



## Fourth meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006)

Geneva, 19–23 April 2021

### ► Instruments relating to food and catering

#### Summary

The maritime labour instruments under review include **two Conventions concerning food and catering**:

- Food and Catering (Ships' Crews) Convention, 1946 (No. 68);
- Certification of Ships' Cooks Convention, 1946 (No. 69)

#### Status of the instrument under review

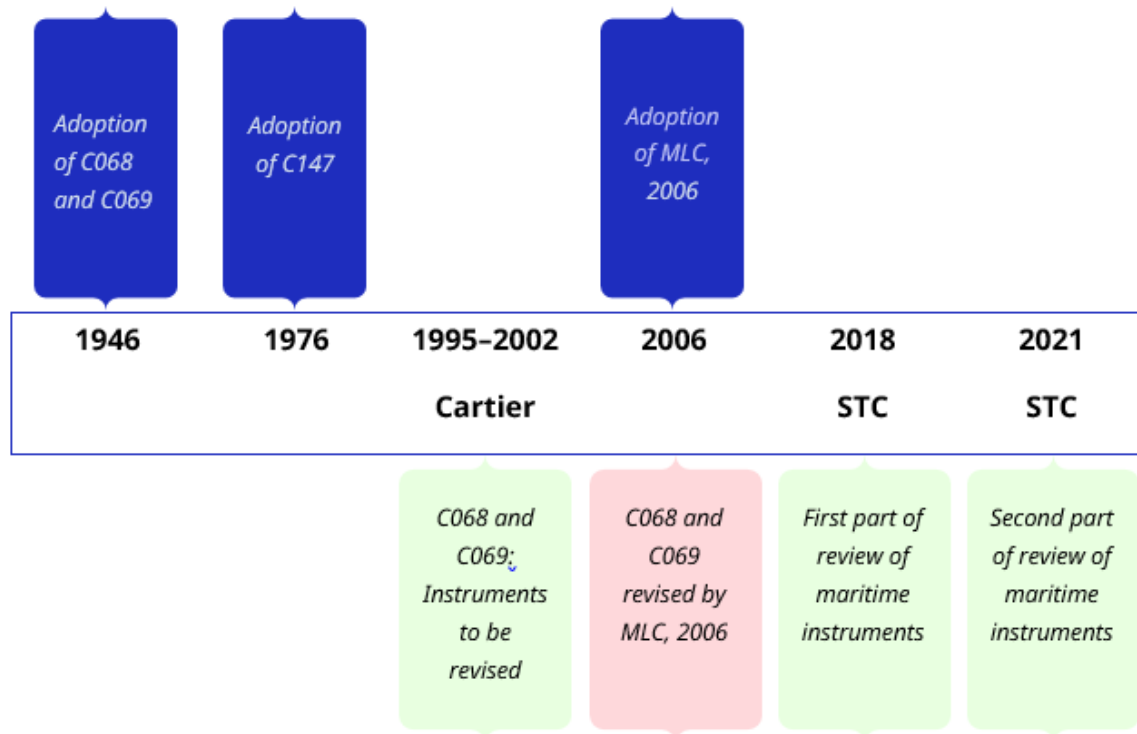
Convention No. 68	Instrument to be revised	(Revised by the MLC, 2006)
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Convention No. 69	Instrument to be revised	(Revised by the MLC, 2006)
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#### Possible action to consider

To classify Conventions Nos 68 and 69 as “outdated” and propose their abrogation at the 118th Session (2030) of the International Labour Conference.

► Instruments relating to food and catering – Chronology



## I. Regulatory approach of the ILO with regard to food and catering

### A. Protection provided by ILO instruments

1. The **Food and Catering (Ships’ Crews) Convention, 1946 (No. 68)**, applies to the crews of sea-going vessels, whether publicly or privately owned, which are engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force. Its aim is the promotion of a proper standard of food supply and catering service. Convention No. 68 establishes that the following functions shall be discharged by the competent authority: (a) the framing and enforcement of regulations concerning food and water supplies, catering, and the construction, location, ventilation, heating, lighting, water system and equipment of galleys and other catering department spaces on board ship, including store rooms and refrigerated chambers; (b) the inspection of food and water supplies and of the accommodation, arrangements and equipment on board ship for the storage, handling and preparation of food; (c) the certification of such members of the catering department staff as are required to possess prescribed qualifications; (d) research into, and educational and propaganda work concerning, methods of ensuring proper food supply and catering service. Convention No. 68 contains detailed provisions on inspections which shall be carried out at sea by the master, or an officer specially deputed for the purpose by him, including a complaints mechanism.
2. The **Certification of Ships’ Cooks Convention, 1946 (No. 69)**, applies to sea-going vessels, whether publicly or privately owned, which are engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which the Convention is in force. National laws or regulations or, in the absence of such laws or

