

**Sayı** : 38591462-720-2020-4563

15.12.2020

Konu : COVID-19 Salgını Sebebiyle Gemi İnsanlarının Yaşadıkları Krize İlişkin ILO Yönetim Kurulu Tarafından Yapılan Çağrı Hk.

Sirküler No: 1393

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odası (International Chamber of Shipping - ICS)'ndan alınan 09.12.2020 tarihli Ek'te sunulan yazıda, COVID-19 salgını kapsamında getirilen kısıtlamalar nedeniyle 17 ay ya da daha uzun bir süre boyunca denizde kalmak zorunda olan gemi insanların yaşadığı zorlukların ele alınması amacıyla 08.12.2020 tarihinde Uluslararası Çalışma Örgütü (International Labour Organization - ILO) Yönetim Kurulu tarafından özel bir karar alındığı ifade edilmektedir.

Yazıda devamla, söz konusu Karar kapsamında;

- Önlemlerin acil bir şekilde alınması gerektiği,

- Oldukça önemli bir sosyal diyalogun oluştuğu ve krizin ele alınması amacıyla armatör ve gemi insanları ile ilgili önemli kuruluşlar ve bazı hükümetler tarafından önlemler alındığı,

- Birleşmiş Milletler sistemi vasıtasıyla yapılan çok sayıda girişime ve alınan önlemlere rağmen yüzbinlerce gemi insanının denizde olağan hizmet sürelerinin çok üstünde çalışmaya devam ettiği ve bazılarının 17 aydan daha uzun bir süre boyunca gemileri terk edemediği,

- Gemi insanların fiziksel ve ruhsal açıdan yorulduğu ve bu durumun seyir emniyeti, güvenlik ve deniz çevresinin korunması açısından da tehlike teşkil ettiği,

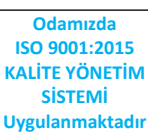
- Gemi insanların ülkelerine geri dönüşleri ve kıyıda sağlık yardımına erişimleri gibi haklar da dahil olmak üzere, 2006 Denizcilik Çalışma Sözleşmesi (Maritime Labour Convention-MLC)'nde belirtilen haklara vurgu yapıldığı ve söz konusu Sözleşmeyi onaylayan ülkelerin gemilerde geçirilecek hizmet süresini 12 aydan daha kısa olacak şekilde uygulaması gerektiği,

- Gemi insanların değişimi ile ilgili olarak halihazırda yürürlükte olan Önerilen Çerçeve Protokolleri göz önünde bulundurularak, gemi insanların emniyetli bir şekilde değiştirilmesi ve seyahat etmesini sağlamak için ölçülebilir ve belirli bir süre için geçerli olacak planların yapılması ve uygulanmasının gerektiği,

- Gemiye iniş/binişlerin ve kıyı izinlerinin kolay ve engelsiz bir şekilde gerçekleştirilmesinin kolaylaştırılması amacıyla gemi insanların "kilit çalışanlar" olarak belirlenmesinin gerektiği,

- Gemi insanların taşıdığı uluslararası geçerliliği olan belgelerin kabul edilmesi hususunun değerlendirilmesinin gerektiği,

Bu belge, 5070 sayılı Elektronik İmza Kanuna göre Güvenli Elektronik İmza ile İmzalanmıştır.



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- Acil bir şekilde tıbbi yardıma ihtiyacı olan gemi insanların uyruklarına bakılmaksızın kıyıda bulunan tıbbi tesislere ulaştırılmalarının ve gerekli olduğu durumlarda doğrudan ülkelerine gönderilmelerinin sağlanması,

- Vize ve belge gereksinimlerine ilişkin feragatlar, muafiyetler veya diğer değişiklikler dahil olmak üzere geçici tedbirlerin değerlendirilmesi gerektiği vurgulanmaktadır.

Yazıda, MLC 2006'ya taraf olan ILO Üye Devletlerinin ilgili bakanlıklar ve devlet daireleri ile ortak çalışmalar yürüterek, imzacı diğer Üye Devletler ile iş birliği yaparak ve sosyal ortaklar ile istişare ederek söz konusu Sözleşmeyi salgın süresince tam olarak uygulamaya davet edildikleri ifade edilmektedir.

