



Governing Body

313th Session, Geneva, 15–30 March 2012

GB.313/LILS/3

Legal Issues and International Labour Standards Section
Legal Issues Segment

LILS

Date: 2 February 2012

Original: English

THIRD ITEM ON THE AGENDA

Standing Orders of the Special Tripartite Committee established to give effect to Article XIII of the Maritime Labour Convention, 2006

Purpose of the document

In the present document, the Governing Body is invited to adopt the Introductory note and the Standing Orders of the Special Tripartite Committee established to give effect to Article XIII of the Maritime Labour Convention, 2006 (see the draft decision in paragraph 10).

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Policy implications: None.

Legal implications: The adoption of the Standing Orders of the Special Tripartite Committee is a necessary step to give effect to several provisions of the Maritime Labour Convention, 2006.

Financial implications: None at this stage.

Follow-up action required: Publication of the Standing Orders of the Special Tripartite Committee.

Author unit: Office of the Legal Adviser (JUR), in collaboration with the International Labour Standards Department (NORMES).

Related documents: Report of the Second Meeting of the Preparatory Tripartite MLC, 2006, Committee held on 12–14 December 2011 (GB.313/LILS/INF/1).

Executive summary

Appended to this document are the draft Standing Orders of the Special Tripartite Committee for the Maritime Labour Convention, 2006 (hereinafter referred to as the MLC Committee), proposed by the Office for consideration and adoption by the Governing Body. The document is based on the outcome of the Second Meeting of the Preparatory Tripartite MLC, 2006, Committee, held from 12 to 14 December 2011.

I. Introduction

1. Since its inception, the International Labour Organization has given special consideration to maritime issues. To reflect the specificity of the maritime sector and its tripartite structure, separate maritime sessions of the International Labour Conference have been held and specific Conference Standing Orders for such sessions have been adopted by the ILO.
2. In line with that tradition, the Maritime Labour Convention, 2006 (MLC, 2006), provides, in Article XIII, that the Governing Body shall establish a Special Tripartite Committee with special competence in the area of maritime labour standards for matters dealt with in accordance with the MLC, 2006. It assigned certain specific functions to this Committee in Article XIII itself and in Articles VII and XV of the MLC, 2006. The adoption of Standing Orders of that Committee by the Governing Body is one of the steps necessary to give effect to Article XIII of the MLC, 2006.
3. Pending entry into force of the MLC, 2006, the Governing Body decided to establish a Preparatory Tripartite MLC, 2006, Committee (PTMLC), modelled on the future “Special Tripartite Committee” referred to above. The mandate of the PTMLC was to “keep under review the preparations by Members for implementing the MLC, 2006, identify any common issues and prepare the work for the future Special Tripartite Committee on any questions that might need to be dealt with as a matter of urgency after entry into force of the Convention, including the rules of procedure of the Committee”.¹
4. The draft Standing Orders of the MLC Committee presented by the Office are the result of two meetings of the PTMLC and reflect the very serious tripartite consultations required and facilitated by the Governing Body. During two tripartite meetings convened by the Governing Body and involving those directly concerned with the future work of the MLC Committee (representatives of Governments, Shipowners and Seafarers), the draft Standing Orders were the subject of extensive discussion. At its first meeting the PTMLC expressed its views on the principles.² At its second meeting held on 12–14 December 2011, the PTMLC specifically discussed the draft Standing Orders prepared by the Office. A report of the discussion at that meeting has also been prepared.³

¹ See ILO: *Reports of the Committee on Legal Issues and International Labour Standards: Second report*, Governing Body, 306th Session, Geneva, Nov. 2009, GB.306/10/2(Rev.), para. 83.

² See ILO: *Preparatory Tripartite MLC, 2006 Committee: Final report* (PTMLC/2010/4), Appendix, “Outcome of the Preparatory Tripartite MLC, 2006, Committee meeting” (20–22 September 2010).

³ GB.313/LILS/INF/1.

