



# Delivering on seafarers' rights Code of Conduct

A seafarers' rights and welfare Code of Conduct  
for shipowners, operators, charterers and cargo owners

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## About this Code of Conduct

This Code of Conduct is the result of ongoing work carried out by the Sustainable Shipping Initiative's (SSI) Delivering on seafarers' rights working group, in partnership with the Institute for Human Rights and Business (IHRB) and in collaboration with the Rafto Foundation for Human Rights. It brings together shipowners, ship operators, charterers and cargo owners to drive positive change in the industry, through individual and collective action and increased transparency to deliver on seafarers' rights.

### Institute for Human Rights and Business (IHRB)



Founded in 2009, IHRB is the leading international think tank on business and human rights. IHRB's mission is to shape policy, advance practice, and strengthen accountability in order to make respect for human rights part of everyday business.

[www.ihrb.org](http://www.ihrb.org) | @ihrb

### Sustainable Shipping Initiative (SSI)



The Sustainable Shipping Initiative (SSI) is a multi-stakeholder collective of ambitious and like-minded leaders, driving change through cross-sectoral collaboration to contribute to – and thrive in – a more sustainable maritime industry. Spanning the entire shipping value chain, SSI members are shipowners and charterers; ports; shipyards, marine product, equipment and service providers; banks, ship finance and insurance providers; classification societies; and sustainability non-profits.

[www.sustainablesshipping.org](http://www.sustainablesshipping.org) | @SustShipping

### Rafto Foundation for Human Rights



The Rafto Foundation is a non-profit organization dedicated to the global promotion of human rights. Established in 1987 in memory of Professor Thorolf Rafto at NHH – Norwegian School of Economics, the Foundation works with human rights defenders globally, awards the prestigious Rafto Prize for human rights and offer long-term support to the laureates. The Rafto Foundation works closely with experts, businesses and academia to advance human rights, and is a leading Norwegian center for human rights education.

[www.rafto.no](http://www.rafto.no) | @RaftoFoundation

## Introduction

There is an urgent need to tackle the systemic challenges creating human rights risks, including labour rights risks, for seafarers worldwide. Seafarers have a right to a workplace where their rights are respected, that is safe and secure, where they have fair terms of employment that are delivered through decent living and working conditions, fair wages and social protection covering medical, employment and retirement issues.

Protecting and respecting seafarers' rights was thrust into the public spotlight starting in 2020 when 400,000+ seafarers were stranded at sea and a similar number unable to return to work due to crew change restrictions as a result of the COVID-19 pandemic.<sup>1</sup> Alongside this increased public awareness of the role of seafarers, there is a growing demand from consumers, investors, business partners, civil society and governments via increasing regulatory requirements<sup>2</sup> for more transparent and sustainable supply chains that address human rights as well as environmental concerns throughout the supply chain, including logistics segments.

Ensuring that seafarers' rights and welfare are respected is critical in the shipping industry's sustainability journey,<sup>3</sup> underpinned by elements relating to healthy, safe and secure work environments, rewarding careers as well as a diverse and inclusive maritime workforce.<sup>4</sup> Improving attention to seafarers' rights can also provide added benefits such as reducing risks of incidents and undesirable ship culture that could undermine productivity and staff retention. Given the rising attention to human rights, implementing this Code of Conduct also serves as a way of meeting the growing demands highlighted above and reducing risks through improved compliance and transparency.

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<sup>1</sup> A number of initiatives to address the COVID-19 crew change crisis have focused on critical short-term measures such as facilitating travel, vaccines, and protection for our seafarers' health and wellbeing, including the Neptune Declaration and the [Maritime Human Rights Risks and the COVID-19 Crew Change Crisis: A Tool To Support Human Rights Due Diligence](#) released by the UN Global Compact, OHCHR, IMO, ILO. This Code of Conduct includes measures on crew change that are consistent with those two initiatives but addresses the issue on a longer-term basis, as it is primarily focused on addressing broader, systemic challenges for seafarers.

<sup>2</sup> There are a growing number of laws and proposed laws requiring mandatory human rights due diligence. See [here for an overview and updates](#).

<sup>3</sup> See the [Roadmap to a sustainable shipping industry](#) published by the Sustainable Shipping Initiative (SSI).

<sup>4</sup> For example, [a 2021 Seafarer Workforce report estimates that women represent only 1.2 percent of the current maritime workforce](#).

