

**Expanding Frontiers -  
Challenges and Opportunities in Maritime Education and Training**

**The International Maritime Labour Regulatory Framework  
And Women Mariners: A Legal Protective Approach**

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**Abstract:** As a global service industry, the maritime industry has been evolving like other global service industries. It is, however, generally accepted that the maritime industry is comparatively more conservative than other global service industries in some perspectives. Accordingly, acceptance of woman actors into the maritime industry, and in this connection, acceptance of woman mariners on board a ship took much longer time than acceptance of woman actors into other service industries. Even though the international maritime labour regulatory framework has gradually developed since the establishment of the International Labour Organization (ILO), it is analyzed that the international maritime labour regulatory framework is lacking a protective approach and a comprehensive legal regime for women mariners. In this connection, this article initially introduces recent developments in maritime labour industry. The article addresses the role of women mariners in the maritime industry and widely discusses problems of women mariners. The International maritime labour regulatory framework, from protective and feminist approaches and deficiencies arising thereof, are the subject matter of further legal discussions in this article. In the end, this article provides recommendations in accordance with the legal deficiencies of the international maritime labour regulatory framework, needs of maritime practice and fundamental rights of women.

**Keywords:** Women, women mariners, seafarers, women's rights, discrimination.

## **1. Introduction**

The role of women in the shipping business is relatively small comparing to male colleagues from a viewpoint of statistical analysis [1], [27]. Seafaring is an extreme sample of a globally male-dominated industry [1], [7], [26], [27]. For many years, women were almost totally excluded from any kind of seafaring and sea-related occupations [7], [13], [19]. The designated institutions of the United Nations (UN), likewise the International Maritime Organization (IMO) and the International Labour Organization (ILO), have led campaigns promoting recruit-

ment of women on board ships [21], [26]. However, as Kitada and other researchers note, there have not been regular surveys conducted to analyze women's participation in a male-dominated shipping industry. In this regard, it is estimated that only 1 - 2 percent of global work forces of seafarers are women [13], [21].

The BIMCO/ISF 2010 report on labour trend indicates that, despite the financial crisis and its negative impacts on shipping industry, there are still some shortages for officers, particularly for certain ranks and for ship types such as tankers and offshore support vessels [1], [15]. The report results illustrate that the supply-demand balance for officers has a modest overall shortage (about 2%); with the implication that there is not a serious shortage problem for officers in aggregate [1]. However, this does not mean that small sized shipping companies are not experiencing recruitment problems [1]. In addition to that, due to the recovery of the global economy, increasing demand for more ships may trigger the demand for more officers as well.

To challenge the shortage of officers, it is strongly recommended to create a sound working and living environment and to establish comprehensive policies to promote women entering into the shipping industry and working on board ships. In this context, from the beginning of 20<sup>th</sup> century, more women have been recruited on board merchant ships [1], [7], [13]. However, those women generally work in the service sectors rather than navigation or engine departments of vessels [8], [13], [21]. In other words, very few women are in marine sections where navigation or engineering work takes place. For reducing the global officer shortage on board ships, international organizations strongly recommend that maritime education and training institutions accept and train more women [21]. Even though some of the maritime education and training institutions are eager to train more women for shipping industry, there are problems yet to be solved for a sound working and living environment for women on board ships.

The second chapter of this article briefly addresses employment, working, safety and health issues in the context of cultural, practical and legal environments. The third chapter provides a brief legal survey and introduces fundamental international legal instruments, the ILO and the IMO documents relating to women's working and living environment on board ships in line with the fundamental principles of human rights. The fourth chapter discusses issues from a legal and protective viewpoint, and the last (fifth) chapter addresses final remarks and recommendations.

## **2. Gender Issues in The Shipping Industry**

Working and living on board a ship has the same meaning with perils of sea, dangers, physical and physiological isolation and restriction [4], [5], [8], [15], [20]. Beside all these negative issues, seafarers, in most cases, are not available to access any legal protection [3], [4], [5], [18].

