

Keynote Address
Ms Linda Wirth
Seminar on the Maritime Labour Convention (MLC 2006)
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Introduction

Greetings

On behalf of the ILO, let me start by expressing my deep appreciation for inviting us and providing the opportunity to share ILO perspectives in the discussion on the Maritime Labour Convention of 2006. I would like to extend my greetings to all the speakers and national tripartite partners of the Philippine maritime sector. My greetings to

- Mr Noriel Devanadera, Head of DOLE's Maritime Office
- Ms Hans Cadac, Ms. Libby Casco and other POEA officials
- Maritime workers and employers representatives and those who attended the consultations in ILO Geneva for the adoption of the Convention – Captain Gregorio Oca and Mr Carlos Salinas
- Representatives from the government agencies involved in maritime concerns

As a key point, I would like to highlight the benefits and importance for the Philippines to ratify the Maritime Labour Convention. Philippines is a major stakeholder in the global industry as the largest single labour supplying state. The Philippines is also both a flag state and port state. The Maritime Labour Convention can also address the concerns of the domestic shipping industry. As an example, the Convention can play a positive role in addressing crew shortages, a major problem of domestic ship-owners, through improved working conditions.

You know very well that the promotion of the Maritime Labour Convention is a priority for the ILO both in the country and at the global level. In the Philippines, it is part of our work under the Decent Work Country Programme; at the institutional level, it is generally part of ILO's plan of action to increase the impact on sustainable economic development of standards through the promotion of newly adopted Conventions. This includes as a strategy the Ilk's five-year Global Action Plan for this Convention.

MLC, 2006: What is the MLC 2006?

The ILO, through the workers, employers and government representatives worldwide, adopted the Maritime Labour Convention in February 2006. This consolidates the up-to-date provisions of around 70 ILO instruments on maritime labour concerns which were adopted since the 1920s. We can say that Maritime Labour Convention is the result of around five (5) years of work by the maritime industry and was accepted as the minimum global standards for seafarers.

The Convention is comprehensive and provides for an integrated approach to international labour standards. The Convention promotes decent work for all seafarers and addresses

almost all aspects of a seafarer's working life such as minimum standards regarding work on board ship, conditions of employment, hours of work and rest, repatriation, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection.

It is intended to be globally applicable, easily understandable, readily updatable and uniformly enforced.

Advantages of the Maritime Labour Convention

As a general advantage, the Maritime Labour Convention serves as the global reference on maritime labour issues. Let me also enumerate other advantages of the Convention for governments, ship-owners and seafarers.

Governments

- Simplification of reporting obligations (One Convention rather than many)
- Wider powers of enforcement on all ships
- Improved quality of shipping services
- Improved protection of the environment
- Additional flexibility with firmness of rights and flexible as how to implement, making the Convention easier to ratify and implement
- Certification system mandatory only for ships over 500 GT
- Protection against unfair competition from substandard ships through "No more favourable treatment" for ships of non-ratifying countries
- Implementation of mandatory requirements through measures that are substantially equivalent, except for Part V
- Advantages given to ships of ratifying countries

Ship-owners

- A more level playing field to help ensure fair competition and to marginalize substandard operations
- Will benefit from a system of certification, including a certification system possible for ships less than 500 GT, if the Shipowners so requests
- A more socially responsible shipping industry
- A better protected and more efficient workforce
- Help ensure that ships are operated safely and securely with few problems and few delays in ports
- New Convention contains minimum standards that are well within the current industry practice and should easily be met by most shipowners

Seafarers

- A comprehensive set of basic maritime labour principles and rights as well as ILO fundamental rights
- Convention spells out in one place and in clear language the seafarers' basic employment rights
- Seafarers better informed of their rights and of remedies available
- Improved enforcement of minimum working and living conditions
- Right to make complaints both on board and ashore
- Clear identification of who is the shipowner with overall responsibility, for the purposes of this Convention

MLC Implications for the Philippines

The Philippines can benefit from ratifying the Convention as a labour supplying state, flag or port state. The maritime labour convention is a good reference point for the Philippines' formulation of laws and policies responsive to the conditions and contexts of seafarers. Ratification can serve as basis for technical assistance.

As a labour supplying, flag or port state

Philippines is a major stakeholder and can benefit as a ratifying country of the MLC as a labour supplying state in the global maritime industry. It is in the Philippines' interest to be one of the first to ratify the Convention to protect approximately 250,000 Filipino seafarers around the world.

For the Philippines as also a flag state and a port state, once the Convention the MLC applies to all ships including those of non-ratifying Members.

The ships of ratifying countries that provide decent conditions of work for their 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. A Philippine ship can be detained or may experience delays due to more detailed inspections if the Philippines has not ratified the Convention.

The disadvantage non-ratification by the Philippines is that shipowners will have to bear the responsibility for checking the Convention's requirements on the recruitment and placement of the seafarers. In this context, ship owners might tend to choose labour supplying countries which have ratified the Convention.

Concerns of the domestic shipping industry and MLC.

