

Chapter XX (final number to be added when all chapters in)

Sustainable Maritime Labour Governance: The Role of Transformative Partnership in Seafarers' Welfare

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Abstract

In the 2030 agenda for Sustainable Development, decent work and economic growth are the eighth sustainable development goal (SDG). Maritime transportation supports over 80% of the international trade, and more than 1.6 million seafarers work at sea to ensure marine transportation is safe, efficient and environmentally friendly. Seafarers make a critical contribution to sustainable maritime transportation. To ensure decent work conditions at sea and protect seafarers' rights is an important sustainable development goal. Drawing upon the case of port-based welfare facilities, this chapter aims to examine the current partnership of maritime labour governance, different roles of governmental and non-governmental organisations and how they work together to ensure and promote well-being and welfare of seafarers. This chapter will also discuss the current challenges faced by the public-private partnership in sustaining and developing seafarer welfare. We argue that a transformative partnership involving both public and private actors is required in the maritime labour governance, and sovereign states should recognize seafarers' key workers' status and assign more resources to international seafarers' welfare facilities.

KEYWORDS: Maritime Labour Governance, Sustainable Development, Decent Work, Port-based seafarers' welfare

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1. Introduction

Maritime transportation supports 80% of the international trade, connecting businesses worldwide (UNCTAD 2019). It is estimated that more than 1.6 million seafarers work at sea, who are responsible for ensuring maritime transportation operates safely, efficiently and environmentally friendly (ICS 2020). Promoting decent work and economic growth were set as the eighth sustainable development goal (SDG) in the 2030 agenda for Sustainable Development by the United Nations (UN) (United Nations n.d.). As highlighted by the International Maritime Organisation (IMO), "*[w]orld trade and maritime transport are, therefore, fundamental to sustaining economic growth and spreading prosperity throughout the world, thereby fulfilling a critical social as well as an economic function*" (IMO 2020a). Seafarers are key workers who operate global maritime transport (IMO 2020b). In the IMO's statement *IMO and the Sustainable Development Goals*, to achieve the SDG 8, decent work and economic growth, IMO continue its work to promote seafarers' welfare. Seafarers are contributors to achieve SDG 8, and as well as will be benefited from the achievement of decent working conditions.

Seafarers' welfare can be defined as the health, happiness and fortunes of seafarers and institutional protection or social efforts designed to promote physical health, material and mental well-being (Exachopoulos et al. 2018). The preamble of the Maritime Labour Convention, 2006 (MLC 2006)³, declares that "*given the global nature of the shipping industry, seafarers need special protection.*" However, seafarers' welfare is still compromised in many aspects nowadays, in particular during the COVID-19 pandemic. Seafarers have been stranded at sea, with limited chances to take shore leave. Regular crew change cannot be conducted, and many seafarer service periods onboard exceeding the maximum periods of 12 months (Shan 2020a). The crew exchange crisis reveals the weakness of the current seafarers' welfare governance system: seafarers' welfare still receives limited attention and resources from sovereign states.

Due to the highly mobile nature of the seafaring occupation, seafarers are distanced from families, communities, and have restricted access to shore-based infrastructures, for a prolonged period (Shan and Neis 2020). The seafaring occupation remains one of the most dangerous forms of work, and the mortality rate at work is significantly higher than in the general labour force

³For more information about the Maritime Labour Convention, 2006, please see https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:91:0::NO::P91_ILO_CODE:C186

(Roberts et al. 2014). A study in Denmark showed that the accidental mortality level to be more than 11 times higher among Danish seafarers than in the male, working-aged population of Denmark generally (Hansen, 1996). Seafarers not only face risks of maritime casualties due to poor weather and rough sea, but also face occupational hazards on board, including chemical exposure and physical hazards, such as slip, trip and falls. In the hazardous and challenging working environment, mental health problems are also widely reported among seafarers (Mellbye and Carter 2017).