In addition to such difficulties, women in the maritime industry are faced with many difficulties almost every day while ashore or on board a ship. These difficulties exist for a wide range of reasons, namely as; literal matters, cultural matters, misconceptions, education(al) matters, negative attitudes on women on board ships, gender discrimination, lack of sound working and living environment and insufficient legal framework. These difficulties are briefly addressed in following paragraphs.

Literal matters have two sides in a male-dominated shipping industry; these are, firstly, lack of proper terminology without any gender discrimination and secondly, lack of research and studies relating to women mariners. The terminology problem exists in the context of male-dominated and characterized drafting and wording of international legal and policy instruments. Even though international institutions consider the drafting process of legal and policy

instruments very carefully in order to avoid any kinds of discrimination [16], legal and policy instruments promulgated particularly by the ILO have not paid that much attention for the terminology used in such instruments and documents in terms of maritime industry and women. In a chronological order, the ILO and the other institutions have not considered and taken into account the wording of their texts which might be a reason for gender discrimination against women and reflect the male-dominated character of the maritime industry while drafting the very first legal and policy instruments relating to maritime labour. Analysis shows that the very first ILO Conventions such as; Placing of Seaman Convention (1920), Repatriation of Seamen Convention (1926) and Seamen's Articles of Agreement (1926) [23] and some more legal and policy instruments prefer to use the term "seaman" for referring to officers and rankings on board a vessel [23], [24]. To some extent, the term "seaman" might lead to ambiguities whether officers and rankings on board a vessel must be male or not. The etymological/semantic background of "man" particularly refers to males rather than females. It might be discussed that the term originally had no gender discrimination and only refers to person(s) working on board a ship. In addition to that, it may be argued that the term "man" refers to humankind, not to male kind. However, it is observed that leading English language dictionaries and encyclopaedias explain the term "man" in a male-dominated and characterized way rather than natural and non-gender characterizations in the very first instance. A further problem arises from incorporation or reception of these international instruments into national legal systems. Incorporating States, while translating such instruments into their national languages, generally do not pay attention to possible gender issues and this leads to continuation of male-dominated and characterized drafting of legal and policy instruments. This is a result of the masculine description of the seafaring occupation for centuries [7], [13], [19], [26]. The second matter in terms of literal context is lack of research and studies on women mariners [13], [19]. The history and role of women is rarely covered in literature and academic works. There are very few documents about the history and role of women on merchant vessels in the 19<sup>th</sup> century [7], [13]. Several woman characters in the navy had influences on literary works. However, all those works are in character of fairy tales or legends rather than academic research and analysis [7], [13].

Even though the shipping industry, the international institutions and the Governments aim to promote women working on board a ship, the maritime education and training environment for women candidates has its own unique problems. These problems might be briefly stated as below;

- Acceptance of very limited numbers of female candidates into maritime education or training institutions [7],
- Lack of State policy in most countries to promote maritime education or training for females [7],
- Bullying, physiological and/or physical harassment or difficulties during the maritime education or training [13].

Thomas reveals that a number of myths or misconceptions relating to women mariners continue to pervade shipping industry even in recent days [19]. These myths and misconceptions are briefly;

- Description of appropriate occupations for men and women [7], [13], [19],
- Natural and physical differences between men and women [7], [13], [19],
- Women are eligible to work on only certain types of ships, thus women can work on board cruise or passenger vessels in positions such as assistant cook, steward, hotel or catering departments, but not in navigation or engine departments [7], [13], [19],
- Perceptions of women's role in the family, beliefs about the incompatibility of sea career and marriage and motherhood [7], [13], [19],

- The presence of women on board a ship can lead to sexual tensions and jealousy among male crew members and, as a consequence, it may threaten sound, peaceful and effective working and living environment [13], [19],
- The possibility that women mariners might cut short their sea careers due to their commitment to marriage, family life and motherhood expectations [13], [19].