regulations, collective agreements between employers and workers shall determine the vessels or classes of vessels which are to be regarded as sea-going vessels for the purpose of the Convention. For the purpose of the Convention, the term “ship’s cook” means the person directly responsible for the preparation of meals for the crew of the ship. Convention No. 69 establishes that no person shall be engaged as ship’s cook on board any vessel to which the Convention applies unless he holds a certificate of qualification as ship’s cook. In case of an inadequate supply of certificated ships’ cooks, the competent authority may grant exemptions. A minimum age to be granted a certificate shall be prescribed under the national law.

3. The [Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#), modernizes and consolidates Conventions Nos 68 and 69. It provides, under Regulation 3.2 on food and catering, that each Member shall ensure that ships that fly its flag carry on board and serve food (free of charge for the seafarer) and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds. Standard A3.2 provides that each Member shall undertake educational activities to promote awareness and implementation of minimum food and catering standards. The MLC, 2006, also provides that seafarers employed as ships’ cooks with responsibility for food preparation must be trained and qualified for their position on board ship. No seafarer under the age of 18 shall be employed or engaged or work as a ship’s cook. On ships operating with a prescribed manning of less than ten, a fully qualified cook may not be required. In such cases, anyone processing food shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship. As to the requirement that frequent, documented inspections be carried out on board ships, by or under the authority of a master, with respect to food and catering, Standard A3.2 refers to the ongoing compliance procedures under Title 5. In 2013, an ILO tripartite meeting of experts adopted [Guidelines on the training of ships’ cooks](#), which are intended to provide supplementary practical information and guidance to flag States that can be reflected in their national laws and other measures to implement Regulation 3.2.

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

4. Convention No. 68 was adopted in 1946, and 25 ratifications were registered. The ratification of the MLC, 2006, has resulted in the denunciation of this instrument by 19 States to date. Six Member States remain bound by this instrument.<sup>1</sup> Two Member States remain bound by the Convention only in respect of non-metropolitan territories.<sup>2</sup>

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<sup>1</sup> Namely Angola, Egypt, Equatorial Guinea, Guinea-Bissau, Peru and Turkey. The Government of [Egypt](#) indicated that “work is under way to bring national legislation into conformity with the relevant provisions of the MLC, 2006, in preparation for its effective implementation before ratification”. The Government of [Guinea-Bissau](#) indicated that “the MLC, 2006, has been approved by the Popular National Assembly in 2016 and that it is committed to preparing the declaration foreseen in Regulation 4.5, paragraph 2” and that “only three vessels are flying its flag and that they are obsolete”.

<sup>2</sup> This Convention was declared applicable to the following non-metropolitan territories: Macao Special Administrative Region (China) and French Southern and Antarctic Territories (France). The Government of Macao Special Administrative Region (China) indicated that “vessels registered in Macao SAR are primarily involved in short coastal voyages for a few hours” and that “no legislative and regulatory provisions do exist to implement the Convention”. The Government of [French Southern and Antarctic Territories](#) indicated that “since the implementation of Act No. 2005-412 of 3 May 2005, commercial vessels are registered in the French International Register (RIF) and that therefore only a few fishing boats are still registered in the French Southern and Antarctic Territories (TAAF)”.

There are four comments by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) awaiting a response as regards implementation issues.<sup>3</sup>

5. Convention No. 69 was also adopted in 1946, and 38 ratifications were registered. The ratification of the MLC, 2006, has resulted in the denunciation of this instrument by 28 States to date. Ten Member States remain bound by this instrument.<sup>4</sup> Four remain bound by the Convention only in respect of non-metropolitan territories.<sup>5</sup> There are seven comments by the CEACR awaiting a response as regards implementation issues.<sup>6</sup>

