

**GOVERNING BOARD RESOLUTION NO. 07 Series of 2018**

**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 recent negotiations of the social partners of the International Bargaining Forum (IBF) an agreement was reached amending the list of Warlike and High Risk Designations with main applicable benefits attached, with the changes therein to be effective 01 March 2018;

**WHEREAS**, manning associations and seafarers' union 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 attacks and captivity;

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

- a. 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.

- b. To adopt the IBF list of Warlike and High Risk designations including its attachments, with main applicable benefits due to the seafarer, as follows:

**Designation 1.**  
**IBF Warlike Operations Area- 12 nautical miles off mainland Yemeni Coast, excluding Maritime Security Transit Corridor (MSTC) in the Red Sea- Chart 1**

This Warlike Operations Area includes Yemeni territorial waters extending up to the 12 nautical miles limit from the border of Yemen with Saudi Arabia in the Red Sea and the border of Yemen and Oman in the Gulf of Aden, with exception of the Maritime Security Transit Corridor (MSTC) in the Red Sea where the lanes of these safe passage corridor overlap with this Warlike Area.

**CONTROLLED AND DISSEMINATED**  
 BY CRD ON 04 SEP 2018

- 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.

**Designation 1a.**

**IBF Warlike Operations Area- all ports in Yemen**

This Area includes all port within the country of Yemen and applies to all vessels from the time that they are berthed "all fast" alongside.

- 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

**Designation 2.**

**"IBF High Risk"- Gulf of Aden + 400 nautical miles off Somali East Coast (Shown in red shade on Chart 2 (attached), excluding the Internationally Recognized Transit Corridor (IRTC) as detailed in Chart 2)**

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 Thiy di-Irisal on Suqutra Island to position 14 18 N, 53 E; from 41 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 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
- Increased Best Management Practice (BMP) level

Notes: In Area 2 above, bonuses and compensations are not payable when the vessel is anchored or berthed in secure ports, except in Somalia

**Designation 3.**

**"IBF Extended Risk Zone"- West Indian Ocean and Red Sea, up to the Yemen/Saudi Arabia border at 16° 22'N (Shown on Chart 2) and including the MSTC (shown on Charts 1 and 3) but excluding the Warlike Operations Areas and the High Risk Area designated in 1, 1a and 2 above.**

The Extended Risk Zone from Yemen/Saudi Arabia border at 16° 22'N in the Red Sea and 22°N in the Gulf of Oman, to 65° E and 5°S. A Warlike Area or High Risk Area within these coordinated will take precedence, except for transit with the Maritime Security Transit Corridor (MSTC), which includes Internationally Recognized Transit Corridor (IRTC).

- Bonus equal to basic wage, payable only the day the vessel is attacked;
- Doubled compensations for death and disability on the day the vessel is attacked
- Increased BMP level

Notes: In Area 3 above, bonuses and compensations are not payable when the vessel is anchored or berthed in secure ports, except in Somalia

**Designation 4.**

**"IBF High Risk Area"- Gulf of Guinea: territorial waters (12 nautical miles) ports and inland waterways of Nigeria and Benin (Chart 4a), excluding the MEZ, SAA and the STS\* (Shown in green shade on Chart 4b, excluding the Maritime Exclusion Zone (MEZ), the Secure Anchorage Area (SAA) and the Ship-to-Ship Zone (STS) which are to be treated as IBF Extended Risk Zones with identical treatment as Designation 3 above)**

The territorial waters of Benin and Nigeria, 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 of SBM facility in a guarded port area. MEZ, SAA and STS are excluded from this High Risk Area and are considered Extended Risk Zones.

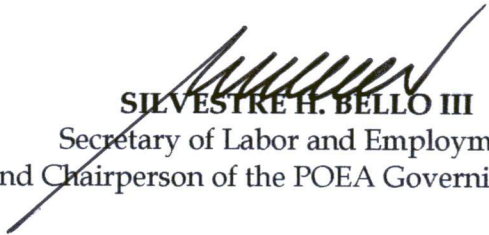
- Bonus equal to basic wage, payable for the actual duration of stay/ transit;
- Doubled compensations for death and disability;
- Right to refuse sailing, with repatriation at company's cost (by submitting respective notice)
- Increased security requirements

Notes: In Area 4 above, secure berthing in guarded port areas is excluded.

