

Chapter 1

Maritime Labor Convention 2006 and Subsequent Amendments: Tripartism in Philippine Ratification and Institutional Capacity Building

Maragtas S. V. Amante ¹

Abstract:

This study examines the alignment between Philippine ratification and institutional capacity for compliance. The key elements of MLC 2006 and subsequent amendments are compared with government regulatory policies, laws, agencies and resources for Filipino seafarers and employers.

The Philippines ratified MLC 2006 to benefit from a global tripartite framework for the protection of seafarer rights, and to promote quality supply of seafarers with decent jobs. Based on this perspective, it could be argued that the continuous growth in Philippine global seafarer deployment has achieved the objective of MLC 2006 ratification in 2012.

Multiple stakeholders in Philippine seafaring include ship owners and their representative crewing and manning agents, seafarer unions and welfare organizations and a labyrinth of government regulatory agencies. Decisions on seafarer labor disputes mostly on disability compensation with appeals to the Supreme Court reveal gaps and tensions in the interface between the continuity, complexity, and viability of tripartism in seafarer policy and governance. The paper offers some recommendations for both urgent and long-term action by the stakeholders to move forward in institutional capacity building to strengthen MLC 2006 compliance, effective voice, and representation.

Key words: Filipino seafarer rights, maritime labor convention, tripartism

¹ Professor, University of the Philippines - Diliman, School of Labor and Industrial Relations (SoLAIR). Email: mvamante@up.edu.ph The views and opinions in this paper are those of the author and do not represent the position of the IDE JETRO or the University of the Philippines.

I. Introduction

The Philippines ratified Maritime Labor Convention 2006 (MLC 2006) in 2012, which now directly benefits Filipino seafarers, protecting their rights to decent pay, benefits, working conditions, health and safety, and related welfare concerns. Tripartite stakeholders—organized employers, seafarers, and the government—all agreed that the convention strengthened guarantees for maritime labor rights. In addition, Philippine ratification of MLC 2006 secured competitive advantage for the Philippines as a major source of quality global maritime labor.

This study examines the alignment between Philippine ratification and institutional capacity for compliance. Part I reviews the key elements of MLC 2006 and subsequent amendments. Part II reexamines the reasons that the Philippines ratified the convention, presenting a concept map of MLC 2006 stakeholders that reveals tensions in the interface between the continuity, complexity, and viability of tripartism in seafarer policy and governance. Finally, Part III details conclusions and recommendations to move forward in institutional capacity building to strengthen MLC 2006 compliance, effective voice, and representation in tripartism.

A. Significance of MLC 2006 to Philippine global seafarers

Headline news recently focused on whether the Philippines’ response to the European Maritime Safety Agency (EMSA) audit report will enable European shipping employers to continue recognizing certificates of competence, and hiring Filipino seafarers.² In contrast, Philippine compliance with MLC 2006 has largely remained below the radar and has not attracted attention. Key aspects of seafarer welfare, such as the horrors that arose from COVID-19 quarantine and vaccination, were certainly in the news headlines, without referencing global labor standards. Philippine legislators regularly compete in preparing various proposals for new laws and policies related to one or a combination of items related to MLC 2006, focusing on critical issues of minimum labor standards and terms of employment in contracts, education and training, health and safety, compensation, and benefit claims.

² For instance, Philippine Daily Inquirer “50,000 Filipino seafarers risk job loss on EU vessels” published October 28, 2022 <https://newsinfo.inquirer.net/1685945/50k-ph-seafarers-risk-job-loss-on-eu-vessels> and the response of the Maritime Industry Authority (MARINA) to the EMSA Audit report could be downloaded here: <https://marina.gov.ph/wp-content/uploads/2022/06/2022-PHILIPPINE-RESPONSE.pdf> accessed on February 23, 2023.

The post-pandemic recovery of the international economy generates proportionate growth in the production, distribution, and trade of goods and commodities in the global market. Climate change is expected to be associated with greater risks from more intense tropical storms and cyclones with more pressure on maritime labor in the increasingly turbulent, hazardous seas.

In the millennium year 2000 and beyond, the International Labor Organization (ILO) headquarters in Geneva’s Maritime Labor Convention (henceforth referred to as MLC 2006)³ hosted a series of meetings and conferences to develop a global reference document for the promotion of seafarers’ employment rights and decent working conditions. No other global industry has such a globally applicable labor-related “Magna Carta” or “Bill of Rights”—either in transport, manufacturing, or service sectors.

In its final agreed version, the ILO’s MLC 2006 was accepted by the international community as the fourth pillar of the international regulatory regime for quality shipping. The other three pillars include three key the International Maritime Organization (IMO) treaties on the safety of life at sea, seafarers’ training, and marine pollution prevention.⁴ The key IMO conventions include the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS); the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended (STCW); and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL).

MLC 2006 details the requirements for seafarers’ wages, leave, repatriation, and medical care, establishing regulatory obligations for governments, ship owners, and operators. Working in a safer and more supportive environment boosts seafarers’ performance, enabling them to competently respond to risks and hazards that could impact vessels, crew, and cargo and changes in the environment at sea and in port.

As a member-state of both the ILO and the IMO, the Philippines is obligated to implement these conventions, and has ratified the core conventions of the ILO regarding decent work, including MLC 2006 and IMO conventions, among others. Ratification means that MLC 2006 must be implemented through national laws, policies, and regulations.

³ The ILO MLC 2006 website conveniently presents the full text of the convention, and records ratifications, amendments, and subsequent follow up conferences and meetings. The documents are accessed through the MLC 2006 homepage. <https://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm> accessed on November 30, 2022.

⁴ The IMO conventions on STCW, SOLAS, and MARPOL can be accessed here: <https://www.imo.org/en/About/Conventions/Pages/ListOfConventions.aspx> accessed October 3, 2022.

Chibana, Izumi ed. 2023. "Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines," BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

Maritime industry stakeholders accept that seafarer welfare, especially health and safety, is a crucial factor for success, growth, and innovation in the maritime industry. Seafarers' working conditions and wellbeing are critical dimensions of the "human element" in shipping outcomes and safe delivery from port-to-port.

Most marine casualties at sea are related to stress, fatigue, and high workloads. Under extreme weather conditions, inadequate onboard sanitation, hygiene, and health protocols can generate fatigue and raise the probability of human error, leading to accidents. Potential illness and the spread of diseases can result in closed work and living spaces in proximity to other seafarers onboard. Mental health risk is another consideration because seafarers tend to spend long months away from their families at home. With little or no communication, and a bare minimum of rest hours, seafarers can easily feel socially isolated, potentially leading to depression, accidents, and maritime losses.

B. Summary of MLC 2006: Key items

Box 1 presents the key items in the MLC as adopted in the ILO in 2006. The convention entered into force globally on August 13, 2013, after meeting the minimum number of country ratifications and shipping tonnage required. The Philippines was the thirtieth country to ratify the Convention, which was the minimum required for MLC 2006 to be in force.

Box 1. Maritime Labor Convention (MLC) 2006—Key Items

Title 1

- 5.1 Regulation 1.1 -Minimum age
- 5.2 Regulation 1.2 -Medical Certificate
- 5.3 Regulation 1.3 -Training and Qualifications
- 5.4 Regulation 1.4 -Recruitment and Placement

Title 2

- 6 Regulation 2.1 -Seafarers Employment Agreements
- 6.1 Regulation 2.2 -Wages

Title 3

- 7 Regulation 3.1 -Accommodation and Recreational Facilities
- 7.1 Regulation 3.2 -Food and Catering

Title 4

- 8 Regulation 4.1 -Medical Care On Board Ship and Ashore
- 8.1 Regulation 4.5 -Social Security

Title 5

- 9. Regulation 5.1 -Flag Responsibilities
- 9.1 Regulation 5.2 -Port State Responsibilities
- 9.2 Regulation 5.3 -Labor-supplying State Responsibilities

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

Source: ILO MLC 2006 website <https://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm> accessed on November 30, 2022.

The Philippines delivered its ratification of MLC 2006 to ILO Geneva on August 20, 2012. Ratification indicated that the Philippines, as an ILO member-state, consented to being bound to MLC 2006 terms, and to legally implement the international convention. According to the ILO, the ratifying countries in 2013 represented more than 50 percent of the world’s seafarers and more than three-quarters of the world’s gross tonnage of ships. The Philippines’ ratification completed the basic requirement for MLC 2006 to be globally enforced; however, MLC 2006 did not apply to fishing ships, traditional vessels such as junks or small boats, or navy ships and naval auxiliaries.⁵

There are 14 minimum requirements regarding the working and living conditions of seafarers set out under MLC 2006, which are required to be inspected prior to a ship’s certification as compliant under Standard A5.1.3. The “Declaration of Maritime Labor Compliance. Part I must be attached to the ‘Maritime Labor Certificate.’”⁶

The 14 items required for compliance with MLC 2006 are minimum age, medical certification, qualification of seafarers, seafarers’ employment agreements, use of any licensed or certified or regulated private recruitment and placement service, hours of work or rest, manning levels, accommodation, onboard recreational facilities, food and catering, health and safety and accident prevention, onboard medical care, onboard complaint procedure, and payment of wages. A separate ILO Convention entitled Seafarers’ Identity Documents Convention (Revised), 2003, as amended (No. 185) requires compliance with the standards for the seafarer identification (ID).⁷ The Philippines ratified this convention on January 19, 2012, which remains in force. The details that must be included in seafarers’ identity document include full name (first and last names, where applicable), sex, date and place of birth, nationality, any special physical characteristics that may assist identification, a digital or original photograph, and a signature.

The biometric standards for seafarer ID require that there should be no invasions of individuals’ privacy, discomfort, risk to health, or offense against their dignity. The biometric shall itself be visible on the document, and it shall not be possible to reconstitute it from the template or

⁵ Article II, Section 4 of MLC 2006 (p. 3 of the original full text).

