



CALABARZON

**MARITIME INDUSTRY TRIPARTITE
COUNCIL**

Batangas-Quezon

VOLUNTARY CODE OF GOOD PRACTICES

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MARITIME INDUSTRY - VOLUNTARY CODE OF GOOD PRACTICES **BATANGAS-QUEZON**

I. Introduction

The Batangas – Quezon Maritime Industry voluntary Code of Good Practices establishes standards to ensure the right of all seafarers to decent employment, that Shipping operations are environmentally responsible, and to support the ratification by the Philippines of the Maritime Labor Convention 2006.

Considered as part of the Maritime Industry for purposes of this Code are Shipping Companies whose vessels operate within Batangas and Quezon waters and engaged in commercial activities, Labour, represented by any seafarer's groups, recognized as such by the Department of Labor & Employment, Contractors/contracted Labour that provide goods and services that are used onboard and offshore and Government Agencies that are part of ship and port regulations specifically MARINA, Philippine Coast Guard, Philippine Ports Authority, ATI, and the Maritime Police.

To adopt the Code and become a member, a Shipping Company shall declare its support for the Code and actively pursue conformance to the Code and its standards in accordance with a management system as set forth in the Code.

For the Code to be successful, participants must regard the Code as an Industry Tripartite Council initiative, and at a minimum, members shall also require its contractors or its next tier suppliers to acknowledge and implement the Code.

Fundamental to adopting the Code is the understanding that a business, in all of its activities, must operate in full compliance with the laws, rules and regulations applicable to its operations. The Code encourages members to go beyond legal compliance, drawing upon internationally recognized standards, in order to advance social and environmental responsibility.

The Maritime Industry Tripartite Council is committed to obtaining regular input from stakeholders in the continued development and implementation of the Maritime Industry Code of Conduct (MICC).

This Code is made up of five (5) sections. Section A, B, and C outline standards for Labor, Health and Safety, and the Environment, respectively. Section D outlines the elements of an acceptable system to manage conformity to this Code. Section E adds standards relating to business ethics.

Most of the provisions of this Code were lifted from the Maritime Labor Convention 2006, Republic Act No. 9993, and its Implementing Rules and Regulations, or otherwise known as the "The Philippine Coast Guard Law of 2009", and the Labor Code of the Philippines, As amended.

The provisions of this Code shall be in conformity with the regulations being enforced by the industry partners and concerned government agencies.

II. Definition of Terms

- a. Cadet – refers to a student/ learner at least 16 years old enrolled in a Maritime course approved by CHED or TESDA.
- b. Code – refers to the Voluntary Code of Good Practices of the Maritime Industry Tripartite Council of the Provinces of Batangas and Quezon
- c. DOH – Department of Health
- d. GRT- gross registered tonnage
- e. Hours of Rest – refers to time outside hours of work which does not include short breaks
- f. Hours of Work – refers to hours which seafarers are required to do work on account of the ship
- g. ITC – Industry Tripartite Council
- h. MARINA – Maritime Industry Authority
- i. MTC – Maritime Training Council
- j. Offshore Worker- refers to the personnel deployed in oil rigs/offshore drilling/dredging/production platform/auxiliaries, floating power barges/seismic operations and other similar activities
- k. PCG – Philippine Coast Guard
- l. POEA – Philippine Overseas Employment Administration
- m. PPA – Philippine Ports Authority
- n. RORO vessels – roll-on-roll-off vessels
- o. Seafarer – refers to ship officers and ratings manning ships, service providers, company representatives and fishing vessel personnel.
- p. Service Provider – refers to personnel onboard ships who provide services other than those that relate to navigation, marine engineering, radio telecommunications and other technical jobs.
- q. Rating – refers to crew other than officers

- r. Ship – refers to all craft or artificial contrivance capable of floating in water, designed to be used or capable of being used as means of water transportation utilizing its own motive power or that of the others
- s. Ship Officer – refers to the duly certified and/or licensed deck, engine and radio officer
- t. TESDA – Technical Education and Skills Development Authority
- u. Tripartite – refers to the collective effort of the body composed of representatives from the labor, management and government sectors.

III. Coverage

This Code shall apply to:

- a. Seafarers and service providers, on board vessels/outrigger/motorized bancas, carrying passengers and cargos, tankers, fishing boats/vessels, tugboats, pleasure yachts and barges of 3 gross tons and above operating within Batangas and Quezon waters.
- b. Offshore workers, cargo handling companies

A. LABOR

Members are committed to uphold the human rights of workers, and to treat them with dignity and respect as understood by the International Community.

