

**Resolutions adopted by
the International Labour Conference
at its 94th (Maritime) Session**

(Geneva, February 2006)

I

**Resolution concerning the promotion of the
Maritime Labour Convention, 2006¹**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting that the success of the Convention will depend upon its being widely ratified and the effective implementation of its requirements,

Mindful that the core mandate of the Organization is to promote decent working and living conditions,

Confirming the resolution concerning technical cooperation to strengthen the capacities of the national administrations responsible for maritime labour inspection, adopted by the Preparatory Technical Maritime Conference of the International Labour Organization (Geneva, 13-24 September 2004);

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority in the allocation of resources to conducting the outstanding tripartite work required for effective implementation of the Convention,

Further invites the Governing Body to request the Director-General to give due priority in the allocation of the resources of the Organization's technical cooperation programme to promoting the ratification of the Convention and to assisting countries which request assistance in its implementation in such areas as:

- technical assistance for Members, including on capacity building for national administrations and the drafting of national legislation to meet the requirements of the Convention;
- the development of training materials for inspectors and other staff;
- the training of inspectors;
- the development of promotional materials and advocacy tools for the Convention; and
- national and regional seminars, as well as workshops on the Convention.

II

**Resolution concerning the promotion of
opportunities for women seafarers¹**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

¹ Adopted on 22 February 2006.

Recalling the resolution concerning women seafarers adopted by the 29th Session of the Joint Maritime Commission,

Noting the findings of the Office's report *Women seafarers: Global employment policies and practices*,

Mindful of the mandate of the Organization to promote equality of opportunity for women and men;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority in the use of resources to examining measures which can further promote career opportunities and appropriate working and living conditions for women seafarers.

III

Resolution concerning the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Noting and commending the work undertaken by the Joint IMO/ILO Ad Hoc Working Group, which has the potential to make a significant contribution to ensuring decent work for seafarers,

Noting also that the Joint IMO/ILO Ad Hoc Working Group found that there was a gap in the international legal regime addressing this issue,

Considering that the text in the Convention does not address many of the provisions set out in the Guidelines on Shipowners' Responsibilities in respect of Contractual Claims for Personal Injury to or Death of Seafarers and the Guidelines on Provision of Financial Security in Cases of Abandonment of Seafarers, which have been adopted by both the Assembly of the International Maritime Organization and the Governing Body of the International Labour Office;

Believes that the Joint Ad Hoc Working Group should continue its work,

Recommends to both organizations that the way forward would be for the Joint Ad Hoc Working Group to develop a standard accompanied by guidelines, which could be included in the Maritime Labour Convention or another existing instrument, at a later date.

IV

Resolution concerning the development of guidelines for port State control¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Considering that this Convention aims to establish a new pillar of international legislation for the shipping industry,

Mindful of the core mandate of the Organization to promote decent working and living conditions,

¹ Adopted on 22 February 2006.

Noting paragraphs 4 and 7 of Article V, and Regulation 5.2.1, Standard A5.2.1, Guideline B5.2.1 of the above Convention, which provide for port State responsibilities and control under the term of “no more favourable treatment”,

Noting that the success of the Convention will depend, among others, upon the uniform and harmonized implementation of port State responsibilities in accordance with its relevant provisions,

Considering that, given the global nature of the shipping industry, it is important for port State control officers to receive proper guidelines for the performance of their duties,

Recognizing the work done by the IMO in this area, and the importance the international community attaches to cooperation between international agencies;

Invites the Governing Body of the International Labour Office to request the Director-General to convene a tripartite expert meeting to develop suitable guidance for port State control officers and to request that the Office utilizes the technical expertise of the IMO in this area.

V

Resolution concerning the development of international standards of medical fitness for crew members and other seafarers¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Considering that this Convention aims to establish a new pillar of international legislation for the shipping industry,

Noting that resolution 9 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended in 1995, invited the International Maritime Organization, in cooperation with the International Labour Organization and the World Health Organization, to develop international standards of medical fitness for seafarers,

Noting also the existing ILO/WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2/1997),

Recognizing the importance of seafarers being medically fit so as not to endanger their own health and safety or that of others,

Recognizing also the importance of easily understood and globally implementable medical fitness standards for seafarers in ensuring safe, environmentally sound and efficient shipping;

Invites the Governing Body of the International Labour Office to request the Director-General, in cooperation with the International Maritime Organization and the World Health Organization, to consider whether a review of the existing ILO/WHO Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2/1997) is necessary, taking into consideration whether different standards are appropriate for seafarers according to the duties they have to perform on board, and to report their recommendations to the Organization for further consideration and action as appropriate.

