

MINISTRY PAPER No: 5 /2017

FOR INFORMATION PURPOSES ONLY - Instruments Adopted by the Annual Labour Conferences of the International Labour Organization 2015 and 2016

The House of Representatives is being reminded that Member States of the International Labour Organization (ILO) are obliged under Article 19 of the ILO Constitution to inform their competent legislative authority of the Instruments adopted at the Annual General Conferences.

As such the House is being asked to take note of the Instrument adopted by the ILO at its 104th Session held June 2015 as discussed below. The ILO expects that in due course, steps will be taken to give effect to the Recommendation in national legislation or otherwise.

The House is also being advised of Amendments approved by the International Labour Conference in its 105th Session held May – June 2016. These Amendments discussed below for information purposes only.

Each Instrument listed is accompanied by a brief statement of its main provisions.

I. TRANSITION FROM THE INFORMAL TO THE FORMAL ECONOMY, **RECOMMENDATION 204 (R204), 2015**

This Recommendation is formulated to engender an enhanced awareness of the critical challenges of States in facilitating the transition from the informal to the formal economy. R204 calls on the Government as well as the Employers and Worker Representatives to tackle these challenges, by renewing their commitment to the fundamental principles and rights of work, the rights of workers, social protection, decent work conditions, and the rule of law. The ILO also calls upon all member states to acknowledge that most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy.

The Recommendation is that the Government:-

1. Takes appropriate measures to facilitate the transition of workers and economic units (including enterprises, entrepreneurs and households) from the informal to the formal economy;
2. Takes appropriate measures to promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy;
3. Take appropriate measures to prevent the informalization of the formal economy.

The ILO recommends that Member States consider and implement the following:-

- a) Strategies to facilitate the transition from the informal to the formal economy;
- b) A legal and integrated policy framework to ensure appropriate coverage and protection of all categories of workers and economic units;
- c) Employment policies in order to achieve quality job creation in the formal economy;
- d) Measures to achieve decent work, to eliminate all forms of forced labour and to eliminate discrimination with respect to employment and occupation;
- e) Incentives, compliance and enforcement measures to reduce the barriers to transition to the formal economy and to promote anti-corruption efforts and good governance.
- f) Encourage and strengthen the freedom of association, social dialogue and the role of employers and workers' organizations;
- g) Methods for data collection and monitoring.

II. AMENDMENTS TO THE MARITIME LABOUR CONVENTION, 2006 (MLC 2006)

The Maritime Labour Convention was adopted at the 94th Session of the International Labour Conference in February 2006. Jamaica has not yet ratified this Convention but is working assiduously to ensure that the legislative framework is in place to facilitate ratification of same. MLC 2006 seeks to provide a single coherent instrument which embodies as far as possible all up-to-date standards relating to existing international maritime labour Conventions and Recommendations, as well as fundamental principles found in core international labour Conventions. MLC 2006 makes provision for Seafarer's to enjoy decent working conditions having regard to the peculiar and difficult working environment in which they operate.

It must be noted that this Convention is divided into Articles, Regulations and a Code. The Articles and Regulations detail the core rights and principles and basic obligations of Member States to Seafarers. The Articles contain provisions of a general nature which are supplemented by the Regulations which contain detailed rights and responsibilities. Additionally, the Regulations are complemented by a Code which is divided into Part A which is comprised of mandatory standards and Part B which contains recommendatory guidelines.

On June 8, 2016, the 105th Session of the International Labour Conference approved amendments to the Code of the MLC 2006. One set of amendments relates to health and safety protection and prevention and will place the onus on the competent authority to ensure that ship-owners develop policies to eliminate harassment and bullying on board ships that fly its flag in the mandatory provisions of the Code.

Additionally, the Code has been amended to allow the Flag State to extend the validity of an existing Maritime Labour Certificate for up to five months from its expiry date where a new Certificate cannot be issued immediately and the renewal inspection has been successfully completed and the ship has been found to be in compliance with the relevant requirements of the Convention. One of the main purposes of this amendment is to harmonize the procedure for the renewal of the Maritime Labour Certificate with procedures for certificates adopted under International Maritime Organization (IMO) Conventions such as: Safety of Life at Sea (SOLAS) and the International Convention on the Prevention of Pollution from Ships (MARPOL).

III. AMENDMENTS TO ANNEXES I, II and III OF THE SEAFARERS' IDENTITY DOCUMENTS CONVENTION (REVISED) 2003 (NO.185)

This Convention requires that Member States issue Seafarers' Identity Documents (SIDS) to nationals of the State who are Seafarers' and have applied for same. It also sets out the content and form of the SIDS. The 105th Session of the International Labour Conference approved amendments proposed to Annexes I, II and III of this Convention. Firstly, the Convention was amended in an effort to align the biometric under the Convention with the standard adopted by the International Civil Aviation Organization (ICAO) which enjoys global acceptance. This will result in a requirement that the biometric data in SIDS include a facial image (as opposed to a fingerprint) to be stored in the contactless chip. The SIDS is used by Seafarer's to access shore leave facilities while ensuring that maritime security concerns are not compromised.

It must be noted that the Conference also adopted a Resolution that calls on countries to facilitate Seafarers access to shore leave. The right of Seafarers' to access shore leave facilities after protracted periods working and living on board a ship is vital to ensuring their wellbeing.



Shahine Robinson, M.P.

Minister of Labour and Social Security

January 17, 2017