In addition to myths and misconceptions, women mariners face a large number of difficulties in practice while they pursue their career at sea. These difficulties are, briefly;

- Sexism from staff at the education and training institutions [19],
- Rejection of women's application on the grounds of gender [19],
- Hostility from male colleagues [19],
- A number of male colleagues have difficulties accepting women in maritime positions [19],
- Women mariners may need to work harder, and perform much better than their male colleagues in order to prove themselves [7], [13], [19].
- Reluctance to promote women mariners to senior positions [13], [19],
- The status-oriented hierarchy and significantly, male control of this hierarchy [13], [19],
- Employment of women mariners in inappropriate positions or ranks which do not comply with their education, training, experiences and previous ranks [7], [13]
- Continuous comparison of female mariners with male mariners in terms of physical capacity and power [7], [13], [19],
- Continuous considerations and comments on women mariners' faults/negligence/mistakes on board a vessel without paying attention to ratio of women mariners sailing globally [13], [19]
- Foreign port, State entrance-exit and immigration office rules and practices creating difficulties based on gender [7],
- Inappropriate comments about women mariners on board a ship [7], [13], [19]
- Sexual harassment (sexual comments in the guise of humour, persistent sexual invitations, physical contact and so on) [7], [13], [19], [20], [25], [26],
- Drastic measures taken by women mariners on board a vessel to protect themselves etc. [13], [19].

The design of ships is illustrative of a masculine norm and values which are mainly based on the assumption that the ship is a male territory. In this regard, women working on board a vessel might face physical difficulties arising from the design of ships and so on [8], [13].

Availability of certain products in some regions/ports/States for women mariners is another issue. Such products are mainly sanitary, hygiene and personal care related [6], [7], [12], [13].

In the final stage, it should be emphasized that lack of specially designed, globally applicable and comprehensive legal instruments protecting women mariners is also a noteworthy problem. Lack of proper legal frameworks in order to protect women mariners is broadly addressed, discussed and analyzed in the third chapter.

### 3. A Survey of the International Legal Regime

#### 3.1 Fundamental Human Rights Instruments

As to the international organizations and their research, women bear a disproportionate burden of global poverty in the recent world [28]. In the context of statistics provided by international organizations, women are more likely than men to be poor and at risk of hunger because of systematic discrimination they face in fundamental rights such as education, health care, social security and employment [28]. In accordance with the research of international organizations, it is estimated that women represent 70% of the world's poor category [28]. In addition to such issues, women have very few seats at the tables where economic and employment decisions are made, and women have very limited influence in terms of shaping economic and employment policies. The following paragraphs address the fundamental rights in order to protect women against any kinds of discrimination.

The right to equality has been designated as a fundamental right under international law and this principle has been addressed by a number of international legal instruments to achieve the goal of comprehensive protection for every human-being without any kind of discrimination. As a main principle, the right to equality is addressed by the United Nations and other international institutions in different forms of legal and policy instruments. However, since the term 'the right to equality' is a general term, to achieve the goal of this right, further and detailed principles and explanations are required in terms of the scope of this study. In this regard, international legal and policy instruments stipulate a principle of "prevention of discrimination against women" to achieve the aim of the right to equality principle in terms of gender issues. While some of these international legal and policy instruments prescribe womens' rights in general terms, the rest of these legal and policy instruments have a specific focus for the prevention of discrimination against women, thus the above-mentioned goal of the right to equality can succeed. "The right to work" and "the right to social security" are other main principles stipulated for achieving the goal of right to equality principles. In this context, the following Articles of international legal instruments address fundamental principles for the prevention of discrimination against women.