The labor standards are :

1) Minimum Age

The employment, engagement or work on board a ship of any person under the age of 18 shall be prohibited with the exception of Deck and Engine Cadets who are on shipboard training. Child labor is not to be used in any activity onboard and offboard the ship. However, the use of legitimate workplace apprenticeship programs which comply with all laws and regulations, is supported.

This Code shall apply to:

- a. Seafarers engaged in vessels/outrigger/motorized bancas carrying passengers and cargos, tankers, fishing boats/vessels, tugs with more than 3 GRT up.
- b. Seafarers on board/RORO vessels/fast crafts
- c. Offshore workers, cargo handling companies

2) Medical Certificate

Seafarers shall not work on a ship or vessel unless they are certified as medically fit to perform their duties. The medical certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized to be qualified to issue such a certificate. The issuing authority shall be from a medical center accredited by MARINA, POEA or DOH.

3) Training and qualifications

Seafarers shall not work on a ship or vessel unless they are trained or certified by an appropriate training institution like TESDA-registered institutions or any training center accredited by MARINA and MTC.

4) Recruitment and placement

All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

5) Seafarer's employment agreements

The terms and conditions for employment of a seafarer shall be set out or referred to in a clear written legally enforceable agreement and shall be consistent with the standards set out in the Code. The employment agreements shall be agreed to by the seafarer under conditions which ensure that the seafarer has an opportunity to review and seek advice on the terms and conditions in the agreement and freely accepts them before signing.

6) Wages

All seafarers shall be paid their work regularly and in full in accordance with their employment agreements. The ITC Maritime's members shall require that payments due to seafarers working on ships are made at least once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days.

Without prejudice to existing minimum wages prevailing in the regular routes of ships, the Maritime ITC may, after consultations establish procedures for determining minimum wages for seafarers shipowners' and seafarers' organizations should participate in the operation of such procedures.

7) Hours of work and hours of rest

A workweek should not be more than 60 hours per week, including overtime, but should not be less than 48 hours per week, except in emergency or unusual situations. Seafarers shall be allowed at least one day off per seven-day week. For the purpose of this Code, the terms :

The limits on hours of work or rest shall be as follows :

a) Maximum hours of work shall not exceed :

14 hours in any 24-hour period ; and
72 hours in any seven-day period

Or

b) Minimum hours of rest shall not be less than :

Ten hours in any 24 hour period ; and
77 hours in any seven-day period.

8) Holidays, Service incentive leaves and service charges

Seafarers shall be paid their regular daily wage during Holidays and twice his regular rate when made to suffer work on regular holidays .

Seafarers who has rendered at least one year of service shall be entitled to a yearly service incentive leave of five (5) days with pay.

Seafarers assigned to restaurants and bars aboard ships shall be entitled to an equal share of the service charges collected , and distributed at the rate of 85% for all covered seafarers and 15% for the shipowner/ship management .

9) Repatriation

Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in this Code. (refer to standards A2.5 page 35 of the MLC).

10) Seafarer's compensation for the ship's loss or foundering

Seafarers are entitled to just and adequate compensation, and as provided for by Article 283 and 284 of the Labor Code as amended, in cases of injury, loss or unemployment arising from the ship's loss and foundering.

11) Manning levels

Members shall require that all ships have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to safety under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.

Each member shall maintain an efficient machinery for the investigation, and settlement of complaints or disputes concerning the manning levels on a ship.

12) Career and skills development and opportunities

A career development/enhancement program in the Maritime sector shall be established to encourage career and skills development and greater employment opportunities for local seafarers.

13) Non –Discrimination

Members commit to a workforce free of harassment and unlawful discrimination. Shipping Companies shall not engage in discrimination based on religion, age, gender, sexual orientation, ethnicity, disability, pregnancy, political affiliation, union membership or marital status in hiring and employment practices such as promotions, rewards , and access to training.

14) Freedom of Association

Open communication and direct engagement between seafarers and management are the most effective way to resolve workplace compensation issues. Members are to respect the rights of seafarers to associate freely, join or not join labor unions, seek representation, join workers' councils in accordance with existing labor laws. Seafarers shall be able to communicate openly with management regarding working conditions without fear of reprisal, intimidation or harassment.

B. HEALTH AND SAFETY AND ACCIDENT PREVENTION

Members recognize that in addition to minimizing the incidence of work-related injury and illness, a safe and healthy work environment enhances the quality of seafaring services and seafarer retention and morale. Members shall also recognize that ongoing seafarer input and education is essential to identifying and solving health and safety issues onboard ships.