To achieve the SDG 8 target in the maritime sector, which is to ensure decent working conditions at sea, requires a comprehensive international partnership between the industry, civil society, sovereign states, and international organisations. Nowadays, a Filipino seafarer may work onboard a ship registered in Panama and owned or operated by a Greek shipping company that navigates between Asian and American ports. In this scenario, to ensure seafarers' efficient protection, the protective effects of current maritime labour governance are far from enough. The seafarer welfare crisis during the COVID-19 pandemic proves this once again. Even though significant efforts have been made by the UN, IMO, International Labour Organisation (ILO), International Chamber of Shipping (ICS), International Transport Workers' Federation (ITF), and some sovereign states, the crew exchange crisis has been developed into a welfare as well as a humanitarian crisis for global seafarers⁴.

The sources of seafarer protection can be found at both the international and national levels. For example, ILO, a UN agency, has a long history in establishing uniform standards to protect seafarers (Zhang, 2019). However, before introducing the MLC 2006, the ILO's instruments were criticized that "lack of teeth". At the national level, seafarer protection mainly relies on the supervision of flag states, port states and seafarer supply states. However, there are various challenges to the effective implementation of seafarer protection standards at the national level. These challenges include lack of political will, lack of financial motivation and lack of competent expertise (Zhang, 2016).

In this chapter, we argue that a transformative partnership involving both public and private actors is required in the maritime labour governance, and sovereign states should recognize seafarers' key workers' status and assign more resources to international seafarers' welfare facilities.

⁴ For more information, please see <https://news.un.org/en/story/2020/06/1066262>

Drawing upon the port-based welfare facilities as an example, this chapter critically evaluates the strength and weaknesses of the current maritime labour governance partnership. The chapter is divided into four parts. First, it will introduce the significance of port-based welfare facilities for seafarers' welfare. Secondly, the legal frameworks of maritime labour governance regarding the port-based seafarers' welfare will be examined. Thirdly, the leading players of the maritime labour governance partnership will be identified. Fourthly, the strengths and weaknesses of the partnership will be discussed, and recommendations will be made.

2. Seafarers and Port-based welfare Facilities

As a group of highly mobile workers, seafarers face considerable challenges, including mental and physical problems. A transnational study (Jenson et al., 2004) shows that 8.5% of seafarers suffered an injury during their most recent tour of duty, while a Danish study (Hansen, Nielsen, & Frydenberg, 2002) finds that the fatal accident rate in merchant shipping is ten times that in shore-based industries. Pauksztat (2017) considers that job demands for seafarers have direct and indirect effects on fatigue and the working climate on board. In addition to the physical health risks, mental health problems cannot be ignored among the seafaring population. Anxiety, depression, stress, fatigue, and burn out are reported to be seafarers' mental health problems in the current literature (Jepsen and Zhao, 2015; Zhang, 2017; Yuen et al., 2020; Shan, 2020b). The working environment at sea, to a large extent, is isolated from the land-based societies. Medical care and mental health support onboard are highly limited.

In many cases, seafarers have to overcome mental health challenges by themselves with limited supports on board. Access to the internet and telephone on board is limited, making communication opportunities with families and friends very precious for seafarers. Even a short period of rest on the land is of great importance for seafarers' health and well-being (Oldenburg & Jensen 2019) and, hence, has significant implications for the safety of life and property at sea.

Port stay is argued to account for 43.6% of the entire voyage duration (Oldenburg & Jensen 2019), which provides seafarers opportunities to access port-based infrastructures, such as grocery stores and cafés high-speed internet and affordable telephone lines. Nearly 450 port-based welfare centres around the world are serving seafarers during their port stay. Some of the welfare centers operate independently. However, most of them belong to regional or international non-

governmental organisations, such as the Apostleship of the Sea, Sailors' Society, the Mission to Seafarers, and international associations like the International Seafarers' Welfare and Assistance Network (ISWAN), the International Christian Maritime Association (ICMA), or the North American Maritime Ministry Association (NAMMA).