- The right to equality is prescribed under the 1<sup>st</sup> Article of the Universal Declaration of Human Rights (UDHR) with reference to the equality in dignity and rights. The 2<sup>nd</sup> Article of the same Declaration explicitly stipulates that every human being is entitled to all rights and freedoms set forth in the same Declaration without any discrimination based on race, colour, gender, language, religion, political or other kinds views and so on. To succeed in these goals, equality before the law and equal protection by the law principles are granted by Article 7 of the same Declaration.
- Each State Party is obliged to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized under the International Covenant on Civil and Political Rights (ICCPR) without any kind of discrimination in terms of race, colour, sex, language, religion, political or other kinds of view and so on. The same Covenant also obliges States Parties

to ensure the equality of women and men to the enjoyment of all rights set forth in the present Covenant in accordance with Article 3.

- Very similar to the ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) obliges State Parties to ensure the enforcement of principles stipulated in the present Convention without any kind of discrimination including gender. In addition to this general principle, equality of women and men to the enjoyment of all economic, social and cultural rights is re-emphasized in Article 3 of the Covenant.
- In accordance with Article 1 of the European Convention Human Rights (ECHR), the obligation of State Parties to secure for everyone the rights and freedoms defined in the present Convention is repeated. The enjoyment of rights and freedoms in the present Convention without any kind of discrimination including gender is a subject matter of Article 14 of the ECHR.

A specific international legal instrument relating to prevention of discrimination against women, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 1, addresses the definition of discrimination against to women as, "... any distinction, exclusion or restriction made on the basis of sex which has effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

To achieve the goal of the above-mentioned principle, State Parties to CEDAW are responsible to take all appropriate means, mainly;

- To incorporate the right to equality into the State's national laws,
- To adopt appropriate legislative and other measures prohibiting all discrimination against women,
- To establish a legal protection regime for women's fundamental rights on an equal basis with men and to ensure the effective enforcement of such regime,
- To refrain from engaging in any act or practice of discrimination against women,
- To take all proper measures to eliminate discrimination against women by any person, organization or enterprise,
- To modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women,
- To repeal all national penal provisions which constitute discrimination against women.

The second fundamental international principle in terms of this study, "the right to work", has been stipulated under the UDHR Article 23. By virtue of Article 23, everyone has the right to work, free choice of employment, to just and favourable conditions of work and to protection against unemployment. As a consecutive result of this principle, everyone has the right to equal pay for equal work without any discrimination. The ICESCR repeats the principle of right to equality in the present Covenant Articles 6 and 7.

The CEDAW Convention Article 11 explicitly stipulates that State Parties are responsible to take all appropriate measures to prevent and eliminate discrimination against women in the field of employment in order to ensure the basis of equality of men and women. The basis of equality includes following principles;

- The right to work as an inalienable right of all human beings,

- The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment,
- The right to choice of profession and employment,
- The right to promotion, job security and all benefits and conditions of service,
- The right to receive vocational training and retraining, including internship and so on,
- The right to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

The third principle in order to prevent discrimination against women, the right to social security, has also been stipulated under a number of international legal instruments. Firstly, the UDHR Article 22 stipulates that everyone has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, to the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

In addition to that, the ICESCR Article 9 provides for social security including social insurance undertaken by State Parties. The CEDAW Article 11 (e) and (f) grants the fundamental social security principles in terms of prevention of discrimination against women.

### 3.2 General Instruments of the International Labour Organization

Prevention of discrimination and promoting equality of gender are fundamental principles highlighting the work of the ILO since its creation in 1919 [16], [22]. These principles are major components of the ILO's Decent Work Agenda which promotes decent and productive work in conditions of freedom, equity, security and human dignity [9]. Conventions and Recommendations promulgated by the ILO are primary means of action to improve working and living conditions of women and men, and promote equality in the workplace for all workers. The ILO instruments apply equally to women and men, with some exceptions, in particular those standards addressing issues relating to maternity conditions and reproductive role of women [7], [9]. However, the reality for gender equality is rather different than rules stipulated by the ILO instruments. The rights stipulated under the ILO instruments are simply lacking effective practice. Unawareness of the existence of such legal instruments is one of the significant reasons for lack of effective practice [2], [4], [5], [7], [9].

