

Decent Work for Seafarers

The Challenge



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The living and working conditions of seafarers are distinct from those of other workers. For them, workplace serves as their home. They live and work in ships with a multicultural environment.

Spending their lives isolated at sea, living in cramped quarters and at the mercy of the weather, seafarers face extremely challenging conditions. Studies show that ships remain one of the most dangerous places to work, with casualty figures significantly higher for seafarers than for other occupational groups.

There have been many cases filed on injuries, disabilities, or death due to exposure to health and safety hazards. The global nature of seafarer's employment made it difficult to enforce appropriate laws that protect their rights. The nature of their work and lack of enforcement make them vulnerable to abuse, exploitation, and unfair labour practices.

The Response

In 2006, the maritime constituents of the International Labour Organization (ILO) adopted the Maritime Labour Convention, 2006 (MLC, 2006). The lack of standard laws, contracts, and collective bargaining agreements tend to be the main source of protection for seafarers but organized seafarers only cover 17-20 per cent of the maritime labour force since they are regularly contract workers. The MLC, 2006 is seemingly the saving grace of seafarers against cases of exploitation and safety hazards.

The MLC, 2006 is a response to the global nature of workers' employment in the maritime industry, to address the working and living conditions of seafarers. This sets minimum standards for decent work for seafarers. The MLC will facilitate formulation of enabling laws and policies that specifically focus on the special context, needs, and issues of Filipino seafarers.

The MLC, 2006 is primarily directed to flag States, and contains a wide range of requirements including inspection. If needed, this also include certification of ships and inspection of foreign flag ships when they enter a port (port State control), and other complementary responsibilities.

Meanwhile, the ILO adopted the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) that provides issuance of identity documents to seafarers with enhanced features to contribute to global maritime security.

The seafarers' identity documents will ensure that seafarers are able to go ashore to access welfare and other facilities and travel to and from their place of work.

Key Statistics

- The Philippines ranks as the top supplier of seafarers in the world, particularly ratings. Around 20 per cent of the 1.2 million on seafarers around the world are Filipinos.
- The remittances amount of Filipino seafarers reach up to US\$1 billion and contribute significantly to the national economy.
- Maritime schools and training centres in the country produce 20,000 graduates each year, but only a small percentage of these students actually find employment.

Objective

- To achieve both decent work for seafarers while securing economic interests in fair competition for quality shipowners.

Achievements

- A high level mission was held in November 2006 involving Philippine stakeholders in domestic and international shipping—government agencies, seafarers' unions, shipowners' associations, and manning agencies.
- The ILO supported the analysis of laws and policies in the Philippines that identified the ones that are in line with the provisions of MLC, 2006.
- Generally supporting the MLC Action Plan of the Philippines on MLC Summit where the Maritime Tripartite Council endorsed the ratification of the Convention (17 October 2011).
- Focused group discussions on MLC, 2006 and policy proposals with domestic shipowners in key areas such as Zamboanga City and Cebu (September-October 2011).
- Support provided to key government representatives to participate in Workshop on National Legal Implementation of the MLC, 2006 (26-30 September 2011).
- Approximately 40 representatives of government agencies, workers, and employers equipped with skills and knowledge on inspection established by the MLC, 2006 (11-14 July 2011).
- National and subnational consultations supplemented by technical advisory services specialists/experts on the MLC, 2006.



Local Context

The Philippines ranks as the top supplier of seafarers in the world, particularly ratings. One out of every five seafarers is a Filipino or approximately 20 per cent of the 1.2 million on seafarers around the world are Filipinos. More than one million Filipino seafarers are registered through the Philippine Overseas Employment Agency (POEA). Their remittances amount to US\$1 billion and contribute significantly to the national economy.

Maritime schools and training centres in the country produce 20,000 graduates each year, though only a small percentage of students actually find employment. Apparently, there is an urgent need to establish concrete protection for the Filipino seafarers.

The MLC will facilitate formulation of enabling laws and policies that specifically focus on the special context, needs and issues of Filipino seafarers. Consistent with its aim to protect the maritime sector, the Philippines took a leadership role at the Preparatory Technical Maritime Conference in 2004 and an active participant at the International Labour Conference in 2006 that adopted the Convention.

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Publications/Reference Materials

- Maritime Labour Convention, 2006 (CD and print versions)
- Guidelines for Flag State Inspections Under the Maritime Labour Convention, 2006
- Guidelines for Port State Control Officers Carrying Out Inspections Under the Maritime Labour Convention, 2006
- Maritime Labour Inspectors Training Package, 2009

Freedom of Association



International
Labour
Organization

The Challenge



Workers, particularly trade unions and employees' organizations, continue to face challenges at work. More than the economic aspect of their work, these workers also face cases of dismissals, harassments and even forms of violence that include killings of members and leaders. Their freedom to organize has been hindered by such conditions.

Freedom of Association (FoA) and right to Collective Bargaining (CB) are basic rights in the workplace and serve as protection for workers. These are also important elements of democracy contributing to sustainable economic and social development.

On the part of the International Labour Organization (ILO) there are two key Conventions that primarily uphold the said rights of workers: ILO Convention No. 87, Freedom of Association and Protection of the Right to Organize, 1948 and ILO Convention No. 98, Right to Organize and Collective Bargaining, 1949. The Philippine Government ratified both in December 1953. These were later translated into labour laws and policies.

