



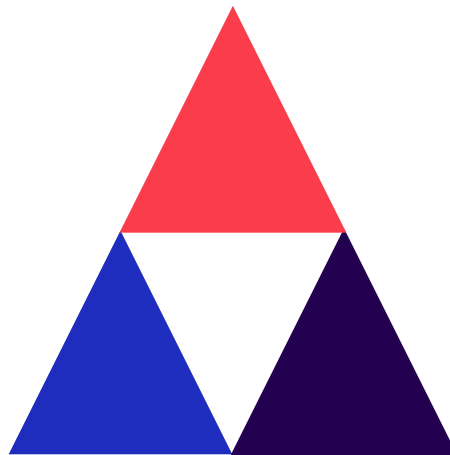
International  
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Organization



▶ STCMLC/Part I/2021/1

## ▶ Background paper for discussion

Fourth meeting of the Special Tripartite Committee established under Article XIII  
of the Maritime Labour Convention, 2006, as amended – Part I  
(Geneva, 19–23 April 2021)



International Labour Standards Department  
Sectoral Policies Department  
Geneva, 2021

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First edition 2021

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*Background paper for discussion*, Fourth meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006, as amended – Part I (Geneva, 19–23 April 2021), International Labour Office, International Labour Standards Department, Sectoral Policies Department, Geneva, ILO, 2021.

ISBN 978-92-2-034369-2 (print)

ISBN 978-92-2-034370-8 (Web pdf)

Also available in French: *Document d'information pour discussion*, Quatrième réunion de la Commission tripartite spéciale créée en vertu de l'article XIII de la convention du travail maritime, 2006, telle qu'amendée – Partie I (Genève, 19–23 avril 2021), ISBN 978-92-2-034371-5 (print), ISBN 978-92-2-034372-2 (Web pdf), Geneva, 2021, and in Spanish: *Documento de base para la discusión*, Cuarta reunión del Comité Tripartito Especial establecido en virtud del artículo XIII del Convenio sobre el trabajo marítimo 2006, en su versión enmendada – Parte I (Ginebra, 19–23 de abril de 2021), ISBN 978-92-2-034373-9 (imprimé), ISBN 978-92-2-034374-6 (Web pdf), Geneva, 2021.

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## ► A. Introduction

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1. As of 1 February 2021, the Maritime Labour Convention, 2006, as amended (MLC, 2006) has been ratified by 97 Members.<sup>1</sup>
2. The Special Tripartite Committee (STC) was established by the Governing Body, at its 318th Session in June 2013, in accordance with Article XIII of the MLC, 2006.<sup>2</sup> It consists of “two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.” In addition, “Government representatives of Members which have not yet ratified this Convention may participate in the Committee” but have no right to vote on any matter dealt with in accordance with the Convention.
3. The third meeting of the STC took place from 23 to 27 April 2018 at ILO headquarters in Geneva and was attended by over 250 participants.<sup>3</sup> The STC adopted [amendments](#) to Standards A2.1 and A2.2 and to Guideline B2.5.1 of the Convention related to the protection of seafarers’ wages and entitlements during captivity as a result of acts of piracy or armed robbery against ships. It also adopted five resolutions<sup>4</sup> and undertook, at the request of the Governing Body, the review of 34 maritime-related instruments and adopted related [recommendations](#), which were endorsed by the Governing Body.<sup>5</sup>
4. The third meeting of the STC adopted, inter alia, a *Resolution concerning amendments to the ILO flag State inspection and port State control guidelines to reflect amendments to the Code of the Maritime Labour Convention, 2006*, calling for the establishment of a subsidiary body to update such guidelines. This decision was endorsed by the Governing Body at its 334th Session (October–November 2018). The STC subsidiary body, which consisted of four Government representatives, four Shipowner representatives and four Seafarer representatives, worked by correspondence between May 2019 and January 2021. Following circulation to the competent authorities of all Member States for comment, the two sets of updated guidelines were validated by the Officers of the STC on 27 January 2021. The updated guidelines will be submitted to the Governing Body at its 341st Session (March 2021) for authorization to publish them on the ILO website.<sup>6</sup>

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<sup>1</sup> An updated list is available on the ILO’s [NORMLEX database](#).

<sup>2</sup> ILO, [Standing Orders of the Special Tripartite Committee established for the Maritime Labour Convention, 2006](#), 2012.

<sup>3</sup> See [GB.334/LILS/2\(Rev.\)](#). All documents related to the third meeting of the Special Tripartite Committee are available on the [ILO website](#).

<sup>4</sup> [Resolution concerning action to be taken in relation to seafarer abandonment](#); [Resolution concerning amendments to the ILO flag State inspection and port State control guidelines to reflect amendments to the Code of the Maritime Labour Convention, 2006](#); [Resolution concerning decent work in the inland navigation sector](#); [Resolution concerning facilitation of shore leave and transit](#); [Resolution concerning improvements to the process for preparing proposals for amendments to the Code of the MLC, 2006 and Template for submitting proposals for amendments to the Code of the Maritime Labour Convention, 2006, as amended \(MLC, 2006\) in accordance with Article XV](#). With respect to the [Resolution concerning decent work in the inland navigation sector](#), the ILO’s sectoral advisory bodies met from 13 to 15 January 2021 and recommended to the Governing Body, at its 341st Session (March 2021), to convene a Technical meeting on decent and sustainable work in the inland waterways sector.

<sup>5</sup> See the Governing Body decision in [GB.334/PV](#), para. 741.

<sup>6</sup> See [GB.341/POL/3](#).

5. Since the third meeting of the STC, the Subcommittee on Wages of Seafarers of the Joint Maritime Commission to update the minimum basic wage figure for able seafarers, met in November 2018 and updated the wage figure.<sup>7</sup> The Governing Body authorized the Director-General to notify, in accordance with Guideline B2.2.4 of the MLC, 2006, the revised amount of the minimum monthly basic pay or wage figure for able seafarers to the Members of the ILO.<sup>8</sup> The next meeting of the Subcommittee will be held virtually on 26–27 April 2021.<sup>9</sup>
6. At its 340th Session (October–November 2020), the Governing Body decided that the fourth meeting of the STC would take place in two parts: Part I in a virtual format (online) from **19 to 23 April 2021**; and Part II from **27 to 29 September 2021** (subject to formal approval by the Governing Body), at ILO headquarters, Geneva.<sup>10</sup> Section B of this paper provides an overview of the tasks of the STC at its fourth meeting (Part I) and addresses the items contained in the agenda adopted by the Officers of the STC and transmitted by the Director-General in the letter of invitation to the meeting.<sup>11</sup>

## ▶ B. Tasks of the fourth meeting of the Special Tripartite Committee (Part I)

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7. As set out in the [Agenda](#) of the meeting, the first task of the STC will be to hold an exchange of information related to the implementation of the MLC, 2006, in accordance with the mandate received under Article XIII of the Convention to “keep the working of this Convention under continuous review”.<sup>12</sup>
8. Secondly, following the request formulated by the Governing Body in the context of the functioning of the Standards Review Mechanism, the STC will review 38 maritime-related international labour standards.<sup>13</sup> A series of separate technical notes will be presented to the STC on this last issue.

<sup>7</sup> Subcommittee on Wages of Seafarers of the Joint Maritime Commission (November 2018); GB.335/POL/3.

<sup>8</sup> GB.335/PV, para. 725(c).

<sup>9</sup> Subcommittee on Wages of Seafarers of the Joint Maritime Commission (April 2020); GB.341/POL/3.

<sup>10</sup> See the Governing Body decision in GB.340/INS/PV, para. 413 and GB.340/INS/21, appendix.

<sup>11</sup> In accordance with article 3 of the Standing Orders. The agenda is set out in Appendix A.

<sup>12</sup> The text of Article XIII of the MLC, 2006, is set out in Appendix B. Article 2 of the Standing Orders sets out the mandate of the Committee as follows:

The MLC Committee shall:

- (a) keep the working of the Convention under continuous review and provide advice on this subject to the Governing Body, or through the Governing Body, to the International Labour Conference;
- (b) consider proposals for amendments to the Code of the Convention in accordance with Article XV of the Convention;
- (c) carry out the consultation referred to in Article VII of the Convention.

<sup>13</sup> The Governing Body “referred the maritime instruments (sets of instruments 18 and 20), to the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006), for its expert review and report to the Governing Body”. See GB.326/LILS/3/2 and the decision in GB.326/PV, para. 514.

