

**International Committee on Seafarers' Welfare  
(ICSW)/ITF-ST  
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**Seafarers' Welfare and the Maritime Labour Convention, 2006  
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Magandang umaga!

I am very pleased to be asked to speak to you about the Maritime Labour Convention, 2006 (MLC, 2006) and specifically to highlight some of its key provisions on seafarers' welfare. I want to extend to your workshop the best wishes for its success conveyed to me by Ms. Cleopatra Doumbia-Henry, Director, International Labour Standards who you know has been working tirelessly to promote this Convention.

As you may be aware, the ILO has over 190 Conventions and related Recommendations and other guidance addressing all sectors, including fundamental rights on matters such as child labour, forced labour and non discrimination or more general cross cutting concerns such as promoting occupational safety and health. Of these 190, more than 40 deal with international standards for the working and living conditions of seafarers and the number is even larger if the instruments addressing fishers and port workers are also considered.

For the ILO, seafarers, and the maritime industry, have been a preoccupation since its creation in 1919. Not only is 2010 the Year of the Seafarer, it is also the 90<sup>th</sup> 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...". 2010 is also the year in which we hope we finally realize this vision. It is expected that the MLC, 2006, a comprehensive Convention, adopted by the 94<sup>th</sup> International Labour Conference in February 2006, which brings together and modernizes 37 of these Conventions and 31 Recommendations in a single instrument, will achieve the sufficient ratifications to enter into force. At present the Convention has been ratified by eight countries representing more than 45% of the world fleet by gross tonnage. Twenty two (22) ratifications are still needed to bring the Convention into force. It is expected that many countries will ratify by the end of 2010 or early 2011 – the Convention's 5th anniversary.

On the question of seafarers' welfare, in the broadest sense the entire Convention is about seafarers' welfare both onboard and ashore including questions of occupational safety and health, right to repatriation, accommodation, food, medical care on board and ashore and of course social protection. However, I will focus specifically on the obligations relating to shore based welfare facilities.

The primary provisions are found in Regulation 4.4 "Access to shore-based welfare facilities" and the related Code provisions in Standard A4.4 and Guideline B4.4.

The Convention tells us that the purpose of Regulation 4.4 is "To ensure that seafarers working on board a ship have access to shore-based facilities and services to secure their health and well-being".

Regulation 4.4 consolidates and updates the obligations in the *Seafarers' Welfare Convention, 1987* (No. 163). It is part of the broader duty to cooperate, as set out in paragraph 2 of Article 1 of the MLC, 2006, to provide onshore relief for seafarers, within the limits, of course, of a State's national requirements relating to, for example, security matters.

The Regulation and related Code provisions establish the obligation of ratifying countries to ensure that shore-based welfare facilities, where they exist, are easily accessible. Although the MLC, 2006 does not require that governments establish seafarers' welfare centres, there is a clear obligation to promote the development of welfare facilities, in designated ports to provide seafarers on ships that are in their ports with access to adequate welfare facilities and services. These services must be available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work.

The MLC, 2006 also specifically requires that countries encourage the establishment of welfare boards to regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers. The provisions in Guideline 4.4 contain detailed guidance on various aspects of these obligations. Governments must give due consideration to these Guidelines when carrying the obligations under the MLC, 2006.

The Convention also has other provisions linked to access to shore facilities to help ensure seafarers' well-being. For example, Regulation A.2.3, Entitlement to Leave, which is primarily focused on minimum paid annual leave, requires that "Seafarers shall be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions." A further very important aspect of seafarers' welfare relates, of course, to the right of seafarers to be able to come ashore to obtain medical and dental care. Regulation 4.1 requires that flag States ensure that shipowners allow seafarers to come ashore and those countries "ensure that seafarers on board ships in its territory who are in need of immediate medical care are given access to the Member's medical facilities on shore."

There are, in addition to these onshore matters, also standards relating to onboard welfare or recreational facilities and amenities under Regulation 3.1 and the Code.

As you can see, there are many requirements in the Maritime Labour Convention, 2006 that address seafarers' welfare and access to welfare facilities.

I want to also note the importance of another international labour Convention that is critical to ensuring seafarers can actually leave their ships to access shore based facilities. I am referring to the *Seafarers' Identity Documents Convention (Revised)*, 2003 (No. 185) which is one of the few not included in the MLC, 2006. Like the older *1958 Seafarers' Identity Documents Convention* (No. 108), it facilitates the grant of shore leave as well as admission on a territory for professional purposes, which are essential for seafarers. As we know you are very aware, many seafarers are encountering problems in accessing shore-based services in foreign ports and in transiting countries to join or leave ships. This Convention is aimed at encouraging countries to meet the particular needs of seafarers and the industry in international trade, by providing for a secure and uniform Seafarers' Identity Document, within a secure, audited and internationally monitored issuance system. With the recent ratification by the Russian Federation, 17 countries have now ratified Convention No. 185 or made a declaration of provisional application.

We hope that your workshop will contribute to raising awareness of the importance for the Philippines and other countries in the sub-region in support of the ratification of the MLC, 2006 and Convention No. 185.

My very best wishes for the success of your workshop and mabuhay!