

4 ALBERT EMBANKMENT  
LONDRES SE1 7SR

Teléfono: +44(0)20 7735 7611

Facsímil: +44(0)20 7587 3210

Circular nº 4204/Add.40  
17 mayo 2021

A: Todos los Estados Miembros de la OMI  
Naciones Unidas y sus organismos especializados  
Organizaciones intergubernamentales  
Organizaciones no gubernamentales con carácter consultivo ante la OMI

Asunto: **Coronavirus (COVID-19) - Herramienta de diligencia debida para apoyar los derechos humanos de la gente de mar durante la pandemia de COVID-19**

1 Las medidas relacionadas con la pandemia de COVID-19 aplicadas por los Gobiernos de todo el mundo, como las prohibiciones de viaje, las restricciones para el embarque y desembarque y las suspensiones de la emisión de documentos de viaje han afectado gravemente a las condiciones de trabajo en el sector marítimo mundial, generando una crisis humanitaria y de seguridad.

2 Como resultado, cientos de miles de marinos han quedado atrapados a bordo y sus derechos humanos se han visto comprometidos al no poder efectuarse los cambios rutinarios de tripulación, mientras que, al mismo tiempo, cientos de miles de marinos han quedado varados en tierra, imposibilitados de embarcar.

3 Tras varios llamamientos de la Asamblea General de las Naciones Unidas, del Secretario General de las Naciones Unidas y de los organismos de las Naciones Unidas a los Gobiernos para que designen a la gente de mar como "trabajadores esenciales" y recordando que, en virtud de los Principios Rectores de las Naciones Unidas sobre las Empresas y los Derechos Humanos, los Gobiernos tienen el deber de proteger los derechos humanos de la gente de mar y las empresas tienen la responsabilidad específica de respetar sus derechos, el Pacto Mundial de las Naciones Unidas, en cooperación con la Organización Internacional del Trabajo (OIT), la Organización Marítima Internacional (OMI) y Derechos Humanos de las Naciones Unidas han puesto en marcha una herramienta para apoyar la diligencia debida en materia de derechos humanos en el sector marítimo, como se indica en el anexo.

4 Cabe señalar que la herramienta es una respuesta a la crisis actual en relación con los cambios de tripulación y no pretende ofrecer orientaciones completas sobre la diligencia debida en materia de derechos humanos para el sector marítimo.

5 Se alienta a los Estados Miembros y a las organizaciones internacionales a que difundan ampliamente esta herramienta con el fin de promover el respeto de los derechos humanos en el sector marítimo durante la crisis de los cambios de tripulación relacionada con la pandemia de COVID-19.

\*\*\*



ANNEX



United Nations  
Global Compact



UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER



International  
Labour  
Organization



INTERNATIONAL  
MARITIME  
ORGANIZATION

# MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS

## A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE



## TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>03</b>
<b>ABOUT THIS TOOL</b> .....	<b>04</b>
<b>PART ONE: ACTIONS FOR CARGO OWNERS/CHARTERERS</b> .....	<b>05</b>
<b>PART TWO: ADDITIONAL ACTIONS FOR CARGO OWNERS</b> .....	<b>07</b>
<b>PART THREE: ADDITIONAL ACTIONS FOR CHARTERERS</b> .....	<b>09</b>
<b>ANNEXES</b> .....	<b>09</b>
ANNEX A: CONTACT .....	09
ANNEX B: KEY STAKEHOLDERS .....	10
ANNEX C: CASE STUDY .....	11
ANNEX D: EXAMPLES OF COLLECTIVE ACTION .....	13
ANNEX E: OVERVIEW OF KEY RISKS TO THE RIGHTS OF SEAFARERS FROM COVID-19 .....	14
ANNEX F: EXAMPLE LETTER FROM CARGO OWNER TO BUSINESS PARTNERS .....	15
ANNEX G: RESOURCES ON SEAFARERS AND COVID-19 .....	16
ANNEX H: RESOURCES ON HUMAN RIGHTS DUE DILIGENCE IN THE MARITIME INDUSTRY .....	17
<b>END NOTES</b> .....	<b>18</b>

### ACKNOWLEDGEMENTS

The contributions of the following experts are gratefully acknowledged with thanks:

- Institute for Human Rights and Business
- The International Chamber of Shipping (ICS)
- The International Transport Workers' Federation (ITF)
- The Rafto Foundation for Human Rights
- Organization for Economic Co-operation and Development (OECD)

With additional thanks to the several companies who participated in industry focus group meetings and provided comments and advice in the preparation of the tool. The support of the Sustainable Shipping Initiative, the World Economic Forum, the Global Maritime Forum, the Consumer Goods Forum, and the Ethical Trading Initiative is also acknowledged.

MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS: A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE

## INTRODUCTION

The maritime industry is responsible for transporting more than 80 per cent of global trade of goods, such as automobiles, bulk commodities, chemicals, wood products, iron and steel, garments and shoes, and consumer goods, toys, electrical appliances, oil and gas, pharmaceutical products and food. COVID-19 related measures imposed by Governments, including travel bans, embarkation and disembarkation restrictions or suspension in the issuance of travel documents, have severely strained the working conditions in the global shipping sector, resulting in a humanitarian and safety crisis.<sup>1</sup>

Hundreds of thousands of seafarers are trapped on ships as routine crew changes cannot be carried out, while hundreds of thousands are stranded on land, prevented from re-joining ships.<sup>2</sup> Those stranded on ships are being denied their human rights, including their rights to physical and mental health, to family life, and to freedom of movement, and are often forced to work beyond the default 11-month maximum period of service on board, as established by [International Labour Organization \(ILO\) Maritime Labour Convention, 2006 \(MLC, 2006\)](#). This is resulting in cases that could amount to forced labour.<sup>3</sup>

The [UN General Assembly](#), the [Secretary General](#) and UN agencies have called on governments to designate seafarers as “key workers” and to honour their commitment to seafarers, especially as it relates to medical care, length of service and repatriation.<sup>4</sup>

Under the [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#), while governments have the duty to protect the human rights of seafarers, businesses have a distinct responsibility to respect their rights.

Given the scale of the maritime industry and its facilitation of world trade, multinational and national enterprises of all sizes are likely to be linked to the situation of seafarers through their operations, logistics, and broader value chains.

The UN Human Rights Office, the UN Global Compact, and the UN Working Group on Business and Human Rights have issued a [statement](#) calling upon companies to act under the UNGPs. This call has been echoed by the [International Labour Organization \(ILO\)](#).<sup>5</sup>

In the context of the COVID-19 crisis, business enterprises that engage with the maritime industry should undertake human rights due diligence to identify, prevent, mitigate and address adverse human rights impacts on seafarers resulting from restrictions to crew changes. This involves utilizing leverage—individually and collectively—on governments and maritime transport providers to ensure respect for seafarers’ rights. The scale and complexity of due diligence should be reasonable and proportional to their size and operational context, among other factors.

Moreover, companies should not exert undue pressure on the maritime industry to lessen the protection afforded by existing standards, including those set out in the MLC, 2006. For instance, some are demonstrating irresponsible practices that jeopardize seafarers’ rights, including the appearance of ‘no crew change clauses’ in contracts between charterers and the maritime industry.

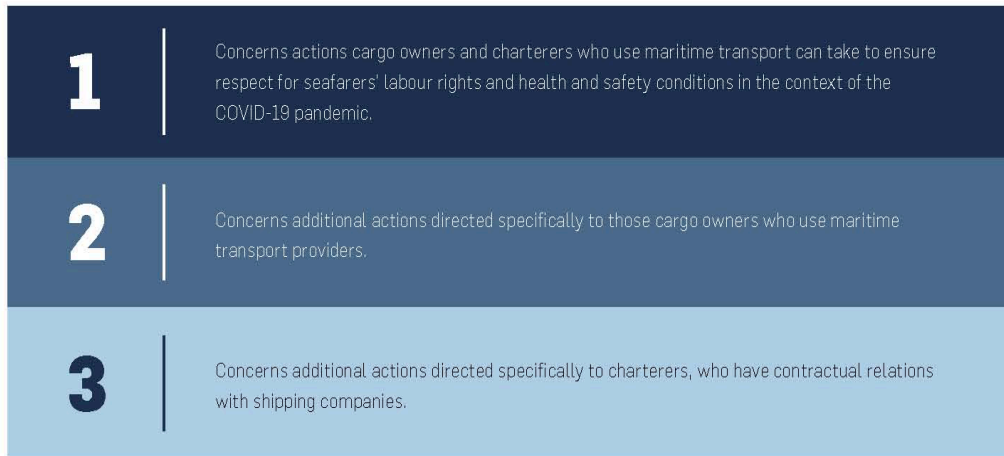
However, a number of global businesses are already demonstrating responsible practices and recognizing their human rights responsibilities to seafarers.<sup>6</sup> This tool seeks to encapsulate these good practices.

COVID-19 related measures imposed by Governments have severely strained the working conditions in the global shipping sector, resulting in a humanitarian and safety crisis.

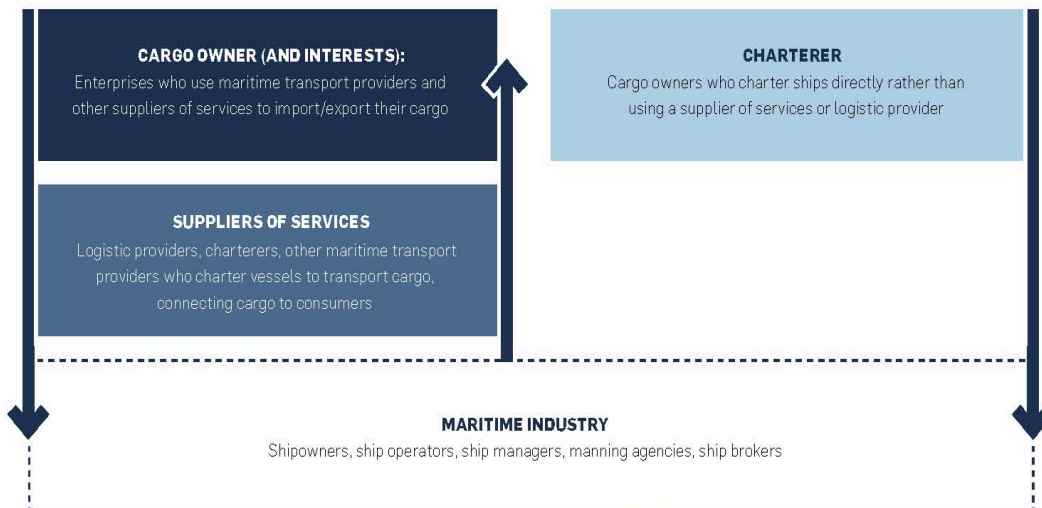
## ABOUT THIS TOOL

This tool is intended to help businesses uphold their responsibility to respect human rights in the maritime sector during the COVID-19 related crew change crisis through urgent measures. The tool is a response to the ongoing crisis concerning crew changes and is not intended to provide comprehensive guidance on human rights due diligence for the maritime sector.

