

Implementing the Maritime Labour Convention is “almost there”

When the ILO adopted the Maritime Labour Convention, 2006 (MLC, 2006), in February 2006, Director-General Juan Somavia said the Organization had made “labour history” for the world’s more than 1.2 million seafarers. Four years on, the Convention is expected to come into force in 2011 or early 2012. ILO Online spoke with Cleopatra Doumbia-Henry, Director of the ILO’s International Labour Standards Department, about recent developments in the implementation of the Convention, and what the ILO and its Member States are doing to bring the Convention into force.

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Where do we stand in terms of bringing the MLC, 2006 into force?

Cleopatra Doumbia-Henry: Our most recent meeting of the Preparatory Tripartite MLC, 2006 Committee is one of the many things that we are doing to prepare for entry into force of the Convention. Countries attending that meeting have provided information demonstrating significant evidence that progress is being made towards ratification and implementation of the Convention. The meeting enabled an exchange of views and advice on issues that member States have encountered in carrying out implementation. It might sound surprising but there was such a high level of interest in the question of the future procedures (Standing Orders) for the Special Tripartite Committee that will have an important role under the Convention. The meeting has urged the ILO to consider convening a second meeting to continue the discussion. The ILO is also supporting countries that need it to review their legislative framework and provides training for inspectors at its Training Centre in Turin.

What are some of the issues that must be addressed?

Cleopatra Doumbia-Henry: The issues that Members discussed primarily related to the application of the Convention, in particular the structural requirements for seafarer accommodation, especially in specific sectors of the maritime industry such as large commercial yachts or smaller ships. The Convention also has a comprehensive definition of a seafarer that expands the types of workers on ships that are covered, which poses a challenge for the cruise ship sector that employ a large number of seafarers in connection with passenger related services such as hotel and catering services. Another issue concerns how governments can create representative organizations of shipowners and seafarers to consult with as required by the Convention.

What is being done to resolve these issues?

Cleopatra Doumbia-Henry: Many of the implementation issues could be addressed within the framework of the flexibility provided by the Convention. Concerning the cruise ship sector, this matter was extensively discussed during the five years of meetings to develop the Convention. The Special Tripartite Committee to be established by the ILO Governing Body is tasked to keep the Convention under continuous review and has an important role with respect to a process for the expedited amendments to the Code of the Convention. One issue it will need to deal with once it is established concerns provisions on liability and compensation regarding claims for death, personal injury and abandonment of seafarers. The Committee will also have an innovative role to assist countries that do not yet have representative organizations of shipowners or seafarers.

What is being done to promote further ratifications of the Convention and when will it come into force?

Cleopatra Doumbia-Henry: We are almost there. We already reached one of the two requirements for entry into force of the MLC, 2006 – ratifications by at least 33 per cent of the world gross tonnage –in 2009, and we are now at 46 per cent. We need 30 ratifying countries, and as of June 2010, 20 more ratifications are needed. With the decision in 2007 by the European Union to invite its members to ratify the Convention by the end of 2010, we expect the Convention to come into force soon, by 2011 or early 2012. Comments by government representatives at this week’s meeting confirmed my optimism and I am very pleased to say that countries in all regions indicated that they are making good progress.

How will the Maritime Labour Convention improve compliance and enforcement?

Cleopatra Doumbia-Henry: The Convention establishes a comprehensive enforcement and compliance system based on cooperation among all ratifying States that will ensure that decent working conditions, once certified by a flag State, are continuously maintained, no matter where the ship travels. Its approach focuses on inspection of all ships and in many cases, mandatory certification, for compliance. It is combined with potential inspection in port States under port State control and compliance on board and onshore complaint procedures.

This system is reinforced at the international level by existing ILO mechanisms. The ILO's greatest strength, in terms of the implementation of international labour Conventions at the national level, is undoubtedly its supervisory system, which provides the necessary institutional guarantees and authority, with both an independent mechanism and an important tripartite component.

What do ratifying countries gain?

Cleopatra Doumbia-Henry: The ships of ratifying countries that provide decent conditions of work for seafarers will have protection against unfair competition from substandard ships and will benefit from a system of certification, avoiding or reducing the likelihood of lengthy delays related to inspections in foreign ports. The inclusion of a "no more favourable treatment clause" with respect to ships of non-ratifying States, in connection with port State control measures, will help to ensure fair competition for responsible shipowners.

Why is this Convention so important?

Cleopatra Doumbia-Henry: Quite simply, ships and seafarers move some 90 percent of world trade. The importance of this sector to the global economy is therefore obvious. In these times of crisis, this is even more critical. That's why the sooner this Convention comes into the force, the sooner we can guarantee the rights of all parties concerned. That in itself is a major contribution to a global economic recovery. There is no time to waste. We must ensure that this Convention comes into force now.