## 1. Exchange of information related to the implementation of the MLC, 2006: Keeping the working of the Convention under continuous review

9. In accordance with Article XIII of the MLC, 2006, one of the primary tasks of the STC is to consider a wide range of questions relating to the working of the Convention. Where significant gaps or other difficulties are identified, this may lead to 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,<sup>14</sup> or to proposals for amendments in the future. The STC also provides an opportunity for a useful intergovernmental and tripartite exchange of information regarding implementation experiences. In this context, the constituents are encouraged to provide information in the meeting on the status of implementation, as well as to identify any particularly difficult issues they have encountered. The Officers of the STC have included the following issues on the Agenda under this item: (a) COVID-19 and maritime labour issues; (b) hours of work and rest – Presentation of a World Maritime University (WMU) study; and (c) MLC, 2006, and digitalization: use of electronic documents.

### 1.1. Status of the 2014, 2016 and 2018 amendments

10. To date, three sets of amendments to the Code of the Convention have entered into force.<sup>15</sup> Regarding the [2014 amendments](#), as of 1 February 2021, the Netherlands (Curaçao) had given notice to the Director-General that it shall be bound by the amendments only after a subsequent express notification of its acceptance. The Office is still awaiting the declaration of acceptance of the amendments from the following countries: Albania, Bangladesh, Belize, Cabo Verde, China, Fiji, Gabon, Islamic Republic of Iran, Jordan, Kenya, Maldives, New Zealand (Tokelau), Portugal and Thailand. In relation to the [2016 amendments](#), Portugal has given notice to the Director-General that it shall be bound by the amendments only after a subsequent express notification of its acceptance. The Office is still awaiting the declaration of acceptance of the amendments from Albania, China (Hong Kong Special Administrative Region), Djibouti, Gambia, Grenada, Indonesia, Jamaica, Lebanon, Slovakia and Tunisia. As regards the [2018 amendments](#), Estonia, France, France (New Caledonia), the Netherlands (for the European part of the Netherlands and Curaçao), Portugal and Slovenia have given notice to the Director-General that they shall be bound by the amendments only after a subsequent express notification of their acceptance. The Office is still awaiting the declaration of acceptance of the amendments from Brazil, China (Hong Kong Special Administrative Region), Cook Islands, Djibouti, Ethiopia, Gambia, Grenada, Iceland, Senegal, Sudan, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands and Falkland Islands (Malvinas)) and United Republic of Tanzania.

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<sup>14</sup> The Standing Orders provide in article 16, Reports to the Governing Body:

Following its meetings referred to in article 3 above, the MLC Committee, through its Chairperson, shall 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.

<sup>15</sup> The status of the amendments to the Code of the MLC, 2006, for each ratifying Member can be consulted in [NORMLEX](#).

11. The Office has informed the Members concerned that they may accept the amendments by addressing a formal declaration to that effect to the Director-General.<sup>16</sup> The STC might wish to encourage the governments mentioned in paragraph 8 to clarify their position regarding the acceptance of the amendments.

## 1.2. The work of the Committee of Experts on the Application of Conventions and Recommendations

12. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has now reviewed 85 first reports submitted by ratifying Member States (including non-metropolitan territories) based on article 22 of the ILO Constitution in relation to the implementation of the MLC, 2006. The laws and practices of the major flags of the world have now been reviewed.
13. The CEACR has overall observed remarkable efforts to implement the Convention. It has however raised a number of issues that still need to be addressed. In this regard, the situation differs considerably from country to country. While in some cases the CEACR draws the governments' attention to gaps regarding specific details of the Convention, in others, it requests the governments concerned to adopt the basic legislation giving effect to most of the provisions of the Convention.
14. Some of the issues raised by the CEACR concerning the implementation of the MLC, 2006, can be summarized as follows.<sup>17</sup>
  1. *Consultations:* In some countries there were no shipowners' or seafarers' organizations or both. In this context, recalling that the implementation of an important number of provisions of the Convention require consultations, the governments concerned were requested to have recourse to the STC, in accordance with Article VII of the Convention.
  2. *Scope of application of the Convention:*
    - (a) *Definition of seafarer:* A number of countries did not ensure that the protection afforded by the Convention is guaranteed to all seafarers covered by it. Some countries excluded cadets from the definition of seafarers. The Committee considered that obtaining on-board training for the purpose of becoming a seafarer by definition implies working on board and, as a result, no question of doubt can arise concerning the fact that cadets are to be regarded as seafarers for the purpose of the Convention. Some countries determined that "non-marine personnel, employed under outsourced service agreements" are not to be regarded as seafarers. The Committee recalled that the nature of the contract (outsource agreement in this case) was irrelevant for the definition of seafarer as long as the person works on board a ship to which the Convention applies.
    - (b) *Definition of ship:* Some countries adopted general or ad hoc exemptions to their relevant rules and regulations for various categories of ships, based on their area of activities (distance in nautical miles, continental shelf, or notions such as

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<sup>16</sup> See *Observations arising from the entry into force of the amendments to the Code of the MLC, 2006, adopted under the simplified procedure of Article XV of the Convention*, [General Observation adopted by the CEACR in 2016 and published in 2017](#).

<sup>17</sup> The summary has been prepared, for information purposes, on the basis of the direct requests adopted by the CEACR on the implementation of the MLC, 2006. They are available in [NORMLEX](#).



“waters of the Republic”, “coastal waters” or “near coastal voyages”), their size or number of seafarers on board, or their destination (e.g. pleasure vessels), which are either not well-defined in the relevant provisions or in contradiction with the scope of application of the Convention.

3. *Minimum age:* The legislation of some countries did not contain a clear prohibition of work on board a ship for persons under the age of 16. Several countries have not adopted a clear prohibition of night work for seafarers under the age of 18 or provide for unauthorized exceptions. Moreover, several countries have not adopted a clear prohibition of hazardous work for seafarers under the age of 18. Some countries allow for exceptions to the prohibition of hazardous work in specific situations, while this is not authorized under the Convention. The Committee has recalled that the Convention, under Standard A1.1, paragraph 4, requires the absolute prohibition for young seafarers of the types of work considered hazardous but allows, under Guideline B4.3.10, the determination of types of work, which young seafarers cannot undertake without adequate supervision and instruction. A number of countries are yet to adopt, after consultation with shipowners’ and seafarers’ organizations the list of work likely to jeopardize the health and safety of seafarers under the age of 18.
4. *Training and qualifications:* The legislation of some countries does not ensure that all seafarers working on a ship have successfully completed training for personal safety on board ship. Additionally, some countries allow seafarers, in exceptional cases, to work without the required training and qualification while this is not authorized by the Convention.
5. *Recruitment and placement:* A number of countries did not adopt national provisions, or did not provide the relevant information regarding the system of licensing for agencies dealing with the recruitment and placement of seafarers; minimum requirements concerning the functioning of private seafarer recruitment and placement services; and procedures for investigating complaints. Several countries encounter difficulties regarding the effective implementation of a system of protection (insurance or other mechanism) to compensate seafarers for monetary loss due to failure by the recruitment agency or the shipowner to respect the obligations under the seafarers’ employment agreement.
6. *Seafarers’ employment agreement:* Several countries faced difficulties in implementing the requirement that the seafarers’ employment agreement shall be signed by both the seafarer and the shipowner or a representative of the shipowner and that each of them shall keep a copy. Some legislations did not guarantee the seafarer’s right to seek advice before signing a seafarers’ employment agreement or did not comply with the requirements on the list of matters that should be included in seafarers’ employment agreements. Equally important, some countries have not clearly defined the adequate minimum prior notice of termination to be given to seafarers and shipowners or do not provide for the possibility to terminate the contract on a shorter notice or without notice for compassionate reasons.
7. *Hours of work/hours of rest:* Several countries encountered problems in implementing the provisions requiring Members to fix either a maximum number of hours of work or a minimum number of hours of rest. It was considered that the Convention should not be understood as to give shipowners or masters the choice of regimes concerning maximum hours of work and minimum hours of rest. Some countries do not recognize the normal working hours for seafarers based on an eight-hour day with one day of

rest per week and rest on public holidays. Moreover, some countries allow rest periods to be divided into more than two periods. The legislation of a number of countries does not implement the requirements regarding records of hours of work and rest.

