

Abstract

Since the nature of maritime employment is hardship and danger, the seafarers need more special protection than general labour force on shore. People in the shipping industry need to travel internationally. Therefore, it should operate according to the international standards. The most important source of these standards is the maritime labour standard setting by the International Labour Organization which had been adopted into series of Conventions and Recommendations.

There are very large number of existing labour standards, many of which were very detailed and made it difficult for Member governments to ratify and enforce all of the standards. Moreover, the Amendments of the Conventions had too many steps; thus, the labour standards were out-of-date and could not keep up with the fast-changing conditions of shipping industry. The Maritime Labour Convention (MLC) 2006 was approved in the Maritime Session of the International Labour Conference in February, 2006. This Convention embodies and consolidates all standards of existing international maritime labour Conventions and Recommendations. MLC comprises two different parts: mandatory and non-mandatory provision and covers many issues relating to maritime labour protection. However, it will be more flexible for ratifying countries to implement the Convention. When MLC comes into forces, the 37 existing ILO maritime labour Conventions will be amended and the member countries could no longer ratify previous Conventions. Furthermore, the provisions of MLC empower the port state to inspect the employment and living conditions of Seafarers which embark at her port. If port state find any deficiency of the ship that does not conform to the requirements of the Convention, the port state can detain or order the ship to correct such deficiency whether the flag state has been ratify the MLC or not. Consequently, this thesis aims to study the provisions of MLC which can affect Thailand's position on MLC,.

After considering the existing law in Thailand, we will find that some of the provisions can be adopted to protect the maritime labour. Since seafarers have rights by virtue of fact that they are workers being protected by the Thai Labour Protection Law under supervision of the Department of Labour Protection and Welfare. This law focuses on the protection of general labour force and aims to enforce the business operator which has an establishment on shore. Therefore, the provisions of this law are inappropriate and inadequate to protect the maritime labour especially in the following issues: hours of work and hours of rest, wages, accommodation and recreational facilities, access to shore-based welfare facilities, social security and inspection on ship. Also, after considering the Thai Maritime Law under the supervision of Maritime Department, it found that the existing provisions conform to the international standards because Thailand has become the state party in many international Conventions approved by the International Maritime Organization setting the international standards on maritime safety and seafarers' qualifications. However, the maritime law is only the working regulation for the seafarers according to the international standards and does not cover the issue about the protection of maritime labour. Consequently, when the new convention is in force, it will have an inevitable impact on Thai law under the supervision of both organizations.

As studying the MLC and Thai law relating to the maritime labour, it found that Thailand should have the provisions that specifically protects maritime labour in order to provide the appropriate and adequate protection to all of the seafarers working on the international vessels. After considering the provisions of this Convention or guidelines for the international vessels, it shows that Thai fleet of ships already has a guideline concerning working and living condition for seafarers conforming to international standards and the provisions of the MLC in a high level. Therefore, if Thailand becomes a state party of this Convention, it will have a slightly effect on the business operators. However, in the issue about the accommodation and recreation facilities, the business operators might have to expense the cost in order to renovate rooms inside the vessels built after the enforcement of the MLC. While the government

sector should adjust, amend or enact necessary law to protect maritime labour under Thai law that conforms to the provision of the MLC and should prepare the competent authority and appoint the qualified inspectors to fulfill the responsibility under the Convention. Even though when this convention comes into force, the government sector might have a more serious burden since it would indirectly enforced to all country members of ILO. If Thailand does not proceed to conform the minimum standards set by the Convention, it could negatively affect the ships and economic of Thailand. To improve standards of Thai maritime labour according to international standards, it will have positively affect on the life quality of seafarers, their families and society as a whole including promote the maritime safety and develop Thai shipment industry.

From all these reasons, Thailand should become a state party of MLC 2006 and should enact Thai law based on this convention.