MARRAKECH POLICY

ITF POLICY ON MINIMUM CONDITIONS ON MERCHANT SHIPS

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CONTENTS

FOREWORD 6

ITF POLICY ON MINIMUM CONDITIONS ON MERCHANT SHIPS 9

MARRAKECH DECLARATION 10

- Introduction to Flags of Convenience campaign 10
- Call for a genuine link 13
- Call for transparency over beneficial ownership 13
- Cooperation and collaboration between seafarers and dockers 14
- Utilising workers' capital for a sustainable industry 15
- Future of Work 17
- Lobbying to achieve UN Sustainable Development Goals 21

MARRAKECH POLICY 23

- Statement of principles 24
- Statement of objectives 26
- Definition of a flag of convenience (FOC) 28
- Registers not declared as FOC 30
- ITF acceptable standards for FOC vessels 31
- ITF acceptable standards for second register vessels 32
- ITF acceptable standards for national flag vessels 33
- Bareboat chartering 34
- Dual or parallel registered vessels 35
- Cabotage 36

Regional standards 37
Rights and responsibilities for FOC vessels 38
Negotiating rights and responsibilities for FOC vessels 39
Manning 42
ITF consultation procedures for the signing of agreements covering FOC vessels 43

ANNEXES 47
Athens policy 48
Cruise policy 52
Funding and audit policy 54
Manning policy 58
National cabotage policy 71
National flag policy 75
Offshore policy 77
Riding squads policy 79
Seafarers' charter policy 87

FOREWORD

At the 44th Congress of the International Transport Workers' Federation (ITF) in Singapore, held in October 2018, we agreed to conduct a comprehensive review of the Mexico City Policy, including the annexed policies.

The ITF has always ensured its Flags of Convenience (FOC) campaign, which marked its 75th anniversary in 2023, is relevant to the challenges of the day: our last policy review in 2010 culminated in the Mexico City Policy, and the one before that, completed on the 50th anniversary of the FOC campaign in 1998, resulted in the Oslo to Delhi Policy. Then, in 2006, we launched the Ports of Convenience campaign to run alongside FOC as a multi-faceted campaigning and organising framework to protect maritime workers' rights, whether around freedom of association, the right to bargain or safety; in the same year, the Maritime Labour Convention was established, adding a crucial international legal framework for the protection of maritime workers' rights. With so many more changes in the maritime industry since 2010, this review has considered the technological changes and other developments and their possible impact on ITF policy.

Beginning in 2020, the Covid-19 pandemic brought seismic changes to our lives, upending the entire world. No economy or supply chain was left untouched. The impact was particularly profound for seafarers and dockers, who worked tirelessly to ensure the delivery of essential goods and supplies to the public. More than ever, their role as the 'key workers' of the global economy was highlighted. Unfortunately, the surge in seafarer abandonment underscored the ongoing importance of our work to ensure a genuine link between a ship's owner and its flag.

Coming out of the pandemic, many governments looked to find ways to build better, more resilient and sustainable economies, against the backdrop of a new understanding of the critical importance of global supply chains. Nowhere is this more visible than through renewed efforts to tackle climate and environmental damage. Shipping is at the heart of these efforts, and the ITF is already harnessing 'Environmental, Social and Governance (ESG)' standards, alongside our ground-breaking use of workers' capital, to enhance our leverage to the benefit of seafarers. 'Human Rights Due Diligence' (HRDD) also rose to greater prominence after the pandemic and, again, the ITF has been in the vanguard of organisations supporting this potentially transformative agenda, including piloting agreements with companies committed to protecting maritime workers' rights.

Over five years an elected group of maritime leaders have reviewed every aspect of the policy, including its implementation, strategies and processes. It was acknowledged that the policy itself was thoroughly debated and carefully crafted before being adopted by the ITF's 42nd Congress in Mexico City in 2010. Affiliated maritime unions provided their views and every issue was discussed and debated to ensure the implementation and enforcement of the policy is robust to fulfil its aim.

This renewed policy is vital to our work to ensure that workers' rights are protected and enhanced: We are proud that this policy is the backbone of the ITF's longstanding FOC campaign.

Stephen Cotton
ITF General Secretary

Jacqueline Smith
ITF Maritime Coordinator

David Heindel
ITF Seafarers' Section Chair

Paddy Crumlin
ITF President and Dockers' Section Chair

ITF POLICY ON MINIMUM CONDITIONS ON MERCHANT SHIPS

This document is a statement of ITF policy and must be read in conjunction with other ITF policies as decided by relevant ITF bodies from time to time (ITF policies).

This policy replaces the policy adopted by the ITF's 42nd Congress in Mexico City, known as the Mexico City Policy.

Any explanatory notes concerning the history or development of ITF policies are not binding statements.

The English language version of this policy is to be considered the definitive version.

MARRAKECH DECLARATION

INTRODUCTION TO FLAGS OF CONVENIENCE CAMPAIGN

01. The ITF campaign against the Flag of Convenience (FOC) system was formally established in 1948, as a response to shipowners flagging out from their national flag to a flag State that was convenient from a regulatory and commercial perspective.

02. FOC flag States offer shipowners less regulatory oversight, anonymity (especially regarding the capital of the ship owning company), tax avoidance and poor or non-existent enforcement of labour laws. They also allow shipowners to replace national seafarers with seafarers, mainly from developing economic countries, on much lower terms and conditions including wages, and the possibility to avoid trade unions, thereby undermining social dialogue, freedom of association and the right to organise and engage in collective bargaining.

03. Many shipowners and governments with registers that have been declared flags of convenience by the ITF object to the use of the term 'flag of convenience', and instead prefer to refer to such flags as 'open registries'[1]. However, it is an undisputable fact that a shipowner chooses the flag its ship flies out of regulatory and commercial convenience, in order to reduce costs, maximise profits at the expense of society as a whole, the environment and most importantly the seafarers employed or engaged on their vessels.

1 Collins dictionary: ship registration under national flag available to all ship regardless of nationality, a national ship registry open to ships of all nations.

04. The ITF's FOC campaign objective has always been two-fold: to pressure shipowners to reflag back into their national flag, and to improve the wages and working conditions of seafarers working on FOC ships.

05. While the second objective has seen significant successes, the first objective has not produced the desired result. Instead, the number of ships in FOC registers is increasing. In addition, some traditional maritime countries have established international or second registers and/or amended their national regulations and policies to provide greater flexibility for shipowners in order to maintain a national fleet.

06. The United Nations Law of the Seas (UNCLOS) specifies in Article 94 that every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag. However, many flag States cannot or will not fully implement this provision.

07. In particular, FOC registries with a large number of ships opt to delegate their statutory obligations to commercialised classification societies[2], which only judge ships on their technical standards. Some FOC ships are technically well operated and in some instances are equal to or better than ships registered in some national registers.

08. However, the same cannot be said of their environmental impact. Half of the world's fleet is registered in just three FOC flag States. FOC States are unable or unwilling to commit to reducing harmful emissions as they may fear losing income from their registries through, for example, payments to global emission trading schemes or a reduction in vessels registered with them. The ITF supports a Just Transition to a zero-carbon emissions target for shipping by 2050, as it is vital to achieving global emissions targets. It calls for countries to adopt clear sectoral targets to reach zero emissions, either multilaterally in the International Maritime Organization or by including shipping as part of their own emissions cap committed to in Paris[3].

2 Commercial classification societies are organisations which develop and apply technical standards for the design, construction and survey of ships, and which carry out surveys and inspections on board ships.
3 From ITF Sustainable Shipping Beyond the Big Blue.

09. Many international regulations have been introduced to the maritime industry, all but one (the ILO Maritime Labour Convention 2006) are technical. But none of them have strengthened the genuine link between the owner/operator of the ship and its flag, nor increased transparency or oversight.

10. The ITF's FOC campaign has succeeded in persuading many shipowners and ship management companies to enter into collective bargaining agreements to regulate seafarers' working conditions and wages on board their FOC vessels. It has achieved this through a combination of industrial action by maritime unions and developing relationships with shipowners and ship managers through collective bargaining, including the International Bargaining Forum (IBF)[4].

11. However, it is estimated that over half of all international vessels trading internationally and flying a FOC flag still have no collective bargaining agreement. Therefore, the ITF is exploring new ways to increase leverage, such as highlighting Environmental, Social and Governance (ESG) factors and engaging with pension funds in their role as guardians of workers capital and promoting labour criteria in ESG considerations.

12. The ITF believes that shipping is not sustainable if it does not respect human rights, including labour rights.

4 The IBF brings together the ITF and the Joint Negotiating Group (JNG), which is made up of the International Maritime Employers Council (IMEC), International Mariners Management Association of Japan (IMMAJ), Korean Shipowners' Association (KSA) and Taiwanese company Evergreen. The IBF has objectives and rules of procedure and negotiates at an international level employment conditions for seafarers working on FOC vessels.

CALL FOR A GENUINE LINK

13. The genuine link between a flag State, a ship and its owner has, from the outset, been the core of the ITF Flag of Convenience campaign. Article 91 of the 1982 UN Convention on the Law of the Sea (UNCLOS) states that there must exist a 'genuine link' between a State and a ship to which it has granted its nationality. The United Nations Convention on Conditions for the Registration of Ships (1986) attempted to clarify how a State might guarantee a genuine link but the convention has not been widely ratified and has not entered into force.

14. The ITF continues to oppose the FOC system and maintains its position that a genuine link between the State, a ship and its owner must exist.

15. A stronger and universal interpretation and implementation of the genuine link by flag States would better ensure a level playing field. It would also assist the maritime industry in facilitating the achievement of the UN Sustainable Development Goals, by developing secure global supply chains, investing in energy efficiency, and promoting anti-corruption practices and due diligence of human rights in global supply chains.

CALL FOR TRANSPARENCY OVER BENEFICIAL OWNERSHIP

16. Global supply chains are dependent on maritime transport, which is often referred to as the "backbone of global trade and the global economy"[5]. Yet there is little international political will to implement measures to tackle the issues of lack of corporate governance and financial transparency which are inherent in the FOC system.