8. *Annual leave:* Some countries did not ensure by law a minimum period of annual leave. A problem regarding the prohibition to forgo annual leave was raised with respect to several countries. The Convention stipulates that any agreement to forgo minimum annual leave with pay shall be prohibited, except in cases provided for by the competent authority. While noting that the Convention is silent about the nature and scope of permissible exceptions, it was considered that this provision needs to be understood in a restrictive manner. In contrast, to read in this Standard a broad authorization to forgo annual leave for cash compensation or otherwise, would defeat the purpose of Regulation 2.4 which is to ensure that seafarers have adequate leave. The Committee drew the attention of several governments to the fact that, regardless of the duration of the employment agreement, a seafarer is entitled to a minimum of 30 days of paid annual leave after 11 months of continuous service on board, except in specific cases restrictively provided for by the competent authority. For shorter periods of service, the corresponding number of days should be calculated on a pro rata basis.
9. *Repatriation:* Some countries had a wide definition of the cases where the seafarer is not entitled to repatriation. Concerning the cost distribution, some countries have not provided enough information on provisions setting out the procedure to be followed and the standard of proof to be applied in order for a seafarer to be found liable for serious default. The Committee recalled that even when the seafarer has been found, in accordance with national laws or regulations or applicable collective agreements, to be in serious default of the seafarer's employment obligations, this situation does not release the shipowner from the obligation to pay for the repatriation in the first instance. Some countries did not comply with the requirements regarding the maximum period of service on board. In relation to the 2014 amendments of the Code of the Convention (financial security in case of abandonment), the Committee has drawn governments' attention to the need to provide detailed information on the basis of the amended report form in order to assess implementation. The Committee has noted with interest that several countries have adopted the necessary measures to give effect to the 2014 amendments.
10. *Manning levels:* The Committee requested a number of countries to indicate how the determination of the safe manning levels takes into account the requirements mentioned in Regulation 2.7 of the Convention. The Committee requested a number of countries to indicate how the determination of the safe manning levels takes into account the requirements concerning food and catering established under Regulation 3.2 and Standard A3.2 (Standard A2.7, paragraph 3). The Committee also requested a number of countries to indicate whether any mechanisms exist to investigate and resolve any complaints or disputes concerning the manning levels on a ship (Guideline B2.7.1).
11. *Accommodation:* Applicable provisions relating to accommodation and recreational facilities of seafarers in a number of countries provided for exemptions which are not allowed by the Convention, go beyond what is allowed, or fall within the exemptions provided by the Convention but no information is given on the compulsory consultation of seafarers' and shipowners' organizations.

12. *Medical care:* Several countries have not provided sufficient information on the legislation and other measures adopted to give effect to various requirements in relation to medical care, e.g. the right to free medical care, to visit a doctor or a dentist in ports of call and the requirement of free medical advice by radio or satellite communication.
13. *Shipowners' liability:* In a number of countries the legislation limits or excludes the shipowners' liability in respect of the financial consequences of sickness, injury or death of seafarers beyond the limits allowed by the Convention. In relation to the 2014 amendments (financial security in case of death or long-term disability), the Committee has drawn governments' attention to the need to provide detailed information on the basis of the amended report form in order to assess compliance. The Committee has noted with interest that several countries have adopted the necessary measures to give effect to the amendments.
14. *Safety and health:* Several countries did not adopt national guidelines for the management of occupational safety and health on board ships, after consultations with representative shipowners' and seafarers' organizations. A number of countries have not adopted requirements to establish a safety committee on board a ship on which there are five or more seafarers.
15. *Social security:* A large number of countries did not ensure that all seafarers ordinarily resident in their territory benefit from the social security protection in the applicable branches. In particular, some European countries do not ensure equality of treatment between seafarers and shoreworkers as regards social security protection in the case of seafarers serving on board foreign ships (other than the European Union (EU)).
16. *Declaration of Maritime Labour Compliance (DMLC):* A number of countries faced difficulties regarding the content of the DMLC Part I as it only referred to the provisions of the Convention and not to the content of the national requirements embodying those provisions. Regarding the DMLC Part II, which is intended to identify the measures adopted by shipowners to implement the national requirements, it was noted that the examples provided by some countries did not contain any information on such measures. In those cases, the DMLC did not fulfil the purpose for which it is required which is to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the national requirements on the 16 listed matters are being properly implemented on board ships. Some countries have not provided sufficient information on the measures adopted to give effect to various requirements in relation to the scope of inspections and interval of inspections.
17. *Inspections and enforcement:* Laws and regulations in force in some countries do not give effect to the following requirements: inspection of all ships, status and independence of the inspectors, procedures for receiving and investigating complaints and confidentiality of sources of complaints, powers of inspectors and grounds for detention, intervals of inspection, reporting on inspections, compensation in case of wrongful exercise of the inspectors' powers.
18. *Port State control:* A number of countries have not provided information regarding: (1) the effective monitoring system to ensure that the working and living conditions for seafarers on board ship meet the requirements of the Convention; and (2) the confidentiality of the complaints. Other countries have not provided information on the procedures established concerning onshore complaints for seafarers calling at

foreign ports or have not yet established such procedures. Some countries refer in general to the regional memoranda of understanding without indicating relevant national provisions with respect to port State control responsibilities.

15. At its 2020 session, in addition to the direct requests and observations addressed to individual countries, the CEACR adopted a [General observation on matters arising from the application of the Maritime Labour Convention, 2006, as amended \(MLC, 2006\) during the COVID-19 pandemic](#). The general observation took into account the observations submitted by the International Transport Workers' Federation (ITF) and the International Chamber of Shipping (ICS) under article 23<sup>18</sup> of the ILO constitution in October 2020, the replies and other information provided by governments, as well as hundreds of individual seafarers' complaints received by the International Maritime Organization (IMO) Seafarer Crisis Action Team (SCAT).<sup>19</sup>

### 1.3. COVID-19 and maritime labour issues

16. The COVID-19 pandemic has had devastating effects worldwide.<sup>20</sup> In addition to being a public health issue, the economic and social disruption threatens the long-term livelihoods and well-being of millions.<sup>21</sup> The pandemic has also had wide-ranging implications for the shipping sector. International shipping and the approximately 2 million seafarers working worldwide play a crucial role in maintaining global supply chains, delivering around 90 per cent of goods, including essential medical supplies, food, and energy. While the crisis created by the pandemic is still ravaging and its longer-term consequences are yet to be fully understood, the STC is invited to discuss the impact of the pandemic on the application of the MLC, 2006, and identify lessons learned so far and implications for the future.

#### (a) Challenges and impact of the pandemic in the application of the MLC, 2006

17. Crew changes have been and continue to be the major challenge for maritime transport. In the early days of the pandemic, carriers implemented preventive measures to reduce exposure to risks at ports and terminals, such as temporary suspension of crew change and prohibiting crews from disembarking at port terminals. There was an understanding that in the short term, restrictions had to remain largely in place as a response to the immediate public health emergency presented by COVID-19. In a few cases, sanitary corridors were set up to allow the return of seafarers back to their countries of origin and conveniently supply new crew members to ships. Yet, with the crisis lasting more than a few weeks, restrictions

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<sup>18</sup> Under article 23, paragraph 2, of the ILO Constitution, copies of all reports on the application of ratified Conventions should be communicated to representative organizations of employers and workers. Employers' and workers' organizations may also send observations directly to the Office for submission to the Committee of Experts; in this case, the Office acknowledges receipt and simultaneously forwards a copy to the government concerned, so that it might respond. According to articles 24 and 25 of the ILO Constitution, employers' and workers' organizations also have the right to present to the ILO Governing Body representations against any ratifying State which, in their view, has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party.

<sup>19</sup> The SCAT was set up by the IMO in April 2020 in order to, inter alia, monitor developments, coordinate efforts, communicate with all relevant stakeholders and provide targeted support in seafarers' individual cases and particularly urgent situations regarding crew changes, repatriation, access to medical care and/or abandonment.

<sup>20</sup> As of 5 February 2021, the [World Health Organization](#) has reported 104,370,550 confirmed cases of COVID-19, including 2,271,180 deaths.

<sup>21</sup> ILO, [ILO Monitor: COVID-19 and the world of work, Seventh edition](#), 25 January 2021.

on crew changes became a major concern for the shipping community, for humanitarian, safety and employment-related reasons.<sup>22</sup>

18. One year after the outbreak of the pandemic, approximately 400,000 seafarers are still trapped on board ships, with a further 400,000 waiting to join their vessels and earn their living. This has unfolded into a humanitarian crisis without precedent in the maritime sector.<sup>23</sup> The recent new restrictive measures introduced by governments to contain the new variants of the virus have entailed a further deterioration of an already extremely difficult situation. The cruise sector has been particularly affected, as some countries have advised against travel by cruise ship and major cruise companies have suspended operations.<sup>24</sup> Around 250,000 seafarers, including the large majority of women seafarers, work in the cruise industry.<sup>25</sup>
19. Flag States, shipowners and recruitment agencies have been confronted with multiple difficulties to conduct repatriations as a result of, among others, the closure of ports and borders; the unavailability of flights; the refusal from the relevant labour-supplying country to receive their national seafarers; the closure of consulates and embassies and consequent inability to obtain visas, and the expiration of valid passports. They have also faced challenges due to the lack of predictability and reliable information regarding the possibility to disembark seafarers in a given port. In numerous cases, port restrictions have been introduced with short-term announcements hindering the reasonable planning of the ships' route while the non-coordinated implementation and enforcement of the MLC, 2006, has increased the risk of travel prohibition for both ship and crew and, in some cases, has led to the detention of ships due to State failures.<sup>26</sup>
20. According to the information available to the Office, the implementation of practically all aspects of the MLC, 2006, has been affected by the crisis. In particular:
  - (a) *Article III – Fundamental rights and principles*, as observed by the CEACR, the very inaction of certain Member States of ensuring crew changes or allowing seafarers to go back home, gives seafarers no option but to stay on board and creates conditions for them to languish for months on end in situations that could amount to forced labour.
  - (b) *Regulation 1.2 – Medical certificate*, as numerous seafarers are now working with expired medical certificates.
  - (c) *Regulation 1.3 – Training and qualifications*, as seafarers have not been able to undertake the required refresher courses and the issuing of new certificates has been delayed.

