Working at sea: A survey on the working condition of Filipino seafarers in the domestic shipping industry

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Abbreviations

CBA	Collective Bargaining Agreement
CHED	Communication Commission on Higher Education
DOH	Department of Health
DOLE	Department of Labor and Employment
DOTC	Department of Transportation and Communication
FGD	Focus Group Discussion
ILC	International Labour Conference
ILO	International Labour Organization
ILS	International Labor Studies
MARINA	Maritime Industry Authority
MITC	Maritime Industry Tripartite Council.
MLC	Maritime Labour Convention
MTPDP	Medium-Term Philippine Development Plan
OSH	Occupational Safety and Health
Pag-IBIG	Home Development Mutual Fund
PhilHealth	Philippine Health Insurance Corporation
POEA	Philippine Overseas Employment Administration
PTMC	Preparatory Technical Maritime Conference
RORO	Roll-On Roll-Off
SRNH	Strong Republic Nautical Highway
SSS	Social Security System
STCW	Standard for Training, Certification, and Watchkeeping

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ABSTRACT

Discussions are on-going in the country for the ratification of the Maritime Labour Convention (MLC) 2006, a comprehensive code regarding seafarers' rights and obligations of States with respect to these rights. The Convention applies to seafarers working on-board ocean-going and inter-island vessels. However, small- and medium-sized shipping companies in the country have expressed apprehension on their capacity to comply with the standards contained in MLC, 2006. Without data on the working conditions on-board inter-island vessels, it is difficult to assess the validity of the issues raised by the shipowners.

In 2011, the Institute for Labor Studies (ILS), with the support of the International Labour Organization (ILO), completed a survey on the working conditions of Filipino seafarers in the domestic shipping industry. The survey covered 1248 seafarers working in vessels with homeports in Manila, Cebu, and Cagayan de Oro. It was conducted in close coordination with the members of the Maritime Industry Tripartite Council.

This report presents the results of the survey and relates it with the decent work framework derived from the MLC. This information is envisioned to serve as a basis for the: (a) formulation of policies and intervention strategies for the government and other stakeholders in the domestic shipping industry; and (b) the ratification of MLC, 2006.

1. INTRODUCTION

Filipino seafarers are known to be the best and most sought after in the global shipping industry. They are in demand to crew ships at sea – from luxury cruise ships to giant tanks. Thus, the Philippines have become the largest supplier of seafarers in the global labour industry, making it the manning capital of the world.[1]

Today, estimates claim that there are about half a million (500,000) registered Filipino seafarers. Almost 20 per cent of the total 1.23 million seafarers worldwide are Filipinos in ocean-going tankers, passenger vessels, reefer vessels, bulk, and chemical carriers of about 116 flags of registry. In 2010 alone, 347,150 Filipino seafarers were deployed all over the world based on Philippine Overseas Employment Administration (POEA) data.

The Philippine government ensures that international Filipino seafarers' rights and welfare are protected through compliance with labour standards. The POEA issued the Standard Terms and Conditions Governing the Employment of Filipino Seafarers on Board

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[1] Evangelista, Sonny. *Filipino seafarers face declining demand.* (Reprinted from CyberDyaryo, November 6, 2002.) OFW Journalism Consortium. March 15, 2006.

Ocean-Going Vessels for foreign employers which includes the following provisions: (a) the employer should comply with the stipulated terms and conditions of the contract, particularly the prompt payment of wages, remittance of allotment, and the expeditious settlement of valid claims of seafarers; (b) to make operational on-board the vessel the grievance machinery provided in the contract and ensure its free access at all times by the seafarer; and (c) to provide a seaworthy vessel for the seafarer and take all reasonable precautions to prevent accident and injury.[2]

With these labour standards, seafarers are accorded the necessary protection while on-board foreign vessels. According to a survey, the monthly salary of Filipino seafarers ranges between USD400 to USD3,000.[3] Occupational safety and health (OSH) standards in the vessels are in place to prevent accident and injuries and provide working conditions that are suitable for them. Social dialogue is in place through grievance mechanisms.

Furthermore, the inclusion of the Philippines in the white list of countries which have given full application of the Standard for Training, Certification and Watchkeeping (STCW) Convention) assures the international maritime community that the Filipino seafarers are competent and are products of a training and certification system that is compliant with the present international regulations.[4]

On the domestic front, however, little is known on the conditions of seafarers on-board domestic vessels. The focus has always been on maritime safety measures, international maritime security standards and development of domestic shipping, ship building, ship repair and ship breaking. What is available is data on the shipping industry but not on the human element of it- the domestic shipping workforce. Working conditions of seafarers have not been examined in detail.

Two reasons necessitate the need for data on the working conditions of seafarers on-board domestic ships. First, with the importance given to the maritime industry, it is but proper and just to also give value to the work life of the seafarers on-board local ships or vessels. Data needs would include training and education background, recruitment and placement, terms and conditions of employment, working conditions, social protection including safety and health, unionism and collective bargaining, and social dialogue mechanisms. Knowing these will aid the Department of Labor and Employment (DOLE) and other government agencies involved in maritime affairs in formulating the necessary policies or programmes to ensure that local seafarers' rights are protected and advanced.

Secondly, discussions are on-going in the country for the ratification of the MLC, a comprehensive code regarding seafarers' rights and the obligations of States with respect to these rights. It sets minimum standards on working conditions of seafarers such as the minimum age for work on-board ships, hours of work, OSH protection, accommodation and catering, access to medical care, repatriation, labour inspections, and social security. The Convention applies to both international and local seafarers of a country.

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[2] Binghay, Virgel. Ensuring *Occupational Health and Safety for Filipino Seafarers.* School of Labor and Industrial Relations.

[3] Ibid.

[4] POEA website

a) The domestic shipping industry: A brief profile

In 2010, the Maritime Industry Authority (MARINA) placed the total number of merchant vessels in the Philippines at 4,763. This is 4 per cent lower than the 2000 figures that show that there were 4,931 merchant vessels in the country. From the profile of the inventoried fleet (Tables 1 and 2), there is a predominance of passenger vessels in terms of number. Passenger vessels accounted for 32 per cent and 55 per cent of the total number of merchant vessels in 2000 and 2010, respectively.

Table 1. Number of domestic operating fleet by type of service and by tonnage group and average GRT, 2000

Types of service	Number of vessels	%	Total GRT	Average GRT	Average age
Passenger ferry	283	5.7	14,480	51.17	11.04
Passenger-cargo	1,297	26.3	446,109	344.22	9.48
General cargo	1,409	28.6	523,391	371.99	14.56
Container	27	0.5	71,896	2,662.82	22.24
Liquid cargo/lighterage	31	0.6	12,725	410.5	18.26
Barging	153	3.1	84,890	554.84	17.24
Tanker	198	4.0	176,951	893.69	16.54
Towing/Salvage	437	8.9	36,449	83.6	19.9
Pleasure	90	1.8	2,032	22.59	8.62
Pilotage	9	0.2	126	14.03	30.25
Others	996	20.2	40,797	41.16	7.42
No information	1	0.0	14	14.5	10
Total	**4,931**	**100.0**	**1,409,864**	**286.85**	**12.89**

Source: 2010 Vessel Information System, MARINA.

Table 2. Number of domestic operating fleet by type of service and by tonnage group and average GRT, 2010

Types of service	Number of vessels	%	Total GRT	Average GRT	Average age
Passenger	2,640	55.43	501,572.57	189.99	10.80
Cargo	1,435	30.12	850,810.77	592.90	19.29
Tanker	174	3.65	161,611.31	934.17	19.29
Tug	367	7.7	36,372.72	99.11	27.46
Dredger	12	0.25	5,695.23	474.60	26.00
Yacht	2	0.0	37.30	18.65	7.50
High speed craft	0	0.0	0	0	0
Special purpose ship	12	0.25	3,647.61	304.00	18.82
Miscellaneous ship	45	0.94	8,943.18	198.74	12.62
Others	70	1.47	9,783.11	139.76	20.14
No information	6	0.13	35.17	7.03	1.80
Total	**4,763**	**100.0**	**1,578,507.97**	**213.90**	**15.18**

Source: 2010 Vessel Information System, MARINA.

Although the number of vessels in 2010 decreased when compared to the vessels in 2000, total gross tonnage still increased by 12 per cent. The average age of vessels, meanwhile, increased from 12.89 years in 2000 to 15.18 years in 2010.

Based on a more recent data from MARINA (Table 3), approximately 70 per cent of merchant domestic vessels in the country have gross tonnage below 200 while the remaining 30 per cent have gross tonnage above 300.

Table 3. Matrix of ships operating in the domestic trade

Types of service	Total	Below 200 GRT	Above 200 GRT
Passenger	2,173	1,830	343
Cargo	1,202	502	700
Tanker	168	19	149
Tug	262	225	37
Dredger	5	-	5
Yacht	2	2	0
High speed craft	0	-	0
Special purpose ship	8	5	3
Miscellaneous ship	34	24	10
Others	725	614	11
No information	1	1	0
Total	**4,580**	**3,222**	**1,358**

Source: www.amsa.gov.au/mlcconference

Major homeports, excluding homeports of fishing vessels (Table 4), are found in Manila (23.2 per cent), Cebu (13.4 per cent), Batangas (6.85 per cent), Pangasinan (5.59 per cent) and Cagayan de Oro City (3.59 per cent). Homeports are of significance to seafarers because it dictates the minimum wage.

Table 4. Number of domestic operating fleet by homeport and by type of operation, 2010

Homeport	Total	% share	Type of operation		
			Liner	Tramper	No info
Agusan Del Norte	49	1.03	26	15	8
Aklan	167	3.51	153	4	10
Albay	101	2.12	45	45	11
Antique	5	0.11	4	1	-
Batanes	8	0.17	7	1	-
Batangas	326	6.85	172	146	8
Bohol	140	2.94	80	7	53
Bulacan	0	0	-	-	
Cagayan	171	3.59	157	10	4
Camarines Norte	1	0.02	-	1	-
Camarines Sur	68	1.43	35	33	-
Camiguin	0	0	-	-	-
Capiz	3	0.06	3	-	-
Catanduanes	17	0.36	2	14	1

Cebu	639	13.4	234	283	122
Davao del Sur	13	0.27	4	6	3
Davao Oriental	1	0.02	-	-	1
Eastern Samar	1	0.02	1	-	-
Ilocos Norte	0	0	-	-	-
Ilocos Sur	6	0.13	-	6	-
Iloilo	90	1.89	33	18	39
Isabela	9	0.19	6	3	-
La Union	106	2.23	61	43	2
Laguna	3	0.06	3	-	-
Lanao del Norte	12	0.25	5	5	2
Leyte	50	1.05	17	15	18
Maguindanao	29	0.61	5	22	2
Manila	1106	23.2	81	740	285
Marinduque	11	0.23	11	-	-
Masbate	200	4.2	143	54	3
Misamis Oriental	15	0.32	13	-	2
Negros Occidental	85	1.79	7	6	72
Negros Oriental	66	1.39	39	9	18
Northern Samar	8	0.17	3	5	-
Occidental Mindoro	44	0.92	29	15	-
Oriental Mindoro	139	2.92	132	4	3
Palawan	155	3.26	141	13	1
Pangasinan	266	5.59	232	28	6
Quezon	188	3.95	113	72	3
Rizal	4	0.08	2	-	2
Romblon	87	1.83	76	11	-
Samar	32	0.67	22	1	9
Sorsogon	39	0.82	23	16	-
South Cotabato	28	0.59	4	14	10
Southern Leyte	6	0.13	3	-	3
Sultan Kudarat	1	0.02	1	-	-
Sulu	1	0.02	-	1	-
Surigao del Norte	148	3.11	84	19	45
Surigao del Sur	2	0.04	-	-	2
Tawi-Tawi	2	0.04	-	2	-
Zambales	17	0.36	5	4	8
Zamboanga del Norte	0	0	-	-	-
Zamboanga del Sur	90	1.89	33	52	5
2nd District Metro Manila	1	0.02	-	-	1
No information	4	0.08	2	1	1
Total	**4,760**	**100.0**	**2,252**	**1,745**	**763**

Source: 2010 Vessel Information System, MARINA.

b) Key issues in the domestic shipping industry

The problem of the domestic shipping industry can be viewed from two perspectives. The 1998 Situation Report of the state of the Philippine domestic shipping industry identified these problems as a function of one's role in the industry. The general public who avails of domestic shipping service, complain of poor passenger, and cargo service standards, as well as inefficient operations. Shipowner and operators, on the other hand, see restrictive government regulations, absence of financial assistance and lack of better port facilities as hindrances to development within the industry.[5]

In the Medium-Term Philippine Development Plan (MTPDP) 2004-2010, the development of the country's transport infrastructure, particularly the nautical highway system and roll-on roll-off (RORO) terminal was pursued. It was aimed at the decentralization of progress and development of by providing opportunities for growth both for the domestic shipping industry and the areas near Metro Manila. Not only did the Strong Republic Nautical Highway (SRNH) resulted in economic gains, is also reduced travel time by around 12 hours and reduced transport cost by 34-43 per cent for passengers and 24-34 per cent for cargo.

The concern of shipowners and operators were addressed in 2004 through the enactment of Republic Act 9295 entitled an "Act Promoting the Development of Philippine Domestic Shipping, Shipbuilding, Ship Repair and Ship Breaking, Ordaining Reforms in Government Policies and for Other Purposes". The law deregulated the domestic shipping industry by allowing domestic operators to set their own passenger or cargo rates to promote investments and efficiency in operations in the industry. The MARINA also entered into a Memorandum of Agreement with the Development Bank of the Philippines in 2008 to provide loan facilities to qualified shipowners who are interested in the acquisition of RORO ships to be deployed in SRNH routes. This is in pursuit of the domestic fleet modernization programmer of MARINA.

Maritime safety was also at the core of policies during the last cycle of the MTPDP. There was a conscious effort to reduce the occurrence of maritime accidents resulting in the loss of lives and damage to property as well as the environment. Strict monitoring and compliance of ships in the domestic trade were actively pursued by MARINA, Philippine Coast Guard, Maritime Group of the Philippine National Police, Union of Local Authorities of the Philippines, and the Liga ng mga Barangay.

It can be noted that major developments in terms of shipbuilding, repair, and modernization was seriously pursued from 2000 onwards and culminated with the formulation and endorsement by the Office of the President of the Comprehensive Development Plan for the Philippine Shipbuilding and Ship Repair Industry in December 2007.

While the stakeholders in the Philippine domestic shipping industry were preparing for modernization, the tripartite maritime actors in the ILO were the existing body of ILO's standards concerning maritime labour and consolidating there as a response to the changes taking place in the global shipping industry.

c) Maritime Labour Convention, 2006

The Ninth Maritime (1996) Session of the International Labour Conference was instrumental in the adoption of instruments that laid the foundation of the MLC 2006. In that session the following instruments were adopted: Labour Inspection (Seafarers) Convention, 1996 (No. 178) and the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185); Recruitment and Placement of Seafarers Convention, 1996 (No. 179) and the Recruitment and

[5] The Domestic Shipping Industry of the Philippines: A Situation Report. Emerson M. Lorenzo, Director, Domestic Shipping Office, Maritime Industry Authority.

Placement of Seafarers Recommendation, 1996 (No. 186); Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180) and the Seafarers' Wages, Hours of Work, and the Manning of Ships Recommendation, 1996 (No. 187); and the Protocol of 1996 to the Merchant Shipping (Minimum Standards)Convention, 1976 (No. 147).[6]

In 2001, the Joint Maritime Commission recommended to convene a Preparatory Technical Maritime Conference (PTMC) to prepare a first draft of the new Convention that will review relevant ILO maritime instruments and respond to the impact of the changes in the structure of the shipping industry to the living and working conditions of seafarers. The resolution adopted by the Commission also called for the establishment of a High-level Tripartite Working Group comprised of 12 representatives each from the government, shipowners and seafarers.