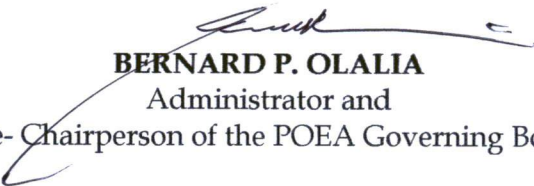
- c. The payment of warlike operations area and of high risk operations area bonuses/additional compensation not covered by the above conditions shall remain unaffected by this Resolution.
- d. The POEA shall conduct an extensive information dissemination campaign to ensure the widest circulation of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

The provisions herein provided shall apply to all Filipino seafarers effective 01 March 2018.

Done in the City of Manila this 17 of August 2018.




**SILVESTRE H. BELLO III**  
Secretary of Labor and Employment  
and Chairperson of the POEA Governing Board



**BERNARD P. OLALIA**  
Administrator and  
Vice- Chairperson of the POEA Governing Board



**ESTRELITA S. MIZON**  
Member



**ALEXANDER E. ASUNCION**  
Member



**FELIX M. OCA**  
Member

**IBF LIST**  
**of designated risk areas, with applicable benefits (as of 1 March 2018):**

- 1) **IBF Warlike Operations Area** – 12 nm. off the mainland Yemeni Coast, excluding Maritime Security Transit Corridor (MSTC) in the Red Sea - Chart 1
  - **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**
  
- 1a) **IBF Warlike Operations Area** – all ports in Yemen
  - **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) **"IBF High Risk Area"** – Gulf of Aden + 400 nm. off Somali East Coast  
(Shown in red shade on Chart 2 below, excluding the Internationally Recognized Transit Corridor (IRTC) as detailed in Chart 2)
  - **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**
  - **increased BMP level**
  
- 3) **"IBF Extended Risk Zone"** – West Indian Ocean and the Red Sea, up to the Yemen/Saudi Arabia border at 16° 22'N (shown on chart 2 ) and including the MSTC (shown on charts 1 and 3) but excluding the Warlike Operations Areas and the High Risk Area designated in 1, 1a and 2 above.
  - **bonus equal to basic wage, payable only on the day the vessel is attacked;**
  - **doubled compensations for death and disability if occur on the day the vessel is attacked**
  - **increased BMP level**
  
- 4) **"IBF High Risk Area"** – Gulf of Guinea: territorial waters (12 n m.), ports and inland waterways of Nigeria and Benin (chart 4a), excluding the MEZ, SAA and the STS\* (Shown in green shade on chart 4b below, excluding the Maritime Exclusion Zone (MEZ), the Secure Anchorage Area (SAA) and the Ship-to-Ship Zone (STS) which are to be treated as IBF Extended Risk Zones with identical treatment as Designation 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**