⁶ Appendix A5.1 of MLC 2006 (p. 91 of the original full text).

⁷ ILO, C185 – Seafarers’ Identity Documents Convention (Revised), 2003, as amended (No. 185)

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C185 accessed on November 7, 2022.

other representation. The equipment needed for the provision and verification of biometrics is user-friendly and should generally be accessible to governments at low cost. The equipment for the verification of biometrics can be conveniently and reliably operated in ports and in other locations, including onboard ships, where identity verification is normally conducted by the competent authorities. All data concerning seafarers that are recorded on the document must be visible. Seafarers must be provided convenient access to machines enabling them to inspect any personal data that is not eye-readable. Such access must be provided by or on behalf of the issuing authority.

Provisions for seafarers' financial support and security have the most direct impact on commercial ships' operating costs. MLC 2006 details the general principles of shipowners' responsibilities regarding seafarers' material support in the event of sickness, injury, or death while serving under an employment agreement or arising from employment under an agreement.⁸

MLC 2006 requires that crewing and manning agencies ensure minimum financial security to guarantee payment for seafarers' sickness or injury, compensation in the event of death, and ancillary expenses. Guarantees should be specified regarding the costs related to seafarers' sickness or injury from the moment they commence duties to the time that they are duly repatriated. These costs include medical care expenses, full wages while seafarers remain on board or until they are repatriated, and wages until the time of recovery. Compensation in the event of seafarers' death or long-term disability due to an occupational injury, illness, or hazard should also be guaranteed. These guarantees may also be required by national law, seafarers' employment agreements, or a collective bargaining agreement. Burial costs may also be included when a death occurs on board or ashore during the period of employment. Ancillary expenses may also include the cost of safeguarding seafarers' property due to illness, injury, or death.

National laws may exclude a shipowner's liability in cases of injuries incurred outside the service of the ship, injury or sickness due to seafarers' intentional misconduct, or sickness that was intentionally concealed at the time of entering into the employment contract. Shipowners are required to provide evidence of "financial security" to ensure that they are able to meet obligations to contracted seafarers regarding compensation in the event of death or long-term disability. Each member-state determines the suitable financial instruments to ensure guarantees for seafarer expenses.

Outside MLC 2006, admiralty laws of many maritime countries provide for payment of seafarers' wages as part of legal claims through a priority maritime lien. The Philippines has yet

⁸ Clyde & Co LLP (2013) *The Maritime Labor Convention 2006*. https://www.skuld.com/content-tassets/83f80a572e2646db93c14ee78d10cce0/clyde_maritime_labour_convention_20130624.pdf accessed on November 30, 2022.

to enact an admiralty law establishing policy regarding procedures and dispute settlement for commercial shipping, maritime disputes, the implementation of international conventions on collision, salvage, insurance, or seafarer compensation. However, pending legislation endeavors to strengthen and liberalize regulations, taxation, and provide incentives for foreign commercial ships to use the Philippine registry of ships. The Philippine Supreme Court recognized maritime liens as "legal claim or charge on property, either real or personal, as a collateral or security for the payment of some debt or obligation until it is discharged." Maritime claims include "wages and other sums due to the master, officers and other members of the ship's complement who are not Filipino citizens, in respect of their employment on the ship, including costs of repatriation and social insurance contributions payable on their behalf, initiated while the vessel is within Philippine jurisdiction."⁹ Notably, coverage for wages in case of seafarers' abandonment was included in MLC 2006 following 2016 amendments.

A certificate of financial security must be conspicuously displayed on board in English. It is entitled Certificate of Insurance or Other Financial Security in Respect of Seafarer Repatriation Costs and Liabilities as required under Regulation 2.5, Standard A2.5.2 of the MLC 2006 as amended. Most of the countries that have ratified MLC 2006 are also major labor supply countries. MLC 2006 will eventually receive nearly universal ratification, based on the example of most major UN instruments of this nature.

International agreements in the form of treaties are called conventions. These international conventions become effective or enter into force with the compulsion and strength of being "binding under international law" 12 months after a member-state has registered ratification. However, the requirements for MLC 2006 entering into force for implementation by member states were intentionally made the most stringent of any previously adopted ILO convention. The intention was to avoid what is called a "paper tiger," and ensure value added to the maritime industry. The comprehensive nature of MLC 2006 required time for member states to consult national and domestic stakeholders, implement and develop capacities to inspect ships, and certify those that require certification. With the submission of the documents of ratification by the Philippine government, MLC 2006's demanding requirements for entry-into-force were completed.

Countries representing approximately 70 percent of global gross tonnage have ratified the MLC. Important flag states, such as Panama and Liberia, have also ratified MLC 2006, as well as the key port states and jurisdictions of the majority of seafarers and seafarer recruitment providers.

⁹ Philippine Supreme Court, The Rules of Procedure for Admiralty Cases, A.M. No. 19-08-14-SC issued on September 17, 2019. <https://oca.judiciary.gov.ph/wp-content/uploads/2019/12/OCA-Circular-No.-226-2019.pdf> accessed on November 30, 2022.

The Russian Federation ratified on August 20, 2012, Japan on August 5, 2013, the United Kingdom on August 7, 2013, and China on November 25, 2015. Other major maritime countries include Indonesia, which ratified on June 12, 2017, and Brazil on May 7, 2020. Most notably, as of December 2022, the United States had not ratified MLC 2006.¹⁰ Effective on August 20, 2013, all commercially operated ships of 500 gross tonnage or more operating international voyages and flying the flag of any of the 30 countries that brought MLC 2006 into force was required to carry two specific documents—the *Maritime Labor Certificate* (MLC) and the *Declaration of Maritime Labor Compliance* (DMLC)—among other requirements.

These documents provide primary evidence that ships are complying with the requirements of the Convention, including minimum age, seafarers’ employment agreements, hours of work and rest, payment of wages, onboard medical care, the use of licensed private recruitment and placement services, accommodation, food and catering, health and safety protection, and accident prevention.

The MLC and DMLC are subject to inspection when ships enter the ports of other countries that have ratified MLC 2006. Ships flying the flag of countries that have not ratified MLC 2006 are also subject to inspection concerning seafarers’ working and living conditions when entering the ports of countries where MLC 2006 is in force. This inspection ensures “no more favorable treatment,” as an important principle for confirming fair competition for ship owners that comply with MLC 2006 by providing decent work for seafarers. MLC 2006 defines seafarers as “all persons who are employed or are engaged or work in any capacity on board a ship to which the Convention applies.” This includes the crew involved in navigating and operating the ship as well as, for example, persons working in hotel positions that provide a range of services for passengers on cruise ships or yachts. MLC 2006 applies to a wide range of vessels operating international and national or domestic voyages. The Convention covers all ships other than those that navigate exclusively in inland waters, waters within a country, or those closely adjacent to sheltered waters or areas where port regulations apply.

¹⁰ ILO MLC Ratifications <https://www.ilo.org/dyn/normlex/en/f?p=1000:80001> accessed on November 18, 2022.

C. Amendments to MLC 2006 ¹¹

MLC 2006 entered into force globally in 2013. Since then, maritime employers, including shipping and crewing companies and seafarer unions, have identified gaps, weaknesses, and inconsistencies, pointing to complications in implementation and practice. Maritime employers, seafarer organizations, and governments have agreed on the need to improve specific regulations, with some specific amendments entering into force from 2014 onward (Box 2). In the Philippines, employers, seafarer unions, and government officials may be unaware that these amendments have entered into force. Specifically, the Philippine Department of Migrant Workers (DMW), formerly known for the Philippine Overseas Employment Administration (POEA) standard employment contract (SEC) for seafarers, have yet to incorporate the specific MLC 2006 amendments that entered into force.

For instance, port state control authorities are preparing for inspections for compliance with the MLC 2006 amendment on Wages and Seafarers’ Employment Agreements, which will be in force by 2024. As required by the convention, to specify the national laws in place for implementing MLC 2006, the Philippine government declared provisions in force under domestic laws and regulations, including social security, medical care, and benefits for sickness, old-age pensions, employment-related injuries, maternity, disability, or invalidity and survivor claims.

After being in force globally in 2013, employers and seafarer organizations immediately recognized the need for clarity regarding the standards for recruitment and placement to ensure adequate financial security for seafarer money claims. Thus, MLC 2006 Regulation 1.4 was amended in 2014. However, the question of providing financial security for abandoned seafarers, particularly regarding flags of convenience (FoCs) arose. In 2016, the associated MLC 2006 Regulation A2.5 was amended to provide stronger guarantees for abandoned seafarers’ monetary claims. In 2018, MLC 2006 further strengthened Regulation A2.1 by ensuring that seafarers’ employment agreements continued to have effect if a seafarer was held captive on or off a ship resulting from acts of piracy or armed robbery against ships.

A series of MLC 2006 amendments in 2022 further clarified and strengthened Regulations 3.1 and 4.4 on accommodation and recreational facilities and access to shore-based welfare facilities, among others. It is essential to confirm that the new DMW SEC incorporates the most recent amendments, which strengthened and clarified MLC 2006 implementation.

¹¹ A list of ILO MLC 2006 amendments is available on this webpage: <https://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm> accessed on November 17, 2022.