5 Former UN Secretary-General Ban Ki–moon https://press.un.org/en/2016/sgsm18129.doc.htm

17. Key to tackling these issues is being able to identify the beneficial owner of a ship – the person or entity that the ITF considers to be the ultimate or real owner of a ship. The beneficial owner has effective control over the operation of the ship and benefits from any profits generated by the ship. The beneficial owner may be different from the ship's registered owner, which in a FOC register is only a 'postbox' company established for the sole purpose of registering the ship.

18. While transparency about beneficial ownership in other industries is being pursued by some governments, the same is not happening in maritime, where it is critically needed because of the FOC system.

19. Transparency about beneficial ownership empowers trade unions, workers, citizens, private sector leaders, media and law enforcement agencies to access information about the real people behind a company, legal structure or asset. This knowledge is crucial to tackle environmental and social abuses, money sanctions and prevent crimes.

COOPERATION AND COLLABORATION BETWEEN SEAFARERS AND DOCKERS

20. The support of ITF affiliated dockers' unions on the FOC campaign is crucial. Now the ITF is working to facilitate the equally important support of seafarers' unions in promoting the Ports of Convenience (POC) campaign.

21. The POC campaign aims to ensure that standards acceptable to ITF affiliated dockers' unions apply in ports and terminals around the world to combat exploitation, improve health and safety and prevent job losses. Its key themes include occupational safety and health, lashing, automation, ESG and workers' capital, and strengthening dockers' trade unions.

UTILISING WORKERS' CAPITAL FOR A SUSTAINABLE INDUSTRY

22. The shipping industry is capital intensive, requiring significant amounts of investment. The challenges of securing sustainable financing are exacerbated by the challenge of achieving zero carbon emissions in maritime by 2050. This will require massive public and private investment, traditional bank financing, and government spending on research, education and infrastructure.

23. Transport workers already contribute to these investments, both directly as taxpayers and indirectly through their pension funds. The Committee on Workers' Capital (CWC)[6] calls the retirement savings workers' capital. It says: "As beneficial owners of these deferred wages, workers are the indirect owners of a substantial portion of the world's equities... As a result, workers' capital is invested in financial markets across the globe and across asset classes such as public equities, fixed income and alternative investments".

24. This gives workers and their unions an important role in ensuring that public and private investment is linked to robust criteria that supports genuinely sustainable business models; and which contributes to the prosperity of all, rather than reinforcing existing pay inequality and undermining working conditions of transport workers.

25. An increased focus on workers' capital and investors – along with continued political interaction with governments through the various UN bodies – could secure international support for improved requirements on social matters and better transparency in the FOC system. This would include the involvement of trade unions, and seafarers being covered by a collective bargaining agreement.

6 The CWC is a 1999 joint initiative by the ITUC, the global union federations (GUFs) and TUAC (the Trade Union Advisory Committee to the Organisation for Economic Cooperation and Development).

SEAFARERS' RIGHTS AS KEY SOCIAL CRITERIA

26. The idea that investors should consider ESG factors in their decision-making is now widely accepted. This trend has accelerated in the context of the COVID-19 pandemic and the current climate emergency.[7] Respecting the human rights of seafarers is both a moral and legal obligation for companies. All companies have responsibilities and, increasingly, legal obligations to carry out human rights due diligence along their supply chains.[8]

27. The ITF has identified a confused marketplace for ESG initiatives, with very different definitions of stewardship or responsible investment, and weak monitoring and enforcement.

28. This provides an opportunity for maritime unions to highlight seafarers' rights as key social criteria that investors must consider when they engage Board members on a company's performance. The ITF is exploring how to create strategic relationships with pension funds to achieve this, as the funds are increasingly seeking to invest in transport infrastructure.

29. As part of this strategy, the ITF will develop models of labour criteria that are appropriate ESG policies for companies in the maritime and ports sectors. These will serve as in-depth guidance for investors and will demonstrate the value of working collaboratively with trade unions in building a just transition to a sustainable industry.

30. These must incorporate respect for labour rights, and address gaps in performance on issues which affiliated unions have identified, such as automation, outsourcing, health and safety, equality, and alternative fuels.

31. The ITF must link these criteria with effective existing procedures to safeguard human rights throughout global supply chains. This requires institutional investors to recognise as part of good corporate governance the role of transport workers and their trade unions in both defining ESG issues and in monitoring a company's performance in practice.

7 In February 2021 Bloomberg predicted that ESG assets would exceed USD53 trillion by 2025 and represent more than a third of the total assets under management globally. The trend is strongest in Europe, but other regions are following suit. https://www.bloomberg.com/professional/blog/esg-assets-may-hit-53-trillion-by-2025-a-third-of-global-aum/

8 https://www.itfglobal.org/sites/default/files/node/resources/files/ITF-HRDD_Guidance.pdf

32. The ITF needs to support the incorporation of these standards within a mandatory framework for investors and businesses through regulation. Developments in Europe along these lines are helpful and can be used to advocate for requirements elsewhere.

33. The ITF will use its existing investor networks, as well as identifying new targets and potential allies to increase the impact of transport workers' capital strategies. Affiliated unions in some countries already have long-established relationships with superannuation funds and pension funds, for example through union-nominated trustees.

34. However, more work is required to ensure that ESG standards can be applied to private companies, as well as those which are publicly listed on global stock exchanges. This could have a significant impact, as six of the ten top global commodity companies which are important ship charterers are privately owned.

FUTURE OF WORK

35. The maritime transport sector is affected by important global trends – such as supply chains, new technologies, the climate change crisis and health pandemics. The ITF must act to protect, and enshrine, transport workers' rights and safety in the face of these challenges.

ECONOMIC EMPLOYER

36. Digital technology allows commerce companies to exert greater control over every aspect of their supply chain, including the employment relationship. As a result, the ITF is witnessing a shift in power away from the traditional employer towards the 'economic employer', and a dilution of protections for transport workers.

37. The economic employer is defined as a company that controls and manages an employee's work regardless of who the formal employer is, or who is paying the employee's salary.

WORKERS' HEALTH AND SAFETY

38. The ILO Maritime Labour Convention, 2006 (MLC), enshrines the requirement to protect seafarers' health and wellbeing and ensure their prompt access to medical care both on board ship and ashore.

39. The ITF believes that maritime sustainability should be measured more widely than just the use of energy. The drive to reduce the carbon footprint of shipping should ensure that workers' health and safety, and protection, are central to proposals to lower emissions from shipping. Maritime workers must be safe when working with new technologies and alternative fuels.

40. Ensuring this will require new and updated regulations, new qualifications, more training, and financial outlays on the part of shipowners. The ITF calls for countries to take a more responsible and organised approach to the development of seafarers' skills, working with social partners to ensure that seafarers have regular and continuous access to quality education.

41. The ITF believes that transport workers must be assured of a just transition in the move towards a more sustainable maritime sector. This will require social protections, social dialogue and training to help workers and companies use new technology effectively. Transport workers cannot be an afterthought.

42. The ITF believes that technology can be of great benefit when introduced in collaboration with transport workers and their trade unions, to ensure a human-centred approach to technology development and deployment. Maritime workers must be represented at every level of discussion about sustainable transport, from the workplace to the international stage.

43. The ITF recognises that technology can help trade unions to organise and provide training to their members.

GLOBAL CRISIS RESPONSE PLANS

44. Maritime workers are of crucial importance to the smooth functioning of the global economy. Yet many work in poor conditions and are vulnerable, as the coronavirus pandemic of 2019, in particular the crew change crisis, highlighted. The ITF needs to work with its affiliated trade unions to develop effective global crisis response plans to protect maritime workers.

IMPROVING EQUALITY AND DIVERSITY

45. In order to promote gender equality and diversity at sea for current and future generations the traditional practices and values within the maritime industry need to be challenged, as well as ensuring that the welfare of seafarers is properly taken into account. The ITF believes that equality and diversity should be addressed in shipping regulations, as well as ensuring shipping companies have equality and diversity policies in place.

46. Cabotage trades generally have more women working on board due to the employment relationship being permanent, better rotation and salary levels than on FOC ships. Opportunities for cross-department training can provide a discrimination-free way for women to access a career at sea. Such practices should be promoted in order to encourage the employment of women seafarers.

47. As digital technology spreads through the sector, improvements should be seen in onboard connectivity, a better working environment and work-life balance on board. This in turn would make the industry more attractive, especially for young workers. It is also predicted that more maritime jobs will be shore-based in the future, making it more attractive to women seafarers.

BULLYING AND HARASSMENT

48. Bullying and harassment remains a widespread problem in all countries and in all areas of work. Violence and harassment, particularly for women, can prevent workers from accessing jobs and progressing their careers. It affects workers' physical and mental well-being as well as it affects workplace culture, dignity at work and productivity.

49. The ILO Convention 190 (C190) and Recommendation 206 recognises the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. Ending gender-based violence and harassment is at the centre of the Convention and Recommendation. It provides a strong foundation to ensure that employment is based on safe and decent work, where no worker is left unprotected. The 2016 amendments to the MLC included increased protections for seafarers against shipboard harassment and bullying.

50. To address the future skills shortage, an active policy to promote women, young workers and under-represented groups in maritime as part of a just transition is needed. Unions can achieve rights and better conditions for workers by campaigning to improve existing legislation through the incorporation of C190 language. It can help removing barriers to employment and addressing systemic exclusion from decent jobs. When negotiating collective bargaining agreements, unions can work for measures to prevent, address and remedy violence and harassment to be part of the agreement.

INDUSTRY-WIDE COOPERATION

51. The complex task to protect the maritime sector and maritime workers through all these challenges in a global economy requires a flexible, cooperative and realistic approach by all parties. This must successfully balance the interests of maritime employers, workers, and communities.