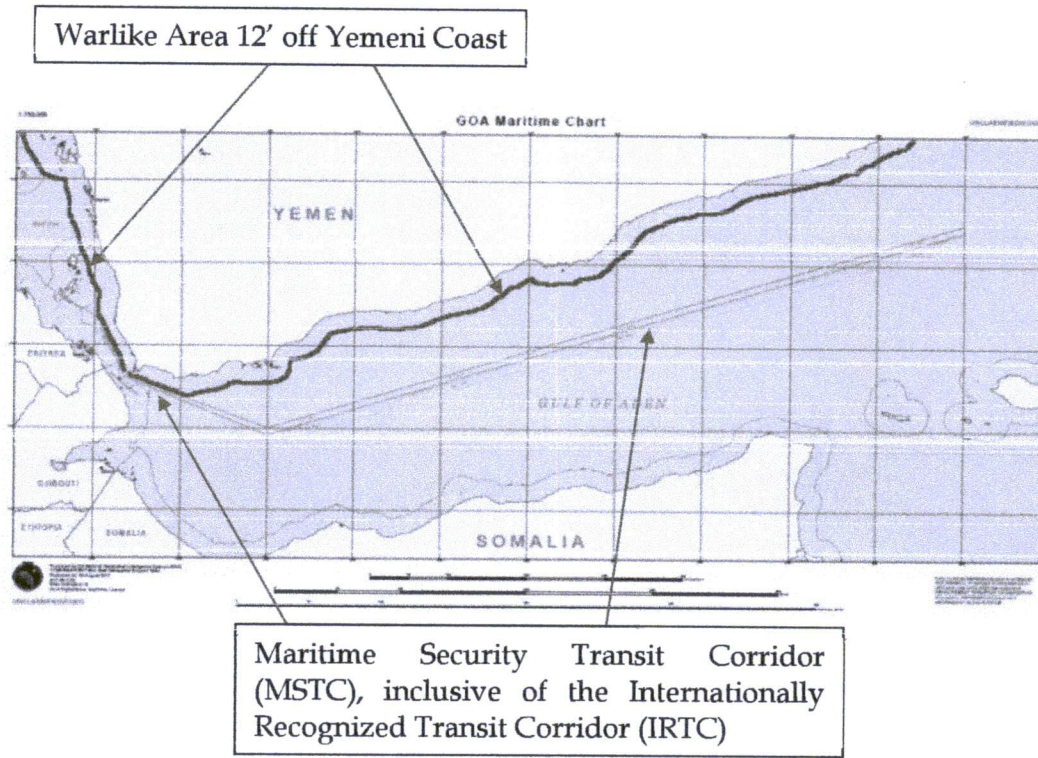
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\* Please see the Attachment for exact coordinates and details.

