



Governing Body

346th Session, Geneva, October–November 2022

Legal Issues and International Labour Standards Section

LILS

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Third item on the agenda

Report of the fourth meeting (Part II) of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (5–13 May 2022)

Report of the Chairperson of the Committee to the Governing
Body, in accordance with article 16
of the Standing Orders of the Committee

Purpose of the document

Under the Standing Orders of the Special Tripartite Committee (STC), the Chairperson of the STC is required to report to the Governing Body on the working of the Maritime Labour Convention, 2006, as amended. Accordingly, this document contains the Chairperson's report on the fourth meeting (Part II) of the STC (5–13 May 2022). The Governing Body is invited to: take note of this report and of the resolutions adopted at the meeting; endorse the establishment of a working group of the STC to make recommendations on a more effective and sustainable financial security system to protect seafarers in cases of abandonment; extend the appointment of the current Chairperson of the STC until 2025; and convene the fifth meeting of the STC (see the draft decision in paragraph 28).

Relevant strategic objective: Set and promote standards and fundamental principles and rights at work, as well as strengthen tripartism and social dialogue.

Main relevant outcome: Outcome 2: Ratification and application of international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: Financial arrangements relating to the fifth meeting of the STC in 2025 and the establishment of a working group of the STC on the financial security system to protect seafarers in cases of abandonment.

Follow-up action required: The Office will follow up as required based on the decisions adopted by the Governing Body.

Author unit: International Labour Standards Department (NORMES).

Related documents: [ILC.110/D.2](#); [GB.343/LILS/4](#); [GB.342/INS/8/1](#); [GB.343/PV](#).

▶ Introduction

1. At its 340th Session (October–November 2020), the Governing Body decided that the fourth meeting of the Special Tripartite Committee (STC) established by the Governing Body under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006), would be held in two parts. ¹ Part I was held in a virtual format (online) from 19 to 23 April 2021. ²
2. This report relates to Part II of the meeting, which took place from 5 to 13 May 2022, in a hybrid format (online and in person), at ILO headquarters in Geneva. It was attended by representatives of 63 States parties to the MLC, 2006, and representatives of 19 Members not having yet ratified the Convention, with a total of 536 participants, of which 37 per cent were women. ³
3. In accordance with article 16 of the [Standing Orders](#) of the STC, the Chairperson of the Committee is to report to the Governing Body “... on the working of the Convention. The report may contain recommendations to the Governing Body on action to be taken to ensure the effective, efficient and, to the extent deemed expedient, uniform implementation of the Convention.”
4. The STC dealt with all the matters on its [agenda](#) in an efficient manner, despite the challenges created by the hybrid format of the meeting. It reached agreement on important issues through constructive and high-level tripartite discussions, as reflected in the final report of the meeting. ⁴ The present report highlights the outcome of the meeting with respect to each agenda item as well as follow-up action covering developments until 31 August 2022.

▶ 1. Consideration of proposals for amendments to the Code of the MLC, 2006

5. In accordance with Article XV, paragraph 4, of the MLC, 2006, the STC considered 12 proposals for amendments to the Code of the MLC, 2006, concerning a number of provisions of the Convention. ⁵ Of these proposals, five were submitted jointly by the Seafarers’ and Shipowners’ groups, five were submitted by the Seafarers’ group and two were submitted by a number of governments.

¹ GB.340/INS/21.

² GB.343/LILS/4.

³ The MLC, 2006, entered into force on 20 August 2013 and, as at 31 August 2022, had been ratified by [101 Member States](#) representing more than 96 per cent of the world’s gross tonnage of ships.

⁴ ILO, [Fourth meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006, as amended – Part II \(Geneva, 5–13 May 2022\)](#), Final report, STCMLC/Part II/2022/4, 2022.

⁵ A [background paper](#) outlining the purpose of the 12 proposals and containing the texts thereof, a summary of [observations](#) and suggestions on the proposals and the texts of the [amendments](#) submitted in relation to the proposals are available on the [web page of the fourth meeting \(Part II\) of the STC](#).