52. The ITF calls on countries to strengthen their human rights due diligence to ensure decent wages, working conditions and equal pay for equal work for seafarers. Governments should encourage ships to be covered by an ITF approved collective bargaining agreement for FOC vessels, and for national flagged vessels to be covered by a national collective bargaining agreement. They also need to adopt national strategies to ensure that more trainee and cadet positions are made available on-board ships flying their flag to ensure the maritime industry remains sustainable.

LOBBYING TO ACHIEVE UN SUSTAINABLE DEVELOPMENT GOALS

53. The ITF is committed to stepping up its lobbying of governments to act to achieve the United Nations' Sustainable Development Goals (SDGs)[9]. It will support its regional and sub-regional offices to strengthening their lobbying on seven specific goals that are a particular priority for the FOC campaign. These are:

- **SDG 3 Good Health and Wellbeing**
- **SDG 4 Quality Education**
- **SDG 5 Gender Equality**
- **SDG 8 Decent Work and Economic Growth**
- **SDG 9 Industry Innovation and Infrastructure**
- **SDG 13 Climate Action**
- **SDG 17 Partnerships**

9 https://sdgs.un.org

MARRAKECH POLICY

STATEMENT OF PRINCIPLES

01. The ITF opposes the flag of convenience (FOC) system and believes that there should be a genuine link between the flag a vessel flies and the place where it is beneficially owned and controlled. As a general rule, FOC registers fail to enforce minimum social standards and/or trade union rights for seafarers and have demonstrated both an unwillingness and an inability to abide by international standards. Such standards include international safety standards, international maritime labour standards and human and trade union rights. As a consequence, there is a lack of social control[10] over vessels on such registers as exercised by democratic and independent trade unions.

02. FOCs enable shipowners to minimise their operational costs through various means, such as, tax avoidance, transfer pricing, trade union avoidance, recruitment of non-domiciled seafarers and/or passport holders on very low wage rates, non-payment of welfare and social security contributions, using seafarers to handle cargo, and avoidance of strictly applied safety and environmental standards. As a result, FOC registers enjoy a competitive advantage over those national registers which operate with high running costs and are subject to the laws and regulations of properly established maritime administrations in the flag state. FOCs also allow shipping companies to establish complex ownership structures that are characterised by a lack of administrative and managerial accountability and transparency.

10 ITF believes that social control, inter alia, includes the following elements:
- CBA coverage
- Trade union recognition
- Terms and conditions according to ITF standards
- Adherence to international standards and international labour standards, particularly the MLC and ILO core conventions
- Enforcement

03. The ITF believes that the FOC system amounts to unfair competition. Seafarers are often selected on the basis of cost rather than quality and the employment is of a casual nature. Therefore, little consideration is given to either the needs of seafarers or the long-term sustainable needs of the industry and society as a whole. FOC registers generally do not contribute to the training of seafarers or to the career development of seafarers serving on vessels flying their flag.

04. The ITF is against discrimination and abuse of seafarers and believes that the use of FOC registers facilitates direct exploitation and enables owners to pay and treat seafarers as they deem fit. The balance of power is unequal.

STATEMENT OF OBJECTIVES

05. In view of the above, the ITF campaigns against FOCs and substandard shipping with the following objectives:

a. To protect and enhance the conditions of employment of seafarers and to ensure that all seafarers are protected from exploitation regardless of, for example, colour, nationality, sex, race, religion or sexual orientation;

b. The elimination of the FOC system and the establishment of a regulatory framework for the shipping industry based on the concept of a genuine link between the flag a ship flies and the place where it is beneficially owned and controlled;

c. To attack substandard shipping and seek ITF acceptable standards on all ships irrespective of flag using all political, industrial and legal means at the ITF's disposal;

d. To strengthen affiliated unions in order to maximise international solidarity in support of the campaign;

e. The universal recognition and application of relevant international minimum standards – in particular, the Maritime Labour Convention, 2006, as amended, ILO core labour standards and fundamental rights, relevant IMO instruments and human rights instruments – on all ships irrespective of flag.

06. In order to pursue the FOC campaign, the ITF operates on two fronts:

a. Politically, it lobbies governmental and inter-governmental organisations with a view to raising standards within the industry and strengthening the link between the flag a ship flies and the nationality of the beneficial owners and those who control the vessels;

b. Industrially, it seeks to secure acceptable minimum wages and conditions for seafarers on board FOC and substandard vessels by engaging in international collective bargaining with shipowners, employers and their representatives, and other forms of constructive dialogue with industry participants, and by way of practical solidarity action between ITF affiliates worldwide.

07. The FOC campaign is built on solidarity between seafarers and dockers and their respective trade unions. The success of the FOC campaign depends, among others, upon the involvement and strength of dockers' unions worldwide. Therefore, support for dockers and their unions is integral to the FOC campaign, including support for the ITF's ports of convenience (POC) campaign, including by seafarers themselves.

DEFINITION OF A FLAG OF CONVENIENCE (FOC)

08. The ITF defines flags of convenience as:

Where the beneficial ownership of a vessel is found to be elsewhere than in the country of the flag the vessel is flying, the vessel is considered as sailing under a flag of convenience. In cases where the identification of the beneficial owner is not clear, effective control will be considered and any vessel where there is no genuine link between the flag state and the person(s), or corporate entity with effective control over the operation of the vessel shall be considered as sailing under an FOC.

09. For the purposes of ITF policy, beneficial ownership refers to ultimate beneficial ownership or interest by a natural person. Where beneficial ownership is unclear, the ITF shall take account of who has effective control of the ship. Effective control is taken to mean control by an individual or group of individuals over a ship.[11]

10. Any register can be declared an FOC on the basis that the majority of vessels on the register are not beneficially owned and/or effectively controlled within the flag state and the register does not satisfy the criteria set out in paragraph 11.

11 Guidance note:
The beneficial owner of the ship is the person or entity who has ultimate power to acquire and dispose or delegate operation of the ship and who thus exercises true control over the ship. Effective control resides with the person or entity with accountability and decision-making responsibility for the operation of the ship. Identifying who has beneficial ownership of a ship and/or who exercises effective control over a ship is essentially a question of fact.

11. In addition to the above definition of an FOC, the ITF also takes into account the following criteria when determining whether to declare a register as an FOC:

a. The ability and willingness of the flag state to enforce international minimum social standards on their vessels, including respect for basic human and trade union rights, freedom of association and the right to collective bargaining with bona fide trade unions.

b. The social record as determined by the degree of ratification and enforcement of ILO conventions and recommendations.

c. The safety and environmental record as revealed by the ratification and enforcement of IMO instruments and revealed by port state control inspections, deficiencies and detentions.

12. The union(s) in the flag state may, if the overall conditions that apply to their national flag are not acceptable to them, request that the ITF declare the register as an FOC. The ITF reserves the right to declare any register an FOC if circumstances so dictate. The ITF also reserves the right to declare any ship to be an FOC ship on a ship-by-ship basis, following consultation with the flag state union(s).

REGISTERS NOT DECLARED AS FOC

13. The ITF recognises the right of its affiliates to take action against any vessel, irrespective of flag, to secure ITF acceptable standards. For non-FOC vessels, such action should normally only be taken with the agreement of the ITF affiliated seafarers' union(s) in the flag state.

ITF ACCEPTABLE STANDARDS FOR FOC VESSELS

14. All vessels designated as flying a flag of convenience should be covered by an ITF approved collective bargaining agreement signed in accordance with this policy.

ITF ACCEPTABLE STANDARDS FOR SECOND REGISTER VESSELS

15. Second registers are the domain of affiliated unions in the flag state and no affiliate shall negotiate in respect of crew on second register vessels without the approval of the ITF affiliates in the flag state. Collective bargaining agreements concluded on second register vessels, or vessels flying flags declared by the ITF as offering similar conditions, must not be below the ITF TCC benchmark and ITF standards, as amended from time to time. In signing any agreement, the flag state union shall, where practical, enter into appropriate bilateral arrangements with the unions in the labour providing country.

ITF ACCEPTABLE STANDARDS FOR NATIONAL FLAG VESSELS

16. ITF acceptable standards for national flag vessels are laid out in the ITF's policy on national flags (attached to this policy).

BAREBOAT CHARTERING

17. Vessels bareboat chartered in, which are genuinely aimed at the development of national flag shipping and in which the full possession and control of the vessel has passed to a national or corporate entity in the flag state which exercises effective control over the vessel, will be considered national flag vessels provided that the union(s) in the country of beneficial ownership agree(s).

DUAL OR PARALLEL REGISTERED VESSELS

18. Dual or parallel registered vessels shall be considered FOC vessels. However, national flag vessels dual or parallel registered into and out of a flag of convenience for the sole purpose of registering a ship mortgage are, provided the union(s) in the country of beneficial ownership agree(s), and where all conditions on board are national, considered to be national flag vessels.

CABOTAGE

19. Cabotage shall be reserved for national flag vessels of the country concerned.

20. The ITF supports the retention and extension of cabotage at a national level and recognises the importance of such arrangements to secure sustainable long-term employment for seafarers on board ships engaged in regular trades within a particular country. In order to avoid social dumping, any vessel not forming part of such arrangements, whether an FOC or non-FOC vessel, which subsequently becomes involved in the cabotage trade, must recognise standards, which have been agreed for vessels trading within the designated country.

REGIONAL STANDARDS

21. The ITF recognises the right of all affiliates within a specific and defined region to propose to the FPC regional standards covering vessels trading exclusively within and crewed by seafarers from that region.

RIGHTS AND RESPONSIBILITIES FOR FOC VESSELS

22. The ITF agrees that in principle all affiliates representing seafarers have the right to conclude agreements which conform with ITF Policy provided that the ITF procedures set out herein are followed. In having this right ITF affiliates recognise that they also have responsibilities to abide by ITF policy, including the ITF seafarers' charter policy.

23. The ITF should continue with the policy of determining the 'value' of an agreement on the basis of total crew costs and in accordance with the standards set by the Fair Practices Committee (FPC).