In March 2004, the Governing Body of the International Labour Office decided to place the adoption of an instrument to consolidate maritime labour standards on the agenda of a Maritime Session of the International Labour Conference. The rationale for the said is instrument is provided below:

> The new Convention, the proposed consolidated Maritime Labour Convention, has been designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key conventions of the IMO: the International Convention for the Safety of Life at Sea (SOLAS), 1974,as amended, the International Convention on Standards of Training, Certification and Watchkeeping (STCW), 1978, as amended, and the International Convention for the Prevention of Pollution from Ships (MARPOL), 73/78. It will contain a comprehensive set of global standards, based on those provided for in existing maritime labour instruments. Such a set of standards will necessarily contribute to the achievement of decent employment and social conditions throughout the industry worldwide. This ambitious objective will be achieved through the early ratification of the Convention by majority of nations active in the maritime sector.[7]

The Convention was specifically structured in such a way that the principles and rights are firmly laid down, allow Members a considerably degree of flexibility in implementation and ensure that there is proper enforcement and compliance of the principles and rights.

The MLC 2006 covers five general areas of concern. It is organized with the Articles coming first, followed by the Regulations and Code to allow to instantly determine the scope of a particular Regulation and related obligation. The titles are as follows:

Title 1: Minimum requirements for seafarers to work on a ship
Title 2: Conditions of employment
Title 3: Accommodation, recreational facilities, food, and catering
Title 4: Health protection, medical care, welfare, and social security protection
Title 5: Compliance and enforcement.

[6] Report of the Chairperson of the Governing Body to the 94th (Maritime) Session of the International Labour Conference
[7] Report 1A. Report of the Chairperson of the Governing Body to the 94th (Maritime) Session of the International Labour Conference

It was during the 94th (Maritime) Session of the International Labour Conference (ILC) the teeth Maritime Session, that the MLC, 2006 was adopted. The ratification prerequisites recognize the importance that the representatives of the governments, seafarers, and shipowners concerned placed on the need to achieve “on the ground” or “real” change for the sector through global standards that are effectively implemented.[8] It will come into force 12 months after ratification by at least 30 ILO member countries with a total share of at least 33 per cent of the world’s gross tonnage of ships.

There are 22 ILO Member-States have now ratified the MLC which includes Australia, Bahamas, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Denmark, Gabon, Liberia, Marshall Islands, the Netherlands, Norway, Panama, Saint Vincent, and the Grenadines, Spain, Switzerland, and Singapore. While the first requirement for entry into force of the Convention has already been attained – coverage of 33 per cent of the world’s gross tonnage – eight ratifications by Member-states are still needed.[9]

d) Research objectives

While the Philippine government and other stakeholders are highly supportive of the Convention as it will protect the Philippines’ seafarers aboard foreign ships, local shipping owners have raised their apprehensions on their capacity to comply to the minimum labour standards.

During the detailed discussion prior to the adoption of MLC 2006, shipowners in the Philippines expressed the view that ships in the country are not involved in international voyages and should be excluded completely from the coverage of the Convention since domestic vessels were appropriately covered by national laws. Shipping companies (particularly the medium and small ones), according to them, will be adversely affected by the ratification of the Convention and violations filed against the country as Flag State.

Without baseline data on the total number of local seafarers and their situation on-board inter-island vessels, it is difficult to assess the validity of the claim of shipowners that ratification will lead to undesirable consequences. Thus, there is a need to come up with a description of the working conditions of local seafarers to help the government in making the necessary decisions on the specific provisions of the Convention.

Specifically, the study aims to:

1. Examine and determine the working and living conditions of Filipino seafarers on-board domestic ships vis-à-vis the decent work concept as embodied in the MLC 2006 in terms of the following:
    a. Minimum requirements of seafarers to work on a ship (age, medical certification, training, and qualification.
    b. Conditions of employment (contract of employment, wages, hours of work and hours of rest, leave privileges, repatriation, seafarers’ compensation for the ship’s loss or foundering, manning levels, career and skills development, and opportunities for seafarers’ employment).
    c. Accommodation, recreational facilities, food, and catering.

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[8] Maritime Labour Convention, 2006. Action Plan 2006–2011. International Labour Organization

[9] Retrieved from: http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byConv.cfm?hdroff=1&conv=C186&Lang=EN

d. Health protection, medical care, welfare, and social security protection (medical care on-board ship and ashore, shipowners' liability, health and safety protection, and accident prevention, access to shore-based welfare facilities.
e. Voice and representation.

2. Identify decent work deficits issues in the domestic vessels; and,

3. Recommend policies and programmers to realize a decent working and living conditions on domestic ships.

The study will assess the application of rights at work, employment opportunities and income, social protection, and social dialogue. The data will serve as basis for the development of labour standards for seafarers and as inputs to the discussion on the country's capacity to ratify the Maritime Labour Convention.

2. METHODOLOGY

The research is descriptive in nature and used the qualitative and quantitative method for gathering information such as survey questionnaires, interviews and focus group discussions.

Focus group discussions (FGDs) among the seafarers, officers, and ratings, in passenger, cargo, and tanker vessels were conducted in the three home ports. The participants in the FGD represented the various shipping companies in Cebu, Manila, and Cagayan de Oro.

Shipowners or representatives of the shipping company were also interviewed regarding the policies that are implemented within the company. Other key informants like union leaders, government officials, and experts in the domestic shipping industry were also interviewed and provided additional insights.

a) Survey sampling plan

A sample survey was conducted to collect information on the working conditions of Filipino seafarers in the domestic shipping industry from August to November 2011. Majority of the questionnaires were administered through face-to-face interviews with the targeted respondents but a certain percentage were coursed through the Human Resource and/or Crewing Managers of various shipping companies.

b) Target population

The target population are seafarers working in domestic merchant fleets with homeports in Manila, Cebu, and Cagayan de Oro (Table 5). The study made sure that the target population in each homeport represented the different categories of vessels to ensure that passenger, cargo, tug, and tanker vessels have been covered.

A total of 625 were targeted to be sampled through the assistance of the members of the Maritime Industry Tripartite Council (MITC). This sample size for the survey is a function of the desired margin error which is 0.04 per cent. Thus, there was a need to attempt to produce estimates of seafarers working in Cebu, Manila, and Cagayan de Oro to have a sufficient sample size in a specified to produce rough estimates for the same area.

Table 5. Estimate of the total number of seafarers in Manila, Cagayan de Oro, and Cebu based on the vessel information system and the minimum safe manning for ships in the domestic trade[10]

Types of Ships	Total[2]	Average GRT	No. of required seafarers in the engine department[3]	No. of required seafarers in the deck department[4]	Total Number of Seafarers
Passenger	437	814.57	6	6	5244
Cargo	547	1035.08	7	7	7658
Tanker	113	915.82	5	5	1130
Tug	464	292.16	4	5	4176
Dredger	8	472.88	4	5	72
Yacht	100	171.44	2	0	200
High Speed Craft	0	0	0	0	0
Special Purpose Ship	8	158.14			
Miscellaneous Ship	7	768.38			
Others	45	76.58			
No Information	14	205.2			
TOTAL	1746				**18,480**

The choice of the targeted sample size of 625 was arrived at using the Slovin's Formula.

n = N/1+(N*e^2)
n = 18480/1+(18480)(0.03)^2
n = 18480/(1+ (18480)(0.00)
n = 18480/1+ (16.632)
n = 18480/17.632
n = 1048

where n: sample size
N: sample population
e: margin of error (0.04)

Consideration as to the vessels' gross tonnage and length of duration were also made in the selection of seafarers to be included in the study. This is specifically relevant in the case of Cagayan de Oro because while it only accounted for only 3.59 per cent of the vessels in the domestic shipping industry, it had a relatively high percentage of vessels with a gross tonnage of above 200.

[10] The estimate was arrived at by using the Vessel Information System and the minimum safe manning requirements as contained in the Philippine Merchant Marine Rules and Regulations (PMMR).

c) Actual distribution of survey respondents

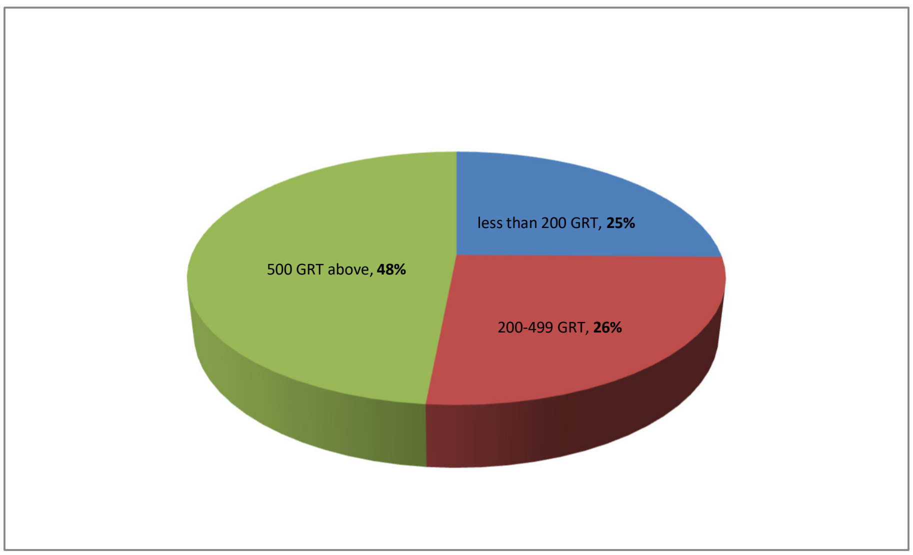
The survey team was able to successfully interview a total of 1,248 respondents. Table 6 shows the distribution of respondents by category and sex. There were 350 are Deck and Engine Officers, Person with disability (PWD) respondents in Makati City, 634 are Deck and Engine Crews and 264 apprentices who participated in the survey.

Table 6. Distribution of respondents by category

Position	Total
Deck and Engine Officers	350
Deck and Engine Ratings	578
Others	55
Apprentice	264
Not reported	1
Total	1248

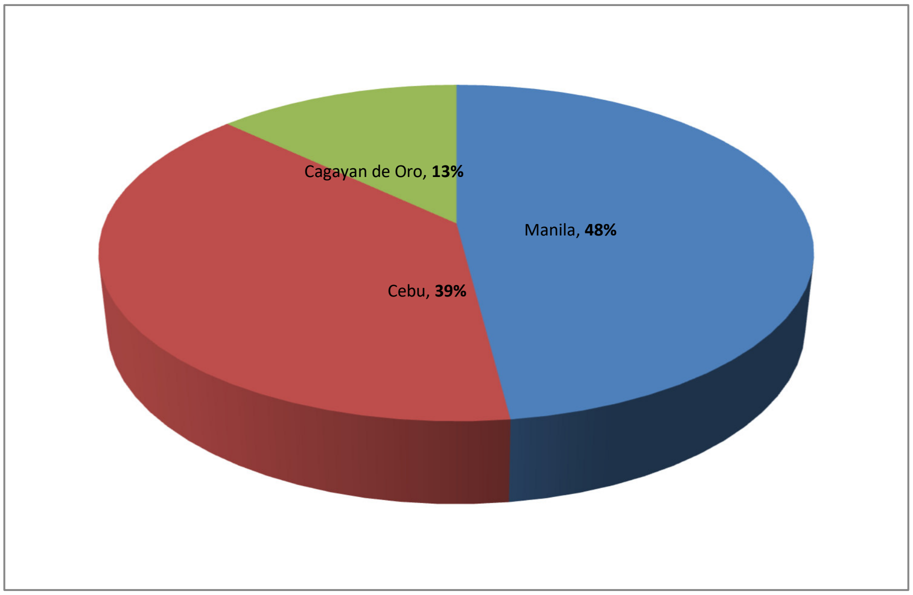
A total of 107 vessels representing 33 companies participated in the survey. 25 per cent of the vessel have a gross tonnage of less than 200, 26 per cent have a gross tonnage between 200-499, while the remaining 48 per cent have a gross tonnage of above 500 (Figure 1).

Figure 1. Distribution of vessels by tonnage group (in % share)



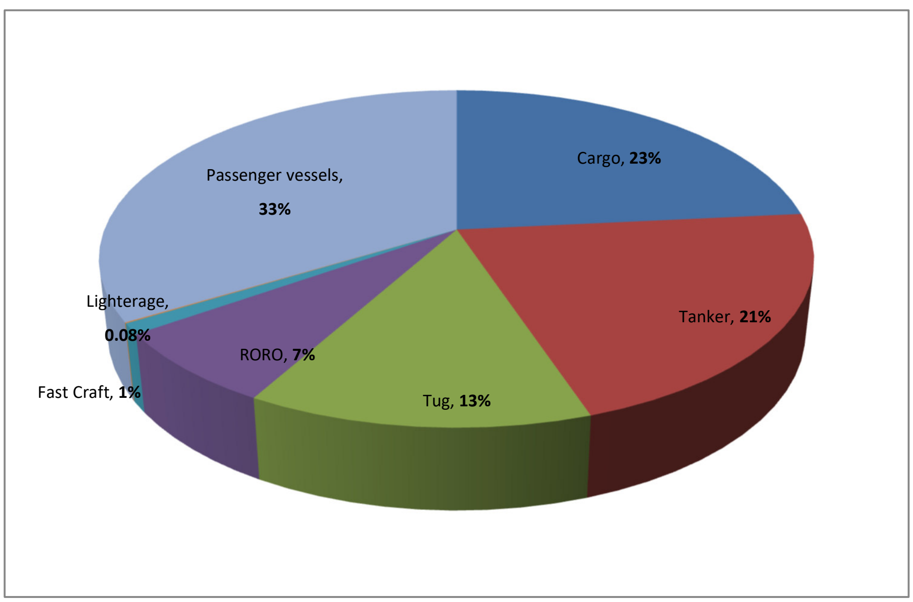
Vessels with homeports in Manila accounted for 47.98 per cent of the total number of vessels while vessels with homeports in Cebu account for 39.02 per cent. Thirteen per cent of the vessels were homeported in Cagayan de Oro. The distribution of vessels in the survey follows the logic of the actual number of vessels with homeports in Manila, Cebu, and Cagayan de Oro. Manila is most represented according to the registry and thus has the most number of respondents (Figure 2).

Figure 2. Distribution of vessels by homeport (in % share)



Of the 107 ships, 33 per cent are passenger vessels, 23 per cent are cargo vessels, 21 per cent are tankers, 13 per cent are tugs, 7 per cent are RORO vessels, 1 per cent are fast crafts and the remaining less than 1 per cent are barges and trampers and dredgers (Figure 3).

Figure 3. Distribution of vessel by type of service (in % share)



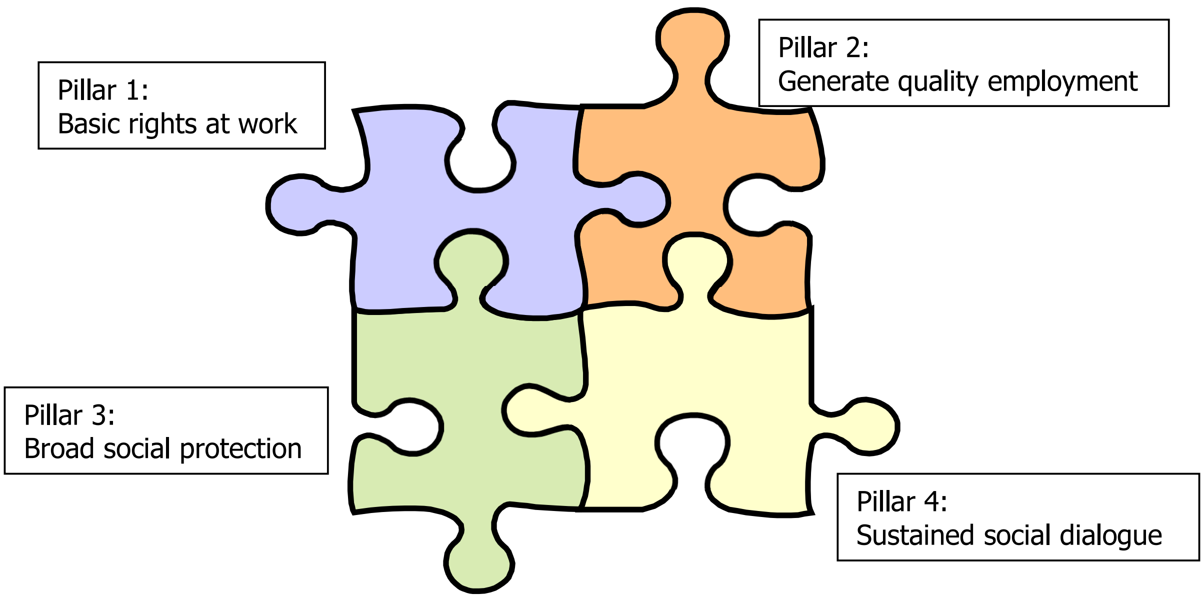
While the survey covered 1,248 respondents, 264 were apprentice mates. Their responses to the survey questionnaire were excluded in the tabulation of responses since some of the questions, such as social security protection, leave benefits, and collective bargaining agreement, did not apply to them.