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<sup>22</sup> United Nations Conference on Trade and Development (UNCTAD), *COVID-19 and Maritime Transport: Impact and Responses*, 2020.

<sup>23</sup> The fishing sector faces challenges similar to those of the shipping industry regarding crew change and repatriation of fishers. The Work in Fishing Convention, 2007 (No. 188), contains provisions regarding repatriation and medical care.

<sup>24</sup> ILO, *Sectoral Brief on COVID-19 and Maritime Shipping & Fishing*, 17 April 2020.

<sup>25</sup> Women represent around 2 per cent of the world's seafarers. 94 per cent of women seafarers are working in the cruise industry. See UNCTAD, *COVID-19 and Maritime Transport*, 2020; and ILO, *Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers*, 2019.

<sup>26</sup> See *General Observation of the CEACR* published on 12 December 2020.

- (d) *Regulation 2.1 – Seafarers’ employment agreements*, as seafarers have been required to continue working beyond the period agreed in their contracts, without clear indication of free acceptance of the extensions.
- (e) *Regulation 2.2 – Wages*, as seafarers have encountered delayed payment of wages and partial or non-payment of wages due, in some cases for several months, leading to situations of abandonment.
- (f) *Regulation 2.3 – Hours of work and hours of rest*, as the reduction in minimum manning has forced the seafarers remaining on board to work beyond the limits foreseen in the Convention; the extended periods of service on board have often led to accumulated and extreme fatigue.
- (g) *Regulation 2.4 – Entitlement to leave*, as seafarers’ annual leave has been delayed and shore leave, including the possibility to visit seafarers’ welfare centres located within port areas, has been denied in a large numbers of ports worldwide.
- (h) *Regulation 2.5 – Repatriation*, as seafarers have been denied their right to return home and the default 11 months maximum period of service on board has not been respected, with reported phenomena of physical and mental exhaustion, anxiety, sickness and even suicides. In addition, the measures adopted to contain the pandemic have also affected the prompt and appropriate resolution of a number of cases of abandonment that occurred before and during the outbreak of COVID-19. According to the *IMO/ILO joint database on incidents of abandonment of seafarers*, a total of 85 abandonment cases were reported in 2020, a substantial increase over the 40 cases reported in 2019. Seventeen reports included references to COVID-19, the majority indicating that the resolution of the cases had been delayed due to measures taken by governments to contain the pandemic, in particular measures that prevented or delayed seafarers from being repatriated.
- (i) *Regulation 2.7 – Minimum manning*, as some maritime authorities have resorted to reducing minimum manning levels to cope with the difficulties to replace seafarers thereby increasing the pressure on the rest of the crew and the challenge to respect hours of work and hours of rest; this situation has further exacerbated seafarers’ fatigue.
- (j) *Regulation 3.1 – Accommodation and recreational facilities*, as seafarers on board for extended periods have in some cases faced difficulties in getting reasonable access to ship-to-shore telephone communications, and email/internet facilities to communicate with their families further deteriorating their well-being and mental health.
- (k) *Regulation 3.2 – Food and catering*, as, in several cases, seafarers have found themselves without enough provisions on board as a result of the closure of ports, restriction of deliveries and extended voyages.
- (l) *Regulation 4.1 – Medical care on board ship and ashore*, as seafarers have been denied medical attention ashore for urgent non COVID-19 related cases and, in many instances, have not had access to the medicines needed to treat existing medical conditions.
- (m) *Regulation 4.3 – Health and safety protection and accident prevention*, as seafarers have not always received the necessary personal protective equipment and have faced difficulties regarding the handling of COVID-19 cases on board.



- (n) *Regulation 4.4 – Access to shore-based welfare facilities*, as the result of restrictions to shore leave and restricted access to welfare facilities.
- (o) *Regulation 5.1 – Flag State responsibilities*, as ratifying Members suspended or postponed inspections and extended the validity of Maritime Labour Certificates beyond the limits foreseen in the Convention.
- (p) *Regulation 5.2 – Port State responsibilities*, as ratifying Members stopped conducting port State control inspections or limited their number to a minimum.

## (b) Responses to the crisis

21. Since the beginning of the pandemic, the United Nations (UN) system and the international community, under the leadership of the ILO and IMO and in close collaboration with the ICS and ITF, issued numerous appeals for collaborative action in support of keeping ships moving, ports open and cross-border trade flowing. The ILO Director-General, as well as the IMO Secretary-General called for urgent and coordinated action to release the seafarers trapped on board ships around the world because of measures to contain the COVID-19.<sup>27</sup> Numerous governments have undertaken important actions at bilateral, regional and international levels to identify solutions and generate initiatives to overcome the challenges faced by seafarers and shipowners as a result of the pandemic. Collaboration between labour, immigration, health and maritime authorities at national level, in consultation with social partners has provided some solutions to accommodate governments' concerns. While improvements were made, the global shipping industry is again facing significant obstacles to effect crew changes and repatriate seafarers, notably in light of new waves of the pandemic affecting countries worldwide and the emergence of new virus strains. The IMO SCAT continues to receive requests for support from individual seafarers for urgent situations regarding crew changes, repatriation, and access to medical care and/or abandonment.
22. The response of some countries to the pandemic evidenced a lack of awareness and understanding of the key role played by seafarers and shipping in maintaining the functioning of supply chains. In some countries, while maritime authorities strongly defended the need to allow seafarers to be repatriated and continue playing their vital role, the urgency of this request was not necessarily understood by the health authorities responsible for the overall handling of the pandemic. This has been so in spite of the clear guidance provided by key actors of the maritime sector at the international level on the measures to be adopted to set the right balance between compliance with seafarers' rights and the protection of public health.

## International cooperation and social dialogue

23. There has been considerable activity at all levels by ILO constituents and other partners to address the impact of COVID-19 on maritime shipping, including by the Officers of the STC. Both the ICS and ITF have been active since the beginning of this crisis to support **seafarers and shipowners** worldwide, find concrete solutions to existing challenges and provide

<sup>27</sup> See ILO, "Release more than 150,000 seafarers trapped on board ships due to COVID-19".

advice to their members.<sup>28</sup> They have also been very proactive in generating coordinated responses by UN agencies.

24. From February to April 2020, the Office answered a number of individual requests for informal opinions, mainly from governments on the application of the MLC, 2006, in the context of the COVID-19 pandemic.<sup>29</sup> It also conducted several urgent interventions, following requests by its constituents, to remind Member States of their obligations under the MLC, 2006.<sup>30</sup>
25. In April 2020, the ILO published a sectoral brief on COVID-19 and maritime shipping & fishing,<sup>31</sup> which aimed to capture, at the time of publication, the impact of the COVID-19 crisis responses by constituents and partners, and ILO tools, in the context of its four key pillars to combat COVID-19 based on international labour standards.
26. The same month, the Office also published an Information note on maritime labour issues and coronavirus (COVID-19) to provide guidance on how best to address the complexities of the crisis in light of the provisions of the MLC, 2006, the work of the CEACR, the statement of the Officers of the STC,<sup>32</sup> and the relevant recommendations published by the IMO and the World Health Organization (WHO).<sup>33</sup> The note responded to the situations faced by ratifying States, in their different capacities as flag States, port States or labour-supplying States, and encouraged governments to consult national seafarers' and shipowners' organizations to address any issues regarding the implementation of the Convention arising from the COVID-19 pandemic. It also indicated that the exceptional circumstances, when and where they prevailed, might render compliance with some of the obligations set out in the MLC, 2006, materially impossible, and could constitute cases of force majeure. It was clearly highlighted in the note that a number of obligations, in particular those related to medical care ashore, shore leave and minimum manning had to be respected, including during the pandemic. Several port State control regimes and governments referred to the Information note in their regulations adopted during the crisis.
27. To reflect the evolving circumstances, the Office revised its Information note on 12 July 2020 and recalled that force majeure may be invoked only in the case of unforeseen and unforeseeable event(s) creating an absolute and material impossibility of compliance with an obligation in a given specific case. In contrast, circumstances rendering performance more difficult or burdensome do not constitute a case of force majeure. While authorities were encouraged to be pragmatic in their approach when confronted with such exceptional

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<sup>28</sup> See the ICS [web page on Covid-19](#) for the latest update and in particular the [Coronavirus \(COVID-19\): Guidance v3 for Ship Operators for the Protection of the Health of Seafarers](#). The ITF [web page on Covid-19](#) provides advice and country information for seafarers.