NEGOTIATING RIGHTS AND RESPONSIBILITIES FOR FOC VESSELS

24. Negotiating rights for FOC vessels will be allocated according to what is in the best interests of the crew. The ITF considers that this is normally the union(s) in the country of beneficial ownership or, where beneficial ownership is unclear, the country of effective control. Such union(s) shall, where practical, enter into appropriate bilateral arrangements with the union(s) in the labour providing country. If a bilateral arrangement is deemed not practical by the union(s), then a written explanation is required along with a plan on how the union(s) will work together with progressing/overcoming the obstacles that make it not practical.[12]

In all circumstances where collective agreements are concluded:

a. The entire crew must be covered by the agreements concerned;

b. All the crew should be members of the affiliated union(s) concerned and the union(s) must fulfil the minimum obligations to those members as stipulated by the FPC from time to time, including the ITF seafarers' charter policy;

c. All members of the crew, whether domiciled in the country of beneficial ownership and/or effective control or not, must be treated in a fair and equitable manner;

d. The ITF secretariat must be consulted before an ITF special agreement is signed and before ITF welfare fund fees are paid;

12 It is acknowledged that this presents difficulties in some circumstances, in which case the matter will be referred to the FPC Steering Group to help find a solution.

e. Any funds or levies charged in respect of the vessel(s) must be incorporated into and form part of the collective agreement, as should details of union membership fees, as determined by the union(s) concerned;

f. No agreement shall be considered valid until the ITF consultation procedure has been satisfactorily completed and the agreement has been endorsed by the ITF as set out in this policy.

25. Any ITF affiliate representing seafarers may conclude ITF approved agreements for FOC vessels NOT beneficially owned and/or effectively controlled in their country provided the affiliate in the country of beneficial ownership and/or effective control has conceded negotiating rights (in line with the ITF consultation procedure set out in this policy) and provided that the provisions of paragraph 24 above are otherwise complied with.

26. There are three elements to an ITF approved collective bargaining agreement:

a. The agreement must satisfy the ITF criteria relating to either the ITF TCC or other standards set by ITF international collective bargaining with shipowners, employers and their representatives or other forms of constructive dialogue with industry participants, and must comply with other policy requirements as approved and amended by the FPC from time to time;

b. It must be endorsed by the ITF and be reviewed regularly to ensure it continues to meet ITF criteria; and

c. Save as provided for in paragraph 34 an ITF special agreement relating to a specific vessel must not be signed until the union(s) in the country of beneficial ownership and/or effective control have been consulted and a decision has been taken by the ITF secretariat as to the allocation of negotiating rights.

MANNING

27. The manning scale for FOC vessels covered by ITF approved agreements is provided in the ITF Manning Policy, as amended from time to time and annexed to this policy. FOC vessels covered by ITF approved agreements shall adopt the ITF manning scale and not the one provided in the flag state manning certificates or any comparable document. However, the ITF manning scale can be varied if the affiliate(s) in the country of beneficial ownership and/or effective control certify that a proposed manning scale is based on their national levels and is acceptable to them.

ITF CONSULTATION PROCEDURES FOR THE SIGNING OF AGREEMENTS COVERING FOC VESSELS

28. An applicant union shall send an application in the appropriate format, as determined from time to time, to the ITF secretariat before concluding an agreement for a specific FOC vessel.

29. If the application is submitted by a union other than a union in the country of beneficial ownership and/or effective control, the ITF secretariat will consult the union(s) in the country of beneficial ownership and/or effective control.

30. It is imperative that affiliates in the country of beneficial ownership and/or effective control coordinate their responses to inquiries from the ITF secretariat concerning the right to crew and to negotiate collective bargaining agreements for a particular FOC vessel. Failure to respond may result in the affiliate concerned having to relinquish their negotiating rights and responsibilities under ITF policy. Following such an inquiry from the ITF secretariat, the affiliates approached shall reply as soon as possible but not later than four weeks.

31. Affiliates in the country of beneficial ownership and/or effective control maintaining their rights to sign collective agreements must pursue their demands and must keep the ITF secretariat informed concerning the steps that they have taken to secure signature of a collective agreement. In concluding collective agreements, affiliates in beneficial ownership and/or effective control countries shall, where practical, enter into appropriate bilateral arrangements with the union(s) in the labour providing country.

32. In cases where the unions in the country of beneficial ownership and/or effective control have conceded the negotiating rights to the union(s) in the labour providing country, the latter unions shall be consulted concerning any negotiations exercised by the unions in the country of beneficial ownership and/or effective control affecting the conditions of employment of the seafarers concerned.

33. In cases where affiliates in a country claim that a vessel is beneficially owned and/or effectively controlled in that country but are unable to show satisfactory proof that this is the case, they should not object to an affiliate in a labour providing country signing an ITF acceptable agreement for the vessel through the ITF secretariat and in accordance with this policy.

34. It shall be understood that the ITF affiliates in the country of beneficial ownership and/or effective control may wish to maintain their rights to crew and sign collective bargaining agreement(s) for a vessel upon the expiration of an agreement signed by an affiliate(s) in the labour providing countries, in which case the consultation procedure will be undertaken on the expiry of the collective agreement. Furthermore, the consultation procedure will be undertaken again when the terms and conditions of the agreement change or when there are changes in the beneficial ownership and/or effective control of the vessel concerned. The affiliates in the countries of beneficial ownership and/or effective control, for their part, undertake to consult with the other affiliates as appropriate in the labour providing countries prior to the expiration of the agreement(s).

35. The ITF secretariat shall commence the procedures adopted by the FPC and agreed by the Executive Board with respect to any non-compliance with this policy by ITF affiliates, including the suspension of affiliation in accordance with the ITF constitution.

36. In cases where an ITF acceptable agreement may be obtained by industrial action or the threat of such action in a particular port, negotiating rights and responsibilities under this policy will be transferred to the union involved in the industrial action for the period of the validity of the ITF special agreement (i.e. 12 months). Normally only an ITF standard agreement should be signed following industrial action. However, if this cannot be obtained, the inspector or union(s) concerned, in consultation with the ITF secretariat, may sign an acceptable agreement other than the ITF standard. On the anniversary of the special agreement, negotiating rights and responsibilities for the vessel should be allocated to the appropriate union in accordance with this policy.

ANNEXES

Athens policy 48
Cruise policy 52
Funding and audit policy 54
Manning policy 58
National cabotage policy 71
National flag policy 75
Offshore policy 77
Riding squads policy 79
Seafarers' charter policy 87

ATHENS POLICY

ITF COMMON POLICY ON EUROPEAN FERRY SERVICES

Adopted at the ITF European ferry conference,
Athens, 2–3 October 1995

Revised at the Fair Practices Committee,
Berlin, 18–19 March 2010

Revised at the Fair Practices Committee,
Santiago, 7–8 December 2023

SCOPE

01. For the purpose of defining a “Ferry” within the scope of this policy, a “Ferry” is a ro-ro and/or ropax and/or passenger vessel used to transport passengers and/or vehicles and/or (ropax or roro) freight on a regular, frequent basis, between two or more ports. Generally, vessels that do not operate on a regular schedule are not defined as ferries.

02. However, there could be cases where a vessel without a regular schedule is directly engaged in unfair competition with regular ferry services as above. In that case, the affiliates concerned shall consult each other in order to try to resolve any problems.

03. A regular scheduled ferry service does not normally include a vessel engaged in a liner trade defined as a round voyage of more than four days (96 hours). There may be exceptions where a voyage of more than four days will be considered a ferry if the affiliates concerned agree.

04. Cargo vessels not engaged in European Ferry services, as per above, do not fall within the scope of this policy.

PRINCIPLES

05. The ITF is opposed to the use of FOC vessels and second register vessels in European ferry trades. Where it is not possible to prevent their use such vessels shall be covered by ITF acceptable CBAs.

06. Notwithstanding paragraph 5 above, conditions on FOC and second register ferries should be on a par with or superior to those prescribed by the applicable national conditions of the trading area concerned.

07. The crews of vessels engaged in European ferry trades, including non-European vessels, and trading on a regular basis in Europe, shall be covered by European conditions of employment which are regulated through national collective bargaining agreements held by the appropriate ITF European affiliates, always subject to the special conditions applicable to the services outlined in paragraph 9 below.

08. The Non-Seafarers' Work Clause in the ITF Uniform TCC agreement, including its annexes, as revised from time to time, shall be followed.

09. In addition to the conditions embodied in collective bargaining agreements crews employed in European ferry trades shall be guaranteed decent living standards, social protection (including social security and pensions) and recreational facilities.

10. National[13] conditions or conditions which are on a par with or superior to such conditions shall apply to the crews of ferries trading solely between ports in the same European country irrespective of flag and crew nationality and whether or not a ferry carries cargoes and/or passengers.

13 In the countries of trade

11. Crews employed on ferries trading between European countries, irrespective of flag and crew nationality and whether or not a ferry carries cargoes and/or passengers, shall be covered by conditions of employment which are on a par with or superior to those applicable in the countries concerned. Should the conditions of employment applicable in the countries considerably differ from each other, the affiliates concerned shall agree upon using the superior conditions, or together establish the applicable conditions. If no mutual understanding is reached, the ITF arbitration procedure as set out in the ITF constitution shall come into operation.

12. Any ITF affiliate which is approached by a shipowner, employer or their representative to sign a collective bargaining agreement for crews of a ferry trading on a regular basis within and between European countries must contact the other ITF affiliates concerned and advise them and the ITF secretariat, as soon as possible, for the purpose of seeking their consent to the signature of the proposed agreement. If as a result of such consultations no mutual agreement is reached the ITF arbitration procedure shall come into operation.

13. All ferries operating in European trades shall be manned in accordance with ITF Manning Policy, as amended from time to time and in such a way as to ensure maximum safety and crew competency as determined by applicable national legislation and/or practice and international requirements.

14. All ITF affiliates concerned shall make every effort at national level to convince their respective governments of the merits of the European trade unions' position on the operation of European ferry services and shall exchange information among one another – with the ITF acting as a clearing house – on the results of such efforts with a view to presenting a common front to the employers and governments in European fora where issues affecting European ferry services are debated.