Port-based welfare organisations provide transportation to shopping facilities, a quick ride to the seafarers' centre, equipment to call home to speak with friends and loved ones, and a welcoming environment to relax ashore. More importantly, the staff and volunteers committed to seafarers' welfare make sure that mariners feel acknowledged, valued, cared for, and genuinely welcome in the ports they call (Zuidema et al. 2018). In the COVID-19 pandemic period, ship visitors play crucial roles in assisting seafarers in accessing groceries and mobile phone SIM cards.

However, with sole support from charity organisations, it may not be enough to support the port-based welfare facilities. To ensure the sustainable development of port-based welfare facilities, a comprehensive public-private partnership is required, and sovereign states should assign sufficient resources to port-based welfare facilities. Ratified by 97 states representing 91% of the world gross tonnages, the MLC 2006 confirms and promotes such a public-private partnership.

The MLC 2006 is, first and foremost, a consolidation of the previously existing corpus of ILO law relating to seafarers' labour standards. The regulatory scope of the Convention covers the full range of subject areas on the living and working conditions of seafarers and deals with numerous aspects of a seafarer's 'rights to decent employment', including recruitment, conditions of employment, accommodation, food and catering, medical care, recreational facilities, hours of work and rest, health protection, welfare and social security, and so on. It is expected to mainstream the human, labour, and social rights for seafarers within the wider maritime regime (Zhang, 2016). However, despite the great strength, the MLC 2006 has the same weaknesses attached to other ILO standards, including political, financial and expertise challenges. For example, Bauer (2008) argues that MLC 2006 fails to provide an adequate guarantee for seafarers' entitlements. On the contrary, it is likely to discourage any further developments in seafarers' protection for the foreseeable future.

According to Regulation 4.4 of the MLC 2006, members state shall provide shore-based welfare facilities accessible to international seafarers. They are further obliged to promote the development of welfare facilities, including cultural, recreational and information facilities. At the

national legislation level, sovereign states are the most vital player to ensure the availability and accessibility of the welfare facility.

3. The Legal Frameworks of the Port-based Welfare Facilities

The importance of establishing port-based welfare has been recognized at the international level for more than half-century. In 1952, at the Joint Maritime Commission of the International Labour Organisation, the necessity to promote port welfare for seafarers was recognized, and reciprocal international cooperation was regarded as a foundation to develop such work (PAA, 1952). In addition to a humanitarian perspective, Hohman (1955) justified the economic necessity to provide welfare facilities for seafarers in port through three aspects: to attract skilled workers to join the shipping industry, to retain personnel in the industry longer, and to increase the work efficient on board. Hohman's argument is still relevant to the current maritime industry, which is facing a significant shortage of seafarers.

In 2001, seafaring unions and shipowners in the ILO's Joint Maritime Commission proposed a consolidated maritime labour convention, bringing together in a single instrument many existing maritime labour conventions, updating them, and applying an enforcement mechanism (ILO, 2002). The new instrument, passed after years of sometimes difficult negotiations in the February 2006 Maritime Session of the International Labour Conference (ILC), borrows elements from the existing ILO global labour rights regime and the global maritime safety regime, centred on the IMO (Zhang and Zhao, 2015).

As required by the MLC 2006, port states shall ensure that shore-based welfare facilities, where they exist, are easily accessible for seafarers onboard a ship. Also, port states shall promote the development of welfare facilities and services to secure seafarers' health and well-being. Seafarers' welfare services including welfare, cultural, recreational and information facilities and services. As a primary responsible party, port sates shall ensure port-based welfare facilities are accessible to seafarers with no discrimination.

3.1 Mandatory Standards: Regulation 4.4. and Standard A4.4

In terms of seafarers' access to shore-based welfare facilities, the five provisions of Regulation 4.4 and Standard A 4.4 provides general requirements. Firstly, the member state shall ensure the

existed shore-based welfare facilities are accessible, and in the development process of welfare facilities, a partnership between states, shipowners and seafarers is required through consultation to promote the development of welfare facilities. Secondly, the member state shall ensure the welfare, cultural, recreational and information facilities and services are provided according to the Convention. Thirdly, the existing welfare facilities should be available for all seafarers, regardless of their nationalities, race, colour, sex, religion, political, opinion, or social origin. Fourthly, member states shall promote the development of welfare facilities in appropriate ports after consultation with shipowners' and seafarers' organisations. Fifthly, the Convention shall encourage the formal establishment of a collaboration between states, shipowners' organisations and seafarers' organisations, in the form of welfare boards, which review welfare facilities regularly to ensure the facilities can be improved to adapt the technical, operational and other developments in the shipping industry. Supervision of welfare facilities and services should include participation by representatives of shipowners' and seafarers' organisations concerned.