<sup>29</sup> For example, on 12 February 2020, the Office issued an informal opinion following a request from a flag State (Panama) regarding the possibility of allowing the extension of the period of service on board a vessel due to the impossibility of effecting crew changes in China.

<sup>30</sup> For example, regarding the case of the cruise ship Diamond Princess, where, following receipt of communications in February 2020 from the Seafarers' Union of Russia and the ITF, the ILO intervened with the flag State (United Kingdom – Bermuda) and port State (Japan) to remind them of their responsibilities under the MLC, 2006.

<sup>31</sup> The [brief](#) can be found on the [ILO website on the sectoral impact, responses and recommendations related to COVID-19 and the world of work](#).

<sup>32</sup> Published on 31 March 2020, the statement included, inter alia, that seafarers should be officially recognized as key workers and should be granted exemptions from any travel restrictions and special consideration to enable them to join and leave their ships and return home without impediment, while complying with good practice in infection control.

<sup>33</sup> The ILO also issued a [joint statement](#) with the IMO and the WHO on medical certificates of seafarers, ship sanitation certificates and medical care of seafarers in the context of the COVID-19 pandemic on 22 April 2020.



circumstances, they should also ensure that the COVID-19 pandemic is not used as an excuse to breach the MLC, 2006. The [Information note](#) was revised once again on 3 February 2021 to relay the urgent call made by the CEACR to restore the protection of seafarers' rights as well as the more recent statements of the Officers of the STC (see below).

28. The UN, ILO and IMO secretariats, in cooperation with the UN Global Compact, the UN Conference on Trade and Development (UNCTAD), the ICS and the ITF, with the collaboration of the European Commission (EC), engaged in a coordinated strategy to monitor developments and communicate with relevant stakeholders to ensure that measures were adopted to facilitate crew changes. This coordinated action included bilateral discussions with key flag, port and labour-supplying States, to increase interministerial cooperation at national and local levels and share best practices, as well as a series of webinars,<sup>34</sup> joint statements and press releases, to raise awareness of the situation of seafarers, promote their recognition as key workers and provide assistance on the application of the MLC, 2006, in the context of the pandemic.<sup>35</sup>
29. Against this background, an unprecedented number of statements, declarations and letters issued by international organizations, governments and different actors of the maritime sector<sup>36</sup> called on governments to designate seafarers as key workers and enable them to travel and be repatriated from ships through the implementation of the *Industry recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic*.<sup>37</sup> More significantly, unprecedented resolutions adopted by the UN General Assembly,<sup>38</sup> the ILO Governing Body<sup>39</sup> and the IMO Maritime Safety Committee,<sup>40</sup> urged Member States to designate seafarers as key workers for the purpose of facilitation of safe and unhindered movement for embarking or disembarking a vessel, the facilitation of shore leave, and, when necessary, shore-based medical treatment. As of January 2021, approximately 55 countries have designated seafarers as key workers.<sup>41</sup>
30. The UN General Assembly recognized that the situation of seafarers stranded at sea because of the pandemic required an urgent and concrete response not only by governments but also from the private sector. The ILO Governing Body called upon

<sup>34</sup> For example, on "[COVID-19 and Maritime Labour Issues: Impact and Responses](#)".

<sup>35</sup> In its [Resolution concerning maritime labour issues and the COVID-19 pandemic](#) (GB.340/Resolution(Rev.2)), included in Appendix C to this document), the ILO Governing Body requested the Director-General to continue collaborating with the IMO and report at its 341st Session (March 2021) on coordinated action taken by United Nations organizations and the social partners.

<sup>36</sup> The call for key worker status for seafarers was included in the Statement of the officers of the STC (see above) and endorsed in a [joint statement](#) issued on 22 May 2020 by the International Civil Aviation Organization (ICAO), the IMO and the ILO. On 12 June, in response to a letter received from the ICS, the International Trade Union Confederation (ITUC) and the ITF highlighting the urgency to address seafarers' situation, the United Nations Secretary General [called](#) on all countries to formally designate seafarers and other marine personnel as key workers and to urgently implement the protocols for crew change, allowing stranded seafarers to be repatriated and others to join ships. On 10 September, several UN agencies issued a [joint statement](#) calling on governments to immediately recognize seafarers as key workers and to take swift and effective action to eliminate obstacles to crew changes so as to address the humanitarian crisis faced by the shipping sector, ensure maritime safety and facilitate economic recovery from the COVID-19 pandemic.

<sup>37</sup> [MSC.1/Circ. 1636](#).

<sup>38</sup> UN 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 ([A/RES/75/17](#)).

<sup>39</sup> GB.340/Resolution(Rev.2).

<sup>40</sup> IMO Maritime Safety Committee [resolution](#) on Recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic (MSC.473(ES.2)). See Annex 2 of document [ALCOM/ES/5/1](#).

<sup>41</sup> See IMO Circular Letter [No.4204/Add.35/Rev.4](#) (5 February 2021).

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.<sup>42</sup>

31. On 15 December 2020, the Officers of the STC issued a statement<sup>43</sup> on collaboration between shipowners and charterers to facilitate crew changes, indicating that no charter contracts should contain clauses preventing necessary crew changes from being conducted, as meeting the terms of a charter which prevents necessary crew changes may not be possible without putting the shipowner and seafarer in a position of non-compliance with international legislation, including the MLC, 2006. In a joint statement published through an IMO Circular letter,<sup>44</sup> the IMO Secretary-General and the ILO Director-General affirmed that “No crew change” clauses undermine the efforts undertaken to solve the existing crisis. Such clauses exacerbate the mental and physical fatigue among exhausted seafarers, undermine compliance with the provisions of the MLC, 2006, and further threaten the safety of navigation. They called upon all charterers to refrain from requesting to include such clauses in charter parties, and upon shipowners and operators to reject them if they are demanded.
32. Following such calls for action, on 26 January 2021, more than 300 signatories, including shipping companies, charterers, marine insurers, financial institutions, investors, aviation stakeholders, seafarers’ and shipowners’ organizations, charities and associations committed to take action to resolve the crew change crisis and signed the [Neptune Declaration on Seafarer Wellbeing and Crew Change](#). The declaration states notably that, to make tangible improvements, no charter contracts should contain clauses preventing necessary crew changes from being carried out, as the aggregate effect of such clauses could be a serious obstacle to the safe operation of maritime trade and the protection of the well-being and rights of seafarers.

### Regional and national approaches: Some examples

33. As part of the overall effort to keep essential transport flows moving, the EC encouraged Member States to take action to ensure the free movement within the EU of all workers involved in international transport in all transport modes and issued practical advice on the implementation of “green lanes” to ensure the smooth mobility of goods and transport workers, including seafarers, at the EU external borders.<sup>45</sup> In October 2020, the EC adopted

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<sup>42</sup> See GB.340/Resolution(Rev.2), point 4. In a [joint statement](#) of 5 October 2020, the Office of the High Commissioner on Human Rights (OHCHR), the UN Global Compact and the UN Working Group on Business Rights had also called upon all relevant business enterprises to discharge their human rights responsibilities to address the current humanitarian crisis in the shipping industry, namely by conducting human rights due diligence to identify the impacts of the COVID-19 pandemic and of governments’ response to COVID on the human rights of seafarers and other marine personnel across their value chain, and to actively use their leverage to mitigate these impacts to the greatest extent possible.

<sup>43</sup> See the [statement](#) of the Officers of the STC on the coronavirus disease (COVID-19) regarding increased collaboration between shipowners and charterers to facilitate crew changes, 15 December 2020.

<sup>44</sup> See [Circular Letter No.4204/Add.36/Rev.1](#) of 23 December 2020.