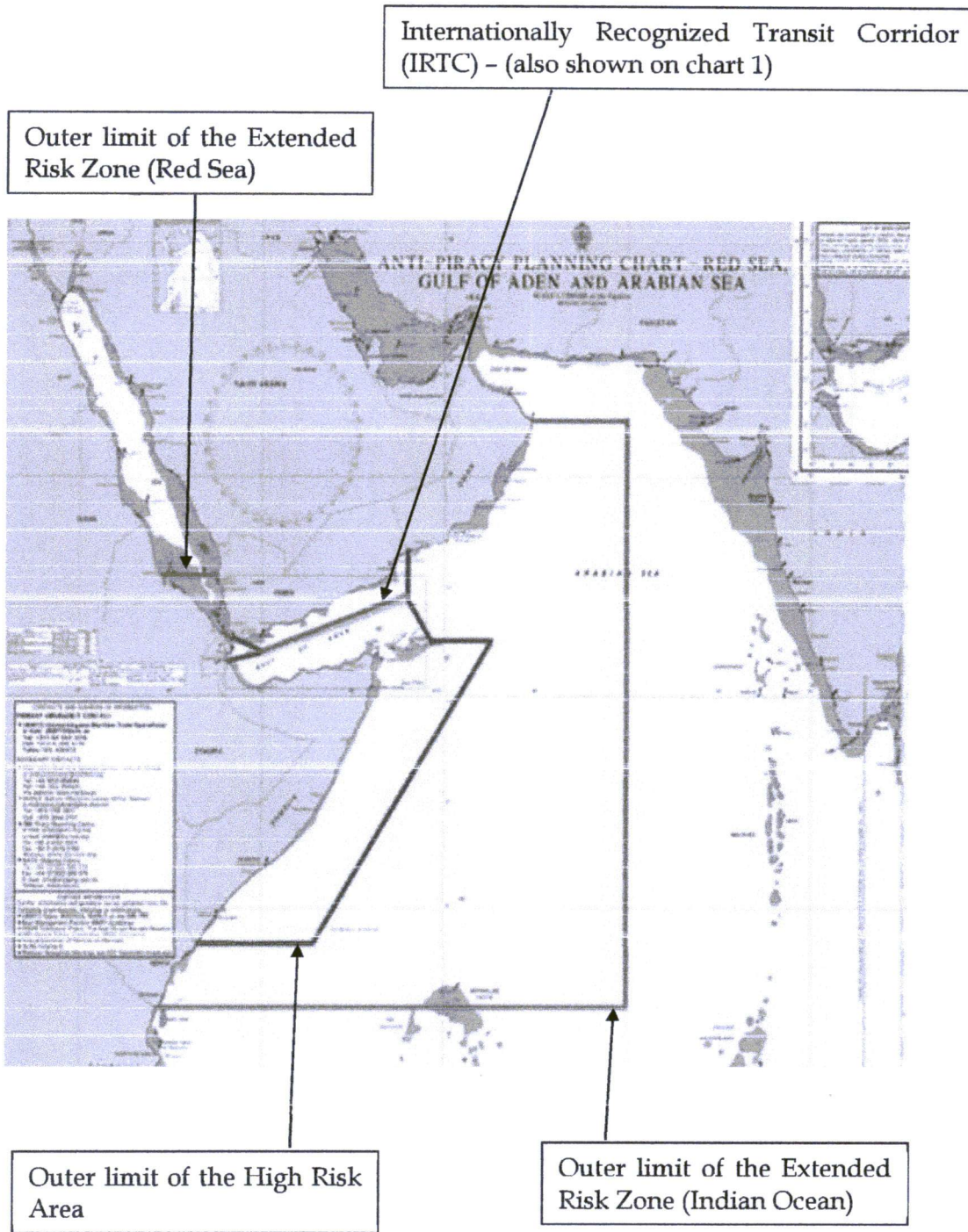
**Notes:**

- *In Areas 2 and 3 above, bonuses and compensations are not payable when the vessel is anchored or berthed in secure ports, except in Somalia*
- *In Area 4 above, secure berthing in guarded port areas is excluded.*

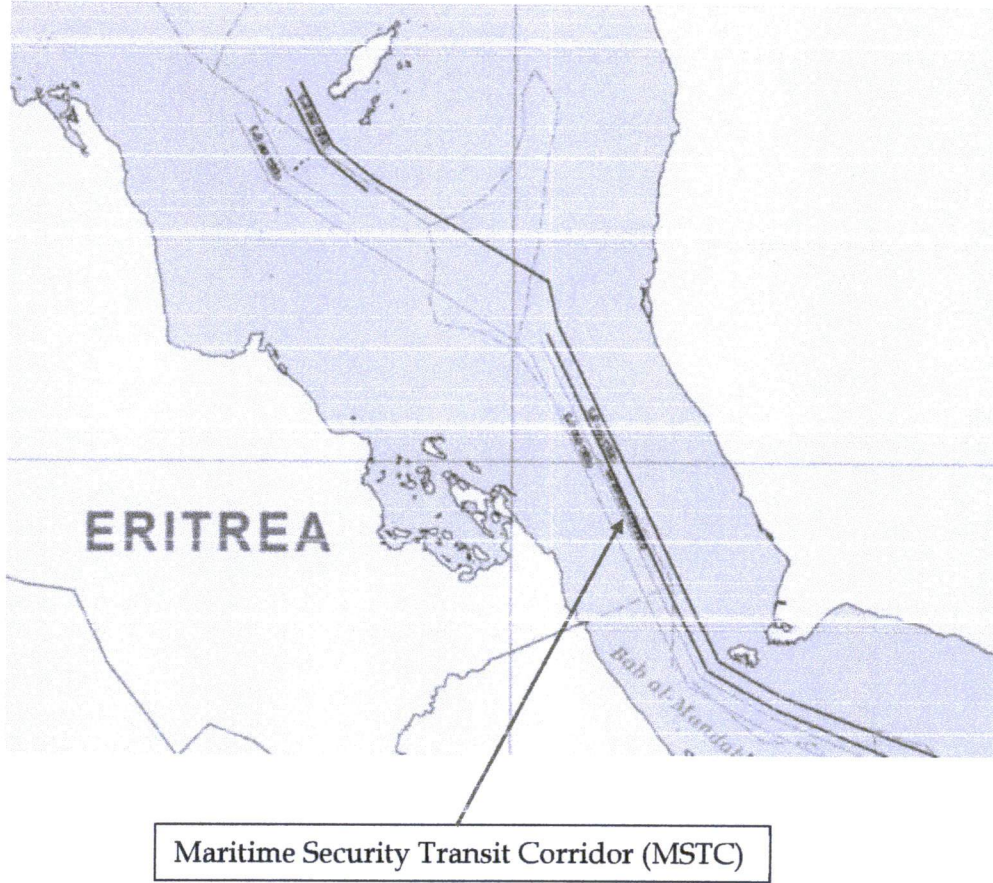
**Chart 1: Warlike Area 12nm off the Yemeni Mainland coast**



