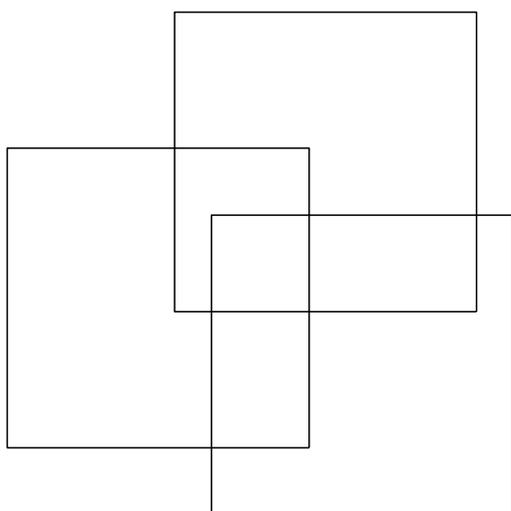




Note on the proceedings

**Sectoral Meeting on the Recruitment and Retention of Seafarers
and the Promotion of Opportunities for Women Seafarers**
(Geneva, 25 February–1 March 2019)



SMSWS/2019/13

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Policies Department

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INTERNATIONAL LABOUR OFFICE, GENEVA

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Note on the proceedings: Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers (Geneva, 25 February–1 March 2019), International Labour Office, Sectoral Policies Department, Geneva, ILO, 2019.

ISBN 978-92-2-133706-5 (print)
ISBN 978-92-2-133707-2 (Web pdf)

Also available in French: *Note sur les travaux:* Réunion sectorielle sur le recrutement et le maintien dans l'emploi des gens de mer et sur l'amélioration des possibilités offertes aux femmes marins (Genève, 25 février-1er mars 2019), ISBN 978-92-2-133708-9 (print), ISBN 978-92-2-133709-6 (Web pdf), Geneva, 2019; and in Spanish: *Nota sobre las labores:* Reunión sectorial sobre la contratación y retención de la gente de mar y la promoción de las oportunidades para las mujeres de mar (Ginebra, 25 de febrero-1.º de marzo de 2019), ISBN 978-92-2-133710-2 (print), ISBN 978-92-2-133711-9 (Web pdf), Geneva, 2019.

ILO Cataloguing in Publication Data

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Introduction

1. The Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers was held in Geneva from 25 February to 1 March 2019.
2. The Meeting was attended by 41 Government representatives and 25 Government advisers, eight Employer representatives and nine Employer advisers, eight Worker representatives and 41 Worker advisers and observers. There were 15 observers from intergovernmental organizations and international non-governmental organizations.
3. The purpose of the Meeting was to discuss the issues raised in resolution XI concerning the recruitment and retention of seafarers, and resolution II regarding the promotion of opportunities for women seafarers, as adopted by the 94th (Maritime) Session of the International Labour Conference (ILC) in 2006, including in the context of the ILO Future of Work Centenary Initiative.¹
4. The Officers of the Meeting were as follows:

Chairperson: Mr Henrik Munthe (Attorney at Law, Industrial Relations Department, Confederation of Norwegian Enterprises (NHO))

Vice-Chairpersons: Ms Z.S. Santamaría Guerrero (Minister of Labour and Labour Development, Government, Panama)
Ms K. Metcalf (Shipowner, President and CEO, Chamber of Shipping of America)
Ms Lena Dyring (Seafarer, Director, Cruise Operations, Norwegian Seafarers' Union)

Government spokesperson: Ms M. Medina (Chief, Office of Merchant Mariner Credentialing, US Coast Guard)

Shipowners' group Secretary: Ms N. Shaw (Director Employment Affairs, International Chamber of Shipping (ICS))

Seafarers' group Secretary: Mr F. Barcellona (Assistant Section Secretary, International Transport Workers' Federation (ITF))

5. The Chairperson recalled that the purpose of the meeting was to examine issues concerning the recruitment and retention of seafarers and the promotion of opportunities for women seafarers. As the issues paper prepared by the Office indicated,² the shipping sector had seen significant changes in recent years and would continue to undergo change as a result of technological advances and other developments. The meeting would discuss how such changes affected what attracted people, particularly young people, to a seagoing career and what contributed to the retention of experienced seafarers, or caused them to leave their seagoing careers. The paper also examined the opportunities and challenges faced by women seafarers with a view to enhancing their participation and success.

¹ GB.332/POL/2, appendix.

² ILO: *Recruitment and retention of seafarers and the promotion of opportunities for women seafarers*, SMSWS/2019.

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6. The Meeting was expected to adopt a set of Conclusions, including proposals for action by governments, by shipowners' and seafarers' organizations, and by the ILO, to promote decent work in the sector.
 7. The Secretary-General of the Meeting, Ms Alette van Leur (Director, ILO Sectoral Policies Department), observed that the maritime sector transported 90 per cent of the world's trade, and that over 1.6 million seafarers served on vessels. Seafarers were fundamental to the sustainable operation of the sector. The recruitment and retention of seafarers in the global labour market was a complex issue, and had social, political, and economic dimensions. Women represented only a very small percentage of the total number of seafarers: while some were doing well, others faced challenges, including scepticism over their strengths and capabilities, unequal treatment and sexual harassment.
 8. Seafaring had traditionally been a man's world with many structural barriers preventing full participation by women. The Report of the ILO Global Commission on the Future of Work in January 2019 called for "a transformative and measurable agenda for gender equality for the future of work". The meeting should identify some effective measures that would support and promote the enhancement of gender equality, not only by promoting opportunities for women seafarers or improving their working and living conditions, but also by enhancing their participation through encouraging their representation and leadership in the sector. The meeting was attended by many women participants.
 9. The Report of the Global Commission also recognized that while technological advances may mean that some jobs would be lost, they could also lead to new jobs with different skill requirements. The challenge was to seize the opportunities that such advances offered to ensure equal opportunity, decent work, and social justice. The shipping sector was not immune to such change, particularly as automation and digitalization would continue to have a significant impact on employment in the sector. This called for effective social dialogue.
 10. The 2030 Agenda for Sustainable Development embraced the three dimensions of sustainability – economic, social and environmental. The ILO had a particular interest in SDG 8, which concerned decent work and economic growth. Other SDGs were also of interest, including SDG 14, which referred to the need to conserve and sustainably use marine resources for sustainable development. The Decent Work Agenda focused on access to decent jobs to ensure equality, dignity and safe working conditions for all workers. Gender equality and non-discrimination were central to the Decent Work Agenda, ensuring that all workers enjoyed equal opportunities in the world of work.
 11. The Maritime Labour Convention, 2006, as amended (MLC, 2006), now ratified by 90 countries representing more than 91 per cent of the world's shipping fleet, was a powerful tool for achieving decent work for all seafarers, and hence of major relevance to the industry. In the ILO's centenary year, the Organization had set itself a new challenge of achieving 100 ratifications of the MLC, 2006, by the end of 2019.
 12. The Deputy Secretary-General, Mr A. Isawa (ILO Sectoral Policies Department), explained the Standing Orders governing the meeting and the corresponding usage of "Shipowner" and "Seafarer" instead of "Employer" and "Worker" in the maritime context. Decisions would be taken by consensus.
 13. The Executive Secretary, Mr B. Wagner (ILO Sectoral Policies Department), recalling the purpose of the meeting, introduced the issues paper prepared by the Office. An underlying theme was that recruitment and retention cut across all the pillars of the Decent Work Agenda and related to many different aspects of ILO's work. The first chapter set out the context in which the issues surrounding the recruitment, retention, and opportunities for women seafarers arose. It provided general information on the sector and gave a brief overview of the labour market and of the regulatory and policy framework that governed the

sector, in particular the MLC, 2006. The chapter highlighted information from the 2015 report by the Baltic and International Maritime Council (BIMCO) and International Chamber of Shipping (ICS) on the global supply of and demand for seafarers, which foresaw a future shortage of officers and a relatively low percentage of seafarers who were women.³ It also briefly discussed changes in technology, such as automation and digitalization, which had an influence on the future of seafaring.

14. The second chapter examined the recruitment of seafarers, referring to some of the positive elements that may attract young people to work at sea. It discussed the career cycle of seafarers, their training and education, and their opportunities to serve as a cadet as part of their on board practical training, and referred to the International Maritime Organization's (IMO) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) and other IMO work to attract people to careers at sea.
15. The third chapter considered what influenced seafarers to remain in or leave the profession. Recent studies had identified why seafarers left the sector, and offered examples of good retention practices by shipowners and ship managers, including effective communications between seagoing and shoreside staff, career development and internal training. The paper emphasized the importance of safety and health, on-board living arrangements, medical care, and the persistent problem, for many seafarers, of fatigue, which affected retention. Issues concerning mental health, isolation, family responsibilities, and career mobility were also discussed. Bullying, harassment and discrimination in many forms were also factors, as was piracy, abandonment and the criminalization of seafarers.
16. The final chapter focused on women's participation in the maritime sector and the specific issues they faced. It discussed the limited training opportunities, and offered ideas on how the situation might be improved. It examined gender stereotyping, gender-based occupational segregation, discrimination and other barriers that had an impact on the number of women working at sea: encouragement, support, and adequate resources may enable women to succeed at sea and, later, ashore in the maritime industry. The specific needs of women with regard to occupational safety and health (OSH), such as the provision of appropriate work gear, medical concerns, as well as maternity issues, were also noted. Finally, the chapter discussed the impact of discrimination, violence and harassment, in particular sexual harassment, on women seafarers, and how to address such challenges. The MLC, 2006, and other ILO Conventions were discussed in relation to such topics.

General discussion

17. The Seafarer Vice-Chairperson stated that global trade was healthier and revenues were higher than before. Although digitalization and other technological advances would change the sector, highly skilled seafarers would still be needed to crew ships. Governments and social partners were together to discuss how to break the barriers that deterred women and men from entering this profession. Solutions should be available in the future to improve the recruitment and retention of seafarers and increase the number of women choosing careers to sea. Creativity would be necessary to bring together social partners and governments, with the support of the ILO, and to find skilled seafarers for the future. Studies reported a significant shortage of seafarers in the coming years – vacancies that could be filled by women, who currently represented only 1 per cent of all seafarers worldwide. Another report by the International Transport Workers' Federation (ITF) highlighted issues identified by women seafarers as problems in their seafaring careers, including isolation when working

³ BIMCO/ICS: *Manpower Report: The global supply and demand for seafarers in 2015* (London, 2015).

on a vessel with an all-male crew; the lack of separate sanitary facilities on board and the inability to source and dispose of toiletries; difficulty in gaining the sea time necessary to obtain a licence; and the obligation to undergo medical tests different from those performed on male seafarers. There had been some improvements, but there was a need to collaborate on female segregation and facilities in a male dominated industry. Young and women seafarers needed help to obtain the right skills to secure employment on ships.

- 18.** The Shipowner Vice-Chairperson requested clarification by the secretariat that the conclusions in the issues paper did not necessarily reflect the views of the participants and also pointed out that the paper contained some statements that her group did not believe to be factually correct. The Executive Secretary of the meeting confirmed that there was no necessary relation between the observations made in the issues paper and the conclusions that may be adopted by the Meeting.
- 19.** The Shipowner Vice-Chairperson welcomed the participation of a significant number of women in the meeting. Recruitment and retention had emerged as an issue from the discussion of the MLC, 2006, in 2006, and despite progress these were still important challenges in the sector. There had been progress in the industry as a result of the ILO's guidance and the MLC, 2006, and the ILO's aim of reaching 100 ratifications of the MLC, 2006, by the end of its centenary year deserved support. The MLC, 2006, offered a basis to improve working conditions in global shipping and the lives of seafarers. It was the path to quality shipping and to a level playing field for working and living conditions on board vessels globally, which would in turn improve the image of the sector and the retention of seafarers.
- 20.** She expressed concern over measures adopted by some governments against globalization and free trade. According to the ILO's "World Employment and Social Outlook – Trends 2018", global unemployment was likely to remain at over 190 million, and vulnerable employment would increase by 17 million in 2018 and 2019. Developed countries had recorded the lowest unemployment rates since 2007, yet at the same time they had recorded high levels of involuntary part/time work. In emerging economies, unemployment had increased, and it was expected that in the immediate future employment would increase in the services and shipping sectors. According to a report by UNCTAD of 2018, maritime transport had grown by 4 per cent over the previous five years. However, certain trends invited uncertainty, including trade protectionism, shifts in global value chain patterns, the impact of digitalization and e-commerce, the forms of transition to green energy, and China's Belt and Road initiative. The industry was investing in new technologies, systems and equipment to secure long-term stability. Ship operating costs would increase from 2.7 per cent in 2018 to 3.1 per cent in 2019, according to the latest Moore Stephens annual Future Operating Costs Survey. The recruitment and retention of seafarers should be promoted in a socially responsible and economically viable way: the number of women seafarers was still low, even if it had increased over the last decade. The meeting should discuss innovative recruitment and retention schemes for women, as well as bullying and harassment in the industry.
- 21.** The Government Vice-Chairperson stated that governments did not have a unified position and that individual governments would make their own statements. In her capacity as Minister of Labour and Development of Panama, she referred to national policies on progression in maritime professions and the development of the capacities of seafarers, which had a direct impact on the promotion of employment opportunities. Recruitment and retention were threatened by poor working and living conditions on board, which were regulated by international standards whose effective application would have a positive impact on the skills, recruitment, and retention of seafarers. Ratification of the MLC, 2006, by Panama and other countries was a step forward. It was important to address the impact of technological advances, digitalization, and automation in the sector, to provide adequate vocational training for seafarers, and to create new job profiles to develop other

competencies and increase knowledge and awareness of new technology. The major issues in the sector included discrimination against women seafarers in the selection process of cadets: the lack of appropriate accommodation, in particular in old ships; tests and evaluations that were more rigid than those applied to men; and the lack of a maritime culture in some seafarers' countries of origin. National and flag State policies and practices did not provide sufficient protection for women seafarers to ensure a work–life balance. Women should not suffer discrimination or harassment from their peers or supervisors: sexual harassment was a factor that had a major impact on the presence of women in the sector. Panama had adopted regulations and programmes to increase employment opportunities for seafarers, including incentives for hiring Panamanian workers or investing in the certification of competencies.