The actual number of respondents that were tabulated went down from 1,248 to 984 which is 6.5 per cent short of the target sample size of 1,048.

3. DECENT WORK AND MARITIME LABOUR CONVENTION, 2006

The Decent Work concept was formulated by the ILO constituents – government, employers, and workers – as the "sums up the aspiration of people in their working lives". It is held together by the so-called "Four Pillars of Decent Work" (Figure 4)

Figure 4. Decent work agenda[11]



These pillars are the necessary conditions that should exist in order for work to be considered decent. Pillar 1 is aimed at promoting and realizing standards, fundamental principles and rights at work. Pillar 2 is intended to create greater opportunities for women and men to secure decent employment and income. Pillar 3 is geared toward enhancing the coverage and effectiveness of social protection for all. Pillar 4 promotes and strengthens tripartism and finding a common voice. Decent work is achieved when rights are respected; employment is secure and available; effects of work uncertainties and risks are minimized; views are freely exchange, consensus-building and cooperation is pursued; and discrimination is absent and equality is operational.

The ILO's Maritime Labour Convention, 2006 envisions to provide decent work for seafarers. The Convention helps to ensure that all seafarers, regardless of their nationality and the flag of the ship, receive decent working and living conditions (Figure 5)

[11] Decent Work Framework. Shigeru Wada. ILO Bangkok.

Figure 5. Decent work framework and MLC provision

The study examined the working conditions of the Filipinos seafarers in the domestic shipping industry using the decent work framework as embodied in MLC 2006. The titles and regulations of the convention were categorized according to the pillars of decent work and served as the basis for constructing the survey questionnaire.

The next section will employ this framework as basis for the presentation of the survey results and identification of decent work deficits in the domestic shipping industry.

4. PRESENTATON OF SURVEY RESULTS

a) Profile of respondents

Looking into the disaggregation of respondents by sex and rank, almost 96 per cent of the respondents are male. Female seafarers are either part of the crew as stewards, food attendants, and spa attendants. None of the 43 female seafarers who answered the survey was an officer. There was also no female apprentice on-board (Table 7).

Table 7. Distribution of respondents by category and sex

Position	Total	Male	% share	Female	% share
Deck and engine officers	350	350	35.57	0	0
Deck and engine ratings	578	550	55.89	28	2.85
Others	55	41	4.17	14	1.42
Not reported	1	0	0	1	0.1
Total	**984**	**941**	**95.63**	**43**	**4.37**

b) Minimum requirements

Age

The survey results reveal that no person less than the age of 17 is working on-board domestic vessels. The almost 13 per cent who did not report their age, based on observation during the ship visits, are those who are over 65 years old (Table 8).

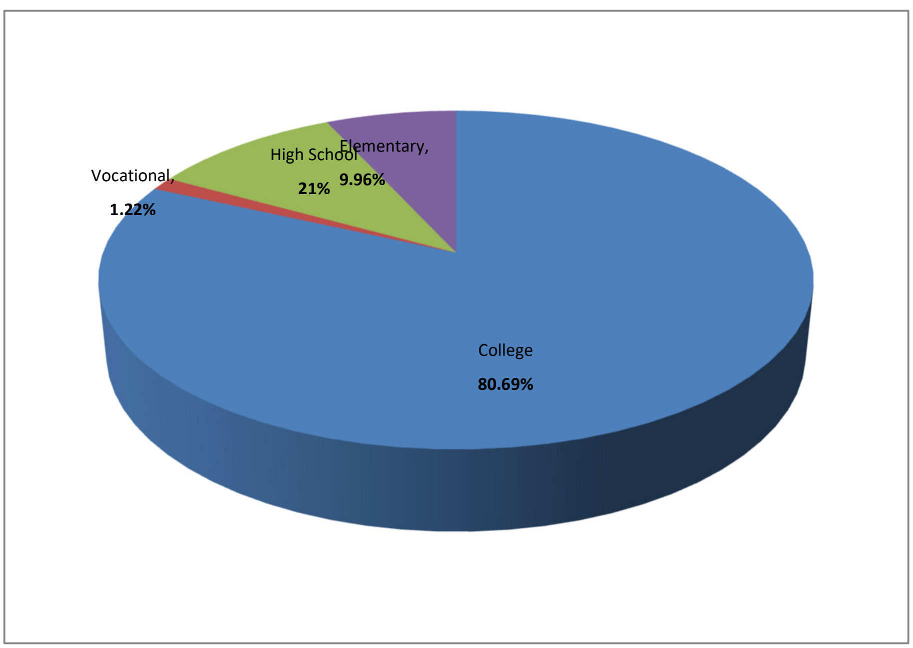
Table 8. Age and sex of respondents

Age group	Total (%)	Male	Female
17 – 24	12.5	10.37	2.13
25 – 34	27.13	25.41	1.72
35 – 44	20.83	20.83	0
45 – 54	14.43	14.43	0
55 – 64	10.26	10.26	0
65 and over	1.93	1.93	0
Not reported	12.91	12.5	0.41
Total	100	95.73	4.24

Education

The majority, 80.69 per cent are either college level or have completed their college degree. The majority of those who reached high school work as bosom, stewards, and ordinary sailors while majority of those who completed vocational courses work as cooks (Figure 6).

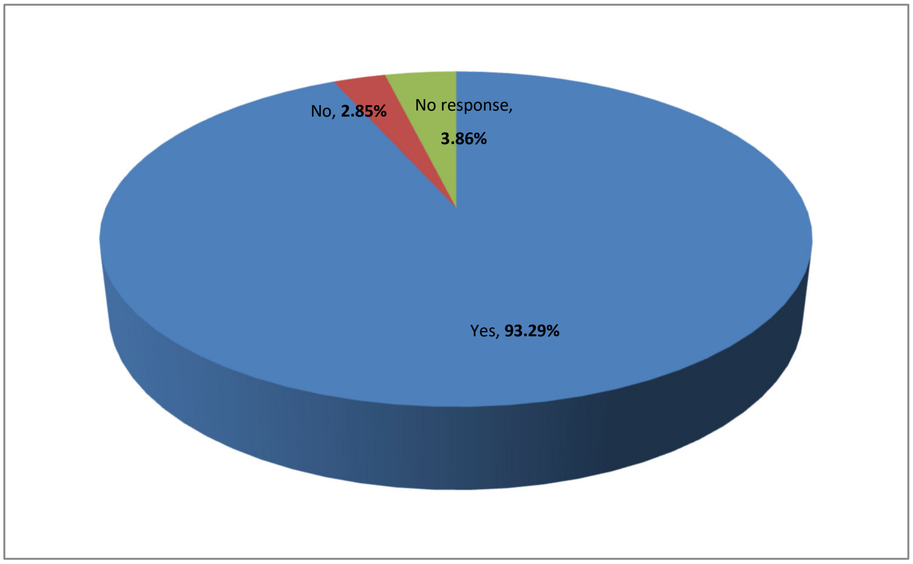
Figure 6. Educational attainment of respondents (in % share)



Medical certificate

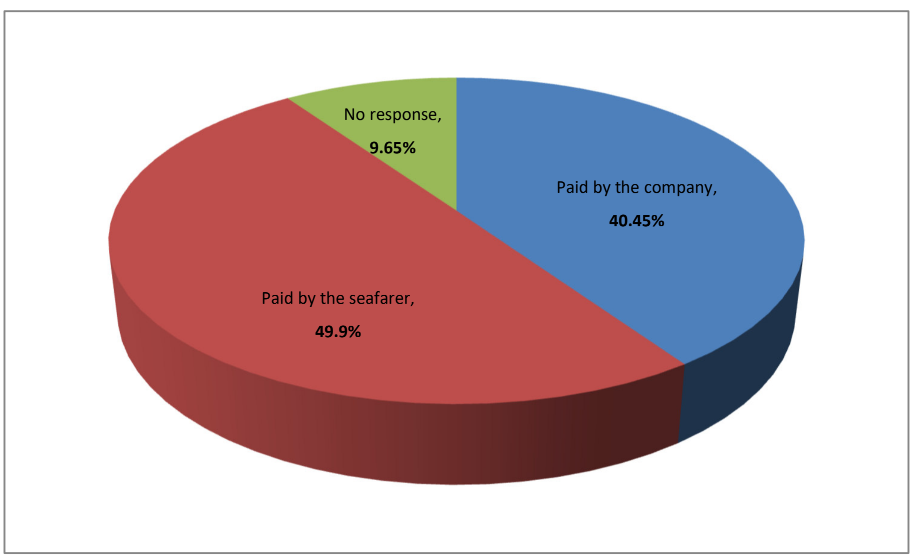
93 per cent of the respondents were required to submit medical certificates. Some of the older seafarers, those who are over 65 years old who were hired as deck and engine officers were no longer required to take the medical examination. Shipping companies were hesitant to subject them to medical examination thinking the result of the examination may not declare these seafarers as medically fit for work given their age (Figure 7).

Figure 7. Requirement of a medical certificate (in % share)



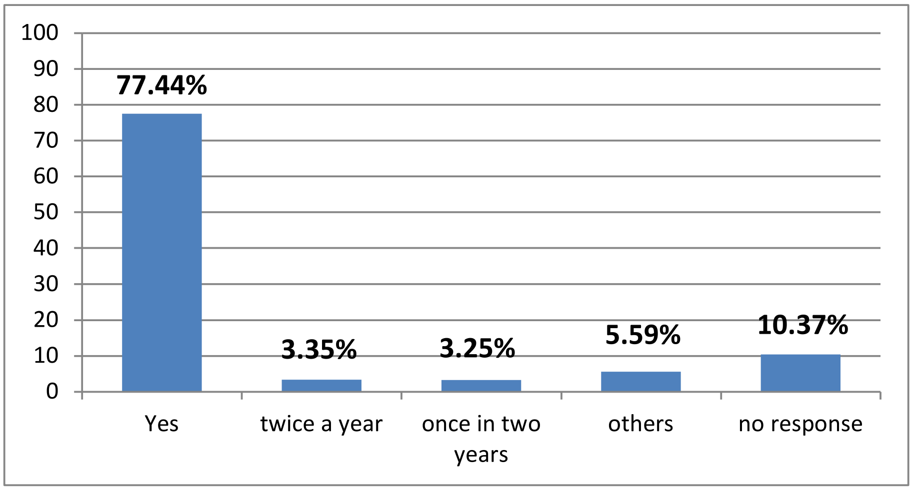
Survey results also showed that 50 per cent of those who were required to take the medical examination shouldered the cost of the examination (Figure 8).

Figure 8. Cost of the medical examination (in % share)



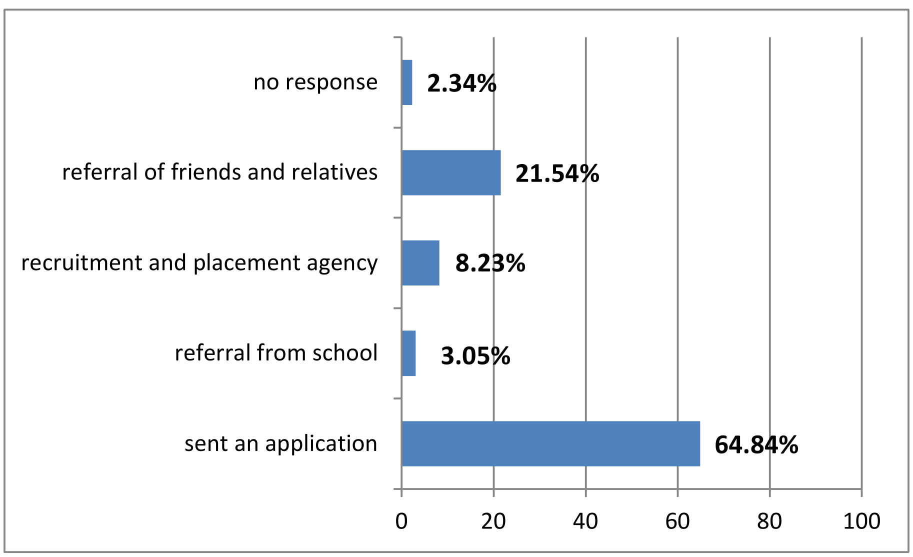
The frequency of examination depends on the duration of the seafarer's contract (Figure 9). Regular employees tend to undergo medical examination once a year or once in two years while those who are under contractual agreements, claim that they undergo medical examination twice or three times a year.

Figure 9. Frequency of medical exam (in % share)



Different modes of acquiring the job were utilized by the seafarers and it can be noted that more than 8 per cent of the respondents were place by recruitment and/or manning agencies. Although most of the respondents have utilized the conventional means of applying for a job, such as submitting their application to the HR/Crew management of shipping companies, there is an indication that recruitment and placement agencies/manning agencies have extended their placement services to the domestic shipping industry (Figure 10).

Figure 10. Mode of placement and recruitment (in % share)



Majority of the seafarers who went through manning agencies are working on-board vessels with 500 GRT and above. All of those who were placed by manning agencies claim to have paid placement fees in order for their application to be processed.

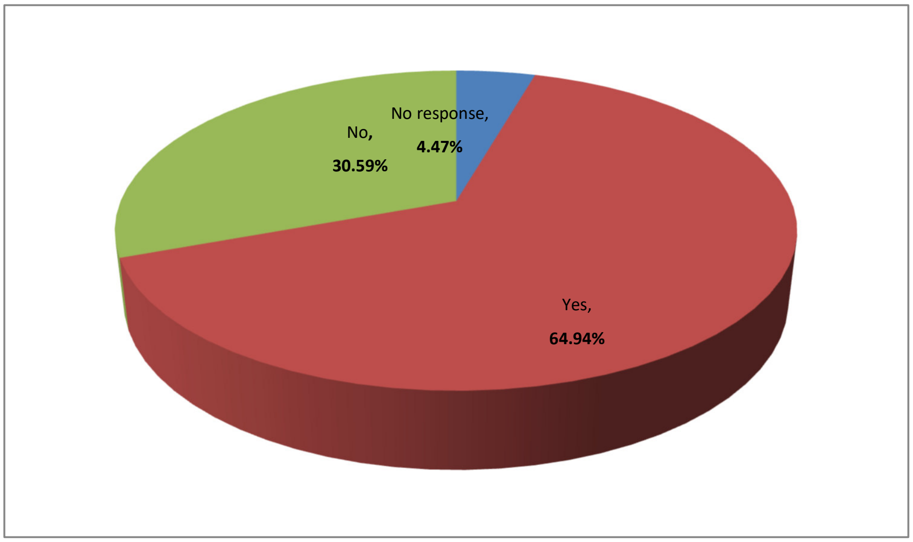
Overall, there are no observed differences in practices pertaining to minimum requirements demanded from seafarers willing to work in the domestic shipping industry in relation to the size and nature of the vessel.

b) Conditions of employment

Employment agreement

Almost 65 per cent of the respondents have an existing employment agreement or employment contract. These take the form of the written employment contract, embarkation order, and verbal agreement (Figure 11).

