



International
Labour
Organization

► COVID-19 and maritime labour issues

Extracts from the General report of the
2022 Report of the Committee of Experts
on the Application of Conventions and
Recommendations

COVID-19 and maritime labour issues

47. The Committee reiterates its **deep concern** regarding the challenges and the impact that restrictions and other measures adopted by governments around the world to contain the spread of the COVID-19 pandemic have had, and continue to have, on the protection of seafarers' rights as laid out in the Maritime Labour Convention, 2006, as amended (MLC, 2006).
48. The Committee notes the observations of the International Transport Workers' Federation (ITF) and of the International Chamber of Shipping (ICS), received on 4 October 2021, indicating that all ratifying States have failed to comply, to some extent, with several provisions of the MLC, 2006, during the pandemic. The Committee further notes the replies received from, and the information provided by, the Governments of France, Honduras, Indonesia, Morocco, Myanmar, Panama, Philippines, Portugal, Thailand, and Turkey concerning both its general observation and the observations of the ITF and the ICS.
49. The Committee recalls its [general observation on matters arising from the application of the Maritime Labour Convention, 2006, as amended \(MLC, 2006\) during the COVID-19 pandemic](#), adopted in 2020, which remains applicable in its entirety.
50. The Committee acknowledges the fact that, following the publication of its general observation on 10 December 2020, immediate action was taken at the international, regional and national level, as a response to its urgent call to restore the protection of seafarers' rights and fully comply with the provisions of the MLC, 2006. The Committee welcomes in particular the continuous cooperation between the ILO, the International Maritime Organization (IMO), other United Nations agencies and the ITF and ICS to address the crisis, as well as the [Resolutions](#) adopted at the Fourth Meeting (Part I) of the Special Tripartite Committee of the MLC, 2006 (STC) on this issue.
51. The Committee welcomes the fact that a number of countries which have ratified the MLC, 2006 have succeeded in adopting strategies and measures in line with the international guidance, in order to preserve public health in the context of the pandemic, while ensuring respect for seafarers' rights. These measures include, among others: (1) ensuring a high number of safe crew changes at their ports; (2) ensuring medical care on board and on shore, including dental care; (3) attending COVID-19 outbreaks on board and providing care in national hospitals when needed; (4) keeping borders open for the transit of seafarers in line with strict national protocols; (5) revising previous temporary guidance on Seafarer Employment Agreement's extensions to comply with the requirements of the Convention; (6) reinitiating rigorous port State control inspections focusing on employment agreements and wages; (7) developing services online to support shipowners and seafarers; (8) rehabilitating welfare services in port and keeping them open even if with some restrictions, for example, setting up Wi-Fi in ports to allow seafarers to establish online contact with welfare services; and (9) prioritizing seafarers for vaccination within national programmes.
52. The Committee also notes that in some cases consultations have taken place between different government entities and social partners to develop measures at national level and with consular services to find solutions to concrete cases. Some governments indicated that they have taken part in increased international communication and collaboration, including in multilateral forums, to promote the designation of seafarers as key workers and facilitate their repatriation.
53. According to the observations of the ITF and the ICS, many of the requests formulated in the general observation have not been addressed by a number of flag States, port States and labour-supplying States.

54. The Committee is **deeply concerned** that violations of the Convention may further increase due to new restrictions adopted by governments to contain the variants of COVID-19. In this regard, the Committee notes with **deep regret** the existence of cases of denial of access to medical care ashore for seafarers, even in situations of the utmost urgency, as well as cases of consistent refusal to allow sick seafarers to disembark or to allow for the bodies of deceased seafarers to be removed from the vessels and for their repatriation.
55. Moreover, the Committee must again express its **deep regret** that a number of ratifying countries, continue to invoke force majeure as an overall reason to deny the right to shore leave and extend the duration of periods of service on board, beyond the agreed date and, in some cases, beyond the default maximum period of 11 months. These types of occurrences endanger not only the health and safety of the seafarers concerned but also the safety of navigation. In the same context, some labour-supplying countries have continued to refuse to accept the return of their national seafarers. As a result, these seafarers have been stranded without earnings, and with great uncertainty as to their return to their home country.
56. ***As stated in the 2020 general observation and given that almost two years have passed since the beginning of the pandemic, the Committee stresses that the notion of force majeure should not be regarded as a valid reason to deprive seafarers of their rights, as there are options available worldwide to comply with the provisions of the MLC, 2006.***
57. ***The Committee recalls the resolutions adopted by the STC, as well as the ILO Governing Body's [Resolution concerning maritime labour issues and the COVID-19 pandemic](#), and the UN General Assembly's [Resolution on international cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to supply global supply chains](#), and urges all ILO Member States to designate and treat seafarers as key workers. The Committee also urges them to facilitate crew changes, provide access to medical care ashore when needed, and prioritize seafarers for vaccination.***
58. ***As the world continues to rely on shipping and seafarers for the transport of more than 90 per cent of world trade, including food, medicines, and vital medical supplies, the Committee urges ratifying States, which have not yet done so, to adopt, without delay, all necessary measures to fully restore the protection of seafarers' rights and fully comply with their obligations under the MLC, 2006.***
59. ***The Committee will continue to examine issues raised regarding compliance with the MLC, 2006, during the pandemic and requests governments to provide information in their next reports on any temporary measures adopted in this regard, their duration and their impact on seafarers' rights. The Committee further encourages social partners, in accordance with article 23 of the ILO Constitution, to continue submitting observations on the implementation of the Convention. The Committee finally reminds governments that they may avail themselves of the technical assistance provided by the Office, in close cooperation with the IMO, the World Health Organization and with the United Nations Country Teams.***