**Chart 2: East Africa**



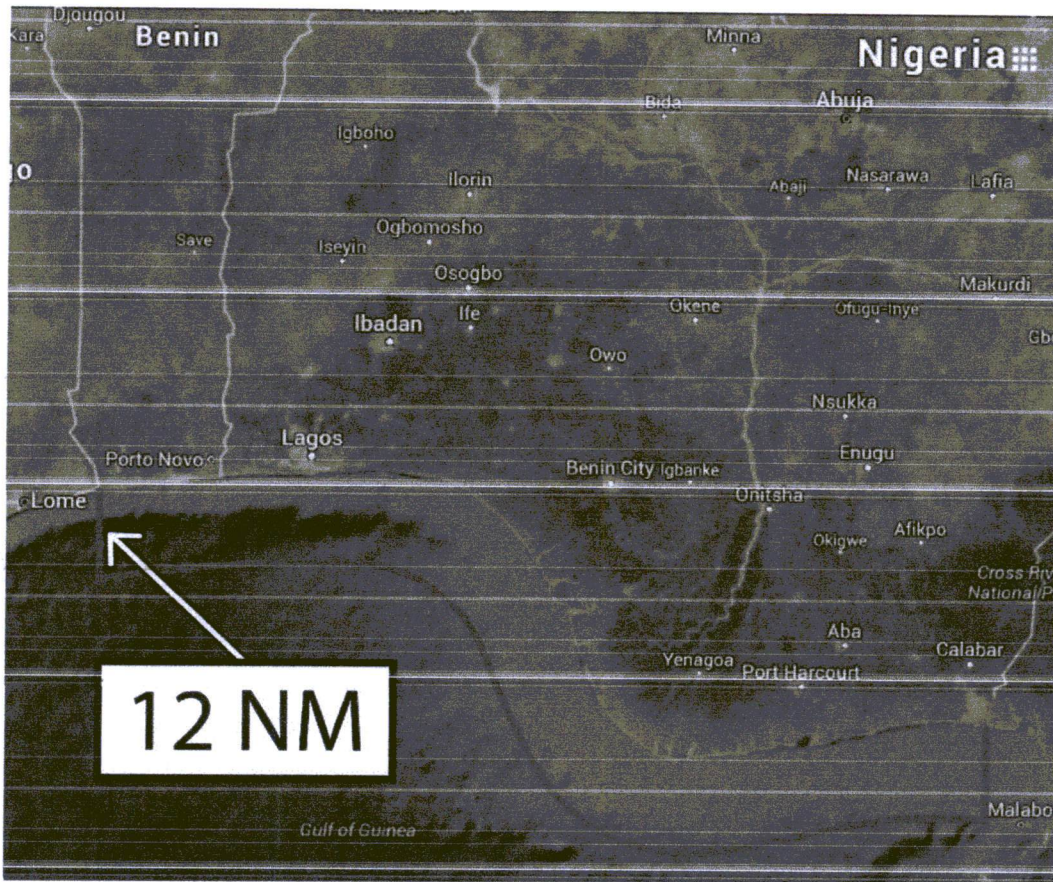
**Chart 3: Maritime Security Transit Corridor (MSTC) in the Red Sea and the Bab al-Mandeb Straits**