5. With minor editorial corrections and changes related to aligning the text in three languages, the draft presented in Appendix II of this document by the Office for adoption by the Governing Body is basically the text resulting from the tripartite consensus reached at the second meeting of the PTMLC.
6. The Office felt it necessary to propose one more change to the text. Article 13 relating to voting and quorum reviewed by the PTLMC did not in fact contain any provision relating to quorum. A provision on quorum has therefore been added in Article 13(2)(a). It is based on Article XV, paragraph 4(a), of the MLC, 2006. The added text is underlined, so that is clearly identifiable.
7. The Office also slightly modified the title of Article 17 of the Standing Orders to reflect more closely the content of that provision.
8. In the light of explanations given during the PTMLC and to ensure that future members of the MLC Committee, who may not be entirely familiar with ILO procedures and practices, receive complete information, the Office considered it useful to add an Introductory note (Appendix I of this document) to the Standing Orders. Since the Convention contains provisions that establish elements of the procedures for the MLC Committee, it is proposed that the relevant Articles (Articles VII, XIII and XV) be reproduced as an appendix to the Standing Orders.
9. The presentation of the Standing Orders for possible adoption by the Governing Body seems particularly timely as the entry into force of the Convention would appear to be imminent. At the date of finalization of this document (23 January 2012), 22 Members have ratified the MLC, 2006, with two registrations pending information under Standard A4.5, paragraph 10, of the Convention. Since the condition of ratification by Members representing at least 33 per cent of world gross tonnage of ships has already been fulfilled, this means that only eight more ratifications are required for entry into force of the Convention, and the Governing Body may thus soon be called upon to convene the first meeting of the MLC Committee.

II. Draft decision

10. *The Governing Body:*

- (a) *adopts the Introductory note as proposed in Appendix I;*
- (b) *adopts the Standing Orders as proposed in Appendix II;*
- (c) *expresses its appreciation to member States which have already ratified the MLC, 2006, and invites all other member States to accelerate their national processes aimed at ratifying it.*

Appendix I

Introductory note

1. The Standing Orders of the Special Tripartite Committee for the Maritime Labour Convention, 2006 (hereinafter referred to as “the MLC Committee”), were adopted together with this Introductory note by the Governing Body at its 313th Session (March 2012). The adoption of the Standing Orders is one of the steps necessary to give effect to Article XIII of the Maritime Labour Convention, 2006 (hereinafter referred to as “the Convention”). When the International Labour Conference adopted the text of the Convention,¹ it invited the Governing Body to establish a committee with special competence in the area of maritime labour standards for matters dealt with in accordance with the Convention. This committee, referred to in the Convention as the Special Tripartite Committee, was assigned certain specific functions by Articles VII, XIII and XV of the Convention (reproduced in the appendix to the Standing Orders).
2. Under Article XIII of the Convention, one specific characteristic of the Special Tripartite Committee is that it involves the participation of both Members that have ratified the Convention (hereinafter referred to as “ratifying Member”) and those that have not yet done so. However, only representatives of ratifying Members and of the Shipowners and Seafarers may vote on matters dealt with in accordance with the Convention.
3. The Standing Orders initially drafted by the International Labour Office (“the Office”) were discussed in two tripartite meetings involving representatives of Governments, Shipowners and Seafarers. Both meetings had been convened by the Governing Body. At its first meeting, held on 20–22 September 2010, the Preparatory Tripartite MLC, 2006, Committee (PTMLC) expressed its views on the principles.² At its second meeting, held on 12–14 December 2011, the PTMLC specifically discussed a proposal for draft Standing Orders prepared by the Office.³ The reports of the two meetings may be considered as the preparatory work of the Standing Orders. With minor editorial corrections and adjustments to align the text in English, French and Spanish, as well as one more change proposed by the Office,⁴ the Standing Orders adopted by the Governing Body were the text resulting from the tripartite consensus reached at the second meeting of the PTMLC.
4. These Standing Orders contain many provisions similar to those of the Standing Orders of other ILO bodies, while also giving due consideration to the specific requirements of the maritime sector. In addition, a number of the provisions in the Standing Orders reflect text that is already set out in the Articles of the Convention. To ensure greater clarity, this Introductory note provides orientation on the practice of interpreting or implementing similar provisions of other ILO Standing Orders developed by the various ILO organs or the understandings under which the present Standing Orders were prepared and adopted.

¹ ILO: *Provisional Record* No. 17, International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

² ILO: *Preparatory Tripartite MLC, 2006 Committee: Final report* (PTMLC/2010/4), Appendix, “Outcome of the Preparatory Tripartite MLC, 2006, Committee meeting” (20–22 September 2010).

³ See report of the meeting in document GB/313/LILS/INF/1.

⁴ GB.313/LILS/3.