### THE TOOL IS DIVIDED IN THREE PARTS:



### ACTORS IN THE MARITIME SUPPLY CHAIN:



## PART ONE

# ACTIONS FOR CARGO OWNERS / CHARTERERS:

## ENSURE RESPECT FOR SEAFARERS' LABOUR RIGHTS, HEALTH & SAFETY

### ENGAGE WITH BUSINESS PARTNERS

- **Business partners of cargo owners:** Charterers, suppliers of services, logistics providers, maritime transport providers, other business partners who use maritime transport
- **Business partners of charterers:** Shipowners, ship operators

ACTION	PRACTICAL STEPS / FURTHER GUIDANCE
<p>Cascade the latest version of the <a href="#">IMO Recommended Framework of Protocols for Ensuring Safe Ship Crew Changes and Travel during the Coronavirus (Covid-19) Pandemic</a> and use it as a basis for engaging in dialogue with your business partners.<sup>7</sup></p>	<ul style="list-style-type: none"> <li>■ Familiarize yourself with the IMO Protocols which outline general measures to be implemented by governments and shipping companies to facilitate safe ship crew changes during the COVID-19 pandemic and share them with your business partners.</li> </ul>
<p><b>Outline expectations and verify that:</b></p> <ol style="list-style-type: none"> <li>a. No seafarers should be or have been on board for a continuous period of more than the default 11 months maximum period of service (derived from the MLC, 2006).<sup>8</sup></li> <li>b. Vessel operators are limiting any avoidable crew contract extensions.<sup>9</sup></li> <li>c. Seafarers are not to work beyond the expiration of their contracts without their consent, highlighting that to do so may be grounds for considering such work as forced labour.<sup>10</sup></li> <li>d. Vessel operators are upholding the right of seafarers to both fair and free repatriation (as required by MLC, 2006).<sup>11</sup></li> <li>e. The cost of any quarantine obligations, before or after joining the ship are not borne directly or indirectly, in whole or in part, by the seafarer.<sup>12</sup></li> <li>f. Vessel operators are providing seafarers with adequate protective personal equipment (PPE).<sup>13</sup></li> <li>g. Vessels transporting your goods grant seafarers access to medical care ashore (e.g. by permitting diversions in the route) as required by MLC, 2006.<sup>14</sup></li> <li>h. Vessel operators are upholding safe manning requirements, in accordance with Flag State Laws and applicable international standards.<sup>15</sup></li> </ol>	<ul style="list-style-type: none"> <li>■ Seek a written assurance that your company's expectations are being met, and make this public when appropriate.<sup>16</sup> See <a href="#">ANNEX F</a> for an example letter to business partners.</li> <li>■ Make your company's expectations public, e.g. through annual corporate responsibility reports, enterprise website, or other relevant forms of disclosure.<sup>17</sup></li> <li>■ Engage with relevant stakeholders, in particular the International Transport Workers' Federation (ITF) and the International Chamber of Shipping (ICS). See a list of relevant stakeholders/email addresses in <a href="#">ANNEX B</a>.</li> <li>■ Engage with third parties (e.g. NGOs, research consultancies) to help with the verification of commitments. See <a href="#">ANNEX B</a>.</li> <li>■ Review suppliers' company reports for statements on their policy and practice concerning crew changes.</li> <li>■ <a href="#">ANNEX G</a> contains resources with practical information on seafarer health and safety considerations during the COVID-19 pandemic.</li> </ul>

**UTILIZE YOUR LEVERAGE**

ACTION	PRACTICAL STEPS / FURTHER GUIDANCE
<p>Call on government authorities to implement coordinated and consistent policies and legal measures designed to alleviate the situation of seafarers during the COVID-19 pandemic, such as designating seafarers as "key workers"<sup>18</sup> and implementing the IMO <a href="#">recommended framework of protocols</a>.</p>	<ul style="list-style-type: none"> <li>■ See <a href="#">ANNEX G</a> for a list of statements and resources on seafarers and COVID-19 from UN bodies and agencies.</li> </ul>
<p>Call on government to prioritize seafarers in their national COVID-19 vaccination programmes, together with other essential workers.<sup>19</sup></p>	<ul style="list-style-type: none"> <li>■ See <a href="#">Vaccination for Seafarers and Shipping Companies: A Practical Guide</a> from the International Chamber of Shipping.</li> </ul>
<p>Join forces and support the efforts of other actors (e.g. other companies, industry associations, unions, NGOs, UN agencies) to increase collective leverage on governments.</p>	<ul style="list-style-type: none"> <li>■ Such efforts could include, supporting Multi-Stakeholder Initiatives (MSIs); drafting letters directed to political decision-makers, or cross-sectoral calls to action from the global business community. See <a href="#">ANNEX D</a>.</li> </ul>
<p>Join forces and support the efforts of other actors to increase collective leverage on maritime transport providers.</p>	<ul style="list-style-type: none"> <li>■ See <a href="#">ANNEX B</a> for an overview of stakeholders and actors.</li> </ul>





MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS: A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE

## PART TWO

### ADDITIONAL ACTIONS FOR CARGO OWNERS: ADVOCATE FOR AND SUPPORT NECESSARY CREW CHANGES

#### ENGAGE WITH BUSINESS PARTNERS

- **Business partners of cargo owners:** Suppliers of services, logistics providers, maritime transport providers, charterers, and other business partners who use maritime transport

ACTION	PRACTICAL STEPS / FURTHER GUIDANCE
<p>Urge charterers and other business partners to be flexible and to accept route deviation requests from shipping companies for the purpose of facilitating crew changes.</p>	<ul style="list-style-type: none"> <li>■ Consider offering to contribute to the costs of deviation to share costs during the COVID-19 crisis.</li> </ul>
<p>Request charterers and other business partners to swiftly remove or refrain from using "no crew change" clauses in charter parties' agreements.</p>	<ul style="list-style-type: none"> <li>■ Seek a written assurance against use of "no crew change" clauses, to be made public where appropriate and available to external stakeholders.</li> <li>■ As a follow-up, verify that all "no crew change" clauses have been removed.</li> </ul>

#### ENCOURAGE COOPERATION WITH THE MARITIME INDUSTRY

ACTION	PRACTICAL STEPS / FURTHER GUIDANCE
<p>Encourage business partners to work constructively with the maritime industry through MSIs to help facilitate crew changes.<sup>20</sup></p>	<ul style="list-style-type: none"> <li>■ An example of an MSI is the Neptune Declaration on Seafarer Wellbeing and Crew Change. A list of NGOs and MSIs is provided in <a href="#">ANNEX B</a>.</li> </ul>



MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS: A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE

## TOWARDS BROADER HUMAN RIGHTS DUE DILIGENCE IN THE MARITIME TRANSPORT INDUSTRY

This tool outlines urgent measures as a response to the COVID-19 related crew change crisis, and is not intended to provide comprehensive guidance on human rights due diligence for the maritime sector. However, the tool could serve as an initial marker to initiate long-term thinking into human rights due diligence processes in relation to the maritime industry.

This implies the inclusion of the maritime logistics supply chain and the rights of seafarers within the scope of cargo owners' due diligence—which as the COVID-19 pandemic has shown, is often not the case.

According to the [UN Guiding Principles on Business and Human Rights](#), human rights due diligence (HRDD) involves a process to identify, prevent, mitigate and address negative human rights impacts on people. In practical terms, HRDD is a process to "know and show" about their human rights responsibilities. As designed by the UNGPs, HRDD mirrors existing business risk management systems; however, the focus of HRDD is risk to people, rather than risk to the company itself. The scale and complexity of HRDD processes will vary according to factors such as size, sector or operation context, and should be commensurate to the severity of the risk.

According to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), the due diligence process, as it concerns workers' human rights, should "involve meaningful consultation with potentially affected groups and other relevant stakeholders including workers' organizations".<sup>21</sup> According to the MNE Declaration, this process should "take account of the central role of freedom of association and collective bargaining as well as industrial relations and social dialogue as an ongoing process".<sup>22</sup>



THE HUMAN RIGHTS DUE DILIGENCE PROCESS

Image credit: OHCHR

Corporate due diligence cannot be separated from operational level-grievance mechanisms, so individuals and communities who may be adversely impacted can be heard, and have their grievances addressed early and remediated. In this connection, the ILO MNE Declaration states that "multinational enterprises should use their leverage to encourage their business partners to provide effective means of enabling remediation for abuses of internationally recognized human rights".<sup>23</sup>

These mechanisms should also be open for the rights of workers to submit grievances individually or collectively in relation to the business enterprises they work for, particularly when they operate in countries that do not abide by international principles and rights at work.<sup>24</sup>

See [ANNEX H](#) for a list of resources on human rights due diligence, with a special focus on the maritime industry.

MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS: A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE

## PART THREE ADDITIONAL ACTIONS FOR CHARTERERS

### ENGAGE WITH BUSINESS PARTNERS

- **Business partners of charterers:** Shipowners, ship operators

ACTION	PRACTICAL STEPS / FURTHER GUIDANCE
Exhibit flexibility and accept route deviation requests from shipping companies for the purpose of facilitating crew changes.	<ul style="list-style-type: none"> <li>■ Consider contributing to the costs of crew changes and deviation during the COVID-19 crisis.</li> </ul>
Swiftly remove or refrain from using "no crew change" clauses in charter parties' agreements with the maritime industry.	<ul style="list-style-type: none"> <li>■ Communicate on how this has been addressed.</li> <li>■ Ensure this information is publicly available to external stakeholders through annual corporate responsibility reports, or other relevant forms of public disclosure.</li> </ul>
Refrain from using any other methods which might exert additional pressure on the maritime industry.	<ul style="list-style-type: none"> <li>■ Avoid taking measures designed to circumvent safeguards on crew changes, such as using the fact that a ship is due a crew change as the reason for not hiring the vessel.</li> </ul>

### COOPERATE WITH THE MARITIME INDUSTRY

Work actively and constructively with the maritime industry to help facilitate crew changes in accordance with international standards regarding seafarers. <sup>25</sup>	<ul style="list-style-type: none"> <li>■ Collaborate through a MSI, such as the Neptune Declaration Signatories. See <a href="#">ANNEX D</a></li> </ul>
---	---

## CONTACT

This is a living document as COVID-19 is an ongoing crisis and the nature and extent of risks are still to be identified fully. If you have feedback or contributions for future reiterations, please let us know.