¹ Adopted on 22 February 2006.

VI

Resolution concerning the promotion of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) ¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Having also adopted the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), at the 91st Session of the International Labour Conference,

Recalling that the 91st Session of the International Labour Conference adopted a resolution concerning decent work for seafarers, which noted, inter alia, that access to shore facilities, shore leave and facilitation of transit are vital elements of seafarers' general well-being and, therefore, to the realization of decent work for seafarers,

Mindful that the core mandate of the Organization is to promote decent working and living conditions,

Noting the continued difficulty that seafarers experience in being able to enjoy shore leave in certain countries;

Urges the Governing Body of the International Labour Office to request the Director-General to contact all member States and remind them of the importance of the speedy ratification and implementation of ILO Convention No. 185 and to invite member States to promote decent work for seafarers and, in this regard, to permit seafarers to enjoy shore leave within their territory;

Calls for the Governing Body to remain seized of this issue.

VII

Resolution concerning information on occupational groups ¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Noting that many of the maritime instruments consolidated within the Maritime Labour Convention contained different definitions of the term "seafarer",

Considering the need for clarity over the issue of the definition in the Convention,

Recognizing that situations may arise in which a Member may have doubts as to whether or not certain categories of persons who undertake periods of work on board a ship should be regarded as seafarers for the purpose of the Convention,

Recognizing also that there is need for clarification on this subject to help to provide uniformity in the application in the rights and obligations provided by the Convention,

Noting that Article II, paragraph 1(f), of the Convention provides that:

"*Seafarer* means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies",

¹ Adopted on 22 February 2006.

Noting also that Article II, paragraph 3, provides that:

“In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners’ and seafarers’ organizations concerned with this question”;

Decides that the International Labour Organization should seek to ensure uniform implementation of the Convention and invites member States to maintain the intent of Article II, paragraph 1(f), through the application of Annex 1.

Annex

Maritime Labour Convention, 2006

Information on occupational groups

General

The Convention recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the Convention should be regarded as seafarers for the purpose of the Convention.

This Annex has therefore been adopted by the General Conference of the International Labour Organization to assist administrations in resolving any difficulties that might arise.

There are persons who principally work onshore, but who occasionally spend a short period working on a ship. These may not be seafarers. There are persons who regularly spend a short period on a ship. These may be seafarers. In both cases, their work may or may not be directly concerned with the routine business of the ship.

Persons who might not be determined to be seafarers include harbour pilots and portworkers, as well as certain specialist staff such as guest entertainers, ship inspectors, superintendents and repair technicians.

Persons who regularly spend more than short periods aboard, even where they perform tasks that are not normally regarded as maritime tasks, may still be regarded as seafarers for the purpose of this Convention regardless of their position on board. For example, repair and maintenance squads and specialist ship staff engaged to work at sea on particular ships may well be regarded as seafarers and entitled to be covered by the rights and obligations provided for in this Convention.

The Convention provides seafarers with significant rights and benefits covering their working and living conditions that might not always be available to them in their home countries. Therefore, in resolving doubts about whether particular persons are seafarers, account should also be taken of the extent to which their national legal and social system provides protection for their labour standards comparable to that provided for under the Convention.

Categories

An administration may have doubts about designating a particular category of persons working on board as a seafarer under Article II, paragraph 1(f), because:

- (i) the nature of their work is not part of the routine business of the ship (for example, scientists, researchers, divers, specialist offshore technicians, etc.);
- (ii) although trained and qualified in maritime skills, the persons concerned perform key specialist functions that are not part of the routine business of the ship (for example, harbour pilots, inspectors or superintendents);
- (iii) the work they perform is occasional and short term, with their principal place of employment being onshore (for example, guest entertainers, repair technicians, surveyors or portworkers).

