



Governing Body

310th Session, Geneva, March 2011

GB.310/STM/3/2

Committee on Sectoral and Technical Meetings and Related Issues

STM

FOR DECISION

THIRD ITEM ON THE AGENDA

Sectoral activities 2010–11

Follow-up to the resolution concerning tonnage measurement and accommodation adopted by the 96th Session of the International Labour Conference

Overview

Issues covered

Recent developments at the International Maritime Organization (IMO) concerning possible changes to, or interpretations of, the International Convention on Tonnage Measurement of Ships, 1969.

Policy implications

The way in which gross tonnage (a measurement of internal volume) is measured has a direct impact on seafarers' and fishers' living spaces on board ships and fishing vessels and thus on decent work.

Legal implications

Changes on how gross tonnage is measured could have an impact on the implementation of Maritime Labour Convention, 2006, and Work in Fishing Convention, 2007.

Financial implications

No immediate financial implications. However, should the Governing Body, at a future session, decide to convene a tripartite meeting of experts (see paragraph 3) there will be budgetary considerations.

Decision required

Paragraph 14.

References to other Governing Body documents and ILO instruments

GB.307/13(Rev.); GB.307/STM/4/4; dec-GB.301/14; GB.301/PV; GB.301/14; GB.301/STM/5/4; GB.300/3/1.

Maritime Labour Convention, 2006.

Accommodation of Crews Convention (Revised), 1949 (No. 92); Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133); Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147); Accommodation of Crews (Fishermen) Convention, 1966 (No. 126); and Work in Fishing Convention, 2007 (No. 188).

Background

1. At its 300th Session (November 2007), the Governing Body noted that the 96th Session (2007) of the International Labour Conference had adopted four resolutions concerning the ILO's work in the fishing sector, one of which concerned tonnage measurement and accommodation.¹
2. Observing 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), on ship safety, accommodation, occupational safety and health, welfare and port charges, the resolution invited the Governing Body to request the Director-General to monitor these developments and report to it on any development which might have an impact on the Work in Fishing Convention (No. 188), especially on Annex III of the Convention.
3. The resolution further invited the Governing Body "to act on such a report by giving due priority, if required, to convening a tripartite meeting of experts ... to address the matter with a view to maintaining the relevance of Annex III of that Convention".
4. The resolution also recalled the Joint Maritime Commission (JMC) resolution concerning tonnage measurement and the accommodation of crews adopted at its 29th Session in 2001, which had been noted by the ILO Governing Body at its 280th Session.²
5. The Governing Body, at its 300th Session, subsequently requested the Director-General to make concrete proposals in due course to the Governing Body with regard to the implementation of those resolutions as well as of the other resolutions reproduced in the appendix of the document.³
6. At its 301st Session (March 2008),⁴ the Governing Body requested the Director-General to:
 - (a) continue to monitor the developments at the IMO and to evaluate any amendment to or interpretation of agreements of the International Convention on Tonnage Measurement of Ships, 1969 (1969 TM Convention), that could have an impact on the Work in Fishing Convention, 2007 (No. 188), especially on Annex III;
 - (b) monitor developments and evaluate any amendment to or interpretation of agreements of the 1969 TM Convention that could have an impact on the Maritime Labour Convention, 2006; and
 - (c) 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.
7. At its 307th Session (March 2010), the Governing Body considered document GB.307/STM/4/4, in which the Office reported on developments concerning this issue. During the debate in the Committee on Sectoral and Technical Meetings and Related

¹ GB.300/3/1. See Appendix I of the present document for the text of the resolution.

² GB.280/5, *Record of Decisions*, para. 2(b). See Appendix II of the present document for the text of the resolution.

³ GB.300/3/1.

⁴ GB.301/PV, para. 246; and GB.301/STM/5/4.