## II. Evolution of the instruments: From adoption to 2021

6. Following the work of the **Cartier Working Party**, the Governing Body decided to classify both Conventions Nos 68 and 69 in the “instruments to be revised” category.<sup>7</sup>
7. Convention No. 68 is referred to in the Appendix to the [Merchant Shipping \(Minimum Standards\) Convention, 1976 \(No. 147\)](#). Each Member which has ratified Convention No. 147 has undertaken to satisfy itself that its laws and regulations are substantially equivalent<sup>8</sup> to the Conventions or Articles of Conventions referred to in the Appendix to the Convention, in so far as the Member is not otherwise bound to give effect to the Conventions in question. In this regard, of the 12<sup>9</sup> Member States which remain bound by Convention No. 147, only two have ratified Convention No. 68.<sup>10</sup> Therefore, ten

<sup>3</sup> These concern [Equatorial Guinea](#) (comments on the failure to submit first report), [Guinea Bissau](#) (comments on the Convention’s scope of application), [Peru](#) (comments on cooperation with organizations of shipowners and seafarers; and collection and dissemination of information and recommendations;) and [Turkey](#) (comments on inspections at sea; special inspection following complaints; and annual report).

<sup>4</sup> Namely [Angola](#), [Azerbaijan](#), [Egypt](#), [Guinea-Bissau](#), [Kyrgyzstan](#), [North Macedonia](#), [Peru](#), [Tajikistan](#), [Turkey](#) and [Ukraine](#). The Government of [Kyrgyzstan](#) indicated that “there were no seagoing ships registered in Kyrgyzstan and that therefore this Convention is without object”. The Government of [North Macedonia](#) indicated that “the country has no maritime fleet or ships under its flag and no legislation regarding the matters dealt with in the Convention”. The Government of [Tajikistan](#) indicated that “the country does not have a maritime fleet and that the Convention is not applied in law or practice”. In relation to [Egypt](#) and [Guinea-Bissau](#), see footnote 1.

<sup>5</sup> This Convention was declared applicable to the following non-metropolitan territories: [Macao Special Administrative Region \(China\)](#), [French Polynesia \(France\)](#), [French Southern and Antarctic Territories \(France\)](#), [Aruba \(Netherlands\)](#), [Caribbean Part of the Netherlands](#), [Sint Maarten \(Netherlands\)](#), [Guernsey \(United Kingdom of Great Britain and Northern Ireland\)](#) and [Jersey \(United Kingdom\)](#). The Government of [Macao Special Administrative Region \(China\)](#) indicated that “vessels registered in the Macau Special Administrative Region (MSAR) mostly operate locally or along the coast with relatively short sailing distances and therefore have less necessity for hiring ships’ cooks”. The Government of [Aruba \(Netherlands\)](#) indicated that “there were neither seafarers nor ships registered in the territory”. The Government of [Jersey \(United Kingdom\)](#) indicated that there were “no ships registered in Jersey engaged in the transport of cargo or passengers for the purpose of trade, and therefore there is no need for specific legislation giving effect to the provisions of the Convention”. The Government of [French Polynesia \(France\)](#) indicated that “it formally indicated its acceptance of the obligations of the MLC, 2006 in 2016”. In relation to the TAAF, see footnote 2.

<sup>6</sup> These concern [Azerbaijan](#) (comments on conditions for granting certificate of qualification; and practical application), [Ukraine](#) (comments on certificate of qualification of ships’ cooks; and minimum period of service at sea), [Guinea-Bissau](#) (comments on ship’s cook certificate of qualification; and examinations for the granting of certificates of qualification), [Angola](#) (comments on examinations for the granting of certificates of qualification), [Peru](#) (comments on examination for a certificate of qualification), [Turkey](#) (comments on minimum period of service at sea; and recognition of certificates), and [French Polynesia \(France\)](#) (comments on certificate of qualification as ship’s cook).

<sup>7</sup> See ILO, *Follow-up to the Recommendations of the Working Party: (b) Information Note on the Progress of Work and Decisions Taken regarding the Revision of Standards*, GB.283/LILS/WP/PRS/1/2, 2002.

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

<sup>9</sup> It may also be noted that Convention No. 147 remains in force for [Brazil](#) but only until 7 May 2021, the date on which the MLC, 2006, will enter into force for that Member State.

<sup>10</sup> Namely [Egypt](#) and [Peru](#).

Member States are bound <sup>11</sup> to ensure substantial equivalence of their legislation to Convention No. 68 (Article 5), in accordance with Article 2(a) of Convention No. 147.