A person or category of persons should not automatically be excluded from the definition of seafarers solely on account of falling within one or more of the categories listed above. These lists are simply illustrative of situations where doubts may arise.

Special factors in the situation may lead the administration to determine when a person is or is not a seafarer.

Criteria

In considering how to resolve such doubts, the following issues should be considered:

- (i) the duration of the stay on board of the persons concerned;
- (ii) the frequency of periods of work spent on board;
- (iii) the location of the person's principal place of work;
- (iv) the purpose of the person's work on board;
- (v) the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.

VIII

Resolution concerning seafarers' welfare ¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Recalling the resolution concerning seafarers' welfare adopted by the 29th Session of the Joint Maritime Commission,

Mindful that the core mandate of the Organization is to promote decent working and living conditions and that seafarers' welfare facilities are important in this regard,

Considering that, given the global nature of the shipping industry, seafarers need special protection and that the provision of and access to seafarers' welfare facilities is important in this regard,

Noting that, because of the structural changes in the industry, seafarers have fewer opportunities to go ashore and, as a consequence, welfare facilities and services for seafarers are needed more than at any time,

¹ Adopted on 22 February 2006.

Recognizing the vital role of the voluntary organizations and their expertise in providing welfare facilities,

Noting also that the new security regime and the denial of shore leave mean that seafarers may not be able to take advantage of welfare facilities provided for them in ports,

Noting further that the port facilities in certain countries are making excessive charges or imposing unreasonable procedures in order for seafarers to leave the ship and visit welfare facilities provided for them in ports,

Recognizing also that many governments rely solely on voluntary or charitable organizations and in many cases transfer their responsibilities to regional/local governmental bodies in order to maintain such welfare facilities and services for seafarers;

Requests the Governing Body of the International Labour Office to invite the Director-General to take all necessary measures to strongly encourage member States to ensure that seafarers on ships in their ports are able to secure access to seafarers' welfare facilities,

Requests also that the Director-General propose to the Governing Body to convene a tripartite meeting of experts to examine the provision of and difficulties in securing access to seafarers' welfare facilities.

IX

Resolution concerning maintenance of the Joint Maritime Commission ¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Noting the long history of the Joint Maritime Commission (JMC) and the important contribution it has made in addressing key issues within the shipping industry and thereby ensuring that ILO activities remain relevant to the realities of the shipping industry,

Noting also that the important contribution made by the JMC was recognized by the Governing Body of the International Labour Office at its 280th Session when it agreed to establish a JMC Subcommittee on Wages of Seafarers, which should meet every two years, without budgetary implications for the Office, in order to review the ILO minimum basic wage for an able seafarer,

Recognizing the unique role played by the JMC in promoting social dialogue within the shipping industry and that social dialogue is one of the four pillars of decent work,

Recognizing also that the adoption of the Maritime Labour Convention is of great importance in terms of regulating maritime labour standards and that there will also be a need, in the future, for the ILO to address other aspects of decent work in the shipping industry,

Considering that, given the global nature of the shipping industry, seafarers need special protection and that the JMC plays an important role in this regard;

Requests the Governing Body of the International Labour Office to ensure that this important body is adequately funded and resourced,

Invites the Director-General to ensure that adequate resources are provided for activities relating to the maritime sector within the International Labour Organization so that the continued relevance of the ILO to the sector can be maintained in the future.

¹ Adopted on 22 February 2006.

X

Resolution concerning addressing the human element through international cooperation between United Nations specialized agencies ¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,
Noting the significance of issues related to the human element in shipping,
Mindful of the core mandate of the Organization to promote decent working and living conditions,

Recalling the resolution on this issue adopted by the 29th Session of the Joint Maritime Commission,

Recalling the cooperation agreement between the International Labour Office and the International Maritime Organization and how well it has functioned over time and the beneficial results which have resulted from the establishment of joint bodies,

Considering that the human element is multifaceted and can only be addressed in a holistic manner, and that such an endeavour would come within the core competencies of the International Labour Office and the International Maritime Organization;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority in the use of resources to promoting the role of the human element in shipping and to work with the International Maritime Organization to establish a Joint IMO/ILO Working Group on the Human Element.

