



Philippine
Overseas
Employment
Administration

Republic of the Philippines
Department of Labor and Employment
BFO Building, Ortigas Avenue cor. EDSA, Mandaluyong City 1501
Website: www.poea.gov.ph E-mail: info@poea.gov.ph
Hotlines: 722-1144, 722-1155



GOVERNING BOARD RESOLUTION NO. 05
Series of 2016

WHEREAS, it is the mandate of the POEA, after consultations with the social partners, to determine war risk trading areas and ports, and those under warlike operations or high risk operations, and the amount of premium pay to which seafarers shall be entitled to when sailing into those areas and ports;

WHEREAS, on 05 June 2014 an agreement was reached among social partners comprising the International Bargaining Forum (IBF) amending the terms of the High Risk Area Agreement in international shipping;

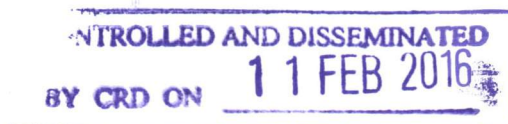
WHEREAS, the agreement takes into account the decreased likelihood of piracy attack in the Gulf of Aden due to the implementation of the Best Management Practices, Series 4, prepared by international shipping organizations and the increased presence of military assets in the area;

WHEREAS, on 22 September 2014, the POEA issued Governing Board Resolution No. 26, Series of 2014 which adopted the June 2014 agreement among international maritime social partners downgrading the Internationally Recognized Transit Corridor (IRTC) within the Gulf of Aden from High Risk Area status to Extended Risk Zone status, which means that the obligation to pay additional compensation to seafarers transiting within the IRTC shall only apply if a vessel is subject to confirmed attack;

WHEREAS, on 15 December 2015, the social partners of the International Bargaining Forum have agreed on an updated list of Warlike and High Risk Designations with main applicable benefits attached, Addendum 2 of the IBF Memorandum of Agreement with the changes therein to be effective 16 December 2015;

WHEREAS, manning associations and seafarers unions through the Maritime Industry Tripartite Council consulted by the POEA, fully support the new IBF agreement mentioned above;

WHEREAS, it is the paramount duty of the POEA to provide Filipino seafarers with the best possible protection and benefit coverage under such incidents of piracy attack and captivity;



NOW THEREFORE, the POEA Governing Board, in a meeting duly convened, hereby **RESOLVES** to adopt the following:

1. To adopt the definition of "basic wage" based on International Labour Organization (ILO) Maritime Labour Convention, 2006 (MLC, 2006) guidelines in the computation of applicable benefits for seafarers whose vessels are transiting through areas with warlike and high risk designations as follows:

Basic pay or wages means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration.

2. To adopt the IBF list of Warlike and High Risk Designations INCLUDING ITS ATTACHMENTS (ADDENDUM 2 OF THE IBF MOA), with main applicable benefits due to the seafarer dated 15 December 2015, as follows: x xx"

1. **Designation 1-IBF Warlike Operations Area: 12 nautical miles off Somali North Coast**

This Warlike Operations Area includes the territorial waters extending up to the 12 nautical miles limit from due north of the north-western border of Somalia with Djibouti to due north of Cape Gardafui.

- 1a. **Designation 1a.-IBF Warlike Operations Area: All Ports of Yemen**

This area includes all ports within the country of Yemen and applies to all vessels from the time that they berthed "all fast" alongside. As soon as a vessel departs a berth within Yemen and the last line is let go for departure on passage, the status of being within a Warlike Operations Area shall end.

- Bonus equal to basic wage, payable for 5 days minimum + per day if longer;
- Doubled compensations for death and disability;
- Right to refuse sailing, with repatriation at company's cost and compensation equal to 2 month's basic wage.

2. **Designation 2-IBF High Risk Area: Gulf of Aden + 400 nautical miles off Somali East Coast** (Shown in red shade on Chart 1(attached), excluding the IRTC as detailed in Chart 1a)

The Western Border of this High Risk Area runs from the coastline at the border of Djibouti and Somalia to position 11 48 N, 45 E; from 12 00 N, 45 E to Mayyun Island in the Bab El Mandeb Straits. The Eastern Border runs from Rhy di-Irisal on Suqutra Island to position 14 18 N, 53 E; from 14 30 N, 53 E to the coastline at the border between Yemen and Oman, together with a 400 mile zone off the eastern coast of Somalia, i.e. from Suqutra island down to the Kenian border in the South.

- Bonus equal to basic wage, payable for the actual duration of stay/transit;
- Doubled compensations for death and disability;
- Right to refuse sailing, with repatriation at company's cost
- Increase Best Management Practice (BMP) level.

3. **Designation 3-IBF Extended Risk Zone: West Indian Ocean and the Red Sea, with the addition of the Internationally Recognised Transit Corridor (IRTC) excluding Yemeni ports** (Shown in green shade on Chart 1 (attached), including the IRTC as detailed in Chart 1a)

The coordinates of this area comprise and of stretch further than the IBF High Risk Area as outlined in item number 2 (above).

- Bonus equal to basic wage, payable only on the day the vessel is attacked;
- Double compensation for death and disability if occur on the day the vessel is attacked.
- Increase BMP level.

NOTE: In Areas in item numbers 2 and 3, bonuses and compensation are not payable when the vessel is anchored or berthed in secure ports, except in Somalia.


4. **Designation 4-IBF High Risk Area: Gulf of Guinea-territorial waters (12 nautical miles), ports and inland waterways of Nigeria and Benin, including ports, terminals and roads anchorages, the delta of the Niger River, other inland waterways and port facilities, except only when the vessel is attached securely to a berth or SBM facility in a guarded port area.** (Shown in green shade on Chart 2 (attached), excluding MEZ, SAA and STS which are to be treated as IBF Extended Risk Zones with identical treatment as Designation in item number 3 above).

- Bonus equal to basic wage, payable for the actual duration of stay/transit;
- Doubled compensations for death and disability;
- Right to refuse sailing, with repatriation at company's cost (by submitting respective notice)
- Increased security requirements


3. The payment of warlike operations area and of high risk operations area bonuses /additional compensation not covered by the above conditions shall remain unaffected by this Resolution.
4. The POEA shall conduct an extensive information dissemination campaign to ensure the widest circulation of this Resolution.

The provisions herein provided shall apply to all Filipino seafarers effective 16 December 2015.

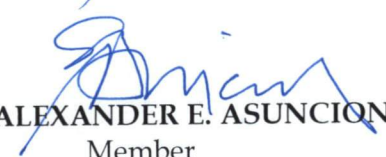
Done in the City of Manila this 4th day of February 2016.


ROSALINDA DIMAPILIS-BALDOZ
Secretary of Labor and Employment
Chairman of the Governing Board


HANS LEO J. CACDAC
Vice- Chairperson


FELIX M. OCA
Member


ESTRELITA S. HIZON
Member


ALEXANDER E. ASUNCION
Member


MILAGROS ISABEL A. CRISTOBAL
Member

CONTROLLED AND DISSEMINATED
BY CRD ON **11 FEB 2016**