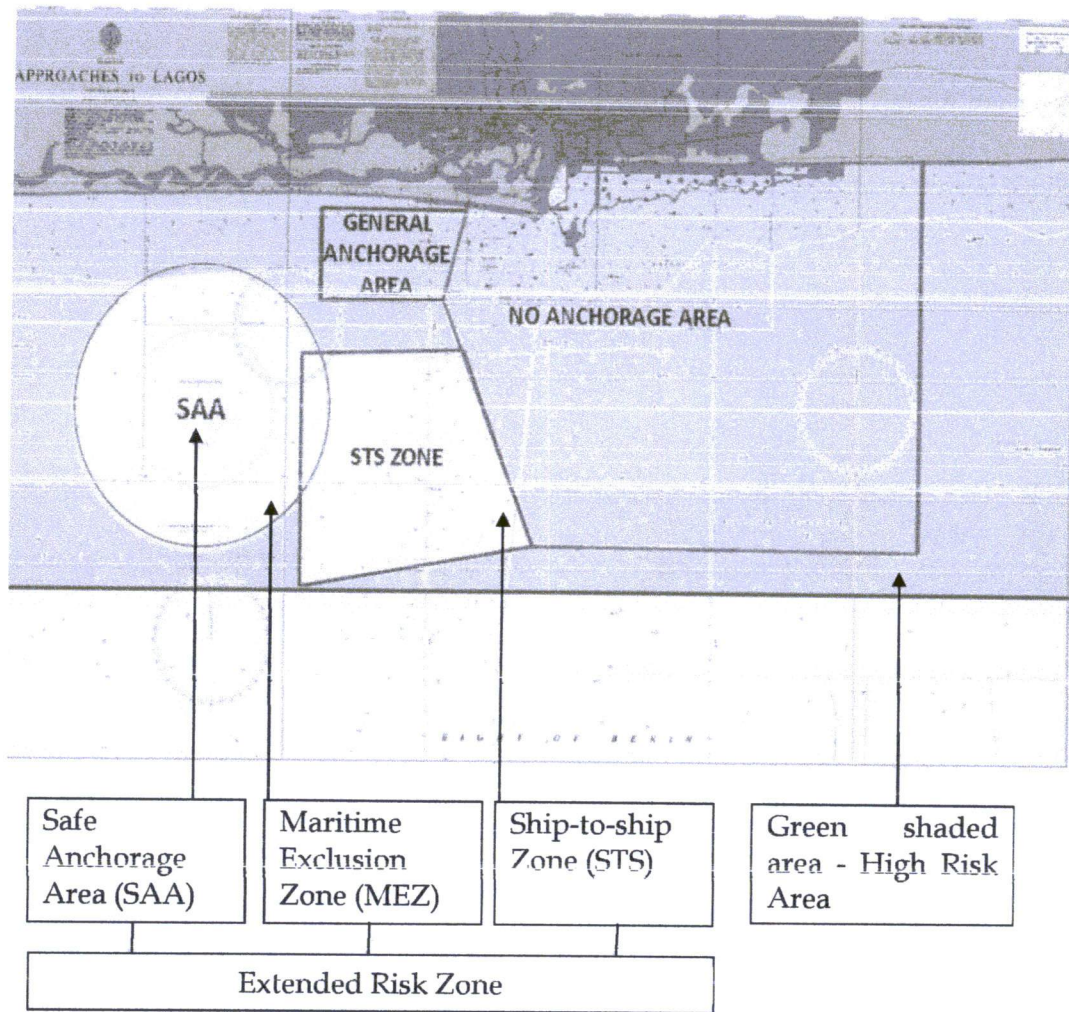
*(Vessels transiting within the MSTC are in Extended Risk Zone, NOT Warlike Area or High Risk Area)*