<sup>45</sup> Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services, of 23 March 2020 (C(2020) 1897 final).

a new communication<sup>46</sup> upgrading the transport “green lanes” and noted that shipping draws its seafarers from across the globe but global travel restrictions are currently hindering their regular mobility. Member States should therefore continue to facilitate seafarer travel, ensure their mobility and allow them to cross borders and transit at all times,<sup>47</sup> ensure access to visa services for seafarers and permit safe crew changes in their ports. To ensure smooth shipping operations and uninterrupted trade flows, re-routings of ships and delayed port entry should be avoided. Member States should permit crew changes in their ports and seafarers may have to stay in hotels or temporary accommodation while they wait for their travel connections or sign-on. On 19 January 2021, the EC reiterated<sup>48</sup> that border closures or blanket travel bans and suspension of flights, land transport and water crossings are not justified, as more targeted measures have sufficient impact and cause less disruption. The system of “green lanes” should keep transport flows moving, in particular to ensure the free movement of goods thus avoiding supply chain disruptions.

- 34.** In July 2020, in the framework of a Virtual Summit on Crew Changes convened by the Government of the United Kingdom, the Governments of Denmark, France, Germany, Greece, Indonesia, Netherlands, Norway, Philippines, Saudi Arabia, Singapore, United Arab Emirates, United Kingdom and United States of America agreed to a joint ministerial statement expressing their appreciation to seafarers and pledging to urgently resolve the issues around crew change that have arisen due to the COVID-19 pandemic.<sup>49</sup>
- 35.** Port States play a crucial role in ensuring implementation of the MLC, 2006. At the onset of the pandemic in March 2020, the secretariats of regional port State control regimes<sup>50</sup> adopted temporary guidance for their respective member authorities to deal with the impact of the outbreak of COVID-19. Recognizing that exemptions, waivers and extensions to certificates had been granted by many flag States, the general principle was to adopt a pragmatic and harmonized approach. Port State control authorities were encouraged to accept extensions of the validity of certificates and periods of service on board of seafarers and to delay surveys, inspections and audits, on a case-by-case basis, for periods of up to a maximum of three months. The temporary guidance was to be reviewed to stay aligned with the evolving situation of the pandemic and with IMO and ILO initiatives on the subject. As several months passed since the start of the pandemic, and recognizing that issues of fatigue and the mental health of seafarers may have deteriorated to a point that they may endanger health and safety, on 17 December 2020, the Paris MoU on port State control reviewed<sup>51</sup> its guidance with respect to the MLC, 2006 issues, specifically on overdue

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<sup>46</sup> Communication from the Commission to the European Parliament, the European Council and the Council upgrading the transport Green Lanes to keep the economy going during the COVID-19 pandemic resurgence, of 29 October 2020 (COM(2020) 685 final).

<sup>47</sup> See also Communication from the Commission on Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships (2020/C 119/01) of 14 April 2020; Point 19(h) of Council Recommendation (EU) 2020/1475, of 13 October 2020, which classifies seafarers as travellers with an essential function or need who should not be required to undergo quarantine when exercising this function.

<sup>48</sup> Communication from the Commission to the European Parliament, the European Council and the Council “A united front to beat COVID-19” of 19 January 2021 (COM(2021) 35 final).

<sup>49</sup> IMO Circular Letter No. 4204/Add.24 of 13 July 2020.

<sup>50</sup> See annexes to IMO Circular Letter No.4204/Add.8 of 14 April 2020, which include the guidance provided by the different port State control regimes. See also Latest IMO Flag, and Port State Instructions on COVID-19 (Coronavirus).

<sup>51</sup> PSCircular 97 on Temporary Guidance Related to Covid-19 for Port State Control Authorities (Rev.5) of 17 December 2020.

periods of service on board, to ensure a more stringent adherence to the fundamental requirements of the MLC, 2006. To that end, it urged port States to apply an enhanced focus on MLC, 2006 issues, particularly seafarers' employment agreements (SEAs), and referred to the ILO "Information note on maritime labour issues and coronavirus (COVID-19) – revised version 2.0" for further guidance regarding what the port State should look at in case of non-compliance with the Convention due to COVID-19. The Paris MoU circular specifies that circumstances rendering repatriation more difficult or burdensome do not constitute a case of force majeure and that a vessel should be treated in the normal manner where an SEA is expired. At a meeting organized by the IMO in December 2020, nine port State control regimes considered views supporting a shift towards a more restricted possibility to refer to force majeure in the context of COVID-19 and the justification for enhanced control measures based on the observations of forced labour and potential violations of seafarers' fundamental rights.<sup>52</sup> In early 2021, the Tokyo MoU was also reviewing and updating its COVID-19 guidance, including to take into account the third version of the ILO Information note.

- 36.** Panama has declared seafarers as key workers and kept all its international ports open to carry out crew change, both in the Atlantic and the Pacific. It also adopted crew change protocols to allow for seven different modalities to carry out repatriations and crew changes in a safe manner, having kept international airports open for humanitarian or charter flights. In August 2020, Panama was among the first countries to revise its guidance on coronavirus and SEAs to announce that extensions of the employment agreements of seafarers working on board ships of the Panama Registry would only be issued until 14 September 2020. The guidance indicated that, as of such date, the provisions of the MLC, 2006, must be complied with.
- 37.** In order to allow for the exchange of ships' crews in the port of Mombasa, the Government of Kenya developed protocols<sup>53</sup> to facilitate the safe movement of embarking and disembarking seafarers and their repatriation based on the *Recommended framework of protocols for ensuring safe ship crew changes and travel during the COVID-19 pandemic*. The Ministry of Transport, State Department of Shipping and Maritime Affairs, the Maritime Authority, Kenya Ports Authority, Kenya Coast Guard, Port Health, Public Health, Kenya Airways, the ITF, the Seafarers Union of Kenya, and the Kenya Ship Agent Association worked together to reach an agreement on how the crew change should happen.
- 38.** The Government of the Philippines issued Guidelines for the establishment of the Philippines Green Lane to facilitate the speedy and safe travels of seafarers, including their safe and swift disembarkation, and crew change during the COVID-19 pandemic.<sup>54</sup> This was achieved through reinforced cooperation between the Department of Justice, the Bureau of Immigration, the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare and Administration (OWWA); the Department of Transportation (DOTr), the Maritime Industry Authority (MARINA), the Manila International Airport Authority (MIAA); the Department of Interior and Local Government (DILG), the Department of Health (DOH), the Bureau of Quarantine, the Philippine Health Insurance Corporation (Philhealth), the Philippine Coast Guard (PCG) and the Department of Foreign Affairs. The International Maritime Employer's Council (IMEC)

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<sup>52</sup> Third video meeting for port State control (PSC) regimes on harmonized actions at the time of pandemic of Covid-19. See [IMO Circular Letter No.4204/Add.37](#).

<sup>53</sup> [IMO Circular Letter No.4286/Add.1](#) of 20 July 2020.

<sup>54</sup> See [Joint Circular No. 1](#) of 2 July 2020 and [IMO Circular Letter No.4237/Add.16](#) of 18 November 2020.

and the ITF have opened up an enhanced quarantine and testing programme in Manila to ensure that Filipino seafarers can get to and from ships.<sup>55</sup>

- 39.** In August 2020, the Maritime and Port Authority of Singapore (MPA) opened a self-contained Crew Facilitation Centre (CFC), with an onsite medical centre, and testing and holding facilities. The Singapore Shipping Tripartite Alliance Resilience (SG-STAR) Fund was also set up to help stakeholders in seafaring nations develop and introduce other concrete measures that support safe crew changes, such as pre-departure testing centres and crew holding facilities. The fund was established by the MPA, Singapore Shipping Association, Singapore Maritime Officers' Union, and Singapore Organisation of Seamen, and other stakeholders were invited to contribute to this tripartite initiative. 1.6 million Singapore dollars (approximately US\$1.2 million) have already been committed to the Fund.<sup>56</sup> In January 2021, as part of the national COVID-19 vaccination strategy to protect frontline personnel and their family members, seafarers who are Singaporean nationals or long-term residents were given priority access under the Sea – Air Vaccination Exercise (SAVE)<sup>57</sup>.
- 40.** The Government of Canada provided guidance<sup>58</sup> to allow shore leave to asymptomatic, presumed non-COVID-19 carrying crew members, while the Canadian border remains closed to international travellers for all non-essential travel. Recognizing that keeping seafarers safe as they work to support the economy during challenging times is an important priority, Canada also established its first National Seafarers' Welfare Board<sup>59</sup> to act as a forum for coordinating seafarer welfare in Canada, promote maritime workers' access to recreational, cultural and medical services, as well as shore-based welfare facilities and also advise the Government on policy and regulatory issues such as shore leave and crew changes. The Board is composed of representatives from labour unions, marine missions located in ports across the country, shipowners, terminals, ports, and agents representing foreign vessel owners in Canada.