While ratification is a significant gain, the actual implementation of the Conventions is the real benchmark of their effectiveness.

The Response

To help the Philippine Government comply with FoA principles, the ILO established procedures and supervisory bodies to provide the much-needed guidance.

The High-level Mission (HLM) visited the Philippines from 22-29 September 2009 and has completed its report for the ILO supervisory bodies. One of the important results arising from HLM is the identification of future areas for action on Convention No. 87 and the nature and shape of a technical assistance programme.

The ILO supports the Philippines in efforts to enhance the application of international labour standards to foster decent and productive work. The ILO continues its support to the Philippines to address points raised by the ILO Supervisory bodies.

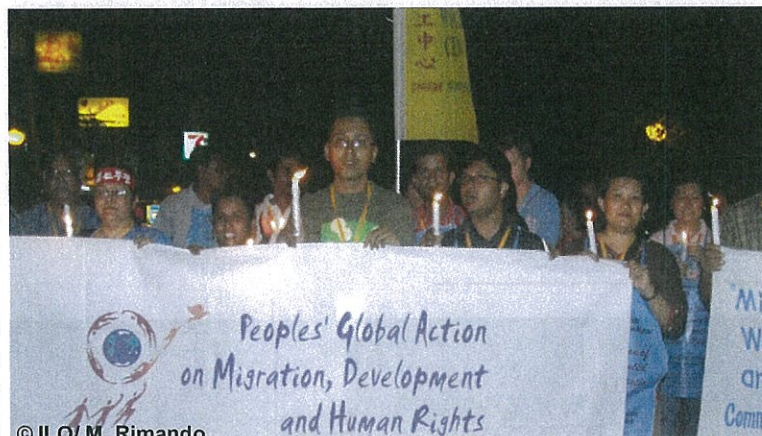
Combined resources of the ILO, including the proposed technical cooperation project, will cover both short- and long-term strategies including awareness raising, training, and capacity building strategies to support better implementation of Freedom of Association principles and civil liberties, social dialogue, industrial relations, collective bargaining, and voluntary dispute resolution mechanisms.

Strategies seek to widen its reach to more partners and institutions including, *inter alia*, the police and the military, stakeholders in economic zones, judges and lawyers, human rights bodies, and public service institutions—aside from the workers, employers, and Department of Labor and Employment (DOLE).

The strategies on FoA tackle other concerns on good labour market governance such as promotion of international labour standards, labour law and policy reforms, the promotion of good industrial relations, social dialogue, tripartism, and capacity building of workers and employers organizations.

Achievements

- There were 34 justices and 67 lawyers from the Supreme Court and Court of Appeals provided with knowledge to improve the use international labour law sources at the national level (November 2010).
- Fifty one arbiters, mediators, and conciliators from the DOLE were provided with knowledge to improve the use international labour law sources at the national level (November 2010).
- Thirty officials, including key officials in charge of ecozone security, from the Philippine Economic Zone Authority (PEZA) were given full training on techniques on conciliation, mediation, and arbitration (April 2010).
- Approximately 100 constituents from Mindanao, specifically from Regions XI, XII, and XIII were informed of the principles of freedom of association, collective bargaining and their links with civil liberties/human rights and were able to discuss strategies to advance investigation, prosecution and conviction (December 2010).
- One hundred representatives of government bodies from Cavite, Laguna, and Batangas—particularly PEZA and DOLE— and constituents representing Laguna, were informed on FoA/CB principles in the context of economic zones and were able to discuss issues and solutions (April 2010).
- One hundred constituents and government officials and constituents representing Tarlac, Bataan, Subic Bay Metropolitan Authority (SBMA), and Clark, Pampanga were informed on FoA/CB principles and links between FoA/CB principles and civil liberties/human rights in the context of economic zones (April 2010).
- Ninety four constituents and government officials from Visayas specifically from Regions VI, VII, and VIII, were informed of the principles of FoA/CB and their links with civil liberties/human rights and were able to discuss strategies to advance investigation, prosecution, and conviction (March 2011).



Updates

28 February 2011 – Updates on the implementation of follow-ups to the ILO HLM on ILO Convention 87, Freedom of Association and Protection of the Right to Collective Bargaining Convention, 1948.

18-29 July 2011 – Diagnostic tool on freedom of association and collective bargaining in the Filipino export processing sector.

21 July 2011 – Summit on the Protection and Promotion of Workers Rights (A Joint DOLE-AFP Project in Consultation with the ILO, which culminated

to the Signing of a Manifesto of Commitment towards a Joint and Collective Effort by the DOLE, Labour Sector, and Armed Forces (AFP) of the Philippines to Promote and Protect Workers Rights.

10, 12, and 14 October 2011— DOLE-Labour Sector-AFP-PNP Summit on the Protection and Promotion of Workers' Right to Self-Organization and Collective Bargaining, 2011 covering Visayas, Mindanao, and Luzon, respectively.

21-25 November 2011— International Labour Standards for Labour Commissioners and Arbiters in Dispute Settlement.

Relevant ILO Conventions and Recommendations

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

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