Figure 11. Presence of an employment agreement or employment contract between the seafarer and the employer (in % share)



A cross tabulation of the vessels' gross tonnage and the existence of an employment agreement reveals that majority of the vessels, regardless of their tonnage, enter into an employment agreement. However, the practice of utilizing an employment agreement is most prominent among vessels with above 500 gross tonnage (Table 9).

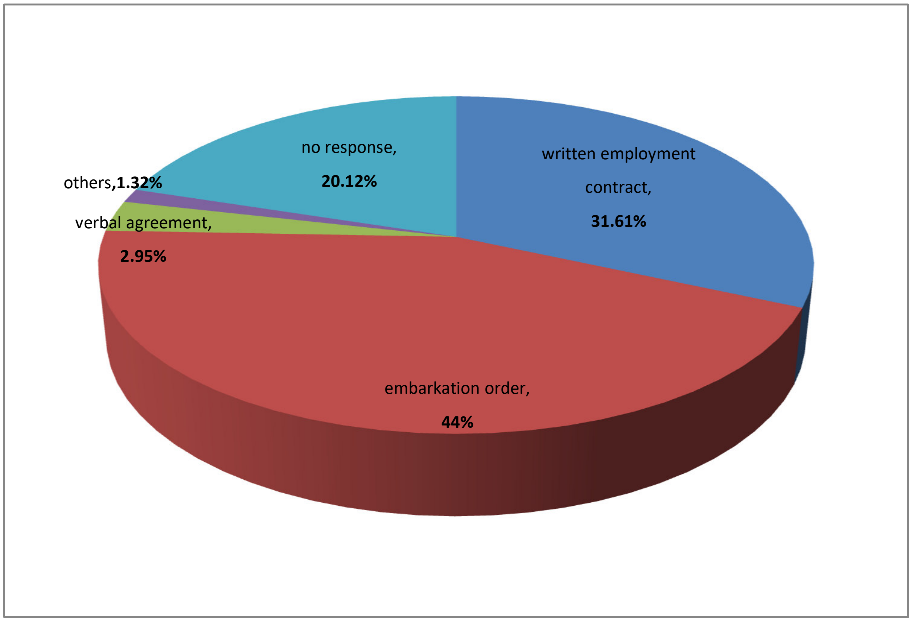
Table 9. Nature of the employment agreement by gross tonnage

Gross tonnage	Was there an employment agreement or employment contract between the seafarers and the company?				
	Yes	%	No	No response	Total
Less than 200 GRT	76	56	53	6	135
200–499 GRT	146	57	95	17	258
500 GRT and above	417	**71**	153	21	591

Type of employment agreement/arrangement

Only 31.6 per cent of the respondents have written employment contracts. It is important to note, however, that during the FGD, a number of seafarers who said that they do not have written contracts are already regular employees. Some of them tend to interpret the existence of a written contract as limited to seafarers who are hired on a contractual basis (Figure 12).

Figure 12. Type of employment agreement (in % share)



A greater percentage of seafarers, 44 per cent, are provided with embarkation orders. The existence of embarkation order does not necessarily mean, however, that there is an absence of an employment contract. All crew members on-board the ship are required by MARINA and the Philippine Coast Guard to be issued an embarkation order. But it was observed that in some shipping companies, the embarkation order serves as the employment contract of the seafarer.

A cross tabulation of the gross tonnage and the nature of the employment contract shows that the embarkation order is the most prevalent form of the employment agreement across the different tonnage groups. The employment contract, on the other hand, is almost as widely used as the embarkation order in vessels with 500 gross tonnage and above.

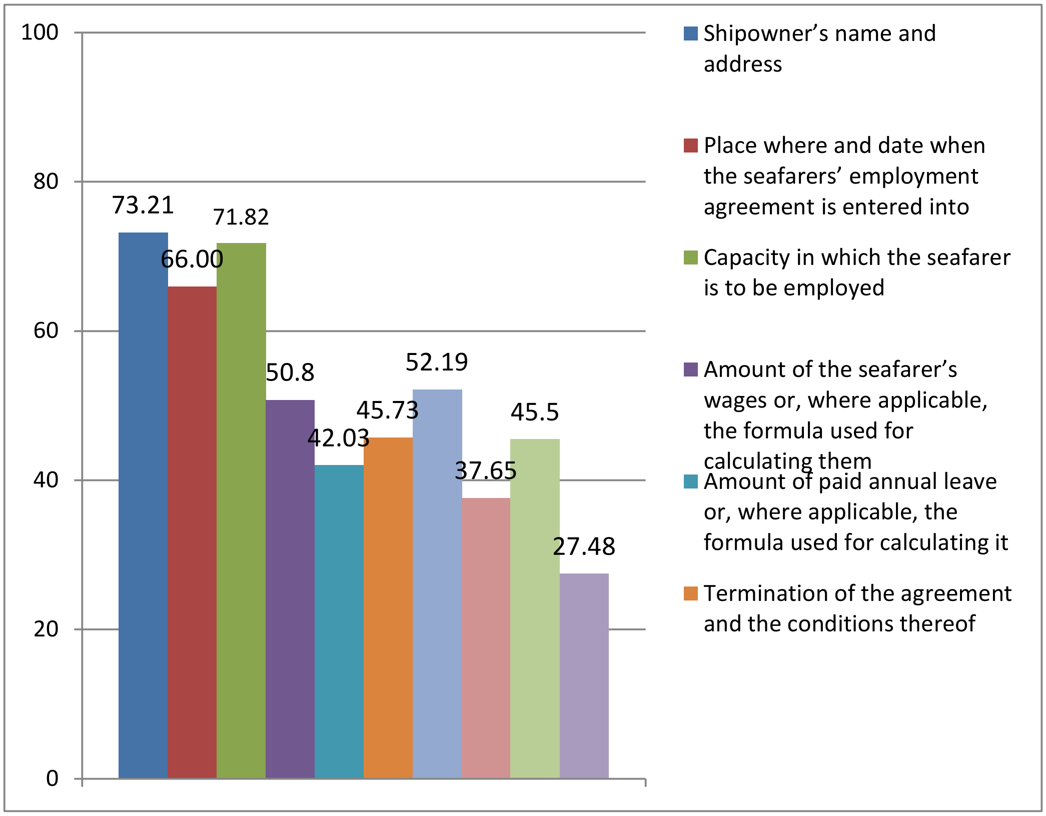
Table 10. Type of employment agreement by gross tonnage

Gross tonnage	Nature of the employment agreement (%)					
	Employment contract	Embarkation order	Verbal agreement	Others	No response	Total
Less than 200 GRT	22.56	**45.11**	0.75	0	31.58	100
200–499 GRT	19.03	**48.51**	5.59	.37	26.49	100
500 GRT and above	39.45	**41.68**	2.23	2.22	14.58	100

Contents of the employment agreement

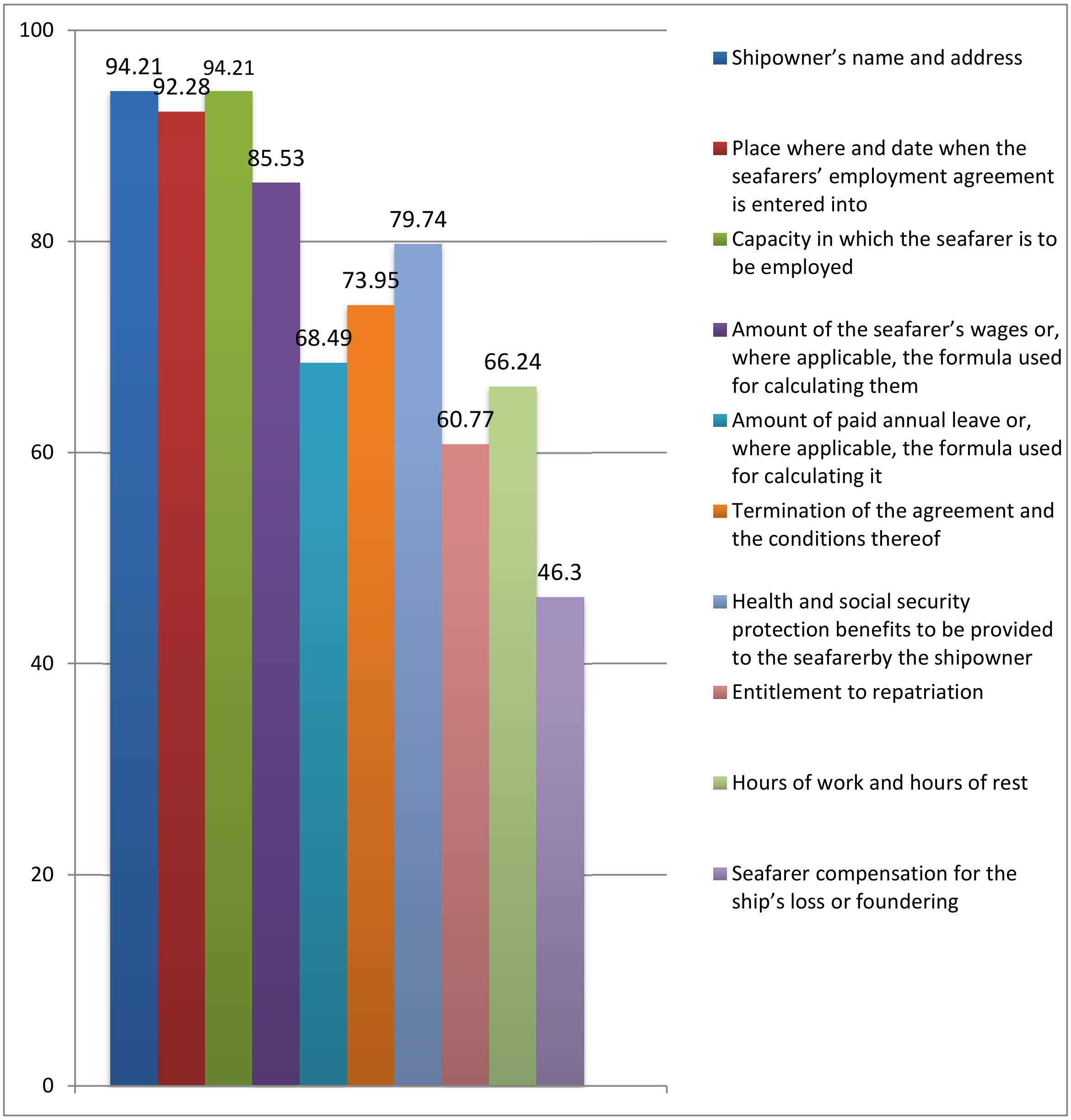
Based on the answer of the respondents who have embarkation orders (Figure 13), the shipowners' name and office address and the capacity in which the seafarer is to be employed are usually contained in the embarkation order 70 per cent of the time while provisions on seafarer's entitlement to repatriation and seafarers' compensation for ship's loss and foundering are often omitted.

Figure 13. Contents of the embarkation order (in % share)



On the other hand, written employment contracts of respondents usually contain the prescribed details of the contract per MLC provision (Figure 14). Almost 65 per cent (comment: Is it 60 or 65?) of the employment contracts contain all the provisions with the exemption of the provision on compensation for the ship's loss or foundering and entitlement to repatriation.

Figure 14. Contents of the written employment contract (in % share)

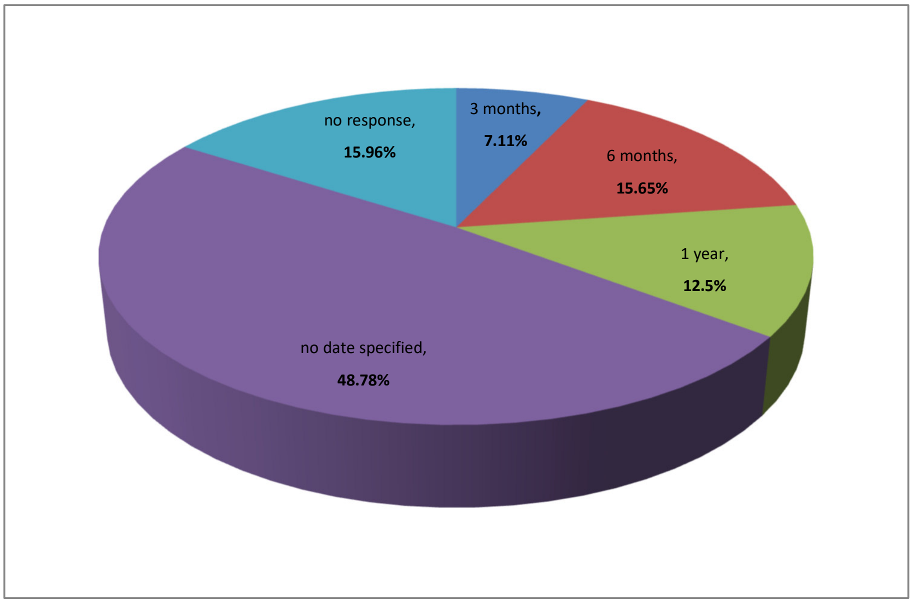


Meanwhile, 69 per cent of the respondents have copies of their written employment contract and embarkation orders.

Duration of the contract

The duration of employment of the respondents, including those whose employment agreements were verbal, ranged from three months, six months, one year, and includes those without specific dates (Figure 15). 49 per cent said that their employment agreements did not state the duration of their employment. Further analysis of the data and results of the FGD reveals that the 49 per cent represents the: (a) regular employees who no longer sign a contract after being regularized; and (b) those who are under the embarkation order.

Figure 15. Duration of contract (in % share)



A cross tabulation of the vessels' gross tonnage and the duration of the employment agreement shows that majority of the respondents have contracts whose duration are not specified are working on-board vessels with less than 200 gross tonnage (Table 11). This data can be interpreted to mean that (a) there are more regular than contractual employees in these vessels; or (b) the use of an embarkation order as a replacement for the employment contract is a wide-spread practice among smaller vessels.

Table 11. Duration of the employment agreement/contract by gross tonnage

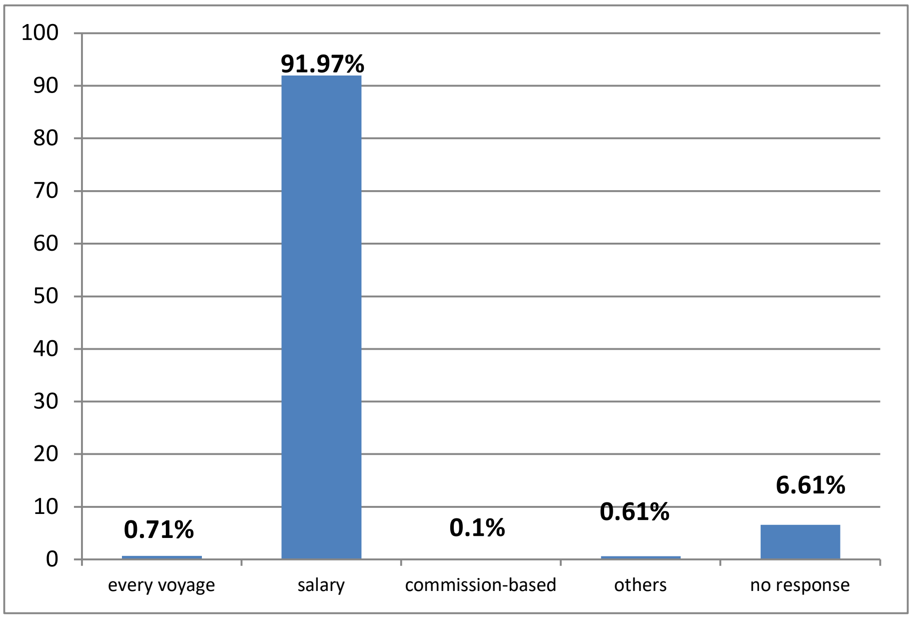
Gross tonnage	Duration of contract				
	3 months (%)	6 months (%)	1 year (%)	No date specified (%)	No response (%)
Less than 200 GRT	4.44	12.59	8.15	54.81	20
200–499 GRT	8.53	18.60	8.53	44.96	19.38
500 GRT and above	18.95	15.06	15.23	49.07	13.54

Wages

Almost 92 per cent of the respondents receive a salary while less than 1 per cent are paid at the end of end of each voyage or on a commission-basis. The less than 1 per cent are usually those seafarers whose earnings depend on the volume of the cargo or the number of passengers that they are able to transport (Figure 16). This is called the "partida" system.

