

**DEVELOPMENT OF GUIDELINES ON THE FAIR TREATMENT OF SEAFARERS IN
THE EVENT OF A MARITIME ACCIDENT**

Submitted by ISF, ICS and the ICFTU

<i>Executive Summary:</i>	The Social Partners believe that the fair treatment of seafarers following a maritime accident is of fundamental importance to everyone in the shipping industry, and have therefore developed an amended version of the draft guidelines prepared at the first session of the Working Group (IMO/ILO/WGFTS 1/11 Annex 4) for discussion.
<i>Action to be taken:</i>	See paragraph 5
<i>Related documents:</i>	IMO/ILO/WGFTS/1/11 Annex 4

- 1 ISF, ICS and the ICFTU (“the Social Partners”) believe that the fair treatment of seafarers following a maritime accident should be regarded as a fundamental principle for everyone in the maritime community, and that it would assist not only seafarers but also national administrations if some common understanding could be agreed at the international level. The Social Partners are therefore keen to finalise the draft guidelines on fair treatment, which were initiated at the last session, as soon as possible.
- 2 To this end, the Social Partners have developed an amended version of the draft guidelines and these are attached at the annex to this submission.
- 3 The amendments are intended to enhance the protection afforded to seafarers involved in maritime accidents and to ensure that seafarers are treated fairly during any detention by public authorities, and that any such detention is for no longer than necessary. The main amendments are: the inclusion of an introduction; the inclusion of the definition of “maritime accident” proposed by the Comité Maritime International in its paper circulated to the Correspondence Group on 1 August 2005; the inclusion of a definition of “detention”; and the inclusion of various principles from the IFSMA draft guidelines circulated to the Correspondence Group on 23 August 2005.
- 4 It should be noted that a joint submission by the United States and ICFTU to the SUA Diplomatic Conference (on comments on the protections afforded to the shipping industry) (LEG/CONF .15/14) stated in paragraph 13:

"One area that is not addressed is the fair treatment of seafarers who may be deemed to be witnesses and required to give testimony in subsequent proceedings. It is to be hoped that principles developed in the ongoing work of the Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident will serve as useful guidance."

Action requested

- 5 The Working Group is requested to consider the attached draft guidelines in its discussions.