

Seafarers' Rights in China

Pengfei Zhang

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Restructuring in Legislation
and Practice Under the Maritime Labour
Convention 2006

 Springer

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Glossary of Abbreviations

AB	Able-bodied seafarer According to ILO R187, AB means ‘any seafarer who is deemed to be competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a leading or specialist rating, or any seafarer who is defined as an able seafarer in accordance with national laws, regulations or practice, or collective agreement’ (ILO 1996). AB is more skilled and ranked above an ordinary seafarer.
ACFTU	All-China Federation of Trade Unions
AQSIQ	Administration of Quality Supervision, Inspection and Quarantine (China)
ASEAN	Association of Southeast Asian Nations
BIMCO	Baltic and International Maritime Conference
CBA	Collective bargaining agreement
CCP	Chinese Communist Party
CCS	China Classification Society Competent institution or recognised organisation in China. It is authorised by flag states to regularly carry out independent inspections or to issue certificates, such as maritime labour certificate, or to do both.
CCSI	China Crew’s Salary Index
COSCO	China Ocean Shipping Company
CSA	China Shipowners’ Association
CSC	Chinese State Council
CSCU	Chinese Seamen and Construction Workers’ Union
CSR	Corporate social responsibility
FOC	Flags of convenience According to the ITF, ‘a flag of convenience ship is one that flies the flag of a country other than the country of ownership of the ship’.

HLTWG	High-Level Tripartite Working Group In March 2001 ‘a major exercise was undertaken to consolidate over 60 international maritime labour instruments into one single instrument, a framework Convention. This new instrument will integrate as much as possible the relevant elements of the existing body of standards. A process for the elaboration of the new instrument has been put into place to achieve these objectives. A High-level Tripartite Working Group was established, as well as a Sub-Group of the High-level Group. The High-Level Group held its first meeting in December 2001’ (ILO 2002).
IBF	International Bargaining Forum The IBF was established in 2003 as ‘the mechanism by which maritime employers, represented by the Joint Negotiating Group (JNG), and seafarers unions, represented by the International Transport-Workers’ Federation (ITF) could negotiate over the wages and conditions of employment of seafarers serving on ships to which ITF Special Agreements apply’ (IMEC 2013).
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICS	International Chamber of Shipping
ILO	International Labour Organization
IMEC	International Maritime Employers’ Council
IMHA	International Maritime Health Association
IMO	International Maritime Organization
ISF	International Shipping Federation
ISM Code	International Management Code for the Safe Operation of Ships and for Pollution Prevention
ISPS Code	International Ship and Port Facility Security Code
ITF	International Transport Workers’ Federation
JMC	Joint Maritime Commission According to the ILO, the JMC is ‘a bipartite standing body that provides advice to the Governing Body on maritime questions including standard setting for the shipping industry. The Standing Orders of the JMC provide guidance on how to deal with the various procedural questions that may arise in the course of the Commission’s work’.
MARPOL	International Convention for the Prevention of Pollution from Ships
MET	Maritime education and training
MLC 2006	Maritime Labour Convention 2006 (adopted by the International Labour Organisation in 2006 and entered into force on 23 August 2013)
MOC	Ministry of Commerce of the People’s Republic of China
MOH	Ministry of Health of the People’s Republic of China
MOHRSS	Ministry of Human Resources and Social Security (China)
MOLSS	Ministry of Labour and Social Security (China)
MOT	Ministry of Transport of the People’s Republic of China