Yazıda devamla, söz konusu kararın takibinin yapılması amacıyla Birleşmiş Milletler kuruluşları ve sosyal ortaklar tarafından alınan ortak önlemlerin raporlanması için ILO Sekreteryasına çağrı yapıldığı bildirilmektedir. Ayrıca, Birleşmiş Milletler Genel Kurulu (UN General Assembly) tarafından, "küresel tedarik zincirlerini desteklemek amacıyla COVID-19 salgını nedeniyle gemi insanların yaşadığı zorlukların ele alınması için gerçekleştirilen uluslararası iş birliği" hakkında bütünüyle bir karar alındığı ifade edilmektedir.

Konuya ilişkin detaylı bilgi ekte sunulmaktadır.

Bilgilerinize arz/rica ederim.

Saygılarımla,

İsmet SALİHOĞLU
Genel Sekreter

Ek:

ICS'ten alınan 09.12.2020 tarihli yazı ve Eki. (5 sayfa)

Dağıtım:

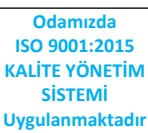
Gereği:

- Tüm Üyeler (WEB sayfası ve e-posta ile)
- İMEAK DTO Şube ve Temsilcilikleri
- Türk Armatörler Birliği
- S.S. Gemi Armatörleri Motorlu Taşıyıcılar Kooperatifi
- GİSBİR (Türkiye Gemi İnşa Sanayicileri Birliği Derneği)
- Gemi, Yat ve Hizmetleri İhracatçıları Birliği
- VDAD (Vapur Donatanları ve Acenteleri Derneği)
- TÜRKLİM (Türkiye Liman İşletmecileri Derneği)
- KOSDER (Koster Armatörleri ve İşletmecileri Derneği)
- GBD Gemi Brokerleri Derneği
- TURSSA (Gemi Tedarikçileri Derneği)
- Gemi Geri Dönüşüm Sanayicileri Derneği
- S.S. Anadolu Yakası Kumcular Üretim ve Pazarlama Kooperatifi

Bilgi:

- Yönetim Kurulu Başkan ve Üyeleri
- İMEAK DTO Şube YK Başkanları
- İMEAK DTO Meslek Komite Başkanları

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- ROFED (Kabotaj Hattı Ro-Ro ve Feribot İşletmecileri Derneği)
- DEM-BİR (Deniz Ürünleri Avcıları Üreticileri Merkez Birliği)
- Yalova Altınova Tersane Girişimcileri San.ve Tic.A.Ş.
- UTİKAD (Uluslararası Taşımacılık ve Lojistik Hizmet Üretenleri Derneği)
- TAİS (Türk Armatörleri İşverenler Sendikası)
- TÜRDEF (Türkiye Denizcilik Federasyonu)
- WISTA Türkiye Derneği
- Türk Uzakyol Gemi Kaptanları Derneği
- Türk Kılavuz Kaptanlar Derneği
- GEMİMO (Gemi Makineleri İşletme Mühendisleri Odası)
- TMMOB GMO (Gemi Mühendisleri Odası)
- İ.T.Ü. Denizcilik Fakültesi Mezunları Derneği
- D.E.Ü. Denizcilik Fakültesi Mezunları Derneği
- K.T.Ü DUİM Mezunlar Derneği
- ODEMED Ziya Kalkavan Mesleki ve Teknik Anadolu Lisesi Mezunlar Derneği
- Beykoz Denizcilik ve Su Ürünleri Lisesi Mezunlar Derneği

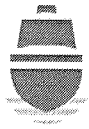
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9 December 2020

COVID19(20)182

**TO: LABOUR AFFAIRS COMMITTEE
ALL MEMBERS & ASSOCIATE MEMBERS
BIWEEKLY MEMBERS MEETING PARTICIPANTS
INTERNATIONAL ASSOCIATION GROUP PARTICIPANTS**

ILO GOVERNING BODY CALLS FOR URGENT ACTION ON SEAFARER COVID-19 CRISIS

Action Required: Members are invited to note that the ILO passed a resolution yesterday addressing the plight of seafarers trapped at sea for as many as 17 months or longer because of pandemic restrictions. A copy of the Resolution is attached at Annex 1.

Key Points

The Governing Body of the International Labour Organization has taken the exceptional action of adopting a Resolution to address the dire situation of seafarers trapped at sea because of the COVID-19 pandemic.