Issues, the Worker Vice-Chairperson asked the Office to take a more proactive approach when engaging with the IMO and go beyond merely monitoring. Special reference was made to the 29th Session of the Joint Maritime Commission, which invited the Director-General to communicate the JMC resolution to the IMO with a view to mitigating any adverse effects of the IMO's 1969 TM Convention. The Office noted that it had drawn, and would continue to draw, attention to such specific resolution as well as to the resolution concerning tonnage measurement and accommodation adopted at the 96th Session of the International Labour Conference and the resolution concerning recruitment and retention of seafarers adopted at the 94th (Maritime) Session of the Conference.⁵

Recent developments

8. Since the 307th Session of the Governing Body, the Office has followed up on the decisions related to the Workers' request for the Office to take a more proactive approach when engaging with the IMO. The Office has acted in two ways: first, by participating in sessions of the IMO's Sub-Committee on Stability and Load Lines and Fishing Vessels Safety (SLF), the main IMO body where the tonnage measurement issue has been discussed; and second, by providing comments to a related IMO correspondence group on the 1969 TM Convention.
9. In regard to the correspondence group, the Office drew attention to the importance of ILO instruments, in particular standards on crew accommodation on ships and fishing vessels. Specific instruments related to ships include the Accommodation of Crews Convention (Revised), 1949 (No. 92), the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and the Maritime Labour Convention (MLC), 2006. Specific instruments related to fishing vessels include the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126) and the Work in Fishing Convention, 2007 (No. 188)). In particular the Office noted the importance of securing widespread ratification of the most recent standards, the MLC, 2006 and Convention No. 188. The Office further expressed the hope that an approach could be found to encourage, rather than discourage, shipowners and fishing vessel owners to provide more space and better facilities for seafarers and fishers. This was especially important in light of the difficulties in attracting young people to the seagoing professions.
10. The IMO correspondence group agreed to an approach (Option A) which, despite its benefits, did not remove the incentive to minimize the size of crew accommodation spaces in order to reduce gross tonnage for all ship types. The report of the correspondence group was submitted to the 53rd Session (London, 10–14 January 2011) of the IMO's Sub-Committee on Stability and Load Lines and Fishing Vessels Safety (SLF 53).
11. At the SLF 53, the Office noted, inter alia, that:
 - (a) the way in which gross tonnage was measured was important to the ILO;
 - (b) the Maritime Labour Convention, 2006, and the Work in Fishing Convention, 2007, used gross tonnage (GT) figures as parameters for the applicability of standards concerning living and working conditions on ships and fishing vessels;
 - (c) these instruments referred specifically to the 1969 Tonnage Measure Convention.

⁵ GB.307/13(Rev.), paras 68–72.

- (d) a concern remained about the 1969 TM Convention creating an economic disincentive for shipowners to improve conditions to provide accommodation space for carrying cadets.
- (e) it would be important for the IMO to remain open to approaches for the measurement of gross tonnage with a positive impact on crew accommodation or berthing for cadets.
12. The position of the Office representative was supported by the International Chamber of Shipping, the International Transport Workers' Federation and two Governments (Indonesia and Cook Islands).
13. However, the majority of governments who spoke at SLF 53 supported the recommendation of the IMO correspondence group, and SLF 53 endorsed the recommendation (i.e. Option A). It subsequently recommended to its parent body, the Maritime Safety Committee (MSC), a proposal for a new planned output on "Development of provisions to ensure the integrity and uniform implementation of the 1969 TM Convention". This would follow the approach recommended by the correspondence group (Option A). The matter now goes to the 89th Session of the IMO's Maritime Safety Committee (11–12 May 2011) for consideration and approval.
14. *The Committee may wish to reiterate its recommendation to the Governing Body, in keeping with its earlier decision, to request the Director-General to:*
- (a) *continue to monitor the developments at the IMO and to evaluate any amendment to or interpretation of agreements of the International Convention on Tonnage Measurement of Ships, 1969 (1969 TM Convention), that could have an impact on the Work in Fishing Convention, 2007 (No. 188), especially on Annex III;*
- (b) *monitor developments and evaluate any amendment to or interpretation of agreements of the 1969 TM Convention that could have an impact on the Maritime Labour Convention, 2006; and*
- (c) *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, 7 February 2011

Point for decision: Paragraph 14

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 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;

Requests the Governing Body to:

- 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).