MOU	Memorandum of understanding
MSA	Maritime Safety Administration of the People’s Republic of China
NPC	National People’s Congress of the People’s Republic of China
OECD	Organisation for Economic Co-operation and Development
OS	Ordinary seafarer An OS is an unlicensed seafarer of the deck department of a merchant ship. The position is usually an apprenticeship to become an able-bodied seafarer after working on board a ship for a specific amount of time and gaining what is referred to as ‘sea experience’.
P & I Club	Protection and Indemnity Club
POEA	Philippine Overseas Employment Administration
PRC	People’s Republic of China
PSC	Port State Control
PTMC	Preparatory Technical Maritime Conference The PTMC, also known as the Tripartite Meeting on Maritime Labour Standard, is ‘a tripartite meeting that is convened when necessary to set the agenda for a forthcoming International Maritime Labour Conference’. This conference uniquely considers ‘the specificities of the sector and either adopts or revises maritime conventions and recommendations’. The MLC 2006, adopted by a Maritime Session of the International Labour Conference, was the outcome of just such a process in February 2006 (Tortell et al. 2009, p. 114).
SCNPC	Standing Committee of the National People’s Congress (China)
SEA	Seafarers’ employment agreement
SEC	Seafarers’ export company
SIRC	Seafarers International Research Centre
SMC	Seafarers’ medical certificate
SMS	Safety management system
SOE	State-owned enterprise
SOLAS	International Convention for the Safety of Life at Sea
SRI	Seafarers’ Rights International
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
TMN	Traditional Maritime Nation
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNHRC	United Nations Human Rights Committee

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List of International Conventions Noted in the Book

Abbreviation (responsible authority)	Name of legal instruments	Adoption
ICESCR (UN)	International Covenant on Economic, Social and Cultural Rights	1966
ILO C002	Unemployment Convention	1919
ILO C005	Minimum Age (Industry) Convention	1919
ILO C007	Minimum Age (Sea) Convention	1920
ILO C009	Placing of Seamen Convention	1920
ILO C016	Medical Examination of Young Persons (Sea) Convention	1921
ILO C022	Seamen's Article of Agreement Convention	1926
ILO C023	Repatriation of Seamen Convention	1926
ILO C053	Officers' Competency Certificates Convention	1936
ILO C054	Holidays with Pay (Sea) Convention	1936
ILO C058	Minimum Age (Sea) Convention (Revised)	1936
ILO C059	Minimum Age (Industry) Convention (Revised)	1937
ILO C068	Food and Catering (Ship's Crews) Convention	1946
ILO C069	Certification of Ship's Cooks Convention	1946
ILO C072	Paid Vacations (Seafarers) Convention	1946
ILO C073	Medical Examination (Seafarers) Convention	1946
ILO C074	Certification of Able Seamen Convention	1946
ILO C075	Accommodation of Crew Convention	1946
ILO C076	Wages, Hours of Work and Manning (Sea) Convention	1946
ILO C087	Freedom of Association and Protection of Right to Organise Convention	1948
ILO C091	Paid Vacations (Seafarers) Convention (Revised)	1949
ILO C093	Wages, Hours of Work and Manning (Sea) Convention (Revised)	1949
ILO C098	Right to Organise and Collective Bargaining Convention	1949
ILO C108	Seafarers' Identity Documents Convention	1958

(continued)

Abbreviation (responsible authority)	Name of legal instruments	Adoption
ILO C109	Wages, Hours of Work and Manning (Sea) Convention (Revised)	1958
ILO C135	Workers' Representative Convention	1971
ILO C138	Minimum Age Convention	1973
ILO C146	Seafarers' Annual Leave with Pay Convention	1976
ILO C147	Merchant Shipping (Minimum Standard) Convention	1976
ILO C165	Social Security (Seafarers) Convention	1987
ILO C166	Repatriation of Seafarers Convention (Revised)	1987
ILO C178	Labour Inspection (Seafarers) Convention	
ILO C179	Recruitment and Placement of Seafarers Convention	1996
ILO C180	Seafarers' Hours of Work and the Manning of Ships Convention	1996
ILO C185	Seafarers' Identity Documents Convention (Revised)	2003
ILO C182	Worst Forms of Child Labour Convention	1999
ILO P147	Protocol to the Merchant Shipping (Minimum Standards) Convention	1996
ILO R027	Repatriation (Ship Master and Apprentices) Recommendation	1926
ILO R078	Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation	1946
ILO R140	Crew Accommodation (Air Conditioning) Recommendation	1970
ILO R141	Crew Accommodation (Noise Control) Recommendation	1970
ILO R185	Labour Inspection (Seafarers) Recommendation	1996
ILO R186	Recruitment and Placement of Seafarers Recommendation	1996
ILO R187	Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation	1996
ISM Code (IMO)	International Management Code for the Safe Operation of Ships and for Pollution Prevention	1994
ISPS Code (IMO)	International Ship and Port Facility Security Code	2004
MARPOL (IMO)	International Convention for the Prevention of Pollution from Ships	1973
MLM (UN)	International Convention on Maritime Liens and Mortgages	1993
SOLAS (IMO)	International Convention for the Safety of Life at Sea	1974
STCW (IMO)	International Convention on Standards of Training, Certi- fication and Watchkeeping for Seafarers	1978
UNCLOS (UN)	United Nations Convention on the Law of the Sea	1982
UNGCLS (UN)	1958 Geneva Conventions on the Law of the Sea	1958