22. A representative of the Government of Panama Mr J. Barakat Pitty (Minister of Maritime Affairs and Administrator, Panama Maritime Authority) underlined his country's zero tolerance policy against discrimination and harassment in the sector. Sexual harassment had an impact on the presence of women in shipping and should be addressed through training programmes. The challenges related to recruitment and retention concerned national legislation in different countries; national policies should aim at career development and vocational programmes for cadets and other professionals.
23. The representative of the Government of Honduras considered that seafarers needed special protection in view of the unique context of their work. Honduras had ratified the MLC, 2006, in 2016, and supported its aims. Quality maritime transport, OSH and the protection of the environment had to be ensured to maintain the link between social progress, economic growth, and the guarantee of fundamental principles and rights at work, which were vital to ensure equality of opportunity. Workers' access to training should not be subject to gender discrimination.
24. Honduras had both national and international trainees, in various areas: it was host to the Central America Maritime Training Center (EMCA-La Ceiba), which provided education in accordance with the IMO STCW. In 2016 the President of Honduras had signed an agreement with the Florida-Caribbean Cruise Association to ensure opportunity and decent work for around 20,000 seafarers based in Honduras and to convert the sector into an attractive employment opportunity. Traditionally, Honduras offered open registration for ships, which made possible a high degree of participation in national efforts.
25. The representative of the Government of Indonesia stated that, as the third largest supplier of seafarers in the world, Indonesia had an interest in the development of international standards that could guarantee decent work for all seafarers, including women seafarers. Recruitment and retention policies served as a foundation to prevent criminal practices such as the trafficking of persons, forced labour, and abandonment. Indonesia was committed to strengthening its efforts to tap the potential for a global agreement on seafarers that would provide comprehensive policies to promote decent work, including full and productive work, rights at the workplace, social protection, and the promotion of social dialogue. A wide range of instruments had been used to promote the recruitment and retention of seafarers. Assistance had also been provided for the development of capacities in the Indonesian Maritime Education and Training Facility. Indonesia stood ready to work with the ILO in developing a set of policy recommendations to address the recruitment and retention of seafarers and to promote opportunities for women seafarers.
26. The representative of the Government of Norway supported the efforts by the ILO to improve the recruitment and retention of seafarers and to promote career opportunities and appropriate working and living conditions for women seafarers. Close attention to the recruitment and retention of suitably trained seafarers was essential for the future of the shipping industry. It was important that flag States and labour-supplying States had efficient methods for implementing and monitoring the relevant legislation, in particular the MLC,

2006. It was also important to continuously improve existing legislation, and to promote campaigns and other measures for the continued improvement of working and living conditions on ships, as well as career and skills development and employment opportunities for workers in the maritime industry. The efforts made by the ILO to promote improved living conditions, including those of women, were supported. Maritime Education and Training (MET) institutions, shipowners, employers, recruitment and placement services and seafarers' organizations all played a role in motivating people to seek work on ships and to continue their careers as seafarers.

- 27.** Seafarers were central to the success of the Norwegian maritime industry: the country had seen that global growth, improved framework conditions, quality maritime education, and targeted recruitment campaigns had had a positive effect on recruitment, in Norway, where cooperation between shipowners' and seafarers' organizations was important for a well-run maritime industry. Cooperation between maritime organizations and other branches of the maritime sector, and maritime educational institutions, had also proved fruitful. Several projects and campaigns in particular had been successful: cooperation between the maritime academies in Norway had resulted in a new Maritime Bachelor's Degree, courses for which would begin in 2019. The national Maritime Forum, which brought together employers and workers, shipyards and local training offices, was working to inform and recruit mainly young persons about the possibilities for work in different branches of the maritime sector. The Forum was also a meeting place for the maritime industry, authorities, educational institutions, and the research community. The Norwegian cadet scheme database had been established by the Maritime Forum in cooperation with seafarers' organizations, shipowners, and local maritime offices, its aim being to help students find cadet berths on ships and make it easier for shipowners to find qualified personnel.
- 28.** A maritime website offering information about the different career paths and work possibilities in the maritime industry had been established by the Maritime Forum and the Norwegian Shipowners' Association, in cooperation with local training offices and maritime businesses in Norway, to increase knowledge of the maritime industry and of maritime career possibilities, and to ensure that there were qualified applicants for maritime education in Norway. The project on "maritime competence in a digital future" was a joint effort by the Norwegian Maritime Officers' Association, the Norwegian Shipowners' Association, educational institutions, and a number of leaders of businesses in the Norwegian maritime cluster. The project's goal was to identify future needs in the maritime industry and to identify needs for change in maritime education and training with a view to a digital future. The preliminary conclusions of the project were that there was a need for more training and competence in the use of new digital tools and automated processes on board ships. A report was expected to be published by the project in March 2019.
- 29.** The promotion of opportunities for women seafarers was an important issue that was closely connected to the topic of recruitment and retention. However, women seafarers were more exposed to problems on board ships: they may suffer a lack of respect, involving harassment and insubordination. Although some progress had been made in recent years, women seafarers too often faced sexism, intolerance, and harassment on board ships. National legislation providing seafarers with the right to parental leave and the right to protection against harassment and discrimination may have a positive effect on the recruitment and retention of female and male seafarers alike. In Norway, such rights were regulated in law, for example by the Ship Labour Act, the Ship Safety and Security Act, and the Equality and Anti-Discrimination Act. To increase the number of women in the maritime industry, the opportunities for work in the industry should be made better known, including shore-based shipping positions and work in the shipbuilding industry. International advantages of the shipping industry should also be promoted to make seafaring careers more attractive to young people. Norway had implemented many recruitment campaigns to attract young people to a maritime career; in recent years these had had a special focus on women in the industry. "Networking evenings" – local networks for shipowners and the maritime industry

– had proved efficient in this respect, such as that by Maritime Bergen: that network had seen an increase of 20 per cent in the number of women workers in the maritime sector between 2010 and 2018.

- 30.** The representative of the Government of China stated that Ministry of Human Resource and Social Security (MOHRSS) and Ministry of Transport (MOT) worked together to implement the MLC, 2006, in China. The paper prepared by the Office gave an accurate picture of the future of the maritime sector. A national report by China in 2017 had identified a future shortage of quality and tech-savvy officers for shipping, as well as major issues such as wage differentials between seaborne and shore-based careers. For several reasons the sector had lost its appeal to young people. There was hence a need to update skill profiles and to promote employment in shipping. Chinese seafarers' competence examination and certification system had been adapted to echo the needs of the industry calling for ready-to-work graduates and new entrants. As regards cadet berths, China had increased their number to 1,800 in the past year, and had improved welfare and career development for seafarers. The MLC, 2006, had nevertheless played a major role in retaining seafarers. The principle of equal pay for work of equal value, a central principle in the ILO, was enshrined in Chinese law, including that applicable to seafarers, and discrimination was forbidden in all areas defined in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). China suggested that member States adapt their national social security and individual tax policies to attract and retain seafarers, as well as that the needs of women seafarers in terms of their education, training, and recruitment be equally addressed as the men seafarers. Yet there were few women employed in engineering positions in the sector, most of them being in general crew positions such as catering and services. Policies and practices were needed to improve the recruitment and retention of women seafarers, especially with regard to ensuring a balance between work and family responsibilities, the targeted promotion of employment opportunities, as well as specific Guidelines based on the MLC, 2006, to ensure decent working conditions, such as separate accommodation and sanitary facilities on board. This required the support of society as a whole, and the championing of successes.
- 31.** The representative of the Government of the Islamic Republic of Iran observed that his Government had ratified the MLC, 2006, in 2014, and that greater efforts were needed to promote the Convention, which was central to international cooperation in the sector. In particular, the findings of the ILO Global Commission on the Future of Work were particularly relevant with regard to digitalization and its impact on recruitment and retention.
- 32.** The representative of the Government of India referred to the BIMCO statistics, which did not reflect the real figures for India as a supplier of seafarers.
- 33.** The representative of the Government of the Republic of Korea stated that its national Seafarers' Master Plan addressed issues concerning training, certification, and promotion, as well as the encouragement of recruitment. Labour inspection was a specific concern, as was the need to provide Internet links between ships and land for seafarers. It also addressed needs regarding counselling, medical services, emergency treatment, and telemedicine facilities. It had resulted in the creation of specific medical facilities on board 16 ships in 2018, with a further 18 foreseen in 2019, and telemedical services covering 5,617 seafarers in 2018. The Government sponsored a number of maritime educational institutions, including a maritime university, polytechnics, and programmes in high schools.
- 34.** The representative of the Government of the Philippines stated that her country was a major supplier of seafarers and gave close attention to issues of recruitment and retention. Social dialogue was encouraged in the sector, including the Maritime Industry Tripartite Council, which was chaired by the Minister of Labour, and crewing agencies, which involved both shipowners and seafarers. The Philippine Overseas Employment Administration (POEA) implemented the MLC, 2006, through national legislation to protect seafarers. Accreditation, licensing, and manning of vessels were supervised. The MLC, 2006, offered a useful basis

for bilateral cooperation between seafarers' organizations and flag States. Some standards were however needed on recruitment and retention, which should cover wage fixing and occupational classifications, and could usefully draw on solutions found for women among migrant fishers.

- 35.** The representative of the Government of France stated that studies showed that the most frequent causes of seafarers leaving the industry were family obligations and issues with working conditions, such as chemical hazards, noise, fatigue, and the behavioural environment. Recruitment procedures should ensure equality between men and women, and shipowners had a duty to apply the principle in their wage structures and to outlaw discrimination. Practical solutions were needed in this area, which should be a subject for discussion at the next meeting of the Special Tripartite Committee of the MLC, 2006, to be held in 2021.
- 36.** The representative of the Government of Latvia welcomed the opportunity to discuss problems of recruitment and retention. The key element to retain seafarers on ships and attract new employees was to ensure that seafarers felt safe and protected in respect of their work on ships, that all kind of discrimination were eliminated, and that the level of protection of seafarers was not lower than those employed in other sectors. The MLC, 2006, was a valuable instrument, but work was still needed to ensure full implementation of it in order to ensure decent work for all seafarers. It was important to eliminate discrimination through national law, however if the seafarers were employed on foreign ships under jurisdictions of other states the possibilities to protect seafarers effectively only through national law were limited. Work on issues concerning seafarers was needed through both national and international tripartite bodies, especially as regards social dialogue.
- 37.** The representative of the International Seafarers' Welfare and Assistance Network (ISWAN) stated that ISWAN was committed to working to improve the recruitment and retention of seafarers and to increase the number of women working to sea. It was particularly concerned about the mental well-being of seafarers: structural factors such as separation from family and friends, lack of shore leave, small crews, fatigue, and long working hours could have a negative impact on seafarers. More needed to be done to support seafarers experiencing mental health issues. ISWAN had hence welcomed the Guidelines to Shipping Companies on Mental Health Awareness Policy of 2018, adopted by the UK Chamber of Shipping, Nautilus International and the National Union of Rail, Maritime and Transport Workers (RMT). The Guidelines should be adopted internationally and eventually incorporated in the MLC, 2006. ISWAN was concerned that still only small numbers of women were employed as seafarers: the sector was denying itself the skills of one-half of the world's population. Much more needed to be done to ensure that more women gained access to maritime schools, obtained sea time, and secured good jobs. Sexual harassment at sea was an issue, and more companies needed to adopt and fully implement the ICS/ITF Guidelines on Eliminating Shipboard Harassment and Bullying. Women needed support at sea, and companies should consider practical steps such as ensuring no woman was employed in isolation on board.
- 38.** The representative of the International Maritime Health Association (IMHA) observed that in the 19th century the maritime sector had been regarded as male dominant. However, equality and women's increased labour market participation had improved over time, and more female seafarers were employed in the sector. One study revealed that women seafarers complained of a number of issues, such as access to health care, lack of confidentiality, lack of wellness checks, and pregnancy testing. Current pregnancy tests were not fully reliable, since they suffered a 5 per cent error rate. Pregnancy was not an illness, but a natural physical condition. Shipowners should address such problems gradually, by making accommodations in working conditions, reducing working time, and introducing alternative arrangements to protect women seafarers, including paid leave and limiting night work. In order to recruit more women seafarers, the maritime sector also needed to improve job security. Young

women seafarers should receive paid leave for improving their competencies and qualifications by continuous education. An unpublished recent study in Denmark stressed the importance of training and education for creating an equitable working environment in which discrimination and sexual harassment were absent. The study stressed the particular importance of training men seafarers to create a fair and equal world of work.

39. The representative of the International Christian Maritime Association (ICMA) stated that the maritime sector could learn from best practices in other sectors. For example, the fishery sector employed more women than the maritime sector. In order to increase the numbers of women seafarers, the maritime sector needed to implement a positive non-discrimination policy and promote the enhanced visibility of women seafarers across the maritime sector. In addition, the sector should have established complaints and grievance procedures, both on board ship and on land. Adequate measures should be in place to prevent sexual harassment, enabling women seafarers to access remedial measures. The sector needed to consider the effective utilization of communication and Internet technologies to improve work-life balance at sea.

Consideration of points for discussion

40. It was decided that the meeting would agree on the topics for discussion on a daily basis by agreement between the Officers of the meeting. The following account describes those discussions in chronological order.

1. Cadet berths

41. The Shipowner Vice-Chairperson stated that a fundamental issue concerned the quality of cadets' competencies. Cadets needed to receive training from shipowners and training institutes, in good quality placements. Correspondingly, training institutions must produce quality graduate cadets.
42. The Seafarer Vice-Chairperson observed that some countries, such as the Governments of Panama and Marshall Islands, excluded cadets from the definition of seafarers in law. This was not in accordance with the MLC, 2006, in particular Regulation 2.8 – Career and skill development and opportunities. The full application of these principles would do much to improve the situation. On ships covered by the MLC, 2006, trainees who were training for positions as ratings (as opposed to cadets training to be officers) should also be considered as seafarers and receive the protection of the Convention. Such trainees also have requirements for sea service in order to obtain qualifications.
43. The Government spokesperson observed that some member States took action to address cadet and trainees training, which required cooperation between governments, shipowners and seafarers, and all others concerned. The Government of Norway had set out its country experiences, demonstrating the critical function of tripartite social dialogue. The Government group had noted that continuous education was needed for young seafarers to acquire higher certificates and better competencies.
44. The representative of the Government of the Marshall Islands stated that her country honoured all provisions of the MLC, 2006, and that cadets were considered seafarers under Marshall Islands laws and regulations.
45. The Seafarer Vice-Chairperson welcomed this information. Referring to the statement by the Government Spokesperson, she agreed on the importance of cooperation between the parties concerned. Cadets' training should take full advantage of the possibilities offered by e-learning, especially with regard to new technology. She expressed concerns about the

limited berths available for cadets, which often limited their learning opportunities. The relevant provisions of the MLC, 2006, should be respected to secure sufficient on-board space for cadets.