Convening of meetings

5. Under the Standing Orders, meetings of the MLC Committee are to be convened by the Governing Body. When taking the decision to convene a meeting, the Governing Body is expected to take account of the request that the meetings be convened at regular intervals (article 3 of the Standing Orders) and will need to consider their composition each time (article 4 of the Standing Orders). The number of participants depends on the number of ratifying Members, as each of them has the right to appoint two Government representatives (article 4 of the Standing Orders; article XIII, paragraph 2, of the Convention). Furthermore, the Governing Body has to determine the number of Shipowner and Seafarer representatives after consultation with the Joint Maritime Commission (article 4, paragraph 3, of the Standing Orders; Article XIII, paragraph 2, of the Convention). In line with the proportion that the ILO Constitution set forth for the International Labour Conference, the Standing Orders (article 4, paragraph 3) provide that the number of Shipowner and Seafarer representatives shall each be equal to the number of ratifying Members, which gives the possibility to the Shipowners' and Seafarers' groups to each nominate up to one quarter of the total number of voting participants, unless the Joint Maritime Commission (consisting of Shipowner and Seafarer representatives) recommends that the Governing Body appoint a lesser number of representatives. The Standing Orders provide that this is without prejudice to funding arrangements (article 4, paragraph 3); the Governing Body may thus also decide, depending on the funding arrangements for each meeting, to cover from the ILO budget participation expenses for all or only some of the appointed representatives of Shipowners and Seafarers.
6. Once these numbers are determined, it would be for each Government and the secretariats of the other two groups to communicate their nominations to the Director-General of the International Labour Office. Governments normally do this in the form of credentials signed by a competent state authority. The deadline for such communications will be established in the invitation letter for each meeting.

Agenda of meetings

7. Article 3, paragraph 2, of the Standing Orders provides that the agenda of the meetings shall be adopted by the Officers of the MLC Committee after consulting the Officers of the Governing Body.⁵

Composition of delegations

8. As in other ILO meetings, the representatives may be accompanied by advisers. The Standing Orders do not address the question of the number of advisers. However, in line with ILO practice, their number has to be reasonable and correspond to the agenda of the meeting, so that all delegations accredited may be accommodated in the conference rooms and that the issuing of an entry visa by the host State, if necessary, would not represent an obstacle to attendance.
9. Some of the advisers may be appointed as substitutes of representatives. For Governments, this may either be done by a representative for one of his or her advisers, or, following a standard ILO practice, the name(s) of the adviser(s) appointed as substitute(s) may already be included in the credentials submitted by each Government for its delegation at a meeting.

⁵ Before the MLC Committee is formally established and its Officers elected, the first agenda would need to be drawn up by the Governing Body, upon a proposal by its Officers and following consultation of the ratifying Members as well as the organizations traditionally providing the secretariats of the Shipowners' and Seafarers' groups.

Admission to meetings

10. While participation in the discussions of the MLC Committee is restricted by the Standing Orders, its sittings are – as a general rule – public, under the Standing Orders. This rule is also in line with ILO practice. Obvious limits to this general rule would be the size of the meeting room or any security concern that the Office may have. The MLC Committee may also decide to sit in private, as, for example, in the performance of its consultation function under Article VII of the Convention. If it decides to sit in private, attendance would be limited to the members of the MLC Committee (the representatives of the Governments of ratifying Members, and the representatives of the Shipowners and Seafarers), the secretariats of the groups, and the ILO officials necessary for the conduct of the sitting.

Working documents for meetings

11. The working documents for the meetings are prepared by the Office. These documents also include reports referred to in article 3, paragraph 3, of the Standing Orders.

Motions and amendments

12. Article 10 of the Standing Orders is largely based on the Standing Orders of the International Labour Conference, in particular, articles 15 and 63 of those Standing Orders.
13. The Standing Orders do not specify the form of the amendments to the proposed texts. Depending on the complexity of the debate, the person chairing the debate may request that the text of an amendment be submitted in writing in one of the three working languages of the MLC Committee.

Tripartite consultation under Article VII of the Convention

14. The Standing Orders leave it to the MLC Committee to make arrangements enabling it to provide the advice that it may be required to give in the performance of the consultation function assigned to it under Article VII of the Convention.
15. Such arrangements may include delegation of powers by the MLC Committee to its Officers or to any tripartite subcommittee or a tripartite working group, which may be permanent or ad hoc.