List of Chinese Legal Instruments Noted in the Book

Abbreviation	Name of legal instruments	Adoption
ALCL	Amendment to Labour Contract Law of the PRC	2013
ARSR	Administration Rules of Seafarers' Registration of the PRC	2008
ATUL	Amendment to the Trade Union Law of the PRC	2001
CLL	Labour Law of the PRC	1995
CMC	Chinese Maritime Code	1992
EPL	Employment Promotion Law of the PRC	2007
GPCL	General Provisions of Civil Law of the PRC	1986
IVPRL	Measures on Indemnity against Violations of Provisions Related to Labour Contract	1994
LCL	Labour Contract Law of the PRC	2007
LOL	Law on Legislation of the PRC	2000
LPYP	Law on the Protection of Young Persons of the PRC	1991
MALD	Law on Mediation and Arbitration of Labour Disputes in the PRC	2007
MEMH	Medical Equipment and Medicines Supplied to the Ship's Hospital	1990
MSPL	Maritime Special Procedure Law of the PRC	1999
MSSM	Minimum Standards for Safe Manning for Vessels of the PRC	1997
MTSL	Maritime Traffic Safety Law of the PRC	1983
PAEF	Provisions on Administration of Employment of Foreigners in China	1996
PASE	Provisions on the Administration of Seafarer's Export	2011
PASES	Provisions on the Administration of Seafarers' Employment Service	2008
PASMC	Provisions on the Administration of Seafarers' Medical Certificates	2012
PASR	Provisions on Administration of Seafarers' Registration	2008
PAST	Provisions on the Administration of Seafarers' Training	1997
PDOLD	Administration Rules on the Prevention and Disposal of Overseas Labour Disputes	2009
PESEA	Provisions on the Employment Services and Employment Administration	2007
PPCLE	Provisions on the Prohibition of Child Labour Employment	2002

(continued)

Abbreviation	Name of legal instruments	Adoption
PRPW	Provisional Rules on Payment of Wages	1994
PSDM	Provisions of Seafarers' Despatch Management of the PRC	2011
PSIS	Provisions on Safety Inspection of Ships of the PRC	2009
PSOS	Provisions of Seafarers' Occupational Security of the PRC	2013
PSEAC	Provisions on the Seafarers' Examination, Assessment and Certification	2004
PRPW	Provisional Rules on Payment of Wages of the PRC	1994
PSDM	Provisions of Seafarers' Despatch Management	2011
PSSM	Provisions of Seafarers' Service Management	2008
ROS	Regulations on Seafarers of the PRC	2007
SDR	Ship's Doctors Rules of the PRC	1990
SEOLC	Administration Rules on Seafarer Export and Overseas Labour Cooperation	2010
SPRPW	Supplement to the Provisional Rules on Payment of Wages	1995
SRR	Ship Registration Regulations of the PRC	1994
SSL	Social Security Law of the PRC	2010
TUL	Trade Union Law of the PRC	1992