

**Third meeting of the Special Tripartite Committee
of the MLC, 2006**Geneva
23–27 April 2018**Instruments relating to career and skill
development and opportunities for
seafarers' employment****Summary**

The maritime labour instruments under review include **one Convention and four Recommendations concerned with career and skill development and opportunities for seafarers' employment:**

- [Continuity of Employment \(Seafarers\) Convention, 1976 \(No. 145\)](#);
- [Vocational Training \(Seafarers\) Recommendation, 1946 \(No. 77\)](#);
- [Vocational Training \(Seafarers\) Recommendation, 1970 \(No. 137\)](#);
- [Employment of Seafarers \(Technical Developments\) Recommendation, 1970 \(No. 139\)](#);
- [Continuity of Employment \(Seafarers\) Recommendation, 1976 \(No. 154\)](#).

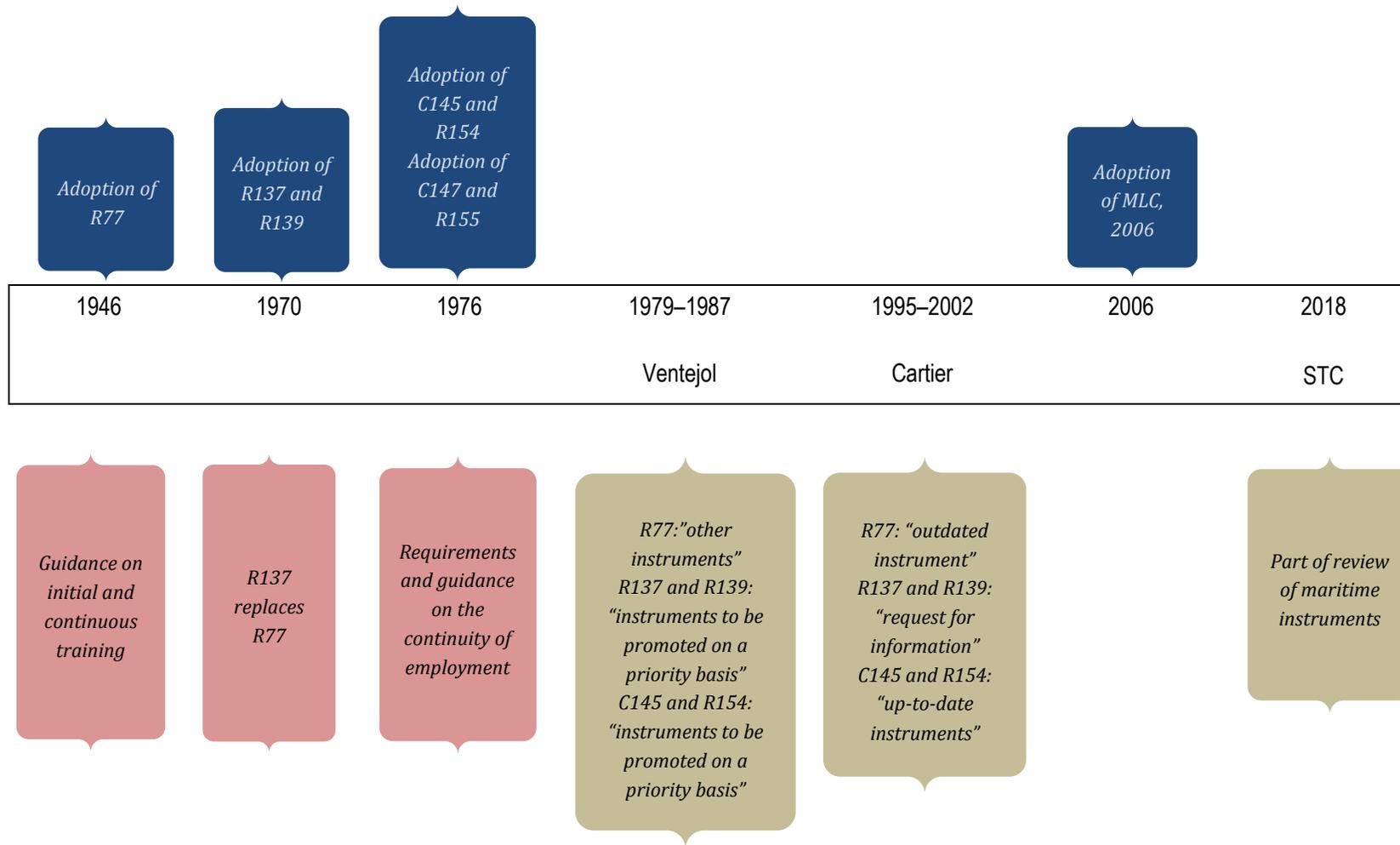
Status of the instrument under review

	Recommendation of the Cartier Working Party	Follow-up since the Cartier Working Party
Convention No. 145	Up-to-date instrument	Revised by the MLC, 2006
Recommendation No. 77	Recommendation replaced	Revised by the MLC, 2006
Recommendation No. 137	Instrument requiring additional information	Revised by the MLC, 2006
Recommendation No. 139	Instrument requiring additional information	Revised by the MLC, 2006
Recommendation No. 154	Up-to-date instrument	Revised by the MLC, 2006

Possible action to consider

1. To classify Convention No. 145 and Recommendation No. 154 as “outdated” and propose their abrogation and withdrawal respectively.
2. To recommend that the Governing Body take note of the juridical replacement of Recommendation No. 77 by Recommendation No. 137.
3. To classify Recommendation No. 137 as “outdated” and propose its withdrawal.
4. To classify Recommendation No. 139 as “outdated” and propose their withdrawal.

Instruments relating to career and skill development and opportunities for seafarers' employment – Chronology



I. Regulatory approach of the ILO with regard to career and skill development and opportunities for seafarers' employment

A. Protection provided by ILO instruments

1. The [Vocational Training \(Seafarers\) Recommendation, 1946 \(No. 77\)](#), provides guidance on the work of the various official and private institutions in each country which deal with vocational training for service at sea. This work should be coordinated and developed on the basis of a general programme which will provide adequate incentives to attract persons to the maritime industry and to make seafaring their occupation in life. It deals with both access to the profession and career development.