The above requirements are stipulated in Regulation 4.4 and Standard 4.4 as minimum standards for seafarers' welfare services. As per these standards, the maritime labour partnership governance model between port states, organisations of shipowners and seafarers is the core governing body of seafarers' welfare facilities. The partnership governance is crucial to ensure seafarers' access to welfare facilities in port, and the welfare facilities are up to date to provide appropriate services for seafarers.

However, there is a major weakness in these standards. These mandatory standards do not require the compulsory establishment of port-based welfare facilities in member states. For those states, which currently have no port-based welfare facilities, they may not have incentives to develop such welfare facilities. During the COVID-19 pandemic, many states imposed restrictions on crew exchanges and shore leaves. Port-based welfare workers provide even more important services to support seafarers. For example, the affordable SIM cards brought by welfare workers help seafarers sustain their communication with families and friends. Without the compulsory establishment of port-based welfare facilities in a state, it is very unlikely that seafarers could have welfare workers' visits on board. The formal partnership between governments, shipowners and seafarers, in the form of welfare boards, is "encouraged" rather than "required." The current mandatory standards of the MLC 2006 are not enough to promote the development of new port-based welfare facilities.

3.2 Guidelines B4.4 Non-Mandatory recommendations

In the Guideline B4.4, the Convention provides detailed provisions of the partnership governance of seafarers' welfare service. Although these provisions are not mandatory, they have provided valuable instructions for member states to establish an effective partnership with shipowners and seafarers' organisations.

MLC 2006 recommends member states to cooperate in promoting the welfare of seafarers at sea and in port. Cooperation should include activities including: (a) consultations among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and onboard ships; (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports to avoid unnecessary duplication; (c) organisation of international sports competitions and encouragement of the participation of seafarers in sports activities; and (d) organisation of international seminars on the subject of the welfare of seafarers at sea and in port.

In the Guideline B4.4.2, the providers of seafarers' welfare facilities are not limited to public authorities, shipowners' and seafarers' organisations, voluntary organisations, are all recognized welfare service providers. In the Guideline, port authorities are also required to develop welfare facilities for seafarers, including meeting and recreation rooms, sports and outdoor facilities, educational facilities and facilities for religious observances and personal counselling.

The Guideline emphasizes the partnership between crew supply states, port states and flag states to consult each other to make the best use of the resources to provide hotels, clubs and sports facilities in a particular port for a large number of seafarers of different nationalities. In addition, provision should be made for accommodating seafarers' families if necessary.

In addition to voluntary workers, port state authorities also need to take measures to ensure competent persons are employed full time in the operation of welfare services. The financing of welfare facilities includes grants from public funds, levies from shipping sources, voluntary contributions from shipowners, seafarers, their organisations and other others. Welfare taxes, levies and special dues can be imposed and should be used only to improve seafarers' welfare in port.

For seafarers in foreign ports, the Guideline B4.4.6 requires measures to facility seafarers' access to consuls of their state of nationality or state of residence. Effective partnerships between

consuls and local authorities are required to support seafarers detained in foreign countries. Efforts should also be made by the port states to ensure seafarers can take shore leave as soon as possible after a ship arrives in port, and the ports states should ensure the safety of seafarers from aggression and other unlawful acts.