Application of international labour standards aims to provide;

- Equal access to benefits derived from such standards for men and women,
- Recognition of the needs, experiences and interests of both men and women,
- Advocating of equality brought by the implementation of international legal instruments [25], [26], [27].

The ILO's very first, and the most comprehensive, action with respect to gender discrimination is the Discrimination (Employment and Occupation) Convention, 1958 [23]. The Convention provides that, in accordance with Article 2, Member States undertake to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation. Article 1 further stipulates the grounds of discrimination including gender, race, colour, religion, political opinion, national extraction and social origin [23].

The Equal Remuneration Convention of 1951 specifically stipulates the issue of equal remuneration for men and women for equal value work [23]. In addition to these two Conventions, the Workers with Family Responsibilities Convention of 1981 and the Maternity Protection Convention of 2000 acknowledge gender equality [23].

### 3.3 Specific Instruments of the International Labour Organization

The ILO provides for international legal instruments governing;

- fundamental principles and rights,
- maternity protection, work and family,
- employment promotion,
- working conditions, and,
- the status of migrant workers in terms of specifically protection of women workers.

In line with the fundamental principles and rights at work, the following Conventions, Recommendations and their principles relating to gender equality need to be emphasized;

- Equal Remuneration Convention, 1951, Article 1 [23],
- Equal Remuneration Recommendation, 1951 [24],
- Discrimination (Employment and Occupation) Convention, 1958, Article 1/1(a) and 1/1(b) [23],
- Discrimination (Employment and Occupation) Recommendation, 1958 [24],

In accordance with maternity protection and work and family issues, the following international legal instruments should be addressed;

- Maternity Protection Convention (Revised), 1952 [23] ,
- Maternity Protection Recommendation, 1952 [24],
- Maternity Protection Convention, 2000 [23],
- Maternity Protection Recommendation, 2000 [24],
- Workers with Family Responsibilities Convention, 1981 [23],
- Workers with Family Responsibilities Recommendation, 1981 [24],

Equal employment promotion has been addressed in terms of gender issues by the following international legal instruments;

- Employment Policy Convention, 1964, Preamble and Article 1 [23],
- Employment Policy Recommendation, 1964, Preamble, Article 1 and Annex Article 1 [24],
- Employment Policy (Supplementary Provisions) Recommendation, 1984, Preamble [24],
- Human Resources Development Convention, 1975, Article 1/5 [23],
- Human Resources Development Recommendation, 1975, Article 5/2(a), Article 54 and 56 [24],
- Termination of Employment Convention, Article 5(d) [23],
- Termination of Employment Recommendation, Article 2/1 [24].

Sound working conditions for women workers have been stipulated under the following international legal instruments;

- Night Work (Women) Convention (Revised), 1948 [23],
- Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 [23],



- Night Work Convention, 1990 [23],
- Night Work Recommendation, 1990 [24],
- Occupational Safety and Health Convention, 1981 [23],
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 [23]
- Occupational Safety and Health Recommendation, 1981 [24].

The protection of migrant workers has been a focus of International Labour Organization and the institution has already provided international legal instruments in terms of protection of women against gender discrimination. Such international legal instruments are as follows;

- Migration for Employment Convention, 1949, Article 6/1 and Article 6/7(a) [23],
- Migration for Employment Recommendation, 1949, Article 17/2 and 17/2(a) (i) [24].

The above-mentioned Conventions and Recommendations promulgated by the ILO aim to protect women in every working field. In other words, these legal instruments are applicable for all classes of employment and include general provisions. In addition to such generally applicable provisions for the protection of women, the ILO instruments relating to maritime employment provide provisions in terms of women seafarers' protection. These international instruments and their relevant provisions are presented below;

- Sickness Insurance (Sea) Convention, 1936, Article 5/1 [23].
- Seafarers' Welfare Convention, 1987, Article 3/1 [23],
- Migration (Protection of Females at Sea) Recommendation, 1926, this is not applicable for women working on board a ship [24],
- Seafarers' Welfare Recommendation, 1987, Article 5 [24].

