



## Resolution concerning maritime labour issues and the COVID-19 pandemic (adopted on 8 December 2020)

The Governing Body of the International Labour Office,

*Recognizing* that the COVID-19 pandemic is one of the greatest global challenges in the history of the International Labour Organization (ILO);

*Recognizing* the crucial role that international shipping and seafarers play in maintaining global supply chains, delivering 90 per cent of goods, including essential medical supplies, food, and energy;

*Recalling* that the Officers of the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006) urged the International Labour Office, on 31 March 2020, to raise awareness among governments that seafarers should be treated with dignity and respect to ensure that they can continue to provide their vital services to the world;

*Recalling* that international labour standards, in particular the MLC, 2006, provide a foundation for safeguarding seafarers' decent working and living conditions in the context of a crisis response;

*Considering* the numerous appeals made by the United Nations Secretary-General, the United Nations Specialized Agencies and other organizations of the United Nations system, and the international community for collaborative action in support of keeping ships moving, ports open and cross border trade flowing in order to ensure the integrity of global supply chains during the COVID-19 pandemic, including through the designation of seafarers as "key workers";

*Deeply concerned* about the significant challenges faced by the global shipping industry to effect crew change and repatriate seafarers as a result of the measures taken to contain the COVID-19 pandemic, and their subsequent adverse impact on seafarers' rights, including fundamental principles and rights at work;

*Noting with deep concern* that it has been estimated that hundreds of thousands of seafarers presently require immediate repatriation as they are beyond their original tours of duty, in some cases for more than 17 consecutive months and often without access to shore-based leave and/or medical treatment, and that a similar number of seafarers urgently need to join ships to replace them;

*Conscious of* the immense risk that seafarer fatigue represents for the physical and mental health of individual seafarers and for the safety of navigation, security, and protection of the marine environment;

*Having noted* the [Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus \(COVID-19\) pandemic](#), which was proposed by a broad cross section of global industry associations representing the maritime transportation sector and enjoying

consultative status at the International Maritime Organization (IMO) (MSC.1/Circ. 1636), and which is promoted by the ILO;

*Noting* that cooperation between and among Members during the COVID-19 pandemic is essential to ensure the effective implementation of safe crew changes;

*Bearing in mind* that Regulation 2.5 of the MLC, 2006 provides that seafarers have a right to be repatriated at the end of their employment agreement;

*Recalling* that under Standard A2.5.1 of the MLC, 2006 Members which have ratified the Convention shall prescribe the maximum duration of service periods on board following which a seafarer is entitled to repatriation, such periods to be less than 12 months and mindful that, due to seafarers' fatigue, their period of service on board cannot continue to be extended any longer;

*Recalling also* that Regulation 4.1 of the MLC, 2006, provides that each Member which has ratified the Convention shall ensure that seafarers on board ships in its territory who are in need of immediate medical care are given access to the Member's medical facilities on shore;

*Stressing* that all ships covered by the MLC, 2006, are subject to inspection for all the requirements of the Convention;

*Noting* that the Seafarers' Identity Documents Convention, 1958 (No. 108) and the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), provide for, among other things, the facilitation of shore leave and transit and transfer of seafarers;

*Noting also* that the fishing sector faces challenges similar to those of the shipping industry regarding crew change and repatriation of fishers and *recalling* that the Work in Fishing Convention, 2007 (No.188) contains provisions regarding repatriation and medical care;

*Recalling* relevant international human rights treaties and other instruments, including the *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, according to which all multinational and national enterprises should respect human rights throughout their operations;

*Acknowledging* that the International Transport Workers' Federation (ITF), the International Chamber of Shipping (ICS), and other key maritime actors have engaged in social dialogue and coordinated actions to address these issues, including the development of the Recommended Framework of Protocols, as well as other guidance, and have worked closely with the ILO, the IMO and other United Nations Specialized Agencies; and

*Welcoming* the United Nations General Assembly Resolution on *International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains*, adopted on 1<sup>st</sup> December 2020,

1. Urges all Members, in accordance with applicable national laws and regulations, to:
  - (a) engage, in consultation with social partners, in collaborative actions to identify obstacles to crew changes, and establish and implement measurable, time-bound plans to ensure safe crew change and travel of seafarers, taking into account the Recommended Framework of Protocols as may be revised;
  - (b) designate seafarers as "key workers", for the purpose of facilitation of safe and unhindered movement for embarking or disembarking a vessel, and the facilitation of shore leave, and when necessary, to shore-based medical treatment;

- (c) consider the acceptance of internationally recognized documentation carried by seafarers, including seafarers' identity documents delivered in conformity with ILO Conventions Nos 108 and 185;
  - (d) ensure that a seafarer who is in need of immediate medical care is given access to medical facilities ashore, emergency medical treatment regardless of nationality and, where necessary, emergency repatriation;
  - (e) consider temporary measures including waivers, exemptions or other changes to visa or documentary requirements that might normally apply to seafarers;
2. Calls upon Members that have ratified the MLC, 2006, to adopt without delay the necessary measures to fully implement the Convention in law and practice during the COVID-19 pandemic in coordination among relevant ministries and agencies within national administrations, in cooperation with other ratifying Members and in consultation with relevant social partners;
  3. Requests the International Labour Office in cooperation with other United Nations Specialized Agencies and relevant stakeholders to continue supporting Members in the implementation of government actions and policies aimed at ensuring the integrity of global supply chains, as well as decent working and living conditions for seafarers;
  4. Calls upon multinational and national enterprises to carry out due diligence in line with the United Nations Guiding Principles on Business and Human Rights, to identify, prevent, mitigate, and account for how they address their actual and potential human rights impact on seafarers resulting from the COVID-19 pandemic;
  5. Calls upon all Members, the International Labour Office and multinational and national enterprises to consider taking measures for fishers similar to those included in paragraphs 1, 3 and 4 above for seafarers, as appropriate;
  6. Requests the Director-General to continue collaborating with the IMO and report to the Governing Body at its 341st Session (March 2021) on coordinated action taken by United Nations organizations and the social partners to follow-up on this resolution.