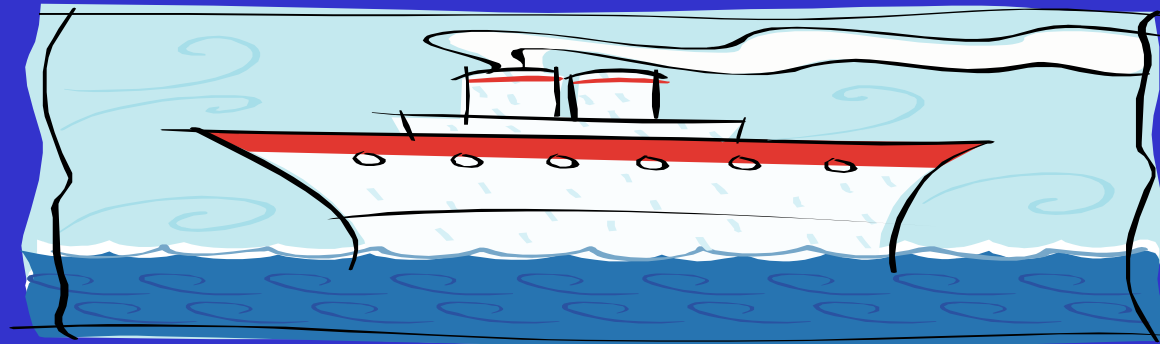


The Maritime Labour Convention

What it is & how it will affect Shipowners in EUDA



Natalie Shaw
Director of Employment Affairs



Maritime Labour Standards

- 60 instruments on issues such as:
 - conditions for admission to employment, e g:- minimum age
 - compulsory medical examination prior to employment;
 - repatriation of seafarers at employment end;
 - social security entitlement
 - vocational training & welfare facility standards;
 - occupational accident prevention & investigation procedures
 - food, catering & accommodation



Current ILO Conventions include:-

Minimum Age	1920/ 1936
Unemployment Indemnity	1920
Placing of Seamen	1920
Medical Examination of young persons	1921
Seamen's Articles of Agreement	1926
Repatriation of seamen	1926
Officers competency certificates	1936
Ship owner Liability	1936
Sickness Insurance	1936
Food and Catering	1946
Certification of Ships Cooks	1946
Medical Examinations	1946
Certification of Able Seamen	1946
Paid Vacations	1949
Accommodation of Crews	1949

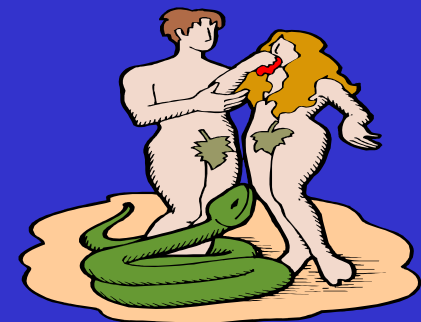
Background

- 60 Current ILO instruments conventions & recommendations
- - many out of date
- - not widely ratified
- Unenforceable
- Vacuum not desirable
- ILO considering options
- 2001 Joint Maritime Commission
- Too detailed
- Slow amendment procedures
- “Regulation overload” currently > 30 conventions & 23 recommendations
- Difficult to enforce
- Variation in number of countries ratifying conventions
- Substantial equivalence taken from 147
- Governmental Support



The Consolidated Convention - The Origins

- 8 major meetings (upto 800 delegates)
- Early debates in plenary did not focus on detail
- Major issues - enforcement, social security, accommodation, H & S
- Structure
- Simplified Amendment Procedure
- Flexible some sections mandatory, others guidance
- Clarifies Enforcement Responsibilities
- Definitions
- Separation of principles from detail
- Consolidation & upgrading
- Government/ Social Partners views
- Disagreement procedures
- Handling new instruments (e.g. ILO 180)
- Ensuring ratification
- MARPOL approach adopted
- Detail reduced to encourage flexibility