“The problems faced by seafarers resulting from efforts to contain the virus have lasted unacceptably long”, said ILO Director-General, Guy Ryder. “These key workers continue to transport the food, medicines and goods that we need, but their extended periods at sea, and the inability of seafarers ashore to relieve them, are simply unsustainable.

The Resolution identifies:

- the actions to be taken urgently.
- the considerable social dialogue that has occurred and actions taken by key shipowner and seafarer organizations and some governments to address the crisis. It notes that, despite numerous appeals and actions through the United Nations system, hundreds of thousands of seafarers continue to work well beyond usual periods of service at sea, with some now on board for 17 months and longer.
- the “immense risk that seafarer fatigue represents for the physical and mental health of individual seafarers and for the safety of navigation, security and the protection of the marine environment.”
- the rights of seafarers set out in the MLC, 2006, including the right to repatriation and to access medical care ashore. States which have ratified the Convention are to prescribe the maximum duration of service periods on board, with such periods to be less than 12 months.
- obstacles to crew changes, and to establish and implement measurable, time-bound plans to ensure safe crew change and travel of seafarers, taking into account the existing Recommended Framework of Protocols for crew change and any subsequent revisions;

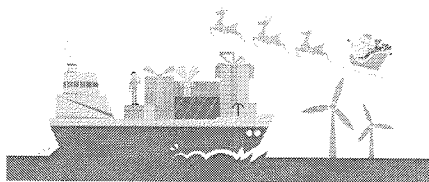
- Designating seafarers as “key workers”, for the purpose of facilitation of safe and unhindered movement for embarking or disembarking a vessel, and of shore leave;
- Considering acceptance of internationally recognized documentation carried by seafarers;
- Ensuring seafarers who require immediate medical care are given access to medical facilities ashore, emergency medical treatment regardless of nationality and, where necessary, emergency repatriation;
- Considering temporary measures including waivers, exemptions or other changes to visa or documentary requirements.

ILO Member State parties to the MLC, 2006, are called on to adopt measures to fully implement it during the pandemic, in coordination with relevant ministries and agencies, in cooperation with other ratifying Member States, and in consultation with social partners.

Enterprises are requested to conduct due diligence in line with the United Nations Guiding Principles on Business and Human Rights, to identify, prevent, mitigate, and account for how they address their actual and potential human rights impact on seafarers resulting from the COVID-19 pandemic.

The Resolution also calls on the ILO secretariat to report on coordinated action taken by United Nations organizations and the social partners to follow-up on the Resolution. It comes just a few days after the UN General Assembly adopted a complementary resolution on 'International cooperation to address challenges faced by seafarers due to the COVID-19 pandemic to support global supply chains'.

Natalie Shaw
Director Employment Affairs





Resolution concerning maritime labour issues and the COVID-19 pandemic (adopted on 8 December 2020)

The Governing Body of the International Labour Office,

Recognizing that the COVID-19 pandemic is one of the greatest global challenges in the history of the International Labour Organization (ILO);

Recognizing the crucial role that international shipping and seafarers play in maintaining global supply chains, delivering 90 per cent of goods, including essential medical supplies, food, and energy;

Recalling that the Officers of the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006) urged the International Labour Office, on 31 March 2020, to raise awareness among governments that seafarers should be treated with dignity and respect to ensure that they can continue to provide their vital services to the world;

Recalling that international labour standards, in particular the MLC, 2006, provide a foundation for safeguarding seafarers' decent working and living conditions in the context of a crisis response;

Considering the numerous appeals made by the United Nations Secretary-General, the United Nations Specialized Agencies and other organizations of the United Nations system, and the international community for collaborative action in support of keeping ships moving, ports open and cross border trade flowing in order to ensure the integrity of global supply chains during the COVID-19 pandemic, including through the designation of seafarers as "key workers";

Deeply concerned about the significant challenges faced by the global shipping industry to effect crew change and repatriate seafarers as a result of the measures taken to contain the COVID-19 pandemic, and their subsequent adverse impact on seafarers' rights, including fundamental principles and rights at work;

Noting with deep concern that it has been estimated that hundreds of thousands of seafarers presently require immediate repatriation as they are beyond their original tours of duty, in some cases for more than 17 consecutive months and often without access to shore-based leave and/or medical treatment, and that a similar number of seafarers urgently need to join ships to replace them;