2. The [Vocational Training \(Seafarers\) Recommendation, 1970 \(No. 137\)](#), applies to all training designed to prepare persons for work on board a publicly or privately owned sea-going ship engaged in the transport of cargo or passengers for the purpose of trade, engaged in training or engaged in scientific exploration. It deals with training for the performance of the duties of persons in the deck, engine, radio or catering departments or of general purpose crews. It does not apply to fishermen. The aim of this Recommendation is to provide guidance for the adoption of national policies for the training of seafarers. It is also about matching skills demand and labour supply, both quantitatively and qualitatively. It also takes into account certain specific considerations, such as adapting to technological changes, career progression and accident prevention. The Recommendation provides guidance on the national planning and financing of training and programmes drawn up in cooperation with government departments, educational institutions and other bodies that have an intimate knowledge of the vocational training of seafarers. The issue of access to the profession of seafarer, in particular, is approached from the perspective of training costs.
3. The [Employment of Seafarers \(Technical Developments\) Recommendation, 1970 \(No. 139\)](#), provides that every member State that has a maritime industry should ensure the establishment of national manpower plans for that industry within the framework of its national employment policy. The aim of these plans is to obtain the greatest benefits from technical progress, and to protect from hardship seafarers whose employment is affected thereby. The Recommendation addresses the decline in seafaring jobs caused by such technological developments. This calls for the establishment of an effective employment service and employment offices that ensure the best possible alignment between labour supply and demand, while facilitating access to jobs ashore. In addition, professional training and retraining should aim to make seafarers constantly adaptable to changes in their work. Lastly, measures should be taken to provide regularity of employment and income for seafarers.
4. The [Continuity of Employment \(Seafarers\) Convention, 1976 \(No. 145\)](#), applies to seafarers, namely persons normally employed as crew members on board a sea-going ship, who are regularly available for work as seafarers and who depend on their work as such for their main annual income. The Convention specifies that ships of war and fishing vessels are excluded. Its aim is to provide continuous or regular employment and, in so doing, to provide shipowners with a stable and competent workforce. It forms part of a movement to stabilize crews with a view to giving seafarers access to longer contracts or continuous or regular employment with a shipping undertaking or an association of shipowners. The maintenance of registers by category of qualified seafarer is also envisaged as a means of promoting this stability.