Please direct any question or request of further assistance to UN Global Compact: [ocean@unglobalcompact.org](mailto:ocean@unglobalcompact.org)

## KEY STAKEHOLDERS

Human rights due diligence should include meaningful consultation with potentially affected groups and other relevant stakeholders. In relation to seafarers, this should include seafarers themselves and seafarer organizations (including, where possible, trade unions and other workers' organizations) as well as other relevant stakeholders, such as NGOs.

At the global level, stakeholder engagement on issues related to seafarers should include the relevant social partners, such as the International Transport Workers' Federation (ITF) and the International Chamber of Shipping (ICS). Consultation should also involve, when necessary, government entities, including those from relevant Flag States and Port States.

### MAIN CONTACT INFORMATION

- International Transport Workers' Federation**  
Email: [SeafarersHRDD@itf.org.uk](mailto:SeafarersHRDD@itf.org.uk)
- International Chamber of Shipping**  
Email: [info@ics-shipping.org](mailto:info@ics-shipping.org)
- Neptune Declaration on Seafarer Wellbeing and Crew Change**  
Email: [info@neptunedeclaration.org](mailto:info@neptunedeclaration.org)

### INDUSTRY ASSOCIATIONS

- [IFSM – International Federation of Shipmasters Associations](#)
- [InterManager](#)
- [International Association of Dry Cargo Shipowners \(INTERCARGO\)](#)
- [BIMCO](#)
- [International Association of Independent Tanker Owners \(INTERTANKO\)](#)

### INTERNATIONAL INSTITUTES WORKING ON MARITIME HUMAN RIGHTS

- [Institute for Human Rights and Business](#)
- [Danish Institute for Human Rights](#)
- [Rafto Foundation for Human Rights](#)

### INTERNATIONAL NGOS/WELFARE ORGANIZATIONS

- [Human Rights at Sea](#)
- [International Seafarers' Welfare and Assistance Network \(ISWAN\)](#)
- [ITF Seafarers' Trust](#)
- [International Christian Maritime Association \(ICMA\)](#)
- [International Maritime Health Association \(IMHA\)](#)

### MSIs ENGAGED IN CREW CHANGE CRISIS

- [UN Global Compact Action Platform for Sustainable Ocean Business](#)
- [Consumer Goods Forum](#)
- [Global Maritime Forum](#)
- [World Economic Forum](#)
- [Ethical Trading Initiative](#)
- [Sustainable Shipping Initiative](#)

## CASE STUDY

### **UK-BASED INTERNATIONAL RETAILER: TGF LONDON BRANDS**

#### **THE ISSUE**

Due to ongoing COVID-19 restrictions, large numbers of seafarers are having to extend their service on board ships after many months at sea, unable to be replaced after long tours of duty or be repatriated via aircraft to their home countries. Each month about 150,000 seafarers need to be changed over to and from the ships which they operate to ensure compliance with international maritime regulations for ensuring safety, crew health and welfare, and the prevention of fatigue.

The crew who remain onboard are under increasing mental stress, worry and concern—not just for themselves and their situation, but for their families in their absence of being at home. They also have concerns about who is going onboard, specifically whether they are a COVID-19 carrier and if they could spread the virus to the crew. Further, seafarers' concerns over not being heard and their positions being ignored, especially when they lack representation, continues to raise risks for the smooth running of the global industry on a day-to-day basis.

Over 300,000 forgotten seafarers are currently stranded on board vessels worldwide. Although they have completed their contractual tour of duty, they have been prevented from returning home due to government restrictions which prohibit them from going ashore. Some of them have been at sea for over 17 months, despite the MLC cap of 11 months.

This is a growing humanitarian and economic crisis affecting the shipping sector. Shipping companies are required to comply with international regulations and contractual obligations, which include bans on indefinitely extending service periods on board ships which pose dangerous impacts for the well-being of ship crew and, equally importantly, safe ship operations.

---

#### **TFG LONDON RESPONSE TO THE SEAFARERS CRISIS**

In June 2020, Ethical Trade Initiative (ETI) responded to a call to support seafarers being affected by COVID-19 restrictions and all members, including TFG London, were invited to convene on a briefing session. The International Transport Workers Federation (ITF) briefed members on the maritime protocols, impact on supply chains and shared how, through their networks and logistic providers, organisations could support the call to remedy this situation.

Responsibility (CSR) and Sustainability team were given the green light to start an immediate investigation. Presented with the facts that had all the red flags of a humanitarian crisis, TFG felt compelled to address this very serious issue and take immediate action. The issue was presented at the Board of Directors and the Corporate Social One challenge we faced was that this was a segment of our global supply chain with which we were not so familiar with. Our main focus had always been merchandise suppliers and manufacturers through to raw material sourcing. Our logistics partners and the route of our vessels were not part of this map.