46. The Shipowner Vice-Chairperson said that while they supported the seafarers' view on different alternatives for training, simulators or training ships were no substitute for experience on board real vessels, and should not be the exclusive training modality.
47. The representative of the Government of Mexico referred to the resolution concerning recruitment and retention of seafarers, adopted at the 94th (Maritime) Session of the ILC in 2006, which recognized the need for all flag States to encourage operators of ships which fly their flag to provide training berths for new seafarers and for cadets. There was a need for statistical information on the numbers of vessels constructed and numbers of berths for cadets in them between over the previous decade.
48. The Seafarer Vice-Chairperson referred to the role of flag States in the training of cadets: Croatia and Italy were good examples where new legislation had made it easier to have more cadets on board. Social communication was also important, especially with a view to making shipping more attractive to young people. The right of access to the Internet was enshrined in a recent UN Security Council resolution as fundamental to the exercise of freedom of speech, and while technology was often available on vessels, the price to access it was too high. Emphasis should be placed on ensuring Internet access on board and ensuring its cost was not prohibitive. Social protection programmes were also important to attract more workers. MLC, 2006, Regulation 4.5 referred to seafarers' entitlement to benefit from social security protection no less favourable than that enjoyed by shore workers: Standard A4.5 listed all the branches of social security concerned. Social security rights had to be extended to all seafarers regardless of residence.
49. The Shipowner Vice-Chairperson replying to the Seafarers' statement on cadets' functions, observed that recognition of the training record book system would ensure proper implementation of training programmes, and would ensure that cadets were treated and trained as officers.
50. The Government spokesperson said that the training of cadets centred on competences and functions. Cadets needed to learn to work, and the best way was by engaging in actual work. Clarity was needed on the division of responsibilities between the ILO and IMO regarding the training of cadets. The berth issue was very complex, and governments could help by supporting distance learning as part of cadet training. Some studies showed that certain activities were actually better learned in a simulator.
51. The Seafarer Vice-Chairperson explained that it was not their intention that cadets should be excused hard work, but that they should follow the training schedules they were supposed to follow, and not be regarded as a source of cheap labour or replacement for other seafarers.
52. The Shipowner Vice-Chairperson said that many cadets would still need sea time after they were licensed, and there was no substitute for experience. Mentoring was very important for cadets: having a licence did not necessarily mean that they had the required skillsets. This was true for example in the supervision of other seafarers and safety responsibilities, which required practical experience.
53. The Seafarer Vice-Chairperson noted that education did not stop at the end of formal training, when cadets were engaged in other positions than cadet, that should be reflected in the remuneration they earn and the benefits they were entitled to. Collective bargaining agreements could provide a tool, by including negotiated provisions to facilitate and encourage the recruitment and retention of cadets and trainees.

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54. The Secretary of the Seafarers' group said that there were examples of collective bargaining agreements that could be used to facilitate the employment or engagement of cadets.
 55. The Secretary of the Shipowners' group confirmed that agreement was important, and this might be reached in the form of a collective bargaining agreement or other appropriate means available. However, the current meeting was not an appropriate forum for such a discussion.
 56. The Seafarer Vice-Chairperson said that collective bargaining agreements were included in the MLC, 2006, as a tool to facilitate employment and engagement of cadets, and to help and assist in the recruitment of young seafarers. It was hence valid to refer to them as useful tools that might help improve recruitment and retention.
 57. The Secretary of the Shipowners' group stated that the discussion should avoid discussions on specific wages, employment conditions or other such issues and the different contractual arrangements available.

2. Reinforcement of ILO-IMO cooperation

58. The Seafarer Vice-Chairperson said that both the ILO and IMO were trying to promote careers at sea, and international or regional campaigns were needed with the involvement of the social partners and governments.
59. The Shipowner Vice-Chairperson agreed with the seafarers on the importance of ILO-IMO cooperation to promote careers at sea. Standards of training, certification and watchkeeping were fully within the IMO's mandate, but there were overlapping issues where both IMO and ILO could work together. The resources poured into the maritime sector by the IMO were considerable; in view of the promotion of ratification of the MLC, 2006, there was a continued need for the ILO to do likewise.
60. The Government spokesperson stated that the rationale for ILO-IMO collaboration was evident. The IMO's Port State Control programme was praiseworthy and well matched by its data capability, which could be shared with the ILO. There should be continuous discussion between the two agencies.
61. The Seafarer Vice-Chairperson would welcome greater ILO resource allocations. The ILO and IMO should review international instruments' texts that could prove a barrier to the recruitment and retention of seafarers, such as laws on social security, tonnage, and mandatory spacing on ships.
62. The Secretary of the Shipowners' group considered that, in addition to formal meetings, such as in the IMO Legal Committee, there were many opportunities for the two agencies to work together. Addressing the issue of seafarers' abandonment involved more than operation of a database, and was a key concern. Of particular concern were high profile cases that only received attention several months after being flagged in the ILO database. There should also be increased consultation between flag States, port States and States of nationality. The ILO and IMO secretariat staff were requested to be more proactive in the handling of cases which were being reported as being particularly problematic into the database and where there were clear concerns expressed in the comments regarding the health, safety and welfare of crew members onboard the particular vessels. Where necessary the secretariats were requested to start to raise the specific concerns with the respective governments at the earliest opportunity.

3. Women seafarers

63. The Shipowner Vice-Chairperson stressed that women seafarers' issues should be addressed alongside the problems of minorities aboard vessels. There were notable differences in the employment of seafarers on different types of ships. A career at sea was not necessarily lifelong, and retention was hence an essential topic. Reports of harassment at maritime training institutes were disturbing, and it was important to define the issue and decide how best to address it. The three main challenges for women seafarers were recruitment, retention, and the general treatment of seafarers on board. The public perception of women in the workplace needed education, and female cadets needed to be better prepared for what they may encounter on ships. Seafarers should be trained to show mutual respect; there was a need for a hotline service and an effective reporting process for victims of all incidents at sea.
64. The Seafarer Vice-Chairperson agreed on the need for education on the work of women, the preparation of seafarers for life at sea, and the importance of mutual respect. Women faced challenges different from those encountered by men: many women graduated with good results, yet found it difficult to get a job when applying, which was discouraging. One well-qualified female graduate from the Philippines had applied unsuccessfully for over 240 jobs. In public, companies agreed to hire more women but their practice was different. A successful example of increased women's participation on vessels was Algeria, where women were now attracted to careers at sea.
65. The Government spokesperson identified a number of challenges facing women seafarers, including gender balance; bullying and harassment (including sexual harassment); discrimination based on their physical abilities and their origin; non-acceptance of women on board; contractual discrimination; and lower wages. Solutions to these challenges were needed to encourage more women to join the industry; to sensitize them through training from the beginning of their careers; to demonstrate good practices to companies; to show zero tolerance of harassment; to make use of technology to overcome physical abilities; and as a longer-term solution, to amend certain ILO Conventions to address these issues.
66. The representative of the Government of Indonesia said that ten maritime training institutions in Indonesia had since the 1970s accepted women students, yet only few women were employed by shipowners. Her Government worked closely with all actors in the industry to improve the situation, and had recently published guidelines on equal opportunities in the shipping industry with the participation of social partners.
67. The Seafarer Vice-Chairperson shared an example from France, where a national index had been created to measure how graduates were able to find jobs and to identify disparities between women and men graduates. Mandatory pregnancy testing for women working on vessels shall be banned, since it was contrary to ILO Convention No. 111 and the Workers with Family Responsibilities Convention, 1981 (No. 156), the Termination of Employment Convention, 1982 (No. 158), the Maternity Protection Convention, 2000 (No. 183), and the MLC, 2006. She requested a legal opinion on mandatory pregnancy testing, and underlined that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) had considered that the practice should be banned.
68. The Shipowner Vice-Chairperson understood the concerns raised by the seafarers, but observed that the issue involved also a duty of care on the part of shipowners. In addition to ILO legal advice, the views of the World Health Organization (WHO) and of ILO Occupational Safety and Health experts were formally requested. The requirement of mandatory X-rays was linked to pregnancy testing, since the former was possibly dangerous in a case of pregnancy and was a major reason cited by medics as to why a pregnancy test was essential before an X-ray could be taken.

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69. The Seafarer Vice-Chairperson noted that the ILO/IMO *Guidelines on the Medical Examination of Seafarers* stated that if the pregnancy was uncomplicated, pregnant women could work until the 24th week of pregnancy.
 70. The Shipowner Vice-Chairperson stated that some countries required women on vessels and in other difficult working environments where they might be exposed to chemicals that could harm the foetus to inform their employer of their pregnancy so that they could be reassigned. They did not want to prevent pregnant women from working, but wanted them to work safely. The issue also involved a risk assessment, since a pregnant woman working on a cargo or passenger vessel close to shore presented a different risk from one engaged in a long-distance trip. It was important for shipowners that pregnant employees enjoyed safe working conditions. WHO recommendations on antenatal care for a positive pregnancy experience required all pregnant women had access to such care, which might not be available at sea.
 71. The Seafarer Vice-Chairperson reiterated that pregnancy testing should be voluntary, not mandatory. Women could take their own decisions. Pregnancy tests were also performed on passenger vessels close to shore and medical care.
 72. The Secretary-General of the Meeting stated that ILO standards provided guidance on pregnancy testing. A legal opinion would be provided.

4. Recruitment and placement of seafarers

73. The Seafarer Vice-Chairperson noted that, according to the 2017 Seafarers' Happiness Index Report, the main issues included: uncoordinated port inspections and visits; lack of, or restrictive and expensive Internet access; stress and workload; the discouragement of shore leave; concern that cadets be used as cheap labour; increased workload without corresponding increases in pay; inflation in home countries; poor food and bad cooking, which affected morale; uninteresting training; the isolation of lone nationals on board; and some crews complaining of being "treated like cattle". The report also noted that women were more positive towards change.
74. The Shipowner Vice-Chairperson said it was important to ensure the integrity of recruitment agencies, and called for more government oversight of them. There was a need to publicize good practices. In some cases potential seafarers had paid recruitment agencies but found there was no ship to work on. An earlier request had been made to the Office by both social partners for the Office to work with Interpol on this matter, and this request was once again reiterated. It was important that ILO-Interpol collaboration should be pursued on such issues.
75. The Government spokesperson agreed that the application of the MLC, 2006, had not been consistent. As a solution, they recommended the development of new guidelines for recruitment and placement agencies, and for the governments of seafarers' home countries.
76. The Seafarer Vice-Chairperson highlighted additional tools that could be used to attract more seafarers and women in particular: curriculum vitae and job advertisements should be made gender neutral. There were opportunities for social partners to visit educational institutions and inform young people on life at sea and opportunities for careers. Educating young people on the potential of permanent employment would make the industry more attractive.
77. The Shipowner Vice-Chairperson agreed that advertisements for the industry had to become more gender neutral. Regarding the topic of abandonment, there had been some unfortunate recent cases of what amounted to forced labour, partially resulting from misunderstanding regarding the need to keep a crew on board – in relation to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS) requirements.

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78. A member of the secretariat of the Seafarer group, Mr J. Warring (Senior Legal Adviser, ITF), supported the comments by the Shipowner Vice-Chairperson, and noted that in recent months two vessels in particular had been reported to the ILO for bad practices for the second time: their seafarers had replaced a previously abandoned crew, and had never been paid. There had been a lack of support in their efforts to achieve effective resolution of those cases.
 79. The Shipowner Vice-Chairperson stated that permanent employment was an issue between employer and employee.
 80. The Seafarer Vice-Chairperson would welcome greater engagement by flag States on the abandonment issue. Action on this problem could help attract more seafarers to work in the industry.
 81. The Secretary of the Shipowners' group echoed the view that abandonment was a flag State responsibility under the scope of the Joint ILO-IMO Guidelines and the MLC, 2006, but it was equally a port State and seafarer's home country responsibility. However, certain parties tended to abdicate their responsibilities, with the inevitable impact on seafarers and their families.

5. Automation and its impact on seafarers

82. The Shipowner Vice-Chairperson referring to studies by the ITF and the Hamburg School of Business Administration, foresaw job losses for portworkers, but not necessarily for seafarers. There was a perception that increasing automation would result in fewer jobs on board ships. While that may be true, there might also be a shift in jobs from the ship to the shore, which would mean seafarers would require new skill sets.
83. A Shipowner representative from Germany referring to the study by the Hamburg School of Business Administration, "Seafarers and digital disruption", observed that the seafaring community was used to change and continuous disruption as a result of automation, especially over the last few decades. No job losses were expected for seafarers over the next 20 years, partly due to the increase in fleets, but there would be a gradual shift in roles, and individuals who did not receive sufficient training may lose their jobs. The study also described an environment with a mix of land-based and on board occupations, which may require the redefinition of the term seafarer and the qualifications needed for such an occupation.
84. The Seafarer Vice-Chairperson considered that a revised education curriculum should provide the necessary skills for a defined career path, covering technical as well as administrative and commercial skills. Technological advances could be used for e-learning opportunities to increase the skills of seafarers, and to alleviate isolation on vessels and on shore, training on board however, should not infringe the scheduled hours of rest for the seafarers. The study predicted that maritime automation would be introduced progressively, in an evolutionary rather than a revolutionary way, and that automation would lead to a reduction in the number of seafarers, but that this would be balanced by new shore-side positions. Automation, however, could potentially result in de-skilling rather than upskilling, and seafarers might come to be seen as mere backup for automated tasks that ran autonomously or which could be remotely controlled from shore. The report also indicated that in a transitional period (2020–40) seafarers would need to acquire new skills: it was important to ensure that the cost of doing so did not fall to seafarers.
85. The Government spokesperson could not foresee a world without seafarers: the main need was to plan for the repurposing of seafarers' training. It was important to continue research to understand what skills would be needed, but it was too early to consider standards.

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86. The representative of the Government of Norway explained that a Norwegian maritime industry study had indicated a need for more training and competency in the use of new digital tools and in the handling of automated processes on board ships.
 87. The representative of the Government of the Philippines stated that shipowners and employers should regard up-skilling and re-training as an investment, and stressed the need for constant social dialogue with various stakeholders to address the issue of automation and its impact on seafarers.
 88. The representative of the Government of the United States stated that the impact of automation on jobs was usually one of the first questions asked on visits to maritime academies and unions: both new and existing seafarers now feared they would have to leave their seafaring career as a result of automation. US maritime training institutions taught that automation was an evolving rather than a sudden process, while reassuring seafarers that they would be trained to use new technology.
 89. The Shipowner Vice-Chairperson asked the representative of the Government of Norway whether the study mentioned exclusively covered the Norwegian maritime context. The ILO and IMO had separate responsibilities regarding training, the ILO focusing on career and skill development. A revolution had occurred in the early 1950s when radar was put on ships, but humans were still needed; for a long time grease pencil plots had been used to calculate relative motion before collision avoidance systems were introduced. Seafarers – with higher skills – were still needed despite advancements in technology. Organizations responsible for setting training standards should talk to shipping companies as well as technology developers, as autonomous shipping was primarily being driven by technology producers.
 90. The representative of the Government of Norway replied that the scope of the study in question was not restricted to Norway or Norwegian ships; however, the participants were Norwegian, and hence the focus was primarily on Norwegian ships and needs. The issues and possibilities identified were also relevant to other flag States.
 91. The Seafarer Vice-Chairperson suggested that the IMO could prepare an update on the mass scoping exercise, and requested closer alignment between the various studies and exercises concerning automation by different organizations.

