



FIFTH ITEM ON THE AGENDA

Maritime matters**(d) Follow-up to the resolution concerning tonnage measurement and accommodation adopted by the 96th Session of the International Labour Conference**

1. At its 300th Session (November 2007), the Governing Body considered document GB.300/3/1, “Matters arising out of the work of the 96th Session (2007) of the International Labour Conference: Follow-up to the adoption of the Work in Fishing Convention and Recommendation and related Conference resolutions”. In that document the Office noted that the Conference had adopted four resolutions concerning the ILO’s work in the fishing sector, one of which was the resolution concerning tonnage measurement and accommodation.
2. The resolution (attached as Appendix I), inter alia, observed that the International Maritime Organization (IMO) was considering the effects of the International Convention on Tonnage Measurement of Ships, 1969 (hereafter the 1969 TM Convention),¹ on ship safety, accommodation, safety, health and welfare, and port charges. The resolution:
 - invited the Governing Body to request the Director-General to monitor these developments and to evaluate any amendment to, or interpretation of, agreements of

¹ The 1969 TM Convention aimed to introduce a universal tonnage measurement system. The Convention provides for gross and net tonnage, both of which are calculated independently. Gross tonnage is a measurement of the volume of enclosed spaces of a ship. Net tonnage relates to the measurement of cargo spaces on the ship. Gross tonnage forms the basis for manning regulations, safety rules and registration fees. Both gross and net tonnages are used to calculate port dues. (However, there are also other similar systems in place used for assessing, for example, fees for use of the Panama Canal.) Many ILO maritime Conventions, including the Maritime Labour Convention, 2006 (MLC), and the Work in Fishing Convention, 2007 (No. 188) (WFC), refer to gross tonnage. For example, gross tonnage is used in the MLC, and may be used (as an alternative to vessel length) in the WFC, to determine when a higher standard (e.g. the size of sleeping rooms) is to apply to a particular ship or fishing vessel. The way in which gross tonnage is calculated therefore may have a direct impact on the welfare of seafarers and fishers.

the 1969 TM Convention which may have an impact on the Work in Fishing Convention, 2007 (No. 188) (WFC), especially on Annex III;²

- invited the Governing Body to request the Director-General to report to it any developments which may have an impact on the WFC, especially on Annex III;
- further invited the Governing Body to act on such a report by giving due priority, if required, to convening a tripartite meeting of experts, as provided for in Article 45 of the WFC to address the matter with a view to maintaining the relevance of Annex III of that Convention.

The abovementioned resolution also recalled the resolution concerning tonnage measurement and the accommodation of crews adopted by the 29th Session of the Joint Maritime Commission (JMC) in 2001 (see Appendix II), which was noted by the Governing Body of the International Labour Office at its 280th Session.³

3. Following its consideration of GB.300/3/1, the Governing Body requested the Director-General, inter alia, to “(ii) make concrete proposals in due course to the Governing Body, with regard to the four resolutions concerning the ILO’s work in the fishing sector”.
4. In July 2007, a representative of the Office participated in the 50th Session of the IMO’s Sub-Committee on Stability and Load Lines and Fishing Vessels Safety (SLF 50), which considered, under agenda item 6, an item entitled “Development of options to improve effect on ship design and safety of the 1969 TM Convention”. Several papers were submitted to the Sub-Committee under this agenda item, including a paper by the ICFTU relating the issue of revision of the 1969 TM Convention to the safety, training and welfare of seafarers.⁴ The ILO representative, inter alia, drew the attention of the Sub-Committee to the related ILC and JMC resolutions. After further debate, the SLF agreed to establish a correspondence group, under the coordination of Australia, with the following terms of reference:
 - (1) to develop “maritime real estate” (SLF 50/6/1)⁵ and other options to improve the effect on ship design and safety of the 1969 TM Convention, both:
 - involving amendments to the 1969 TM Convention; and
 - not requiring such amendments;
 - (2) to identify pros and cons of the identified options, taking into account safety, the training and welfare of seafarers and also taking into account the anticipated effectiveness of those options in improving safety;

² Which concerns fishing vessel accommodation.

³ GB.280/5, *Record of Decisions*, paragraph 2(b). The Governing Body invited the Director-General to communicate the resolution concerning tonnage measurements and the accommodation of crews to the Secretary-General of the IMO. A letter that addressed this subject was sent to the IMO in June 2001.

⁴ SLF 50/6/2.

⁵ “Maritime real estate” refers to a proposal by Australia for a new, third type of tonnage – “register tonnage” – based on “maritime real estate” principles (length x breadth x summer draught of a ship).

- (3) to consider the merits of amending the Convention to incorporate tacit amendment provisions or, alternatively, adopting a Protocol to the Convention, with a view to facilitating future amendments;
- (4) to make recommendations as appropriate on the above items; and
- (5) to submit a report to the SLF 51.

The Sub-Committee, having noted the statement by the ILO representative, invited the ILO secretariat to participate in the correspondence group.

