



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
37th session
Agenda item 10

STW 37/10/2
2 November 2005
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DEVELOPMENT OF COMPETENCES FOR RATINGS

Information received from the International Labour Office (ILO)

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document provides information received from ILO related to the development of competences for ratings
<i>Action to be taken:</i>	Paragraph 4
<i>Related document:</i>	STW 36/17

- 1 The Sub-Committee at its thirty-sixth session (10 to 14 January 2005) agreed that:
 - .1 there was a need for ILO to consider the legal status of those countries that had ratified ILO Convention No.74;
 - .2 there was a need to provide for transitional arrangements for seafarers holding certificates issued under the provision of ILO Convention No.74;
 - .3 the term 'able seaman' needed to be retained as it had implications within the ILO regulatory framework, in particular to basic wage recommendations;
 - .4 the proposed standards to be developed should include both deck and engine-room ratings, with a possibility of also addressing general purpose ratings;
 - .5 the proposed standards should follow the structure of the present STCW Convention namely:
 - .1 competence;
 - .2 knowledge, understanding and proficiency;
 - .3 methods of demonstrating competence; and
 - .4 criteria for evaluating competence,

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and invited the Committee to endorse this decision and to instruct the Secretariat to inform ILO accordingly.

2 The Committee at its eightieth session (11 to 20 May 2005), endorsed the decision of STW 36. Accordingly, the Secretariat communicated the decision of STW 37, endorsed by MSC 80 to ILO.

3 In response ILO has communicated the following:

Quote

“1. *Consideration of the legal status of countries ratifying the Certification of Able Seamen Convention, 1946 (No.74)*

Your letter notes that both the STW and MSC believe there is a need for the ILO to consider the legal status of countries that have ratified Convention No.74. The issue of the transfer and the related legal questions have arisen in the context of the development in the ILO of the draft Maritime Labour Convention, 2006, which will consolidate almost all international maritime labour standards, including Convention No.74. In a letter dated 9 June 2004, IMO indicated that pending the outcome of the ILO's Preparatory Technical Maritime Committee (PTMC) in September 2004, the relevant IMO Committee had agreed that competence for ratings, except for the ship's cook, could be developed and included within the STCW Convention. The PTMC was of the view that this proposed transfer of responsibility was appropriate and proposed the adoption of a very generally worded Regulation on the subject in the draft Maritime Labour Convention, 2006, without any accompanying Standards or Guidelines. The Regulation, if adopted, would read as follows:

Regulation 1.3 – Training and qualifications

Purpose: To ensure that seafarers are trained or qualified to carry out their duties on board ship.

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties;
2. Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship;
3. Training and certification in accordance with the instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraphs 1 and 2 of this Regulation.

In accordance with Article X of the draft Maritime Labour Convention, read with Article 11, paragraph (1)(a) of Convention No.74, the latter Convention will cease to apply to countries when the new consolidated Convention takes effect for the country concerned. In its report that will accompany the draft Convention, the Office has noted the theoretical possibility that the IMO provisions addressing competency for ratings, including personnel that are now considered able seafarers, may not be completed by the time of entry into force of the ILO Maritime Labour Convention. It has suggested the possible addition of a transitional provision to Regulation 1.3, quoted above, on the following lines:

4. Any Member which, at the time of its ratification of this Convention, was bound by the Certification of Able Seamen Convention, 1946 (No.74) shall continue to carry out the obligations under that Convention unless and until its subject matter is covered by instruments adopted by the International Maritime Organization or until five years have elapsed since the entry into force of this Convention in accordance with paragraph 3 of Article VIII, whichever date is the earlier.

2. The need to provide for transitional arrangements for seafarers holding certificates issued in accordance with Convention No.74

The STW noted the need to provide for transitional arrangements for seafarers holding certificates issued under Convention No.74. It would be useful if such arrangements could be taken care of in the IMO provisions, in keeping with the PTMC's view that all aspects of training and certification, other than ship's cook, should be handled by IMO. However, if IMO should not consider it appropriate to refer an ILO Convention, the question could perhaps be dealt with in the ILO Maritime Labour Convention, 2006. If this is the view of IMO, then it would be helpful if it could be confirmed so that the International Labour Office is in a position to provide advice on this matter to the Conference in February 2006.

3. Retention of the term "able seamen" to take into account the implications of this terminology within the ILO regulatory framework, in particular basic wages recommendations

It should be noted that the PTMC adopted the term "able seafarer" in the provisions in the draft Maritime Labour Convention, 2006, which address wage setting. A definition is contained in Guideline B2.2.1, paragraph 1(a).

The remaining points with respect to the approach proposed by the STW regarding the scope and proposed structure for the standards of competence that will be developed have been noted. It is important that any standards that are developed should, at a minimum, cover the same range of personnel as is currently covered by Convention No.74."

Unquote

Action requested of the Sub-Committee

4 The Sub-Committee is invited to note the information provided and take action as appropriate.