6. Social isolation and loneliness

92. The Government spokesperson considered that multicultural issues may have an impact on recruitment and retention. The length of contracts was relevant: the longer the voyage, the higher the possibility of loneliness and isolation. Internet access should be free or provided at nominal cost. Governments should work with social partners to identify possible social and recreational activities on board vessels. The burden fell mainly on shipowners, but governments also had a responsibility to enable the social partners to work together. Governments should incentivize shipowners to help their crews with such problems. Sharing best practices on such issues as meditation and smartphone-based personal alarms would be useful. Social media offered a window out of loneliness, especially with the continuous reduction in crew sizes, but could itself prove a cause of isolation, even on land.
93. The Seafarer Vice-Chairperson drew attention to a study on the mental health of seafarers conducted by Yale Medical School and funded by the ITF: its interim findings were that more than 25 per cent of over 2,000 seafarer respondents had screened positive for depression. Major contributing factors were low crew levels, stress, and fatigue from pressure of work. Seafarers had inadequate time to access shore-based facilities, rest, or engage in activities other than sleep and work. This could lead to young seafarers failing to return to the sea at the end of their contract. Mentorship programmes might help seafarers

connect socially with other seafarers, cadets, trainees, and women in the fleet, and enjoy shore leave more. Contractual employment time could be reviewed to address the issues.

- 94.** The Shipowner Vice-Chairperson recognized the issues raised. With diminishing crew sizes, the dynamics on board ships would continue to change, increasing the importance of combating social isolation and loneliness. Shipowners had a social responsibility towards seafarers: provisions of the MLC, 2006, could be discussed in this regard. She sought clarification from the Government group regarding recreational facilities. The Guidelines for implementing Welfare aspects of the Maritime Labour Convention, 2006, jointly prepared by ITF and ICS, available in the room, highlighted action by the social partners to make life and work on board conducive to good health. The Guidelines would serve to modernize and update certain parts of the Convention, such as references to films and entertainment media. The Guidelines would be presented to the next Special Tripartite Committee (STC) meeting and should be referenced in the published text of the MLC, 2006.
- 95.** She also suggested that the issue be discussed by national MLC, 2006, implementation committees. Mental health issues should not be ignored, but care was needed to avoid the increasing number of charlatans who were exploiting the situation. It was therefore essential that only recognized bona fide organizations be approached to handle these matters. Responsible guidelines were needed to deal with mental health issues: three booklets on mental health aboard vessels recently produced by the ISWAN in conjunction with reputed occupational psychologists in the field, would be useful to seafarers and government services, and should be publicized.
- 96.** The Seafarer Vice-Chairperson stressed the importance of providing seafarers with accessible counselling for mental health issues. There was stigma around depression and seafarers were scared to report it. There was a need for independently run hotlines where seafarers could obtain counselling and human contact. One good example was Hunterlink in Australia.
- 97.** The Secretary of the Shipowners' group supported the principle of independent counselling services. ISWAN also had a seafarers' helpline that employed specially trained staff. In some cases additional psychosocial support was needed by experts, but problems of confidentiality may arise. Such services must be responsible and independent, and some employers' schemes had been successful.
- 98.** The Seafarer Vice-Chairperson agreed with the shipowners. It was important to work together and find solutions for independently run hotlines. A common model had to be found that could be replicated throughout the industry.
- 99.** The Shipowner Vice-Chairperson stated that the possible causes of mental health problems needed to be identified alongside solutions to mitigate impact. The issue of smaller crews was relevant: in the past, of a crew of 30, at any one time some 15 to 18 crew would be off-watch and available to socialize, but this was no longer the case. Also relevant was the use of the Internet. The number of hours spent on-screen by the younger generation was an equivalent problem involving isolation: seafarers were adults and their screen time could not be regulated.
- 100.** The representative of the Government of Indonesia shared the country's experience in dealing with such issues. In 2018, the Government had opened the Indonesian Seafarers Corner in Cape Town, which provided opportunities for Indonesian seafarers ashore working on foreign vessels to socialize and meet other Indonesian seafarers from different vessels. It was working well, and further such Seafarers Corners would open in the Republic of Korea and Taiwan in 2019.

101. The Seafarer Vice-Chairperson acknowledged that seafarers were adults whose screen time could not be regulated. Fewer people on board meant fewer avenues to socialize, and the Internet could offer a lifeline to interact with others. Young people also enjoyed socializing on line. Internet access was crucial. The main sources of isolation and depression needed to be identified. Pressure of work was an issue: seafarers worked a minimum of ten hours a day for seven days a week, for several months in a row. They had little time to rest and recuperate. Their sleep was also affected. This was also of relevance to mental health.

7. Age discrimination

102. The Government spokesperson noted that there were two forms of age discrimination on ships: an older crew discriminating against a younger crew member, and vice versa. There hence needed to be an age balance in crews. Some countries had laws about age discrimination; one also had a transition programme for seafarers where after a certain age they could reskill to other jobs.

103. The Secretary of the Shipowners' group stated that they were aware of different national laws and practices in relation to age discrimination. The ILO might wish to undertake a desk study of law and practice in different countries to better understand the situation. Moving seafarers from ship to shore-based jobs was a good idea, but might not always be possible. Often in emerging countries such as Madagascar older seafarers faced the problem of having no social security; they needed shore-based jobs with shipping companies, but there were none.

104. The Seafarer Vice-Chairperson supported the idea of a desk study, which might also cover career paths for seafarers.

105. The representative of the Government of the United States stated that the United States had laws against discrimination, but there were still many complaints. An ILO study would be useful.

106. The representative of the Government of Latvia noted that research in her country had shown that seafarers older than 50 had difficulty in finding a job on ship. Laws were in place to prohibit such discrimination, but some seafarers also worked on foreign vessels, and the Government was powerless to prevent such practices on them. A study would hence be helpful.

8. Governmental responsibilities towards seafarers in relation to their abandonment

107. A Seafarer representative (National Union of Seafarers of India) observed that a seafarer's primary concern was to earn a fair wage, obtain decent working conditions, and a good and consistent job for himself and his family. To be abandoned, forgotten and forsaken was frustrating, humiliating and traumatic. In one case in India, a group of Ghanaian seafarers had been abandoned for five years. The silence of governments on the issue of abandonment was unacceptable. Governments should acknowledge the problem and list the complexities involved. Abandonment was an issue not only with flags of convenience, but also with national flags, and was primarily an issue that affected shipowners, seafarers and their families. However, it had to be clear that flag States, port States, seafarers' home States and others should all be concerned, and should make use of this opportunity to discuss good practices.

108. The Secretary of the Shipowners' group noted that 90 countries had ratified the MLC, 2006, which addressed abandonment, but many more member States needed to do so. Official

procedures were needed to solve the problem of abandonment. Efforts by the ILO through its abandonment database and action on individual cases of abandonment were appreciated. However it was essential that both the ILO and IMO secretariats be empowered to act more proactively when difficult cases required urgent resolution. Shipowners were also trying their best to ensure good communications on such cases. The IMO Legal Committee would meet in the coming month, where abandonment would be a major item on the agenda, and several governments would be present. It was hoped that they would speak out.

- 109.** The Government spokesperson said that the main responsibility in cases of abandonment lay with shipowners, while governments also had an important role to play. The MLC, 2006, had seen recent amendments concerning abandonment. Two cases were highlighted: a ship had been abandoned in the African region as a result of the arrest of a crew member. However, since the port State was not a signatory to the MLC, 2006, its requirements could not be applied. In some cases seafarers refused to be repatriated because they were waiting to be paid. The MLC, 2006, provisions were effective when applied, but they were not yet perfect. In another case, a port State was ready to repatriate, but was unable to contact the flag State of the ship, and had to work through the IMO and ILO. Governments believed that greater cooperation between flag States, port States, the IMO and ILO, and where possible shipowners, was needed for abandonment issues.
- 110.** The representative of the Government of Indonesia said that abandonment was a concern for her Government and was the main reason for their presence. Indonesia hoped that the issue could be solved by cooperation between port States and agencies. Indonesia welcomed safe repatriation and the payment of adequate compensation in accordance with the MLC, 2006.
- 111.** The representative of the ICMA described one solution that had been established – the designation by governments of a person or public functionary who could represent persons experiencing abandonment. The person could be contacted by various organizations and would act as a focal point for the case. This arrangement was now established in certain ports. There was usually no complication in cases where the flag, port or home States of persons abandoned had long maritime traditions.
- 112.** The Secretary of the Shipowners’ group acknowledged the ICMA solution. There were already established procedures and protocols, including the IMO and ILO database. There were respective contacts for flag and port States and port welfare committees. The real issue was response time – to react quickly and get the relevant parties to collaborate. Over time important cases could be forgotten within the database if it was just treated as a passive reporting tool as opposed to a tool to resolve outstanding cases.
- 113.** The Executive Secretary stated that the ILO’s abandoned seafarer database was a major undertaking involving cooperation with IMO, ICS and ITF. The ILO was working to raise awareness among States of how to report cases while trying to ensure a rapid response. Through consultations, the ILO had prepared two papers on the issue, which were available on the IMO Legal Committee website, with the aim of securing greater attention to problems of abandonment and the expedited resolution of cases. Where the abandonment was covered by the MLC, 2006, the seafarers should be able to use the certificate of financial responsibility carried on board to obtain payment and to be repatriated. A recurrent problem was that port authorities often required that abandoned ships remain crewed in some way, and prevented the abandoned seafarers from being repatriated until this problem was resolved, even if these seafarers had received their pay and travel arrangements were in place. The topic of abandonment had been regularly discussed by the IMO Legal Committee and the issue of preventing abandoned seafarers from leaving the ship until replacements were on board would be raised at the next session of that Committee in March. This was an example of an issue that required further cooperation between the ILO and IMO.

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114. The representative of the Government of Norway considered that abandonment was a very important issue. Recent related MLC, 2006, amendments were welcome, with improved guarantees of financial security. Good communications, especially between governments, were essential. Norway was fully aware of its responsibilities in this area and would handle all seafarers' grievances. The main focus of efforts should however be on flag States. While it might be difficult to handle cases in foreign ports, it was crucial for flag States to implement relevant Conventions and for shipowners to honour their main responsibility to deal with cases correctly.
 115. The representative of the Government of the Marshall Islands suggested that the ILO and IMO create a list of competent authorities and organizations that could assist on such issues. Governments had no common platform on the matter, and took action individually. They should strive to communicate in a better fashion.
 116. The representative of the European Union (EU) observed that some port States had still not ratified the MLC, 2006: governments needed to discuss how to deal with non-ratifiers, some of which were leading maritime nations. A strategic approach was needed from the ILO on this issue. Another issue was capacity-building, as failure to ratify or poor compliance was often due to lack of capacity. The EU would help through development cooperation programmes and resources for maritime projects to stimulate ratification.
 117. The representative of the Government of the United States noted that while the United States had not ratified the MLC, 2006, abandonment was not a major problem for the United States. If a seafarer was abandoned, the Government would fund their repatriation prior to reclaiming the cost from the shipowner. If a ship was abandoned in US waters, it was auctioned off under the International Liability and Compensation Convention, with unpaid seafarers' wages constituting a privileged claim.

9. Social communication

118. The Seafarer Vice-President noted that a major incentive to the recruitment of young seafarers and women, indeed any young seafarers, was Internet access, since its lack was a major deterrent. Internet access was important in order to communicate with friends and family, and was related to the topic of social isolation and loneliness: it could be used to create hotlines and support lines for seafarers, assisting with isolation. It could also be used to create e-learning and training opportunities. Seafarers who had worked with one particular cruise line offering free Internet access referred to it as one of the main reasons they had stayed on. Seafarers should enjoy good Internet access either free of charge or for a nominal fee.
119. The Government spokesperson stated that Internet access was a good tool to address isolation, but social interaction was essential.
120. The Secretary of the Shipowners' group supported the points made, but considered that fees for the provision of Internet access might be necessary according to location and cost. The MLC, 2006 (Guideline B3.1.11) stated that "consideration should also be given to including the following facilities at no cost to the seafarer, where practicable ... (j) reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount". The International Maritime Satellite Organization (INMARSAT) was the most common service provider, but its fees should fall considerably in the near future.

10. Government incentives to shipowners for the retention of seafarers (seafarers sail for a number of years and leave the company for shore jobs)

121. The Government spokesperson stated that the proposal was based on an individual government's national programme, and so might not be relevant for certain countries.
122. The spokesperson of the Shipowners' group considered that good practices in the industry could help improve training, and referred to the Support for Maritime Training (SMarT) programme in the United Kingdom, which provided training on board ships.
123. A Shipowner representative (Director, UK Merchant Navy Training Board) added that recently the Government of the United Kingdom had initiated its SMarT Plus programme, aimed at promoting the retention of seafarers.
124. The representative of the Government of the United Kingdom stated that the annual budget for the SMART programme was £15 million a year, but would increase to £30 million annually in 2020.

11. Bullying and harassment

125. The spokesperson of the Shipowners' group referred to the ICS/ITF *Guidance on Eliminating Shipboard Harassment and Bullying*, copies of which were available in the room, and welcomed the reference to the Guidelines in the MLC, 2006's new consolidated text. She encouraged governments to publicize the guidelines and stressed the importance of culture change in addressing bullying and harassment. Action was needed at national level to address such issues on board ship.
126. The Seafarer Vice-Chairperson agreed: further implementation of the guidelines could help promote the image of the industry. There were many good practices in the industry on these issues.
127. The Government spokesperson considered the issue as important: governments should be proactive in addressing it. A zero tolerance approach to bullying and harassment should be adopted universally.
128. The Secretary of the Shipowners' group stated that the issue of bullying and harassment was not limited to seafarers: it was an issue of work culture and affected all professions. She requested a recent short Pixar video clip on the issue to be played to the meeting. This was done.
129. The Government spokesperson stated that training should begin at an early stage to address such issues and establish a more inclusive and safe work culture.

12. Criminalization

130. The Spokesperson of the Shipowners' group considered that a discussion of criminalization should cover protection of seafarers involved in rescue of persons at sea. A paper on criminalization and a discussion of this topic was expected at a forthcoming session of the IMO Legal Committee. The topic was not new: while shipowners needed to bear greater responsibility in such situations, governments should take action to ensure that their legal frameworks treated seafarers facing criminal charges fairly.