Guidelines B4.4. provide comprehensive instructions for member states and stakeholders to develop effective maritime labour governance partnerships to promote the development of port-based welfare facilities. However, these provisions are not mandatory, which restricts member states' incentives to implement such standards. As mentioned in the previous context, member states and stakeholders may not have the political will and financial motivation and human expertise to promote the development of port-based welfare facilities. For example, China used to have "seamen' clubs" in most of its main ports. In recent years, most of the clubs, with the loss of government financial support, have had to close or survive in the emerging market economy by diversifying their income sources. In some cases, the port welfare facilities were changed into luxurious hotels that no seafarer could afford (Zhao et al., 2018). The positive meaning of the Guidelines B4.4 enables non-governmental organisations, such as maritime charities, seafarers and shipowners' organisations to lobby policymakers to develop such public-private partnership in maritime labour governance and leverage public grants to promote the development of port-based welfare facilities.

For those seaports where satisfactory port-welfare facilities do exist, seafarers may not have the opportunities to visit them. In the last 20-30 years, however, most seaports have been increasingly built in more remote areas, typically far away from urban centres (Zhang, 2016). In these areas, it is difficult for seafarers to access to taxis or public transport. In the meantime, advanced technological development in the industry has brought more efficient cargo-handling, faster turnarounds, and shorter port-stays of ships. The primary concern of port authorities and shipowners is to increase cargo operation efficiency. The possibility for seafarers to have shore leave has been drastically reduced as a result of the structural change of the industry (Sampson et al., 2016).

4. Public-private partnership in the Maritime Labour Welfare Governance

Through examining the legal framework, it can be found that the public-private partnership plays a key role in regulating and operating port-based welfare facilities. In this governance partnership,

the states, particularly port states, shipowners' and seafarers' organisations, are vital players in developing and maintaining port-based welfare facilities. Port states, shipowners and seafarers' organisations within one state construct a tri-partite foundation of this maritime labour governance.

In some countries, such as China, the port state government is the leading player to establish and operate port-based welfare facilities. The international seafarers' clubs, the main form of the port-based seafarers' welfare facilities in China, are administered by the All-China Federation of Trade Unions. Before the 1980s, all the funding and personnel of the international seafarers' clubs were from the Chinese government. After the 1980s, government fundings gradually withdrew from the seafarers' welfare sector after the economic reform. With loss of government funding, most of the international seafarers' clubs have had to survive in the emerging market economy. There were more than 30 international seafarers clubs in China. However, now only 15 deliver regular seafarer welfare services in China (Zhao et al. 2018), classified as charities now. Among the international seafarers' clubs survived in the market economy, such as Shantou International Seafarers' Club, most funding is still from the government, and the remaining fund is raised from other sources. In the case of international seafarers clubs in China, government and the All-China Federation of Trade Unions have been critical players in maritime labour welfare service. This partnership provided stable seafarers' welfare services over three decades (1950-1980). However, government policy reform has created a tremendous impact on seafarers' welfare services. Once the government funding withdrew, or partially withdraw, many port-based seafarer welfare facilities cannot survive.

Voluntary organisations, such as in North America, also play as the fourth party in the maritime labour governance. For example, in the United States and Canada, seafarers' welfare is provided voluntarily in most ports (Zuidema and Skaggs 2017). In this scenario, the importance of partnerships cannot be overestimated. Port levy has become essential financial support to seafarer centres operated by voluntary organisations. According to a survey conducted by the North American Maritime Ministry Association, 45% of the seafarers' welfare centres reported a port levy invoicing system or contribution (Zuidema and Skaggs 2017). In this type of partnership, voluntary organisations, port authorities are the leading players. Shipowners, though the port levy system and donation, will also be essential contributors in the partnership.

Without substantial legislative financial support, the success of port-welfare relies on the partnerships coordinated by voluntary organisations. The risk of this type of collaboration is that

if the government or port authority fails to make a substantial contribution, voluntary organisations are left to self-fund port-based welfare facilities. In this situation, the port-based seafarers' welfare may not be sustainable. For example, according to a study conducted by Human Rights at Sea, in 2017, it costs New Zealand seafarers' welfare charities over \$700,000 to finance port-based welfare facilities. Maritime New Zealand, and port authority and the local council contributed \$20,000 to the port-based welfare charities (Shepherd and Hammond, 2020).