XI

Resolution concerning recruitment and retention of seafarers ¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,
Mindful that the core mandate of the Organization is to promote decent work,

Being aware that shipping is the engine of the globalized economy and carries around 90 per cent of world trade in terms of tonnage, and that the shipping industry and the smooth transportation of goods are essential to world trade, which will require the availability of a sufficient number of suitably qualified seafarers,

Being aware also that ships are crewed by suitably trained seafarers who have a crucial role in achieving safe, secure and efficient shipping on clean oceans and that it is fundamental to the sustainable operation of this strategic sector that it is able to continue to attract an adequate number of quality new entrants,

Noting that there is a projected shortage of suitably qualified seafarers, that many essential shore-based shipping positions require trained seafarers and that filling some of these positions with suitably qualified seafarers is essential to overall maritime safety,

¹ Adopted on 22 February 2006.

Noting also that traditional maritime countries are going through a process of industrial change and have lost substantial parts of their maritime skills base,

Noting further that there is a need for proper career paths for officers and ratings alike,

Considers that, while there is a need to improve the image of the shipping industry, there is also a need to improve the conditions of employment and of work and opportunities for many seafarers,

Considers also that issues such as access to shore leave and security from attack by pirates and armed robbers need to be addressed,

Considers further that all flag States should encourage operators of ships which fly their flag to provide training berths for new seafarers and for cadets,

Recognizes that the recruitment and retention of seafarers in a global labour market is a complex issue, which involves a social, political and economic dimension and, where appropriate, the provision of suitable policies by governments and industry alike,

Believes that the International Labour Office is well placed to undertake work in this area and invites the Director-General to request the Governing Body to convene a tripartite meeting of experts to examine the issues and propose a set of suitable policy recommendations.

XII

Resolution concerning the effects on the industry of piracy and armed robbery¹

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Mindful that the core mandate of the Organization is to promote decent working and living conditions,

Noting the continued incidence of cases of piracy and armed robbery in many parts of the world and the increasing violence directed against seafarers that is associated with such attacks, as well as the trend to hold seafarers hostage against the payment of a ransom,

Noting also the impact that this is having on seafarers and that it has been agreed that, given the global nature of the shipping industry, seafarers need special protection,

Being aware of the work undertaken by the International Labour Organization in this area,

Being aware also of the concern the United Nations General Assembly has expressed in various resolutions on the law of the sea in recent years at the continuing problem of transnational organized crime and threats to maritime safety and security, including piracy, armed robbery at sea and smuggling, and noting the deplorable loss of life, injuries to seafarers and adverse impact on international trade resulting from such activities;

Urges the Governing Body of the International Labour Office to request the Director-General to work closely with the International Maritime Organization and the United Nations in encouraging all member States to ensure that adequate measures are introduced to prevent such attacks and to ensure the safety and security of seafarers in their waters and off their coastlines,

Calls for the Governing Body to remain seized of this issue.

¹ Adopted on 22 February 2006.

XIII

Resolution concerning the development of guidelines for flag State inspection¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Considering that this Convention aims to establish a new pillar of international legislation for the shipping industry,

Noting paragraphs 1, 2 and 3 of Article V, and Regulation 5.1.1, Standard A5.1.1, Guideline B5.1.1 of the above Convention, which provide for flag State responsibilities, inspection and certification of maritime labour conditions,

Noting that the success of the Convention will depend, among others, upon the uniform and harmonized implementation of flag State responsibilities in accordance with its relevant provisions,

Considering that, given the global nature of the shipping industry, it is important for flag State inspectors to receive proper guidelines for the performance of their duties;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority, through tripartite meetings of experts, to developing suitable guidance for flag State inspection.

XIV

Resolution concerning occupational safety and health¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Mindful that the core mandate of the Organization is to promote decent working and living conditions and a global strategy on occupational safety and health,

Recognizing that the occupational safety and health of seafarers and the risks they face on board vessels are inextricably linked to the effective implementation of the International Safety Management (ISM) Code of the International Maritime Organization, which endeavours to ensure the safe management of ships,

Noting the importance of a culture of safety on board ships, addressed by the provisions contained in the ILO code of practice on accident prevention on board ship at sea and in port,

Emphasizing the need to promote the establishment of shipboard safety committees and to appoint crew safety representatives;

Urges the Governing Body of the International Labour Office to allocate resources for the promotion of awareness of the health, safety and accident prevention provisions contained in Title 4 of the Maritime Labour Convention,

Requests the Director-General to invite the Governing Body to convene a tripartite expert working group on seafarers' occupational safety and health, to consider how best to undertake this work.