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- 131.** The Seafarer representative from Ukraine stated that criminalization was one of the most serious threats that global seafarers faced today: unfair treatment in access to justice was compounded by language and cultural barriers, differences in local legal systems, and insufficient knowledge of criminal procedures in different jurisdictions. Young seafarers and experienced seafarers alike were both at risk. Major concerns with respect to seafarers' involvement in illegal activities at sea included their lack of knowledge for timely risk assessment, and their lack of understanding of the consequences and sanctions for committing maritime crimes.
- 132.** While junior officers were in many cases not aware of smuggling or the transportation of illegal cargo or other criminal activities on their vessels, law enforcement authorities normally detained the whole crew, without strong justification, and without future compensation. The unfair treatment of seafarers was a threat to the future sustainability of merchant shipping, primarily due to the damaging effect on its image. The Marine Transport Workers' Trade Union (MTWTU) of Ukraine was conducting a project on preventing seafarers' involvement in maritime crimes and protecting their right to fair treatment, which was implemented jointly with the Ministry of Foreign Affairs of Ukraine and supported by the International Transport Workers' Federation and Seafarers' Rights International. The project focused on the development of risk assessment guidelines for seafarers on how to avoid involvement in maritime crimes; and the development of IMO/ILO/ITF Guidelines for seafarers, shipowners and administrations on fair treatment of seafarers detained on suspicion of committing maritime crimes. The project constituent meeting had been held in Kyiv, Ukraine, on 9 October 2018, and in November 2018 the project had been presented at the ITF Maritime Safety Committee. Ukraine, Georgia, and the ITF had also submitted a document for consideration to the IMO secretariat, to be discussed at the 106th Session of the IMO Legal Committee on 27–29 March 2019, to address the issue of fair treatment of seafarers detained on suspicion of committing maritime crimes. The MTWTU requested official support from governments, employers and workers, as well as from the ILO, in the implementation of the project, and in the discussion of the document on “Fair treatment of seafarers detained on suspicion of committing maritime crimes” at the meeting of the IMO Legal Committee.
- 133.** The Government Vice-Chairperson suggested a revision of the 2006 ILO/IMO Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident would be useful.
- 134.** The Secretary of the Shipowners' group observed that a distinction should be made between seafarers involved in criminal activities while carrying out their functions and duties, and those involved in criminal activities outside the exercise of their duties. The former was the subject of discussion. In relation to the possible revision of the 2006 ILO/IMO Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, any discussion on this should await the outcome of the next IMO Legal Committee meeting. The Secretary of the Seafarers' group supported this view.

13. Shore leave

- 135.** The Secretary of the Shipowners' group proposed to discuss the issue, first, in relation to the requirements of the ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and, secondly, to the issue of visas for seafarers. In the past, people went to sea to see the world, but nowadays this opportunity had diminished. Governments should help by facilitating access to seafarer centres. In addition, immigration authorities and requirements also affected access to shore leave. She called on Government representatives to take up the matter with their national immigration authorities, and encouraged member States to consider ratification of Convention No. 185 to enable seafarer transit. With regard to visa procedures, she highlighted how in many countries it was now difficult to obtain a

timely visa. Cadets faced additional challenges in obtaining visas, meaning they were often unable to leave ship or transit.

- 136.** The Seafarer Vice-Chairperson supported these statements. One barrier to shore leave access was the limited turnaround time of ships in port. Problems of access to shore leave or short time frames were in some cases further exacerbated by the lack of port welfare facilities. She called on governments to provide the port welfare facilities required under the MLC, 2006, and for the establishment of welfare committees and boards.
- 137.** The Seafarer representative from India observed that the issue was recurrent: it had already been discussed in 2003, and there seemed to have been no progress. Access to shore leave should be considered a right, especially in ports where the State had ratified the MLC, 2006.
- 138.** The Government spokesperson recognized the need to promote the right of seafarers to shore leave within the framework of Convention No. 185 and the resolution concerning facilitation of shore leave and transit, adopted at the Third Meeting of the Special Tripartite Committee of the MLC, 2006 (Geneva, 23–27 April 2018).

14. Rescue of persons at sea

- 139.** The Secretary of the Shipowners' group observed that in recent years the number of rescues at sea had significantly increased due to the numbers of people fleeing their country for their safety. They took desperate measures to reach other countries, including perilous sea journeys in inadequate vessels. The shipping industry had honoured its responsibility to rescue those at sea in perilous conditions. Unfortunately, in some cases those being rescued sometimes showed threatening or abusive behaviour towards seafarers rescuing them, which endangered the latter. The ICS had worked with the IMO and the Office of the United Nations High Commissioner for Refugees (UNHCR) to draft a document called "Rescue at Sea". In addition, the ICS had complemented this effort with guidance materials called "Large Scale Rescue Operations at Sea: Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons".
- 140.** The Seafarer Vice-Chairperson confirmed the situation: in many cases seafarers found themselves having to make impossible choices between saving the life of someone in peril and risking criminalization in certain States. She called on governments not to criminalize the rescue of migrants at sea.

15. Piracy and kidnap for ransom

- 141.** The Secretary of the Shipowners' group observed that piracy was still a serious problem in some waters, and put seafarers on attacked vessels in a vulnerable situation. The ICS had worked with ISWAN to issue a "Good Practice Guide for Shipping Companies and Manning Agents Working with Situations Involving Missing Seafarers". She called on governments to assist in this regard. Governments should continue to provide proper naval escorts for vessels in dangerous areas. Kidnapping had become frequent, and families were left on their own to deal with the burden and repercussions of such unfortunate incidents. The Seafarer Vice-Chairperson supported this statement.

16. Pregnancy testing

- 142.** The Seafarer Vice-Chairperson asked whether mandatory pregnancy testing as part of the pre-employment medical examination of seafarers was in line with international labour standards. A legal opinion had been promised.

143. The representative of the Legal Adviser, Mr T. Geckeler (Office of the ILO Legal Adviser) stated that the international labour standards most relevant to the question appeared to be Convention No. 111, one of the eight fundamental ILO Conventions, and Convention No. 183. Under Article 1 of Convention No. 111, the term “discrimination” includes, inter alia, any distinction, exclusion or preference made on the basis of sex, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, which also encompasses access to employment and to particular occupations. While pregnancy testing as a pre-requisite for access to employment is not explicitly mentioned by the Convention, on several occasions the CEACR had recalled that “mandatory pregnancy testing ... for securing and retaining employment [is] a serious form of discrimination”.⁴ It specified that “distinctions in employment and occupation based on pregnancy and maternity are discriminatory as by definition they only affect women”.⁵

144. Convention No. 183, for its part, provides, under Article 9:

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including ... access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

145. It follows from this wording, which was introduced by an amendment in the course of the second ILC discussion on the Convention, that the exceptions provided under subparagraphs (a) and (b) were intended to be narrow, and strictly limited to cases where pregnancy testing is *required by national laws or regulations*. A requirement merely established by practice is not considered sufficient. Moreover, those national laws and regulations may prescribe such mandatory testing only on the two grounds specified in the provision: either the work in question is prohibited or restricted for pregnant women, or there is a recognized or significant risk to the health of the woman and child.

146. How does this relate to the requirement, under Regulation 1.2 of the MLC, 2006, that seafarers must hold a valid medical certificate attesting that they are medically fit to perform their duties at sea? The MLC, 2006, does not contain any provision specifically addressing the situation of pregnant seafarers. Paragraph 6 of Standard A1.2 specifies that each medical certificate shall state in particular, among other things, that “the seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service ...”.

147. For the conduct of medical fitness examinations of seafarer candidates and serving seafarers, under guideline B1.2 the ILO/IMO *Guidelines on the medical examinations of seafarers* (which have replaced the ILO/WHO Guidelines cited in the provision) should be followed. In these Guidelines, medical conditions relating to pregnancy are dealt with in Appendix E, entitled “Fitness criteria for common medical conditions”, on pages 44–45. Among other things, it is specified there that in the case of an uncomplicated pregnancy with no impairing effects, work at sea is likely to be appropriate normally until the 24th week of pregnancy.

⁴ Dominican Republic – CEACR, Convention No. 111, observation, published in 2017.

⁵ El Salvador – CEACR, Convention No. 111, observation, published in 2017.

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- 148.** The ILO/IMO Guidelines do not call for mandatory pregnancy testing, nor do they recommend its prohibition.
- 149.** In summary, under Convention No. 111 (which is ratified by 175 member States), mandatory pregnancy testing for securing and retaining employment is considered a serious form of discrimination and, *as a general principle*, should be prohibited. Furthermore, Convention No. 183, ratified by 34 member States, explicitly confirms the general prohibition of mandatory pregnancy testing but allows for very limited exceptions on specified grounds. The final determination in this regard is left to individual member States.
- 150.** The Seafarer Vice-Chairperson, in the light of the legal opinion, called for the prohibition of mandatory pregnancy testing.
- 151.** The Secretary of the Shipowners' group observed that shipowners had a duty of care towards their employees. How did Article 1, paragraph 2 of Convention No. 111 address this duty? It stated: "Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination." Seafaring was certainly a job of a special nature: the health and safety of a pregnant woman at sea was different from that on land.
- 152.** The representative of the Legal Adviser stated in reply to the Secretary of the Shipowners' group that the principle of prohibition in Convention No. 111 was a general principle. Exceptions had to be possible, otherwise Convention No. 183 would in this respect be incompatible with it. The view of Article 1, paragraph 2, of Convention No. 111 offered by the Secretary of the Shipowners' group was a fair interpretation. It was possible that certain seafaring jobs would fall under this provision, but this was for member States to determine, under the supervision of the ILO supervisory bodies.
- 153.** The Government spokesperson stated that all governments were opposed to discrimination. Not all countries had banned mandatory pregnancy testing. In those that had not, such tests were mostly covered by medical confidentiality.
- 154.** The Secretary of the Shipowners' group observed that Convention No. 111 was a fundamental Convention mentioned in the MLC, 2006. Convention No. 183 was not, and could hence be regarded as not specifically applying to the maritime sector.
- 155.** The representative of the Legal Adviser stated that this was not the case: both Conventions applied to all sectors, whether specifically stated or not. Convention No. 183 in its Article 2(1), stated that: "This Convention applies to all employed women, including those in atypical forms of dependent work," and thus also to women seafarers.
- 156.** The representative of the IMHA observed that preliminary medical examinations involved chest X-rays. These presented no risk to pregnancy. However, abdominal X-rays were potentially hazardous to the foetus, but were not always mandatory. There was sadly no literature or studies on pregnancy at sea, and on-board medical services, where they existed, were unlikely to include experts on obstetrics or gynaecology. With an uncomplicated pregnancy a woman could normally work up until the 24th week of pregnancy. The jobs that may be performed during that period should be specified.
- 157.** The representative of the Government of the United States observed that in the table on page 44 of the *ILO/IMO Guidelines on the medical examinations of seafarers*, it was stated that "Pregnancy should be declared at an early stage so that national recommendations on antenatal care and screening can be followed." She requested the view of the Legal Adviser on this statement.

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- 158.** The representative of the Legal Adviser recalled that the Guidelines in question were not legally binding.
- 159.** The representative of the Office, Ms A. Cru, (Senior Gender Specialist, Gender, Equality and Diversity and ILOAIDS Branch) stated that the ILO had over 40 standards on OSH, and as many codes of practice. The Occupational Safety and Health Convention, 1981 (No. 155), applied to workplaces understood to mean “all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer”. The ILO Guidelines on Occupational Safety and Health Management Systems stated that “hazards and risks to workers’ safety and health should be identified and assessed on an ongoing basis.” The Occupational Health Services Recommendation, 1985 (No. 171), was also relevant to the issue. Article 3 of Convention No. 183, stated that: “Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother’s health or that of her child.” Article 4 specified requirements for maternity leave “on production of a medical certificate [...] setting out the presumed date of childbirth”, setting a minimum of 14 weeks’ such leave, six of which were compulsory. Paragraph 6(3) of the Maternity Protection Recommendation, 2000 (No. 191), also provided for a pregnant woman if necessary to be transferred to other duties without loss of pay and for special measures to be taken in particular to excuse pregnant women from “(a) arduous work involving the manual lifting, carrying, pushing or pulling of loads; (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard; (c) work requiring special equilibrium; (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration. Finally the ILO’s *Healthy Beginnings: Guidance on Safe Maternity at Work* observed that men also could be exposed to hazards that could affect their reproductive health.
- 160.** The Secretary of the Shipowners’ group observed that the situation was clearly complex. She requested that a working group might be established to discuss the issue.
- 161.** The Seafarer Vice-Chairperson did not find the issue so complex, or deserving of a working group. Also of relevance were the “WHO recommendations and guidelines on antenatal care for a positive pregnancy experience”. Seafarers should not face different tests from ordinary working people. The requirement to inform the employer of one’s pregnancy was the same for all. The decision on whether to undertake specific work was for the individual worker to make.
- 162.** The statement by the Seafarer Vice-Chairperson that mandatory pregnancy testing should be prohibited was supported by the representatives of the Governments of France, the Netherlands, Norway, Portugal, Spain and the United Kingdom.
- 163.** The representative of the Government of the United States considered that there was some value to the shipowners’ view, especially in the light of the statement by the IMHA. A ship’s medical officer at least should know of the woman’s condition.
- 164.** The Shipowner Vice-Chairperson stated that they did not approach the issue in terms of a mandatory requirement, but as the exercise of a duty of care. As already stated, on-board medical services did not normally include experts on pregnancy, even on cruise ships. The woman seafarer should be in possession of the full facts and possible hazards before deciding to go to sea.
- 165.** The Seafarer Vice-Chairperson considered that no pregnant woman should lack access to appropriate medical supervision and care. But testing should be voluntary, as in other

sectors: a recent case in Spain had found against an employer that had required mandatory pregnancy testing of its flight attendants.

- 166.** The ILO Senior Gender Specialist observed that each sector had its own challenges: the common aim was to ensure a family-friendly workplace, and shipowners and seafarers and their organizations should work together to achieve this. There were many good practices to emulate in other industries.
- 167.** The Shipowner Vice-Chairperson accepted that it was not always easy to remove risks on board ship, but the maritime context was not known for being family-friendly. More input on this issue was needed from medical experts. A full examination was needed of the risks posed to pregnant women by the maritime environment. The Shipowners therefore reserved their position regarding any decision taken by the meeting on pregnancy testing and again repeated their request for an industry working group as suggested by the representative from IMHA.

Consideration of the draft Conclusions on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers

- 168.** The Meeting set up a working party to consider a draft set of Conclusions prepared by the Office on the basis of its discussions and consultations with the groups. The draft, as revised by the working party, was then submitted to the meeting in plenary sitting before its final adoption. That text included alternative texts in brackets where the working group had been unable to reach agreement.⁶

Introduction

- 169.** Attention was drawn to an editorial error in the first line of paragraph 1: the word “covering,” was deleted. The section was otherwise adopted without change.