## Purpose

The shipping industry is required to comply with the International Labour Organization (ILO) [Maritime Labour Convention \(MLC\)](#) and other international conventions covering the human rights (which include labour rights) of workers. Like all industry sectors, companies in the shipping sector have a responsibility to respect the human rights of seafarers, including when they are workers along their supply chain, in accordance with the [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#).

This Code of Conduct seeks to reinforce compliance with the MLC and other relevant maritime conventions and goes beyond by focusing on valuing seafarers and the full spectrum of their human rights. It aims to address systemic risks and impacts experienced by seafarers through: (i) emphasising rights in the MLC that are not being adequately enforced; and (ii) including rights and issues that are important to seafarers but not currently covered in the MLC. The Code of Conduct deliberately does not cover more technical health and safety issues that are equally important to the rights to life and health of seafarers, as these are covered in the MLC and other more detailed conventions, regulatory requirements, standards, codes<sup>5</sup> and inspections. It assumes that the issues covered by this Code of Conduct will be integrated together with these health and safety requirements into the overall management of all aspects of shipping that affect seafarers.

The Code of Conduct can be used by shipowners and ship operators to understand the extent to which current operations meet their seafarers' rights and welfare responsibilities, and by charterers and cargo owners to strengthen due diligence that in turn informs chartering-related decision-making. It is supplemented by a practical [self-assessment questionnaire developed in collaboration with RightShip](#) which provides guidance on how to adopt the commitments outlined in the Code of Conduct and track progress.



<sup>5</sup> Such as the International Maritime Organization (IMO)'s [International Safety Management \(ISM\) Code](#)

## Part I: Shipowner and ship operator requirements

### 1. SHIOPWNER/SHIP OPERATOR COMMITMENTS

#### Commits to valuing seafarers and respecting their human rights

The shipowner/ship operator:

- 1.1. Has a written commitment to valuing seafarers, including by respecting their human rights, and to complying with the MLC which reinforces seafarers' human rights.
- 1.2. Has a management system, supported by appropriate staffing and procedures, to manage compliance with the MLC, other relevant health and safety requirements and this Code of Conduct.
- 1.3. Informs and regularly trains seafarers (including officers and ratings) and other staff on seafarers' rights and this Code of Conduct.



### **Commits to an inclusive workforce**

The shipowner/ship operator:

- 1.4. Promotes an inclusive working culture through leadership, training and mentoring to support open communications and improve morale and working relationships on board and with staff on shore.
- 1.5. Commits to treating seafarers fairly, with respect and dignity, and without discrimination based on any protected characteristics.
- 1.6. Commits to equal opportunities in recruitment, hiring, placement, development, promotion, terms and conditions of employment and benefits, recognising underrepresented groups in the industry. [see 1.5.]
- 1.7. Ensures that workplaces are free from discrimination, harassment, violence or retaliation of any kind.

### **Does not seek on-going exemptions from rules protecting seafarers**

The shipowner/ship operator:

- 1.8. Avoids seeking further exemptions over and above those already provided for in the statutory or regulatory framework related to human rights, including labour rights, environmental, health, safety or security, recognising that these rules are in place to protect seafarers, the public, the marine environment and the industry.<sup>6</sup>

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<sup>6</sup> Based on the [OECD Guidelines for Multinational Enterprises](#), Chapter II, General Policies

## **2. FAIR TERMS OF EMPLOYMENT**

### **Ensures seafarer recruitment is free from risks of forced labour**

The shipowner/ship operator:

- 2.1. Prohibits forced labour<sup>7</sup>, including through practices that can lead to forced labour situations, such as through debt bondage due to the payment of recruitment fees and related recruitment costs, by verifying that seafarers have not paid fees or other charges for recruitment or placement to a seafarer recruitment and placement service and includes this requirement in the shipowner/ship operator's contracts with seafarer recruitment and placement service.
- 2.2. Verifies that seafarers have not been subject to fraud, substitution of contracts, or retention of passports.
- 2.3. Verifies that seafarers are not charged other costs that are prohibited by the MLC such as repatriation costs.

### **Provides fair terms of employment**

The shipowner/ship operator:

- 2.4. Ensures that seafarers are paid in full, correctly (including for all time worked, for overtime and at the previously agreed upon rates), on time and at the official published rate or prevailing market rate not unfavourable to seafarers in accordance with seafarer instructions.
- 2.5. Pays seafarers from the time and destination of departure to join the ship to the time of return to the destination selected for repatriation.
- 2.6. Provides continuity of insurance coverage (additional health care, disability and retirement packages) during the period(s) onshore until return to the ship covering seafarers (officers and ratings) and their families for those seafarers who have agreed to return to the ship(s).
- 2.7. Under contract agreements, all seafarers are free to join a workers' union of their choice.