15. All ITF affiliates concerned must extend their co-operation nationally and internationally and this co-operation must also involve local and regional trade union organisations as well as the creation of and co-operation within works councils[14] where appropriate. Of particular importance is the co-operation between dockers and seafarers in realising the strategic objectives of the ITF in the area of European ferry services.

16. For the purposes of maintaining the momentum of the current debate within the ITF on the operation of European ferry services the ETF/ITF secretariat should regularly convene European ferry conferences, at which all European affiliates concerned can be represented, working in close co-operation with the ETF MTS and the ETF dockers' section.

14 For the purposes of the common policy on European ferry services a works council is a body established within a transnational ferry company which meets regularly at the expense of the company for the purposes of information exchange and consultation. It consists of union representatives and members drawn from the undertakings management structure, i.e. the company and its subsidiaries. It may or may not be established under the EU council directive 94/45/EC on the establishment of a European works council, for which ETF is the competent body.

CRUISE POLICY

ITF POLICY FOR COASTAL, EXPEDITION & OCEAN CRUISE SHIPS FLYING FLAGS OF CONVENIENCE

Adopted at the ITF 46th Congress in Marrakech,
13–19 October 2024

SCOPE

01. The cruise industry has developed a unique operational system which substantially differs from other maritime transport systems. This policy, together with the ITF Miami Guidelines Policy, reflect the distinctive nature of the cruise industry and set out the principles and instruments for the ITF affiliates signing acceptable ITF approved cruise agreements.

02. The ITF Cruise Policy is applicable to all Flag of Convenience registered cruise vessels not engaged in Cabotage Trade, as defined in the ITF policy on minimum conditions on merchant ships. The policy is also applicable as a minimum standard to cruise vessels engaged in Cabotage Trade if the seafarers are not receiving wages, social benefits and protection equal to citizens of the cabotage area and further if those conditions are less than what is envisioned in the Miami Guidelines Policy.

03. This policy shall be read in conjunction with the ITF Miami Guidelines Policy when securing ITF acceptable Collective Bargaining Agreements (CBAs) for coastal, expedition and ocean cruise ships flying flags of convenience and should be looked at as the minimum conditions accepted by an ITF Affiliate.

PRINCIPLES

04. Collective Bargaining Agreements should only be signed with owners and operators. In exceptional cases, and only after approval by the ITF Secretariat, can collective bargaining agreements be signed with managers and agents.

05. Where superior wages, or better conditions and compensation are applicable under national legislation, collective bargaining agreements or awards, these must take precedence over the standards included in ITF policy.

06. Collective Bargaining Agreements shall ensure that seafarers are paid wages on a non-discriminatory basis as required under the International Labour Organisation (ILO) Equal Remuneration Convention, 1951 (No. 100) and paid according to the Maritime Labour Convention, 2006 – Standard A2.2 and further ensuring that Guidelines B2.2.2.4(a) are adhered to.

07. There shall be no deductions from Seafarers wages, except those that are based on statutory provisions or contained within a Collective Bargaining Agreement, ref the Maritime Labour Convention 2006, Guidelines B2.2.2.4(h).

FUNDING AND AUDIT POLICY

Adopted at 42nd Congress of the ITF, Mexico City, 5–12 August 2010
Revised at the Fair Practices Committee (FPC), Rotterdam, 13-14 May 2026

INTRODUCTION

01. This 'funding and audit policy' sets out binding procedures for ITF affiliated unions in respect of the funding and audit requirements for ITF approved agreements for flag of convenience (FOC) vessels which have been signed by ITF affiliated unions. Funding elements are the items that form part of an ITF approved CBA for an FOC vessel that are not paid directly to the seafarer, but which are used by unions or companies to deliver benefits to the seafarer.

PRINCIPLES

02. Any affiliate that incorporates a funding element within an ITF approved CBA recognises that such elements must comply with ITF requirements.

WAGE SCALE: GENERAL LAY-OUT

03. All ITF approved CBAs must be set out in a uniform manner showing the clear **distinction between cash and non-cash benefits** on the wage scale.

04. For this purpose, the **left-hand side of the wage scale** shall comprise only wage elements payable in cash on board or to a seafarer's individual bank account and payments on the seafarer's

behalf to family or other parties by means of an allotment note. The wage scale must clearly show on the left-hand side those cash elements[15]. It must also show those elements considered as deferred pay[16]. Any left-hand side elements payable not to the seafarer's individual bank account, but to the company or third parties, must be confirmed by the seafarer's individual request (allotment note) stating the purpose of the transfer, the amount and the period during which the specific payment is to be made.

05. All other elements not authorised directly by the seafarer but included in the wage scale for the purposes of meeting objectives that may be agreed between the parties to the CBA, including training, medical or other elements, shall be shown on **the right-hand side of the wage scale.** With the exception of union dues, where applicable, such elements should be considered as **'funding'**.

FUNDING REQUIREMENTS

06. The **maximum amount of funding** included in the costing of an ITF approved CBA should not exceed the agreed levels, per position, set by the ITF Fair Practices Committee (FPC), as amended from time to time.

07. All funding elements and related payments must be clearly referenced within the text of the CBA and/or footnoted on the wage scale.

FUNDING AUDIT PROCEDURES

08. Where an ITF approved CBA is concluded between a company and a union, it is the **mutual responsibility** of the parties to the CBA to ensure that the provisions of the agreement are fulfilled. Therefore, with regard to monitoring funding purposes or respective payments, the parties to the CBA shall be accountable to each other in the first instance.

15 Cash elements are elements of the salary that are cash payments such as basic wage, leave pay, subsistence allowance, guaranteed overtime.

16 Deferred pay are schemes that deliver a cash benefit to the individual seafarer after a defined period of time, such as provident fund, pension fund, savings plan.

09. Where the inclusion of a funding element has been requested by the company and the company is subsequently able to hold, invest, transfer, offset or otherwise control the money, the union must be eligible to receive **regular reports** to satisfy itself that the purpose of funding has been met and respective benefits have been provided to the value of the amount allocated.

10. Likewise, the company shall have the right to receive reports in respect of monies received, accumulated or transferred under funding provisions introduced on the union's initiative, where applicable.

11. All reports under paragraphs 9 or 10 above must be completed **on an annual basis** and received **before end of April**, for the preceding calendar year. The ITF may, from time to time, identify minimum information to be reported in a common format in all cases, with the possibility to additionally inquire into specific details where necessary. Non-submission or delay of a report may be considered as breach of agreement.

12. The ITF and, in the case of the IBF, the JNG, shall be entitled to request and receive **copies of any account/report** and has the right to send in independent auditors with the right access of all relevant documents and accounts.

13. Items acknowledging costs to the employer, including but not limited to training, email and communications, shall not be considered funding elements as defined in paragraphs 8-12 above, nor shall they be included in the total cost of the funding elements in the wage scale.

14. **In the case of the IBF**, there may be a number of funding elements identified centrally between the ITF and the JNG in respect of which alternative accounting/auditing procedures shall apply. These would normally be registered as legal entities and their creation, as well as rules and procedures, agreed centrally between the parties to the IBF. The relevant accounts of activity of these funds shall, likewise, be considered at the IBF central level. The list of such elements shall be regularly reviewed by the IBF.

EXEMPTIONS FROM AUDIT PROCEDURES

15. **Union dues/fees** levied upon seafarers by virtue of their trade union membership or by contractual requirements accepted by the seafarers at the time of signing on, are **exempt from these procedures**, whether or not they are shown on either part of the wage scale or count towards the total cost.

16. Likewise, **exemption from these procedures** applies to any agreed deductions into funds which may be due to a requirement of and are directly overseen **by the national administration** in the country of the seafarers' domicile, whether levied upon the employer or taxed on the individual seafarer. The proof of the respective national requirement must be made available to the parties of the agreement.

ITF AFFILIATE PROCEDURES

17. Where an ITF approved CBA with funding elements is signed by either a labour providing affiliate or beneficial ownership affiliate, the corresponding affiliate – whether beneficial ownership or labour providing - has the right to receive the previous years' funding accounts from the signatory affiliate and make inquiries when necessary.

18. The signatory affiliate is responsible for monitoring the implementation of the intent of funding in any ITF approved CBA signed and for informing the ITF of any evidence of non-compliance or breach of this policy. Under normal circumstances, if no complaints are received from the union concerned, this will be considered by the ITF Secretariat and the FPC Steering Group as a confirmation that this policy has been applied in full and the respective funding arrangements are in line with ITF requirements.

MANNING POLICY

Adopted at Seafarers' Section Conference,
Santiago, 4–5 December 2023

PART A. MANNING POLICY

Objectives

01. The objectives of this policy are to ensure that any ship, to which an ITF approved or national agreement applies, is sufficiently, effectively and efficiently manned to provide:

    - Safety and security of the ship, safe navigation and operations at sea;
    - Safe operations in port;
    - Prevention of human injury or loss of life;
    - The avoidance of damage to the marine environment and to property; and
    - To ensure the welfare and health of seafarers through the avoidance of fatigue.

02. Definition of Company: The Owner of the ship or any other organization or person such as the Manager, or the Bareboat Charterer, who has assumed the responsibility for operation of the ship from the Shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibility imposed by the ISM Code.

General Principles

03. The Company should ensure that the ship is manned with qualified, certificated and medically fit seafarers in accordance with National and International requirements; and appropriately manned in order to encompass all aspects of operational safe manning[17].

    1) In preparing a proposal for the manning level of a ship, the Company must:

        i. make an assessment of the tasks, duties, competence, and responsibilities of the ship's complement as required for its safe operation, security for the crew and protection of the marine environment and for dealing with unforeseen events or emergency situations;

        ii. prepare and justify manning level proposals based on; tasks, duties, competence, safe operation, security for the crew and protection of the marine environment, competence to deal with unforeseen events or emergency situations, including evacuation of passengers where applicable; and

        iii. ensure that the manning level is adequate at all times and in all respects, possesses the appropriate competence to get the ship back to normal operating condition or safe to port, meet work peak situations, conditions and requirements.