Recruitment and retention of seafarers

- 170.** Paragraph 3 was adopted without change.

Cadet and trainee berths

- 171.** The Seafarer Vice-Chairperson observed that the resolution concerning tonnage measurement and accommodation adopted by the Joint Maritime Commission in 2001 effectively meant that tonnage was a barrier to the availability of cadet berths, as tonnage measurement created an economic disincentive for shipowners to improve conditions to provide accommodation space for carrying cadets.
- 172.** Paragraph 4 was adopted without change.

⁶ In this report all references are to paragraphs as numbered in the original draft Conclusions (SMSWS/2019/8). Where the outcome of discussion on a point is not clear, the text of the Conclusions reproduced in the appendix should be taken as the authentic adopted text.

Recruitment and placement

173. The Seafarer Vice-Chairperson preferred to retain the final bracketed sentence. This proposal was adopted, and paragraph 5 was adopted as amended.

Automation and digitalization

174. The Seafarer Vice-Chairperson considered that the concept of a just transition should apply to the meaning of paragraph 6, which was adopted without change.
175. The Executive Secretary of the Meeting asked representatives to clarify whether “or METs” should be added at the end of “The cost of upgrading skills should be borne by shipowners or labour-supplying States.”
176. The Secretary of the Shipowners’ group considered that METs should be included, as they were a distinct category from supply States. METs could be independent bodies. The Seafarer Vice-Chairperson agreed with the Secretary of the Shipowners’ group that METs should be included.
177. The Secretary-General of the Meeting stated in reply that it was unusual to have a training institution bear the cost of upgrading skills.
178. The representative of the Government of the United States could not support the inclusion of METs for that very reason: training institutions should not bear the cost of upgrading skills.
179. The Secretary of the Shipowners’ group noting that practice varied from country to country and from institution to institution, explained that some METs operated as commercial entities and that it would be appropriate for them sometimes to bear the cost of upgrading workers’ skills as part of their contractual arrangements
180. The representative of the Government of the United Kingdom proposed that the sentence read as follows: “The cost of upgrading skills should be borne by shipowners, labour-supplying States, or METs.” It was so decided.
181. The Seafarer Vice-Chairperson observed that Regulation 2.8 of the MLC, 2006, on career and skill development and opportunities for seafarers’ employment may be more appropriate, as the language used in paragraph 7 may raise some concerns about seafarers’ capacity to evaluate and decide on their own vocational development.
182. The representative of the Government of the United States thought it would be more appropriate to use the term “continued proficiency” rather than “lifelong learning”, since the former meant that seafarers should have continuous training to ensure that their skills were up to date.
183. The Secretary of the Shipowners’ group preferred the term “continued professional development” (CPD), but the secretariat had advised that in the ILO the term “lifelong learning” was more common. CPD was slightly different from continued proficiency, as the latter was more related to continued development for a particular role. Lifelong learning and CPD, on the other hand, were more focused on training that would equip workers for future jobs.
184. The Shipowner Vice-Chairperson preferred the first bracketed text concerning lifelong learning. The Seafarer Vice-Chairperson preferred the second. The latter view was supported

by the Government spokesperson, and the sentence was adopted as “Seafarers should be encouraged to understand their role in the importance of lifelong learning.”

185. As regards the last set of bracketed texts, the Seafarer Vice-Chairperson proposed that the sentence read: “Alongside technical training, consideration should be given to providing seafarers with training on the differences between shore-based and sea-based work”.

186. The Shipowner Vice-Chairperson supported this proposal, with the necessary deletion of the alternative phrase, “seafarers should be provided with training needed for shore-based work” was deleted. It was so decided.

187. Paragraph 7 was adopted as amended.

Loneliness and isolation, and social media and Internet connectivity

188. Paragraphs 8 and 9 were adopted without change.

Governmental responsibilities towards seafarers in relation to issues such as abandonment, criminalization and shore leave

Abandonment

189. Paragraphs 10 and 11 were adopted without change.

Criminalization

190. Paragraphs 12 and 13 were adopted without change.

Shore leave

191. The Secretary of the Shipowners’ group considered that shore leave was not a fundamental right in the sense used in the ILO.

192. The Seafarer Vice-Chairperson proposed the first half of the sentence be changed to read: “Access to shore leave and shore facilities around the world is a right and is fundamental to attracting young seafarers...”. This proposal was adopted.

193. The Shipowner Vice-Chairperson considered that security restrictions and visa requirements were more serious obstacles to the enjoyment of decent shore leave than quick turnaround times and strict schedules, and the latter should be deleted from the first bracketed sentence. These issues were adequately addressed in the following sentence. This proposal was accepted. The paragraph was adopted as amended.

Government incentives to shipowners for the retention of seafarers

194. Paragraph 15 was adopted without change.

Equal opportunities and treatment of seafarers, including women seafarers

195. Paragraph 16 was adopted without change.

Women seafarers

196. Paragraphs 17, 18 and 19 were adopted without change.

197. In paragraph 20, the Shipowner Vice-Chairperson proposed to delete the phrase “equates to serious discrimination and shall” in brackets. In view of the legal opinion provided by the secretariat, it was clear that, according to Convention No. 111, pregnancy testing should not be used as a basis for discrimination, while Convention No. 183 allowed exceptions where pregnancy testing was required by national laws or regulations. Some countries did have such laws that applied to seafarers. The meeting could not contradict an established interpretation.

198. The representative of the Legal Adviser stated in reply to a question by the Shipowner Vice-Chairperson on whether the word “shall” could be used in a set of conclusions, stated that it was permitted only in indirect statements citing provisions of law.

199. The Seafarer Vice-Chairperson, referring to the first bracketed text, preferred the first set of brackets. Mandatory pregnancy testing should be banned, a position supported by many governments in the discussion of the topic. Moreover, seafarers were not always recruited in their home country, which may have different legal requirements than their place of hiring.

200. A member of the secretariat of the Seafarers’ group, Mr J. Warring (Senior Legal Adviser, ITF) preferred the use of “should” in the second sentence.

201. The representative of the Government of the Philippines considered that mandatory pregnancy testing was not discriminatory: national governments had a right to express public concerns over health. The situation called for studies by maritime and medical experts on law and practice and medical safety.

202. The representative of the EU observed that a clash of jurisdictions was involved, and the meeting was not qualified to resolve the situation. EU law prohibited mandatory testing.

203. The Government spokesperson echoed this view: no definitive position was possible in the meeting. It would suffice for the paragraph simply to state: “Many Member States had equality and anti-discrimination legislation which prohibited the employer from asking a worker or a potential worker whether she was pregnant or other questions that were considered to be discriminatory. Under such legislation a mandatory pregnancy test would be prohibited. Other Members’ legislation required pregnancy testing in accordance with national law; however this information was not released to the employer.” This would immediately follow the first sentence.

204. The Secretary-General suggested that if so, “This practice” be replaced by “Mandatory pregnancy testing” for clarity in the following phrase.

205. The representative of the Government of the Philippines objected to the use of the word “many” in the wording proposed by the Government spokesperson. He proposed instead that the text simply state: “There are Members that have equality and anti-discrimination legislation...” followed by the rest of the text proposed by the United States.

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206. The representative of the Governments of Norway and Portugal considered that “many” was accurate, and certainly true of the governments participating in the meeting.
207. The representative of the Government of France emphasized that his Government was opposed to mandatory pregnancy testing, and considered that many other governments also opposed it.
208. The representative of the Government of the United Kingdom proposed instead that the text read: “Many Members stated that they had such legislation”. This was supported by the representative of the Government of Norway and the representative of the EU.
209. The representative of the Government of Spain suggested that the text simply reflect the fact that some Members had such legislation, and supported the proposal by the Government of the Philippines.
210. The Seafarer Vice-Chairperson accepted this proposal. The issue of mandatory pregnancy testing should be included as an item on the agenda of the next meeting of the Special Tripartite Committee on the MLC, 2006, in 2021. The Secretary of the Shipowners’ group considered that the matter should first be discussed in a working group before going to the STC.
211. The new sentence proposed by the Government spokesperson was adopted as amended.
212. Referring to the second set of alternative brackets, the Shipowner Vice-Chairperson preferred the first: it was better simply to refer readers to where they might find guidance than selectively to quote some of the contents thereof.
213. This view was supported by the representative of the Government of the United States: the weeks of pregnancy determined by law for maternity leave varied between countries.
214. A member of the secretariat of the Seafarers’ group, Mr J. Warring (Senior Legal Adviser, ITF) agreed that the first bracket should be used, but should end at the word “pregnancy”. This proposal was adopted.
215. Paragraph 20 was adopted as amended.

Harassment and bullying

216. Paragraphs 21 and 22 were adopted without change.

Age discrimination

217. The Secretary of the Shipowners’ group stated that they had proposed the text, “including medical fitness standards”, since fitness was required for seafaring. This applied to all seafarers, regardless of age.
218. The Seafarer Vice-Chairperson proposed to remove it, since such matters depended on national standards. The representative of the Government of the United States supported this view.
219. The Secretary of the Shipowners’ group withdrew the proposal, and the paragraph was adopted without change.

Social dialogue

- 220.** The Shipowner Vice-Chairperson stated, replying to a query by the Chairperson, that they accepted the replacement of “women seafarers” by “people vulnerable to discrimination”. The Seafarer Vice-Chairperson supported this proposal.
- 221.** As regards the bracketed text, “employment contracts or other measures”, the Shipowner Vice-Chairperson stated that while collective bargaining agreements were prevalent in the maritime industry, they were not the only basis for employment: other types of contracts included those between private shipping companies hiring seafarers as direct employees. Social dialogue should not be limited to collective bargaining agreements.
- 222.** The Seafarer Vice-Chairperson wanted to remove “employment contracts or other measures”, since collective bargaining lay at the heart of social dialogue.
- 223.** The representative of the Government of the United States proposed that the term “seafarers’ employment agreement”, used in the MLC, 2006, might be preferable.
- 224.** The Seafarer Vice-Chairperson observed that social dialogue was between parties, not between individuals.
- 225.** The Secretary of the Shipowners’ group supported the proposal by the Government of the United States. As different forms of collective bargaining were covered by the MLC, 2006, the conclusions should take into account people covered both by collective bargaining agreements and other forms of contract.
- 226.** The representative of the Government of Spain considered that social dialogue normally implied collective agreements, and the proposal by the shipowners to refer to individual contracts was invalid. Employment agreements were not necessarily collective.
- 227.** The representative of the Government of the United States withdrew her suggestion in view of the heading, “social dialogue”.
- 228.** The Secretary of the Shipowners’ group quoted the definition of social dialogue appearing on the ILO website. “Social dialogue is defined by the ILO to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy.” This seemed to imply that it covered all types of contracts, not just those covered by collective bargaining agreements.
- 229.** The representative of the Government of Norway agreed with the representative of the Government of Spain, and suggested the wording “collective bargaining agreements and other measures”.
- 230.** The Shipowner Vice-Chairperson found it difficult to understand why a text on social dialogue should diminish the role of communications between parties that would impact seafarers’ lives. They supported the proposal by the Government of Norway for the text to read ‘Collective bargaining agreements or other measures...’. This proposal was adopted.
- 231.** Paragraph 24 was adopted as amended.
- 232.** Paragraph 25 was adopted without change.

Recommendations for future action by the International Labour Organization, governments, shipowners' and seafarers' organizations and others

233. Paragraphs 26, 27 and 28 were adopted without change.
234. The representative of the Government of the Philippines proposed, in the introductory phrase in paragraph 29, to replace “labour-supplying States” by “labour-sending States” in order to bring it into line with modern usage, especially in the field of migration, and to offer a more neutral definition.
235. The representatives of the Governments of China and Norway, and the Seafarer Vice-Chairperson observed that the MLC, 2006, used the term “labour-supplying State”.
236. The representative of the Government of Panama considered that the term “labour-sending” was that used by other recent instruments, and was less discriminatory and offensive. The representative of the Government of the United Kingdom supported the request by the Government of the Philippines.
237. The Secretary of the Shipowners’ group agreed that language should meet the demands of current debate, but the terminology of the MLC, 2006, should for the moment be respected. The request by the Government of the Philippines should be recorded in the report for future reference. It was so decided.
238. The Seafarer Vice-Chairperson appreciated the concern over usage, but the meeting was not the right forum for such decisions, and the Conclusions should adhere to the language of the MLC, 2006. The proposal should be borne in mind in considering the proposal later in the text for the ILO to review word usage. This view was supported by the representative of the EU.
239. Paragraph 29 was adopted without change as far as its *fifth bullet point*.
240. Regarding the *sixth bullet point*, the Government spokesperson proposed to delete “for port authorities” in the proposed bracketed text. The only concern of such authorities was the repatriation of the seafarers.
241. The Secretary of the Shipowners’ group observed that various joint IMO-ILO Guidelines referred not to “authorities”, but to “port States”, which should be used instead. The Seafarer Vice-Chairperson supported this view.
242. The Government spokesperson observed that, in view of the paragraph’s introductory phrase, the reference to “port States” was tautological. The context in question concerned the arrest of a ship and its crew. She proposed that the bracketed text be withdrawn.
243. The Seafarer Vice-Chairperson proposed to delete “and/or replacement” from the proposed bracketed text.
244. A member of the secretariat of the Seafarers’ group, Mr J. Warring, considered that not arrest, but abandonment was the issue at stake. Port authorities were concerned about the continued crewing of an abandoned vessel, and blocked repatriation until a replacement crew was appointed. The concern in Regulation 2.5 of the MLC, 2006, was “to ensure that seafarers were able to return home”: it was the responsibility of port States to facilitate such repatriation.