### **(c) Urgent need to restore the protection of seafarers' rights**

- 41.** In its general observation published on 12 December 2020, the CEACR considered that, based on the information available, there was sufficient basis to conclude that ratifying Members, as a whole, had failed to comply with Article I, paragraph 2 of the MLC, 2006, regarding the obligation to cooperate with each other for the purpose of ensuring the effective implementation and enforcement of this Convention.
- 42.** Recalling that the MLC, 2006, does not contain any provisions allowing for the temporary suspension of the implementation of its provisions, in case of crisis, health related or otherwise, the CEACR expressed its view that it is precisely at times of crisis that the protective coverage of the MLC, 2006, assumes its full significance and needs to be most scrupulously applied. This is even more so as the Convention contains only minimum standards for the protection of seafarers' rights. The failure to apply any of the core principles and requirements of the MLC, 2006, under the pretext of a protracted health crisis

<sup>55</sup> See the [joint press release](#), 3 November 2020.

<sup>56</sup> See ILO, "ILO Welcomes Singapore Port's New Measures to Help Seafarers and Ease Crew Rotations", MPA, "Singapore Establishes Crew Facilitation Centre and Singapore Shipping Tripartite Alliance Resilience Fund for Safe Crew Change", and "Singapore Star-Fund Crewsafe Facilities".

<sup>57</sup> See MPA, "Over 10,000 Frontline Maritime Personnel to Receive COVID-19 Vaccinations by End January".

<sup>58</sup> See [Ship Safety Bulletin 28/2020](#) of 25 December 2020.

<sup>59</sup> See the [Government of Canada website](#).



may render the Convention meaningless especially at a time and in circumstances where its protective coverage would be most needed. Such failure has a direct negative impact on navigational safety, increasing exponentially the risk of maritime accidents, with unpredictable consequences on human lives and the environment, and immeasurable disturbances on the international supply and distribution of necessary goods.

- 43.** Referring to the ITF indication that the notion of force majeure was being used by countries having ratified the MLC, 2006, as a shield for non-compliance with the Convention, the CEACR noted that the Convention is not a compilation of labour regulations to be applied selectively, if and to the extent that circumstances so permit. Noting that sufficient time had elapsed for new modalities to be explored and applied, in conformity with international labour standards, the CEACR stressed that the notion of force majeure may no longer be invoked from the moment that options are available to comply with the provisions of the MLC, 2006, although more difficult or cumbersome, and urged ratifying States which have not yet done so, to adopt all necessary measures without delay to restore the protection of seafarers' rights and comply to the fullest extent with their obligations under the MLC, 2006.
- 44.** The CEACR also strongly encouraged ratifying States who have not yet done so, to recognize seafarers as key workers without delay and to draw in practice the consequences of such qualification, in order to restore the respect of their rights as provided for in the MLC, 2006. It recalled that as result of the primarily international character of the maritime sector, it is not possible to comply with a number of obligations under the MLC, 2006, without allowing the movement of seafarers across borders in appropriate conditions.
- 45.** The CEACR requested all ratifying States, in their various capacities as flag States, port States or labour-supplying States, to ensure that, in no case, are seafarers forced to continue working on extended contractual arrangements without their formal, free and informed consent. Whatever the challenges created by the COVID-19 pandemic, the extension of seafarers' periods of service on board beyond 11 months may no longer be considered a solution to the problem of crew change. Flag States should ensure that the prohibition to forgo minimum annual leave with pay is strictly enforced, with the limited exceptions authorized by the competent authority (Regulation 2.4 and Standard A2.4, paragraph 3); that seafarers are repatriated at no cost to themselves (including the cost of any quarantine obligations before or during the process of repatriation) in the circumstances specified in the Convention, with strict respect to the default 11-month maximum period of service on board derived from the provisions of the Convention (Regulation 2.5 and Regulation 2.4); and that ships that fly its flag have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage (Regulation 2.7). No fees or other charges for seafarer recruitment or placement, including the cost of any quarantine obligations before joining the ship, should be borne directly or indirectly, in whole or in part, by the seafarer, other than the cost authorized under Standard A1.4, paragraph 5.
- 46.** The CEACR further requested flag States to ensure that seafarers are granted shore leave for their health and well-being and consistent with the operational requirement of their positions, and access to shore-based welfare facilities, where they exist, subject to the strict respect of any public health measures applicable to the local population (Regulation 2.4, paragraph 2; Regulation 4.4). Measures should be taken to support seafarers' well-being on board, in particular during the extended periods of service on board, including arrangements for contacting family and loved ones. The CEACR further called upon governments with port State responsibilities to allow seafarers to enjoy their right to shore

leave in accordance with Regulation 2.4, paragraph 2, subject to the strict respect of any public health measures applicable to the local population.

47. While noting the challenges faced by port State control authorities to conduct inspections during the pandemic, the CEACR highlighted the complementary crucial role that port State control plays in the enforcement of the Convention and requested ratifying countries with responsibilities as port States which have not yet done so, to adopt the necessary measures without delay to fully comply with their obligations under the Convention. In particular, the CEACR drew attention to the port State's obligation to ensure that a ship shall not proceed to sea until any non-conformity has been rectified, or until the authorized officer has accepted a plan of action to rectify such non-conformities, in the situations foreseen under Standard A5.2.1. In this regard, the CEACR considered that the extreme fatigue of seafarers who have been on board beyond the default 11-month maximum period of service derived from the Convention not only constitutes a situation clearly hazardous for the safety and health of the seafarers concerned, but also profoundly endangers the safety of navigation in general.
48. The CEACR also called upon governments with labour-supplying responsibilities which have not yet done so, to adopt the necessary and immediate measures to ensure that the required facilities are put in place in relation to transport, testing and quarantine in order to receive their seafarers currently abroad and allow others to join their ships.

**(d) The way forward in the context of a continuing crisis**

49. As noted by the CEACR, the pandemic has severely tested the legal framework set out in the MLC, 2006, for the protection of decent working and living conditions of seafarers and laid bare the essential role of seafarers and the criticality of the shipping industry for the world economy. There is a pressing need for ensuring full respect of basic seafarers' rights and drawing the right lessons for the future, notably as new variants of the virus emerge and further waves of infection affect countries around the world. In light of new medical developments, additional public and private responses may be necessary to ensure that seafarers worldwide are covered by adequate measures to protect their health, including access to vaccination. Further support might be required, in consultation with social partners, to overcome challenges concerning trusted, reliable and verifiable testing to facilitate crew change and the unhindered movement of seafarers across borders in appropriate conditions thus reducing the risk of disruption to global supply chains while contributing to maritime safety and ensuring the well-being of seafarers. The goal of retaining experienced seafarers and attracting young talent into the profession might be further compromised if the international community fails to deliver on this.
50. In this context, the Officers of the STC propose the following questions to guide the discussion regarding COVID-19 and maritime labour issues:
- Did any provisions of the MLC, 2006, prove insufficient in the face of the challenges presented by the pandemic?
  - Are there any structural and governance factors that COVID-19 has exposed and which the ILO and other relevant UN agencies should consider in more detail to seek to ensure that in the future the fundamental rights of seafarers as provided for in the MLC, 2006, are respected?

- Are any additional measures, including new standards, needed to solve the current crisis and be better equipped to ensure enforcement of the MLC, 2006, in the future, in particular under strain?

## 1.4. Hours of work and rest: Presentation of a World Maritime University study

51. Following the publication of a study on hours of work and hours of rest<sup>60</sup> in 2020, the World Maritime University (WMU) contacted the ILO concerning the possibility of presenting its findings before the STC. Following consultations, the Officers of the STC decided to add this item to the agenda of the fourth meeting and invited the WMU to present its findings on this very important topic. It is expected that the presentation will be followed by a tripartite discussion.
52. Observing that under-reporting of work hours or adjustment of work and rest hour records has been suggested by previous research to be a common practice in the shipping sector, the WMU conducted exploratory research into the implementation of the current regulatory and administrative framework on work and rest hours. In particular, the research was aimed at: (1) investigating stakeholder perceptions of the capacity of the current international regulatory framework to effectively prevent fatigue; (2) assessing the barriers to effective implementation on board ships; and (3) evaluating the level of compliance with the current regulatory regime. The study is available with the other documents for the meeting.