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5. The [Continuity of Employment \(Seafarers\) Recommendation, 1976 \(No. 154\)](#), supplements Convention No. 145 by providing further guidance on how to ensure continuity of employment, including by permitting the transfer of seafarers in the regular employment of one employer to temporary work with another. Where continuous employment is not practicable, it recommends that guarantees of employment and/or income, including unemployment benefit, should be provided in line with the economic and social situation of the country. The Recommendation revisits the registration mechanism for seafarers by providing suggested criteria for inclusion in such registers and guidance on their revision (including in cases where a reduction in the workforce becomes unavoidable).
 6. The [Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#), provides, under Regulation 2.8 on career and skill development and opportunities for seafarers' employment, that member States must have national policies to promote employment in the maritime sector and to encourage career and skill development and greater employment opportunities for seafarers domiciled in their territories. The aim is to provide the maritime sector with a stable workforce while helping seafarers to strengthen their competencies, qualifications and employment opportunities. The Convention therefore envisages both initial and continuous training for seafarers and the use of registers of seafarers to determine priority of engagement. It is also worth noting the extended scope of the MLC, 2006, which defines a seafarer or seaman as "any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies", namely "ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or similar pursuits and ships of traditional build such as dhows and junks".¹

B. Key dates for the instruments under review: Adoption and ratification

7. Convention No. 145 was adopted in 1976, and 17 ratifications were registered. The ratification of the MLC, 2006 has resulted in the denunciation of this instrument by 12 States to date.² Five member States remain bound by this instrument.³ The comments by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) that are awaiting replies generally concern requests for information regarding the application in practice of the Convention. Recommendation No. 154 was adopted in 1976 and supplements Convention No. 145.
8. Recommendation No. 77 was adopted in 1946. It was replaced by Recommendation No. 137, adopted in 1970.⁴ Recommendation No. 139 was adopted in 1970.

¹ Article II(4). The MLC, 2006 does not apply to warships or naval auxiliaries.

² Pursuant to Article X of the MLC, 2006.

³ Namely Brazil, Costa Rica, Cuba, Egypt and Iraq. In addition, this Convention was declared applicable to the following non-metropolitan territories: Aruba (the Netherlands) and French Polynesia (France).

⁴ Paragraph 28 of Recommendation No. 137.

II. Evolution of the instruments: From adoption to 2018

A. Status

9. During the review carried out by the **Ventejol Working Party**, it was pointed out that Recommendation No. 77 had been replaced by Recommendation No. 137. In both 1979 and 1987, it was classified in the “other instruments” category.⁵ Following the work of the **Cartier Working Party**, the Governing Body decided to classify Recommendation No. 77 in the “outdated instruments” category.⁶
10. Recommendation No. 137 was classified by the Ventejol Working Party in the “instruments to be promoted on a priority basis” category in both 1979 and 1987.⁷ During the review carried out by the Cartier Working Party, it was decided, after noting that this Recommendation had explicitly replaced Recommendation No. 77, to request further information on the matter in order to determine whether the possibility of replacing it should be considered.
11. Recommendation No. 139 was classified by the Ventejol Working Party in the “instruments to be promoted on a priority basis” category in both 1979 and 1987, with the exception of Part IV (Regularity of Employment and Income). During the review carried out by the Cartier Working Party, it was decided to request further information on the matter in order to determine whether the possibility of replacing it should be considered.
12. Convention No. 145 and Recommendation No. 154 were classified by the Ventejol Working Party as “instruments to be promoted on a priority basis”. During the work of the Cartier Working Party, the decision was taken to classify these two instruments as “up-to-date instruments”. However, it was noted that Convention No. 145 had received few ratifications and that a comparatively high number of comments by the CEACR were awaiting a reply. This led the Office to recommend that member States provide information on the obstacles or difficulties that could prevent or delay its ratification.