¹ Adopted on 22 February 2006.

XV

Resolution concerning search and rescue capability¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Recognizing the need for the comprehensive coverage of a prompt and efficient search and rescue service to aid seafarers in distress,

Further recognizing the problem faced by the governments of developing countries in fulfilling the requirements of the International Maritime Organization (IMO) Search and Rescue Convention, 1979, and the need for the governments of the developed world to contribute to the IMO Search and Rescue Fund;

Urges governments to assist developing countries by sharing technology, expertise and resources to facilitate adequate training both ashore and on board ships and to develop the necessary infrastructure to enable a swift and effective response to accidents at sea,

Invites the Governing Body of the International Labour Office to request the Office to work closely with the IMO to minimize hazards to seafarers' occupational health by promoting the Search and Rescue Convention.

XVI

Resolution concerning social security¹

The General Conference of the International Labour Organization,
Having adopted the Maritime Labour Convention, 2006,

Noting the Declaration of Philadelphia of 1944 concerning the aims and purposes of the International Labour Organization, which include the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care,

Noting also that the principal aim of the Organization is the achievement of decent work for all and that social protection is one of the four pillars of the ILO's Decent Work Agenda,

Noting further that the provision of social protection and the other pillars of decent work are mutually reinforcing in addressing poverty reduction, which is one of the principal aims of the Millennium Development Goals,

Being aware of the considerable work undertaken by the Organization to enhance the coverage and effectiveness of social protection for all,

Noting that the Maritime Labour Convention, 2006, requires that member States provide seafarers with social security protection no less favourable than that enjoyed by shoreworkers resident in their territory,

Recalling that the Social Security (Minimum Standards) Convention, 1952 (No. 102), establishes the framework for the promotion of social protection by the Organization,

Considering that, although Article 77 of ILO Convention No. 102 expressly excludes seafarers and sea fishers from the application of that Convention, the ILO should not exclude these sectors from the ongoing work of the Organization to secure effective social protection for all,

¹ Adopted on 22 February 2006.

Considering also that, given the global nature of the shipping industry, seafarers need special protection;

Invites the Director-General of the International Labour Office to promote the provision of effective social protection and social security for seafarers,

Suggests that such work could be facilitated by an inventory on the provision of social protection and social security for seafarers,

Further invites the Director-General to propose to the Governing Body that such a document be prepared by the Office and discussed at a future tripartite meeting of experts.

XVII

Resolution concerning the practical implementation of the issue of certificates on entry into force¹

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Recalling Article VIII, paragraph 3, concerning the entry into force 12 months after the date on which the required number of ratifications have been registered,

Noting that flag States and recognized organizations would not be in a position to recruit, train and have in place a sufficient number of inspectors until there is a good degree of confidence as to the probable date of entry into force,

Noting that even when a sufficient number of inspectors is in place to ensure a continuing level of inspection and enforcement, it will not be possible to review, inspect and certify all the ships (possibly 40,000 ships) required to carry a maritime labour certificate and declaration of maritime labour compliance within the 12 months before entry into force,

Noting also that should this certification effort be accomplished notwithstanding, these inspectors will be largely idle until the next peak of inspections two years after entry into force,

Recognizing the practical difficulties in providing a maritime labour certificate and a declaration of maritime labour compliance to all ships immediately following entry into force;

Requests governments to develop plans, which will ensure the phasing in of certification requirements starting with bulk carriers and passenger ships no later than 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent,

Requests further that, during a period of one year following the initial entry into force of the Convention, Members (both flag and port States) give due consideration to allowing ships to continue to operate without the certificate and declaration referred to, provided that their inspectors have no evidence that the ships do not conform to the requirements of the Convention.

¹ Adopted on 22 February 2006.

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