Chart 4a: West Africa – Benin and Nigeria



**Chart 4b: West Africa - MEZ, SAA, STS**



## Attachment to the IBF list of warlike and high risk designations

The details of the areas included in the List are as follows:

### DESIGNATION 1.

#### **IBF Warlike Operations Area – 12 n.m. off Yemeni mainland Coast**

- *This Warlike Operations Area includes Yemeni territorial waters extending up to the 12 nautical miles limit from the border of Yemen with Saudi Arabia in the Red Sea and the border of Yemen and Oman in the Gulf of Aden, with the exception of the Maritime Security Transit Corridor (MSTC) in the Red Sea where the lanes of these safe passage corridor overlap with this Warlike Area.*

During a vessel's transit of this Area protection of seafarers through the provision of increased security measures should be adopted. Such measures must be above the latest Best Management Practice (BMP) level and may include the provision of personnel or systems which appropriately reduce the vulnerability of a vessel. The sufficiency of such extra security measures should be determined depending on vessel type, size, freeboard during transit and speed, with consulting and seeking advice of respective ITF union(s) where necessary.

The adoption of Best Management Practice is required as a minimum standard of protection.

During the period of transit/stay within this Warlike Area, seafarers shall be entitled to compensation amounting to 100% of the basic wage and a doubled compensation payable in case of death and disability. This entitlement should be payable for a minimum of 5 days upon the entry into the Area and further for each day of the vessel's actual stay in the Area.

In the case of vessels transiting the IBF Warlike Area, seafarers have the right not to proceed with the passage. In such an event, the seafarer concerned shall be repatriated at the company's cost with benefits accrued until date of return to the port of engagement and with the payment of 2 months' basic wage as compensation.

In order to assist the military efforts to counter piracy in this region, all vessels that are subject to a confirmed attack should report to international navies present in the area or other relevant authority, to assist in the deployment of naval resources to appropriate areas, where piracy attacks are occurring.

This Area excludes the Maritime Security Transit Corridor (MSTC) in the Red Sea established by Combined Maritime Forces (CMF). This corridor is patrolled by international naval forces and therefore recommended for a safe passage. Under this IBF List the MSTC is designated as an Extended Risk Zone (Designation 3).

This designation is in force from 0001Z on 1 March 2018.

## **DESIGNATION 1a.**

### **IBF Warlike Operations Area: all ports in Yemen**

- *This Area includes all ports within the country of Yemen and applies to all vessels from the time that they are berthed "all fast" alongside.*

The entitlements are the same as those listed in **Designation 1** above (**IBF WOA off Yemeni mainland coast**)

The designation is in effect from 17 April 2015 until terminated by either party, with a minimum of 7 days' notice required

## **DESIGNATION 2.**

### **"IBF High Risk Area": Gulf of Aden + 400 n.m. off Somali East Coast, excluding the IRTC.**

- *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 Rhiy 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.*

During a vessel's transit of this Area protection of seafarers through the provision of increased security measures should be adopted. Such measures must be above the latest Best Management Practice (BMP) level and may include the provision of personnel or systems which appropriately reduce the vulnerability of a vessel. The sufficiency of such extra security measures should be determined depending on vessel type, size, freeboard during transit and speed, with consulting and seeking advice of respective ITF union(s) where necessary.

The adoption of Best Management Practice is required as a minimum standard of protection.

During the period of transit of this High Risk Area seafarers shall be entitled to compensation amounting to 100% of the basic wage and a doubled compensation payable in case of death and disability. This entitlement should apply on each day of the vessel's stay in the High Risk Area.

In the case of vessels that will transit the IBF High Risk Area **outside** of the east bound and west bound lanes created under the International Recommended Transit Corridor (IRTC), seafarers have the right not to proceed with the passage. In such an event, the seafarer concerned shall be repatriated at the company's cost with benefits accrued until date of return to the port of engagement.