8. Likewise, Convention No. 68 is referred to in the Appendix of the [Merchant Shipping \(Improvement of Standards\) Recommendation, 1976 \(No. 155\)](#). Recommendation No. 155 serves to extend the corpus of instruments that could be implemented under the conditions provided for by Convention No. 147 (substantial equivalence). <sup>12</sup>
9. The MLC, 2006, revises both Conventions Nos 68 and 69, which are no longer open to ratification.
10. During the review carried out by the **Cartier Working Party**, several Members States stressed that Convention No. 68 was dated and was not likely to reflect recent practice, technological developments or legislative provisions in the maritime sector. It was recommended that the corresponding IMO instruments be taken into account in the context of a joint revision of Conventions Nos 68 and 69. Reference was made to the relevance to food and catering on board ships of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW). <sup>13</sup> However, during the drafting of the MLC, 2006, questions relating to the responsibility for provisions relating to training and certification for able seafarers was left to the IMO, with the exception of ships' cooks, which is not addressed by the STCW.
11. During the preparatory work of the MLC, 2006, it was stated that Regulation 3.2 and the related Code provisions consolidate and update the obligations in Conventions Nos 68 and 69, pertaining to food quality, drinking water and catering standards, including the training requirements for ships' cooks. <sup>14</sup> These standards cover the quantity, nutritional value, quality and variety of food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage. Moreover, the MLC, 2006, establishes that seafarers on board a ship shall be provided with food free of charge during the period of engagement, while Convention No. 68 is silent in this regard.
12. As opposed to Convention No. 69, the MLC, 2006, does not require that ships' cooks be certified. In doing so, the MLC, 2006, addresses the issue of the lack of international standard training or certification for ships' cooks. However, the Guidelines under B3.2 suggest that certification may be the expected approach, and that this is a matter for national law. In this sense, Guideline B3.2.2 provide for the recognition of certificates of qualification as ships' cooks issued by other Members, which have ratified Convention No. 69.

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

13. In reviewing the status of Conventions Nos 68 and 69 relating to food and catering, the following considerations are particularly relevant:

<sup>11</sup> Namely [Azerbaijan](#), [Costa Rica](#), [Dominica](#), [Iraq](#), [Israel](#), [Kyrgyzstan](#), [Tajikistan](#), [Trinidad and Tobago](#), [Ukraine](#), and [United States of America](#).

<sup>12</sup> ILO, *General Survey of the Reports on the Merchant Shipping (Minimum Standards) Convention (No. 147) and the Merchant Shipping (Improvement of Standards) Recommendation (No. 155), 1976*, 39 ff.

<sup>13</sup> See ILO, *Follow-up on Consultations concerning Conventions regarding Seafarers*, [GB.277/LILS/WP/PRS/1/2](#), 2000, 8 and 9.

<sup>14</sup> ILO, *Adoption of an instrument to consolidate maritime labour standards*, International Labour Conference, 94th (Maritime) Session, 2006, Report I(1A), 41.

- (1) Conventions Nos 68 and 69 were revised by the MLC, 2006, and the protection they provide with regard to food and catering no longer corresponds to the requirements of the most recent instruments.<sup>15</sup>
- (2) Six Member States remain bound by Convention No. 68. Convention No. 68 is included in the system of Convention No. 147, which, in this context, remains applicable to ten States.
- (3) Ten Member States remain bound by Convention No. 69.
- (4) The MLC, 2006, is the up-to-date instrument that reflects the tripartite consensus on this issue. It provides comprehensive protection for seafarers and ensures a level playing field for shipowners through its unique enforcement mechanism.

#### IV. Possible action to consider with respect to the instruments

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

1. To classify Conventions No. 68 and No. 69 as “outdated”, and propose their abrogation at the 118th Session (2030) of the International Labour Conference.
2. To request the Office to launch an initiative to promote the ratification on a priority basis of the MLC, 2006, among those countries still bound by Conventions Nos 68 and 69.
3. To encourage States which have already ratified the MLC, 2006, but remain bound by Conventions Nos 68 and 69 in respect of non-metropolitan territories, to extend the application of the MLC, 2006, to those territories.

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<sup>15</sup> Article 15(2) provides for specific conditions for the initial entry into force of [Convention No. 68](#), namely that it shall come into force six months after the date on which there have been registered ratifications by nine of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision was included for the purpose of facilitating and encouraging early ratification of the Convention by Member States. Except for one country, none of the countries listed are today parties to the Convention. Article 8(2) provides for specific conditions for the initial entry into force of [Convention No. 69](#), namely that it shall come into force six months after the date on which there have been registered ratifications by nine of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. Except for one country, none of the countries listed are today parties to the Convention.