B. Application and consolidation

13. None of the instruments concerning career and skill development and opportunities for seafarers’ employment submitted for review by the Special Tripartite Committee (STC) are included in the Appendix of the [Merchant Shipping \(Minimum Standards\) Convention, 1976 \(No. 147\)](#).
14. Recommendation No. 137 is included in the Appendix of the [Merchant Shipping \(Improvement of Standards\) Recommendation, 1976 \(No. 155\)](#). This Recommendation

⁵ See [GB.194/PFA/12/5](#), Appendix 1, p. 74 (Office background paper, November 1974). The Ventejol Working Parties of 1979 and 1987 both classified Recommendation No. 77 in the “other instruments” category because it had been revised by other instruments (See *Official Bulletins Vol. LXII, Series A, 1979* and *Vol. LXX, Series A, 1987*).

⁶ See [GB.277/LILS/WP/PRS/1/2](#).

⁷ See *Official Bulletins Vol. LXII, Series A, 1979* and *Vol. LXX, Series A, 1987*.

serves to extend the corpus of instruments that could be implemented under the conditions provided for by Convention No. 147 (substantial equivalence).⁸

15. The MLC, 2006 revises Convention No. 145. Regulation 2.8 maintains its objective, namely to promote career and skill development and employment opportunities for seafarers. It refers to the issue of career development, where necessary, through agreements concluded with shipowners or shipowner organizations. The use of registers of seafarers is also envisaged. Convention No. 145 is no longer open to ratification. The MLC, 2006, addresses the issue of seafarers' unemployment under Regulation 4.5 on social security.
16. The MLC, 2006 deals with the issue of seafarer training from the perspective of the minimum required training and qualifications (Regulation 1.3) and in terms of careers, skill development and opportunities for seafarers' employment (Regulation 2.8).
17. The issue of technical developments, which merited the adoption of a separate Recommendation in 1970 (Recommendation No. 139) is not addressed specifically by the MLC, 2006. However, the protections that the Recommendation upholds (employment policy; recruitment and placement; training; regularity of employment and income) appear under other regulations: Regulation 1.4 (Recruitment and placement); Regulation 2.2 (Wages) and Regulation 2.8 (Career and skill development and opportunities for seafarers' employment). Standard A2.8, by requiring the adoption of national policies that take account of the need for seafarers to strengthen their skills, qualifications and employment opportunities, implicitly incorporates the technical developments known to the sector. Guideline B2.8.1 recommends the adoption of measures to promote opportunities, both on board and ashore, for further training and education of seafarers to provide for skill development and portable competencies in order to enable them to secure and retain decent work, improve their individual employment prospects and adapt to technological developments.

C. Situation in relation to international labour standards

18. The two main issues covered by the instruments concerning career and skill development and opportunities for seafarers' employment, namely initial and further training and continuity of employment, have been subject to a number of changes.
19. During the review carried out by the Ventejol Working Party, it was emphasized, in relation to Recommendation No. 137, that "new international standards on training and certification of seafarers are being prepared by the Inter-Governmental Maritime Consultative Organization, in consultation with the Joint IMCO/ILO Committee on Training, with a view to the convening of a Conference in 1977".⁹ This echoes the adoption, under the auspices of the International Maritime Organization (IMO), of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) in 1978. The STCW contributed to a concerted movement to standardize training regulations at the international level, with auditing processes for maritime training centres and the issuing of certificates, and a framework for the recognition of diplomas and certificates by States. It takes into consideration the most recent technological changes to affect work on board,

⁸ ILO: *General Survey of the Reports on the Merchant Shipping (Minimum Standards) Convention (No. 147) and the Merchant Shipping (Improvement of Standards) Recommendation (No. 155), 1976*, Report III (Part 4B), International Labour Conference, 77th Session, Geneva, 1990, pp. 39 ff.

⁹ See [GB.194/PFA/12/5](#), Appendix I, p. 75 (Office background paper, November 1974).

namely digital technologies, which have a strong impact on the operating conditions of the vessel.