1) Occupational Safety

Seafarers' exposure to potential safety hazards (e.g. electrical and other energy sources, fire, vehicles and fall hazards) are to be controlled through proper design, engineering and administrative controls, preventive maintenance and safe work procedures (including lockout/ tagout), and ongoing safety training. Where hazards cannot be adequately controlled by these means, seafarers are to be provided with appropriate, well-maintained, personal protective equipment. Seafarers shall not be disciplined for raising safety concerns.

2) Emergency Preparedness

Members shall ensure that emergency situations and events are identified and assessed, and their impact minimized by implementing emergency plans and response procedures, including emergency reporting, employee notification and evacuation

procedures, seafarer training and drills, appropriate fire detection and suppression equipment, adequate exit facilities and recovery plans.

3) Accommodation and recreational facilities

Ships with 1000GRT and up shall ensure provision and maintenance for decent accommodations and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarer's health and well-being, in conformity with existing industry standards on the following, as applicable:

1. The size of the room, and other accommodation spaces ;
2. Heating and ventilation ;
3. Noise and vibration and other ambient factors ;
4. Sanitary facilities ;
5. Lighting; and
6. Clinic/sick bay.

4) Food and catering

Members shall ensure that ships carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds. Seafarers on board a ship shall be provided with food free of charge during the period of engagement.

5) Medical care on board ship and ashore

Members shall ensure that all seafarers on ships are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care whilst working on board, and shall be provided at no cost to the seafarers, and that seafarers on board ships who are in need of immediate medical care are given access to the member's medical facilities on shore.

6) Shipowners' Liability

Members shall adopt laws and regulations requiring that shipowners of ships that fly its flag are responsible for health protection and medical care of all seafarers working on board the ships .

7) Social Protection

Members shall ensure that seafarers are aptly enrolled in the social insurances of the Country such as but not limited to SSS, Philhealth and Pag-Ibig

C. ENVIRONMENT

Members recognize that environmental responsibility is integral to key international conventions that establish minimum standards for the shipping industry in connection with safety, security and marine environmental protection . All vessels, in its voyages and

operations shall minimize any adverse effects on the environment and natural resources while safeguarding the health and safety of the public. Each vessel shall have a log book of garbage discharge.

The environmental standards are :

1) Environmental Permits and Reporting

All required environmental permits (e.g.) discharge monitoring), approvals and registrations are to be obtained, maintained and kept current and their operational and reporting requirements are to be followed.

2) Pollution Prevention and Resource Reduction

Waste of all types, including water and energy are to be reduced or eliminated at the source or by practices such as modifying maintenance and facility processes, materials substitution, conservation, recycling and re-using materials.

3) Hazardous Substances

Chemical and other materials posing a hazard if released to the environment are to be identified and managed to ensure their safe handling, movement, storage, use, recycling or reuse and disposal.

4) Wastewater and Solid Waste

Wastewater and solid waste generated from operations, industrial processes and sanitation facilities are to be characterized, monitored, controlled and treated as required prior to discharge or disposal.

5) Air Emissions

Air emissions of volatile organic chemicals, aerosols, corrosives, particulates, ozone depleting chemicals and combustion by-products generated by ships are to be characterized, monitored, controlled and treated as required by law prior to discharge.

6) Public-Private sector partnership

Public – private sector partnership shall be encouraged particularly regarding the immediate response to spill/pollution incidents, foster protection of maritime environment from shipbreaking activities, and promote modernization and competitiveness of the domestic shipping industry.

D. MANAGEMENT SYSTEM

Members shall establish a management system whose scope is related to the content of this Code. The Management system shall be designed to ensure :

- a) Compliance with applicable laws, regulations and passenger/customer requirements related to the member's operations ;
- b) Conformance with this Code ;
- c) Identification and mitigation of operational risks related to this Code ; and
- d) Facilitate continual improvement of the system.

The management system should contain the following elements :

1) Company Commitment

Corporate social and environmental responsibility policy statements affirming Member's commitment to compliance and continual improvement , endorsed by the executive management.

2) Management Accountability and Responsibility

The member clearly identifies company representatives responsible for ensuring implementation of the management systems and associated programs. Senior management reviews the status of the management system on a regular basis.

3) Legal and Customer Requirements

Identification , monitoring and understanding of applicable laws, regulations and customer requirements.