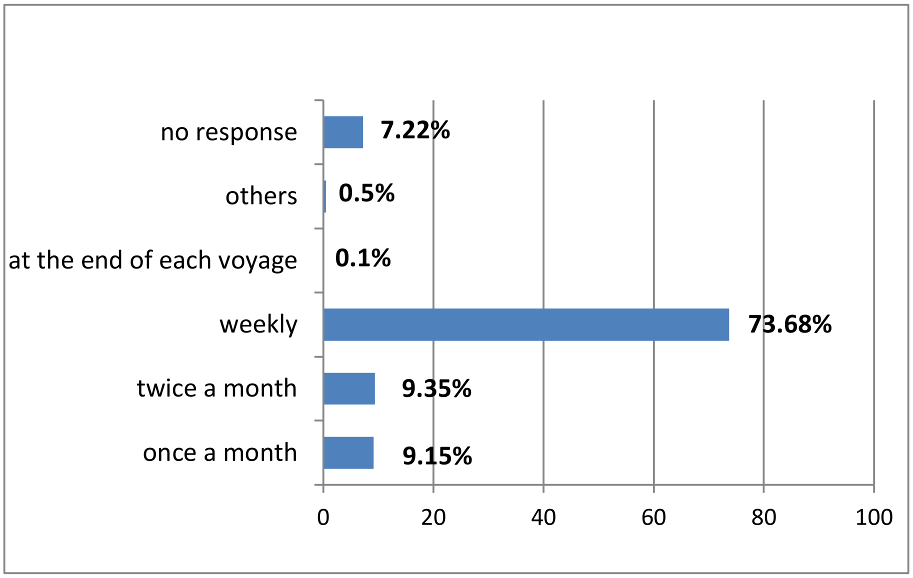
Seven per cent of the respondents are unable to determine the manner by which their payments are derived.

Figure 16. Mode of payment for services (in % share)



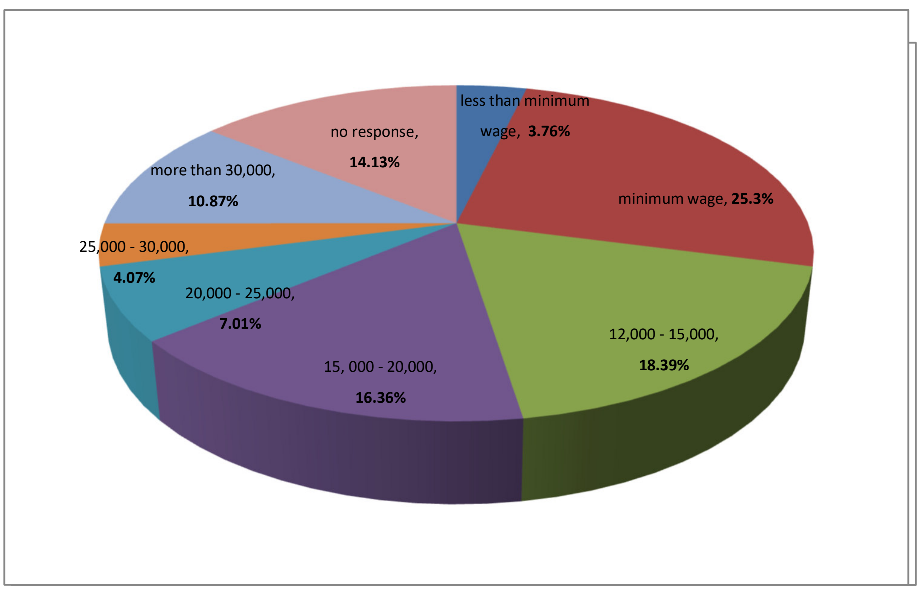
Close to 74 per cent receive their salaries every week while 9 per cent of the respondents receive it either twice a week or once a month (Figure 17). Only a small percentage, 0.1 per cent, of the respondents receive their salaries at the end of the voyage. They are those who are part of the "*partida*" system.

Figure 17. Interval of payment for services (in % share)



Meanwhile, almost 78 per cent receive a detailed computation of their wages (Figure 18).

Figure 18. Amount of payment received every month (in % share)



Amount of wages

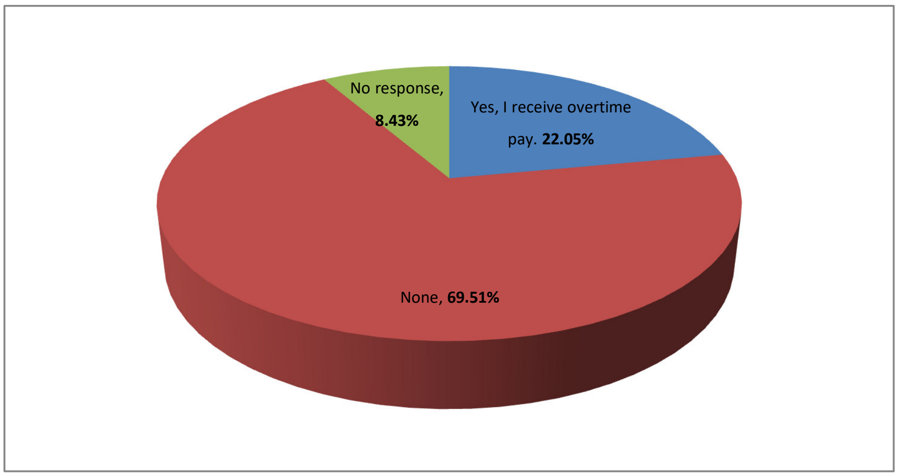
25 per cent of the respondents are minimum wage earners. Able Bodied Seamen, Ordinary Seamen, Oilers, Stewards, and other non-officers typically receive the minimum wage although a number of officers claimed are said to receive minimum wage as well. Majority of those who receive less than the minimum wage are non-traditional seafarers who

work in passenger ships. Officers, particularly captains and chief mates, salary falls under the Php15,000-20,000 and more than Php30,000 bracket.

Overtime pay

Only 22.05 per cent of the respondents receive overtime pay for work rendered after the regular eight hours of work (Figure 19). Other companies claim to observe a fixed overtime pay that is reflected in the seafarer's monthly salary. Seafarers who receive a fixed overtime pay are automatically entitled to it whether or not he/she has actually rendered more than eight hours of work.

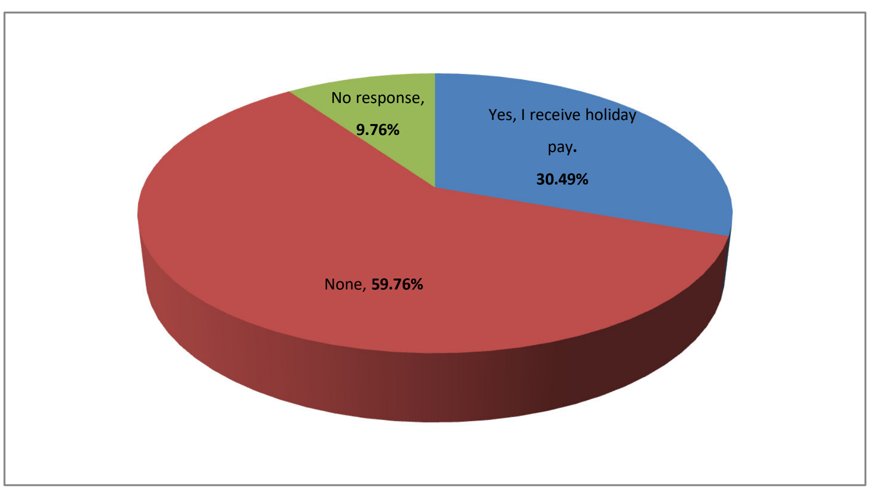
Figure 19. Payment for overtime work (in % share)



Holiday pay

The percentage of respondents who receive additional compensation for work rendered during holidays, 30.49 per cent, are slightly higher compared to those who receive overtime pay (Figure 20).

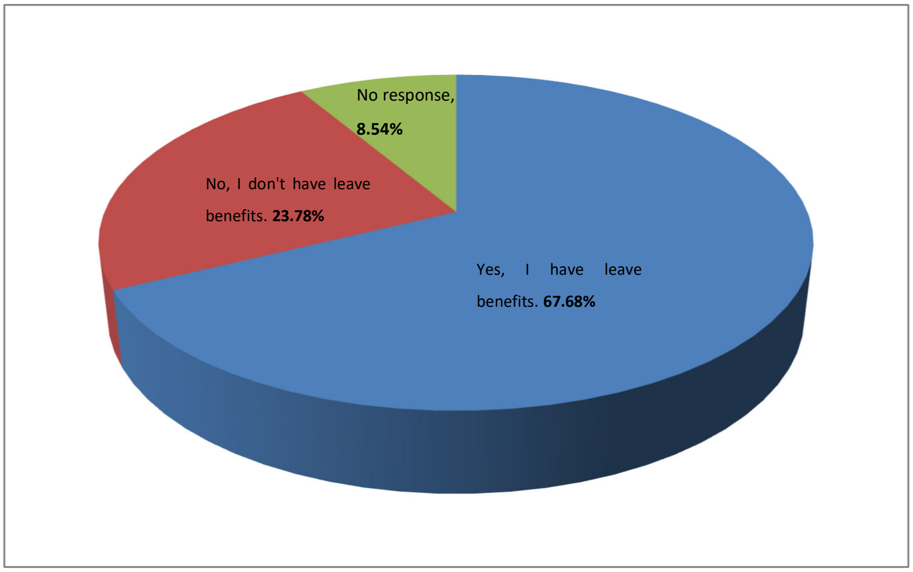
Figure 20. Additional compensation for work rendered during holidays (in % share)



Leave benefits

Almost 68 per cent of the respondents claim to have leave benefits (Figure 21).

Figure 21. Leave benefits (in % share)



Most seafarers, 38.4 per cent, are unable to identify exactly how many leave benefits they are given in a month although almost 33 per cent of them say that they are entitled to one day of leave a month (Figure 22). The range varies from five to 30 days of paid of leave in a year. Those who are not regular employees have articulated that they observe the "No Work, No Pay Policy" and as such are not entitled to any type of paid leave.

Figure 22. Days of leave given every month (in % share)

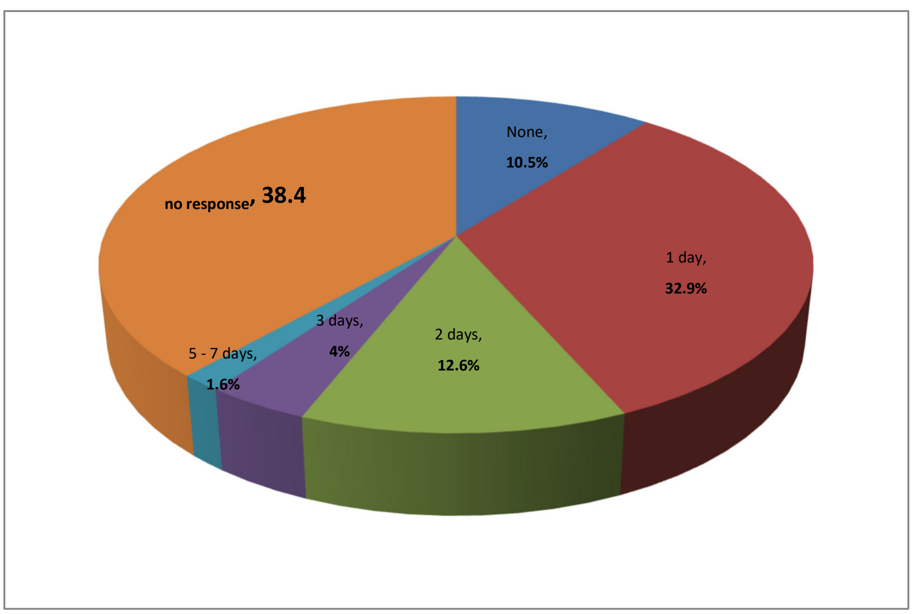
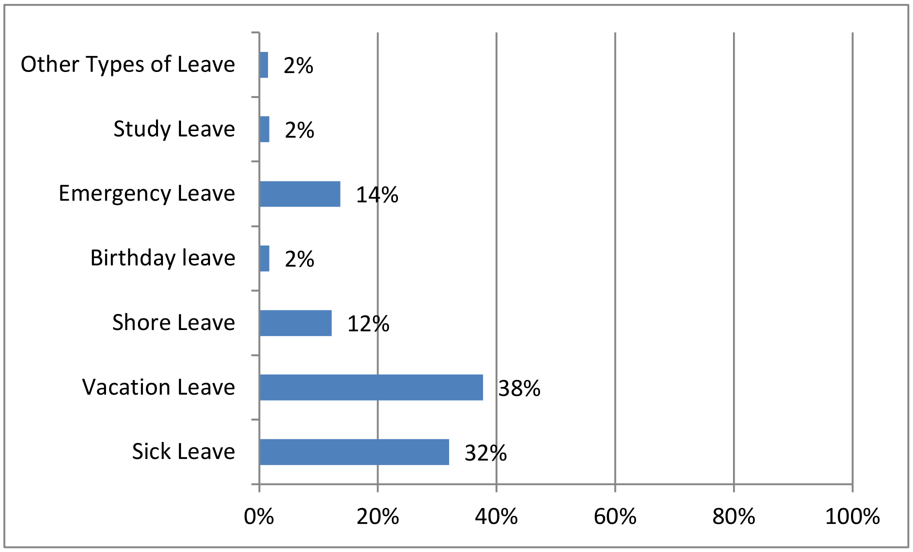


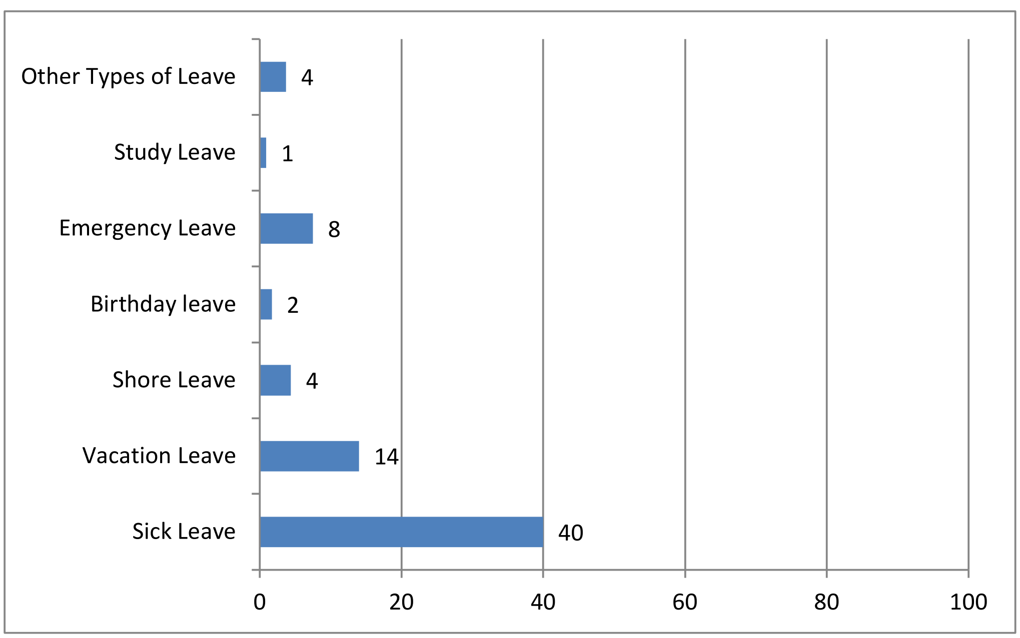
Figure 23 lists the types of leave enjoyed by the seafarer and the percentage of the respondents who are able to avail it. It identifies which of these leave periods are paid leave.

