



Seventh item on the agenda: Maritime matters

Approval of amendments to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee established under Article XIII of the Convention

1. The Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006),¹ met in Geneva from 8 to 10 February 2016 and adopted in accordance with Article XV, paragraph 4, of the MLC, 2006, amendments to the Code implementing Regulations 4.3 and 5.1 of the MLC, 2006. Both amendments were adopted by a unanimous vote. The text of the two amendments is reproduced in the appendix.
2. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and article 17 of the Standing Orders of the Special Tripartite Committee, amendments to the Code together with a commentary on the amendments, are to be communicated by the Chairperson of the Committee to the Governing Body for transmittal to the next session of the International Labour Conference. At its 326th Session (March 2016), the Governing Body took note of the information provided in the report of the second meeting of the Special Tripartite Committee and decided to transmit to the 105th Session of the International Labour Conference for approval the amendments to the Code of the MLC, 2006.²
3. The first amendment relates to the Code implementing Regulation 4.3 – Health and safety protection and accident prevention – and is intended to eliminate shipboard harassment and bullying by ensuring that these issues are covered by the health and safety policies and

¹ The MLC, 2006 entered into force on 20 August 2013 and, as of 9 May 2016, had been ratified by 73 member States. More information can be found at: www.ilo.org/mlc.

² GB.326/LILS/6, para. 17. The Governing Body also endorsed the establishment of a working group of the Special Tripartite Committee which is called upon to: (i) examine issues related to the protection of seafarers' wages when the seafarer is held captive on or off the ship as a result of acts such as piracy or armed robbery, and to prepare proposals including an amendment to the Code of the MLC, 2006, to address these issues; and (ii) to recommend improvements to the process for preparing proposals for amendments to the Code of the MLC, 2006, for consideration by the STC in accordance with Article XV of the Convention and article 11 of the Standing Orders of the STC, to promote their earlier and fuller consideration by member States and representative organizations of seafarers and shipowners.

measures required by the Code. This amendment, originally submitted by the group of Seafarer representatives to the Special Tripartite Committee, refers to the *Guidance on eliminating shipboard harassment and bullying* jointly developed by the International Chamber of Shipping and the International Transport Workers' Federation which recognizes that "harassment and bullying on board ship can have serious consequences for the physical and emotional health of seafarers, lead to decreased motivation and increased sickness and can compromise teamwork. It can also have negative effects for companies, resulting in a deterioration of working conditions and potential organizational, economic and legal consequences".³

4. The second amendment relates to the Code implementing Regulation 5.1 – Flag State responsibilities – and is intended to allow an extension of not more than five months of the validity of the maritime labour certificate issued for ships in cases where the renewal inspection required by paragraph 2 of Standard A5.1.3 has been successfully completed, but a new certificate cannot immediately be issued to that ship. This amendment, originally submitted by the group of Shipowner representatives to the Special Tripartite Committee, seeks to bring the procedure for the renewal of the maritime labour certificate in line with that followed under the maritime Conventions concluded under the auspices of the International Maritime Organization (IMO).
5. In accordance with Article XV, paragraph 5, of the Convention, approval by the Conference requires a majority of two-thirds of the votes cast by the delegates present. If these amendments are approved by the Conference, they will be notified to Members whose ratification of the MLC, 2006, was registered prior to the date of the Conference's approval. These Members will have a period of two years from that notification (unless the Conference decides upon a different period) to express a formal disagreement to the amendments. The amendments will enter into force six months after the end of that period unless more than 40 per cent of ratifying Members, representing not less than 40 per cent of world gross tonnage, have formally expressed their disagreement with the amendments. If such majority is not obtained, the amendments are referred back to the Special Tripartite Committee for reconsideration.
6. It is recalled that, at its 103rd Session (June 2014), the International Labour Conference approved for the first time amendments adopted by the Special Tripartite Committee at its first meeting held in April 2014.⁴ Those amendments related to the issues of abandonment of seafarers and claims for compensation in the event of a seafarer's death or long-term disability due to an occupational injury, illness or hazard. Under the simplified or tacit amendment procedure set out in Article XV of the MLC, 2006, they are expected to enter into force on 17 January 2017.
7. The Conference is called upon to consider, with a view to their approval, the amendments to the Code of the MLC, 2006.

³ The text of the Guidance may be found at: <http://www.ics-shipping.org/docs/harassmentandbullying>.

⁴ International Labour Conference, 103rd Session, Record of Proceedings, *Provisional Record* Nos 2 and 16.

Appendix

Amendments adopted to the Code relating to Regulation 4.3 of the MLC, 2006

Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases

At the end of paragraph 1, add the following text:

Account should also be taken of the latest version of the *Guidance on eliminating shipboard harassment and bullying* jointly published by the International Chamber of Shipping and the International Transport Workers' Federation.

In paragraph 4, move “and” from the end of subparagraph (b) to the end of subparagraph (c). Add the following new subparagraph:

- (d) harassment and bullying.

Guideline B4.3.6 – Investigations

In paragraph 2, move “and” from the end of subparagraph (e) to the end of subparagraph (f). Add the following new subparagraph:

- (g) problems arising from harassment and bullying.

**Amendments to the Code relating
to Regulation 5.1 of the MLC, 2006**

***Standard A5.1.3 – Maritime labour certificate and
declaration of maritime labour compliance***

Move the text of the current paragraph 4 to the end of paragraph 3.

Replace the current paragraph 4 with the following:

Notwithstanding paragraph 1 of this Standard, where, after a renewal inspection completed prior to the expiry of a maritime labour certificate, the ship is found to continue to meet national laws and regulations or other measures implementing the requirements of this Convention, but a new certificate cannot immediately be issued to and made available on board that ship, the competent authority, or the recognized organization duly authorized for this purpose, may extend the validity of the certificate for a further period not exceeding five months from the expiry date of the existing certificate, and endorse the certificate accordingly. The new certificate shall be valid for a period not exceeding five years starting from the date provided for in paragraph 3 of this Standard.

Appendix A5-II – Maritime Labour Certificate

Add the following text to the end of the model form for the maritime labour certificate:

Extension after renewal inspection (if required)

This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of this Convention, and that the present certificate is hereby extended, in accordance with paragraph 4 of Standard A5.1.3, until (not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship.

Completion date of the renewal inspection on which this extension is based was

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Signed

(Signature of authorized official)

Place

Date

(Seal or stamp of the authority, as appropriate)

CONTENTS

	<i>Page</i>
<i>Seventh item on the agenda: Maritime matters</i>	
Approval of amendments to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee established under Article XIII of the Convention.....	1
Appendix	3

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