## 1.5. MLC, 2006, and digitalization: Use of electronic documents

53. The third meeting of the STC discussed the issue of electronic certificates in the context of the MLC, 2006, without reaching any particular conclusion on this matter.<sup>61</sup> While participants generally expressed their support for the use of electronic certificates – which were already being issued in some countries – a number of issues were raised including: (i) the need to protect personal data of seafarers and ensure conformity with the EU General Data Protection Regulation; (ii) the need to comply with the requirements established under the Convention on Facilitation of International Maritime Traffic (FAL Convention) and the IMO Facilitation Committee (FAL) Guidelines for the use of electronic certificates (FAL.5/Circ.39/Rev.2); (iii) the absence of reference to electronic certificates in the MLC, 2006; (iv) the legal effect of those certificates and the acceptance by port State control authorities; and (v) the possibility of displaying documents electronically on board in compliance with the provisions of the MLC, 2006. The Government of Denmark shared its positive experience regarding the issuance of electronic certificates, which started in June 2016. It indicated that port State control authorities had taken a forward-looking approach towards the new certificates and that there had been no detentions related to electronic certificates in relation to ships flying the Danish flag.<sup>62</sup>

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<sup>60</sup> R. Baumler et al., *A Culture of Adjustment: Evaluating the Implementation of the Current Maritime Regulatory Framework on Rest and Work Hours (EVREST)*, (WMU, 2020).

<sup>61</sup> ILO, *Final Report: Third Meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006)*, STCMLC/2018/4, 2018, paras 51–54.

<sup>62</sup> Danish Maritime Authority, “Digital Certificates for Seafarers”. See also IMO Circular letter No. 3646.



- 54.** The Office has received a number of governments' requests for informal opinions concerning the use of documents in electronic form in the context of the MLC, 2006, including record books, SEAs and DMLCs, Parts I and II. In reply to such requests, the Office indicated that there is nothing in the MLC, 2006, as currently drafted, that would prevent national administrations from authorizing the creation and storage of SEAs in electronic format, the maintenance of electronic records on board ships and the use of such records for inspection purposes under the relevant provisions of the Convention as well as the issuance of electronic maritime labour certificates and DMLCs (as long as print outs of such electronic documents are placed in a conspicuous place, in accordance with Standard A5.1.3).<sup>63</sup> Concerning the use of electronic SEAs, the Office pointed out that it should not in any manner weaken the obligations under Standard A2.1, including the fact that the shipowner and seafarer concerned shall each have a signed original of the SEA, nor render more cumbersome the access of inspectors to such documents. In this regard, questions have arisen about whether in the context of international industry with shipowners and seafarers based in different countries, the signature of the shipowner or the shipowner's representative must be an original signature or whether it could be an electronic signature. The Office indicated in this regard that the question of acceptability of an electronic signature in the context of the SEA is one of the many details of general contract law that are left by the Convention to be determined by the national law and practice of the flag State (or other law which the flag State recognizes as applying to the SEA).<sup>64</sup>
- 55.** The Office has observed in general that notwithstanding the obvious advantages in terms of efficiency and security, the use of electronic certificates should not in any manner weaken the obligations of State parties to the MLC, 2006, or shipowners with regards to ship certification and render more cumbersome the issuance, access or use of ship certificates by the individuals concerned. In this context, as the use of electronic record and certifying systems is likely to be generalized in the foreseeable future, it is important to coordinate the development of relevant standards and guidance at the international level.<sup>65</sup>
- 56.** A number of flag States have started adopting regulations to issue electronic certificates, in compliance with the IMO Guidelines for the use of electronic certificates (FAL.5/Circ.39/Rev.2).<sup>66</sup> National regulations mainly refer to compliance with the requirements of such guidelines and with the standard features for electronic certificates, that is: (1) validity and consistency with the format and content required by the relevant international Convention or instrument; (2) protection from edits, modifications or other revisions other than those authorized by the issuer; (3) a unique tracking number (UTN) used for verifications; (4) a printable and visible symbol that confirms the source of issuance;

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<sup>63</sup> See also paragraphs C2.1.c and C.5.2.3.i of the *Maritime Labour Convention, 2006, as amended (MLC, 2006): Frequently Asked Questions (FAQ)*, fifth edition, 2019. See also *UK FAQs* on the MLC, 2006, according to which, provided that all on board have reasonable access, the DMLC may be carried as an electronic or hard copy.

<sup>64</sup> See *FAQs*, paragraph C2.1.b.

<sup>65</sup> See *FAQs*, paragraphs C5.2.3.i. and C2.1.c.

<sup>66</sup> For example, Antigua and Barbuda (Circulars 2018-003 and 2018-004); Bahamas (*Marine Notice 53* of 4 January 2021); Belgium (*Circular 2019/0001*); Cyprus (*Circular No. 14/2018*); India (*Engineering Circular No. 07* of 2017); Kiribati (*Marine Circular 37/2017*); Liberia (see *Information on Certificates and Documents* issued by the Republic of Liberia of 14 September, 2017); Malta (*Merchant Shipping Notice No. 139*); Marshall Islands (*Marine Notice MN-1-109-1* rev. Nov/2020); Myanmar (*Marine Guidance 1/2018*); Norway (see *Norwegian Maritime Authority website*); Singapore (*Shipping Circular No. 26* of 2017); Palau (see *Marine Circular No. 17-045* and *Marine Notice 108.1*); Panama (*Merchant Marine Circular MMC-355*); Sri Lanka (Merchant Shipping Notice (MSN) 01/2018 of 12 September 2018); and United Kingdom (*Marine Information Note (MIN) 609 (M+F)*).

and (5) reliable and secure verifiability through a conveniently accessible and continuously available platform. Methods for verification include a quick response (QR) code, UTN and online verification. A few countries provide for the electronic signature of documents.<sup>67</sup> The certificates and documents are mainly issued by Recognized Organizations (ROs) authorized by the respective flag State Administrations, but may also be issued by such Administrations or by nominated surveyors authorized for that purpose.

57. Only regulations of a few countries specifically provide for the issuance of MLC, 2006, documents in an electronic format. In the Republic of the Marshall Islands (RMI), according to [Marine Safety Advisory No. 07-20](#), as from 24 February 2020, the RMI Maritime Administrator issues the DMLC Part I in electronic format only. Panama authorized ROs to issue the DMLC, Part I in an electronic format.<sup>68</sup> In Germany, MLC certificates are issued in electronic format and are commonly used by shipping companies.<sup>69</sup> According to the United Kingdom [Merchant Shipping Notice MSN 1848 \(M\) Amendment 3](#), under the substantial equivalencies enunciated for Regulation 2.3 of the MLC, 2006, in the DMLC, Part I, it is provided that electronic record-keeping of hours of rest may be accepted provided that the system provides satisfactory security, audit and access arrangements.
58. Recognizing that flag States using electronic certificates have experienced instances of port State control authorities denying the validity of these certificates, resulting in a burden to the master and crew, shipowner or operator, port State control authorities, Administration, and other stakeholders, in July 2017, the Paris MoU issued [Guidelines for the use of electronic certificates](#).<sup>70</sup> Such guidelines provide that port State control officers should accept electronic certificates containing the features identified in its section 2.2 (standard features for electronic certificates) Moreover, IMO's Procedures for port State control, 2019, annexed to [IMO Resolution A.1138\(31\)](#) adopted on 4 December 2019 provide, in section 2.2.3(1) that "certificates may be in hard copy or electronic form" and make reference to the FAL Circular.
59. The crisis created by the COVID-19 pandemic and the consequent difficulty to obtain paper certificates revealed some of the benefits and practicality of having on board electronic certificates, which may be easily obtained and quickly and securely verified. A number of countries specifically authorized the use of electronic certificates during the COVID-19 pandemic.<sup>71</sup> Constituents are encouraged to share updated information on any developments and eventual challenges regarding the use of electronic certificates for the implementation of the MLC, 2006, including in particular during the COVID-19 pandemic.

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<sup>67</sup> For example, Marshall Islands.

<sup>68</sup> See [Merchant Marine Circular MMC-355](#).

<sup>69</sup> See [Deutsche Flagge](#).

<sup>70</sup> Under section 2.1.1, "Certificate means a document issued by an Administration or its representatives that is used to show compliance with IMO requirements ...".

<sup>71</sup> For example, Belgium ([Circular 2020/002](#)).

## ▶ Appendix A

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### Agenda for the fourth meeting of the Special Tripartite Committee (19–23 April 2021)

1. Exchange of information related to the implementation of the MLC, 2006.
  - (a) COVID-19 and maritime labour issues;
  - (b) Hours of work and rest: presentation of a World Maritime University study;
  - (c) MLC, 2006, and digitalization: Use of electronic documents.
2. Review of maritime-related international labour standards (on the basis of the request formulated by the Governing Body in the context of the functioning of the Standards Review Mechanism).<sup>1</sup>
3. Any other business.

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<sup>1</sup> The Governing Body “referred the maritime instruments (sets of instruments 18 and 20), to the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006), for its expert review and report to the Governing Body”. See Document GB.326/LILS/3/2 and the related [decision](#).

## ▶ Appendix B

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### Relevant provisions in the MLC, 2006

#### Special Tripartite Committee

##### Article XIII

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.

## ▶ Appendix C

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### 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.