Gender equality and the use of language

16. The expressions used in the Standing Orders in all three language versions should be read in the light of the resolution concerning gender equality and the use of language in legal texts of the ILO, adopted by the International Labour Conference at its 100th Session (2011), and, in particular, the principle that the use of one gender includes in its meaning a reference to the other gender unless the context otherwise requires.

Appendix II

STANDING ORDERS OF THE SPECIAL TRIPARTITE COMMITTEE ESTABLISHED FOR THE MARITIME LABOUR CONVENTION, 2006

Article 1

Scope

These Standing Orders apply to the Special Tripartite Committee for the Maritime Labour Convention, 2006 (hereinafter referred to as “the MLC Committee”) established by the Governing Body of the International Labour Office to give effect to Article XIII of the Maritime Labour Convention, 2006 (herein after referred to as “the Convention”).

Article 2

Mandate

The MLC Committee shall:

- (a) keep the working of the Convention under continuous review and provide advice on this subject to the Governing Body, or through the Governing Body, to the International Labour Conference;
- (b) consider proposals for amendments to the Code of the Convention in accordance with Article XV of the Convention;
- (c) carry out the consultation referred to in Article VII of the Convention.

Article 3

Meetings and agenda

1. Meetings of the MLC Committee shall be convened at regular intervals by the Governing Body, to keep the working of the Convention under continuous review in accordance with Article XIII, paragraph 1, of the Convention and to consider proposals to amend the Code of the Convention in accordance with Article XV of the Convention.

2. The agenda of these meetings shall be adopted by the Officers referred to in Article 6 below, after consulting the Officers of the Governing Body.

3. The MLC Committee shall at its meetings also consider any reports of its Officers under article 7, paragraph 7, below and any report under article 14 below, and deal with any other matter coming within the MLC Committee’s mandate under article 2 above.

4. The agenda of meetings shall be circulated along with the invitation letter to the Government members of the MLC Committee, with a copy to the Governments of all other member States of the International Labour Organization (hereinafter referred to as “Members”), and to the Shipowner and the Seafarer representatives on the MLC Committee through the secretariats of their respective groups, no less than four months before the opening day of the meeting concerned.

5. The working documents or other papers or information submitted for the consideration by the MLC Committee shall be made available in electronic form by the International Labour Office no later than two months prior to the meeting concerned.

6. The Officers of the MLC Committee shall adjust the times referred to in paragraphs 4 and 5 above, where a meeting is convened at short notice.

Article 4

Composition

1. The composition of the MLC Committee shall be as set out in Article XIII, paragraph 2, of the Convention.

2. The nomination of the two Government representatives of Members that have ratified the Convention, including any changes in the nomination, shall be notified to the Director-General of the International Labour Office by the Government concerned. The notification shall indicate the names and functions of the two representatives. Any changes shall be notified under the same procedure.

3. Without prejudice to the funding arrangements decided by the Governing Body and unless the Joint Maritime Commission recommends a lesser number, the number of representatives of Shipowners and Seafarers on the MLC Committee shall each be equal to the number of Members that have ratified the Convention at the time of the Governing Body's appointment of the Shipowners' and Seafarers' representatives, after consultation with the Joint Maritime Commission in accordance with Article XIII, paragraph 2, of the Convention. The nominations of the representatives shall be notified to the Director-General by the secretariats of the groups to which the representatives belong. The notification shall indicate the names of the representatives. Any changes shall be notified under the same procedure.

Article 5

Advisers and substitute representatives

1. Representatives may be accompanied by advisers.

2. Advisers to Government representatives shall be appointed by the government concerned, which shall notify the International Labour Office of their names and functions. Shipowner and Seafarer advisers may be nominated, respectively, by the Shipowners' group and the Seafarers' group, which shall notify the International Labour Office of their names through the secretariats.

3. Any adviser who has been authorized to do so by the representative whom they are accompanying shall have the right to participate in the meeting concerned but not the right to vote or to appoint a substitute.

4. A Government representative may, by notice in writing addressed to the Chairperson of the MLC Committee, appoint one of her or his advisers to act as her or his substitute. The notice shall specify the sitting or sittings at which the substitute will act for the representative.

5. If a Shipowner or Seafarer representative is unable to attend a meeting or a sitting or sittings at a meeting, the group to which he or she belongs may, by notice in writing addressed to the Chairperson, appoint a substitute in the manner decided by that group.

