



The Maritime Labour Convention, 2006

Ten Years after its Entry into Force

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ILO Maritime Labour Convention, 2006

A consolidated maritime labour convention

which sets out **seafarers' rights** to decent working & living conditions

And whose primary purposes are:

- To ensure **decent working and living** conditions for the world's seafarers
- To establish a system of **fair competition** among shipowners

ILO Maritime Labour Convention, 2006

- ← In addition to seafarers' rights, a strong **compliance and enforcement** mechanism reinforced by the ILO supervisory mechanisms

Labour-supplying countries

Port States

Flag States



ITF image

MONITORING COMPLIANCE
WITH INTERNATIONAL
LABOUR STANDARDS



The key role of the ILO Committee
of Experts on the Application of
Conventions and Recommendations

CENTENARY EDITION
2019

MLC, 2006 and Decent Work Agenda

Employment

Social
protection

Social
dialogue

Gender equality

Rights
at work

Non-discrimination

8 DECENT WORK AND
ECONOMIC GROWTH



Employment



Short-term employment

Job insecurity

Development of a career path

Recruitment and placement services

Social protection

- ← Private insurance
 - ← Medical care
 - ← Sickness benefit
 - ← Employment injury benefit
- ← Social security
 - ← Labour-supplying countries have to provide at least **three branches**

- Confusion as to which country provides access to social security
 - Many countries only provide basic protection
 - Lack of international agreements on social security coordination

LABOUR SUPPLYING COUNTRIES

Regulation 4.5

Standard A4.5. 3. Each Member shall take steps according to its national circumstances to provide the complementary social security protection referred to in paragraph 1 of this Standard to all seafarers ordinarily resident in its territory. This responsibility could be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based systems. The resulting protection shall be no less favourable than that enjoyed by shoreworkers resident in their territory.

Regulation 5.3

1. Without prejudice to the principle of each Member's responsibility for the working and living conditions of seafarers on ships that fly its flag, the Member also has a responsibility to ensure the implementation of the requirements of this Convention regarding (...) the social security protection of seafarers that are its nationals or are resident or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in this Convention.

FLAG STATES

Regulation 4.5

Standard A4.5. 5. Each Member's responsibilities with respect to seafarers on ships that fly its flag shall include those provided for by Regulations 4.1 and 4.2 and the related provisions of the Code, as well as those that are inherent in its general obligations under international law.

Regulation 4.1 – Medical care on board and ashore

Regulation 4.2 – Shipowner's liability

REG. 4.5,
G. b4.5
MLC, 2006

In view of the potential overlap, both labour-supplying and flag States are recommended to

- ‘cooperate in order to determine by mutual agreement which legislation is to apply, taking into account such factors as the type and level of protection under the respective legislations which is more favourable to the seafarer concerned as well as the seafarer’s preference’



EUROPEAN
TRANSPORT
WORKERS'
FEDERATION

An illustration of a blue fishing boat on a blue sea. The boat has a red location pin on its bow, a yellow cabin, and a red flag. A person is visible on the deck. The background is a light blue sky and a white horizon line.

SOCIAL SECURITY RIGHTS OF EUROPEAN RESIDENT SEAFARERS

DISCUSSION

- Flag State principle is efficient and effective as it helps shipowners to centralize their payments
- Interviewees from both flag States and labour-supplying countries raise the issue of a race-to-the-bottom if the residence principle was to be preferred.
- However, they did not abide to the flag State principle either, but agreed on the need to move towards a **common EU social security system for seafarers** as a way to avoid competitiveness problems.
- Interviewees from mainly labour-supplying countries indicate that they prefer the residence principle because of the short-term employment pattern that also affect EU-based seafarers and work on board flags of convenience.



RECOMMENDATIONS

- Enhance education and information available on social security systems
 - For both, seafarers and shipowners
 - Enhancing information available



RECOMMENDATIONS

- Address the cases of seafarers residing in national territory :
 - The case of employment gained through a RPS based in the country
 - Mandatory or voluntary participation



RECOMMENDATIONS


- Include, and promote the inclusion of, social security protection within the particulars of SEA:
- ‘The seafarers’ employment agreement should identify the means by which the various branches of social security protection will be provided to the seafarer by the shipowner as well as any other relevant information at the disposal of the shipowner, such as statutory deductions from the seafarers’ wages and shipowners’ contributions which may be made in accordance with the requirements of identified authorized bodies pursuant to relevant national social security schemes.’ (G. B4.5, para. 6 MLC, 2006).



RECOMMENDATIONS

- Enhance compliance and enforcement of national social security provisions:
 - Coordination among internal administrations
 - Coordination among labour-supplying countries and flag States

Social dialogue

- ← The MLC, 2006 actively promotes dialogue
 - ← In the implementation process
 - ← In the review process of the convention itself
 - ← In the enforcement process
- ← However, it faces serious challenges:
 - ← Hours of work/hours of rest **91 hs.**
 - ← Minimum wages
 - ← **ILO Joint Maritime Commission -2021** 

Failure of seafarer's
information, participation
and consultation rights

Unprotected right to strike

A Culture
of Adjustment

Rights at work

- ← Systemic breach by **flag States, port States and labour-supplying countries**:
 - ← Right to repatriation
 - ← Right to medical care
 - ← Right to shore leave
- ← Corporate social responsibility
 - ← Shipowners
 - ← Cargo interests/owners
 - ← **Charterers**

NO CREW CHANGE CLAUSE



Gender equality and non-discrimination

- ← Structural problems:
 - ← Male-dominated sector
 - ← Multi-cultural crews
- ← Non-mandatory provisions in the MLC, 2006
 - ← Reference to equal pay for men and women in Guideline B2.2
 - ← Reference to ICS/ITF Guidance on Shipboard Harassment and Bullying in Guideline B4.3

Conclusion: is the MLC, 2006 in line with the ILO Decent Work Agenda?

- ▶ The convention seems to manage to set up the basis to address the governance gap in the maritime global supply chain,
- ▶ In this vein, and while states remain responsible for enforcing human and labour rights, other stakeholders are directly involved in supporting the effectiveness and efficiency of public governance.
- ▶ However, different problems impair its success in achieving decent work on board:
 - ▶ Critical convention standards are not in line with decent work
 - ▶ In the implementation process, that problem is not solved but compounded by not going beyond the requested minimum or even disregarding those basic standards
 - ▶ Despite all mechanisms, compliance and enforcement are very weak