5. The correspondence group, under the leadership of Brad Groves, Australia Maritime Safety Authority, has involved delegations from IMO Member States (Australia, Denmark, France, the Islamic Republic of Iran, Japan, Marshall Islands, Netherlands, Norway, Republic of Korea and Sweden), the International Chamber of Shipping (ICS) and the International Transport Workers Federation (ITF),⁶ and, as noted above, a representative from the ILO. The representative of the Office has contributed primarily by providing the group with specific information on the references to gross tonnage included in the Maritime Labour Convention, 2006 (MLC), and the WFC and by continuing to draw attention to the ILC and JMC resolutions.
6. The debate within the correspondence group has concerned the presentation to the SLF of various options for addressing the tonnage issue. It does not appear that these options would necessarily have a direct, immediate impact on the ILO Conventions (i.e. they would not, with one possible exception related to a specific type of ship (open-top container vessels), revise the way in which the gross tonnage figures used in the ILO Conventions are calculated). If new types of tonnage figures (e.g. “registered tonnage” based on the “marine real estate” approach) were agreed, it is possible that eventually the MLC and WFC could be amended to incorporate such figures – but this, if it happened at all, would be in the distant future.
7. However, several of the options proposed could have an impact on seafarers’ and fishers’ accommodation and other factors related to their welfare (e.g. the motion of vessels at sea related to vessel design) even if they did not involve any amendment to ILO instruments. For example, one proposed option is to promote the use of net tonnage (as opposed to gross tonnage) for tonnage-based fees (e.g. port fees).
8. There has been a recognition within the correspondence group that each proposed option will need to be thoroughly evaluated to determine its possible effects on ship design and the shipping industry. The group (which has not yet finished its work) will probably request that the IMO give additional time to the SLF (perhaps two more SLF sessions, i.e. into 2008 or 2009) to undertake such evaluation. The correspondence group plans to submit its report to the SLF 51 by 11 April 2008. SLF 51 (London, 14–18 July 2008) may endorse the report of the group and request its own parent body, the Maritime Safety Committee (at its 85th Session (London, 26 November–5 December 2008) to approve an appropriate work item for the evaluation of the options and development of appropriate recommendations.

⁶ At its 98th Session, the IMO Council decided to transfer consultative status of the ICFTU to the ITF.

Evaluation of any amendment to, or interpretation of, agreements of the 1969 TM Convention which may have an impact on the Work in Fishing Convention, 2007 (No. 188), especially on Annex III

9. It is still too early in the process for the Office to evaluate the impact of this work on the WFC, though it would appear that, if the current approaches being considered by the IMO are taken, there would be no direct impact, as the existing gross tonnage figure (the type of tonnage used in the ILO Conventions) would remain unchanged. The Office will continue to monitor this situation.

Potential impact of the IMO work on conditions of work of seafarers and fishers

10. The IMO work concerning the 1969 TM Convention could have an impact on seafarers' and fishers' accommodation beyond, or in addition to, any possible changes to the MLC or WFC. For example, the proposed option of using net tonnage rather than gross tonnage to determine tonnage-based fees (such as port fees), if chosen, might help eliminate the existing economic incentives for building ships and fishing vessels with minimal accommodation space. There might also be other positive (or even possible negative) consequences of the various options, both intended and unintended, for welfare at sea. At this time it is too early to tell, and the evaluation work suggested by the correspondence group should help clarify these matters.
11. *Bearing the above in mind, the STM may wish to invite the Governing Body to request the Director-General to:*
- (i) continue to monitor the developments at the IMO and to evaluate any amendment to, or interpretation of, agreements of the 1969 TM Convention that could have an impact on the WFC, especially on Annex III;*
 - (ii) monitor developments and evaluate any amendment to, or interpretation of, agreements of the 1969 TM Convention that could have an impact on the MLC; and*
 - (iii) encourage the IMO to give full consideration to possible amendments to, or interpretation of, agreements of the 1969 TM Convention that would lead to improved welfare of seafarers or fishers or both.*

Geneva, 22 January 2008.

Point for decision: Paragraph 11.

Appendix I

Resolution concerning tonnage measurement and accommodation

The General Conference of the International Labour Organization,

Having adopted the Work in Fishing Convention, 2007,

Noting the difficulties caused by making an equivalence between the measurement of the size of vessels in terms of length and gross tonnage and the impact it has in the fishing industries,

Recognizing the impact the International Convention on Tonnage Measurement of Ships, 1969, has on the safe design of vessels, including their accommodation,

Recognizing also the importance of accommodation for the provision of decent work for fishers,

Recalling the resolution concerning tonnage measurement and the accommodation of crews adopted by the 29th Session of the Joint Maritime Commission, which was noted by the Governing Body of the International Labour Office at its 280th Session,

Aware that the International Maritime Organization (IMO) is considering the effects of the International Convention on Tonnage Measurement of Ships, 1969, on ship safety, accommodation, safety, health and welfare, and port charges;

Invites the Governing Body to request the Director-General to monitor these developments and to evaluate any amendment to or interpretation of agreements of the International Convention on Tonnage Measurement of Ships, 1969, which may have an impact on the Work in Fishing Convention, 2007, especially on Annex III;

Invites the Governing Body to request the Director-General to report to it any developments which may have an impact on the Work in Fishing Convention, 2007, especially on Annex III;

Further invites the Governing Body to act on such a report by giving due priority, if required, to convening a tripartite meeting of experts, as provided for in Article 45 of the Work in Fishing Convention, 2007, to address the matter with a view to maintaining the relevance of Annex III of that Convention.

Appendix II

Resolution concerning tonnage measurement and the accommodation of crews

The 29th Session of the Joint Maritime Commission,

Having met in Geneva from 22 to 26 January 2001,

Noting that the International Convention on the Tonnage Measurement of Ships (1969) has entered into force,

Recognizing the impact that this Convention may have had on the design of ships, including their crew accommodation,

Recognizing also that there have been significant technological and other changes in the shipping industry since the existing ILO instruments concerning the accommodation of crews were adopted,

Being aware that some design changes in ships may have implications for the occupational health and safety of seafarers and dockworkers;

- agree that these issues should be fully considered during the revision of the Organization's maritime instruments; and
- invite the Director-General to communicate these matters to the Secretary-General of the International Maritime Organization, with a view to mitigating any adverse effects of the International Convention on Tonnage Measurement of Ships (1969).