



Maritime Labour Convention, 2006 and the Chinese seafarers: How far is China to ratification?



Pengfei Zhang ^{a,*}, Minghua Zhao ^b

^a Maritime and Technology Faculty, Southampton Solent University, East Park Terrace, Southampton SO14 OYN, United Kingdom

^b China Maritime Centre, University of Greenwich, Old Royal Naval College, Park Row, London SE10 9LS, United Kingdom

ARTICLE INFO

Article history:

Received 13 April 2015

Received in revised form

11 July 2015

Accepted 11 July 2015

Keywords:

Maritime Labour Convention, 2006

Maritime

Policy

Chinese seafarers

ABSTRACT

As one of the most important conventions adopted by the International Labour Organization, the Maritime Labour Convention, 2006 (MLC, 2006) has been in force since 20 August, 2013. As of April 2015, the Convention has been ratified by 66 states, including most major maritime nations. Being one of the most important maritime nations, China has the largest number of seafarers and the third largest merchant fleet in the world. The Convention, therefore, has perhaps more significant impact on China than any other country. However, China has not yet ratified the Convention at the time when this paper was drafted. Nevertheless, the Convention has generated significant impact in terms of policy, regulation or legislation as well as in the attitude and behaviour of the key stakeholders in the country. Based on the existing knowledge and scholarship available in the public domain, and the empirical data collected in two field research trips, this paper intends to have a critical review and evaluation of the response of Chinese government and other major stakeholders in the maritime sector to the MLC, 2006.

© 2015 Elsevier Ltd. All rights reserved.

1. Introduction

Ocean-going seafarers receive special attention at the International Labour Organisation (ILO), the UN specialised agency whose main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues [1]. For example, the ILO has the Joint Maritime Commission (JMC), a specialist bipartite standing body (representing ship owners and seafarers) designed particularly for workers in the shipping industry providing advice to the Governing Body on maritime issues including labour standard setting for the shipping industry. The JMC represents the only statutory wage fixing mechanism across all the sectors in the world economy [2].

At the ILO, a most important historical event for the world seafarers occurred in 2006. It was this year that witnessed the adoption of the MLC, 2006 by the 94th International Labour Conference. For the 1.5 million seafarers worldwide, this new convention brings together, in one place, international minimum standards that ensure decent work. It also levels the playing field for ship-owners to help ensure fair competition. Furthermore, the Convention has consolidated 37 ILO conventions and has been widely believed to be bound to have a significant impact on all the

key stakeholders in the industry including ship-owners, managers, crewing agencies and most importantly the seafarers on-board. It has therefore been acclaimed as the ‘Seafarers Bill of Rights’ representing the ‘fourth pillar’ of maritime regulation for the world maritime industry, alongside the SOLAS, the STCW and the MARPOL, the three other maritime Conventions adopted by the International Maritime Organisation (IMO), another UN agency specialised in producing rules and regulations for the world maritime industry [3].

One of the most important features of the MLC, 2006 is that it prescribes responsibilities for the major three interests in the maritime industry: the flag states, the port states, and the seafarer supplying states. The ratification and indeed the effective enforcement of the Convention relies on the ILO member states that have ratified the Convention taking their responsibilities seriously and incorporating the international regulation into their national law and policy and implement these laws and policies at the national level. The MLC, 2006 has entered into force in August 2013 and has so far been ratified by 66 States including most major maritime nations such as Panama, France, Germany, Greece, Japan, and the UK. China has not ratified the Convention at the time when this paper was drafted [4].

This seems strange. China has doubtlessly emerged as a major maritime nation with powerful influence on global maritime activities since the beginning of the new millennium. For example, China is now the world’s largest shipbuilder, one of the world’s largest shipowners, a key contributor to the global labour market

* Corresponding author.

E-mail address: shippinglaw@163.com (P. Zhang).

for seafarers and plays significant roles in port development and ship recycling. It is difficult to exaggerate the enormous impact of China, which has gained a dominant role on the international maritime scene in the 21st Century, as noted by the authors elsewhere [5]. In particular, and more relevant to the topic discussed in this paper, China's strong maritime labour force has been recognised as having the largest potential to crew the world fleets [6]. It is these seafarers that 'drive' China's ocean-going ships, which together with vessels of many other countries, carry over 90% of the international trade, raw materials such as coal, iron ore, oil and soya beans into China and manufactured goods such as shirts, shoes, refrigerators, TV sets, washing machines, laptops, mobiles out of China and into the other parts of the globe. An important part of the Chinese working class, these ocean-going seafarers make significant contributions to the rise of China as a strong maritime nation. They surely deserve to enjoy the rights under the protection of the new international labour convention, namely the MLC, 2006. Furthermore, China joined the ILO right from its very beginning in 1919 as one of the founding members of the Organisation and has become increasingly active in participating in setting up or revising the labour standards at the international level [7]. The below Table 1 presents the ILO Conventions adopted by China. It is known that one of the guiding principles of China's foreign policy is to work within the framework of the international law and to respect the commonly accepted international practices [8]. China therefore, apparently has all the reasons to have ratified the Convention and become one of the members in the regulatory regime (Table 2).