Box 2: Summary of MLC 2006 amendments

Year the amendment was introduced	Effectivity date	Regulation number	Description of amendment
2014	January 18, 2017	1.4	Recruitment and placement: Establishes a system of protection by means of insurance for seafarer monetary claims.
2016	January 08, 2019	A2.5	Prompt repatriation of seafarers: Replacement of abandoned seafarers.
		A2.5.2	Financial security for abandoned seafarers for travel, food, accommodation, and medical care.
		B4.3.1	Guidance on eliminating shipboard harassment and bullying based on the latest guidance from the International Chamber of Shipping (ICS) and the International Transport Workers Federation (ITF).
		B4.3.6 (g)	Investigations on (g) problems of harassment and bullying.
2018	December 26, 2020	A2.1	Seafarers’ employment agreement remains in effect in cases of piracy or armed robbery.
2022	December 23, 2024	A3.1 & 4.4	Accommodation and recreational facilities and access to shore-based welfare facilities.
		A2.5.1	Prompt repatriation of seafarers when deemed abandoned.
		A3.2	Food and catering: Suitable food and drinking water that is appropriate to the seafarers’ religion and culture.
		A.4.1	Medical care on board and ashore: Prompt disembarkation and repatriation of the bodies or ashes of seafarers who die on the high seas.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

		A4.3	Health and safety protection and accident prevention and reasonable precautions.
		A4.5	Adequate investigation, recording, and reporting of seafarer deaths in an ILO global register.

Source: ILO MLC 2006 Amendments; <https://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm> accessed on November 17, 2022.

The most significant amendments to MLC 2006 concern specific items in the seafarers’ employment contracts. These items must be incorporated into shipping company policies to ensure adequate provisions for food and catering, medical care, facilities, and onboard accommodations. The regulations of the Philippine DMW are currently being updated.¹² The preparation of seafarer employment contracts by crewing agencies must include these amendments as part of a checklist for issuing a Certificate of MLC 2006 compliance, prior to licensing. The most significant amendments to MLC 2006 that require compliance concern adequate provisions in seafarer employment contracts, as well as crewing policies and allocation of financial resources. It is crucial to determine how Philippine seafarer labor regulatory agencies are able to comply with the demands and requirements arising from MLC 2006 amendments that have taken effect for global enforcement.

II. Philippine MLC 2006 ratification: Tripartism in voice and representation

A. Protection of seafarer rights as a competitive advantage

Tripartism refers to the established mode of voice and representation in decision-making in conferences, meetings, and dialogues held between employers, workers, and government representatives in the ILO. The ILO is unique among UN agencies in providing a venue for governments and organized employers and workers to freely and openly debate and refine labor standards and policies.¹³ This is true for MLC 2006 and its subsequent amendments. In 1991, the Philippines

¹² Interviews with Assistant Secretary Jerome T. Pampolina and Atty. Francis Ron C. De Guzman, Head of the Licensing and Adjudication Branch, Department of Migrant Workers, August 30 and September 1, 2022, respectively.

¹³ ILO, Tripartite constituents, <https://www.ilo.org/global/about-the-ilo/who-we-are/tripartite-constituents/lang--en/index.htm> accessed on October 15, 2022.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

ratified ILO Convention 144 on the Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144).¹⁴ Article 275 of the Philippine Labor Code (Presidential Decree 442 of 1974) established tripartism as a state policy to allow voice and representation for organized workers and employers among decision- and policymaking bodies of the government.

The competitive advantages offered by highly motivated, competent maritime labor is expected to benefit shipping stakeholders. The task of ensuring compliance is that of state regulatory agencies, but there are real risks of tiresome, repetitive, and overlapping burdensome paperwork due to MLC 2006 regulations and amendments. Competence is directly required from the employers and seafarer unions through the provision of International Transport Workers Federation (ITF) inspectors, but most particularly the Port State Control Authority, through the Philippine Coast Guard (PCG) inspectors. At its 286th Session in March 2004, the Governing Body of the International Labor Office decided to include the “consolidation of maritime labor standards” as an item in the agenda of a Maritime Session of the International Labor Conference in Geneva from February 7–23, 2006.

The Philippines was represented by the following tripartite delegates: Rosalinda Baldoz, Secretary of the Department of Labor and Employment (DOLE), representing the government; Mr. Carlos Salinas, President of the Filipino Shipowners Association (FSA), representing employers, and current Ambassador; and Mr. Gregorio S. Oca, President of the Associated Marine Officers and Seamen’s Union of the Philippines (AMOSUP), representing seafarers. The same Philippine delegates also represented government, employers, and seafarers in the preparatory meetings of the International Labor Conference (ILC) and the ILC Governing Body in 2004 and 2005.

In its official statement, the Philippine government asserted that the proposed Convention provided a framework that would benefit its seafarers working on ocean-going ships. The government delegate also reported that the shipowners in tripartite consultations had expressed the view that ships that did not undertake international voyages should be completely excluded from Convention coverage since domestic vessels were appropriately covered by national law.¹⁵

¹⁴ ILO Convention 144, Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C144 accessed October 15, 2022.

¹⁵ILO, International Labor Conference, 07 to 23 February 2005, 94th (Maritime) Session, 2006. Report I(1A). Adoption of an instrument to consolidate maritime labor standards Geneva: ILO.

Upon the adoption of the MLC instruments in February 2006 at the ILO conference in Geneva, a national forum discussed the implications for Philippine seafarers.¹⁶ The government confirmed its support as expressed during the conference, but identified potential obstacles, such as providing support or assistance to enable compliance in the case of domestic shipping employers. The FSA had expressed reservations regarding the higher costs for domestic shipping to comply with MLC 2006.

The POEA representative confirmed that most MLC 2006 items on seafarer terms and conditions of employment, including wages, hours of work, and other work conditions, were already stipulated in the SEC. In the 2006 Cebu MLC forum, there were already questions regarding the clarity and mode of enforcement of some of the provisions of the Convention, particularly on settlement of seafarer grievances and labor disputes, application to domestic shipping, commitment and capacity of employers, and implementing government agencies, among others. There were also gaps in legislative action to ratify and ensure that domestic national laws were enacted to support implementation. However, a positive note is the fact that several seafarer welfare organizations, such as the Apostleship of the Sea, were able to work collaboratively to establish a national forum on MLC 2006 compliance.

B. Philippine ratification of MLC 2006 - meaning and implications

Seafarers' access to decent work directly benefits their interests as well as those of their families and other household members who depend on their remittances for consumption and sustenance. Fair competition in crewing among seafarer labor supply should support the advancement of quality shipping and responsible shipowners.

What is ratification and what are the implications? The Philippines Constitution of 1987¹⁷ "adopts the generally accepted principles of international law as part of the law of the land" (*Section 2, Article II, Declaration of Principles and State Policies*). In addition, according to the Philippine Constitution:

"Section 4. All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the concurrence of at least two-thirds of all the Members of the Senate" (*Article XVIII, Transitory Provisions*).

¹⁶ Proceedings of the National Forum on the 2006 ILO Maritime Labor Convention, Philippine Seafarers Assistance Program (PSAP) and Center for Migrant Advocacy (CMA), Parklane Hotel, Cebu City, September 9, 2006.

¹⁷ Official Gazette, Government of the Philippines, 1987 Constitution. <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> accessed on November 27, 2022.

A treaty or international agreement requires the concurrence of the Senate for ratification by the President. The Office of the President also requires a certificate of concurrence from each executive agency involved in the consent process. When all relevant agencies have no objections to a proposed international agreement, the President may ratify the treaty or international agreement through executive action and certify the same to the Senate for its concurrence. In many cases, a separate enabling domestic legislation is necessary to implement a treaty or international agreement. In the event of a legal controversy on the character of the agreement or its very substance, the Supreme Court may assume concurrent original jurisdiction to decide on the controversy.¹⁸

Various laws were proposed to fill the gaps in counterpart domestic or national laws to implement the ratified MLC 2006 and its amendments. In its ratification statement, the Philippine Senate recognized that the competitive advantage of Filipino global seafarers would be strengthened.¹⁹ The dominant role of Filipinos in the global supply of seafarers required the protection of their rights, and the promotion of their welfare was in the national interest. This justification also emphasized the need for the modernization of shipping fleets to comply with international standards. Filipino seafarers constitute about 30 percent of maritime labor in global shipping, and directly benefit in terms of protection of their rights as workers and improvements in work conditions for compliance with the Convention.

MLC 2006 presented an effective complement to other IMO regulations to ensure safe and secure shipping, prevent marine pollution, and guarantee decent working conditions and terms of employment for seafarers. Prior to the Senate's concurrence regarding the ratification of the MLC by the Philippine President, 29 ILO member states, representing 58.5 percent of the world's gross tonnage of ships, had submitted their instruments of ratification with the ILO Director-General.²⁰

¹⁸ Statement of the Philippines. Item 84 - The Rule of Law at the National and International Levels Sixth Committee, 71st session of the United Nations General Assembly. https://www.un.org/en/ga/sixth/71/pdfs/state-ments/rule_of_law/philippines.pdf posted on Wednesday, 05-06 October 2016. Accessed on September 18, 2022.

¹⁹ Philippine Senate's Press Release. https://legacy.senate.gov.ph/press_release/2012/0813_legarda1.asp posted on August 12, 2012, declaring Senate Concurrence in Ratification of Maritime Labor Convention, a Global Milestone - Senator Legarda. Accessed on August 10, 2022.

²⁰ ILO Statement. The Philippines ratification marks a global milestone for decent work for seafarers https://www.ilo.org/global/standards/maritime-labour-convention/WCMS_187712/lang--en/index.htm accessed on September 15, 2022.

Philippine ratification as the thirtieth country triggered the MLC 2006 entry-into-force. The conventions became enforceable by member states a year following ratification, in 2013. Enforcement promised to usher in a new period of "quality shipping" with the protection of all seafarers' rights as an important dimension. However, there was no reference to the reservations of domestic shipowners regarding the costs of compliance, or provision of technical assistance or incentives. Filipino shipowners opposed the application of MLC 2006 to Philippine domestic shipping. In contrast, the incumbent Labor Secretary clarified that MLC 2006 also applied to local seafarers working on domestic ships and cargo vessels.²¹ Given that Filipino seafarers are in the global labor market, it is essential to establish a globally recognized instrument as the basis of Philippine action to address negative and noncompliant working conditions and terms of employment, such as excessive working hours, ill-treatment, contract substitution, underpayment of wages, and other protections. MLC 2006 effectively declares any exploitation or abuse of maritime labor anywhere in the world illegal.

