

Maritime Labour Convention 2006 and the Provision of Port Levies

I have been asked to address you today on Port Welfare levies and the role of shipping companies. As the Director of Employment Affairs for ICS and ISF I fully recognise the importance of seafarer welfare and the tremendous role done by Shipowners, Seafarers representatives and welfare providers in this regard. Indeed I am also Chair of the Sailors Society Welfare and Chaplaincy Committee and fully appreciate the diversity of challenges faced by those at the sharp end in this regard. The key question is whether a port levy is the most appropriate mechanism to generate the required funding. I know for example that the Sailors society gets tremendous support from shipping companies at its corporate events and through corporate donations. This I believe is the appropriate way forward as the money gets directly to the organisations that provide the necessary services and to distribute these in the way that they consider most appropriate.

The scriptures ask us

"What does G-d require of you? To act justly, to love mercy and to walk humbly with him."
(Micah 6:8)

Biblical texts clearly mandate for social justice. The prophets summon us to:

"Let justice roll down like waters & righteousness like a mighty stream," (Amos 5:24)

The scriptures not only guide us towards action they provide a framework of texts and tradition supporting and guiding our efforts to help explain societal roots of injustice and affirm values to combat this. Our framework provide rich lessons to communally engage in social justice such as Maimonides' levels of charity. We should:

- reflect on Dignity and traditional attitudes. We are all endowed with immutable worth to reflect on society and to honour an individual's ultimate worth.
- act with Humility and separate tangible successes from self-worth and the identity of others.
- develop new ideas to ethically treat vulnerable community members. The link between Loving each other and All Humanity provides theological support for wider social justice work.

We should all strive for justice through joint communal involvement to strengthen connections with the greater community and to honour our values. Partnerships with other community organizations and relationships with other communities establish important communal ties and effective projects which allow us to help to alleviate suffering address needs and advocate for systemic change.

From a shipowners perspective welfare is important for the following reasons

- Lean ships, lean crews who are fitter
- If you provide good welfare you have a better chance to attract seafarers when competition is fierce in market place
- It is a cheap way to keep staff motivated

- If you want seafarers to return to sea you need to ensure they have a good experience whilst at sea
- Happier crews make better workers
- If you provide good work and rest facilities the crew are more likely to perform better.
- It is what you would expect if you went to sea.
- Life is changing and the industry needs to change to reflect changes in technology such as email , social networking etc
- It can save companies money in the long run if they can retain their staff and therefore develop core competency within the workforce providing a good work life balance helps in this regard.
- The MLC requires it and if companies do not comply they will pay the price
- It is not just the responsibility of the shipowner but also flag and port states to support welfare providers.
- Welfare advisors can assist in delivering bad news to families such as in piracy situations or maritime casualties
- It can be helpful to have 3rd party assistance to deliver provision if things go wrong.

I would now encourage you to turn to the MLC guide and to title 4 .4 copies are provided for your attention. Regulation 4.4 on access to shore based welfare facilities aims to ensure seafarers working on board have access to shore-based facilities and services to secure health and well-being. It states that each member shall ensure that :

Existing shore-based welfare facilities are easily accessible and also promote their development, in designated ports to provide seafarers on ships within its ports with access to adequate welfare facilities and services.

It also considers the responsibilities for shore-based facilities, such as welfare, cultural, recreational and information facilities and services.

Standard A.4.4 access to Shore-based welfare facilities highlights that it is obligatory for each member to:

require existing welfare facilities in its territory to be available for use of all seafarers, irrespective of the flag State of the ship on which they work.

promote development of welfare facilities in appropriate ports and determine, after consultation with the social partners appropriate ports.

encourage establishment of welfare boards to regularly review welfare facilities and services are appropriate in light of changes in seafarers needs resulting from technical, operational and other industry developments.

It also advises members in guideline B.4.4.1 that each member should take measures:

to ensure adequate welfare facilities and services for seafarers in designated ports of call and adequate protection for seafarers exercising their profession;

to consider seafarers special needs in implementation, especially when in foreign countries and entering war zones for safety, health and spare-time activities.

care with supervision of welfare facilities and services and including participation of the social partners.

measures to expedite free circulation to ships, central supply agencies and welfare establishments of films, books, newspapers and sports equipment for seafarers.

Steps to cooperate in promoting seafarers welfare at sea and in port should include:

consultations among competent authorities to provide and improve such facilities both in port and on board ships;

agreements to pool resources and jointly provide welfare facilities in major ports to minimise duplication;

organization of seafarers international sports competitions and sports activities; and

organization of international seminars on welfare of seafarers at sea and in port.

Guideline B4.4.2 highlights that each Member should provide or ensure provision of Welfare facilities and services in ports as required, in appropriate ports and in line with national conditions and practice, by public authorities; social partners under collective agreements or other arrangements; and voluntary organizations.

Facilities should be established or developed in ports including meeting and recreation rooms; sports and outdoor facilities, educational facilities; and where appropriate, facilities for religious observances and for personal counselling or making available facilities designed for more general use for Health protection, medical care, welfare and social security protection.

