have known detrimental effects on seafarers, including depression, poor performance, unhealthy coping mechanisms and isolation. Seafarers who experience or witness violence and harassment, including sexual harassment, bullying, and sexual assault, are more likely to make errors and provide compromised levels of service. In the maritime industry, these experiences pose significant risks to the safe and secure operation of maritime vessels, and lead to negative effects on recruitment and retention of seafarers. Both the ILO and the IMO have recognized the importance of developing a maritime workplace culture that is safe and inclusive for all maritime professionals, as a means of improving operational safety and security in the maritime industry.

Existing ILO and IMO instruments, including the STCW, MLC 2006, and the International Safety Management Code (ISM Code), provide general requirements for administrations and shipowners for safe and secure operation of the ship, and for general occupational health and safety. However, these instruments do not include any requirements specifically related to violence and harassment, including sexual harassment, bullying, and sexual assault. Convention No. 190 seeks to protect workers and other persons from workplace violence and harassment, including gender-based violence and harassment, but does not include any requirements specific to the unique environment of the maritime workplace. Amending the MLC, 2006, will allow the international maritime community to address the problems of violence and harassment, including sexual harassment, bullying and sexual assault, in a manner that considers the specific hazards and challenges of the maritime work environment.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A1.4, paragraph 5, insert after (b) a new (c) and the existing (c) becomes (d)		<u>(c) require that seafarer recruitment and placement services take measures to prevent and address violence and harassment in recruitment and placement processes;</u> <u>(d) ensure that seafarer recruitment and placement services operating in its territory:</u>
	Guideline B2.8.1, paragraph 1, add new (d)	<u>(d) measures to prevent and address violence and harassment that occur during training and education for career and skills development.</u>
	Guideline B3.1.10, paragraph 1, add new (d)	<u>(d) health and hygiene supplies should be available for seafarers.</u>

Standard	Guideline	Proposed text (amendments in track changes)
Standard A4.1, paragraph 1(b), add new text		(b) ensure that seafarers are given <u>physical and mental</u> health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical <u>support</u> , information and expertise, <u>including those particularly relevant for cases of violence and harassment</u> ;
	Guideline B4.1.3, paragraph 2(a) and (b), add new text	2. Measures should be taken to ensure that seafarers have access when in port to: (a) outpatient treatment for sickness and injuries, <u>including those resulting from violence and harassment</u> ; (b) hospitalization <u>and mental health care</u> when necessary; and ...
Standard A4.3, paragraph 1(a) and (d), add new text		1. The laws and regulations and other measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subjects: (a) the adoption and effective implementation and promotion of occupational safety and health policies and programmes on ships that fly the Member's flag, including risk evaluation as well as training and instruction of seafarers, <u>and preventing and addressing shipboard violence and harassment, including sexual harassment, bullying, and sexual assault, on ships that fly the Member's flag</u> ; (d) requirements for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents, <u>as well as incidents of violence and harassment, including sexual harassment, bullying and sexual assault</u> .
Standard A4.3, paragraph 2(a), add new text		2. The provisions referred to in paragraph 1 of this Standard shall: (a) take account of relevant international instruments dealing with occupational safety and health protection in general and with specific risks, and address all matters relevant to the prevention of occupational accidents, injuries, and diseases, <u>as well as violence and harassment, including sexual harassment, bullying and sexual assault</u> , that may be applicable to the work of seafarers and particularly those which are specific to maritime employment;

Standard	Guideline	Proposed text (amendments in track changes)
Standard A4.3, add new paragraph 3		<u>3. In implementing paragraph 1(a) of this Standard, laws and regulations and other measures shall:</u> <u>(a) define and prohibit shipboard violence and harassment, including sexual harassment, bullying and sexual assault, after consultation with shipowners' and seafarers' organizations. For the purpose of this Convention:</u> <u>(i) violence and harassment refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aims at, results in, or is likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;</u> <u>(ii) the term gender-based violence and harassment means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment;</u> <u>(b) require shipowners to:</u> <u>(i) adopt relevant policies and measures to prevent and address shipboard violence and harassment, including sexual harassment, bullying and sexual assault, that include:</u> <u>a. mandatory training of seafarers; and</u> <u>b. providing timely and appropriate medical and mental health care to victims of violence and harassment, including sexual harassment, bullying and sexual assault, in accordance with Regulations 4.1 and 4.2, the International Medical Guide for Ships or equivalent medical guide, and in consultation with the shore-based tele-medical provider;</u> <u>(ii) report incidents of violence and harassment, including sexual harassment, bullying and sexual assault, to the appropriate flag State authorities;</u> <u>(iii) provide adequate on-board and shoreside resources to implement shipowner's policies and measures for preventing and addressing violence and harassment, including sexual harassment, bullying and sexual assault; and</u> <u>(iv) provide access to a person ashore who will serve as the point of contact to ensure that adequate on-board and shoreside resources are available, as required, to manage the shipowner's incident response, provide appropriate victim support following incidents of violence and harassment, including sexual</u>