### 3.4 Instruments of Other Designated International Institutions

In line with the global shortage of seafarers, international institutions established campaigns promoting seafaring as an attractive option for young people. The "Go to Sea" campaign was established in November 2008 in cooperation with the ILO, the BIMCO, ICS/ISF, INTERCARGO, INTERTANKO and the ITF [21]. With the "Go to Sea!" initiative, the IMO has opened an umbrella under which the shipping industry and Governments can mount their own campaigns to improve seafarer recruitment [21].

In the context of the promotion of a seafaring career, the shipping industry aims to encourage more women to work in seafaring positions. In addition to industry action, Governments have promoted seafaring positions for women in order to avoid a global seafarer shortage. In line with all these attempts, initiatives have been taken by the IMO/ILO to attract women to work in the shipping industry [21], [25], [26], [27]. Though the shipping industry, Governments and international institutions have promoted seafaring careers for women voluntarily, all these initiatives are of a non-binding character and unfortunately not effective to challenge the global seafarer shortage.

### 3.5 Recent Developments

International institutions have promulgated a number of international legal instruments regulating the legal status of seafarers, their rights and so on. In this line, the

work of the ILO is noteworthy. The ILO, as the designated institution of the UN, has promulgated more than 40 Conventions and more than 30 Recommendations in order to protect seafarers and their rights [23], [24]. Due to a number of legal and practical considerations [2], [3], [4], [14], [15], the ILO has developed an international legal instrument which brings together into a consolidated text as much of the existing ILO legal instruments as it is possible to achieve (See [2], [3], [4], [14], [15], [17], [20] for further details and discussions). The new consolidated legal instrument, Maritime Labour Convention 2006 (MLC 2006), intends to be globally applicable, easily understandable, readily updatable and uniformly enforced [3], [4], [15]. The Maritime Labour Convention 2006 has consolidated and revised all ILO Conventions and Recommendations relating to seafarers and their rights, except the Seafarers' Pension Convention, 1946 and the Seafarer's Identity Documents Convention, 1958 into a single and superior Convention [4]. The Maritime Labour Convention 2006 will be a new pillar of the international and uniform regulatory regime complementing SOLAS, STCW, and MARPOL [3], [4].

In the context of the MLC 2006, seafarer means any person who is employed, engaged or works in any capacity on board a ship to which the MLC 2006 applies. This definition is rather neutral and non-gender from a standpoint of literal and legal approaches by not referring to any gender. However, the Convention itself does not provide any special provision for the protection of women seafarers against gender discrimination.

Article III of the MLC 2006 stipulates the fundamental rights and principles requiring the ILO member States to satisfy themselves that the provisions of national laws and regulations respect, in the context of the MLC 2006, the following fundamental rights;

- freedom of association and the effective recognition of the right to collective bargaining,
- the elimination of all forms of forced or compulsory labour,
- the effective abolition of child labour, and,
- the elimination of discrimination in respect of employment and occupation.

For achieving the above-mentioned goals, Article IV provides for seafarers' employment and social rights and states that;

- every seafarer has the right to safe and secure workplace that complies with the safety standards,
- every seafarer has a right to fair terms of employment,
- every seafarer has a right to decent working and living conditions on board a ship,
- every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection,
- Each Member State shall ensure, within the limits of its jurisdiction, that the seafarers' employment and social rights prescribed under the MLC 2006, are fully implemented in accordance with the MLC 2006.

For the implementation and enforcement of the provisions of the MLC 2006, the ILO provided two Guidelines; the Guidelines for Flag State Inspections under the Maritime Labour Convention 2006 and the Guidelines for Port State Control Officers Carrying out Inspections under the Maritime Labour Convention 2006 (For further details and explanations see [10] and [11]).