In the series of consultations, we have gathered apprehensions and concerns among shipowners in the domestic shipping industry. We would like to emphasize a few points:

- o ratifying countries have lead time to modernize their fleet since the MLC standards apply to ships built or acquired only after the Convention comes into force. As part of the obligation to send reports arising from ratification (under Article 22 of the ILO Constitution), the Philippine government can submit or provide information on the modernization or long-

term plans and timelines. The review of reports by the ILO Committee of Experts will take into account the demonstration of political will through an indication of progress towards realizing the long-term goal in the domestic shipping industry as indicated in the required Art. 22 report.

- Convention is firm on rights and flexible on implementation.
- Promoting and applying better working conditions will attract more seafarers to work in domestic ships as an option. Many shipowners suffer from crew shortages. In an ideal scenario or as a long-term vision, there is no distinction between employment in domestic and international shipping. There is mobility or smooth movement of seafarers between these two sectors. The challenge is to determine where we are, what the medium and long-term strategies are to upgrade the standards of the domestic shipping industry.

National policies and laws protecting seafarers

Philippine laws and policies generally do not specifically focus on seafarers, particularly addressing their distinct needs, context and vulnerabilities. At present, legislation regarding seafarers can be found in specific provisions contained in several laws which treat maritime labor only in general terms, like other types of workers.

MLC, 2006 will facilitate formulation of enabling laws and polices that specifically focus on the special context, needs and issues on seafarers, aimed to improve their living and working conditions.

I believe we have made progress through initiatives involving analyses of laws and policies. We have supported a series of discussions which culminated in a thorough and detailed analysis of gaps and solutions of national laws and policies based on the requirements of the Maritime Labor Convention. This will be elaborated further in the subsequent presentations by Mr Devanadera and Mr Cacdac.

Key international developments: The Philippines should be ready

Ratification record and promotional efforts elsewhere

So far, 3 countries have ratified the Convention – Liberia, Marshall Islands and the Bahamas. These are the second, third and fourth largest flag states covering already around 20% of the world's fleet. Panama will shortly ratify. The 27 member states of the European Union have agreed to ratify by 2010. Therefore, there is a strong possibility of reaching the required 30 ratifying countries by 2011 for the Convention to be in force, 12 months later or 2012.

Guidelines for Port and Flag state inspections

The ILO maritime constituents met in 2008 to discuss Guidelines for flag State inspections under the Maritime Labour Convention, 2006 and Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006. The texts are to be submitted to the 303rd Session (November 2008) of the ILO Governing Body which is expected to take a decision on its publication. Training on the use of the guidelines will follow.

National Efforts

ILO initiatives in the Philippines are in line with ILO Geneva's five-year global plan of action which includes technical assistance for national efforts undertaken for rapid and widespread promotion of ratification and implementation of the Maritime Labour Convention, 2006 (heretofore referred to as MLC).

ILO Manila supported the series of consultations starting with the High Level Tripartite Mission in November 2006, the year the Convention was adopted (in February). This included the mission of Ms. Cleopatra Doumbia-Henry, Director of NORMES in ILO Geneva in April 2008 where discussions focused on further clarification of remaining concerns covering domestic shipping and sharing of updates on international developments on the promotion of the Convention.

These consultations reviewed and analyzed laws and policies identified as areas of difficulty and areas needing adjustments. This review covered inputs from the TWG, other concerned government agencies and a wider group of maritime constituents/partners who provided their views on the gaps and solutions. DOLE formally submitted the matrix with an analysis of possible solutions, including a response to NORMES's clarification on areas of difficulty. The analysis sought to analyze:

- The areas of national law or practice that would need to be adjusted,
- The areas in which such adjustment would be difficult, with some proposed solutions

We would like to see in 2009 a national plan of action to promote ratification and compliance with the MLC's requirements. The National Plan for Ratification will provide more information to enable the High Tripartite Mission and NORMES to help the country find solutions to the identified gaps based on the matrix and analysis submitted by the government.

In the meantime, we welcome initiatives such as this that contribute to the formulation of national legislation and identification of capacity building needs.

Closing

There is no doubt that the Maritime Labour Convention will be part of the future scenario for the shipping industry. Current trends indicate its early adoption by 2011 and this leaves little time. The Philippines is a major stakeholder and should remain a global player in the maritime regime by ratifying the Convention. The Philippines should be prepared for a scenario when the Convention comes into force and to take advantage of the benefits of the Convention as a ratifying country. This needs a good understanding of what needs to be done to be prepared when the time comes, or even before the time comes.

Let me extend my congratulations to the Department of Labour who has been organizing consultations on the Maritime Labour Convention together with the ILO or independently with other partners. We are aware that our maritime constituents have organized consultations on this Convention on their own and the ILO greatly appreciates the ownership taken to promote this Convention. Nevertheless, we remain at your disposal if you need further ILO assistance.

Thank you very much for your interest on this topic by being present. I hope that you will bear this message in mind in today's discussions. In the future, we hope that the maritime labour Convention will be part of your agenda when you get back to your respective offices, to make your plans and implement your programmes.

This seminar can be seen as an opportunity for you to identify areas to be addressed in order to strengthen the Philippine's preparedness. I look forward to listening to your views today so as to better help you advance the Philippine ratification and implementation of the Maritime Labour Convention.

Maraming salamat po!!!