Standard	Guideline	Proposed text (amendments in track changes)
		<u>harassment, bullying and sexual assault, and ensure protection of personal data from unauthorized disclosure or access;</u> <u>(c) adapt existing on-board and onshore complaints mechanisms to provide:</u> <u>(i) free and confidential processes for seafarers to report incidents of violence and harassment, including sexual harassment, bullying and sexual assault, to the shipboard chain of command, designated shoreside personnel or directly to the competent authorities, as the seafarer deems most appropriate;</u> <u>(ii) unencumbered access to appropriate remedies for victims of violence and harassment, including sexual harassment, bullying and sexual assault;</u> <u>(iii) protection against further victimization or retaliation;</u> <u>(iv) protection of privacy and confidentiality for those involved; and</u> <u>(v) a dispute resolution process that provides multiple options for seeking a solution;</u> <u>(d) include requirements for seafarers to comply with the shipowners' policies and measures to prevent and address violence and harassment, including sexual harassment, bullying and sexual assault.</u>
Standard A4.3, paragraphs 5(b), (c), (d) and new (e) to 8, add new text		5. Each Member shall ensure that: (b) occupational accidents, injuries ~~and~~, diseases; <u>and incidents of violence and harassment, including sexual harassment, bullying and sexual assault,</u> are adequately reported, taking into account the guidance provided by the International Labour Organization with respect to the reporting and recording of occupational accidents ~~and~~, diseases; <u>and incidents of violence and harassment, including sexual harassment, bullying and sexual assault;</u> (c) comprehensive statistics of such accidents, ~~and~~ diseases; <u>and incidents of violence and harassment, including sexual harassment, bullying and sexual assault,</u> are kept, analysed and published and, where appropriate, followed

Standard	Guideline	Proposed text (amendments in track changes)
		up by research into general trends and into the hazards identified; and (d) occupational accidents <u>and incidents of violence and harassment, including sexual harassment, bullying and sexual assault</u>, are investigated; <u>and</u> (e) <u>personal data received from shipowners under paragraph 3(b)(ii) of this Standard is protected from unauthorized disclosure or access.</u> 6. Reporting and investigation of occupational safety and health matters, <u>and incidents of violence and harassment, including sexual harassment, bullying and sexual assault</u> shall be designed to ensure the protection of seafarers' personal data, and shall take account of the guidance provided by the International Labour Organization on this matter. 7. The competent authority shall cooperate with shipowners' and seafarers' organizations to take measures to bring to the attention of all seafarers information concerning particular hazards on board ships, <u>including hazards of violence and harassment, including sexual harassment, bullying and sexual assault</u>, for instance, by posting official notices containing relevant instructions <u>in the working language of the ship.</u> 8. The competent authority shall require that shipowners conducting risk evaluation in relation to management of occupational safety and health, <u>and violence and harassment, including sexual harassment, bullying and sexual assault</u> refer to appropriate statistical information from their ships and from general statistics provided by the competent authority.
	Guideline B4.3.1, add new text	Guideline B4.3.1 – Provisions on occupational accidents, injuries, ~~and~~ diseases, <u>and violence and harassment, including sexual harassment, bullying and sexual assault</u> 2. The competent authority should ensure that the national guidelines for the management of occupational safety and health address the following matters, in particular: (m) personal protective equipment <u>that is appropriate</u> for <u>all</u> seafarers <u>on board</u>; (s) <u>violence and harassment, including sexual harassment, bullying and sexual assault; and</u> (t) <u>rehabilitation and reintegration of all persons involved following incidents of violence and harassment.</u> 4. In addition, the competent authority should ensure that the implications for health and safety are taken into account, particularly in the following areas:

Standard	Guideline	Proposed text (amendments in track changes)
		(d) <u>violence and harassment, including sexual harassment, and bullying and sexual assault.</u> <u>5. Each Member should give due consideration to participating in international cooperation in the area of assistance, programmes and research on issues pertaining to preventing and addressing violence and harassment, including sexual harassment, bullying and sexual assault. International cooperation should be based on bilateral or multilateral agreements or consultations among Members.</u> <u>6. Members should cooperate in managing on board incidents involving violations to seafarer welfare or incidents of violence and harassment, including sexual harassment, bullying and sexual assault. In particular, labour-supplying States should be notified as substantially interested States when reported incidents are investigated.</u>
Standard A5.1.5, paragraph 2, add new text		2. Each Member shall ensure that, in its laws or regulations, appropriate on-board complaint procedures are in place to meet the requirements of Regulation 5.1.5, <u>including to effectively address incidents of violence and harassment, including sexual harassment, bullying and sexual assault.</u> Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities.
Standard A5.1.5, paragraph 3, replace		3. The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term "victimization" covers any adverse action taken by any person with respect to <u>a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made persons involved in the complaint process.</u>
Standard A5.1.5, add new paragraph 5		<u>5. Appropriate steps shall be taken to safeguard, at all stages, the confidentiality of complaints made by seafarers.</u>

Proposal No. 13 (Governments)

Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden

1. Topic

Violence and harassment

2. Background

The ILO-IMO JTWG on harassment and bullying was held from 26 to 29 February 2024, at the IMO's headquarters, with representatives from eight delegated States as well as shipowners' and seafarers' associations.

The JTWG recommended that the ILO Governing Body endorse the use of the terminology "violence and harassment, including sexual harassment, bullying and sexual assault" in its relevant instruments and guidance, as appropriate, with an associated reference to the definition of "violence and harassment" in Convention No. 190.

The JTWG also invited the members of the STC, whose meeting will be held in April 2025, to consider submitting proposals to amend the MLC, 2006, taking into account the provisions in Convention No. 190.

3. Purpose

Gaps within the MLC, 2006, to effectively address shipboard violence and harassment were identified.

In this context, the current proposal to amend the MLC, 2006, is submitted in line with the JTWG's conclusions, in order to prevent and address harassment and bullying on board ships.

The following amendments to Standard A4.3 are proposed:

- include in a new paragraph 1(e) "the prohibition of shipboard violence and harassment" in the requirements for laws and regulations to be adopted in accordance with Regulation 4.3, paragraph 3; provide within that same paragraph a definition of "violence and harassment" referring to the definition provided by Article 1 of Convention No. 190;
- specify in a new paragraph 2(e) the roles and duties of stakeholders, in line with Convention No. 190.

4. Relevant considerations

This proposal will have positive social impacts on seafarers on board. The fight against harassment and violence on board will lead to better working and living conditions, thus also improving the attractiveness of the maritime sector.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A4.3, paragraph 1, add new text		1. The laws and regulations and other measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subjects: <u>(e) the prohibition of shipboard violence and harassment, including sexual harassment, bullying and sexual assault. For the purpose of this Standard, the term violence and harassment has the same meaning as set out in Article 1 of the Violence and Harassment Convention, 2019 (No. 190).</u>
Standard A4.3, paragraph 2, add new (e)		2. The provisions referred to in paragraph 1 of this Standard shall: <u>(e) specify the obligation of shipowners to adopt relevant policies and measures to prevent and combat violence and harassment, including sexual harassment, bullying and sexual assault, in consultation with seafarers and their representatives, without prejudice to the roles and duties of stakeholders provided by Convention No. 190.</u>

Proposal No. 14 (Governments)

Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

1. Topic

Shore leave

2. Background

Regulation 2.4, paragraph 2 states that seafarers have a right to shore leave: "Seafarers shall be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions."

In practice however, several procedures make it very difficult for seafarers to be allowed onshore. As a consequence, seafarers cannot enjoy their right to shore leave as provided for by the MLC, 2006.

It is therefore proposed that the MLC, 2006, be amended in order to provide better protection of shore leave for seafarers.

Furthermore, it is proposed to add "and shore leave" in the title of Standard A2.4 so that the title correctly reflects the provisions in this Standard.

3. Purpose

Current provisions related to shore leave can be found in paragraph 2 of Regulation 2.4:

Paragraph 2. "Seafarers shall be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions."