Figure 23. Leave benefits (in % share)



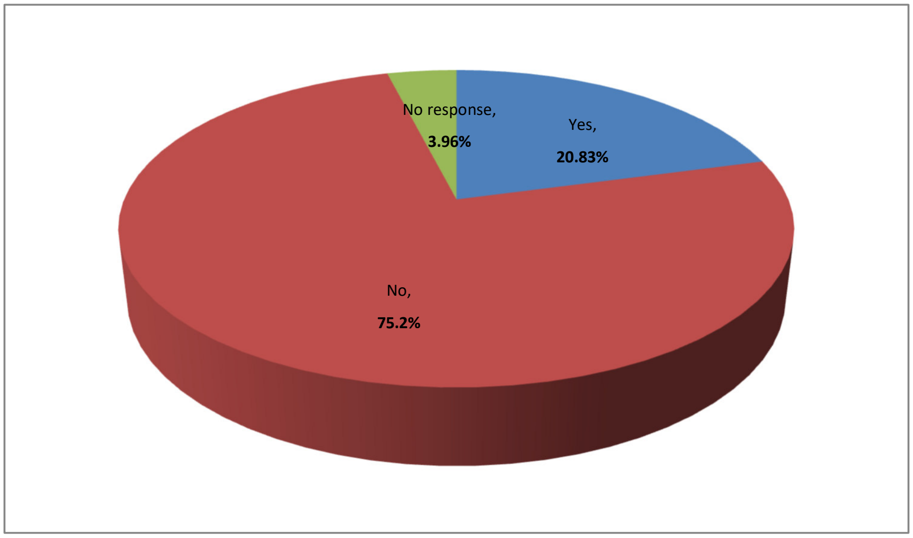
Only few of the respondents enjoy leave benefits with pay. Sick leave which according to the survey results is the most often paid type of leave but only 40 per cent of the respondents enjoy it (Figure 24).

Figure 24. Leave benefits with pay (in % share)



Also, majority of the respondents, 75 per cent, are not allowed to avail of shore leave which are leave of short duration while the vessel is docked in the port (Figure 25).

Figure 25. Shore leave (in % share)

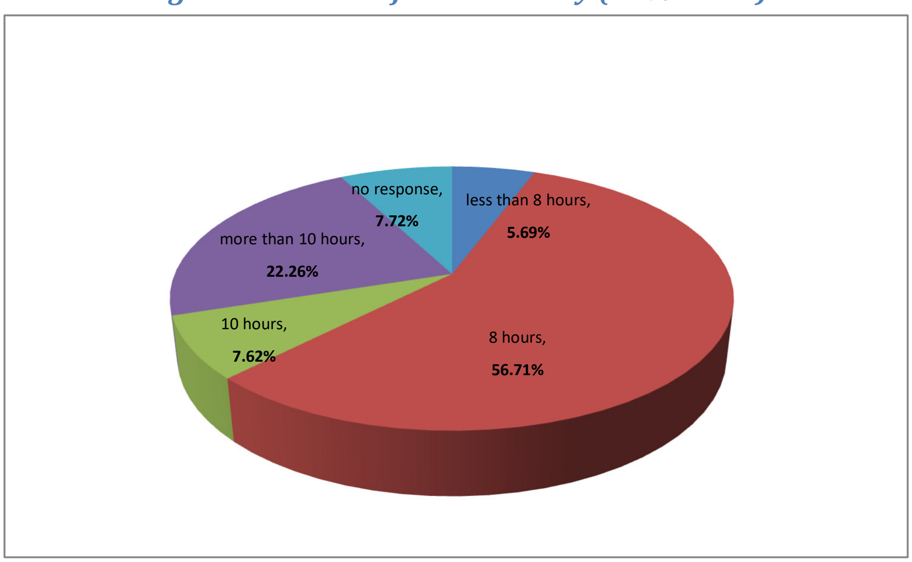


Companies encourage the seafarers, especially the officers, to take their leave during dry docking. Officers are usually discouraged to take leave because of the shortage of officers who can replace them when they disembark the vessel.

Hours of work

The results of the survey show that majority of the seafarers in the domestic shipping industry work for eight hours a day (Figure 26). Almost 57 per cent work for eight hours while 22 per cent works for more than eight hours. Less than 6 per cent of the respondents work for more than eight hours a day, over 7 per cent work for more than ten hours while another 7 per cent are unable to quantify their working hours daily.

Figure 26. Hours of work in a day (in % share)



A cross tabulation of the hours of work in a day and the hours the vessel continuously sail shows that majority of those who work for eight hours are found working on-board vessels who sail continuously for more than 24 hours (Table 12).

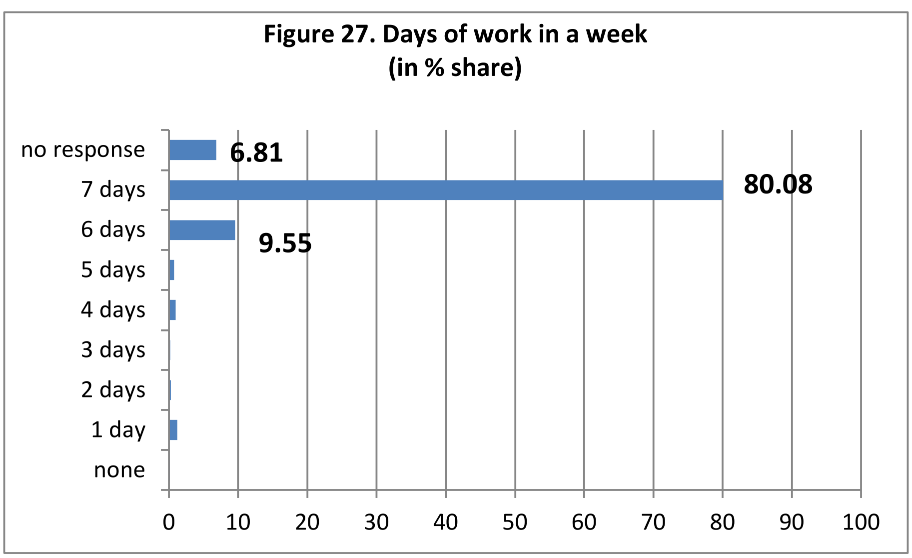
Table 12. Cross tabulation of hours of work and duration of voyage

		How many hours does the ship sail continuously and without interruption?						
		1 hour	**4 hours or less**	**4-8 hours**	**Overnight**	**More than 24 hours**	**No response**	**Total**
How many hours do you work in a day?	less than 8 hours	1	11	15	13	10	6	56
	8 hours	10	45	70	121	288	24	558
	10 hours	4	12	13	16	27	3	75
	more than 10 hours	13	14	31	68	72	21	219
	No response	4	4	3	15	22	28	76
Total		32	86	132	233	419	82	984

Days of work

80 per cent of the respondents work seven days a week and as such do not have a rest day. 10 per cent work for six days and are able to enjoy one day of rest every week. These data supports the previous observation made that there is a practice among shipping companies that seafarers are not paid when they do not work. It is important to note, however, that since the seafarers' place of work and place of rest are the same, there was no observed resistance to working seven days a week as long as they will be able to avail of sick and vacation leave periodically and when necessary (Figure 27).

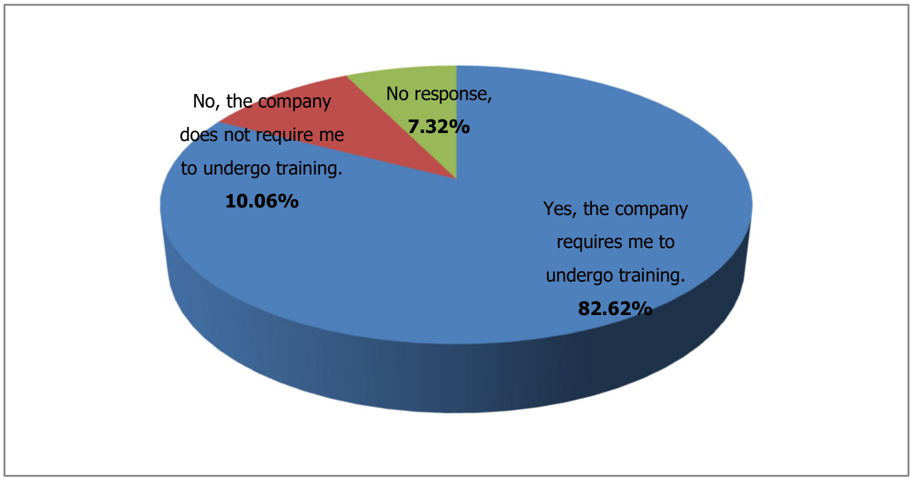
Figure 27. Days of work in a week (in % share)



c) Career and skills development opportunities

Majority, 82.6 per cent, of the surveyed seafarers were required by their shipping company to undergo training (Figure 28). Many of the seafarers say, however, that they find the trainings redundant and expensive.

Figure 28. Requirement to undergo training (in % share)

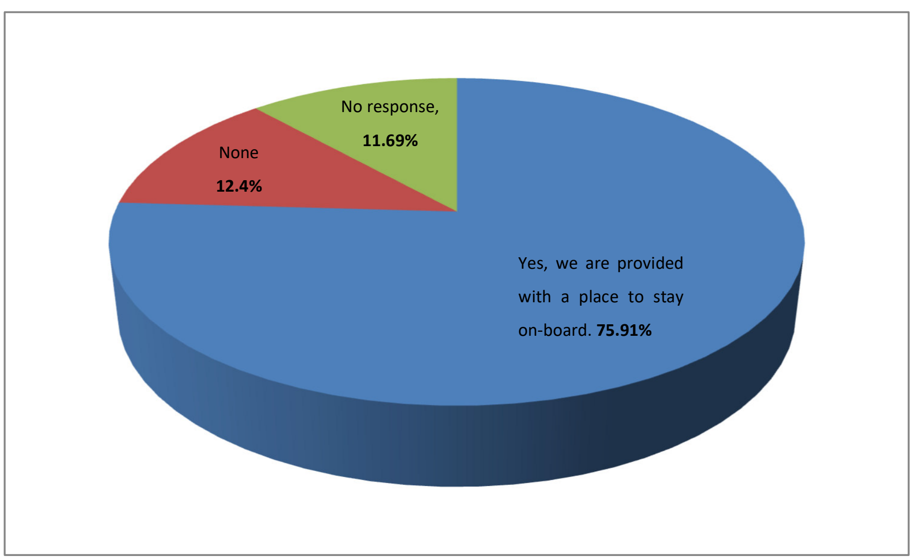


Almost half or 49.4 per cent of the surveyed seafarers responded that they paid for their training, while 38.5 per cent answered that the training was provided or paid for by the company.

d) Accommodation, recreational facilities, food, and catering

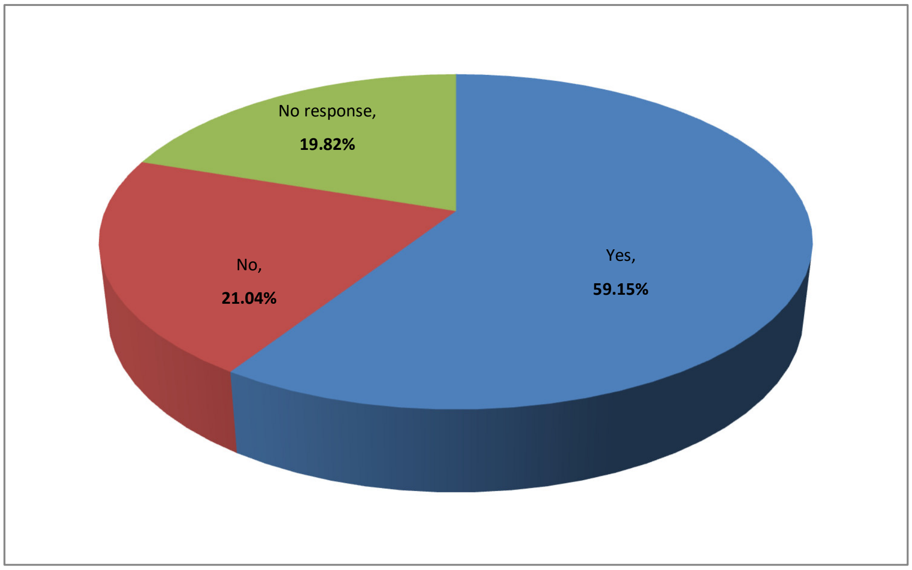
Majority of the surveyed seafarers responded they were provided accommodation on-board, at 76 per cent (Figure 29).

Figure 29. Accommodation on-board (in % share)



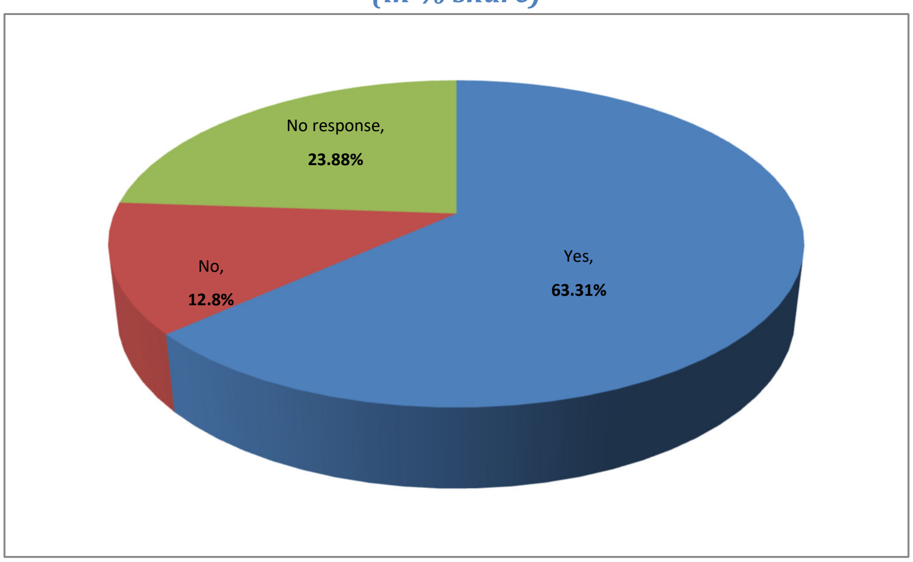
Around 60 per cent of the surveyed seafarers share accommodation with other crew members (Figure 30).

Figure 30. Shared berths with other crew members (in % share)



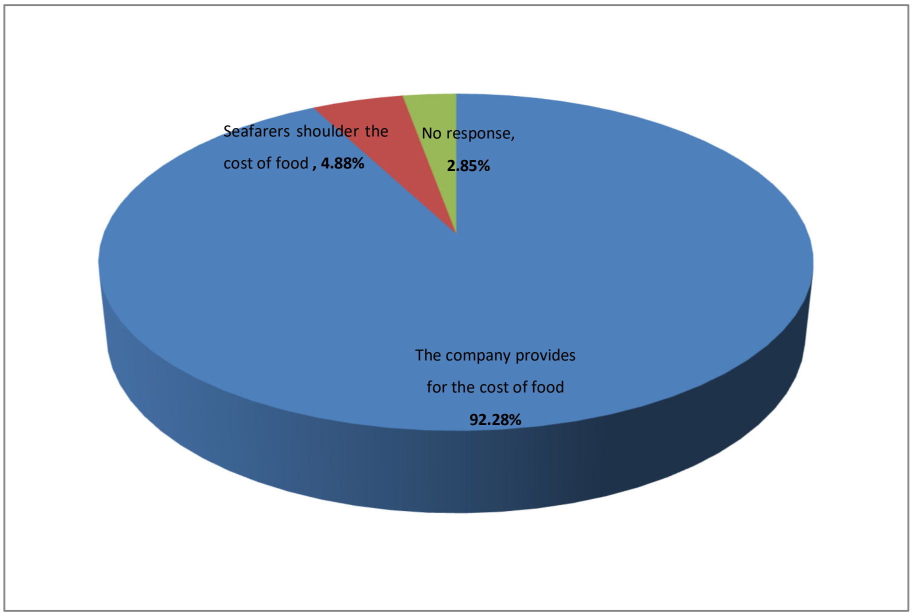
Majority of the surveyed seafarers (63.31 per cent) responded that there are separate male and female accommodation on-board their ship (Figure 31). However, it is notable that one out of four seafarers or around 24 per cent had no response, mostly because these respondents thought the question did not apply to them as there are no female seafarers on-board as they noted in their survey questionnaires.