Consolidated Convention: The Objectives

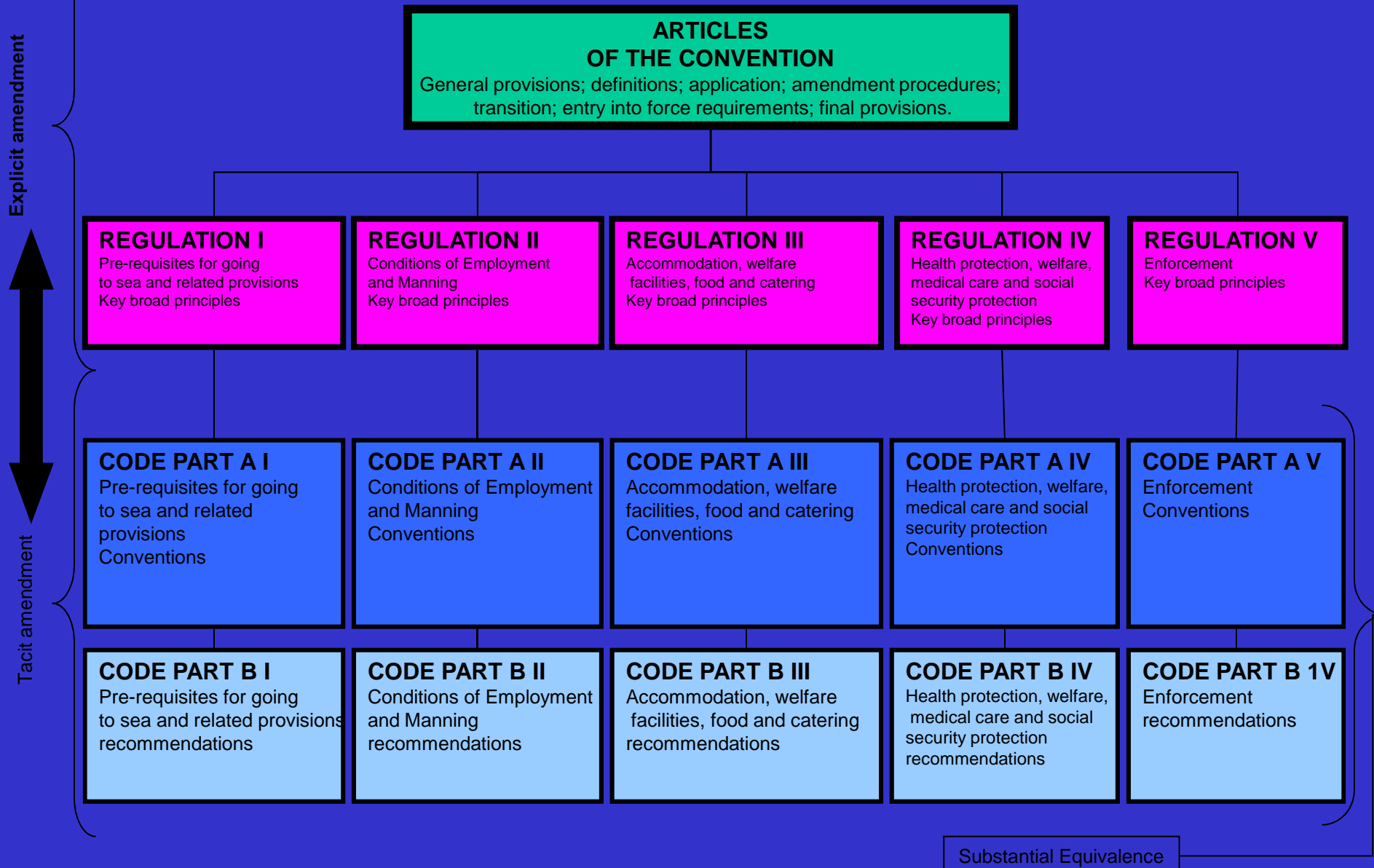
- 2 primary purposes:
 - bring protection within existing standards closer to seafarers, consistent with global growth
 - improve system applicability so that those providing acceptable working conditions do not bear an unequal burden to ensure protection
- All-encompassing instrument incorporating all relevant standards
- Attractive to ratify to secure wide acceptability & ratification
- Easily monitored & enforced to establish level playing field
- Easily updateable
- User friendly language.