Referred to as the "seafarers' international bill of rights," MLC 2006 is a single, coherent international instrument that consolidates and updates fundamental principles and labor standards for seafarers. For both seafarers and ship owners, the MLC provides the necessary balance between labor standards and regulation, productivity, and competitiveness. Philippine officials estimated that 300,000 Filipino seafarers on global commercial ships and 60,000 domestic ship workers would benefit from MLC 2006.²²

Philippine ratification of MLC 2006 represents over a decade of Philippine government involvement in global maritime affairs through the DOLE, which contributed to the 2006 adoption of the Convention. The Philippines prepared for ratification through tripartite consultations and dialogue with seafarer crewing employers and worker organizations. The DOLE organized meetings of the Maritime Industry and Tripartite Council to discuss compliance and gaps in Philippine maritime labor law and policy that required attention.

With the official submission of the Philippine ratification instrument of MLC 2006, which is called a deposit, the DOLE declared its commitment to "immediately call stakeholders to a series

²¹ Philippine DOLE's press release, "It's official: the Philippines is the 30th ILO Member-State to ratify MLC, 2006. Director General Somavia accepts ratification instrument," <https://www.dole.gov.ph/news/its-official-philippines-30th-ilo-member-state-to-ratify-mlc-2006/> accessed on November 11, 2022.

²² Philippine Statistics Authority (PSA) (2015) Philippine Statistical Yearbook 2015 Quezon City: Philippine Statistics Authority. The PSA was created by virtue of Republic Act No. 10625, otherwise known as the Philippine Statistical Act of 2013. PSA was the "National Statistics Office (NSO)" before 2013.

of meetings to finalize regulations and propose legislation to achieve the promise of seafarer protection and competitiveness.

C. Stakeholders in MLC 2006 compliance: Tripartism as a framework

Tripartite representation by the government, employers, and seafarer organizations were prominent in the preparatory meetings and in the adoption of the ILO MLC 2006 conventions.²³ Tripartite delegates were also present in subsequent International Labor Conferences that prepared, discussed, and adopted the amendments. Delegates to conferences on ILO conventions always include three parties representing government, shipowners, and seafarer unions. The ILO's tripartism is expected to also be employed for determining future changes or amendments to be adopted using tripartite dialogue.

Implementation mechanisms are based on the tripartite principle of government, workers, and employer representatives as stakeholders in promoting quality and competitive seafaring, which is enshrined as a principle in ILO conventions. While tripartism is a robust framework well established at the ILO conferences in Geneva, the diffused engagement and voices of MLC stakeholders remains a challenge. Seafarer unions and welfare organizations are often in a weak, muted position in relation to shipping, crewing, and manning representatives over contentious issues that require additional financial resources to ensure safety, better pay, hours of work, accommodation, and welfare facilities.

A decade after ratification, Philippine maritime stakeholders focused on filling the gaps to strengthen maritime labor regulation capacity, vested in several separate and independent agencies. Institutional regulatory capacity had to be strengthened in the newly organized DMW. Administrative procedures required streamlining, particularly in the processing, checking, verification, and issuance of licenses and certificates of compliance for MLC 2006. The licensing and adjudication office of the DMW oversees processing, checking, and issuing licenses to crewing agencies as third party or secondary seafarer employers and principal employers, which are the shipping company. The DMW - Licensing and Adjudication Office has the power to suspend or deny licenses to crewing and manning agencies for violations related to MLC 2006 compliance, among other concerns. Separate offices in the DMW are in charge of processing seafarer contracts. Seafarer welfare programs are administered by the Overseas Workers Welfare Administration (OWWA),

²³ ILO International Labor Standards on Tripartite consultation at <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/tripartite-consultation/lang--en/index.htm> accessed on September 25, 2022.

an agency that was absorbed by the DMW. Meanwhile, the PCG is in charge of ship inspections to confirm required declaration and compliance with MLC 2006 certificates, among other verifications. The National Labor Relations Commission (NLRC) oversees disputes and settlement of seafarer compensation claims.

In the preparatory work, the Philippines had about a decade of experience as active participants in the consultations, debate, and revision of the draft maritime labor instrument through its delegates. As an ILO member-state and given its prominence as a significant source of maritime labor, the Philippines actively joined the preparatory work for the instrument. Following a High-Level Tripartite Mission in 2006, the Philippines adopted a national action plan, followed by extensive national dialogue with social partners and numerous tripartite seminars to ensure that all concerns were heard and addressed. This was combined with data collection, particularly regarding the domestic fleet and conditions of employment, and detailed legal review and analyses. As a result of this extensive consultation process, legislation was developed to implement MLC 2006 to better protect all Filipino seafarers, including the many working overseas, and also ensure that seafarer recruitment and placement services based in the Philippines are regulated and operated in accordance with MLC 2006 requirements.

The tripartite framework was strongly demonstrated in the preparation and adoption of MLC 2006 at the headquarters of the ILO through annual conferences and special meetings. At the member-state level, stakeholders' engagement and awareness appear to be focused on the role of the government and employers in voice and representation. While the organized stakeholders are all invited to dialogues and consultations, the engagement of seafarer unions and welfare organizations appears to be diffused, diverse, or nominal at best, given the diversity and weaknesses in stability, as well as continuity of designated or elected representatives.

D. Concept map of the stakeholders in MLC 2006 compliance

Who are the maritime stakeholders, and how are their interests defined, in conflict, or intersecting with each other? These interests are reflected in a variety of statements, policies, actions or programs of Philippine seafarer employers and organizations, including welfare organizations. Broadly speaking, there is unity in relation to MLC 2006 and its key components for providing decent work conditions, such as verified employment contracts, basic minimum wages, benefits, fair working hours, health and safety, and decent accommodations and living conditions on board ships.

Stakeholders are drawn together by the need to sustain the growth and development of a competitive Filipino seafarers in the global labor market with certified quality and competencies

based on international standards of training and education, but with conflicts of interest regarding the compensation, benefits, and costs of MLC 2006 compliance, in terms of the burden.

Figure 1 illustrates the multiple stakeholders organized for implementing MLC 2006 in the Philippines.

In the Philippines, MLC 2006 stakeholders can be classified into several groups with common interests to ensure decent seafarer jobs on board global commercial vessels, but with conflicts of interest over adequate pay and benefits, voice and representation in governance, welfare concerns, seafarer compensation claims, and labor disputes settlement, among others. First, the *employers group* consists of shipping companies with global commercial operations, represented by the ICS. Global commercial shipping companies are represented in the Philippines by designated crewing or manning agencies that recruit, examine, process, and prepare seafarer employment contracts. In the Philippines, global shipping companies and employers are represented by the Joint Manning Group (JMG),²⁴ with the following member associations: the FSA, the Filipino Association for Mariners’ Employment, the Philippine Association of Manning Agencies and Ship Managers, the International Maritime Association of the Philippines, Inc. (INTERMAP), and the Philippine–Japan Manning Consultative Council, Inc. (PJMCC). Independent employers include the Confederation of Ship’s Manning Agents and Allied Maritime Institutions (COSMA–AMI) and the Association of Licensed Manning Agencies.

The second group of maritime stakeholders includes *seafarer unions and welfare organizations*. These include the ITF, which assigns ITF inspectors stationed in Manila and Cebu to directly coordinate with concerned stakeholders and the ITF London headquarters on ship arrests and detention, campaign versus FoCs, and provision of welfare services to affected seafarers.²⁵ The ITF has two Philippine affiliates—the Associated Marine Officers’ and Seamen’s Union (AMOSUP) and the Associated Philippine Seafarers Union, which is also an affiliate of the Trade Union Congress of the Philippines (TUCP) and represented in the Philippine Congress by TUCP Party List representative Raymond Democrito Mendoza. Other seafarer unions with low activity and minimal media presence are not ITF affiliates, including the Mariners and Allied Transport Employees Union, the International Seamen’s Mutual Labor Association, and the United Filipino

²⁴ Current affiliates of the JMG are listed on the website at http://jmgphil.com/site/?page_id=137 accessed on December 15, 2022.

²⁵ Interviews on November 9, 2022 at the Manila International Seafarer Center, Port Area, Manila with Mr. Arvin Ivan D. Peralta, ITF Inspector in Manila (designated by the AMOSUP) and Mr. Nino Mike D. Torrevillas, ITF Inspector in Cebu, designated by the APSU, the Associated Labor Union (ALU), and the TUCP.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

Seafarers. A relatively new group, the Concerned Seafarers of the Philippines, has emerged and appears to be active on social media and campaigning for seafarer welfare advocacy.

The third group of maritime stakeholders are *Nongovernmental Organizations*. The Apostleship of the Sea, also called Stella Maris, began to provide religious services to seafarers and port workers in Glasgow in 1920, which Pope Pius XI encouraged. On January 31, 1997, Pope John Paul II updated the organization’s norms as a maritime apostolate of the Roman Catholic Church.²⁶ The Apostleship of the Sea serves the religious needs of seafarers in commercial and fishing vessels, maritime personnel, including port workers and maritime students, and “people of the sea.” The Mission to Seafarers offers religious and support services through Protestant churches, such as the Anglican Church and the Philippine Independent Church, providing chaplaincy services for seafarers to practice the Christian faith while on board and in port. There are more than 400 seafarer ministries and 750 chaplains and ship visitors in 90 countries. In 1999, the chaplains and ship visitors organized the International Christian Maritime Association (ICMA) to encourage ecumenical collaboration and mutual assistance, and each member organization retains their faith’s independence and autonomy.²⁷

There are also seafarer global unions and assistance networks, such as the independent International Seafarers Assistance Center and the global International Seafarers’ Welfare and Assistance Network (ISWAN). The ITF has established an ITF Seafarers’ Trust to provide support for seafarer welfare centers in a number of global ports. The Apostleship of the Sea and the Mission to Seafarers are prominent church-based seafarer welfare organizations. An emerging group is the ISWAN, described as “an international maritime charity which works to improve the lives of seafarers and their families with services, resources, strategies and advocacy.”