4) Risk Assessment and Risk Management

Process to identify the environmental, health and safety¹ and labor practice and ethics risks associated with members' operations. Determination of the relative significance for each risk and implementation of appropriate procedural and physical controls to control the identified risks and ensure regulatory compliance.

5) Improvement Objectives

Written performance objectives, targets and implementation plans to improve members' social and environmental performance, including a periodic assessment of members' performance in achieving these objectives.

6) Training

Programs for training Managers and workers to implement members' policies, procedures and improvement objectives and to meet applicable legal and regulatory requirements.

7) Communication

Process for communicating clear and accurate information about member's policies, practices, expectations and performance to seafarers, suppliers and customers.

8) Seafarer Feedback and participation

Ongoing processes to assess employees' understanding of and obtain feedback on practices and conditions covered by this Code and to foster continuous improvement.

9) Audits and Assessments

Periodic self-evaluations to ensure conformity to legal and regulatory requirements, the International Safety Management Code, customer requirements and social and environmental responsibilities.

10) Corrective Action Process

Process for timely correction of deficiencies identified by internal or external assessments, inspections, investigations and reviews.

11) Documentation and Records

Creation and maintenance of documents and records to ensure regulatory compliance and conformity to company requirements along with appropriate confidentiality to protect privacy.

E. ETHICS

To meet social responsibilities and to achieve success in the marketplace, members and their agents are to uphold the highest standards of ethics including :

1) Business Integrity

The highest standards of integrity are to be expected in all business interactions. Members shall prohibit any and all forms of corruption, extortion and embezzlement. Monitoring and enforcement procedures shall be implemented to ensure conformance.

2) No Improper Advantage

Bribes or other means of obtaining undue or improper advantage are not to be offered or accepted.

3) Disclosure of Information

Information regarding business activities, structure, financial situation and performance is to be disclosed in accordance with applicable regulations and prevailing industry practices.

4) Intellectual property

Intellectual property rights are to be respected; transfer of technology and know-how is to be done in a manner that protects intellectual property rights.

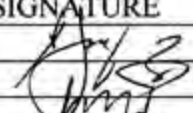
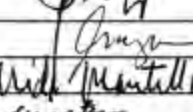
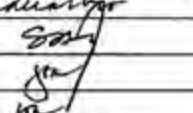
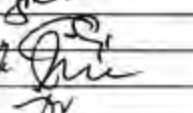
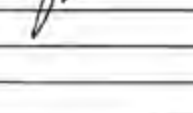






5) Fair Business, Advertising and Competition

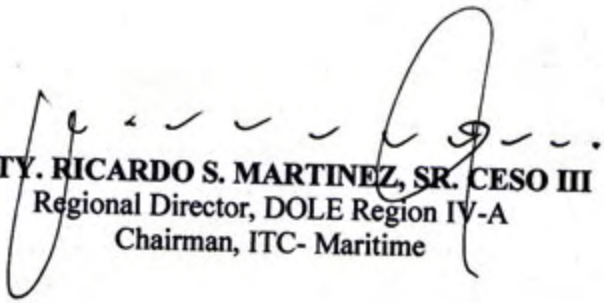
Standards of fair business, advertising and competition are to be upheld. Appropriate means to safeguard customer information must be available.

6) Protection of Identity

Programs to ensure confidentiality and protection of supplier and seafarer whistleblowerⁱⁱ are to be maintained.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this _____ day of _____ at _____, Philippines.

NAME	COMPANY/ORGANIZATION	SIGNATURE
ANTONIO M. JAEZ	ATI BATANGAS / B.P.P.L.U	
CARLOS C. FLORES	TESDA IV-A / BATANGAS	
Ys ANTONIO G. MALABANAN	PINP BANG. YPO	
LIEZEL VEYRA	SUPER SHUTTLE ROBO CORP	
WIDA R. MONTILLA	BAMISA	
ELNORA B- DE CASTRO	MINDLO SHIPPING LINES	
Shane Aranda	Supercast Fast Ferry Corp. (for Capt. Ramon Talskram)	
	PHIL COAST GUARD	
Capt. Garry N. Rocias, M.M.	StarCite Permis, Inc.	
ATTY. LEOPOLDO BISUCHO, JR.	PPA - PMO - BATANGAS	
JOSEPHINE SOLIS-CUPAL	ATI - BATANGAS INC.	



ATTY. RICARDO S. MARTINEZ, SR. CESO III
Regional Director, DOLE Region IV-A
Chairman, ITC- Maritime

Vice-Chair, Shipowners' Representative

Vice-Chair, Seafarers Representative