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<sup>7</sup> Defined by the ILO as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”

### **3. CREWING APPROACH**

#### **Has a comprehensive crewing strategy to improve crew wellbeing and safety**

The shipowner/ship operator:

- 3.1. Regularly monitors and evaluates its crewing strategy for its impact on crew wellbeing, including seafarer retention.
- 3.2. Crewing strategy recognises the importance of balancing onboard and onshore time periods for physical and mental wellbeing and specifies crew contract periods cannot exceed the 11 months specified in the MLC to ensure crew wellbeing and safety.

#### **Sets crewing levels based on crew wellbeing and safety**

The shipowner/ship operator:

- 3.3. Goes beyond the minimum crewing level legally required, and plans crewing levels based on a realistic assessment of tasks that respects the value and ensures the wellbeing of seafarers.
- 3.4. Does not operate short-handed (except in exceptional emergencies for the shortest time possible).
- 3.5. Demonstrates that it considers the impacts of peak work times (such as port calls) in setting crewing levels and the impact of crew fatigue on ship safety and crew wellbeing.
- 3.6. Manages crewing levels through planning contract periods, in a flexible and resilient way, to account for sufficient crew to handle unexpected emergencies, while respecting the MLC's maximum of 11 months on board. This avoids placing disproportionate burdens of responding to crises or emergencies on seafarers.

## **4. CREW WELLBEING**

### **Prioritises crew wellbeing**

The shipowner/ship operator:

- 4.1. Has a physical and mental wellbeing plan, or wellness programme(s), supported by a designated and appropriately trained wellbeing officer and a wellbeing budget, as an integral part of measures to address occupational health and safety for all its seafarers.
- 4.2. Prioritises mental health, including by providing mental health support and access to free and confidential counselling for seafarers.
- 4.3. Provides seafarer assistance programmes.
- 4.4. Provides recreational facilities and encourages social interaction among and between fellow crew members and provides internet access for private, personal use (including access to email, social media and communications), on board for seafarers free of charge, that is limited only for justified reasons of safety, (cyber)security, and responsible use when off duty.
- 4.5. Provides fresh, healthy, quality food and water of sufficient quantity, nutritional value, and variety, considering religious and medical requirements and cultural practices.
- 4.6. Grants shore leave to benefit seafarers' health and wellbeing, consistent with the operational requirements of their positions and subject to port state restrictions.



## **5. CREW PROTECTION**

### **Has appropriate systems to keep crew safe and secure**

The shipowner/ship operator:

- 5.1. Has a security management system to protect seafarers from piracy and other criminal activity. The system provides appropriate preparatory training for seafarers and for armed security personnel, and it includes anti-piracy non-lethal weapons.
- 5.2. In the event that the vessel suffers an emergency or threat [see 5.1.], the security management system includes communication and psycho-social support for the affected seafarers and their families.
- 5.3. Ensures any armed private security providers on board have received training on the rules on the use of force and on respecting the human rights of those affected by security operations, including seafarers<sup>8</sup>.
- 5.4. Commits to protecting the rights of their crews during any criminal investigations following accidents, including the seafarers' rights to avoid self-incrimination, to fair treatment, and to payment of wages, subsistence, accommodation and medical care.
- 5.5. Ensures that seafarers are not abandoned and complies with the MLC requirements on abandonment, including maintaining continuous financial security to cover abandonment of seafarers, and cooperates to resolve any relevant claims concerning abandonment.

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<sup>8</sup> Examples of reference documents and training materials: the International Code of Conduct Association's (ICOCA) [International Code of Conduct for Private Security Service Providers](#); Montreux Document Forum's [Elements for Maritime Interpretation of the Montreux Document](#).

## **6. ADDRESSING SEAFARER GRIEVANCES**

**Has accessible and appropriate complaint/grievance handling processes on board and on shore**

The shipowner/ship operator:

- 6.1. Fosters a culture that supports raising and addressing concerns.
- 6.2. Has a variety of avenues, including those provide for in the MLC, for crew to raise concerns, including whistle-blower procedures that can be contacted anonymously, that are accessible and provide grievance processes on fair, informed and respectful terms that can resolve or support resolution of grievances and that protect privacy and confidentiality.
- 6.3. Ensures there is protection against retaliation, including no blacklisting by the shipowner, vessel operator or the seafarer recruitment and placement service for raising grievances.
- 6.4. Maintains records, in accordance with data privacy standards and confidentiality requirements, of the issues raised and addressed in seafarers' grievances/concerns on its ships across internal and external channels and considers these as input for continuous improvement.