Finally, the fourth group includes *political maritime stakeholders*. The political party group of seafarers includes MARINO, with Representative Sandro Gonzales, who was elected in 2022.²⁸ Party list representatives in Congress are elected for a 3-year term if a 2 percent voter support

²⁶ Vatican News, Pope encourages Stella Maris in apostolate to maritime community” <https://www.vaticannews.va/en/pope/news/2022-10/pope-stella-maris-25-world-congress-message-apostleship-sea.html> accessed October 3, 2022; Message of Pope Francis to the XXV World Congress of Stella Maris – Apostleship of the Sea in Glasgow, October 3–5, 2022 <https://www.vatican.va/content/francesco/en/messages/pont-messages/2022/documents/20221002-messaggio-stellamaris.pdf> accessed on October 7, 2022.

²⁷ International Christian Maritime Association (ICMA) <https://icma.as/about-icma/> accessed on October 6, 2022.

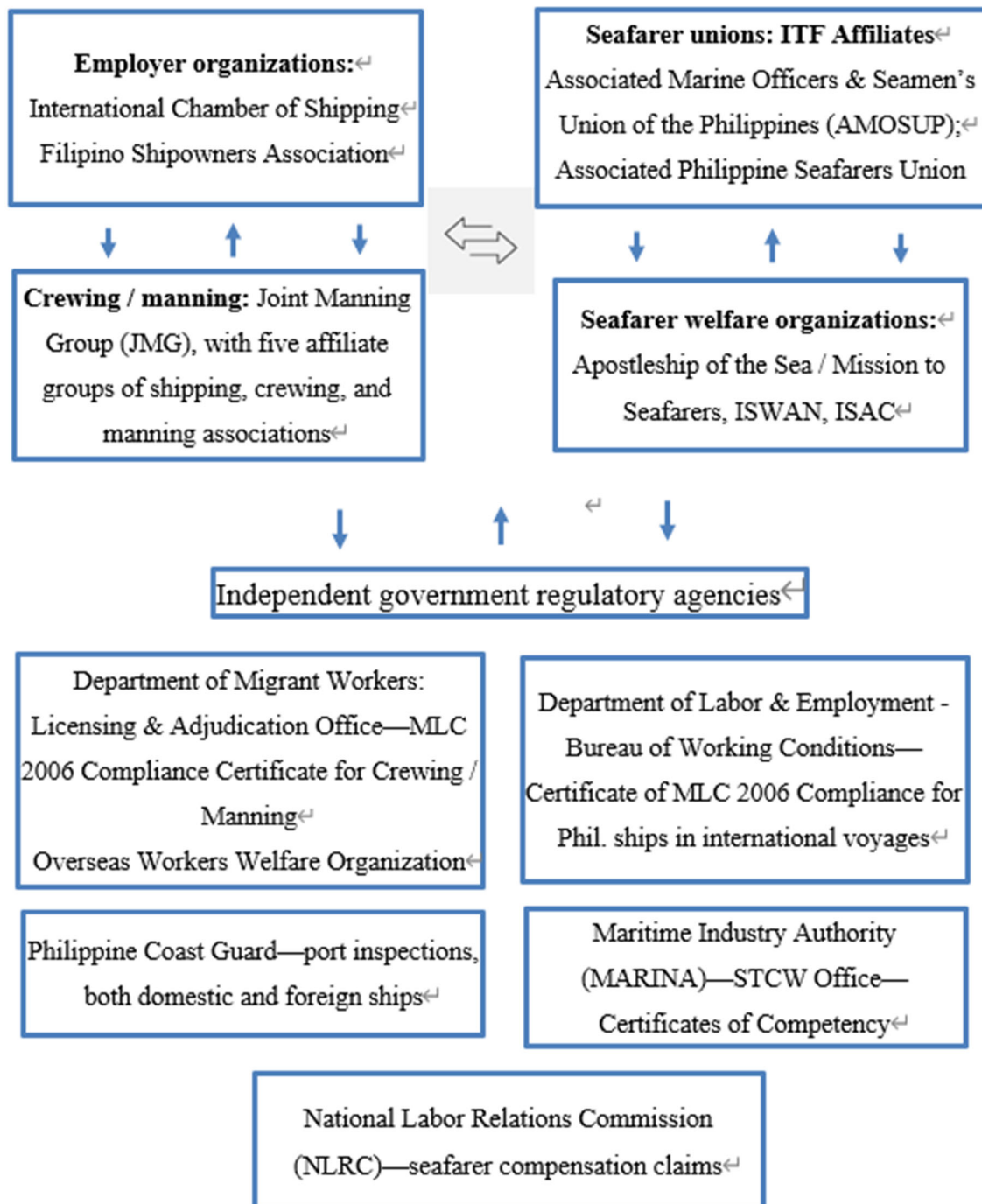
²⁸ The complete registered name is Marino Samahan ng mga Seaman, Inc.(MARINO). Please see the MARINO website <https://marino.org.ph/about/> accessed August 25, 2022.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

threshold is achieved. In 2016, another party list represented the seafarers in the House of Representatives called ANGKLA, which means anchor in English.²⁹ In the May 2022 national elections, this seafarer political party, along with three other seafarer political parties, failed to gain support of the required 2 percent of voters.

²⁹ ANGKLA’s registered name is Ang Partido ng mga Pilipinong Marino, Inc. (ANGKLA) in the official list of the Commission on Elections (COMELEC) accessed on November 15, 2022

Figure 1. MLC 2006 stakeholders in the Philippines



Source: Created by the author.

The diversity of Philippine maritime stakeholders is clearly apparent among various maritime employers and worker groups, who express a broad array of perspectives either for or against

proposed policies to bind the parties to an agreement. In addition, multiple government agencies are allocated distinct regulatory roles. Private welfare organizations also add to seafarer voice and representation, and diversity of opinions could be amplified by interest groups from shipping companies that provide funds for welfare activities and projects.

E. Continuity and complexity versus tripartism in seafarer policy and governance

The Figure 1 concept map shows that multiple stakeholders co-exist, with layers of regulatory functions and welfare programs in different agencies. Effectiveness in achieving seafarers' rights and promoting their welfare goes beyond the framework of tripartism to mediate employer, seafarer, and government interests. How did the complexity of multiple seafarer interests arise? How did MLC 2006 influence the globalization of the maritime industry, which directly benefited Filipino seafarers through positive global labor standards?

Seafarer labor market governance is inextricably linked to the history, evolution, and development of overseas labor employment in the Philippines. Continuity in policy is established in the various laws, rules, and regulations used as a basis to resolve conflicts between crewing companies and seafarers. Integrity is established when there is consistency in the interpretation and application of these rules and policies to resolve conflicts. Various jurisprudence on seafarer labor disputes, focusing on compensation for partial, permanent, or total disability, death, and contractual obligations test the integrity of seafarer laws and regulations and determine their continuing relevance.

In 1974, the Philippine Labor Code envisioned the employment of overseas Filipinos overseas as a temporary labor market policy in the transition to full employment amid robust economic growth. In 1976, the Philippine economy registered its peak at 8.8 percent growth, and 5.2 percent in 1980, which subsequently declined to negative 6.9 percent in 1985.³⁰ There were only 28,614 deployed seafarers in 1976, as reported by the Seamen's Board, and 57,196 seafarers in 1980, which declined to 51,446 in 1985. In 2021 345,117 seafarers were deployed, representing a 671 percent increase compared to 1985.³¹ In 1995, the Philippines enacted the Migrant Workers and

³⁰ World Bank, Philippine annual economic growth, 1961 to 2021 at <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=PH> accessed on November 7, 2022.

³¹ The 2021 statistics for seafarers were obtained from the DMW. The POEA Compendium of Statistics provided the data source for previous years.

Overseas Filipinos Act of 1995, known as Republic Act (RA) 8042.³² The law mandated a strong welfare protection institution with the creation of the OWWA. Protection for overseas workers welfare was carried over to the DMW in RA 11641 of 2019, which absorbed the OWWA, its welfare governance programs, and functions.

Regarding the wages and working conditions of seafarers, the International Bargaining Forum (IBF) is emerging as the "gold standard" of global seafarer pay, benefits, terms of employment, and working conditions, reaching beyond the minimum requirements of MLC 2006. Laws and standards governing seafarer employment are also maintained by national governments, while shipping companies use tax shelters for taxes and labor relations via FoCs in registering ships, and owners retain operational management advantages and prerogatives. Continuity and integrity of the tripartite framework is an important cornerstone in seafarer global labor market governance, which is challenged by sweatshop conditions and onboard FoCs that ignore global standards on seafarer pay and benefits. Through its annual Seafarer Bulletin, the ITF regularly publishes a list of countries in the FoC list.³³ FoCs are condemned as "morally irresponsible. They take the registration fees but do not have the will or the means to ensure the wellbeing of the seafarers who operate the vessels."³⁴ Through the IBF, collective bargaining agreements between shipping employers and seafarer worker unions establish a level playing field for the highly competitive world of maritime business.

Tripartism remains a strong framework at the global level through annual ILO conferences and meetings in Geneva with employers, workers, and government representatives. At the national level, the Philippine experience demonstrates that tripartism is subject to the capacity and strength of voice and representation in dialogues and resulting policymaking through legislation. The diverse strengths and voices of maritime stakeholders reveal that tripartism is a difficult path for seafarer labor market governance, as the government seeks to balance seafarer welfare against strong pressure from shipping employers and businesses to maintain competitiveness and quality maritime labor and to allocate the resources needed for compliance.

