



MARITIME SAFETY COMMITTEE  
86th session  
Agenda item 16

MSC 86/16  
16 February 2009  
Original: ENGLISH

## ROLE OF THE HUMAN ELEMENT

### Outcome of inter-secretariat consultations on the possible common areas of interest to be discussed jointly by ILO and IMO

#### Note by the Secretariat

#### SUMMARY

<i>Executive summary:</i>	This document provides information on the outcome of inter-secretariat consultations between ILO and IMO regarding the possible common areas of interest to be discussed jointly
<i>Strategic direction:</i>	12.2
<i>High-level action:</i>	12.2.1
<i>Planned output:</i>	12.2.1.1 and 12.2.1.2
<i>Action to be taken:</i>	Paragraph 4
<i>Related documents:</i>	MEPC 56/17/9, MEPC 56/23; MSC 83/28 and MSC 85/26

#### Background

1 The Maritime Safety Committee, at its eighty-fifth session (26 November to 5 December 2008), considered a request from ILO (MSC 85/16) that the Secretariats of IMO and ILO should hold inter-secretariat consultations on possible common areas relating to the human element which could be discussed by the two Organizations and on a possible mechanism for such discussions, and agreed that it would be advisable for both Secretariats to meet and identify the common areas/issues of concern with a view to seeking the Committees' advice on the way forward, bearing in mind their earlier decision, at MEPC 56 and MSC 83, not to establish a joint ILO/IMO working group with wide and open-ended terms of reference.

2 Furthermore, the Committee also agreed that the IMO and ILO Secretariats should only identify the issues to be discussed, taking into account the ongoing work of the Joint MSC/MEPC Working Group on the Human Element. The outcome of the meeting of the two Secretariats should then be presented to both Committees for consideration and appropriate action.

3 In light of the foregoing, representatives of the ILO and IMO Secretariats met at IMO Headquarters on 21 and 22 January 2009 and identified areas of common interest to both Organizations and prepared the attached proposal to address them, for the consideration by the two Committees and the ILO Governing Body. In this context, the Committee may wish to note that matters relating to:

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

- .1 the follow-up action related to abandonment, injury and death of seafarers; and
- .2 the implementation of the guidelines concerning fair treatment of seafarers,

are within the purview of the Legal Committee and should be referred to it for further consideration.

**Action requested of the Committee**

4 The Committee is invited to consider the information provided and take action as appropriate.

\*\*\*

**ANNEX****OUTCOME OF INTER-SECRETARIAT CONSULTATIONS ON THE POSSIBLE  
COMMON AREAS OF INTEREST TO BE DISCUSSED JOINTLY BY ILO AND IMO****Joint ILO/IMO Advisory Group on issues of common interest****Proposal by the Secretariats of the ILO and the IMO**

1 The Agreement between the IMO and the ILO entered into force on 16 January 1959. Article I of the Agreement provides for close cooperation and regular consultation between the two Organizations in regard to matters of common interest. Article III provides for the two Organizations to refer any question of common interest which may appear desirable to a joint committee. It also provides that composition of any such committee is to consist of representatives appointed by each Organization based on an agreement between the two Organizations. The practice between the two Organizations has been to set up joint working groups on specific issues, with a limited membership, government representatives being nominated by the IMO and the shipowners' and seafarers' representatives nominated by the ILO. This has been the case with the Joint Committee on Training and more recently, the joint IMO/ILO Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

2 The ILO adopted, in February 2006, the Maritime Labour Convention, 2006 that consolidates almost all existing ILO maritime labour instruments in an integrated and coherent framework. At the time of adoption of this single consolidated Convention, the International Labour Conference also adopted a number of resolutions, many of which refer to matters of common interest between the ILO and the IMO. Resolution No.X called on the two Organizations to establish a Joint Working Group on the Human Element to address the role of the human element in shipping. A number of more specific resolutions dealt with issues in respect of which cooperation between the two Organizations was considered to be beneficial. This included abandonment and claims for death and injury; medical fitness standards; recruitment and retention of seafarers; women seafarers; occupational safety and health; piracy and armed robbery; search and rescue; port State control and flag State inspection guidelines. Some of these issues are currently being examined by the IMO, the ILO or existing working groups.

3 Taking into account all of the above as well as the respective competencies, mandates and experience of the IMO and the ILO, new opportunities to bring the work of the two Organizations closer together in a more holistic manner to the extent possible would be beneficial for both Organizations and would enhance maritime safety, security, protection of the marine environment, and labour and social conditions in the maritime industry.

4 There have been communications between the ILO Director-General and the IMO Secretary-General on how best to follow up on Resolution No.X, and the relevant bodies of both Organizations have had issue before them. Based on the considerations by both Organizations, consultations were held between senior representatives of the Secretariats of the IMO and the ILO, and it was recognized that there are matters of common interest to both Organizations which could be referred to a joint working group, while working to ensure that duplication and conflict are avoided or identified, and which would be mutually supportive of the work of the two Organizations.

- 5 On the basis of these consultations, the following points have been identified:
- .1 In order to keep under review areas of common interest to both Organizations, the establishment of the joint working group should be considered.
  - .2 The joint working group should:
    - .1 have an advisory capacity only; and
    - .2 provide advice on matters of common interest referred to it by the two Organizations.
  - .3 The mandate given to the joint working group should not conflict or overlap as regards any regulatory function with that currently exercised by any of the bodies of either of the two Organizations or existing interagency mechanism.
  - .4 Any new work items that might be recommended by the joint working group for any of the two Organizations are subject to compliance with their rules of procedures and their budgetary and financial procedures and considerations.
  - .5 The joint working group should have a limited composition. Following the standard practice, it should be composed of an equal number of Government representatives and the social partners. The governments should be nominated by the IMO and the social partners by the ILO.
  - .6 The frequency of meetings of the joint working group should be determined largely by the extent of developments of the various significant issues under consideration. The ILO and IMO Secretariats would recommend, in due course, the dates of the meetings of the joint working group.
  - .7 In pursuance of article III of the Agreement, the Secretariats of the two Organizations have identified the following matters of common interest which may appear to be desirable for referral to joint working group in consultation with other interested organizations, as appropriate:
    - .1 guidelines for medical examination of seafarers leading to the issue of medical certificates, pursuant to the requirements of MLC 2006 and STCW 78, as amended;
    - .2 the revision of existing Recommendation No.105 (No.158) relating to ships' medicine chests, with a view to harmonizing it with the latest edition of the International Medical Guide for Ships;
    - .3 port State control and flag State inspections;
    - .4 follow-up action related to abandonment, injury, death of seafarers;
    - .5 implementation of the guidelines concerning fair treatment of seafarers;

- .6 collaborative work in the area of piracy and armed robbery in order to ensure the safety and security of seafarers; and
  - .7 guidelines on seafarers' occupational safety and health.
  - .8 The Secretariats of the two Organizations should provide the joint working group with all the necessary information concerning matters referred to it.
  - .9 The reports of the joint working group should be communicated to the Director-General of the ILO and the Secretary-General of the IMO for submission to appropriate bodies of the two Organizations.
-