Convention structure

- Preamble Non binding introduction
- Articles Legal provisions, amendments, definitions
Regulations- Code A- Code B
- Title 1 Minimum conditions to work at sea
- Title 2 Employment Conditions
- Title 3 Accommodation, food and catering
- Title 4 Health, medical & social security
- Title 5 Compliance & enforcement

ILO Consolidated Convention : Structure



Consolidated Convention diagram example

**ARTICLES
OF THE CONVENTION**
General provisions; definitions; application; amendment procedures;
transition; entry into force requirements; final provisions.

*"Every seafarer has the right to fair terms
of employment"*

REGULATION II
Conditions of Employment
and Manning
Key broad principles

*"Terms shall be written, clear, legally enforceable;
opportunity to review before signing;
form and content to comply with the Convention; and
may incorporate a CBA."*

CODE PART A II
Conditions of Employment
and Manning
Conventions

"English version to be available, copies to be carried on board etc."

CODE PART B II
Conditions of Employment
and Manning
recommendations

"Detailed guidance on content, model agreement etc."

New Amendment Procedures

<ul style="list-style-type: none">• Express ratification	<ul style="list-style-type: none">• Simplified amendment
<ul style="list-style-type: none">• Follows closely current ILO procedures	<ul style="list-style-type: none">• Introduces tacit acceptance to replace ratification
<ul style="list-style-type: none">• Updates Convention, but does not create new revising instrument	<ul style="list-style-type: none">• Applies to Codes A & B

New Tripartite Maritime Committee will consider amendment proposals

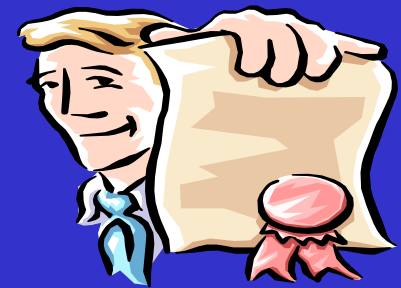
Innovations

- One-stop shop
- Clear set of principles and employment & social rights
- Simplified amendment procedure upheld by Tripartite Committee
- Strong enforcement, backed by compliance certification system
- No more favourable treatment clause



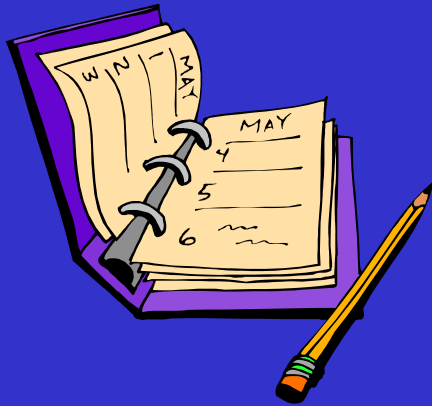
A New Approach To Enforcement

- Specific section on Enforcement - responsibilities & measures
- Enforcement Chain - Integrate international & national levels
- Labour Standard Certification system
- Maritime Labour Certificate & Declaration of Maritime Labour Compliance
- Quality control procedures



Next Steps

Maritime Labour Convention



Ratification by 30 Member states with 33% GT
Promotion of the Convention
Introduction into National Legislation

Desire

- All in one clear & easy to comprehend convention
Easier for ship owners, seafarers & Governments
 - Same level
 - No varying regimes globally
 - Good crew conditions = good work
- Well ratified
- Pillar like SOLAS & MARPOL
- Practical but realistic in content
- The HR Manager's Bible
- Flag & Port State Inspectors Guide
- Easy to amend
- Well enforced and complied with
- Flexible
- Enforceable
- Global Level Playing Field

How does this affect EUDA Members?

- Major Labour Supply State - will ensure uniform treatment of Seafarers working & Living Conditions
- Parity of Standards with Seafarers from other countries
- New National Legislation required
- Country vulnerable if it chooses not to ratify
- Shipowners must abide by the convention provisions to maintain quality employees

Conclusions

- *Non compliance is a key pitfall as it could be extremely costly both in terms of Finance but also for reputation and being seen as an employer of choice.*
- *Shipowners avoided impractical implementation of the MLC in their Member States by checking that national legislation is in line with the MLC and by lobbying where necessary (via national shipowner organisation during the tri-partite consultations)*
- *The MLC is not geared specifically at Europe . It is about ensuring a global level playing field.*

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