    2) In conjunction with these factors, and to ensure that personnel do not work more hours than is safe, the Company must:

        i. Identify all the functions to be undertaken onboard during a representative voyage or operational period, including determination of the number of personnel required to undertake the relevant tasks and duties under both peak and routine workload conditions;

        ii. Identify those functions that constitute normal operations

17 References to the ISM Code Section 6 and IMO Assembly Resolution. 1047(27)

and determine the minimum numbers of personnel required to undertake the concurrent tasks and duties safely;

iii. Identify the competences, skills and experience required to perform those functions;

iv. Establish working arrangements to ensure that the Master and crew are capable of undertaking concurrent and continuing operations at the appropriate level of responsibility, as specified, with respect to their skills and training; and

v. Ensure that the working arrangements allow sufficient rest periods to avoid fatigue, drawing up work schedules accordingly.

3) In applying these principles, proper account must be taken of the IMO Resolution A. 1047 (27) Principles of minimum Safe Manning, the ILO Maritime Labour Convention (MLC) and other relevant instruments of the ILO, ITU and WHO with respect to:

i. watchkeeping;

ii. hours of work and hours of rest;

iii. safety management;

iv. certification of seafarers;

v. training of seafarers;

vi. occupational health and hygiene; and

vii. crew accommodation

Establishing Manning Requirements

04. For their safe operation according to the nature of their work, all ships must be sufficiently manned.

05. The manning of a ship should be established taking into account all relevant factors, including the following:

    1) size and type of ship;

    2) number, size and type of main propulsion units and auxiliaries, and high voltages;

    3) level of ship digitalisation, automation and complexity;

    4) construction and equipment of the ship;

    5) method of maintenance used;

    6) cargo to be carried;

    7) frequency of port calls, length and nature of voyages to be undertaken;

    8) trading area(s), waters and operations in which the ship is involved;

    9) extent to which training activities are conducted on board;

    10) applicable maximum hours of work limits and minimum hours of rest requirements;

    11) measures to avoid fatigue;

    12) observance of industrial safety and health requirements and procedures;

    13) seafarers' welfare provisions;

    14) ship's security provisions;

15) catering needs;

16) sanitary regulations;

17) watchkeeping arrangements;

18) medical care aboard ship; and

19) duties in connection with cargo handling in port and at sea[18].

Determination of manning

06. The determination of manning of a ship should be based on performance of the functions at the appropriate level(s) of responsibility, as specified in International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW) and the International Safety Management Code (ISM Code), which include the following:

    1) watchkeeping:

        - manage and plan to conduct safe navigation;
        - manage and maintain a safe navigational watchkeeping;
        - manage and manoeuvre and handle the ship in all conditions; and
        - manage and moor and unmoor the ship safely.

    2) cargo operation:

        - plan;
        - monitor and ensure safe cargo operations;
        - stowage;
        - securing; and
        - care during the voyage.

18 Cross references to the Non Seafarers' Work Clause of ITF TCC and IBF agreements

3) operation of the ship and care for persons on board:

- manage and maintain the safety and security of all persons on board and keep life-saving, fire-fighting and other safety systems in operational condition;
- manage and operate and maintain all watertight closing arrangements;
- manage and perform operations, as appropriate, to muster and disembark all persons on board;
- manage and perform operations, as appropriate, to ensure protection of the marine environment;
- manage and provide for medical care on board the ship; and
- manage and undertake administrative tasks required for the safe operation and the security of the ship.

4) engineering:

- manage and operate and monitor the ship's main propulsion and auxiliary machinery and evaluate the performance of such machinery;
- manage and maintain a safe engineering watch;
- manage and perform fuel and ballast operations; and
- manage and maintain safety of the ship's systems, equipment and services.

5) electrical, electronic and control engineering:

- manage and operate the ship's electrical and electronic equipment, high voltages; and
- manage and maintain the safety of the ship's communication, electrical and electronic systems.

6) radiocommunications:

- transmit and receive information using the radio equipment of the ship;
- maintain a safe radio watch[19]; and
- provide radio services in emergencies.

7) maintenance and repair:

- carry out maintenance and repair work to the ship's systems and equipment, as appropriate to the method of maintenance and repair used.

Additional factors

07. In addition to the factors and functions in paragraphs above, the determination of the manning must also take into account:

1) the capability of the master and the ship's complement to coordinate the activities necessary for the safe operation and for the security of the ship and for the protection of the marine environment;

2) the number of qualified personnel required to meet peak workload situations and conditions, with due regard to the number of hours of shipboard duties and rest periods assigned to seafarers;

3) the management of the safety, security and protection of the crew and marine environment when not underway; and

4) the observance of a three-watch system to ensure that:

- the Master is not asked to stand regular watches by adopting a three-watch system.
- the composition of a navigational watch comprises one (or more) qualified Officers supported by appropriately qualified Ratings.

19 The ITU Radio Regulations and the International Convention for the Safety of Life at Sea (SOLAS)

- the actual number of Officers and Ratings on watch at a particular time will depend on the prevailing circumstances and conditions.
- the certified deck watch/lookout ratings shall be part of the crew to be able to maintain three-watch system. The ITF does not consider it safe for the officer in charge of the navigational watch to act as sole look-out during periods of darkness or restricted visibility.
- the Chief Engineer officer is not asked to stand regular watches by adopting a three-watch system.

5) Health and Safety

- the maintenance of applicable occupational health and hygiene standards on board; and
- the provision of proper food and drinking water for all persons on board, as required.

Hours of work and hours of rest

08. The limits on hours of work and hours of rest shall be as follows:

1) maximum hours of work shall not exceed:

- 14 hours in any 24-hour period; and
- 72 hours in any 7-day period;

2) minimum hours of rest shall not be less than:

- 10 hours in any 24-hour period; and
- 77 hours in any 7-day period.

09. Hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

10. Records must be kept of hours of work and hours of rest so that they can be checked to ensure compliance with the regulations.
11. When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have 6 consecutive hours of rest if the normal hours of rest is disturbed by call-outs to work.
12. Sufficient time should be allowed for all meals as well as short breaks.
13. Measures shall be taken to ensure protection of young seafarers.
14. Cadets shall not work more than 8 hours per day.
15. Manning levels also have to take into account the requirement for seafarers working in catering and food services.
16. Ships' Cooks have to be appropriately trained and qualified for the job. However, on ships with less than ten crew or in exceptional cases for a period no longer than one month, the cook does not have to be fully qualified, but all those responsible for handling food, must be trained in matters relating to hygiene, food and its storage on board.

PART B. MANNING POLICY – MODEL SHIP

Positions	Number	Level	Certificates Competences Proficiencies
Master	1	Management	STCW II/2
Chief mate	1	Management	STCW II/1
Watchkeeping officers' deck	2	Operational	STCW II/1
Chief Engineer officer	1	Management	STCW III/2
2nd Engineer officer	1	Management	STCW III/2
Watchkeeping officers Engine	2	Operational	STCW III/1
Electro-Technical Officer (ETO)	1	Operational	STCW III/6
Electro Technical Rating (ETR)	1	Support	STCW III/7
Bosun	1	Support	STCW II/5
AB Deck	3	Support	STCW II/5
Donkeyman	1	Support	STCW III/5
AB Engine	3	Support	STCW III/5
Chief Cook	1	NA	MLC
Cook	1	NA	MLC
Catering department personnel	2	NA	MLC
OS	1	Support	STCW II/4
Cadets	*		
Total	**23**		

* The Company is encouraged to take into account in their manning plans the need for cadets.

ANNEX TO PART B

General

01. The principles applying to the keeping of a safe watch are given in section A-VIII/2 of the STCW Code and must be followed in order to comply with the regulations.

02. The regulations require the Master of any ship to be responsible for the overall safety of the ship. They must also ensure that the watchkeeping arrangements are adequate for maintaining safe navigational watches at all times, including the provision of a lookout as required under the International Regulations for the Prevention of Collisions at Sea 1972, as amended (COLREG). Masters, shipowner or ship operators are reminded that the ITF does not consider it safe for the officer in charge of the navigational watch to act as sole look-out during periods of darkness or restricted visibility.

03. The Chief Engineer officer of any ship is required to ensure that arrangements are adequate at all times for maintaining a safe engineering watch.

04. In addition, the level of manning must also take into consideration:

    3) the management of safety functions of a ship underway, not underway or operating in near stationary mode;

    4) except in ships of limited size, the provision of qualified deck officers to ensure that it is not necessary for the Master to keep regular watches;

    5) except in ships of limited propulsion power or operating under provisions for unattended machinery spaces, the provision of qualified engineering officers to ensure that it is not necessary for the Chief Engineer officer to keep regular watches;

6) the maintenance of applicable occupational health and hygiene standards onboard; and

7) the provision of proper food and drinking water for all persons onboard.

Guidance on Appropriate Manning Levels

05. The manning levels referred in this document are those required for all reasonably foreseeable circumstances and working conditions to permit the safe operation of the ship under any operational conditions.

06. Records of seafarers' daily hours of rest or hours of work must be maintained.

07. Given the diverse working patterns and operational cycle of some vessels, the Company must take into account the working pattern, rotation and/or work schedules of crews, the particular operational requirements of a ship or group of ships and any call-out requirements of a port, harbour or other organisation.

1) Offshore Vessels – These present special problems because of the diverse nature of their operations and the conditions under which they are required to operate. The Company is reminded of the restrictions placed on working hours in Part A of this Policy and must set manning levels accordingly.

2) Tankers – In addition to navigation and engineering officers, except on tankers of limited size, the Company must take into account cargo operations and include an additional officer.

3) Passenger and Ro-Ro Ships – The need to handle large numbers of passengers unfamiliar with the marine environment must be taken into account in determining manning levels. The Company must give attention to the requirements for minimum numbers of trained crew to take charge of life saving appliances.