#### STEP ONE

The first step we took was to reach out to our transport partners to make them aware of the IMO protocols, in relation to:

- Joining a ship (from a seafarer's place of ordinary residence in one country via aircraft to join a ship in a seaport in another country); and
- Leaving a ship and repatriation (from a ship in a seaport in one country via aircraft to a seafarer's place of ordinary residence in another country).

#### STEP TWO

We requested that they provide a detailed map of our logistics network and ask them what actions they were taking to support the IMO protocols that aim to protect seafarers during the pandemic.

#### STEP THREE

Our shipping agent came back with a map outlining our global logistics routes and vessels from 1 January 2020 to 1 June 2020. We approached the International Transport Workers' Federation to help us decipher the data and verify whether within this timeframe there had been any human rights infringements perpetrated on board any of the vessels listed on the map. ITF compared our data with their own records and found that at least five vessels used by our company were roaming the ocean with no ITF agreements.

#### STEP FOUR

Presented with the data, we felt powerless to act, as we did not have any meaningful tools or leverage to respond to this crisis. We did not know, for instance, whether those vessels were transporting cargo owned by organisations with whom we had existing relationships or industry peers, to forge a collaborative approach to this issue. We were also lacking support in the form of NGOs or expert bodies who could meaningfully support advocacy. We subsequently requested via email that our shipping agent agree to:

- Accept the [MLC 2006](#) and cascade it down to its own partners along the supply chain;
- Accept the [IMO Industry Recommended Framework of Protocols](#);
- Liaise exclusively with partners who had agreements with ITF in order to retain verifiable data access.

#### STEP FIVE

We approached a MSI we are involved with to ask whether they could establish a member's working group on this specific issue as well as set up an Expert Support Network (ESN) aimed at providing a space for the exchange of expert advice and knowledge on human and labour rights in the logistics sector of MSI members' value chains. Finally, we requested that the ESN start working on a tool or framework which could support members in applying due diligence to address the crew change crisis.

## EXAMPLES OF COLLECTIVE ACTION

### **THE NEPTUNE DECLARATION ON SEAFARER WELLBEING AND CREW CHANGE**

The Neptune Declaration is a global call to action to address the ongoing crew change crisis, focusing on concrete actions that can facilitate crew changes and keep vital global supply chains functioning. It received over 300 company signatures. The declaration was developed by the Maritime Industry Crew Change Taskforce created as an outcome of the Global Maritime Forum's 2020 Virtual High-Level Meeting. The taskforce is chaired by Jeremy Nixon, CEO of Ocean Networks Express, and Graham Westgarth, Chairman of V.Group, and brings together representatives of companies from across the maritime value chain as well as organizations including ICS, ITF, International Maritime Employers' Council, the Global Maritime Forum and the World Economic Forum.

---

### **CONSUMER GOODS FORUM LETTER TO THE UN SECRETARY GENERAL**

Members of The Consumer Goods Forum Board of Directors published a letter addressed to the UN Secretary General Mr. António Guterres. The letter calls on Mr. Guterres to encourage governments to take immediate action to ensure consumer goods companies can continue to serve their customers with the essential goods they need and to recognize seafarers as "key workers". The letter calls for a series of measures to be put into effect, including reviewing PPE requirements and implementing the IMO protocols to facilitate safe and secure crew changes. According to the letter, the signatories communicated these requests to shippers, logistics providers and suppliers.

## OVERVIEW OF KEY RISKS TO THE RIGHTS OF SEAFARERS FROM COVID-19

### EMPLOYMENT

- Seafarers are being deprived of their rights to annual leave, shore leave and repatriation (MLC, 2006, Regulations 2.4 and 2.5).
- Seafarer loss of employment and reduced employment opportunities due to lack of crew changes.
- Expiration of competency and medical certificates which are of limited duration.
- Delays in joining crews and in repatriation may result in seafarers not getting their minimum sea time requirements and consequent expiration of professional certification.

### HEALTH AND SAFETY

- Extended contracts resulting in fatigue and physical and mental health issues for seafarers—including depression and anxiety.
- Increased stress and worry due to isolation/extended period away from families.
- Inability to go ashore to receive medical care, despite presenting medical issues not related to COVID-19 (MLC, 2006, Regulation 4.1).
- Serious problems in obtaining repeat prescriptions for regular medication.
- Reduced minimum manning of vessels intensifies stress onboard and contributes to fatigue because it spreads the same workload across a smaller number of seafarers.
- Inability to take portions of their non-working time ashore and away from their workplace.
- Physically and mentally fatigued seafarers are at higher risk of being involved in a maritime casualty, presenting an increased risk of loss of life/personal injury, risk to safe navigation, and risk to the marine environment.

### INCREASED RISK OF FORCED LABOUR

- Seafarers are being forced to continue working beyond the terms agreed in their seafarers' employment agreements without formal, free and informed consent (SEA)(MLC, 2006, Article III).



## EXAMPLE LETTER FROM CARGO OWNER TO BUSINESS PARTNERS

### Supplier Expectations Relating to upholding Seafarers' Human Rights During the COVID-19 pandemic

Due to ongoing COVID-19 restrictions, large numbers of seafarers are having to extend their service on board ships after many months at sea, unable to be replaced after long tours of duty or to be repatriated via aircraft to their home countries. Hundreds of thousands of seafarers are impacted through being trapped on ships, and are often forced to work beyond the default 11-month maximum period of service on board, derived from the [ILO's Maritime Labour Convention, 2006](#), (MLC, 2006). This is increasingly resulting in situations which could amount to forced labour.