Although China has not yet ratified the Convention, it has perhaps more significant impact on China than any other country. Since 2007, Chinese government has made substantial efforts to keep in tune with the international labour standards, in particular on the seafarers' affairs. What development of maritime legislation in China has taken place? Why then has China not ratified the Convention and remains outside of the regime? How far is China away from ratification? What should be done to promote seafarers' rights in China by taking advantage of the impact of the

Table 1

ILO Conventions adopted by China.

Source: Table created with data drawn on ILO Website, 2015. [Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103404 (accessed 09.07.15)].

Convention code	Convention title	Adopted year	Ratified by China
ILO C7	Minimum Age (Sea) Convention	1920	1936
ILO C11	Right of Association (Agriculture) Convention	1921	1934
ILO C14	Weekly Rest (Industry) Convention	1921	1934
ILO C15	Minimum Age (Trimmers and Stokers) Convention	1921	1936
ILO C16	Medical Examination of Young Persons (Sea) Convention	1921	1936
ILO C19	Equality of Treatment (Accident Compensation) Convention	1925	1934
ILO C22	Seamen's Articles of Agreement Convention	1926	1936
ILO C23	Repatriation of Seamen Convention	1926	1936
ILO C26	Minimum Wage-Fixing Machinery Convention	1928	1930
ILO C27	Marking of Weight (Packages Transported by Vessels) Convention	1929	1931
ILO C32	Protection against Accidents (Dockers) Convention (Revised)	1932	1935
ILO C45	Underground Work (Women) Convention	1935	1936
ILO C59	Minimum Age (Industry) Convention (Revised),	1937	1940
ILO C80	Labour Inspection Convention	1947	1947
ILO C 100	Equal Remuneration Convention	1951	1990
ILO C 111	Discrimination (Employment and Occupation) Convention	1958	2006
ILO C 122	Employment Policy Convention	1964	1997
ILO C 138	Minimum Age Convention	1973	1999
ILO C 144	Tripartite Consultation (International Labour Standards) Convention	1976	1990
ILO C 150	Labour Administration Convention	1978	2002
ILO C 155	Occupational Safety and Health Convention	1981	2007
ILO C 159	Vocational Rehabilitation and Employment (Disabled Persons) Convention,	1983	1988
ILO C 167	Safety and Health in Construction Convention	1988	2002
ILO C 170	Chemicals Convention	1990	1995
ILO C 182	Worst Forms of Child Labour	1999	2002

Table 2

Chinese seafarers registered with the MSA (2013).

Officers	Ratings	Total
272,705	301,412	574,117
47.5%	52.5%	100%

MLC, 2006? In the broader overall context of Chinese maritime legislation, this paper attempts to shed lights on these questions.

The rest of the paper will, first of all, take an overview of the primary context for the discussion in this paper, namely the MLC, 2006 and the labour market for seafarers in China as well as the main relevant issues involved. The focus of the discussion will then move to investigate the changes identified in China as a result of the adoption of the Convention in Geneva since 2006. References will be made both to the changes in policy and legislation and to the responses of the key stakeholders in the country's maritime sector. The final part presents our thoughts and analysis regarding where China is and where the country should go concerning the ratification of the MLC, 2006, which hopefully should not be too far away in future.

While a significant part of the data presented in this paper is drawn on the existing knowledge and scholarship available in the public domain, the empirical data referred to in the discussion was collected by Zhang during his two field research trips in China (2013–2014) where he conducted semi-structured interviews with a large number of stakeholders in the maritime sector, followed by his close attention to the development of the relevant issues in China.

2. Background

2.1. The MLC, 2006

The MLC, 2006 was the culmination of many years of hard work to consolidate and update a series of fragmented labour standards

Download English Version:

<https://daneshyari.com/en/article/7489799>

Download Persian Version:

<https://daneshyari.com/article/7489799>

[Daneshyari.com](https://daneshyari.com)