Where many different nationalities seafarers require hotels, clubs and sports facilities in a port, the competent authorities or bodies of seafarers countries of origin and flag States and international associations should consult and cooperate with bodies of the port to pool resources and avoid unnecessary duplication.

Seafarers Hotels or hostels should be available where needed and provide good facilities, and wherever possible located away from the immediate dock vicinity. They should be properly supervised, reasonably priced and if possible accommodate seafarers' families. They should be open to all seafarers irrespective of the flag State of the ship. It may be necessary in certain ports to provide several types of comparable facilities adapted to seafarer's customs and needs.

Take measures to ensure that as necessary, technically competent employees operate seafarers' welfare facilities and services, as well as voluntary workers.

Guideline B4.4.3 provides information for Welfare boards saying that they should be established, at the port, regional and national levels as appropriate to :

Review adequacy of existing welfare facilities and monitor the need for provision of additional facilities or withdrawal of underutilized facilities; and

Assist and advise those providing welfare facilities and ensure coordination.

Involve the social partners, competent authorities and where appropriate, voluntary organizations and social bodies and maritime state consuls and local foreign welfare

representatives in national laws and regulations associated with port, regional and national welfare board work.

Guideline B4.4.4 provides clear guidance on financing of welfare facilities and states:

In line with national conditions and practice, financial support for port welfare facilities should either be through grants from public funds; levies or other special dues from shipping sources; voluntary contributions from shipowners, seafarers, the social partners and other sources.

Please note that the Convention makes it clear that levies are only one of a number of mechanisms that could be considered and should be considered as and when appropriate as part of a fundraising strategy. Sometimes it may be appropriate to use other methods.

It also states that where welfare, taxes, levies and special dues are imposed these should only be used only for purposes for which they are raised. This is earlier one of our major concerns. Shipowners are generally more than happy to support the various missions and welfare organisations directly but are concerned that in some less scrupulous countries port levies may not actually reach the seafarers for whom the funds were intended.

As can be seen from the MLC responsibility for provision of port welfare is left with the flag and port state and it is a shame that we only have representatives from XXXX country administrations here today.

I now plan to show you some specific data.

These are the countries which have ratified both convention 163 and the MLC . As you will be aware Convention 163 is the predecessor convention to the MLC and was introduced in 1987. Therefore those countries that elected to ratify 163 are likely to have the appropriate provisions in place and may therefore need less assistance.

<u>Country</u>	<u>Date</u>	<u>Convention 163</u>	<u>MLC</u>
<u>Antigua and Barbuda</u>	11-Aug-11		In Force
<u>Australia</u>	21-Dec-11		In Force
<u>Bahamas</u>	11-Feb-08		In Force
<u>Benin</u>	13-Jun-11		In Force
<u>Bosnia and Herzegovina</u>	18-Jan-10		In Force
<u>Brazil</u>	04-Mar-97	In Force	
<u>Bulgaria</u>	01-Mar-04	Denounced	In Force
<u>Canada</u>	15-Jun-10		In Force
<u>Croatia</u>	12-Feb-10		In Force
<u>Cyprus</u>	20-Jul-12		In Force
<u>Czech Republic</u>	01-Jan-93	In Force	
<u>Denmark</u>	16-Sep-93	Denounced	In Force
<u>Fiji</u>	21-Jan-13		Pending
<u>Finland</u>	30-Jun-92	Denounced	In Force

<u>France</u>	27-Apr-04	Denounced	In Force
<u>Gabon</u>	12-May-11		Pending
<u>Georgia</u>	22-Jun-04	In Force	
<u>Greece</u>	04-Jan-13		In Force
<u>Guatemala</u>	03-Nov-08	In Force	
<u>Hungary</u>	14-Mar-89	In Force	
<u>Kiribati</u>	24-Oct-11		In Force
<u>Latvia</u>	12-Aug-11		In Force
<u>Lebanon</u>	18-Feb-13		pending
<u>Liberia</u>	07-Jun-06		In Force
<u>Luxembourg</u>	20-Sep-11		In Force
<u>Malta</u>	22-Jan-13		In Force
<u>Marshall Islands</u>	25-Sep-07		In Force
<u>Mexico</u>	05-Oct-90	In Force	
<u>Morocco</u>	10-Sep-12	Denounced	In Force
<u>Netherlands</u>	13-Dec-11		In Force
<u>Norway</u>	26-Nov-93	Denounced	In Force
<u>Palau</u>	29-May-12		In Force
<u>Panama</u>	06-Feb-09		In Force
<u>The Philippines</u>	20-Aug-12		In Force
<u>Poland</u>	03-May-12		In Force
<u>Romania</u>	11-Mar-02	In Force	
<u>Russian Federation</u>	18-Oct-06	Denounced	In Force
<u>Saint Kitts and Nevis</u>	21-Feb-12		In Force
<u>Saint Vincent and the Grenadines</u>	09-Nov-10		In Force
<u>Serbia</u>	15-Mar-13		In Force
<u>Singapore</u>	15-Jun-11		In Force
<u>Slovakia</u>	01-Jan-93	In Force	
<u>Spain</u>	03-Oct-89	Denounced	In Force
<u>Sweden</u>	21-Feb-90	Denounced	In Force
<u>Switzerland</u>	15-Nov-89	Denounced	In Force
<u>Togo</u>	14-Mar-12		In Force
<u>Tuvalu</u>	16-Feb-12		In Force

These are the countries which have recently ratified the MLC and did not ratify 163 and the ones I think that ISWAN should be now targeting its efforts on working with the administrations with regard to port welfare provision. It would be prudent to involve Countries which ratified Convention 163 to provide technical assistance to countries which have recently ratified the MLC. ISWAN I believe has a role to play here alongside ILO in pairing these countries up.