Figure 31. Separate living quarters for males and females (in % share)



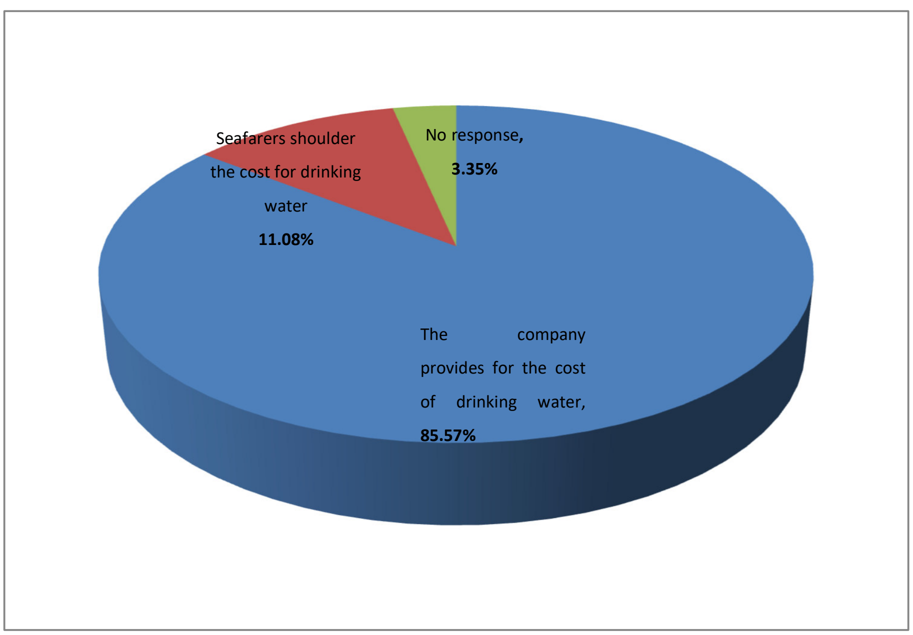
Most of the surveyed seafarers or 92 per cent responded that they are provided food by the company (Figure 32). The food allowance given to seafarers range from Php30.00 to Php100.00 per day. The food allowance is often pooled and given to the cook who will then do the budgeting.

Figure 32. Food on-board (in % share)



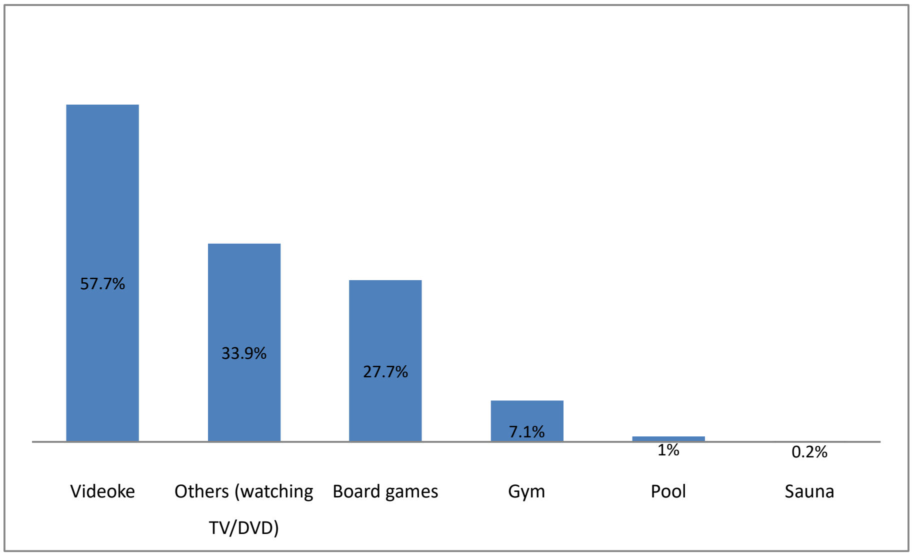
Also, majority of the surveyed seafarers said they are provided drinking water at the company's cost, although at a lesser frequency than the provision of food, at 86 per cent (Figure 33).

Figure 33. Drinking water on-board (in % share)



On the available recreational activities or facilities on-board, the most reported form is videoke (58 per cent), followed by other recreational activities like watching TV and DVDs (34 per cent), board games (28 per cent), and gym (7.1 per cent) (Figure 34).

Figure 34. Available recreational activities/facilities on-board (in % share)

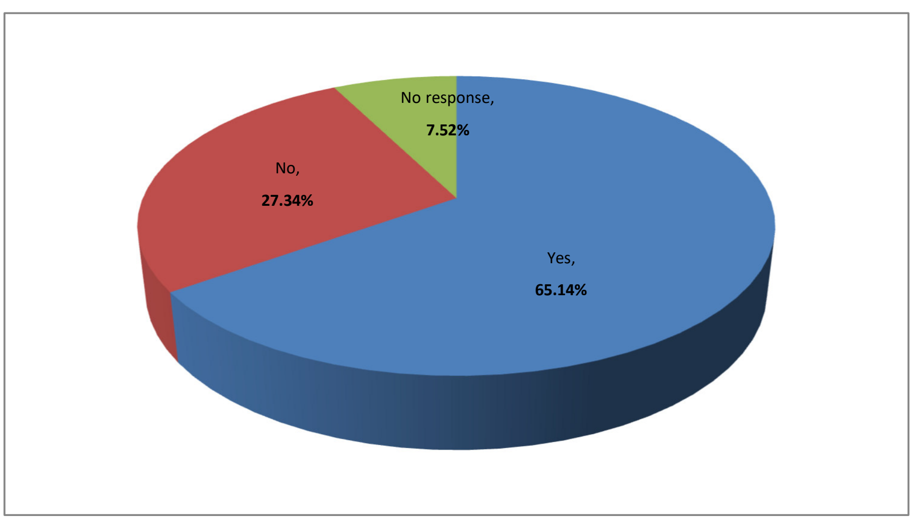


e) Health protection, medical care, welfare, and social security protection

Health protection

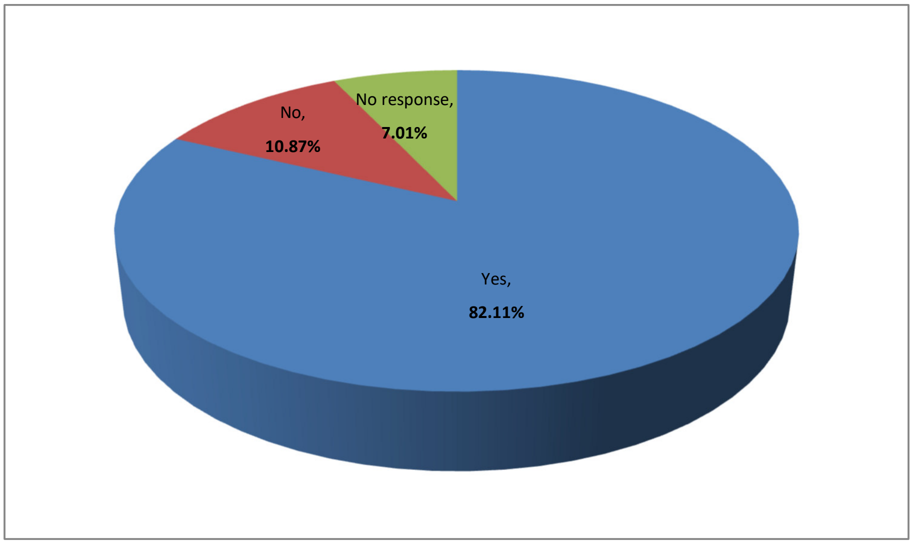
Majority, 65.14 per cent of the domestic seafarers responded that medical staff is present on-board vessels to address cases of sickness, emergency, or accident (Figure 35). The 3rd Officer or 3rd mate is often assigned as the safety officer on-board and has first-aid training.

Figure 35. Presence of medical staff on-board (in % share)



Majority (82 per cent) cited that companies provide medicine cabinet on-board vessels (Figure 36).

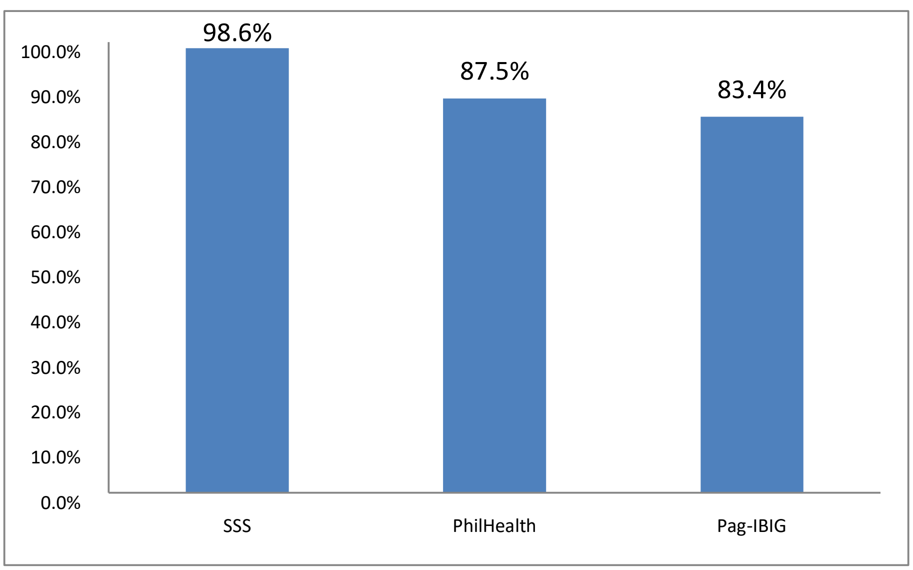
Figure 36. Presence of medicine chest on-board (in % share)



Social security

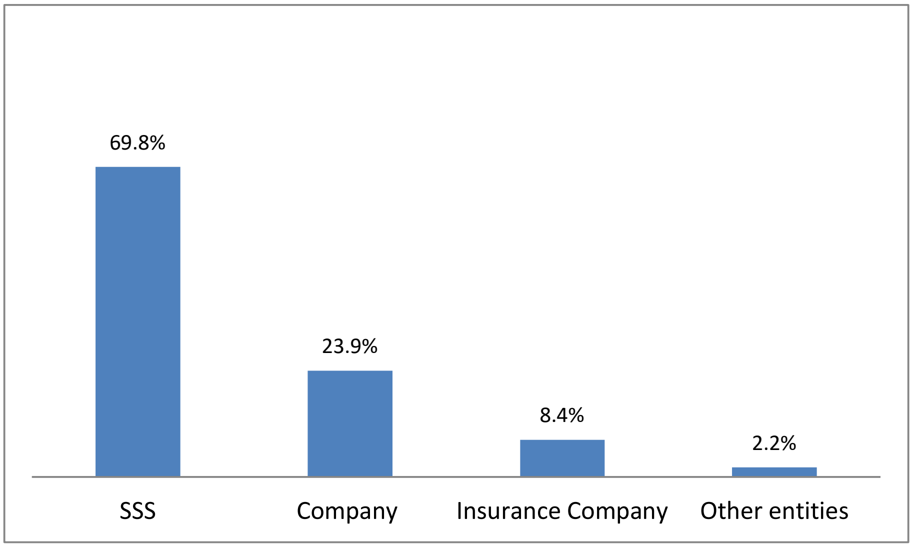
Majority of domestic seafarers are enrolled under mandatory social security benefits. On social security system (SSS) membership, 98.6 per cent are enrolled as members. On PhilHealth, 87.5 per cent of domestic seafarers are members while 83.4 per cent are members of Pag-IBIG (Figure 37).

Figure 37. Membership in social insurance institutions



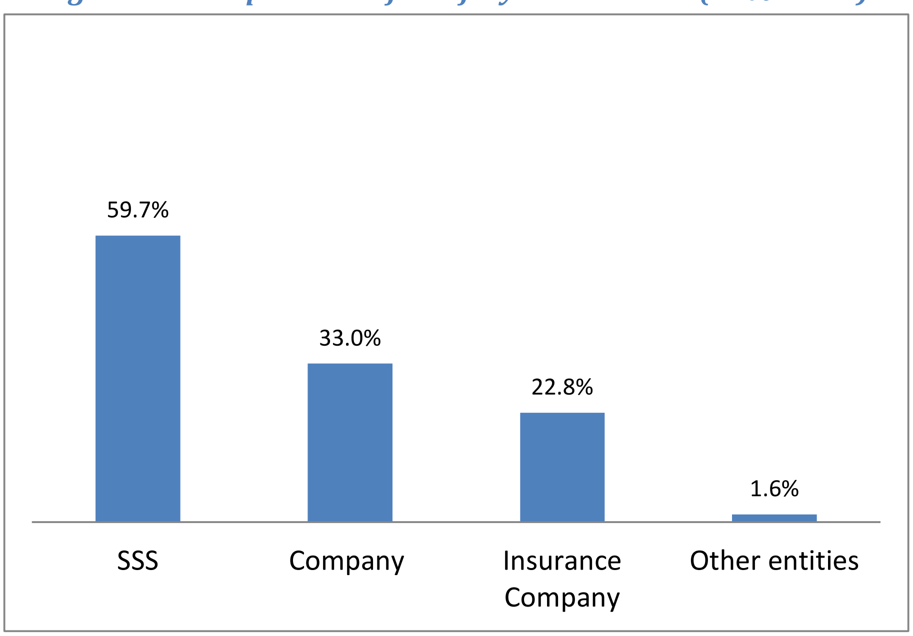
Almost 70 per cent of the respondents have provisions for future pensions, from at least one source, stipulated in their employment contracts (Figure 38). When asked as to where the pension will come from, majority of the seafarers identify the SSS as the provider.

Figure 38. Provisions for future pension contained in the contract (in % share)



78 per cent of the respondents have compensation for injury and sickness. Figure 39 shows that provision for pension is more likely to be provided to the seafarer, especially because membership to SSS is mandatory, than compensation for injury and sickness.

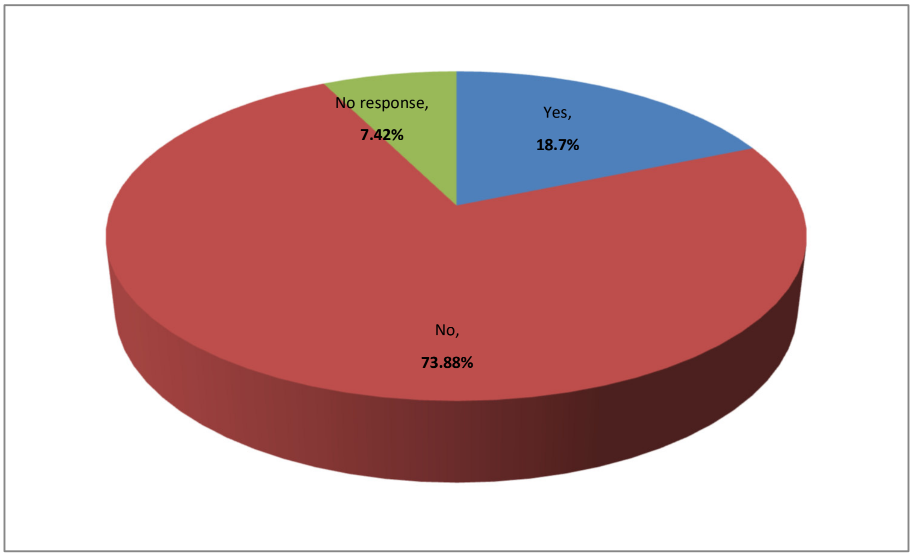
Figure 39. Compensation for injury and sickness (in % share)



f) Voice and representation

Close to 19 per cent of the seafarers surveyed are members of unions or workers association in their respective companies (Figure 40).