6. Following discussions on the 12 proposals, the STC adopted eight amendments to the Code of the MLC, 2006, by an overwhelming majority of votes.⁶ It is interesting to note that half of the amendments are intended to address some of the painful lessons learned during the COVID-19 pandemic.
7. The first amendment relates to Regulation 1.4 of the MLC, 2006 (Recruitment and placement) and is intended to ensure that seafarers are informed of their rights in relation to the obligation of recruitment and placement services to maintain a system of protection to compensate seafarers for monetary losses.
8. The second amendment relates to Regulation 2.5 (Repatriation) and is intended to facilitate the prompt repatriation of seafarers, including when they are deemed abandoned, and to safeguard the rights and entitlements of seafarers who may be placed on ships where seafarers have recently been abandoned.
9. The third set of amendments relates to Regulation 3.1 (Accommodation and recreational facilities) and is intended to ensure that seafarers are provided with appropriate social connectivity by shipowners and that Member States provide internet access in their ports.
10. The fourth set of amendments relates to Regulation 3.2 (Food and catering) and provides that drinking water of suitable quality shall be made available for seafarers free of charge and highlights the importance of balanced meals on board.
11. The fifth set of amendments relates to Regulation 4.1 (Medical care on board ship and ashore) and provides that Member States shall ensure the prompt disembarkation of seafarers in need of immediate medical care from ships in their territory and access to medical facilities ashore for the provision of appropriate treatment. It is further intended to facilitate the repatriation of the body or ashes of seafarers who have died on board.
12. The sixth amendment relates to Regulation 4.3 (Health and safety protection and accident prevention) and is intended to ensure that seafarers have appropriately-sized personal protective equipment.
13. The seventh set of amendments relates to Regulation 4.3 (Health and safety protection and accident prevention) and provides that all deaths of seafarers shall be adequately investigated, recorded and reported annually to the ILO to be published in a global register.
14. The eighth set of amendments relates to Appendix A2-I (Evidence of financial security under Regulation 2.5, paragraph 2) and Appendix A4-I (Evidence of financial security under Regulation 4.2). They are intended to facilitate the functioning of the system of financial security by accepting a reference to the name of the registered owner of the ship when it is different from the shipowner.
15. Of the four remaining proposals, two were withdrawn in favour of the resolutions adopted by the STC on contractual redress for seafarers and on financial security (see section 4 below). Further examination of the other two proposals was deferred to the fifth meeting of the STC, as it was not possible to reach an agreed text during the time available for the meeting.
16. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and article 17 of the Standing Orders of the STC, amendments to the Code that are adopted by the Committee - together with a commentary on the amendments concerned - are to be communicated by the Chairperson of the Committee to the Governing Body for transmittal to the International Labour Conference

⁶ The results of the votes can be consulted in the final report of the fourth meeting (Part II).

at its next session. As the fourth meeting (Part II) of the Committee took place after the 344th Session (14–26 March 2022) of the Governing Body, the amendments were brought to the attention of the Officers of the Governing Body, who decided under delegated authority to transmit them to the International Labour Conference at its 110th Session for approval. The amendments were approved by an overwhelming majority of votes cast by delegates on 6 June 2022.⁷

17. The [amendments](#) were notified to Member States on 23 June 2022, in accordance with Article XV, paragraph 6, of the MLC, 2006. The period for the communication of any formal disagreement runs until 23 June 2024. The amendments are expected to enter into force on 23 December 2024, through the tacit acceptance procedure, in accordance with Article XV, paragraph 7, of the MLC, 2006.

▶ 2. Consideration of any request for consultation under Article VII of the MLC, 2006

18. There were no requests for consultation at the meeting.

▶ 3. Officers of the Special Tripartite Committee

19. Based on the agreement reached by the STC to convene its fifth meeting in 2025, the Committee agreed to extend the term of office of the following representatives as Vice-Chairpersons until 2025.⁸
 - Mr Yasuhiro Urano (Government member, Japan);
 - Mr Dirk Max Johns (Shipowner member, Germany);
 - Mr Mark Dickinson (Seafarer member, United Kingdom of Great Britain and Northern Ireland).
20. The STC recommended to the Governing Body that the term of office of Mr Martin Marini (Singapore), who had been appointed as Chairperson of the STC for the three-year period from 2021 to 2024, should also be extended to 2025.

▶ 4. Resolutions

21. The STC adopted three resolutions at its fourth meeting (Part II), concerning [harassment and bullying, including sexual assault and sexual harassment, in the maritime sector; contractual redress for seafarers; and financial security](#).

⁷ In accordance with Article XV, paragraph 5, of the MLC, 2006, approval by the Conference requires a majority of two thirds of the votes cast by the delegates present. The [results](#) of the votes are available online.