At the national level of maritime labour welfare governance, it can be found that state, seafarers' organisations, shipowners' organisations and voluntary organisations are key players. The sustainable development of port-based seafarers' welfare depends on sound financial support from the local partnership. The state government is a crucial player in sustaining the finance of port-based welfare facilities. Through China and New Zealand cases, it can be found that government fundings are necessary to maintain seafarers' welfare services. In North America, the operation of seafarers' welfare services has relied on voluntary organisations. However, the partnership with port-based welfare services to obtain seafarers' welfare levy is crucial for the port-based welfare services.

At the international level, the partnership between the ILO and IMO is notable in the maritime labour welfare governance. Recognizing the challenge to protect seafarers under the laws of a country other than their own, the ILO has approached the difficulty by adopting comprehensive maritime standards and cooperation with the IMO. IMO/ILO Ad Hoc working groups have been established to address various aspects of maritime labour governance (ILO, n.d.a).

Within the tripartite governance model of the MLC, 2006, the government of member states, representatives of shipowners and seafarers are three key players in the tripartite governance model. According to Article XIII of the MLC, 2006, the Special Tripartite Committee was established in June 2013 to conduct a regular review of maritime labour standards (ILO, n.d.). Every three years, the Special Tripartite Committee appointed three representatives (government member, shipowner member and seafarer member) as vice-chairpersons. There were 220 Government representatives, 44 shipowners and 76 seafarers participants. In addition, non-governmental organisations, including ISWAN, IMHA, and ICMA are all international maritime labour governance participants. In this international maritime labour governance institution, the Special Tripartite Committee, the Shipowners' and Seafarers' group each have half the voting power of the

Government group. Although the non-governmental organisations do not have voting power, their professional knowledge can inform decisions made by representatives of governments, shipowners and seafarers.

In addition to the public-private partnership in the Special Tripartite Committee of the MLC, 2006 at the international level, between the non-governmental organisation, the private partnership also leads to essential roles in promoting seafarers' welfare. For example, the ISWAN receives financial support from Seafarers' Trust of the International Transport Workers Federation and the TK Foundation. The former is a seafarers' organisation. The latter is a shipowner's trust, which was established to fulfill the legacy of J. Torben Karlshøj, who funded the Teekay Shipping Company, now Teekay Corporation (ISWAN 2020).

5. Concluding Discussion

Considering the hazardous working environment at sea and limited supports onboard ships, port-based welfare facilities are crucial for seafarers to access high-speed internet, mental support and counselling service. In addition, ship visitors from the shore-based welfare centres also play a significant role in supporting seafarers in the isolated working environment. Access to port-based welfare facilities is crucial for seafarers' health and well-being, which is stipulated as a compulsory requirement in the MLC, 2006, Regulation 4.4. Access to the internet, affordable transportation service and SIM cards are reported to be the three most important port-based welfare services for international seafarers (Mellbye and Norman 2016). Although these services seem to be simple, to sustain these services relies on a comprehensive maritime labour governance partnership between states, organisations of shipowners and seafarers, and voluntary organisations. In the maritime labour governance partnership, the government of port states plays a crucial role in maintaining the financial sustainability of port-based welfare facilities. In the case of China, once the government funding was withdrawn, many port-based welfare facilities were no longer to provide services for international seafarers. In the ports where voluntary organisations operate the welfare facilities, the port authorities' support is still key to the seafarers' welfare facilities' financial success. The case of New Zealand illustrates how difficult it would be for seafarers' welfare centres if the government and port authorities fail to commit to the maritime labour governance partnership.