REFERENCES:

- International Convention for the Safety of Life at Sea, as amended (SOLAS) Regulation 14
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW 1978), as amended
- IMO Assembly Resolution A.1047 (27) Principles of Minimum Safe Manning
- IMO Assembly Resolution A.703 (17) Training of Radio Personnel in the Global Maritime Distress and Safety System (GMDSS)
- International Safety Management (ISM) Code
- The International Regulations for Preventing Collisions at Sea 1972 (COLREG 1972), as amended
- Maritime Labour Convention (MLC 2006), as amended, Regulation 2.7

NATIONAL CABOTAGE POLICY

Adopted at ITF Fair Practices Committee,
Stockholm, 19 June 2008

Revised by ITF Fair Practices Committee,
Santiago, 7–8 December 2023

KEY ASPECTS

01. Cabotage is the principle of reserving a nation's domestic maritime commerce for its own citizens. Typically, cabotage applies to transport of cargo and passengers but is often also applied to such marine industrial applications as off-shore drilling, wind farms and other sustainable energy development, exploitation of seabed mineral resources, dredging, fisheries and marine construction in a nation's territorial waters. It also includes the feeder services linked to the liner trades.

02. The components of cabotage commonly include requirements to fly the national flag, limit ownership to majority control by national citizens, crewing limited to national citizens and where possible, domestic construction. Such elements provide a firm underpinning not only for a nation's economy, national security and environmental policies but also complement a nation's attempt to maintain a presence in international trades and build resilience into supply chains as well.

03. Cabotage is not only a policy with a long tradition but is widely accepted by the international community. A survey by Seafarers' Rights International (SRI)[20] revealed that there are 91 member states of the United Nations with cabotage. While some might think that marine cabotage applies only to deep draft ocean-going ships, it also can and should, apply to shallow draft vessels plying a country's internal waterways and providing harbour services such as towing, ship docking, bunkering and chandlery. An added benefit is the support for marine technical training facilities, both public and private, which is inherent in the demand for qualified personnel for cabotage trades. A cabotage policy is not only fundamental to the retention of a national maritime skills base but also a political declaration on the intent and the importance of retaining a maritime skills base.

04. The application of these principles provides employment opportunities, retention of revenues in a national economy instead of importing such crucial marine services, and better equips a nation to provide for its security and to respond to natural or man made disasters. In a world where legitimate security concerns dictate that a nation must control who enters and works within its borders, cabotage serves to enhance those vital standards. A qualified national workforce occupies an integral role in ensuring supply chains remain fluid. As the nature of work in the maritime trades evolves alongside the use of new and emerging shipboard technologies, including new energy sources, seafarers with access to national training and skills development facilities alongside social support from national governments will assist to ensure a just transition for workers and the skills demands of future work are met.

20 Seafarers' Rights International (SRI) report titled Cabotage Laws of the World

05. An excellent example of the benefits of cabotage can be found in the United States. The application of cabotage to US domestic trades and marine activities is nearly as old as the nation itself, with the first such law being enacted in 1789. Several other cabotage statutes were enacted in the intervening years until early in the twentieth century a comprehensive law, commonly known as the Jones Act, was enacted to govern domestic marine functions.

06. The law, despite being opposed by some flag of convenience supporters and corporate shipping interests, has provided numerous, well documented benefits to the United States. Since its enactment, every US president has expressed support for the US merchant marine with a special emphasis on the Jones Act. Those sentiments have been echoed by US military leaders as well.

07. In summary, cabotage is a logical extension of a country's transport, environmental, economic, national security and employment practices. The potential for achieving these benefits for nations with no or limited cabotage policies is enormous and should be pursued with vigour. It is a prerequisite for an integrated transport policy and for the inclusion of a maritime component which makes it sustainable.

DISPENSATIONS

08. The use of dispensations or derogations should be limited to genuine exceptions which can be objectively justified, are of an exceptional nature, and are needed for a very short and finite period of time. The use of schemes like single voyage permits should meet these criteria and only be issued following tripartite social dialogue. Additionally, when similar situations of an exceptional nature arise, other options like bareboat chartering in or a hire purchase of a suitable vessel with an option to buy, should be pursued, in which case the key aspects of the cabotage policy can be applied.

TRADE AGREEMENTS

09. National reservations on domestic transportation within a country, or cabotage, are commonplace in free trade agreements. Nations, when entering into free trade agreements, should avoid any terms which would restrict their ability to promote their national-flag-fleet and national seafarers. In negotiations, countries should seek reservations which restrict access of foreign vessels into their cabotage markets, including feeder services. Countries must also ensure that negotiations do not erode from existing national standards, nor impose conditions that would prevent countries from improving upon national standards, including labour rights and conditions.

NATIONAL FLAG POLICY

Adopted at 42nd Congress of the ITF, Mexico City, 5–12 August 2010

Revised at the Fair Practices Committee, Santiago, 7–8 December 2023

01. ITF policy is that national flag ships (i.e. those not declared as FOCs by the ITF) must be crewed by seafarers who are covered by national collective agreements negotiated by ITF affiliated flag state union(s).

DOMICILED SEAFARERS

02. Wages and conditions for domiciled seafarers working on national flag vessels are a matter for negotiation by the ITF affiliated flag state union(s), subject to the minimum international standards set by the International Labour Organization (ILO) as interpreted by the ITF.

NON-DOMICILED SEAFARERS

03. Where non-domiciled seafarers are employed on national flag vessels, the total crew cost should at least meet the minimum agreed by the seafarers' section, as amended from time to time.

04. Wages for non-domiciled seafarers should be calculated in accordance with the criteria agreed by the Seafarers' Section.

NON-SEAFARERS' WORK CLAUSE

05. In line with the principles of mutual solidarity between seafarers and dockers, as expressed in ITF policy, the non-seafarers' work clause should be incorporated into all national agreements.

EXCLUSIONS

06. Where other ITF policies apply or where higher standards exist, national cabotage, regional standards, offshore, continental shelf, ferry services, intra-community trade and cruise vessels are excluded from this policy.

BILATERAL RELATIONSHIPS

07. Labour providing unions play an important role in supporting quality national shipping, particularly through the service they provide to their nationals working on board national flag vessels.

08. Where possible, bilateral arrangements/relationships should be cultivated between national flag unions and labour providing unions. If not possible, an explanation shall be provided to the respective labour providing unions.

OFFSHORE POLICY

ITF OFFSHORE CONTINENTAL SHELF/FLAG STATE JURISDICTION POLICY

01. 'Maritime mobile offshore units' when operating within a foreign continental shelf state shall be covered by the legislation, regulations and collective bargaining agreements of the national flag state.

02. The collective bargaining conditions of the national flag state shall at least be substantially equivalent to those existing in the continental shelf state and the case of flag of convenience units, ITF policy is applied. All 'units' shall also adhere to ILO conventions and recommendations applicable to seafarers and ships as well as to all applicable IMO conventions, codes and resolutions.

03. If the continental shelf state has issued rules and regulations with regard to employment and social and economic conditions or there is a trade union policy requiring the use of local labour no ITF affiliate shall man the 'unit' until negotiations have taken place between the ITF affiliates in the national flag state and the continental shelf state.

04. During the negotiations mentioned above the general rule to be observed should require that the 'maritime crew' be nationals or residents of the national flag state or the continental shelf state and are members of an ITF seafarer affiliate. In those instances where the 'unit' is operating under a flag of convenience the negotiating rights lie with the unions in the country of beneficial ownership.

05. The national flag state and the beneficial ownership state affiliates respectively shall have the right to be present during all negotiations between the continental shelf state affiliates and the owner/operator/charter of a ‘unit’ on the subject of the manning of the ‘unit’.

06. It is important in this context that affiliates concerned keep each other and the ITF informed of all aspects and stages of negotiations. National flag state / continental shelf state affiliates shall provide the ITF with copies of all relevant legislation, regulations and policy documents.

07. At any stage of the inter-union negotiations the ITF affiliates may call on the ITF to act initially as conciliator and ultimately, as provided for in the constitution, as arbitrator.

08. Every effort shall be made by national flag state/continental shelf state affiliates to secure an agreement with the owners, operator, and charterer to return the unit to national flag state affiliates under an ITF acceptable agreement.

RIDING SQUADS POLICY

ITF POLICY ON RIDING SQUADS ONBOARD INTERNATIONAL VESSELS

Adopted at the ITF Seafarers' Section Conference,
Rio de Janeiro, April 2005

Revised at the Fair Practices Committee,
Santagio, 7–8 December 2023

INTRODUCTION

01. The 'riding squad' has been a legitimate part of the shipping industry for fifty years or more, initially to provide specialist technical skills and knowledge not available on board and outside normal operational requirements. As vessels' crews have decreased, vessels have become larger and time in port is minimal, the riding squad has developed into the supply of additional labour to facilitate workload peaks and repairs that, if time permitted, would be carried out in a shipyard or, more increasingly these days, in port. The distinction between the role of the 'riding squad' and the traditional and historical duties of seafarers has become blurred and the use of these squads is a significant consideration when flag states are establishing minimum manning levels. As pay rates for these gangs have not been covered traditionally under the seafarers' collective agreements or are questionably not covered under the ILO conventions for seafarers, they may be used to undermine the employment conditions of seafarers.

02. Whilst recognising the need for specialist skills to be available to ships' crews over limited periods and mindful of a revised approach to planned maintenance on modern vessels no longer in port for extended periods, the ITF is aware of the fact that too often riding gangs are permanently attached to vessels, operate with seafarers' identity documents and carry out basic seafarers' duties.