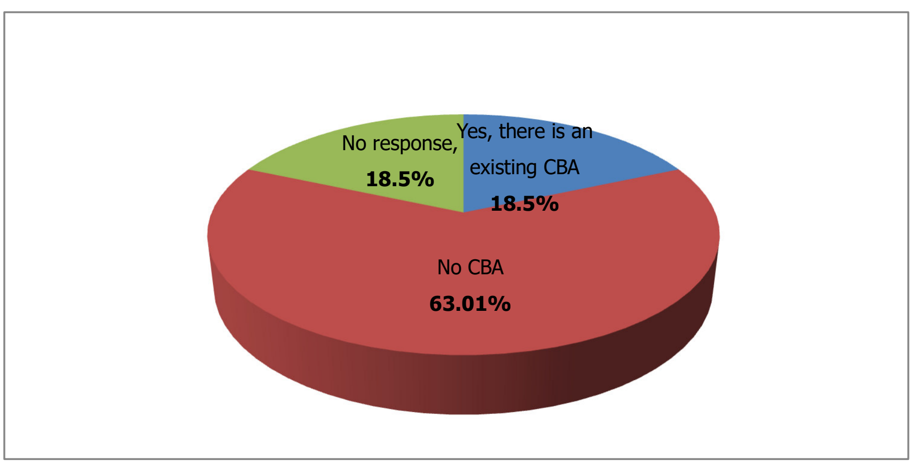
Figure 40. Membership in union or workers' association (in % share)



There are few domestic shipping companies that are unionized or have workers organization. The fact that seafarers have different homeports and voyage schedules makes the task of forming unions doubly harder. Management has expressed their preference for the establishment of grievance and redress mechanism over unions. All modes of communication, text messages, electronic mail, and regular meetings, have been provided as an alternative to joining unions.

Those who are members of unions and workers organization benefit from the existence of a collective bargaining agreement (CBA) (Figure 41). It can be noted that out of the 18.7 per cent of the respondents who belong to a union or a workers' organization, 18.5 per cent of them have CBAs.

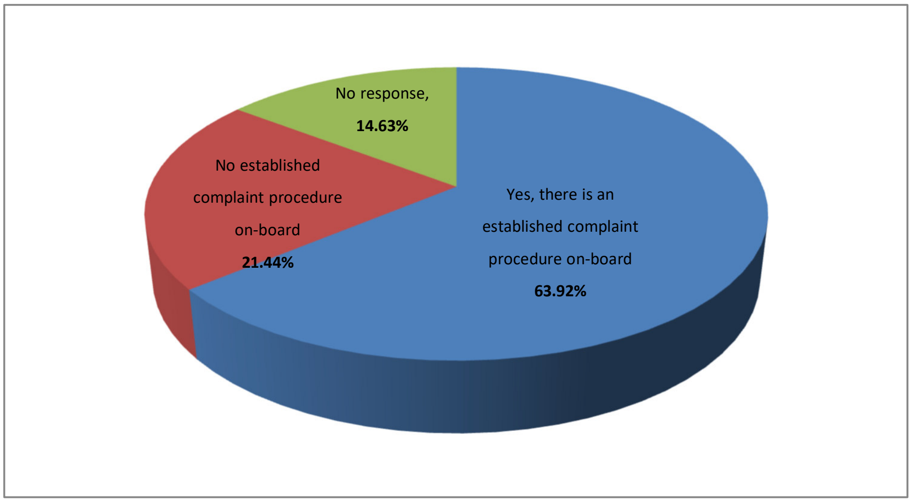
Figure 41. Collective bargaining agreements (in % share)



Complaint procedure on-board

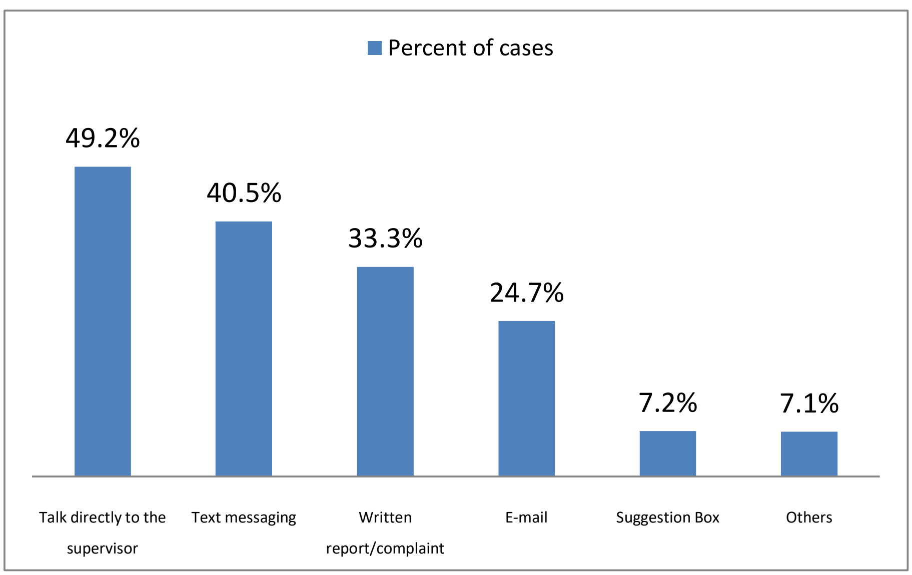
More than 63 per cent of the respondents have an established complaints procedure that is observed on-board (Figure 42).

Figure 42. Complaint procedure on-board (in % share)



The most common mode of communicating a concern to the company and its official is by talking directly to the supervisor, followed by text messaging, filing of a written report or complaint, sending electronic mails (Figure 43). The least utilized mode of filing a complaint is through the use of the suggestion box.

Figure 43. Modes of filing a complaint



5. DECENT WORK DEFICITS IN THE DOMESTIC SHIPPING

This section makes use of the framework discussed in the first part of the study. Using the decent work lines and the results of the survey, a set of deficits were found to be practiced in the domestic shipping industry.

a) Pillar 1: Rights at work

Seafarers employment agreement

The practice of using the embarkation order whose contents are often limited to the seafarer's position and date of embarkation and more importantly, does not clearly spell out the obligation of the shipowner concerning the health, pension, and social security benefits that are available to the seafarer.

Leave benefits

According to the Labor Code, an employee who has rendered at least one year service shall be entitled to yearly service incentive leave of five days with pay. Adding up the other leave benefits that employees can avail of, subject to certain conditions and provided by law such as the Social Security Law (60 days for normal delivery and 78 days for caesarian delivery) for pregnant employees, Paternity Leave Act (seven days for married male employees), Solo Parents Act (seven days for parental leave) and the Leave for Victims of Violence Against Women and Their Children leave (ten days) will still fall short of the 30 days per year prescription of the MLC.

Majority of seafarers who participated in the study work for seven days a week, the necessity of providing them more days to rest becomes imperative.

Holiday pay and overtime pay

Companies claim that seafarers make no distinction between regular days and holidays when they are on-board. Those who do not pay overtime and holiday pay say that seafarers rarely render overtime work especially when the ship is sailing since majority of the work is done during loading and unloading of passengers and cargos. At times, when companies pay for overtime and services rendered during holidays, they only pay their non-officers. The rationale is that officers already have high salaries and that their salaries cover any eventuality of overtime and holiday pay.

Accommodation

Presently, there are no rules that govern the accommodation to be provided for seafarers. Although majority of shipowners allow the seafarers to sleep and stay on-board during their rest period, the accommodation given to seafarers are often inadequate if not uncomfortable. This is because some vessels were not designed with sleeping quarters. Those vessels with sleeping quarters tend to be too small to accommodate all the seafarers working on-board the vessel. There is little regard for lighting, ventilation and comfort of the seafarer.

b) Pillar 2: Employment opportunities

Skills development

Promotion on-board the ship requires experience and license and certificates. This means that it is not enough that the seafarer has exemplary work performance, he also needs to take and pass licensure examinations as well as complete training courses. These examinations and training, however, require time and money. Seafarers are rarely given financial assistance by their companies or the government that will allow them to take these courses and examinations. For the most part, seafarers shoulder all costs for training and examination.

Job security

Regularization, in the past, appeared to be an industry practice. However, the system in the domestic shipping industry, nowadays, seems to mimic the contractual nature of overseas employment. This is especially true for non-officers and non-technical crew. Presently, regularization is a privilege meant for officers. The volume of applicants for non-officers and non-technical crew gives the company the leverage to hire on a contractual or project basis. The shortage of officers, on the other hand, compels them to provide better incentive and working conditions to entice the officers to stay in the company.

c) Pillar 3: Social protection

Insurance coverage is not a common practice in the domestic shipping industry. Although membership in social security insurance institutions is high, the lack of provisions in the employment contract pertaining to compensation during injury and sickness and during the ship's loss or foundering places the seafarer in an unclear position where it concerns his health, job security, and compensation during bankruptcy.

d) Pillar 4: Voice and Representation

There are few domestic shipping companies that are unionized or have workers organization. The fact that seafarers have different home ports and voyage schedules makes the task of forming unions doubly harder. Management has expressed their preference for the establishment of grievance and redress mechanism over unions.

Also, the hiring of contractual workers hinders the formation of unions as contractual workers often lack the motivation to become members of unions.

CONCLUSION AND RECOMMENDATION

There is a consensus among workers and shipowners regarding the need to institute reforms within the domestic shipping industry. These include the need to address the problems of the Filipino seafarers working on domestic ships in finding employment and with their conditions of employment. Shipowners, meanwhile, are looking for avenues to level the playing field to allow for fair competition between small and big players in the domestic shipping industry.

The domestic shipping industry in the Philippines, in spite of its reputation as the seafaring capital of the world, is suffering from a shortage of deck and engine officers brought about by the decision of Filipino seafarers to work in foreign vessels. The young and highly-skilled seafarers are lured by the superior compensation package offered in foreign vessels. As long as low wages, limited opportunities for skills and career advancement, lack of security of tenure among non-technical crew members, and limited social protection mechanisms pervade in the domestic scene, the chances of the sector reaching its full potential will never be realized.

Based on the results of this study, a set of recommendations are being proposed to address the problems of seafarers with their working and living conditions on-board domestic ships.

On decent work deficits. Adopt a Standard Employment Contract. The contract between the shipowner and the seafarer shall be in writing and will include the following:

a) Seafarer's full name, date of birth or age, and birthplace
b) The shipowner's name and address
c) The place in where and the date when the seafarer's employment agreement is entered into
d) The capacity in which the seafarer is to be employed
e) The amount of the seafarer's salary; and the formula used for calculating the same
f) Hours of work, wages and wage-related benefits which include the following: minimum wages, overtime pay, holiday pay, premium pay, service incentive leave, 13th month pay, separation pay, retirement pay, social security and welfare benefits, and other mandatory benefits under existing laws.

It may also serve as protection to seafarers to explore the possibility of implementing a standard pay according to rank so that seafarers, especially ratings, will be provided with decent amount of wages regardless of the size of their vessel or financial standing of the shipowner/operator.

Provide leave benefits and ensure that seafarers have rest days. Leave is crucial to the health and well-being of seafarers. Seafarers cannot live for long cooped up aboard ship, without substantial impairment of their efficiency, if not also serious danger to discipline. Relaxation beyond the confines of the ship is necessary if the work is to go on, more so that it may move smoothly.

While seafarers in the domestic shipping industry do not suffer the same kind of isolation that seafarers in ocean-going vessels have to endure, majority of them are nonetheless subjected to seven days of work in a week. The need to ensure that they have rest days protects them from fatigue which could lead to sea mishaps that will could place the lives of people, crews, passengers, and the environment in danger.

The 2.5 days of leave per month which the MLC prescribes can be applied with flexibility, if the Philippines decides to ratify the Convention, considering that voyages in the domestic shipping do not take weeks to complete. These are the scenarios that may be considered as flexibilities, as far as the observance of leave benefits in the MLC are concerned:

a) Ships engaged in daytime navigation only (provided the prescribed hours of work in a day and days of work in a week as contained in the Labor Code are observed).
b) Ships which can complete its roundtrip voyage and return to its homeport within 14 hours from the start of the voyage.

c) Ships which operate continuously for 24 hours but maintain two sets of crew who work on shifts provided neither set of crews shall stay on-board at the end of their shift[12]

Other deficits raised are issues under implementation and enforcement. There are already existing rules and regulations that cover matter such as holiday pay and overtime pay. What is necessary is strict monitoring of compliance of shipping companies to labour standards to ensure that seafarers are provided decent conditions of work.

In the long-term, stakeholders may consider the following recommendations to improve not only the working conditions of seafarers but also for the improvement of the entire domestic shipping industry.

Strengthen the Maritime Industry Tripartite Council (MITC). The Maritime Industry Tripartite Council was created in September of 2010, composed of unions and organizations of seafarers, organizations of shipowner and a number of government agencies. Under the tripartite framework espoused by the MITC, employers and workers have equal voice with government in the formulation of policies that affects domestic shipping.

Only a few months old, the MITC was able to craft a Department Order that addresses the working conditions of seafarers in the domestic shipping industry by defining the scope of the term "seafarer", enumerating the contents of the standard employment contract, and identifying the social protection benefits that seafarers are entitled to enjoy, among others.

The members of the MITC are in the best position to determine the needs of the industry. In the future, the industry should strive to be inclusive enough to ensure sufficient representation of the various interests involved. This will allow for all major stakeholders to decide the direction that the domestic shipping industry should take that will lead to its development.

Ratify the Maritime Labour Convention (MLC). The MLC consolidates all relevant Conventions relating to the workers in the maritime industry. When ratified, MLC will not only protect the thousands of Filipinos employed in foreign vessels, it will also signal compliance among shipowners in the Philippines to the standards set by the Convention. The challenge for the industry is to be able to raise its standard, labour and ship wise, so that it may widen its horizon, increase its profitability and participate in the international trade.

The MLC will provide us with clear maritime labour standards that will spell out to shipowners their obligation regarding the working conditions of seafarers. Specific standards concerning accommodation, OSH, and repatriation, for instance, are well-defined. For the workers, this means that labour standards will no longer vary according to what management wants or afford. For shipowners, it means that profit and productivity are the necessary consequences of promoting the seafarer's welfare.

Harmonize the roles of the various government agencies involved in domestic shipping. A handful of government agencies are responsible in ensuring that the maritime industry is performing properly. This simply means that each agency is expected to act on matters that fall

[12] These were suggested and discussed by Atty. Josephine Marie Uranza (representative from the shipowners groups) during one of the meetings of the technical working group of the Maritime Industry Tripartite Council.

under its jurisdiction. The DOLE, Department of Transportation and Communication (DOTC), Department of Health (DOH), and Commission on Higher Education (CHED) are in the forefront of regulating the maritime industry. Together, these government offices solidify the status of the Philippines as the primary source of competent seafarers.

Coordination between the government agencies who can institute reforms in policy and programmers concerning the domestic shipping industry must be pursued so that each agency can use its expertise in improving ship safety monitoring, maritime labour regulation and labour inspection. The DOLE and MARINA are currently in dialogue regarding the possibility of conducting joint inspections so as not to burden shipowners with repetitive inspection procedures which may cause unnecessary delay and inconvenience to their operations.