³² Stasiulis, D. and A. Bakan (April / June 1999) *Flor Contemplacion. A Study in Non-Citizenship. Public Policy* Volume III No. 2 pp. 19 to 41. Republic Act 8042 was mostly a result of widespread nationalist reaction to the hanging of Filipina domestic worker, Flor Contemplacion, who was accused of murder in Singapore.

³³ ITF Flags of Convenience at <https://www.itfglobal.org/en/sector/seafarers/flags-of-convenience> accessed on December 5, 2022.

³⁴The latest issue of the Seafarers Bulletin (2022) also lists and reports updates on the campaign versus FoCs. Reference: <https://www.itfglobal.org/sites/default/files/node/resources/files/SB2022-EN.pdf> pages 30 & 31. Accessed on December 15, 2022.

On December 30, 2021, the Philippines enacted RA 11641, the DMW Act of 2021, which was acknowledged as a fundamental overhaul of government agencies, programs, and services for overseas workers. The complete title of RA 11641 of 2021 was “An act creating the DMW, defining its powers and functions, rationalizing the organization and functions of government agencies related to overseas employment and labor migration, appropriating funds therefore, and for other purposes.”

RA 11641 builds upon the Magna Carta of Migrant Workers known as RA 8042 of 1995, as well as RA 9422 of 2007, repealing the deregulation provision and strengthening POEA regulatory functions; RA 10022 of 2010, strengthening the labor migration governance and welfare program based on RA 8042; RA 11227 of 2018 on the requirement to publish the overseas Filipino worker (OFW) Handbook; and RA 11299 of 2018, mandating an Office of the Social Welfare Attaché.

Since 1995, several government agencies have had substantial roles in the management and governance of Philippine migration, including the DOLE and its attached agencies, such as the POEA, the OWWA, the National Reintegration Center for OFWs (NRCO), the International Labor Affairs Bureau, the Department of Foreign Affairs (DFA), the Department of Social Welfare and Development, and the Commission on Filipinos Overseas, among others. RA 11641 created a new, central executive body—the Department of Migrant Workers—that absorbs the labor migration functions and regulatory roles of these agencies. The DMW is now the lead government executive body responsible for labor migration and OFW concerns, including seafarers.

The law establishes a Transition Committee (Section 23) to facilitate the transition period until operationalization. The Committee includes the new Department’s Secretary and officials from the offices and departments of Foreign Affairs, Labor, Maritime, and Social Welfare. The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected agencies, and the formulation of an internal organic structure, staffing pattern, operating system, and revised budget for the DWM will be completed within two years.

RA 11641 provides continuity and strengthens the following mandates for the Philippine state: “protect the rights and promote the welfare of OFWs and their families; make overseas employment a choice, not a necessity; strengthen the domestic labor market for the effective reintegration of OFWs; and progressively align programs and policies toward the fulfillment of the Global Compact for the Orderly and Regular Migration (GCM) adopted on December 10, 2018.”³⁵

³⁵ United Nations Office of the High Commissioner for Human Rights (UN OHCHR), Global Compact for Safe, Orderly, and Regular Migration (GCM) at <https://www.ohchr.org/en/migration/global-compact-safe-orderly-and-regular-migration-gcm> accessed on December 10, 2022.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

The specific mention of the GCM is an important milestone and recognition of the Philippines as a major source of overseas workers to countries experiencing labor shortages. The Philippines is one of the original signatories to adopt the GCM and was among the supporting countries in 2020.

The GCM is primarily concerned with land-based OFWs, and seafarers are not mentioned. While RA 11641 commits the Philippines “to progressively align its programs and policies with ratified international conventions and bilateral or multilateral treaties on migration” (Section 2, Declaration of Principles), there is no specific reference to the Philippine ratification and implementation of the MLC in relation to seafarers. The goal of the new Department is to consolidate government protection programs lodged in the DOLE and the DFA regarding OFW welfare matters. Coverage for welfare programs will include both prospective and returning overseas workers’ reintegration when they come back. Subsequently, RA 11641 defines the functions of the DMW as follows: “protect the rights and promote the welfare of OFWs, regardless of status and of the means of entry into the country of destination; to formulate, plan, coordinate, promote, administer, and implement policies in relation to the overseas employment and reintegration; to undertake systems for regulating, managing, and monitoring the overseas employment and reintegration; and to empower and train them to gain appropriate skills and by ensuring access to continuous training and knowledge development.”³⁶

Effective implementation of the law that established the DMW in 2019 could be considered a test of the continuity and integrity of the tripartite framework, as provided in the Philippine Labor Code of 1974 and subsequent amendments, as well as the Overseas Workers Welfare Act of 1995, including RA 8042 and its subsequent amendments. The DOLE and DMW Joint Circular No. 01 Series of 2022 established the specific roles and responsibilities of each government agency in the transition for the effective implementation of RA 11641, which created the DMW. Section II.1.2 provides that “the Governing Board of the former POEA, and the Board of Trustees of the OWWA and the NMP shall continue to exercise their policy and rulemaking powers” based on the original laws that provided for their charters. It should be noted that the governing boards of the POEA, OWWA, and the NMP have tripartite representation from the organized employers, workers, and government, in compliance with the Philippine ratification of ILO Convention 144 (1975) on tripartite representation in policy and decision-making.³⁷

³⁶ Section 2 of Republic Act 11641 at <https://www.officialgazette.gov.ph/2021/12/30/republic-act-no-11641/> accessed on July 5, 2022.

³⁷ DOLE and DMW Joint Circular No. 01 Series of 2022. Defining the Roles and Responsibilities of DOLE and DMW to ensure the Effective and Efficient Implementation of RA 11641 or the Creation of DMW at

F. The bipartite global framework: IBF between ITF and shipping employers

Global maritime industrial relations is a dynamic phenomenon that has directly benefited Filipino seafarers and the employers in the crewing and manning industry in the Philippines, despite the low union membership level in the country. The history and current status of Philippine maritime industrial relations should be the subject of a separate future study. The role of the ITF is acknowledged and documented by Lillie (2005, 2006), showing the direct connections between the global shipping industry as a key link in the chain of production and distribution. The outputs of the negotiations between the ITF and the international shipping industry have demonstrated the efficacy of the global framework in collective agreements that directly benefited Filipino seafarers through quality wages, benefits and working conditions.

Global transport unionism has grown with the expansion of maritime shipping (Lillie 2005, 2006). Seafarers are employed in the highly globalized structure of shipping, interconnected with transnational production chains. Seafarer unions developed organizing and bargaining strategies incongruence with the standards of international shipping in the global transport industry.

Outside the ILO's tripartite structure, the IBF between key shipping employers and the ITF sets the specific, binding terms of employment contracts, including compensation for seafarers in member shipping companies covered by collective agreements between global shipping companies (representing the employer) and the ITF (representing the worker organizations). The IBF brings together the ITF and the international maritime employers that make up the Joint Negotiating Group (JNG). The decisions in the IBF set the standard for the global commercial shipping industry and the employment of seafarers who work in these companies.

The practice of bipartite negotiations started in 1999 when the ITF began to negotiate with the International Maritime Employers' Council (IMEC), a group of ship owners and managers from around the world. Soon after, another group of ship owners, the International Mariners Management Association of Japan (IMMAJ), also entered into dialogue with the ITF. Together, IMEC and IMMAJ form the JNG, which was formally established in 2003 and has since expanded to

<https://www.dole.gov.ph/news/dole-and-dmw-joint-circular-no-1-22-defining-the-roles-and-responsibilities-of-dole-and-dmw-to-ensure-the-effective-and-efficient-implementation-of-ra-11641-or-the-creation-of-dmw/> accessed on November 30, 2022.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

include the Korean Shipowners’ Association.³⁸ Decisions are binding among JNG members, as an implicit framework for seafarer employment contracts, and as an indirect basis for a maritime collective bargaining agreement. When the ITF negotiates with the JNG, the resulting group is the IBF.

IBF agreements once released to the public, attract worldwide media attention. The agreements influence how other shipping companies and seafarer organizations prepare and allocate their shipping budgets, upgrade their welfare provisions for working on board, and update the binding terms and conditions of seafarer employment.

IBF agreements are considered to be the “gold standard” of “best maritime industry practices,” to supplement governments’ SEC for those not covered by seafarer union agreements. As a framework agreement, the IBF establishes the “fair ground rules” for quality and competitive global shipping. Quality shipping refers to competitive seafarers being provided three key quality guarantees involving the social, professional, and financial terms of employment and compliance with accepted labor standards. *Social elements* refer to seafarers’ quality of life, including leave, access to telephone and email, duration of employment, medical coverage for families, and other basic labor standards. *Professional elements* include sickness and injury pay, compensation, savings or provident funds, provisions for service in war zones, reengagement after pregnancy, protection for abandoned seafarers, training, security, and safe manning scales. *Financial elements* include pay rate, employment stability, union development, and access for ITF representatives to inspect vessels.

According to the ITF Seafarers homepage, some of the current features of the IBF framework agreement provide an opportunity to upgrade seafarers’ quality work conditions for competitive global shipping.³⁹ The direction is moving toward the consolidation of all financial requirements, fees, and visa costs prior to seafarer employment to be considered an aspect of company expenses, rather than borne by individual seafarers. There is also a need to ensure protection for seafarers who respect dockworkers’ trade disputes, provided they are lawful. In the event of death, the employer must provide burial costs and the repatriation of remains. Rest periods have been redefined in alignment with ILO MLC 2006 regulations. Finally, the temporary port workers that are called in to supplement work on board for expedient on- or off-loading of cargo are engaged

³⁸ ITF Seafarers International Bargaining Forum at <https://www.itfseafarers.org/en/your-rights/international-bargaining-forum> accessed on October 18, 2022.