In the Guidelines in Part B of the Code, the following provisions can be found:

Guideline B2.4.1 – Calculation of entitlement

Paragraph 4: "The following should not be counted as part of annual leave with pay:

- (c) temporary shore leave granted to a seafarer while under an employment agreement; and"

Guideline B4.4.6 – Seafarers in a foreign port

Paragraph 5. "Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port."

However, no provisions related to shore leave are included in the Standards (Part A of the Code). There is a need to include the right to shore leave in the Standards of the MLC, 2006, to provide adequate and effective implementation of the right to shore leave.

4. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.4, change title		Standard A2.4 – Entitlement to leave <u>and shore leave</u>
Standard A2.4, add new paragraph 4		<u>4. Members shall grant shore leave to seafarers to benefit their health, including their mental health, and their well-being. Shore leave shall be granted in so far as it is consistent with the operational requirements of seafarers' duties, and in compliance with the provisions of the Convention on Facilitation of International Maritime Traffic, 1965, as amended.</u>
Standard A4.4, add new paragraphs 6 and 7		<u>6. Members shall facilitate the approval of shore leave and limit administrative procedures and any other formalities as far as practically possible.</u> <u>7. Every effort shall be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.</u>
	Guideline B4.4.6, paragraph 5, delete	~~5. Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.~~

Proposal No. 15 (Governments)

Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden

1. Topic

Medical care on board ship and ashore

2. Background

Guideline B4.1.1 paragraph 3 provides that:

“Persons referred to in paragraph 1 of this Guideline and such other seafarers as may be required by the competent authority should undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.”

It is proposed to delete this provision from the guidelines and instead include a similar provision in Standard A4.1 new subparagraph 4(e) which states:

“(e) Persons referred to in paragraph (c), and such other seafarers as may be required by the competent authority, shall undergo, at intervals not exceeding five years, refresher courses with regard to medical first aid and medical care on board to enable them to maintain and increase their knowledge and skills and to keep up to date with new developments. These courses shall be in line with the STCW.”

3. Purpose

Currently it is recommended in the guidelines that seafarers charged with medical care on board vessels should have updated training. The purpose of this proposal is to make it mandatory for persons tasked with administering medical supplies and performing first aid to undergo refresher courses in Medical First Aid and Medical Care on Board courses, at five-year intervals. This will enable them to maintain and increase skills in terms of keeping informed of any new processes, and to keep their knowledge up to date on the medical supplies being administered or upgrade their knowledge with respect to any new medical supplies. Such a proposal will contribute to decent working conditions in ensuring seafarers are being offered medical care by someone with the most update and relevant training experience. In addition, it will align with proposed updates to the STCW Convention.

4. Relevant considerations

Practical working conditions for seafarers would be improved through updated training in the most recent medical practices and updated knowledge about any new medical supplies, including maintaining and dispensing any new forms of medicine. Seafarers can be confident that the person tasked with providing medical care has had some refresher training within the previous five years.

5. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
	Guideline B4.1.1, paragraph 3, delete	~~(3) Persons referred to in paragraph (1) of this Guideline, and such other seafarers as may be required by the competent authority should undergo, at approximately five year intervals, refresher courses to enable them to maintain and increase their knowledge and skills not to keep up to date with new developments.~~
Standard A4.1, add new paragraph 4(e)		<u>(e) Persons referred to in paragraph (c), and such other seafarers as may be required by the competent authority, shall undergo, at intervals not exceeding five years, refresher courses with regard to medical first aid and medical care on board to enable them to maintain and increase their knowledge and skills and to keep up to date with new developments. These courses shall be in line with the STCW.</u>

Proposal No. 16 (Governments)

Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden

1. Topic

Maximum period of service on board

2. Background

The COVID-19 pandemic has had devastating effects on crew changes. Many seafarers have been denied the right to be repatriated after 11 months on board, and cases of physical and mental exhaustion, anxiety, illness and even suicide have been reported.

The MLC, 2006, currently provides for a right to repatriation of seafarers when the maximum duration of embarkation periods is reached, noting that these periods must be less than 12 months (Standard A2.5.1, paragraph 2(b)). However, this provision is not sufficient for the effective protection of seafarers and implementation of the maximum period of service on board.

To fill these gaps, France, on behalf of the Member States of the European Union, submitted a proposal to amend Standard A2.5.1 in 2022. This amendment was intensely discussed and unfortunately not adopted. The aforementioned delegations are tabling a new amendment proposal, based on the result of the 2022 negotiations and the positions expressed during the session, in order to achieve a consensual result.

