

► Resolution concerning the establishment of a Joint ILO–IMO Tripartite Working Group to identify and address seafarers’ issues and the human element

The Special Tripartite Committee (STC) established by the Governing Body under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006),

Having met remotely for the first part of its fourth meeting, from 19 to 23 April 2021,

Recalling article III of the Agreement between the International Labour Organization (ILO) and the International Maritime Organization (IMO) allowing for the establishment of joint groups to address any question of common interest which it may appear desirable to refer to such a group,

Recalling that the Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers which met in Geneva from 25 February to 1 March 2019 recommended that (i) the ILO strengthen its partnership with the IMO on issues such as flag and port State control inspections and barriers to recruitment and retention of seafarers, and (ii) an ILO–IMO tripartite working group be established to identify and address seafarers’ issues and the human element, in particular as regards matters covered both under the MLC, 2006 and the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW),

Having considered the submission by the Secretariat of the International Maritime Organization, concerning the outcome of the IMO Legal Committee at its 107th Session and the IMO Maritime Safety Committee at its 103rd Session, as the parent body of the Subcommittee on the Human Element, Training and Watchkeeping at its seventh session calling for the establishment of an ILO–IMO tripartite working group to identify and address seafarers’ issues and the human element, which should:

- (i) consider concrete proposals on fair treatment of seafarers detained on suspicion of committing maritime crimes, and advise ILO and IMO accordingly;
- (ii) develop practical guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases, for approval/adoption by ILO and IMO; and
- (iii) consider any other relevant matters under the purview of ILO and IMO, including, but not limited to, decent employment and greater employment opportunities in the maritime sector; issues concerning flag and port State control inspections and barriers to recruitment and retention of seafarers; safe manning; drills; fatigue; operational and procedural safety, security and environmental protection; occupational safety and health; and welfare and well-being of seafarers, as may be instructed, and advise ILO and IMO accordingly.

Recommends that the Governing Body approve at its 343rd Session (November 2021) the establishment of a Joint ILO–IMO Tripartite Working Group to identify and address seafarers’ issues and the human element in accordance with the Terms of Reference set out in the appendix.

Terms of Reference

Background

1. The establishment of a Joint ILO–IMO Tripartite Working Group to identify and address seafarers' issues and the human element (JTWG) was prompted by a request from the IMO Legal and Maritime Safety Committees made in December 2020 and May 2021 respectively.

Objective

2. The ILO and the IMO, hereinafter referred to as the Parties, shall collaborate in order to examine and develop recommendations or guidance as appropriate on matters relating to seafarers' issues and the human element, as specified in the present Terms of Reference or as may be jointly mandated by the ILO Governing Body and the relevant IMO bodies (i.e. the Council, the Maritime Safety Committee and the Legal Committee, as appropriate).
3. The JTWG shall operate within the fixed timelines, only for the purposes mandated, and its functions and responsibilities shall be kept at all times distinguished from those of the Special Tripartite Committee (STC) established under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006).

Mandate – Duration

4. In order to meet its objective, the JTWG shall hold in-depth technical discussions and develop recommendations and/or draft provisions concerning the following:
 - (a) guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases as soon as possible but not later than the end of 2023.
 - (b) proposals on the fair treatment of seafarers detained on suspicion of committing maritime crimes, by the end of 2024.
 - (c) topics, as may be jointly mandated by the ILO Governing Body and the IMO Council and within the timeframe jointly agreed upon.
5. Unless the duration of the JTWG is extended by express decision of the ILO Governing Body and the IMO Council, the JTWG shall complete its work by the end of 2024.

Composition

6. The JTWG shall be composed of 24 members. The IMO shall appoint eight (8) government representatives giving due consideration to geographical representation. The ILO shall appoint eight (8) Shipowners' representatives and eight (8) Seafarers' representatives among the Shipowners' and Seafarers' members of the STC following their nomination by their respective groups.
7. The members of the JTWG may vary for each of the matters specified in paragraph 4 above.
8. The members of the JTWG may be accompanied by a maximum of two experts or advisers each.

Officers

9. The JTWG shall elect a Chairperson among the government representatives and three Vice-Chairpersons, one from each of the three groups.
10. The Chairperson shall be responsible for declaring the opening and closing of each meeting, directing the discussions, according the right to speak, determining consensus, putting questions to vote, and ruling on points of order.
11. The Vice-Chairpersons shall preside alternately over the meetings or parts of the meetings at which the Chairperson cannot be present.

Observers

12. The meetings of the JTWG shall be open to observers. All Members States of the Parties other than those appointed as members of the JTWG may attend as observers and participate in the debates without decision-making power.
13. Representatives of official international organizations, non-governmental international organizations or other entities with which the ILO or the IMO has established consultative relationships, with which standing agreements for such representation have been made, or which have been specially invited by the Parties' competent bodies, may also attend as observers. Representatives of official international organizations may participate in the debates without decision-making power.
14. Observers shall register at least 30 days in advance of a meeting.
15. The Chairperson may, in agreement with the Vice-Chairpersons, permit the representatives of NGOs to make or circulate statements for the information of the meeting on matters included in its agenda.
16. The Chairperson with the approval of the Vice-Chairpersons may invite a limited number of technical experts on the topic(s) under consideration to participate in meetings of the JTWG.

Secretariat

17. The ILO and the IMO shall establish a joint Secretariat.
18. The Secretariat shall be responsible for preparing draft agendas, circulating working documents, drafting reports of meetings, and providing any other services to facilitate the JTWG in the discharge of its functions.

Meetings

19. The JTWG shall, in principle, hold at least one three-day meeting per year. Additional meetings may be convened if authorized by, and in coordination with, the relevant bodies of the Parties, and subject to availability of funding. Both the ILO and the IMO shall communicate the invitation to a meeting at least two months in advance.
20. In general, JTWG meetings shall take place alternately at the IMO and ILO headquarters. The agenda, time and place shall be published sufficiently in advance. The Parties may decide to hold meetings virtually.
21. The preparatory work for the meetings shall be carried out by correspondence and/or virtually.

22. The programme of work of the JTWG and the scheduling of meetings shall be arranged by the Parties in consultation with the STC Officers having especially regard to scheduled STC meetings.

Documents

23. Working documents shall be prepared by the Secretariat and shall be made available at least 15 days before a scheduled meeting.

Rules of procedure

24. The JTWG may adopt its own rules of procedure which shall be consistent with the Terms of Reference.

Language

25. The meetings of the JTWG shall be conducted in English and all documents related to its work, other than the final outcome document(s), shall be prepared in that language. Translation/interpretation services to and from other languages may be provided subject to available funding.

Expenses

26. Expenses related to meetings shall be covered by the host.

Decision-making

27. Decisions shall normally be made by consensus. In the absence of consensus duly ascertained and announced by the Chairperson, decisions shall be taken by a simple majority of the votes cast by the JTWG members who are present at the sitting.

Reports

28. At the end of each meeting, the Secretariat shall prepare a brief report. The report shall be finalized within 30 days after a meeting.

Follow-up

29. The Parties shall submit any outcomes of the JTWG to their respective relevant bodies for consideration and possible follow up action, as appropriate.

Amendment

30. The Terms of Reference may be amended by common consent of the Parties.