Our [company name] has a high standard of business conduct. We also expect and require a high standard of business conduct from all of our suppliers. A strong commitment in this regard is a requirement for being a [Company name] supplier and is the foundation for our mutually beneficial business relationship.

To uphold the human rights of seafarers during the COVID-19 pandemic, we expect [Company name] suppliers to:

- Refrain from using "no crew change" clauses in charter parties' agreements, or from any other methods which might exert additional pressure on the maritime industry
- Be flexible and accept route deviation requests from shipping companies for the purpose of facilitating crew changes.
- Work actively and constructively with the maritime industry to help facilitate crew changes in a manner that respects the human rights and labour rights of seafarers.
- Cascade the [ILO Information Note on Maritime Labour Issues and COVID-19](#) to any relevant partners.
- Accept and utilize the IMO [Recommended Framework of Protocols](#) to ensure safe crew changes during the COVID-19 pandemic, as well as cascading this to any relevant partners.
- Liaise with partner members of the International Transport Workers' Federation to retain verifiable data.
- Ensure no seafarers should be or have been on board for a continuous period of more than the 11 months maximum period of service derived from the [MLC, 2006](#).
- Limit any unavoidable crew contract extensions.
- Ensure that seafarers are not having to work beyond the expiration of their contracts without their willing consent, as to do so may be grounds for considering such work as forced labour.
- Uphold the right of seafarers to both fair and free repatriation in keeping with the requirements of the [MLC, 2006](#).
- Ensure that the cost of any quarantine obligations before or after joining the ship are not borne directly or indirectly, in whole or in part, by the seafarer.
- Provide seafarers with adequate protective personal equipment (PPE).
- Abide by the legal obligation to grant seafarers access to medical care ashore, for instance by permitting diversions for the purpose of medical care.
- Uphold safe manning requirements, in accordance with Flag State law and international standards, [during the COVID-19 pandemic](#).

## RESOURCES ON SEAFARERS AND COVID-19

### PRACTICAL GUIDANCE

- ICS (2021) [Coronavirus \(COVID-19\) Vaccination for Seafarers and Shipping Companies: A Practical Guide your Questions Answered.](#)
- ICS (2020) [Coronavirus \(COVID-19\) Guidance for Ship Operators for the Protection of the Health of Seafarers, Version 3.0.](#)
- ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0.](#)
- IMO (2021) [FAQ on Crew Changes.](#)
- IMO (2020) [Recommended Framework of Protocols for Ensuring Safe Ship Crew Changes and Travel during the Coronavirus \(COVID-19\) Pandemic.](#)
- IMO: [Coronavirus disease \(COVID-19\) pandemic website.](#)

### GENERAL RECOMMENDATIONS

- International Civil Aviation Organization (ICAO), International Labour Organization (ILO), International Maritime Organization (IMO), International Organization for Migration (IOM) and World Health Organization (WHO) (2021) [Joint Statement on prioritization of COVID-19 vaccination for seafarers and aircrew.](#)
- ILO Governing Body (2020) [Resolution concerning maritime labour issues and the COVID-19 pandemic.](#)
- ILO Committee of Experts (2020) [General observation on matters arising from the MLC 2006 during the COVID-19 pandemic.](#)
- IMO Maritime Safety Committee (2020) [Resolution on recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic \[MSC.473\(ES.2\)\].](#)
- OHCHR, UN Global Compact and UN Working Group (2020) [Joint statement: The COVID-driven humanitarian crisis of seafarers: A call for action under the UN Guiding Principles on Business and Human Rights.](#)
- UN General Assembly Resolution (2020) [Resolution on international cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains \(UN Doc A/RES/75/17\).](#)

MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS: A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE

ANNEX H

## RESOURCES ON HUMAN RIGHTS DUE DILIGENCE IN THE MARITIME INDUSTRY

### PRACTICAL GUIDANCE

- Business & Human Rights Resource and Human Rights at Sea: Web Platform – Centre’s Maritime Human Rights Reporting Platform: <https://old.business-humanrights.org/en/maritime-industry-and-human-rights>.
- Danish Shipping Association: Web Platform - Navigating Human Rights: <https://www.danishshipping.dk/en/policy/menneskerettigheder/>.
- Ethical Trading Initiative (2021) Human Rights Due Diligence in Freight Supply Chains - Event Report and Videos.
- Human Rights at Sea (2016) [Introduction & Commentary to the 2011 UN Guiding Principles on Business and Human Rights and their Implementation in the Maritime Environment](#).
- ILO (2019) [Frequently Asked Questions about the Maritime Labour Convention 2006, 5th ed.](#)
- Institute for Human Rights and Business, Danish Institute for Human Rights, Rafto Foundation for Human Rights (2019) [The Ship Lifecycle: Embedding Human Rights from Shipyard to Scrapyard](#).
- Institute for Human Rights and Business, Danish Institute for Human Rights, Rafto Foundation for Human Rights (forthcoming: 2021) [Ship Lifecycle Principles](#).