20. Continuity of employment, also called “crew stabilization”, was a very important concept in the second half of the twentieth century. It sought to break with an old-fashioned view of seafarers’ employment whereby the seafarer was tied to a specific vessel for a voyage (agreement for a voyage). Gradually, a new approach to seafarers’ recruitment was instated. Nowadays, seafarers are tied to an employer (usually a shipping company) for a contract (or successive contracts), which obliges them to work for an agreed period on a company vessel. In this new context, the protection provided by Convention No. 145 and Recommendation No. 154 seems inadequate or outdated. An issue that has received more attention from stakeholders is the increasing use of intermediaries known as recruitment or employment agencies.¹⁰ As stated at the time of the adoption of the MLC, 2006, the stakeholders underscore the importance of making maritime careers more attractive.¹¹
21. With regard to training, Recommendation No. 137 has explicitly replaced Recommendation No. 77. At the time of the adoption of the MLC, 2006, account was taken of Recommendation No. 139, which considers the impact of technological developments on the work of seafarers. The instruments adopted under the auspices of the IMO, which set up-to-date standards in the area of training, help to give it effect.
22. With respect to continuity of employment, the MLC, 2006, partially reproduced the content of Convention No. 145 and Recommendation No. 154. The low number of ratifications and the practical difficulties of implementation had led the ILO, during the work of the Cartier Working Party, to state the need for a request for information. During the adoption of the MLC, 2006, substantive debates were held on the content of Regulation 2.8 and on the need to update the protections that had been affirmed in 1976. In that connection, it was stated during preparatory work for the MLC, 2006, that the aim of Regulation 2.8 is to consolidate the principles enshrined in Convention No. 145 while taking into consideration the view held by many governments that, while the need to attract workers to the maritime sector is well acknowledged, the existence of such a policy for one category of the workforce only is no longer appropriate. The provisions were developed to meet the concern about having such a policy for one sector only and are also seen as serving to promote the inclusion of seafarers in full employment policies at a broader national level by focusing on promotion of employment in the sector and on career development and ongoing training and skill development for seafarers.¹² The MLC, 2006 is therefore the only up-to-date instrument that reflects the tripartite consensus on this issue.

¹⁰ See Technical note 4.

¹¹ [Two Resolutions](#) were adopted by the International Labour Conference, 94th (Maritime) Session, Geneva, February 2006, on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers. The ILO will organize a sectoral meeting on these subjects in 2019.

¹² ILO: International Labour Conference, 94th (Maritime) Session, 2006, Report I(1A), [Adoption of an instrument to consolidate maritime labour standards](#), p. 38.

III. Key points to consider in deciding the status of the instruments

23. In the review for deciding the status of Convention No. 145 and Recommendations Nos 77, 137, 139 and 154 relating to career and skill development and opportunities for seafarers' employment, the following considerations are particularly relevant:

- (1) Only five member States remain bound by Convention No. 145 and the protection it provides, together with the associated Recommendation No. 154, no longer corresponds with the requirements of the most recent instrument.
- (2) Recommendation No. 77 has been replaced by Recommendation No. 137.
- (3) Recommendation No. 137 develops guidance on seafarers' training, which the tripartite constituents decided to update in the MLC, 2006.
- (4) Account was taken of Recommendation No. 139 in the process of consolidation of ILO maritime instruments that led to the adoption of the MLC, 2006. This Convention, together with the IMO instruments, now gives it effect.

IV. Possible action to consider with respect to the instruments

24. In the light of the foregoing, the Special Tripartite Committee (STC) might wish:

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| <ol style="list-style-type: none">1. To classify Convention No. 145 and Recommendation No. 154 as “outdated” and propose their abrogation and withdrawal respectively. In this regard, the STC might wish to encourage the ratification of the MLC, 2006 by the five States still bound by Convention No. 145.2. To recommend that the Governing Body take note of the juridical replacement of Recommendation No. 77 by Recommendation No. 137.3. To classify Recommendation No. 137 as “outdated” and propose its withdrawal.4. To classify Recommendation No. 139 as “outdated” and propose its withdrawal. |
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