3. Purpose

The following amendments to Standard A2.5.1 are proposed:

- add “the end of the maximum duration of service periods on board” as a case for the entitlement to repatriation, in paragraph 1 of Standard A.2.5.1, as a new paragraph (d);

- state unambiguously in paragraph 2(b), of Standard A.2.5.1, that the maximum service periods on board shall be 11 months, and define in a restrictive manner the possibilities for exemption. The responsibilities of Members to facilitate repatriation are also recalled;
- add to Annexes A5-I, A5-II and Annex A5-III a new point entitled “Maximum duration of service periods on board” in order to systematically control this item during inspections for the certification of ships, and allow a detailed inspection on this item by port State inspectors.

4. Proposed amendment(s)

Standard	Guideline	Proposed text (amendments in track changes)
Standard A2.5.1, paragraph 1, add new (d)		1. Each Member shall ensure that seafarers on ships that fly its flag are entitled to repatriation in the following circumstances: <u>(d) at the end of the maximum duration of service periods on board, as set out in paragraph 2(b) of this Standard.</u>
Standard A2.5.1 paragraph 2(b), replace		2. Each Member shall ensure that there are appropriate provisions in its laws and regulations or other measures or in collective bargaining agreements, prescribing: ~~(b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation—such periods to be less than 12 months; and~~ <u>(b) that the maximum service periods on board following which a seafarer is entitled to repatriation, excluding annual leave with pay entitlements under Standard A2.4, paragraph 2, shall be 11 months. In the event where repatriation is impossible due to border closures or restrictions in the port State or the destination of repatriation, the maximum service periods on board may be extended for a limited time period which must not exceed 20 days. This paragraph is without prejudice to the responsibilities of each Member to facilitate repatriation which are further detailed in paragraphs 7 and 8 of this Standard.</u>
Appendix A5-I, add new text		The working and living conditions of seafarers that must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.3, paragraph 1: Minimum age Medical certification Qualifications of seafarers Seafarers’ employment agreements Use of any licensed or certified or regulated private recruitment and placement service Hours of work or rest <u>Maximum duration of service periods on board</u>

Standard	Guideline	Proposed text (amendments in track changes)
		Manning levels for the ship Accommodation On-board recreational facilities Food and catering Health and safety and accident prevention On-board medical care On-board complaint procedures Payment of wages Financial security for repatriation Financial security relating to shipowners' liability
Appendix A5-II (DMLC, part I), add new point 17		<u>17. Maximum duration of service periods on board (Regulation 2.5)</u>
Appendix A5-II (DMLC, part II), add new point 17		<u>17. Maximum duration of service periods on board (Regulation 2.5)</u>
Appendix A5-III, add new text		General areas that are subject to a detailed inspection by an authorized officer in a port of a Member carrying out a port State inspection pursuant to Standard A5.2.1: Minimum age Medical certification Qualifications of seafarers Seafarers' employment agreements Use of any licensed or certified or regulated private recruitment and placement service Hours of work or rest <u>Maximum duration of service periods on board</u> Manning levels for the ship Accommodation On-board recreational facilities Food and catering Health and safety and accident prevention On-board medical care On-board complaint procedures Payment of wages Financial security for repatriation Financial security relating to shipowners' liability

Tripartite consultations under Article VII

29. The MLC, 2006, is a Convention that is founded on encouraging tripartism at the national level. A number of its provisions, particularly with respect to national “determinations” in specific cases of application and exemptions under Title 3, require tripartite consultation by the Government with the shipowners’ and seafarers’ organizations concerned, as part of the process of implementation. However, some Members do not yet have such organizations. Article VII of the MLC, 2006, therefore provides that in such cases the Government is to consult the Special Tripartite Committee.
30. The Committee will need to consider any requests that are submitted to it in time for consideration at its fifth meeting. So far, no such requests have been made.
31. Procedures for consultation under Article VII of the Convention are provided for in article 14 of the Standing Orders of the Committee; requests for consultation are to be addressed to the Chairperson of the STC through the International Labour Office.

► Appendix A

Agenda for the fifth meeting of the Special Tripartite Committee (Geneva, 7–11 April 2025)

1. Exchange of information related to the implementation of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
2. Consideration of proposals for amendments to the Code of the MLC, 2006.
3. Consideration of any request for consultation under Article VII of the MLC, 2006.
4. Any other business.

► Appendix B

Relevant provisions in the MLC, 2006

Special Tripartite Committee

Article XIII

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.
2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.
3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.
4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.