Conscious of the immense risk that seafarer fatigue represents for the physical and mental health of individual seafarers and for the safety of navigation, security, and protection of the marine environment;

Having noted the *Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic*, which was proposed by a broad cross section of global industry associations representing the maritime transportation sector and enjoying

consultative status at the International Maritime Organization (IMO) (MSC.1/Circ. 1636), and which is promoted by the ILO;

Noting that cooperation between and among Members during the COVID-19 pandemic is essential to ensure the effective implementation of safe crew changes;

Bearing in mind that Regulation 2.5 of the MLC, 2006 provides that seafarers have a right to be repatriated at the end of their employment agreement;

Recalling that under Standard A2.5.1 of the MLC, 2006 Members which have ratified the Convention shall prescribe the maximum duration of service periods on board following which a seafarer is entitled to repatriation, such periods to be less than 12 months and mindful that, due to seafarers' fatigue, their period of service on board cannot continue to be extended any longer;

Recalling also that Regulation 4.1 of the MLC, 2006, provides that each Member which has ratified the Convention shall ensure that seafarers on board ships in its territory who are in need of immediate medical care are given access to the Member's medical facilities on shore;

Stressing that all ships covered by the MLC, 2006, are subject to inspection for all the requirements of the Convention;

Noting that the Seafarers' Identity Documents Convention, 1958 (No. 108) and the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), provide for, among other things, the facilitation of shore leave and transit and transfer of seafarers;

Noting also that the fishing sector faces challenges similar to those of the shipping industry regarding crew change and repatriation of fishers and *recalling* that the Work in Fishing Convention, 2007 (No.188) contains provisions regarding repatriation and medical care;

Recalling relevant international human rights treaties and other instruments, including the *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, according to which all multinational and national enterprises should respect human rights throughout their operations;

Acknowledging that the International Transport Workers' Federation (ITF), the International Chamber of Shipping (ICS), and other key maritime actors have engaged in social dialogue and coordinated actions to address these issues, including the development of the Recommended Framework of Protocols, as well as other guidance, and have worked closely with the ILO, the IMO and other United Nations Specialized Agencies; and

Welcoming the United Nations General Assembly Resolution on *International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains*, adopted on 1st December 2020,

1. Urges all Members, in accordance with applicable national laws and regulations, to:
 - (a) engage, in consultation with social partners, in collaborative actions to identify obstacles to crew changes, and establish and implement measurable, time-bound plans to ensure safe crew change and travel of seafarers, taking into account the Recommended Framework of Protocols as may be revised;
 - (b) designate seafarers as "key workers", for the purpose of facilitation of safe and unhindered movement for embarking or disembarking a vessel, and the facilitation of shore leave, and when necessary, to shore-based medical treatment;

- (c) consider the acceptance of internationally recognized documentation carried by seafarers, including seafarers' identity documents delivered in conformity with ILO Conventions Nos 108 and 185;
 - (d) ensure that a seafarer who is in need of immediate medical care is given access to medical facilities ashore, emergency medical treatment regardless of nationality and, where necessary, emergency repatriation;
 - (e) consider temporary measures including waivers, exemptions or other changes to visa or documentary requirements that might normally apply to seafarers;
2. Calls upon Members that have ratified the MLC, 2006, to adopt without delay the necessary measures to fully implement the Convention in law and practice during the COVID-19 pandemic in coordination among relevant ministries and agencies within national administrations, in cooperation with other ratifying Members and in consultation with relevant social partners;
 3. Requests the International Labour Office in cooperation with other United Nations Specialized Agencies and relevant stakeholders to continue supporting Members in the implementation of government actions and policies aimed at ensuring the integrity of global supply chains, as well as decent working and living conditions for seafarers;
 4. Calls upon multinational and national enterprises to carry out due diligence in line with the United Nations Guiding Principles on Business and Human Rights, to identify, prevent, mitigate, and account for how they address their actual and potential human rights impact on seafarers resulting from the COVID-19 pandemic;
 5. Calls upon all Members, the International Labour Office and multinational and national enterprises to consider taking measures for fishers similar to those included in paragraphs 1, 3 and 4 above for seafarers, as appropriate;
 6. Requests the Director-General to continue collaborating with the IMO and report to the Governing Body at its 341st Session (March 2021) on coordinated action taken by United Nations organizations and the social partners to follow-up on this resolution.