³⁹As earlier cited (op. cit.) ITF Seafarers International Bargaining Forum at <https://www.itfseafarers.org/en/your-rights/international-bargaining-forum> accessed on October 18, 2022.

through independent outsourced “riding gangs” or stevedores and should also be able to exercise worker rights on board.

III. Conclusions and recommendations

The immense burdens and costs in terms of resources required for Philippine compliance with MLC 2006 are daunting. However, opportunities to achieve a competitive edge through high-quality maritime labor will benefit all maritime stakeholders, including employers and seafarer unions. This final section offers some recommendations to move forward with institutional capacity building to strengthen MLC 2006 compliance and provide effective voice and representation in tripartism.

To what extent were the objectives achieved for Philippine MLC 2006 ratification, in terms of growth in seafarer global deployment? Based on this perspective, it could be argued that the continuous growth in Philippine global seafarers deployed has achieved the objective of MLC 2006 ratification in 2012. Deployed Philippine seafarers increased from 193,324 in 2000 to 438,705 in 2010 (a 75 percent increase) and to 507,730 in 2019 before the COVID-19 pandemic (a 43 percent increase compared to 2010). Seafarer deployment significantly decreased in 2020 at the height of the pandemic.⁴⁰ In 2021, the DMW reported a 59 percent recovery, with 345,157 seafarers deployed. At face value, the sustained increase in deployment demonstrates the competitive strength of Philippine seafarers, which could be argued as a direct benefit of MLC 2006 ratification. The BIMCO Manpower Report (2021) confirmed that the Philippines has regained its top position as the primary source of global seafarer supply.⁴¹

The sustained quantitative increase in the number of seafarers is a significant indicator, but qualitative improvements should also be evident. Recognition of competencies as a requirement for employment, professional career development, a greater share of officers promoted from ratings, and a sustained level of remittances should be considered as well. Measures to fill the gaps in seafarer welfare governance are expected to be established with the integration of key institutions such as licensing of crewing agencies, processing employment contracts, and welfare administration under the newly organized DMW. Philippine legislators perennially compete in submitting proposals for new laws and policies that concern one or a combination of items related to

⁴⁰ Data regarding deployed Philippine seafarers were obtained from the POEA Compendium of Statistics and the annual Philippine Statistical Yearbook published by the Philippine Statistics Authority (PSA).

⁴¹ BIMCO 2021 Manpower Report at <https://www.ics-shipping.org/publication/seafarer-workforce-report-2021-edition/> accessed on November 30, 2022.

seafarer welfare, including hiring, recruitment, repatriation, health, and safety. The perspectives expressed by maritime stakeholders—ship employers, crewing and seafarer welfare organizations—show divergence and gaps in compliance on the surface, in addition to an absence of or inadequate understanding of seafarer welfare in relation to MLC 2006 requirements. However, stakeholders find common ground in promoting decent work and competitiveness of seafarers in terms of quality, certified competencies. Higher awareness, promotion, and protection of seafarer welfare, and more efficient regulation and labor market performance are expected as the Philippines continues to strengthen capacities in MLC 2006 compliance and allocate greater resources and more effective governance.

The main challenge is to develop a *one government approach* to the development of competencies compliant with global STCW standards, employment regulation, and seafarers’ welfare. A merger is out of the question for the different independent government agencies in terms of paperwork and bureaucratic procedures for issuing certificates, ID papers, employment contracts, medical certificates pre- and post-boarding, and welfare provisions such as social security and health insurance. There is a need for more innovation in strengthening capacities through available resources, such as training port and flag state inspectors and avoiding red tape from overlapping paperwork and signatures. The global shipping demand is enormous for matching and elevating required competencies, raising common awareness, and cultivating efficient capacities to coordinate MLC 2006 implementation. The multiplicity of government agencies involved in seafarer welfare and labor regulation requires a common portal to reduce paperwork and eliminate delays, duplication, and resource waste with the use of the latest digital technology.

Maritime labor policy must be continuously informed and supported by updated research and data analysis of MLC 2006 provisions in seafarer employment contracts and other statistics. For this purpose, a coordination meeting of a *technical working group* among research and policy heads and key staff of the agencies concerned should be convened, to establish a joint forum on seafarer data sharing, assessment, verification, updating, approval protocols, and transparency through posting on websites and link sharing. As the largest source of maritime labor, the Philippines is strongly encouraged to propose a *regular census of global seafarers* by nationality, vessel type, education, experience, and pay, among others concerns, along with other IMO member states. Ideally, a census conference should be convened every five years or more frequently as the need arises.

There is a significant gap between the policies, decisions for resource allocation, and available data to support the promotion of decent employment and provision of welfare programs for

Philippine seafarers. The Commission on Higher Education (CHED) has no updated data on maritime education enrollment, graduation rates, and passing rates for competency examinations, there is no data regarding how many maritime education graduates have found employment in the industry, and there is no disaggregated data on the number of seafarer beneficiaries of OWWA welfare programs.

Regarding seafarer labor disputes, the procedures for claims may take years to settle, in addition to the financial costs and stress. Seafarer compensation claims formally start with a labor arbiter for compulsory arbitration, or with mediators or conciliators if provided for in a union agreement. If unsatisfied with the arbiter or conciliator's decision, the seafarer or the employer may elevate the claim with the NLRC. If unsatisfied with the NLRC decision, either party can go to the Court of Appeals. The final arbiter is the Supreme Court (SC), and final decisions on seafarer compensation claims are uploaded on the SC website after many years.⁴²

Almost all of the recent SC decisions on seafarer compensation claims do not formally refer to MLC 2006; however, such claims are the subject matter of the key MLC 2006 items concerning seafarer welfare and its amendments addressing adequate financial security and provision of insurance, for example. In one case of a ship steward, the SC decided in favor of the seafarer's claim for total and permanent disability with a significant award of US\$125,000 (based on the collective bargaining agreement between the ITF and the shipping company), plus attorney's fees and interest due to the failure of the company physician to certify the seafarer's fitness to work.⁴³ In another case (Career Philippines Ship Management versus Ardel S. Garcia, a bosun or chief of the ratings), the SC decided to deny the total and permanent disability claim due to the failure of the seafarer to report to the company physician within 120 to 240 days to examine and certify fitness to work.⁴⁴ SC decisions constitute the jurisprudence on seafarer compensation claims mostly on partial, total, and permanent disability. These decisions may be in favor of seafarers, who are awarded substantial compensation based on the employment contract, plus attorney's fees which is a significant 10 percent share of the total monetary award, plus interest until the award is fully paid. In many other cases, the decisions are against the seafarer for procedural or technical

⁴² Philippine Supreme Court. Decisions at <https://sc.judiciary.gov.ph/decisions/> accessed on December 31, 2022.

⁴³ Philippine Supreme Court (2022a) Skanfil Maritime Services, Inc., and/or Crown Shipmanagement, Inc., and/or Jose Mario C. Bunag Vs. Almario M. Centeno (steward) G.R. No. 227655 on April 27, 2022 at <https://sc.judiciary.gov.ph/wp-content/uploads/2022/12/227655.pdf> accessed on December 7, 2022.

⁴⁴ Philippine Supreme Court (2022b) Career Philippines Shipmanagement Inc., Columbia Shipmanagement and/or Verlou R. Carmelino Vs. Ardel S. Garcia G.R. No. 230352 on November 29, 2022 at <https://sc.judiciary.gov.ph/wp-content/uploads/2023/02/230352.pdf> accessed on December 21, 2022.

reasons, such as the prescriptive period and deadlines to file claims and appeals, medical certifications by the company physician within 120 to 240 days, and seafarers' lack of financial means to pay for a competent lawyer.

Along with the development of policy and governance structures, there is also a need to provide a common portal for quality information and continuity in statistical data on Philippine seafarers. There is an urgent need to fill this gap to justify the establishment of a *Philippine Seafarers Resource Center (PSRC)* for research, education, and training. The proposed PSRC should include the latest upgrades in seafarer and maritime technology, expertise in smart green ships, provide real time updates of maritime industry data, fact checking, and consolidate information to enable effective and accurate analysis by researchers and policymakers.

Quality, competitive global seafarers require excellent policy formulation and decision-making grounded in research and continuously updated data. ISO-certified Quality Management Systems (QMS) exist in the various agencies involved with seafarer regulation. There must be a coordinating center for these QMS to share digital infrastructure systems with adequate and secure back-ups. An executive order from the Office of the President should issue a mandate for such a physical and digital portal as a "one stop shop" to serve both maritime industry employers and seafarers. A coordination meeting by the previously recommended technical working group should be able to identify and confirm the essential responsibilities among government agencies with responsibility over port state control, coordination and sharing of resources, education, and training and posting inspectors' competency certifications for MLC 2006 compliance. Greater efficiency can be provided through transparency in posting MLC 2006 documents, checklists, updated policies, rules, and regulations, in addition to real time statistics on seafarer officers and ratings, onboard employment opportunities, flag and type of vessels, the duration of employment contracts, wages and benefits, and similar basic information. There is no data on seafarer casualties, even as the Philippine SC and the lower courts decide on many compensations claims either for or against shipping companies, crewing agents, and seafarers.

Universal application of MLC 2006 to global shipping is expected, with limited exceptions for "ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. fishing and navy warships".⁴⁵ Non-ratification does not exempt any state or vessel from compliance with the MLC. Commercial shipping is a business that requires port-to-port operations in loading and unloading, crewing, and supply of provisions, as well as maintenance. MLC 2006 relies on the strength of "no less favorable treatment," requiring that all ships undergo the same set of inspections to verify or confirm compliance with agreed maritime standards. MLC 2006

⁴⁵ Article II, Section 4 of the MLC 2006.

must indeed be recognized as a fundamental shift from previous global commercial shipping regulations. The shipping industry has accepted the need for quality labor standards to support technological innovation by way of competitive "smart ships."