In the public-private partnership in port-based welfare governance, voluntary organisations play critical roles in leading seafarers' welfare services historically and contemporarily. Mobile Chaplains visited ships at anchor to inspire seafarers and give them the support of a church community. Shore-based centres and hostels offered many services, including food, shelter, and recreation. The sector has returned to ship visitors bringing SIM cards and mobile hotspots, with the shore-based centres offering services. The outbreak of COVID-19 created significant challenges for seafarers. Not only shore leave requests are denied in most ports globally, but crew changes cannot be conducted as usual (IMO, 2020c). Many seafarers are trapped at sea. Port-based seafarers' welfare workers should be termed as essential workers to keep providing service to seafarers who are stuck on board. Their services are even more crucial for seafarers in this challenging period (Human rights at sea, 2020).

Much of the port-based seafarer welfare services have a social focus that makes it hard for them to profit. Seafarers' need for non-profit driven seafarers' centres or clubs is imperative. A robust public-private partnership involves frontline voluntary organisations, governments, shipowners and seafarers' organisations is the only approach to ensure the social and financial success of the seafarer welfare facilities. The COVID-19 pandemic reveals the necessity that seafarers should be recognized as essential workers, and their access to welfare facilities must be ensured. The development of port-based welfare facilities should be compulsory for port state governments rather than be "encouraged."

The success of port-based welfare facilities is vital to ensure decent working conditions for seafarers and the maritime sector to achieve SDG 8 of the United Nations 2030 Agenda of the Sustainable Development. Seafarers are working in a confined space at sea. Port-based welfare facilities are essential for seafarers to maintain their social life and maintain a healthy social connection with society, which helps seafarers to keep a work-life balance.

The public-private partnership is confirmed in Regulation 4.4 of the Maritime Labour Convention, 2006. However, there two types of provisions related to the seafarer welfare governance: the Regulations and Part A provisions are compulsory, while the Part B provisions are recommended. Detailed provisions, including responsibilities of members, welfare facilities and services in ports and financing of welfare facilities, are stipulated in the Part B guidelines, which are recommended practices rather than compulsory. In this legislative context, inevitably, in some regions, the Part B recommended guidelines may not be fully implemented, and an

effective public-private maritime labour governance partnership may not be well established at local levels.

Maritime labour governance is an essential component of global labour governance, which has gained resonance in debates about globalisation and labour standards (Meardi and Marginson 2014). A conceptual shift from “government” to “governance” and from “hard law” to “soft regulation” is visible in both of the international and regional levels. Governance refers to the system of steering mechanisms, in which the top-down government steering is only one among many governance options. Correspondingly, the responsibility for dealing with sustainability was attributed not only to the government but also to the non-governmental organisation, including market parties, civil society organisations. In this chapter, drawing upon the case of port-based seafarers’ welfare facilities, we illustrated a transformative public-private partnership in the maritime labour governance and why this partnership is vital to achieving the 8th SDG, decent work and economic growth.

The international ocean governance builds on a widely shared understanding that the ocean governance framework needs to be strengthened, that pressures on the oceans need to be reduced, and that the world's oceans must be used sustainably (European Commission, 2019). Maritime labour governance is a key component of ocean governance, because seafarers are the essential workers to ensure maritime transport operates in a timely, safe and environmental friendly manner. However, their rights to access decent welfare facilities are frequently compromised, or even sacrificed, in particular during the COVID-19 pandemic. The infringement of seafarers’ rights threatens the sustainable development of maritime human resources, which plays a key role in maintaining global trade and ensuring safety of human life, property and marine environment. An effective maritime labour governance can ensure decent working conditions for seafarers, and retain skilled seafarers to make continuous contribution to the sustainable ocean development.

In the maritime industry, as a front line of globalisation, the shift from “government” to “governance” through the public-private partnership is still facing many challenges. The lack of commitment of the government is the main issue. On the other hand, the detailed provisions of public-private partnerships are provided as recommended practices rather than compulsory requirements in the Maritime Labour Convention, 2006, which is not sufficient to ensure the active participation of the government in some port states.

Efforts should be made to enhance shipping awareness, recognize seafarers' status as keyworkers, and to require the government of states to strengthen their collaboration with non-Governmental Organisations, including organisations of shipowners, seafarers, as well as voluntary organizations. The government is responsible for ensuring funding is available for port-based welfare facilities either through direct government funding or special port levies.

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