AREAS OF WORK THAT ARE BEING UNDERTAKEN BY RIDING SQUADS

03. Areas of work, both legitimate and otherwise, that are being covered by riding squads are:

    a. maintenance and repair of mechanical and electrical plant by manufacturers' representatives;

    b. repair and setting up of navigational and radio equipment;

    c. cleaning and maintenance of the ships hold;

    d. painting and routine deck maintenance;

    e. repair and routine engine and electrical maintenance;

    f. ongoing survey work, both major and minor;

    g. cargo handling and lashing;

    h. security duties in port and in dangerous areas;

    i. welding repairs of ships' steelwork; and

    j. mooring of the vessel

THE EXTENT OF THE PROBLEM WITH RIDING SQUADS

04. All seafarers must undergo a strict medical and undergo basic training to ensure they form part of a team capable of fighting fires and ensuring the safe evacuation of the vessel in an emergency and survival at sea. Riding squads are not required to fulfil these legal requirements and are classed as supernumeraries, outside the minimum crew requirement and as such a possible liability to the ship's crew in any emergency. Conversely, flag states will take into consideration the use of riding gangs when determining the minimum safe manning under IMO Assembly Resolution 1047(27), allowing a substantially lower number of seafarers where riding gangs are regularly used.

05. Under the maritime security measures introduced with the International Ship and Port Facility Security (ISPS) Code, the ship must have a security plan and the ship security officer must be sure that any persons working onboard present no risk to the ship or the ports they enter and that visitors are supervised at all times. The employment of casual labour not directly supplied by or linked to the ship's managers may introduce a major security risk to the vessel, affecting the security assessment at each port and prohibiting crew shore leave.

06. The classification societies have expressed their concerns that too often major hull repairs are being carried out at sea by these squads, often poorly qualified, without proper supervision and without informing the classification society. These illegal repairs are possibly a contributing factor to a number of recent ship losses and the International Association of Classification Society (IACS) has expressed its concern at this practice and advised all ship operators and masters to abide by its requirement in Voyage Repairs and Maintenance IACS UR Z13 (Rev3).

07. Whilst the ILO definition of seafarer currently includes all those working onboard a vessel, the IMO/SOLAS definition does not. There is therefore an anomaly where the training, responsibilities and minimum requirements under the IMO cannot be applied — i.e. medicals, safety training etc — but the rights, protections and minimum standards under the ILO conventions should apply i.e. minimum pay rates, repatriation etc. This loophole in the legislation has seen the proliferation of the use of riding squads of workers without affording the workers' protections in existence for seafarers or those operating in the shipping industry ashore.

08. Despite the lack of recognition by the IMO of these workers as seafarers, the regular use of these squads is seen as a valid reason for the minimum safe manning certificate to be pruned to the very basic requirement and denies the shipping industry positions onboard for trainees and a career path at sea for specialist skilled positions.

09. Increasingly, riding squads are being used to bypass crew agreements negotiated by the ITF or the seafarer affiliates, despite the comparable positions and titles. In some instances crew are directly transferred to a 'riding squad' status on the same vessel and remain onboard for the full period of the crew's agreement. This practice effectively casualises all ships' crew not involved in watchkeeping duties.

10. On low manned vessels it has been for some time the practice to supply coastal mooring squads. Deregulation in the port areas has increased the threat that these squads will be used to carry out cargo lashing, unloading or loading duties. The ITF has an ongoing campaign against the practice of any crew aboard vessels carrying out this work and this is fully supported by the seafarers' and port workers' affiliates.

11. The ITF has maintained that seafarers are civilians entitled to a safe, decent working environment and protection by the shipping companies and governments from pirates and terrorist actions. The use of security riding squads has been supported by the ITF affiliates where the safety of seafarers is endangered. However, there should be sufficient crew permanently onboard to ensure the normal security requirements, as specified under the International Ship and Port Facility Security (ISPS) Code.

DEFINITIONS AND REQUIREMENTS

12. The definition of seafarer is reflected in the definition under the Maritime Labour Convention (MLC), 2006, as amended, which states under Article II, paragraph 1(f) *"**seafarer** means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies[21]"*.

13. The IMO, in the SOLAS Convention, has a broader scope based on the definition of a passenger stating that a passenger is every person other than: "the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship."

14. The SOLAS definition obviously gives greater opportunity for the recognition of contract and casual workers and the use of riding squads that are neither passengers nor crew.

15. In the classification society requirement Voyage Repairs and Maintenance IACS UR Z13 (Rev3), it states, "No hull repairs carried out by riding crew should be accepted unless:

    a. The initial meeting (with the surveyor) has been carried out and conditions found satisfactory.

    b. A final satisfactory examination upon completion was carried out."

21 ILO Resolution VII concerning information on occupational groups was adopted in February 2006 by the International Labour Conference at its 94th (Maritime) Session, which recognizes that situations may arise where clarification is needed as to whether or not certain categories of persons who undertake periods of work on board a ship should be regarded as seafarers. The resolution includes categories and criteria to assist in resolving any difficulties that may arise in defining a seafarer.

16. The amended Resolution on the Principles of Minimum Safe Manning, Assembly Resolution A.1047(27), states that safe manning is a function of the number of qualified and experienced seafarers necessary for the safety and security of the ship, crew, passengers, cargo and property and for the protection of the marine environment.

ITF POSITION ON THE USE OF RIDING SQUADS

17. The ITF recognises the threat that riding squads pose to the employment of seafarers and:

    a. condemns the practice of reducing the permanent crew on vessels by the extensive use of riding squads;

    b. supports any amendments to ILO and IMO conventions that clearly define seafarers as any person employed or engaged in any capacity on board a ship;

    c. actively opposes the use of seafarers, or anyone else on board whether in permanent or temporary employment, to carry out cargo handling services traditionally and historically carried out by dock workers;

    d. will work together with the classification societies and others to eradicate the practice of carrying out illegal repairs, particularly where they may endanger the environment and the lives of ships' crew;

    e. recognising the need for greater opportunities for training at sea, will seek where additional workers are required for workload peaks, to establish training berths for permanent crew;

f. will aggressively lobby at the International Maritime Organization for a holistic review of the minimum manning certificate and expose flag states issuing unsafe minimum levels;

g. ensure all workers onboard a vessel have an agreement that complies with ILO minimum pay rates and does not undermine the agreement of the ships' crew;

h. monitor the security workload with riding squads to determine how they affect the workload and rights of the seafarer in port and the safety of vessels at sea; and

i. the conditions of riding gangs should not be contrary to the ILO policy on the need for an acceptable work environment and safe and decent working conditions.

ITF GUIDELINES ON RIDING SQUADS

18. Where riding squads are used, after consultation with seafarers' trade unions concerned, in a legitimate role in the operation of any vessel the following should apply:

    a. the maximum period a riding squad should operate onboard a vessel is one month in any 12–month period;

    b. persons engaged for security purposes should not undertake other seafarers' duties;

    c. classification societies are to be informed of any survey or structural work carried out in compliance with IACS UR Z13 (Rev3);

    d. all riding squads must be covered by agreements giving at least comparable rates of pay to the crew and minimum

conditions and protections within the appropriate ILO conventions and recommendations; and

e. the introduction of riding squads should not be used to replace current crew or be used to permanently undermine ITF agreements.

SEAFARERS' CHARTER POLICY

ITF POLICY ON TRADE UNION MEMBERSHIP AND OBLIGATIONS TO SEAFARERS ON FOC VESSELS

Adopted at 42nd Congress of ITF, Mexico City
5–12 August 2010

INTRODUCTION

01. Unions affiliated to the ITF are autonomous affiliates in accordance with the constitution of the ITF and have adopted the policies of the ITF, including those that relate to the ITF's flag of convenience (FOC) campaign.

02. The ITF approves collective agreements in accordance with the criteria and procedures approved by the Fair Practices Committee (FPC), as set out in the Marrakech policy.

03. This 'seafarers' charter' policy sets out the agreed practice for ITF affiliated unions in respect of obligations and membership rights for seafarers serving under ITF approved agreements for flag of convenience (FOC) ships which have been signed by ITF affiliated unions.

MEMBERSHIP FEES AND UNION OBLIGATIONS

04. The level and type of any fee levied by ITF affiliates on or in respect of seafarers employed under ITF approved agreements shall be equitable and in line with that which is provided to those seafarers by the affiliate.

05. As established by the Fair Practices Committee (FPC), the minimum core obligations which must be fulfilled by affiliates in relation to seafarers employed under ITF approved agreements covering FOCs are as follows:

    a. an appropriate form of membership card;

    b. a union newsletter, journal or magazine;

    c. a contacts directory including telephone numbers and names of union officials;

    d. assistance with any valid claim arising under the collective agreement;

    e. participatory rights in the affairs of the organisation (in a form which reflects the special nature of any membership);

    f. where possible, visits by a union representative to the vessel; and

    g. identification of the key responsibilities of each affiliate where bilateral agreements are in place.

RESPONSIBILITIES

06. In the event of any claim (whether backpay, injury or death) by or on behalf of a seafarer under an ITF agreement, in the first instance the signatory affiliate will be responsible for handling the claim. The affiliate will identify union officials, who shall not be an ITF Inspector or Coordinator, responsible for assisting members with claims under its approved or acceptable collective agreement(s) and will notify the ITF secretariat of those persons.

07. Where more than one affiliate shares fees in respect of its members, the affiliates will agree between them which of them is responsible for assisting the seafarers employed under the agreement, taking into account that in all cases full trade union obligations must be met in respect of all the seafarers regardless of nationality or domicile. Once the division of responsibilities has been agreed, the affiliates will advise the ITF secretariat accordingly.

08. The affiliate will keep the ITF secretariat informed about the number of claims (including backpay, injury and death claims) arising under their ITF approved agreements, details of those claims and the terms of settlement of those claims.

TCC AND/OR IBF FUNDING ELEMENTS

09. Any funding elements incorporated within an ITF approved agreement must comply with ITF requirements, as set out in the ITF's funding and audit policy.

ITF SECRETARIAT AND THE UNION(S)

10. Where seafarers' claims are dealt with in the port of call, the signatory affiliate may only be able to provide limited help to their members abroad. In such cases the ITF secretariat will continue to assist seafarers on board. Where the affiliate's members are involved, the ITF and the affiliate will co-operate to provide all assistance possible.

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INTERNATIONAL
TRANSPORT
WORKERS'
FEDERATION

49–60 Borough Road
London SE1 1DR
+44 (0)20 7403 2733