

The ILO's *Maritime Labour Convention, 2006*¹ - Placing the human element at the forefront

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In this first decade of the 21st century the “human element” has surfaced as a core concern for the maritime industry in relation to implementation of ship safety, security and pollution measures and also, increasingly in connection with the looming global shortage of seafarers.² For the International Labour Organization (ILO), the “human element” has been its *raison d'être* since its creation 90 years ago and seafarers, and the maritime industry, have been a preoccupation from the very beginning. The year 2010 will be the 90th anniversary of the adoption of ILO Recommendation No. 9, the National Seamen's Code Recommendation, 1920, which envisaged a future “International Seamen's Code”, and called on the ILO member States to develop a Seamen's Code in their national laws and regulations so that seafarers, “... whether engaged on ships of their own or foreign countries, may have a better comprehension of their rights and obligations...”.

In 2006 the 94th International Labour Conference adopted, on a tripartite basis, the “super convention”, the Maritime Labour Convention, 2006 (MLC,2006), which brings together and updates 37 international maritime labour Conventions and related Recommendations adopted since 1920. The MLC,2006 is comprehensive and sets international standards covering almost every aspects of seafarer working and living conditions including minimum age, medical fitness, recruitment and placement services, career and skill development for seafarers, repatriation, social security protection, employer liability for healthcare and costs of illness, occupational health and safety, on board accommodation, recreational facilities, catering and food, wages, leave, and maximum hours of work, combined with strong inspection and certification requirements for ships on international voyages. The earlier maritime labour Conventions were updated in the MLC, 2006 with a view to attracting more women to this workforce and enabling the Convention to keep pace with technological and other developments. It also introduced for the first time certification by a country (flag State) of labour conditions for seafarers on its ships that travel internationally. This certificate, and the conditions on the ship, will be subject to port State control. In addition, the MLC, 2006 requires that ratifying countries adopt a “no more favourable treatment” approach when dealing with ships entering their ports flying the flags of countries that have not ratified the Convention. Once the MLC, 2006 enters into force

¹ For comprehensive information on the Maritime Labour Convention, 2006, see http://www.ilo.org/global/What_we_do/InternationalLabourStandards/MaritimeLabourConvention/lang--en/index.htm

² As noted by the Secretary General of the IMO, Efthimios E Mitropoulos, in “Putting the seafarer first” *Transport International Magazine*, Issue 20 July 2005,

If the global pool of competent, properly qualified and efficient seafarers is to be increasedseafaring must be seen as a viable career choice for people of the right calibre. This clearly dictates that efforts should be made to ensure that the employment conditions for seafarers should be at least comparable with those found in other industries [...] through paying attention to the details of such issues as seafarers' training, welfare, pay, conditions and so on, the attractiveness of seafaring as a profession, in what today has become a very competitive and international employment market, can be significantly enhanced.

it will affect labour conditions on ships of all countries. This will help to assure the level-playing field for shipowners and decent work for all seafarers. The importance to the shipping industry cannot be emphasized enough. It is simply common sense that **decent working conditions are essential to attracting and retaining workers in any sector**. This perhaps is even more true in the case of seafaring, where working and living conditions are one and the same on voyages.

Entry into force of the MLC, 2006 requires ratification by at least 30 ILO members representing at least 33% of the world gross tonnage of ships. The tonnage element has been more than achieved and it is expected that the other half of the formula will be met by the end of 2010.

What will entry into force of the MLC, 2006 mean for skills and training and human element issues?

The ILO Global Jobs Pact, adopted by the International Labour Conference in June 2009³, identified increasing equal access and opportunities for skills development, quality training and education as one of the principles for promoting recovery from the current global economic crisis. It also called for a strengthened respect for international labour standards and investment in training.

The MLC, 2006 contains a number of provisions that have implications for training and skill development. In that respect Regulation, 2.8, is particularly important as it requires the countries to have national policies that "...encourage career and skill development and great employment opportunities for seafarers domiciled in its territory". But, perhaps a first and most important, "skills development" aspect of the MLC, 2006 relates to education and training about the Convention. This is needed for all key actors, flag State authorities and inspectors, ROs, seafarers, and shipowners and their representatives. To meet this need, in addition to numerous workshop and seminars in all regions of the world, the International Labour Office, with support from interested governments and organizations has developed a "Train the Trainers" (of maritime labour inspectors) course at the International Training Centre of the ILO in Turin, Italy⁴. This course is designed to help rapidly establish a global cohort of maritime professionals that have this knowledge and who can help build the essential national capacity to implement the MLC,2006 requirements on all ships.

There is now a need to move ahead rapidly to bring the MLC, 2006 into force and to give the human element in shipping a truly front and central role in the maritime industry.

³ See, http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS_108456/index.htm

⁴ See for the MLC, 2006 courses, <http://mlc-training.itcilo.org/>