6. Substitutes appointed in accordance with this article may take part in the debates and may vote under the same conditions as representatives.

Article 6

Officers of the MLC Committee

1. The Officers of the MLC Committee shall consist of a Chairperson, a Government Vice-Chairperson, a Shipowner Vice-Chairperson and a Seafarer Vice-Chairperson.

2. The Chairperson shall be proposed by the Government members of the MLC Committee (i.e. from ratifying Members) and appointed by the Governing Body, for a term of up to three years. A Chairperson may be reappointed for a second consecutive term. The Chairperson must remain neutral in discussions and shall not vote. Where the Chairperson is a Government representative on the MLC Committee, her or his government may nominate another person as representative or substitute representative on the MLC Committee.

3. The Vice-Chairpersons shall be appointed by the MLC Committee for a term of up to three years. The Government Vice-Chairperson shall be proposed by the Government representatives on the MLC Committee from among those representatives and may be reappointed for a second consecutive term. The Shipowner Vice-Chairperson and the Seafarer Vice-Chairperson shall be proposed respectively by the Shipowner and Seafarer representatives on the MLC Committee and may be reappointed.

Article 7

Duties of the Officers

1. The Chairperson shall preside over the sittings.

2. The Vice-Chairpersons shall preside in turn over the sittings or parts of the sittings at which the chairperson cannot be present and shall, while presiding, have the same powers as the Chairperson.

3. A person who chairs a sitting must remain neutral in discussions and shall not vote. While she or he chairs a sitting her or his rights as a representative may be exercised by a substitute as foreseen in article 5 above.

4. The Chairperson shall direct the debates, maintain order and ensure the observance of the present Standing Orders, put questions to the vote and announce the results thereof.

5. The Officers of the MLC Committee shall arrange the programme of work of the meetings, and fix the date and time of the sittings of the MLC Committee and of its subsidiary bodies. They shall also report to the MLC Committee on any other questions requiring a decision for the proper conduct of its business.

6. Subject to any relevant decisions of the Governing Body, the Officers shall distribute among themselves the duties of presiding over the discussions of the MLC Committee and its subsidiary bodies.

7. In between meetings of the MLC Committee, its Officers shall have such other functions as may be conferred on them by these Standing Orders or the MLC Committee. They shall report to the next meeting of the MLC Committee in any case where they have carried out such functions.

8. Advisers to the Officers may accompany the Officers to all meetings at the discretion of the relevant Officer.

Article 8

Admission to the sittings

The sittings of a meeting shall be public, unless the MLC Committee otherwise decides.

Article 9

Right to take part in the work of a meeting

1. No representative or adviser shall address the meeting without having asked and obtained the permission of the Chairperson, who shall normally call upon speakers in the order in which they have signified their desire to speak.

2. Government representatives of Members which have not yet ratified the Convention may participate in the MLC Committee but shall have no right to vote on any matter dealt with in accordance with the Convention. They shall have the right to vote on any other matter that may be assigned to the MLC Committee by the Governing Body.

3. Representatives of official international organizations which have been invited by the Governing Body to be represented at the meeting may participate in the MLC Committee as observers.

4. Representatives of non-governmental international organizations or other entities with which the International Labour Organization has established consultative relationships, and with which standing agreements for such representation have been made, and representatives of other non-governmental international organizations which have been invited by the Governing Body to be represented at the meeting may attend as observers. The Chairperson may, in agreement with the Vice-Chairpersons, permit such observers to make or circulate statements for the information of the meeting on matters included in its agenda.

5. The Chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.

6. The Chairperson may, after consultation with the Vice-Chairpersons, fix a time limit for speeches.

Article 10

Motions and amendments

1. Motions as to procedure may be moved verbally, without previous notice and without having been seconded.

2. Other motions or amendments shall not be discussed unless they have been seconded. If moved by a representative who is the spokesperson of a group, it is deemed to have been seconded.

3. The Chairperson, after consultation with the Vice-Chairpersons and the secretariat of the meeting, may set time limits for the submission of amendments.

4. Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted. Any amendment so withdrawn may be moved without previous notice by any other person entitled to participate in the proceedings of the meeting with the right to vote.

5. Any representative may at any time draw attention to the fact that the Standing Orders are not being observed, and the Chairperson shall give an immediate ruling on any question so raised.