## **7. IMPLEMENTATION OF THE CODE OF CONDUCT**

### **Implementation of the Code of Conduct**

The shipowner/ship operator:

- 7.1. Acknowledges that the charterer/cargo owner counterparty requires access to information about conditions for seafarers on its ships, subject to data privacy and confidentiality as relevant, to address the issues covered in this Code of Conduct.
- 7.2. Communicates the requirements of this Code of Conduct to its workers, and to any other entity responsible for the operation of its ships and recruitment and placement of seafarers, and ensures that it has the legal mechanisms to require compliance by them with this Code of Conduct.

### **Self-assessments and risk-based auditing**

The shipowner/ship operator:

- 7.3. Conducts an annual self-assessment against the requirements of this Code of Conduct.
- 7.4. Maintains relevant documentation required to demonstrate compliance with this Code of Conduct and required laws and agrees to make such documentation available to the charterer/cargo owner counterparty and its designated auditor as evidence of compliance if requested.
- 7.5. Facilitates access to its ships to conduct audits in line with this Code of Conduct if requested.

### **Corrective action**

- 7.6. Where the shipowner/ship operator finds through its own tracking or the self-assessment questionnaire or where the charterer/cargo owner counterparty identifies that this Code of Conduct is not being met, the charterer/cargo owner counterparty and the shipowner/ship operator will agree on corrective actions and reporting on progress made in taking those corrective actions.

### **Reporting on incidents**

The shipowner/ship operator:

- 7.7. Agrees to share with the charter party, and across their value chain, cases of best practice and solutions derived from this Code of Conduct, for learning, knowledge exchange and continuous improvement in the industry.

## Part II: Charterer and cargo owner requirements

### 8. CHARTERER AND CARGO OWNER REQUIREMENTS

The charterer/cargo owner:

**Supports the implementation of this Code of Conduct across the sector by progressively chartering ships from shipowners/ship operators that meet this Code of Conduct as follows:**

- 8.1. Establishes targets to shift its charters to shipowners/ship operators meeting this Code of Conduct,<sup>9</sup> so that by the end of Year 3 from the date of commitment, a majority of the ships it charters meet this Code of Conduct.
- 8.2. Establishes its own annual targets to progressively attach or incorporate this Code of Conduct as a condition to charterparty agreements so that by the end of Year 3 it has covered the charters in 8.1.
- 8.3. Has the strategy, procedures and resources to use this Code of Conduct and self-assessment questionnaire as part of its due diligence processes. This enables the charterer to assess if and how shipowners/ship operators are meeting this Code of Conduct and use that information in its chartering decision-making process.



<sup>9</sup> A shipowner/ship operator will be considered to have initially met this Code of Conduct if it used the self-assessment questionnaire to establish first year baseline on a path to improving seafarers' human and labour rights. The shipowner/ship operators will be expected to demonstrate on-going improvement across their fleet and individual ships on their self-assessments and/or independent audits.

- 8.4. While recognising the challenges for all parties, as a matter of principle refrains from including “no crew change” clauses in charterparty agreements it signs, subject to any exceptional and justified legal restrictions.<sup>10</sup>
- 8.5. Avoids taking measures designed to circumvent safeguards on crew changes.
- 8.6. Works actively and constructively in dialogue with shipowners/ship operators, governments and others in the sector to help facilitate crew changes and ensure safeguards on crew changes are protected.
- 8.7. Depending on circumstances and to the extent that they allow, assists shipowners/ship operators in their crew change planning by sharing nearby intentions for the employment of the vessel.
- 8.8. Collaborates with shipowners/ship operators to support their implementation of this Code of Conduct and to improve their performance over time, and in particular on issues of repeated complaints by seafarers.
- 8.9. Collaborates with others across the sector and uses its leverage to advocate for strengthening respect of seafarers’ rights.
- 8.10. Reports on its commitment to support this Code of Conduct, including progress made on 8.1. and 8.2., e.g. percentage of its chartered vessels meeting the Code of Conduct, status of adoption of the Code of Conduct in its charter agreements, and its own assessment of risks to seafarers’ rights and any actions taken. Progress reports are published annually and publicly.

<sup>10</sup> Based on UN Global Compact, OHCHR, ILO, IMO [Maritime Human Rights Risks and the COVID-19 Crew Change Crisis: A Tool To Support Human Rights Due Diligence](#)

#### **Photo Credits**

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