Despite the success of the MLC 2006 for the consolidation of existing maritime labour legal instruments under a single-superior convention and providing fundamental rights for seafarers in line with the right to equality, right to work and right to social security, the MLC 2006 is silent on the matters of special conditions of women mariners, especially on the matters of, pregnancy, maternity, menstruation, sanitary, hygiene, harassment, bullying and so on.

A newer Convention adopted after the MLC 2006 and which regulates the work in the fishing sector, Work in Fishing Convention, 2007, provides a basic principle for women working on board fishing vessels. In accordance with Article 50 of the Work in Fishing Convention, sleeping accommodation shall be suited or equipped, as practicable, so as to provide appropriate levels of privacy for men and women [23].

In addition to the 2007 dated Work in Fishing Convention, the very new recommendation in the context of fishing, the Work in Fishing Recommendation, provides several provisions for the protection of women working on board a fishing vessel. In this line, first of all, Article 24 stipulates that, on vessels of 24 meters in length and over, separate sleeping rooms for men and women should be provided. Article 32 provides that separate sanitary facilities should be designed and applied for men and women. Finally, Article 35 requires a medical supply and equipment list including women's sanitary protection supplies together with discreet, environmentally friendly disposal units [24].

Even though the application of the Work in Fishing Convention 2007 and its Recommendation of 2007 is comparatively narrower than the application of the MLC 2006, the provisions of the Work in Fishing Convention 2007 and Recommendation 2007 should be regarded as more liberal and protective for women.

#### 4. Analysis

The shipping industry is a global and generally male dominated industry. The global shipping industry has been faced with a seafarer shortage for decades. To challenge the global seafarer shortage, the industry, international institutions and Governments have worked on international legal and policy instruments. However, due to financial crisis affecting the shipping industry since 2008, the global seafarer shortage still exists. One of the fundamental instruments challenging the global seafarer shortage is promotion of sea careers for women. However, with a male-dominated character, the shipping industry has internal problems yet to be solved from different standpoints to accept more women into the global shipping industry. In this context, such problems are briefly analysed as below;

- The terminology used in the shipping industry, international institutions and Government documents stipulate a male dominated character for referring sea employment. In other words, conceptualization of sea employment has not evolved within the line of protection of women and gender equality approach .
- Research and studies relating to women mariners and indicating their, social, economic, practical and legal problems are very few. International institutions, the shipping industry and Governments are lacking the interest and intention to promote such research and studies.
- The maritime education/training institutions do not provide enough capacity for women candidates.

- The modern world of the shipping industry still has myths and misconceptions about women mariners. In other words, the global shipping industry retains its antiquated traditions.
- Gender discrimination is the core problem that needs to be solved. As with the previous problems, gender discrimination problems will remain for a while longer.
- The design, construction and living conditions of ships are generally inappropriate for women mariners. The sanitary and hygiene conditions are also generally improper.
- Through general international legal instruments, the ILO provides provisions in order to protect women against gender discrimination, the ILO documents relating to the maritime industry do not have explicit provisions in order to protect women mariners against gender discrimination.
- The provisions aiming to protect women mariners' rights which are stipulated under the existing ILO documents relating to maritime industry are very few and simple and therefore, far from solving the problems of modern maritime industry. In other words, such provisions are still at their infancy to help women mariners and their working and living conditions on board a ship.

## 5. Final Remarks and Recommendations

The promotion of a seafaring occupation for women is one of the most effective and quick ways to challenge the global seafarer shortage. To achieve the promotion of seafaring for women, the shipping industry, international institutions and Governments have already initiated campaigns and programmes. All these attempts, however, are far from a real success due to a number of reasons. Taking into account the problems of women mariners, this study provides practical and legal recommendations in order to promote a sound seafaring occupation for women to challenge the global seafarer shortage.