Article 11

Proposals for amendments to the Code under Article XV of the Convention

1. Proposals for the adoption of amendments to the Code shall follow the procedure set out in Article XV, paragraph 2, of the Convention.

2. Upon receipt of a supported proposal, in accordance with Article XV, paragraphs 2 and 3, the Director-General shall communicate the proposal as soon as possible but not later than one month after its receipt, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period prescribed by the Governing Body in accordance with Article XV, paragraph 3.

Article 12

Loss of the right to vote

The right to vote is subject to the provisions of article 13, paragraph 4, of the Constitution of the International Labour Organisation.

Article 13

Voting and quorum

1. Subject to paragraph 5 below, decisions shall normally be taken by consensus. In the absence of such consensus duly ascertained and announced by the Chairperson, decisions shall – applying the weighting required by Article XIII, paragraph 4, of the Convention – be taken by a simple majority of the votes cast by the representatives who are present at the sitting and entitled to vote.

2. Nevertheless, a decision shall not be considered adopted unless:

- (a) at least half the governments of Members that have ratified the Convention are represented at the meeting concerned; and

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- (b) the majority comprises the votes in favour of at least half the Government voting power, half the Shipowner and half the Seafarer voting power of the representatives entitled to vote and registered at the meeting concerned.
3. Voting shall normally be by a show of hands.
4. Where there is doubt as to the result of a vote by a show of hands, the Chairperson may immediately take a record vote. She or he shall proceed to a record vote when the quorum has not been obtained in a vote by a show of hands.
5. A record vote shall be taken for the adoption of amendments to the Code in accordance with Article XV of the Convention.
6. A record vote shall be taken if a request to that effect is made before or immediately after a vote by a show of hands by a number of representatives representing at least one fifth of the total voting power of the representatives entitled to vote and registered at the meeting concerned.
7. The vote shall be recorded by the secretariat for the meeting and announced by the Chairperson.
8. No motion shall be adopted if the weight of votes cast for and the weight of votes cast against are equal.
9. Any representative who definitively leaves the meeting before its termination and whose departure has been notified to the Chairperson without authorizing a substitute to act in her or his place shall no longer be taken into account in the calculation of the voting powers pursuant to Article XIII, paragraph 4, of the Convention.

Article 14

Consultation under Article VII of the Convention

1. Requests by a ratifying Member for consultation under Article VII of the Convention shall be addressed to the Chairperson of the MLC Committee through the International Labour Office.
2. The MLC Committee shall make arrangements fulfilling the criteria set out below to provide the advice that it may be required to give in the performance of the consultation function entrusted to it under Article VII of the Convention.
3. The arrangements referred to in paragraph 2 shall be made, and updated when appropriate, by the MLC Committee or by its Officers acting in accordance with the authority delegated to them by the MLC Committee. The arrangements shall ensure that the advice provided by the MLC Committee fulfils the following criteria:
- (a) the advice must be provided by or on behalf of the MLC Committee in an expeditious manner following the conclusion of a proper dialogue between the ratifying Member and the MLC Committee or persons acting on its behalf in accordance with subparagraph (d) below;
- (b) account must be taken of the languages needed to communicate with the ratifying Members concerned and of the expertise needed for the request for consultation;

- (c) all advice provided by the MLC Committee or on its behalf should be consistent with the Convention as well as with advice previously given by the MLC Committee in the framework of Article VII of the Convention;
- (d) to the extent that the arrangements include a delegation of authority to the Officers or to a tripartite subcommittee or a tripartite working group composed of MLC Committee members to provide the requested advice on the MLC Committee's behalf in appropriate cases, the advice so provided will be reported to the MLC Committee;
- (e) information about the arrangements and any advice provided under them must be made available to the MLC Committee and to all Members.

4. Within the framework of the arrangements for the Article VII consultation procedure, the International Labour Office shall provide the MLC Committee members with information on any views expressed by the International Labour Organization's supervisory bodies relevant to the issue to be considered by them.

Article 15

Subsidiary bodies

1. As it considers necessary, the MLC Committee may set up working groups or other subsidiary bodies, which shall consist of equal numbers of representatives appointed by each of the groups.
2. These Standing Orders shall apply insofar as relevant and with the necessary adaptations to the MLC Committee's subsidiary bodies.