### STANDARDS / GENERAL RESOURCES ON HUMAN RIGHTS DUE DILIGENCE

- ILO (2017) [Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy \(MNE Declaration\), 5th ed.](#)
- OECD (2018) [Due Diligence Guidance for Responsible Business Conduct](#)
- OHCHR (2011) [United Nations Guiding Principles on Business and Human Rights](#).
- OHCHR (2012) [The Corporate Responsibility to Respect Human Rights: An Interpretative Guide](#).
- OHCHR (2014) [Frequently Asked Questions on the Guiding Principles on Business and Human Rights](#).
- UN Global Compact: [Human Rights Self-Assessment Tool](#).
- UNDP (2020) [Human Rights Due Diligence and COVID-19: Rapid Self-Assessment for Business](#).

## END NOTES

1. [UN Secretary General message on World Maritime Day](#), SG/SM/20274 (23 September 2020)
2. As of March 2021, it is estimated that some 200,000 seafarers remain on board commercial vessels. IMO (2021) [IMO Secretary statement: Covid-19 crew change crisis still a challenge](#).
3. ILO Committee of Experts (2020) [General observation on matters arising from the MLC 2006 during the COVID-19 pandemic](#) (Adopted by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) at its 91st session (Nov-Dec. 2020)), p. 5.
4. This call for action is set out in resolutions adopted by the [UN General Assembly](#), [IMO Maritime Safety Committee](#), [the International Labour Organisation \(ILO\) Governing Body](#), and the [ILO's Committee of Experts on the Application of Conventions and Recommendations](#).
5. [ILO Governing Body resolution concerning maritime labour issues and the COVID-19 pandemic](#) (adopted on 8 December 2020), GB.340/Resolution (Rev.2), para. 4.
6. Recent examples include: [Letter of the members of the Consumer Good Forum to the UN Secretary-General](#) (23 September 2020); [Media statement of the Seafood Business for Ocean Stewardship \(SeaBOS\): "SeaBOS calls on governments to support boat crews and ocean workers"](#) (23 September 2020); [Neptune Declaration on Seafarer Wellbeing and Crew Change](#) (26 January 2021).
7. [IMO recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus \(COVID-19\) pandemic](#) (IMO circular MSC/Circ.1636).
8. ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0](#); ILO Committee of Experts (2020) [General observation](#) on matters arising from the MLC 2006 during the COVID-19 pandemic (p.4).
9. [ILO Committee of Experts \(2020\) General observation on matters arising from the MLC 2006 during the COVID-19 pandemic](#), p. 5.
10. *Ibid.*, p. 5 (noting that States sure that ensure that in "no case, seafarers are forced to continue working on extended contractual arrangements without their formal, free and informed consent").
11. See ILO (2016) [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#). See also ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0](#).
12. *Ibid.*, p. 5.
13. ICS (2020) [Covid-19 Guidance for ship operators](#).
14. ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0](#), p. 5.
15. ILO Maritime Labour Convention, 2006, as amended (MLC, 2006), Standard A2.7, (paras. 1 & 3); ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0](#).

MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS: A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE

16. For additional information on public reporting, please see the [OECD Due Diligence Guidance for Responsible Business Conduct \(2018\)](#).
17. Ibid, p.19.
18. As laid out in the UN General Assembly [resolution 75/17 on international cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains](#).
19. WHO, ICAO, ILO, IMO, IOM (2021) [Joint statement on prioritization of COVID-19 vaccination for seafarers and aircrew](#).
20. ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0](#).
21. ILO (2017) [The Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy \(MNE Declaration\)](#), (para 10.(e)).
22. Ibid.
23. Ibid, art. 65.
24. Ibid, art. 66.
25. ILO (2021) [Information note on maritime labour issues and coronavirus \(COVID-19\) - Revised version 3.0](#).



**United Nations**  
Global Compact



**UNITED NATIONS**  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



**International**  
Labour  
Organization



**INTERNATIONAL**  
**MARITIME**  
ORGANIZATION

#### **ABOUT THE UNITED NATIONS GLOBAL COMPACT**

As a special initiative of the UN Secretary-General, the United Nations Global Compact is a call to companies everywhere to align their operations and strategies with ten universal principles in the areas of human rights, labour, environment and anti-corruption, and to take action in support of UN goals. With more than 12,000 companies and 3,000 non-business signatories based in over 160 countries, and 69 Local Networks, it is the largest corporate sustainability initiative in the world.

#### **ABOUT THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)**

The Office of the High Commissioner for Human Rights (OHCHR/UN Human Rights) is the leading UN entity on human rights. UN Human Rights represents the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the Universal Declaration of Human Rights. It works with Governments, civil society and other partners to protect all human rights for all people; help empower people to realize their rights; and assist those responsible for upholding such rights in ensuring that they are implemented.

#### **ABOUT THE INTERNATIONAL LABOUR ORGANIZATION (ILO)**

The International Labour Organization (ILO) is the United Nations agency for the world of work. It sets international labour standards, promotes rights at work and encourages decent employment opportunities, the enhancement of social protection and the strengthening of dialogue on work-related issues. The ILO has a unique structure, bringing together governments, employers' and workers' representatives. The ILO has 187 member States and is one of the oldest UN agencies.

#### **ABOUT THE INTERNATIONAL MARITIME ORGANIZATION (IMO)**

The world relies on safe, secure, efficient and environment-friendly international shipping. IMO - the International Maritime Organization - is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. IMO's main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented, putting people - including seafarers - at the heart of its work.