As a major seafarer supply country, the Philippines has developed a complex combination of regulatory agencies, policies, and regulations, with associated risks of bureaucratic requirements, duplication and overlapping manual paperwork, redundant procedures requiring unnecessary approvals, with possible diverse or erroneous interpretations. A prime example is the required medical certification of seafarers' fitness to work before boarding a ship and upon disembarkation. Disputes are appealed to the SC, primarily for seafarer disability compensation claims. Legislators and officials of regulatory agencies have proposed simplified paperwork that will eliminate delays, duplications, and redundant procedures. At the same time, demands for stronger protection of seafarer rights and welfare tend to add more layers of regulatory complexity. Resources must be invested in both knowledge upgrading and dissemination to ensure expertise and reduce regulatory complexity and costs. Investments are most viable for training more qualified shipping and crewing agents, port state control inspectors, and providing for MLC 2006 competencies in seafarer education, training, and certification, particularly management-level courses for officers.

A stronger Philippine MLC 2006 compliance framework will enable sustained capacity for maintaining the competitive advantage of quality maritime labor offered by the value added from ratified agreements with global governance institutions. Effective implementation is expected to boost maritime labor development, further enhancing the competitive quality of Philippine seafarers.

Global maritime industrial relations is a fascinating, dynamic phenomenon that has directly benefited Filipino seafarers as well as employers in the crewing and manning industry in the Philippines. The seafarer job may have evolved from the days of slavery and piracy to the current world of gigantic container cargo ships, passenger cruise palaces, and ultramodern smart ships run by artificial intelligence and satellite tracking. Conflicts of interests are more intense, and income gaps are higher amid the phenomenon of substandard FoCs and the contemporary age of smart ships. There is diversity in voice and representation of seafarer unions, in addition to arduous processes in the settlement of seafarer claims and labor disputes. The outcomes and development of Philippine maritime industrial relations may depend on the interactions of the organized voice of seafarers, intertwined with the powerful, rich global shipping conglomerates, which is indeed a challenge for a future separate study.

Chibana, Izumi ed. 2023. "Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines," BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

References

Bangko Sentral ng Pilipinas (BSP) (2022) OFW Remittances by Land and Sea Based Workers at http://www.bsp.gov.ph/statistics/efs_ext3.asp accessed on October 30, 2022

BIMCO (2015, 2021) Manpower Report. Global Supply and Demand of Seafarers.

Clyde & Co LLP (2013) *The Maritime Labor Convention 2006* at https://www.skuld.com/content-tassets/83f80a572e2646db93c14ee78d10cce0/clyde_maritime_labour_convention_20130624.pdf accessed on November 30, 2022.

Lillie, N. (2005) Union Networks and Global Unionism in Maritime Shipping. *Relations Industrielles / Industrial Relations* Vol. 60, No. 1 (2005 Winter), pp. 88-111.

Lillie, N. (2006) *A Global Union for Global Workers Collective Bargaining and Regulatory Politics in Maritime Shipping* London: Routledge

International Labor Organization (ILO) (2006), *Maritime Labor Convention 2006 as amended* at <https://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm> accessed on November 17, 2022

ILO MLC Ratifications at <https://www.ilo.org/dyn/normlex/en/f?p=1000:80001:.....> accessed on November 18, 2022.

ILO MLC 2006 Amendments at <https://www.ilo.org/global/standards/maritime-Labor-convention/lang--en/index.htm> accessed on November 17, 2022.

ILO Tripartite constituents at <https://www.ilo.org/global/about-the-ilo/who-we-are/tripartite-constituents/lang--en/index.htm> accessed on October 15, 2022.

ILO Convention 144, Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144) at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:12100:0::NO::P12100_ILO_CODE:C144 accessed on October 15, 2022.

ILO International Labor Standards on Tripartite consultation at <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/tripartite-consultation/lang--en/index.htm> accessed on September 25, 2022.

International Christian Maritime Association (ICMA), About at <https://icma.as/about-icma/> accessed on October 6, 2022.

Chibana, Izumi ed. 2023. "Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines," BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

International Seafarers' Welfare and Assistance Network (ISWAN) at <https://www.seafarerswelfare.org/> accessed on October 12, 2022.

International Transport Workers Federation (ITF) Flags of Convenience at <https://www.itfglobal.org/en/sector/seafarers/flags-of-convenience> accessed on December 5, 2022.

ITF Seafarers "International Bargaining Forum" at <https://www.itfseafarers.org/en/your-rights/international-bargaining-forum> accessed on October 18, 2022.

ITF Seafarers Bulletin (2022) Flags of Convenience (FoC) Campaign at <https://www.itfglobal.org/sites/default/files/node/resources/files/SB2022-EN.pdf> pages 30 & 31. accessed on December 15, 2022.

Joint Manning Group (JMG) is indicated at http://jmgphil.com/site/?page_id=137 accessed on December 15, 2022.

Payoyo, P. (2006) "The New ILO Convention: What Does it Mean for Filipino Seafarers?" Proceedings of the National Forum on the 2006 ILO Maritime Labor Convention, Philippine Seafarers Assistance Program (PSAP) and Center for Migrant Advocacy (CMA), Parklane Hotel, Cebu City, September 9, 2006

Philippine Department of Labor and Employment (DOLE) Press Release titled "It's official: the Philippines is the 30th ILO Member-State to ratify MLC, 2006. Director General Somavia accepts ratification instrument" at <https://www.dole.gov.ph/news/its-official-philippines-30th-ilo-member-state-to-ratify-mlc-2006/> accessed on August 22, 2022.

Philippine DOLE and DMW Joint Circular No. 01 Series of 2022. Defining the Roles and Responsibilities of DOLE and DMW to ensure the Effective and Efficient Implementation of RA 11641 or the Creation of DMW at <https://www.DOLE.gov.ph/news/DOLE-and-dmw-joint-circular-no-1-22-defining-the-roles-and-responsibilities-of-DOLE-and-dmw-to-ensure-the-effective-and-efficient-implementation-of-ra-11641-or-the-creation-of-dmw/> accessed on November 30, 2022.

Philippine Maritime Industry Authority (MARINA) (2022) The Philippines' Strategic Corrective Actions in raising the country's maritime standards in compliance with the STCW Convention at <https://marina.gov.ph/wp-content/uploads/2022/06/2022-PHILIPPINE-RESPONSE.pdf> accessed February 23, 2023.

Chibana, Izumi ed. 2023. "Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines," BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

Philippine Statistics Authority (PSA) (2015) Philippine Statistical Yearbook 2015 Quezon City: Philippine Statistics Authority

Philippine Official Gazette, 1987 Constitution at <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> accessed on November 27, 2022.

Philippine Overseas Employment Administration (POEA) (2010 to 2017) Compendium of Statistics, Mandaluyong City, Metro Manila: POEA w

Philippine Senate's Press Release at the Senate Concurrence in Ratification of Maritime Labor Convention, a Global Milestone -Senator Legarda posted on August 12, 2012, at https://legacy.senate.gov.ph/press_release/2012/0813_legarda1.asp accessed on August 10, 2022.

Philippine Statistics Authority (PSA) Philippine Statistical Yearbook 2001 to 2019 Online Archives at <https://psa.gov.ph/products-and-services/publications/philippine-statistical-yearbook> accessed on May 15, 2022.

Philippine Supreme Court, The Rules of Procedure for Admiralty Cases, A.M. No. 19-08-14-SC issued on September 17, 2019 at <https://oca.judiciary.gov.ph/wp-content/uploads/2019/12/OCA-Circular-No.-226-2019.pdf> accessed on November 30, 2022.

Philippine Supreme Court (2022a) Skanfil Maritime Services, Inc., and/or Crown Shipmanagement, Inc., and/or Jose Mario C. Bunag Vs. Almario M. Centeno (ship steward or messman) G.R. No. 227655 on April 27, 2022 at <https://sc.judiciary.gov.ph/wp-content/uploads/2022/12/227655.pdf> accessed on December 7, 2022.

Philippine Supreme Court (2022b) Career Philippines Shipmanagement Inc., Columbia Shipmanagement and/or Verlou R. Carmelino Vs. Ardel S. Garcia (bosun, or chief of the ratings) G.R. No. 230352 on November 29, 2022 at <https://sc.judiciary.gov.ph/wp-content/uploads/2023/02/230352.pdf> accessed on December 21, 2022.

Stasiulis, D. and A. Bakan (April/June 1999) Flor Contemplacion. A Study in Non-Citizenship. *Public Policy* Published by the University of the Philippines - Center for Integrative and Development Studies (CIDS) Volume III No. 2 pp. 19 to 41. United Nations - Office of the High Commissioner for Human Rights (UN OHCHR), Global Compact for Safe, Orderly and Regular Migration (GCM) at <https://www.ohchr.org/en/migration/global-compact-safe-orderly-and-regular-migration-gcm> accessed on December 10, 2022.

Chibana, Izumi ed. 2023. “Challenges and Conditions for Sustainable Seafarer Supply: A Case of the Philippines,” BRC Research Report. Bangkok Research Center, JETRO Bangkok / IDE-JETRO.

World Bank, Philippine annual economic growth, 1961 to 2021 at <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=PH> accessed on November 7, 2022.

Vatican (Holy See), Apostolic Letter “Motu proprio” Stella Maris on the Maritime Apostolate of Saint Pope John Paul II on January 31, 1997 at https://www.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_17031999_stella-maris.pdf accessed on October 7, 2022.

Vatican News, “Pope encourages Stella Maris in apostolate to maritime community” at <https://www.vaticannews.va/en/pope/news/2022-10/pope-stella-maris-25-world-congress-message-apostleship-sea.html> accessed on October 7, 2022.