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245. The Secretary of the Shipowners' group proposed that the bullet point simply state: "facilitate the expedited repatriation of abandoned seafarers". It was so decided.
246. Regarding the *final bullet*, the Government spokesperson proposed that it be made into a separate paragraph, to read: "Governments should ensure policy coherence and effective coordination among government agencies both at the national and international levels, in general, and in particular, the alignment of the requirements of education and transport national departments for the development of training programmes in accordance with the STCW."
247. The Secretary of the Shipowners' group considered that greater policy coherence was needed not only on maritime education institutions, but on all issues. She supported the amendment, which should be in a separate paragraph.
248. The proposed new text was adopted. Paragraph 29 was adopted as amended, with its last bullet point becoming a new paragraph following it.
249. Paragraph 30 was adopted without change.
250. The Secretary of the Shipowners' group asked why the word "equalities" in the *third bullet point* of paragraph 31 was highlighted. The Executive Secretary stated that the highlighting was meant to invite confirmation of the usage of the term. It was clarified by the Secretary of the Shipowners' group that this was normal usage: the United Kingdom had an "Equalities Commission".
251. The representative of the Government of the United States asked why the *fifth bullet point* referred to "qualifying sea time". Was the aim to upgrade the opportunities available to cadets to acquire experience? This required the cooperation of Shipowners. The Seafarer Vice-Chairperson confirmed that this was the intention.
252. Paragraph 31 was adopted without change.
253. Regarding the *second bullet point* of paragraph 32, the Secretary of the Shipowners' group expressed a preference for the bracketed term "at no or reasonable cost". This view was supported by the Seafarer Vice-Chairperson and the Government spokesperson. The proposal was adopted.
254. The Seafarer Vice-Chairperson suggested that, in view of the previous discussion on mandatory pregnancy testing and the legal opinion provided, the *proposed new final bullet point* in paragraph 32 should be redrafted to read: "ensure that pregnancy testing for women seafarers is in line with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)".
255. This proposal was adopted, and paragraph 32 was adopted as amended.
256. The Government spokesperson proposed that paragraph 33 should be deleted in its entirety: many governments had difficulties with the idea of the ILO entering into issues concerning the practice of maritime education and training institutions, which was properly the responsibility of the IMO. Nor was the intention of some of the bullet points clear. It would suffice for the report to record the discussions between the social partners on such issues.
257. The Secretary of the Shipowners' group stated that the proposal had been made tentatively by the Shipowners, but they had awaited the views of the Government members; she agreed that the paragraph should be deleted. The Seafarer Vice-Chairperson supported this proposal. It was so decided. Paragraph 33 was deleted.

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- 258.** The Government spokesperson considered that, regarding recruitment and employment practices, the subject of the *third bullet point* of paragraph 34, there was a need for governments to standardize arrangements concerning recruitment and placement practices. There were two situations: (a) where countries or shipowners had recourse to such services in their own country; (b) where they used recruitment and placement services in other countries. For this reason the Government preferred the second bracketed text. “Guidance” could be replaced by “operational guidelines” from the first bracket.
- 259.** The Executive Secretary proposed that the concern expressed by the Government spokesperson could be reflected by the terminology used elsewhere, which referred to flag States, States in which such services operated, and shipowners.
- 260.** The representative of the Government of Norway supported the proposal.
- 261.** The Secretary of the Shipowners’ group requested clarification on the difference between “guidance” and “guidelines”, operational or tripartite. Her preference went to “operational guidelines”.
- 262.** The Secretary-General explained that guidance was a more general term with no specific meaning in terms of texts, and included guidelines. In the ILO sectoral guidelines were normally developed by meetings of experts, and their production hence required a decision by the Governing Body. Other texts termed “guidance” could come from various sources.
- 263.** The Seafarer Vice-Chairperson proposed that any new text should retain the term “fair and non-discriminatory”.
- 264.** The Secretary of the Shipowners’ group suggested that the text of the second bracket should be chosen, but should terminate at the words “placement services”.
- 265.** The Secretary-General observed that, given the procedure for the development of guidelines, the bullet point should more appropriately call for the ILO “to convene a meeting of experts to adopt guidelines on fair and non-discriminatory recruitment and placement services”.
- 266.** The Government spokesperson agreed with this proposal, on condition that it was understood that any such guidelines would address both of the situations that she had described.
- 267.** The representative of the Government of the Marshall Islands supported this statement. Not all countries had ratified the MLC, 2006, yet, and shipowners needed seafarers from some non-ratifying States. The scope of the proposed meeting of experts should hence clearly address this situation.
- 268.** The wording proposed by the Secretary-General was adopted.
- 269.** The Shipowner Vice-Chairperson, referring to the *fourth bullet point*, preferred the deletion of the bracketed text. The Seafarer Vice-Chairperson considered that it should be reinstated, otherwise the report would contain no reference to such issues.
- 270.** The Government spokesperson supported the Shipowner Vice-Chairperson. It would suffice for the report to record the discussion on the topic. The Seafarer Vice-Chairperson accepted this proposal. The text in brackets was deleted.
- 271.** Regarding the *fifth bullet point*, the Secretary of the Shipowners’ group stated that, in view of the resolution concerning addressing the human element through international cooperation between UN specialized agencies, adopted at the 94th (Maritime) Session of the

ILC in 2006, it would be more appropriate to call for a joint ILO-IMO working group to examine human element issues.

- 272.** A member of the secretariat of the Seafarers' group, Mr J. Warring, considered that the term "fair treatment of seafarers in the event of a maritime accident" should be shortened to "fair treatment of seafarers". The term "human element" seemed somewhat vague.
- 273.** The Secretary of the Shipowners' group disagreed: this was a regular item on the agenda of the IMO Legal Committee. The long paragraph should be reduced to a simple call for a working group "to identify and address seafarers' issues on areas of common interest". The previous speaker agreed to this proposal.
- 274.** The Government spokesperson observed that the concept of the human element had been described at length in the literature distributed at the meeting by the representative of the IMO. Resolution A.947(23) adopted by the IMO Assembly in 2003 concerned the "human element vision, principles and goals for the organization". The human element was a far reaching concern relevant in many fields of shipping, and had a broader impact on the work of all organizations. It was a broader term than "seafarers".
- 275.** The Secretary of the Shipowners' group welcomed the explanation of the concept and its origins. The representative of the Government of the Marshall Islands supported the use of the term "human element".
- 276.** The Secretary of the Seafarers' group preferred to retain the term "seafarers". The representative of the Government of Norway stated that some governments held reservations about the term "human element", since it was insufficiently specific.
- 277.** The Secretary of the Shipowners' group proposed as a compromise to use the terms "seafarers' issues and the human element". This proposal was supported by the representative of the EU and by the Government spokesperson and the Seafarer Vice-Chairperson. The proposal was adopted, so that the bullet point read in total: "establish an ILO-IMO tripartite working group to identify and address seafarers' issues and the human element".
- 278.** The Government spokesperson queried the use of the term "consistency of women seafarers" in the *eighth bullet point*. The translations in French and Spanish were quite different and inconsistent.
- 279.** The Seafarer Vice-Chairperson stated that the aim was to gather statistics on the status of women seafarers. The Secretary of the Shipowners' group accordingly proposed that the term be replaced by "the numbers and distribution of women seafarers". The representative of the Government of the United Kingdom proposed also that the wording be simplified to "an analysis of the numbers and distribution of women seafarers". Both these proposals were adopted.
- 280.** The Government spokesperson proposed that the study should "identify the positions *and sectors* they work in". This was supported by the representative of the EU. It was adopted.
- 281.** The Secretary of the Shipowners' group, referring to the earlier discussion, on mandatory pregnancy testing, proposed that an additional bullet be added to ask the ILO to establish a working group on issues related to pregnancy in the maritime sector.
- 282.** The Secretary-General stated that if the intention was to set up a tripartite working group on the issue, this would effectively be a meeting of experts and would require a decision by the Governing Body. It might be more productive to consult the officers of the STC first: the Office would do so and report back on their views.

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283. The Seafarer Vice-Chairperson suggested that the subject might therefore be better addressed at the next STC meeting. A follow-up discussion on the issue was clearly needed, a view supported by the representative of the Government of Norway.
284. The Secretary of the Shipowners' group accepted this proposal and withdrew her amendment on the understanding that the Shipowners' strong views on this issue were recorded.
285. Referring to the *last bullet point*, on gender in language, the Secretary-General proposed that, after internal consultations, the bullet point should read "conduct a review of the international labour standards related to the maritime sector with the aim of identifying biased language in order to address and to promote diversity and inclusion". This proposal was adopted.
286. Paragraph 34 was adopted as amended.

Adoption of the Conclusions

287. The Conclusions were adopted as a whole.

Consideration of the draft resolutions

288. The Secretary-General recalled the terms of the new Standing Orders for Technical Meetings, article 11 of which stated: "The meeting may consider draft resolutions concerning matters related to the agenda, provided that priority shall be given to the adoption of the result of the meeting specified by the Governing Body in accordance with article 3 and the content of such resolutions does not duplicate such result."

Resolution presented by the Government group

289. The Chairperson observed that the resolution contained only one operative paragraph, which seemed to duplicate paragraph 34 of the conclusions regarding the convening of a joint IMO-ILO working group on to identify and address seafarers' issues and the human element. The Government spokesperson, supported by the representative of the Government of the Netherlands, agreed with this view.
290. The representative of the Government of Mexico sought reassurances that the meaning was identical. The Chairperson, supported by the Government spokesperson and the Shipowner and Seafarer Vice-Chairpersons, affirmed that this was so.
291. The resolution was withdrawn.

Resolution presented by the Shipowners' group and the Seafarers' group

292. The Shipowner Vice-Chairperson, speaking on behalf of both non-governmental groups, stated that, in view of time constraints and the successful adoption of the Conclusions, the resolution was withdrawn.

Concluding remarks

- 293.** The Shipowner Vice-Chairperson congratulated the Chairperson on his excellent conduct of the meeting. His wise leadership had ensured a constructive discussion: ideas on recruitment and retention needed to be realistic to ensure that the maritime sector offered an attractive environment for careers. Shipowners fully recognized their responsibility towards the seafarers employed on the world's vessels, and would continue to ensure that their members promoted ratification and effective implementation of the MLC, 2006. The ILO database on abandoned seafarers had lent the issue a high profile, and the insurance policies now created under the MLC, 2006, marked a major advance. Insurance provisions were now in place under the MLC, 2006, and were starting to minimize the impact of such situations, but efforts were still needed to effectively resolve outstanding issues, and she asked flag and port States as well as States of residency to act responsibly by fulfilling their obligations as outlined in the MLC, 2006, and the Joint ILO and IMO Guidelines on abandonment.
- 294.** The MLC, 2006, had set a new path for the sector, and should be ratified by more member States to reach the original objective of ratification in line with the International Convention for the Prevention of Pollution from Ships (MARPOL), SOLAS, and the STCW. Its implementation was essential to promote safety and welfare on board ships, a matter that shipowners and seafarers and their organizations took very seriously. Flag States, port States, and others must now fully adhere to the MLC, 2006, which merited greater ratification. Issues raised in the discussion would usefully inform the work of the STC on the MLC, 2006. She thanked all participants for a dynamic and committed discussion between highly experienced members.
- 295.** The Seafarer Vice-Chairperson paid tribute to the Chairperson for his calm handling of the discussions. She reiterated her appreciation to the ILO for the valuable background work for the meeting. Shipping was fundamental to global trade and seafarers played a vital role in it. The sector found itself on the cusp of a digital revolution, but it would be evolutionary and not revolutionary; highly skilled seafarers would still be needed, and it would be guided by governments and the social partners, not technology companies. The aim of removing the barriers that prevented young seafarers and women seafarers from entering a career at sea had resulted in solutions to some of the challenges and was a step in the right direction. The fact that only around 1 per cent of the estimated 1.6 million global seafarers were women meant there was still a long way to go: in an industry where women were already at a disadvantage with respect to employment, mandatory pregnancy testing continued to constitute discrimination, and such testing should be voluntary. Other issues included isolation as the only woman on board, discriminatory attitudes and behaviours, lack of proper sanitary facilities, and difficulties gaining sea-time. It took political willingness to remove such obstacles. The meeting had usefully discussed various issues identified as affecting seafarers, such as competency, socializing, administrative burdens, and insufficient connectivity, and progress had been made.
- 296.** It was essential to provide young seafarers and women seafarers with access to the necessary education, training and experience to gain the skills needed to find employment on board, and to end segregation, discrimination, unfair treatment, and abandonment, and advance social justice and decent work for seafarers. Ensuring a safer and healthier global maritime industry would benefit everyone. Seafaring was not always perceived as the most attractive profession, even if some could not imagine any other life, since its image was still linked to ideas of long periods away from home, cramped living space, limited privacy, risk of piracy, criminalization, discrimination, and abandonment, but the meeting had done much to improve the lives of seafarers and to make such careers more attractive. "Advancing social justice, promoting decent work", the ILO Centenary's slogan, applied equally to seafarers.
- 297.** The Government spokesperson thanked all participants for an outstanding meeting. Members had shown enthusiasm, ideas, and wisdom in reaching agreed text. She paid tribute

to the Government Vice-Chairperson, Ms Z.S. Santamaría Guerrero, Minister of Labour and Labour Development of Panama, for her leadership and input.

- 298.** The Government Vice-Chairperson stated that the meeting had been a highly positive experience. The Chairperson had conducted the proceedings efficiently, and she paid tribute to all participants for their spirit of compromise.
- 299.** The Secretary-General congratulated the meeting on a successful and valuable outcome. The Conclusions were rich in content and would provide much additional work, not just in the ILO. Social dialogue in the maritime sector was clearly well advanced, and its representatives had shown valuable experience and dedication. The discussions had been at times difficult, but participants had consistently shown mature respect and shared their experience profitably. She acknowledged in particular the high degree of gender balance in the meeting's composition, which was very welcome in the ILO's centenary year.
- 300.** She paid tribute to the Vice-Chairpersons, neither of whom could be termed "rookies", and it had been reassuring to see several well-known members of the sector, including the Secretaries of the Shipowners' and Seafarers' groups, as well as those from employers' and workers' organizations. She thanked the Chairperson for his highly successful first experience chairing such a meeting. He had shown wise judgment and had conducted the proceedings with accomplished ease.
- 301.** The Chairperson stated that he had been highly impressed by the degree of expertise shown by participants in this, his first time as the Chairperson of an ILO meeting. The atmosphere had been highly constructive, and showed that working together in a spirit of cooperation brought positive results.

Geneva, 1 March 2019.

Appendix

Conclusions on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers ¹

The Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers,

Having met in Geneva from 25 February to 1 March 2019,

Adopts this first day of March 2019 the following conclusions:

Introduction

1. Shipping is the engine of global trade, carrying over 90 per cent of world trade in terms of tonnage and the movement of millions of passengers. Suitably qualified seafarers are essential to achieving safe, secure, environmentally sound and efficient shipping. The sustainability of this dynamic sector depends on the ability to continue to attract a sufficient number of quality new entrants and retain experienced seafarers, including women seafarers and other under-represented groups. This calls for a creative approach involving the social partners and all other relevant stakeholders to achieve both meaningful and viable solutions.
2. The Global Commission on the Future of Work ² has examined opportunities that arise as the world of work continues to transform and makes recommendations on how to address the key challenges for the future of work. Its report discusses how advancement in gender equality, seizing the opportunities presented by technological change and effective social dialogue can promote decent and sustainable work.

Recruitment and retention of seafarers

3. There are many positive and attractive aspects to a maritime career. However, there are also challenges and issues that may dissuade some new entrants and may also cause experienced seafarers to leave the seagoing profession. The projected seafarer shortage, in particular the shortage of officers, calls for promoting decent work and good practices, addressing problem areas to ensure that there are qualified and motivated seafarers in the future. Many issues impact seafarers' happiness, as set out in the Seafarers Happiness Index, 2018, ³ and may be factors in the recruitment and retention of seafarers.