The practical recommendations may be addressed as below;

- The seafaring occupation should be globally introduced. These kinds of campaigns should be designed to attract more women.
- With the cooperation of international institutions and the shipping industry, policies should be developed to promote maritime education and training for women.
- Such policies should include provisions for promotion of seafaring careers for women who work in similar industries such as fishing, docking and so on.
- International institutions, in particular the ILO and the IMO should undertake the responsibility to improve the working and living conditions of seafarers. Any efforts and initiatives improving the working and living conditions of seafarers will also let women mariners to enjoy such benefits.
- The international cooperation of institutions, industry and Governments should establish a joint policy to dictate non-discriminative terminology.
- The international cooperation of institutions, industry and Governments should support academic and practical studies and research on women mariners.
- The design and construction of ships should take into account the special needs of women and provide a sound working and living environment for them.
- Sanitary conditions and equipment designed for women mariners should be available on board ships.

- International organizations and States should jointly act to encourage shipping companies to adopt policies and procedures providing sound working and living conditions for women mariners. Such policies and procedures should form an integral part of the ship's management system mandated under relevant international legal instruments.
- Trade unions and seafarers' unions should consider matters such as protection of women against gender discrimination, sexual, physical and physiological harassment, sound working and living conditions on board ships, comprehensive and appropriate social security and so on.

The legal recommendations maybe addressed as follows;

- International cooperation should take initiatives to draft a 'Magna Carta – Bills Of Rights for seafarers indicating the fundamental rights and principles and echoing the same rights and principles stipulated under other international legal instruments. Although, the MLC 2006 is introduced as the most comprehensive international legal instrument relating to maritime labour, the MLC 2006 does not stipulate any provision in order to protect women mariners or to promote seafaring occupations for women.
- Such kinds of legal instruments should be introduced and incorporated into national legal systems by the full and continuous support and cooperation of international organizations and States. International organizations should provide technical and legal assistance to States for the introduction and incorporation of legal instruments and their enforcement into their national legal systems.
- International and national legal instruments should consider the right to marriage and right to family for women mariners, while promoting seafaring occupations for women.
- International and national legal instruments should provide a comprehensive social security regime for women mariners, including maternity rights, taking into account the special conditions of a ship.
- Port States should establish a system or designate a person for women mariners' complaints relating to gender discrimination, sexual, physical and physiological harassment, bullying, sound working and living conditions on board a ship and so on.
- A communication and notification system should be established among Flag States, Port States and global transportation workers' institutions relating to issues of gender discrimination, harassment and bullying, and so on.
- International organizations such as the IMO and the ILO should jointly establish an inspection office for the possible violation of women mariners' rights.
- With the cooperation of international organizations, the shipping industry and the States, standard employment contracts which include provisions against gender discrimination and protection of women mariners against harassment and bullying, should be drafted and then introduced to the shipping business environment. Such contracts should be strongly recommended for contractual relations among ship-owners, mariners, employment agencies and so on.
- Every single State should observe and revise its national legal system in order to comply with the general principles of the right to equality, the right to work and the right to social security for women. In this context, every single State should provide a legal framework protecting women mariners in its territory, ships and Ports.

- The legal instruments introduced at international and national levels should have a binding character rather than a non-binding character as should recommendations or policy papers and so on.

In summary, it may be concluded that, although there have been attempts to improve working and living conditions for seafarers and provide a sound environment for them, as it is analyzed here, business and legal environments for women mariners are far from being sound and protective. Provisions stipulated by the general international legal instruments and the ILO legal instruments are lacking an understanding of the special conditions of seafaring and women mariners. In other words, global cooperation of international organizations, the shipping industry and States should take further measures to establish a comprehensive, sound and protective labour and social security system. To achieve this aim;

- Maritime culture should be introduced globally,
- Misconceptions and myths relating to maritime business should be avoided and in this context maritime culture should be improved,
- Maritime education or training for women should be strongly supported.
- International maritime labour regulatory regime should be revised as soon as possible. A comprehensive, global, protective regime for women mariners should be established and enforced. This regime should be introduced and incorporated into national legal systems.

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