Antigua and Barbuda

<u>Australia</u>
<u>Bahamas</u>
<u>Benin</u>
<u>Bosnia and Herzegovina</u>
<u>Canada</u>
<u>Croatia</u>
<u>Cyprus</u>
<u>Fiji</u>
<u>Gabon</u>
<u>Greece</u>
<u>Kiribati</u>
<u>Latvia</u>
<u>Lebanon</u>
<u>Liberia</u>
<u>Luxembourg</u>
<u>Malta</u>
<u>Marshall Islands</u>
<u>Netherlands</u>
<u>Palau</u>
<u>Panama</u>
<u>The Philippines</u>
<u>Poland</u>
<u>Saint Kitts and Nevis</u>
<u>Saint Vincent and the Grenadines</u>
<u>Serbia</u>
<u>Singapore</u>
<u>Togo</u>
<u>Tuvalu</u>

The data below provides a summary of the current position.

Country	Convention 163	MLC	Ports Surveyed	Countries where more data is needed	Seafarers Centres
Antigua and Barbuda		In Force		Yes	No

<u>Australia</u>		In Force		Yes	yes
<u>Bahamas</u>		In Force		Yes	No
<u>Benin</u>		In Force		Yes	yes
<u>Bosnia and Herzegovina</u>		In Force		Yes	no
<u>Bulgaria</u>	Denounced	In Force		Yes	yes
<u>Canada</u>		In Force		Yes	yes
<u>Croatia</u>		In Force		Yes	no
<u>Cyprus</u>		In Force		Yes	yes
<u>Denmark</u>	Denounced	In Force		Yes	yes
<u>Fiji</u>		pending		Yes	yes
<u>Finland</u>	Denounced	In Force		Yes	yes
<u>France</u>	Denounced	In Force		Yes	yes
<u>Gabon</u>		pending		Yes	no
<u>Germany</u>			Yes Due to ratify late 2013		yes
<u>Greece</u>		In Force			yes
<u>India</u>			yes	No ratification date	yes
<u>Kiribati</u>		In Force		Yes	no
<u>Latvia</u>		In Force		Yes	yes
<u>Lebanon</u>		pending		Yes	no
<u>Liberia</u>		In Force		Yes	yes
<u>Luxembourg</u>		In Force		Yes	no
<u>Malta</u>		In Force		Yes	no
<u>Marshall Islands</u>		In Force		Yes	no
<u>Morocco</u>	Denounced	In Force		Yes	yes
<u>Netherlands</u>		In Force		Yes	yes
<u>Norway</u>	Denounced	In Force		Yes	yes
<u>Palau</u>		In Force		Yes	no
<u>Panama</u>		In Force		Yes	yes
<u>The Philippines</u>		In Force		Yes	yes
<u>Poland</u>		In Force		Yes	yes
<u>Romania</u>	In Force		yes has not ratified MLC	No	yes
<u>Russian Federation</u>	Denounced	In Force		Yes	yes
<u>Saint Kitts and Nevis</u>		In Force		Yes	no
<u>Saint Vincent and the Grenadines</u>		In Force		Yes	no
<u>Serbia</u>		In Force		Yes	no
<u>Singapore</u>		In Force		Yes	yes
<u>Spain</u>	Denounced	In Force		Yes	yes
<u>Sweden</u>	Denounced	In Force		Yes	yes
<u>Switzerland</u>	Denounced	In Force		Yes	no

<u>Togo</u>		In Force		Yes	yes
<u>Tuvalu</u>		In Force		Yes	no
<u>UK</u>		Not in force	yes to ratify in 2013 / 2014	No	yes
<u>USA</u>		Not in force	yes	No plans to ratify in near future	yes

	Official Position	In doubt	
No of currently applicable countries	47	?	
Currently under MLC	39	4	35
Countries which ratified both 163 and MLC	10		
New Countries to consider	37	4	33
Countries which have seafarers centres but lacking info	28		
Countries to research	33		

I believe that ISWAN with the assistance of the Social Partners should be approaching the national administrations to start talks in these countries with regard to welfare provision. I also think that it is important to establish a view from the respective support organisations on how best they believe they can be assisted in providing a service. Welfare is important and we need to ensure we have the right services in the right place at the right time and in the right way. However they also need to be cost effective and funded from a wide variety of sources.