Cadet and trainee berths

4. Cadets and trainees on ships covered by the Maritime Labour Convention, 2006, as amended (MLC, 2006), are to be considered seafarers under the definition in the Convention. The experience they gain from their assignments as cadets and trainees is an essential element

¹ In accordance with established procedures, these conclusions will be submitted to the 337th Session of the Governing Body of the ILO (October–November 2019) for its consideration.

² ILO: *Work for a brighter future – Global Commission on the Future of Work*, Geneva, 2019.

³ The Mission to Seafarers: *Seafarers Happiness Index, Quarter 2, 2018*, 2018.

for ensuring that they are prepared and qualified for their duties as required by the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW). However there are not always sufficient berths for cadets and trainees. Some ships lack the space to accommodate their cadets and trainees on board, as ships tend to be designed with a view to maximizing space for cargo and minimizing port levies calculated according to the ship's gross tonnage, which is based on the International Convention on Tonnage Measurement of Ships, 1969 (TM Convention) of the International Maritime Organization (IMO). There are several stakeholders with a role in addressing the complex issue of ensuring cadet and trainee berths, including shipowners, who are to provide sufficient quality berths, where possible; seafarers' organizations who are representing the interests of their members; maritime education and training institutions (METs), which are to provide quality trainees and cadets; and governments, which are to approve the training programmes.

Recruitment and placement

5. Though the MLC, 2006, in Regulation 1.4 contains extensive provisions on the regulation of recruitment and placement of seafarers, there remains inconsistency in law and practice in how such services are regulated and operated, and guidance is needed for States in which such services operate and for flag States of ships employing seafarers using such services. For example, the negative impact of some recruitment and placement services sending replacement crews to abandoned ships, knowing that the replacement crew will face payment problems, should be addressed.

Automation and digitalization

6. Discussions around automation and technological innovations often revolve around the issues of job creation and destruction and the need for reskilling. While automation could free seafarers from hazardous, monotonous labour and reduce work-related stress and potential injuries, there are concerns that these developments could lead to further reduction in the size of crews. A human-centred approach to automation, based on social dialogue, would ensure decent jobs and gradual shifting in roles. Reskilling, upskilling and new skills are essential to ensure the sustainability of the sector.
7. These changes are evolutionary not revolutionary, and may eventually lead to certain operational tasks being shifted ashore. The cost of upgrading skills should be borne by shipowners, labour-supplying States or METs. Seafarers should be encouraged to understand their role in the importance of lifelong learning. E-learning, at sea or ashore, may be used to aid in this training, provided such activity does not reduce rest hours of seafarers. It is important to raise awareness among seafarers that their jobs could evolve in the face of these changes. Alongside technical training, consideration should be given to providing seafarers with training on the differences between shore-based and sea-based work.

Loneliness and isolation, and social media and Internet connectivity

8. Loneliness and isolation are serious issues for seafarers and may constitute one of the reasons why some of them may leave seafaring professions and why young people may not consider a career at sea. Reduced crewing of vessels, which means fewer people to socialize with on board, increased working time, stress, long periods at sea and other factors, including language and cultural barriers, contribute to increased isolation and therefore result in dissatisfaction with living conditions and in mental health issues. Social media and Internet connectivity, provided by shipowners at no or reasonable cost, may help solve these issues and is particularly important for attracting young seafarers. However, there are some

concerns that unlimited access could also contribute to less social interaction on board ship. Human social interaction should be encouraged.

9. Awareness-raising of mental health issues is necessary. Some seafarers fear losing their jobs if they ask for assistance. Seafarers should therefore have access to independent, confidential helplines and professional counselling when faced with such issues. There are good examples of such hotlines in operation. Seafarer welfare services in ports remain important means of countering isolation, and new forms for networking among young seafarers, at sea and ashore, should be encouraged. The *Guidelines for implementing the Welfare aspects of the Maritime Labour Convention, 2006*,⁴ should be widely disseminated in many different languages. Shipowners and seafarers should pay particular attention to the effects of long trips or contracts on mental health.

Governmental responsibilities towards seafarers in relation to issues such as abandonment, criminalization and shore leave

Abandonment

10. The 2014 amendments to the MLC, 2006, introducing a financial security certificate for cases of abandonment have had a positive impact on the timely resolution of such cases. However, problems persist, in particular with regard to countries that have not ratified the MLC, 2006. There is a need for capacity-building with respect to those States.
11. If the shipowner fails to make arrangements for, or to meet the cost of repatriation, the flag State has the primary responsibility to repatriate the abandoned seafarers. If it fails to do so in a timely fashion, the port State or the State of which they are a national may arrange for the repatriation. The port State or coastal State or State of nationality is responsible for facilitating the repatriation of seafarers. Enhanced expedited communication and cooperation between the flag State, the port State, the labour-supplying State and social partners is therefore crucial. Other good practices identified are: the designation and publication of a contact person and contact details within the Government of the flag State, port State and State of nationality and the establishment and use of port welfare committees in various ports.

Criminalization

12. Seafarers are at risk of criminalization following maritime disasters, incidents, accidents at sea or while in port. Some seafarers have also been criminalized on suspicion of participation in maritime crime despite being unaware of such illegal activities on board. As a result, they may face detention for long periods of time and lack of compensation. The risk of criminalization is exacerbated by various factors including language and cultural barriers, different legal systems and insufficient knowledge of criminal proceedings and legal recourse. This situation has a negative impact on seafarers and their families, as well as on the attractiveness and therefore the sustainability of the shipping industry.
13. Seafarers are entitled to fair treatment including access to legal services, appropriate consular protection and due process at all times.

⁴ The International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF) have jointly released new *Guidelines for implementing the Welfare aspects of the Maritime Labour Convention, 2006*.

Shore leave

14. Access to shore leave and shore facilities around the world is a right and fundamental to attracting young seafarers and is vital for the general well-being of seafarers and is part of the appeal of the seafaring profession. However, they continue to experience difficulties due to security restrictions and visa requirements. In addition, quick turnaround times and strict schedules are limiting the possibility for seafarers to exercise these rights. Seafarers, and in particular new hires, including cadets and trainees, also face difficulties in obtaining visas that enable transiting through certain ports and terminals.

Government incentives to shipowners for the retention of seafarers

15. Government programmes can encourage the recruitment and development of seafarers, such as subsidy programmes for training or tax incentives.

Equal opportunities and treatment of seafarers, including women seafarers

16. The prohibition of discrimination in employment and occupation, as one of the ILO's fundamental principles and rights at work, should be treated in a holistic manner and address diversity as a whole. All seafarers regardless of race, colour, sex, religion, political opinion, national extraction or social origin, as well as nationality, gender and sexual orientation have the right to equal opportunities and treatment.

Women seafarers

17. A one-size-fits-all approach to combat the discrimination of women seafarers is not realistic since there are notable differences in the life at sea of women across different types of ships, cultures and different trading patterns.
18. Publications, job advertisements and other information produced by shipowners and others are not always adapted to attract both women and men seafarers.
19. One of the biggest challenges is ensuring diversity in the hiring of seafarers. In many cases, women graduate with excellent results from METs but sometimes see their job applications being turned down systematically. Good practices may include: the publication of guidelines on equal employment opportunities; and the calculation of an annual index on gender equality for companies with more than 50 workers, engaging in awareness-raising and identification of barriers when the figure falls below a certain threshold.
20. Mandatory pregnancy testing, as part of the pre-employment medical examination of seafarers, is a concern for many women seafarers. There are Members that have equality and anti-discrimination legislation which prohibits the employer from asking a worker or a potential worker whether she is pregnant or other questions that are considered to be discriminatory. Under such legislation a mandatory pregnancy test would be prohibited. Other Members' legislation require pregnancy testing in accordance with national law; however, this information is not released to the employer. Mandatory pregnancy testing shall not be used to discriminate against women as this would violate the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Maternity Protection Convention, 2000 (No. 183). At the same time, maternity protection falls within the shipowner's duty of care and their legitimate concern for seafarers' safety. The ILO/IMO

*Guidelines on the medical examinations of seafarers*⁵ contain guidance in respect of pregnancy. This issue requires further research and deliberation among maritime tripartite constituents and medical experts.

Harassment and bullying

21. There should be zero tolerance to harassment and bullying, including sexual harassment. Governments should take a proactive approach with respect to the elimination of harassment and bullying. The 2016 amendments to the MLC, 2006, include a reference to the ICS/ITF *Guidance on eliminating shipboard harassment and bullying*.⁶ The operationalization of the guidance and its practical implementation at the national level can help change shipboard cultures and develop a working environment in which all seafarers are treated with dignity and respect. Effective policies and timely response to complaints relating to harassment and bullying would render the industry more attractive to potential seafarers.
22. Means to effectively address harassment and bullying could include an independent hotline or reporting process (“safe space”), sensitization and diversity training of all cadets and trainees and seafarers, as well as, potentially, amendments to relevant ILO instruments for seafarers.

Age discrimination

23. Older seafarers can encounter difficulties to find employment. Seafarers, regardless of their age, are entitled to equal employment opportunities based on skills and qualifications and equal treatment on board. Good practices may include the promotion of crew balance in terms of age, reskilling and schemes for transition to shoreside jobs.

Social dialogue

24. Effective social dialogue mechanisms in all forms are essential to address the challenges and opportunities concerning the recruitment and retention of seafarers and to provide equal opportunities to people vulnerable to discrimination. Collective bargaining agreements or other measures are used to encourage and facilitate the employment of cadets and trainees while protecting their rights as well as the rights of other seafarers.
25. It is essential to give women seafarers and all groups vulnerable to discrimination a voice and to ensure that they are active participants in decision-making, in particular on matters that concern them. Greater representation by these groups in social dialogue is essential.

Recommendations for future action by the International Labour Organization, governments, shipowners’ and seafarers’ organizations and others

26. Tripartite constituents in the maritime sector should actively engage in effective social dialogue in its various forms including in cross-border social dialogue in order to advance areas of common interest and to promote decent work and sustainable employment. In order to guarantee a sustainable future for the industry, they should jointly address all issues related

⁵ ILO/IMO: *Guidelines on the medical examinations of seafarers*, Geneva, 2013.

⁶ ICS/ITF: *Guidance on eliminating shipboard harassment and bullying*, London, 2016.

to the recruitment and retention of seafarers and the promotion of opportunities for women seafarers.

27. Governments and social partners must ensure that the fundamental principles and rights at work and relevant international labour standards, in particular those related to equality of treatment and equal opportunities, protect and are applied to all seafarers.
28. Governments should assist the International Labour Office to provide development cooperation for non-ratifying countries of the MLC, 2006.
29. Governments of flag States, port States, labour-supplying States and States in which recruitment and placement agencies operate should:
 - ratify and effectively implement the MLC, 2006, and other instruments relevant to the shipping sector, including the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185);
 - ensure that national laws, regulations, policies and other measures use language that is gender neutral so as to encourage equal opportunities in the sector and take a proactive approach with respect to the elimination of harassment and bullying;
 - encourage the establishment of welfare boards in their territory and establish welfare facilities in ports;
 - facilitate the transit of and shore leave for seafarers;
 - effectively and in a timely manner discharge their obligations towards seafarers in cases of criminalization, piracy and armed robbery against ships, and provide adequate support in migrant rescue and abandonment;
 - facilitate the expedited repatriation of abandoned seafarers.
30. Governments should ensure policy coherence and effective coordination among government agencies both at the national and international levels, in general, and in particular, the alignment of requirements of Education and Transport national departments for the development of training programmes in accordance with the STCW.
31. Governments should ensure that recruitment and placement services operating in their territory effectively establish a system of protection to ensure they are able, by way of insurance or any equivalent appropriate measure, to compensate seafarers for monetary loss they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them (as required by the MLC, 2006).
32. Shipowners and Seafarers should:
 - consider widely disseminating, in not only English but also other languages, guidance, including ICS–ITF publications, concerning bullying and harassment, seafarers' welfare and other issues;
 - market opportunities for women in positions at sea and ashore, in order to ensure that the perspective of women and women seafarers is taken up in company and trade union policies and social dialogue for the promotion of opportunities for women seafarers;
 - identify role models and establish mentoring and networking programmes for women seafarers and groups vulnerable to discrimination, provide training to break down

misconceptions, highlight gender equalities and establish policies of zero tolerance on bullying and harassment;

- consider establishing a working group to identify the best way forward to provide seafarers with an independent counselling network available to seafarers who may develop mental health issues, anxiety, or symptoms of depression;
- consider cooperating in the promotion of the provision of qualifying sea time for seafarers under training via collective bargaining agreements or other appropriate means.

33. Shipowners should:

- ensure that recruitment and placement agencies they use operate in accordance with the requirements of the MLC, 2006;
- ensure that seafarers are provided with sufficient recreational facilities, Internet connectivity at no or reasonable cost, rest time, shore leave and annual leave in accordance with the MLC, 2006, to help avoid social isolation and enhance health, including mental health;
- provide opportunities and facilities for women and men cadets and trainees to serve upon their vessels; and liaise with METs to coordinate the timing of the taking on board of cadets and trainees and the METs' academic schedules to maximize such opportunities;
- provide safe and gender-friendly working environments, including appropriate personal protective equipment (PPE), access to sanitary items and hygiene products and discreet disposal mechanisms for women seafarers, zero tolerance measures to harassment and bullying including sexual harassment;
- ensure that pregnancy testing for women seafarers is in line with Convention No. 111.

34. The International Labour Office should:

- promote the ratification and effective implementation of the MLC, 2006, and Convention No. 185, and all other instruments relevant to the shipping sector and build capacity of constituents through technical advice and development cooperation;
- promote decent employment in the maritime sector and encourage career and skills development and greater employment opportunities for seafarers, especially young persons and women, and remind ILO Members of their obligation to develop and implement national policies to this effect;
- should convene a Meeting of Experts to adopt guidelines on fair and non-discriminatory practices for the recruitment and placement services;
- strengthen its partnership with the IMO on issues such as flag and port State control inspections and barriers to recruitment and retention of seafarers;
- establish an ILO–IMO tripartite working group to identify and address seafarers' issues and the human element;
- develop, together with tripartite constituents a research agenda, which could include a study on age discrimination issues faced by seafarers, including the law and practice in different countries, the influence of their training on their career paths and the impact of lack of social security and on other challenges;

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- conduct a study which will include statistical research, an analysis on the numbers and distribution of women seafarers within the industry, identify the positions and sectors they work in, and analyse the legislation member States have in place to ensure non-discriminatory access to employment and equal opportunities and to identify examples of best practice;
 - conduct a review of the international labour standards related to the maritime sector with the aim of identifying biased language in order to address and to promote diversity and inclusion.

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