Article 16

Reports to the Governing Body

Following its meetings referred to in article 3 above, the MLC Committee, through its Chairperson, shall report to the Governing Body on the working of the Convention. The report may contain recommendations to the Governing Body on action to be taken to ensure the effective, efficient and, to the extent deemed expedient, uniform implementation of the Convention.

Article 17

Transmittal of the amendments to the Code

Amendments to the Code of the Convention that are adopted by the MLC Committee – together with a commentary on the amendments concerned – shall promptly be communicated by the Chairperson of the MLC Committee to the Governing Body for transmittal to the International Labour Conference in accordance with Article XV, paragraph 5, of the Convention.

Article 18

Languages

1. The working languages of the meetings of the MLC Committee shall be English, French and Spanish.

2. The International Labour Office shall make arrangements for interpretation and for translation of documents into and from other languages, taking into account the composition of the meeting.

Article 19

Interpretation of the Standing Orders

These Standing Orders shall not be interpreted or applied in any way that would be inconsistent with the Constitution of the International Labour Organisation or the provisions of the Convention.

Article 20

Groups

1. Subject to these Standing Orders, each group (Governments, Shipowners, Seafarers) shall control its own procedure.

2. At its first meeting each group shall elect a Chairperson, at least one Vice-Chairperson and a Secretary. The Chairperson and the Vice-Chairperson(s) of the group shall be selected from among the representatives and advisers constituting the group; the Secretary may be selected from among persons outside the group.

3. Each group shall hold meetings for:

- (a) nominations required in pursuance of these Standing Orders such as the nomination of a Vice-Chairperson of the meeting and the nomination of members of subsidiary bodies under articles 14 and 15 above;
- (b) any other matter referred to groups by the Officers of the MLC Committee.

4. At such meetings, only representatives or, in their absence, duly appointed substitutes may vote and be nominated to serve on subsidiary bodies.

Article 21

Amendments to the Standing Orders

Amendments to these Standing Orders may be made by the Governing Body after consultation with the MLC Committee.

Annex

MLC, 2006 – Articles VII, XIII and XV

Consultation with shipowners' and seafarers' organizations

Article VII

Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners' and seafarers' organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII.

Special Tripartite Committee

Article XIII

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.

Amendments to the Code

Article XV

1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article.

2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.

3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body.

4. At the end of the period referred to in paragraph 3 of this Article, the proposal, accompanied by a summary of any observations or suggestions made under that paragraph, shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if:

- (a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and
- (b) a majority of at least two-thirds of the Committee members vote in favour of the amendment; and
- (c) this majority comprises the votes in favour of at least half the government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote.

5. Amendments adopted in accordance with paragraph 4 of this Article shall be submitted to the next session of the Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should the Committee so wish.

6. Amendments approved by the Conference shall be notified by the Director-General to each of the Members whose ratifications of this Convention were registered before the date of such approval by the Conference. These Members are referred to below as “the ratifying Members”. The notification shall contain a reference to the present Article and shall prescribe the period for the communication of any formal disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be a period of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment approved by the Conference shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention.

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period for all the ratifying Members except those which had formally expressed their disagreement in accordance with paragraph 7 of this Article and have not withdrawn such disagreement in accordance with paragraph 11. However:

- (a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that it shall be bound by the amendment only after a subsequent express notification of its acceptance; and
- (b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it will not give effect to that amendment for a specified period.

9. An amendment which is the subject of a notice referred to in paragraph 8(a) of this Article shall enter into force for the Member giving such notice six months after the Member has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is later.

10. The period referred to in paragraph 8(b) of this Article shall not go beyond one year from the date of entry into force of the amendment or beyond any longer period determined by the Conference at the time of approval of the amendment.

11. A Member that has formally expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. To the extent that a maritime labour certificate relates to matters covered by an amendment to the Convention which has entered into force:

- (a) a Member that has accepted that amendment shall not be obliged to extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member which:
 - (i) pursuant to paragraph 7 of this Article, has formally expressed disagreement to the amendment and has not withdrawn such disagreement; or
 - (ii) pursuant to paragraph 8(a) of this Article, has given notice that its acceptance is subject to its subsequent express notification and has not accepted the amendment; and
- (b) a Member that has accepted the amendment shall extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member that has given notice, pursuant to paragraph 8(b) of this Article, that it will not give effect to that amendment for the period specified in accordance with paragraph 10 of this Article.