⁸ The original term of office of the Vice-Chairpersons ran from 2021 to 2024. In accordance with article 6(3) of the Standing Orders of the STC, the Vice-Chairpersons shall be appointed by the Committee for a term of up to three years and they may be reappointed.

- 22.** In the resolution on harassment and bullying, including sexual assault and sexual harassment, in the maritime sector, the STC calls upon the Governing Body to take note of the request of the Maritime Safety Committee of the International Maritime Organization (IMO)⁹ to include the topic of harassment and bullying, including sexual assault and sexual harassment, in the maritime sector and consider this as an item to be considered, at the earliest opportunity, by the Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element (JTWG), under paragraph 4(c) of the JTWG's terms of reference and list of priorities,¹⁰ with the objective of ensuring a safe and inclusive workplace for seafarers.
- 23.** The Office consulted the Officers of the STC and the IMO on the necessary measures to be adopted to follow up on the request included in this resolution. In the light of the urgency and importance of the issue, it was agreed that an item on harassment and bullying, including sexual assault and sexual harassment, would be addressed by the JTWG at its meeting to be held in 2023. In keeping with the decisions taken by the Governing Body at its 343rd Session, no additional allocation of resources is required for that meeting.
- 24.** In the resolution on contractual redress for seafarers, the STC:
- Calls upon Member States to ensure that all seafarers have adequate means of contractual redress against the shipowner, and that any necessary steps to ensure correct implementation in this respect are taken as soon as possible, taking into account the comments formulated by the Committee of Experts on the Application of Conventions and Recommendations on this issue, if any;
 - Further calls upon Flag States to ensure that shipowners are in compliance with Standard A2.1 before issuing to their ships with a Maritime Labour Certificate, and in any intermediate inspections;
 - Draws the attention of the Committee of Experts on the Application of Conventions and Recommendations to the issues discussed during the meeting in relation to the implementation of Standard A2.1.
- 25.** The Office will draw the attention of the Committee of Experts to this issue at its forthcoming meeting in November–December 2022.
- 26.** In the resolution on financial security, the STC calls for the establishment of a working group of the STC, based on past practice, to discuss the financial security system required under Standard A2.5.2 and make recommendations to the STC on potential improvements that would make the system more effective and sustainable and ensure a greater degree of protection and assistance for abandoned seafarers.
- 27.** The Office consulted with the Officers of the STC on the time, composition and modalities of the work of the working group on the financial security system to protect seafarers in cases of abandonment. The working group is expected to work in English through electronic correspondence and to hold one three-day online meeting in 2024 in order to report back to the STC in 2025. Based on past practice and in keeping with the Standing Orders of the STC,

⁹ The Maritime Safety Committee, at its 105th Session, instructed the JTWG (under paragraph 4(c) of its terms of reference) to "consider bullying and harassment in the maritime sector, including sexual assault and sexual harassment, taking into account information submitted by interested parties, with a view to providing recommendations for future steps, including the development of legislation, mechanisms and policies, and the launching of awareness campaigns by relevant stakeholders, aimed at reporting and addressing these matters". This instruction was endorsed by the IMO Council at its 127th Session, in July 2022.

¹⁰ See [GB.343/LILS/4](#) and [GB.343/PV](#), para. 559.

the working group will be composed of four Government representatives, four Shipowner representatives and four Seafarer representatives.

▶ Draft decision

- 28. The Governing Body, welcoming the work conducted by the Special Tripartite Committee (STC) established under the Maritime Labour Convention, 2006, as amended (MLC, 2006):**
- (a) took note of the report of the Chairperson of the STC on the fourth meeting (Part II) of the STC (5-13 May 2022) contained in document GB.346/LILS/3 and of the resolutions adopted at that meeting;**
 - (b) took note of the request by the Maritime Safety Committee of the International Maritime Organization (IMO) to include the topic of harassment and bullying, including sexual assault and sexual harassment, in the maritime sector as an item to be considered, at the earliest opportunity, by the Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element and noted that the topic would be addressed at the meeting of the Joint ILO-IMO Tripartite Working Group to be held in 2023;**
 - (c) endorsed the establishment of a working group of the STC with the mandate and modalities described in paragraphs 26 and 27 of document GB.346/LILS/3;**
 - (d) extended the appointment of Mr Martin Marini (Singapore) as Chairperson of the STC until 2025; and**
 - (e) decided to convene the fifth meeting of the STC from 7 to 11 April 2025 and requested the Director-General to include a provision for that purpose in the Programme and Budget proposals for 2024-25.**