In order to assist the military efforts to counter piracy in this region, all vessels that are subject to a confirmed attack should report to international navies present in the area or other relevant authority, to assist in the deployment of naval resources to appropriate areas, where piracy attacks are occurring.

This designation is in force from 0001Z on 1<sup>st</sup> July 2014.

### **DESIGNATION 3.**

**“IBF Extended Risk Zone” – W. Indian Ocean and Red Sea, with the addition of the Maritime Security Transit Corridor (MSTC) which includes the Internationally Recognized Transit Corridor (IRTC).**

The coordinates of this area comprise of and stretch further than the IBF High Risk Area as outlined above.

- *“The Extended Risk Zone runs from Yemen/Saudi Arabia border at 16° 22’N in the Red Sea and 22° N in the Gulf of Oman, to 65° E and 5° S. A Warlike Area or High Risk Area within these coordinates will take precedence, except for transit within the MSTC, which includes the IRTC”.*

During a vessel’s transit of this area protection of seafarers through the provision of increased security measures should be adopted. Such measures must be above the latest Best Management Practice (BMP) level and may include the provision of personnel or systems which appropriately reduce the vulnerability of a vessel. The sufficiency of such extra security measures should be determined depending on vessel type, size, freeboard during transit and speed, with consulting and seeking advice of respective ITF union(s) where necessary.

The adoption of Best Management Practice is required as a minimum standard of protection.

During the period of transit of the Extended Risk Zone, outside the area which is designated as High Risk Area, each seafarer shall be entitled to a bonus equal to 100% of the basic wage and a doubled compensation in case of injury or death - on any day during which the vessel he serving on is attacked. The proof of these entitlements shall be subject to a confirmed entry into the ship’s log book and a report of attack being lodged with recognised international reporting authorities, such as UKMTO. The maximum period when these entitlements may apply shall not exceed the number of days of the vessel’s transit of the IBF Extended Risk Zone outside the area designated as High Risk Area. For the purpose of this article an attack means any unauthorised and obvious action taken by a third party in a willful attempt to board or damage the vessel or to harm the crew which leads to the activation of the relevant vessel contingency plans including the alerting of the whole crew.

Within all of the IBF Extended Risk Zone, the above identified entitlements to extra basic pay and extra compensation for injury or death will not apply while vessels are alongside a berth, at anchor in secure anchorages off ports or attached to SBM facilities - with exception of Somali and Yemeni waters and ports.

Vessels may deviate from the MSTC lanes without affecting the terms and conditions for the seafarers onboard for collision avoidance purposes only, as long as they are returned to the original lanes, as soon as it is safe and practicable to do so.

In order to assist the military efforts to counter piracy in this region, all vessels that are subject to a confirmed attack should report to international navies present in the area or other relevant authority, to assist in the deployment of naval resources to appropriate areas, where piracy attacks are occurring.

This designation is in force from 0001Z on 16<sup>th</sup> December 2015, revised on the 1 March 2018.

#### **DESIGNATION 4.**

#### **“IBF High Risk Area” – Gulf of Guinea, excluding the Maritime Exclusion Zone (MEZ), the Secure Anchorage Area (SAA) and the Ship-to-Ship Zone (STS)**

This IBF High Risk Area includes:

- *the territorial waters of Benin and Nigeria, 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. MEZ, SAA and STS are excluded from this High Risk Area and are considered Extended Risk Zones.*

Within this Area the following provisions should apply:

All companies operating vessels or installations in the above Area should have sufficient security arrangements to safeguard their personnel, given the nature of the risk, and should provide adequate protection, advice and compensations to the crews. Specifically, the following requirements should be complied with:

Upon the vessel's entry into and, further, throughout the entire stay in the Area as specified above, seafarers must be protected by increased security measures that will provide adequate levels of safety and security on board, such as the Best Management Practice.

In the ports of the above listed countries and inland waterways and approaches to these ports, including offshore installations, extra security measures for reducing the vessel's vulnerability to an unsanctioned approach and boarding should be adopted. Such measures should, inter alia, provide for an enhanced look-out and an emergency alert/action plan securing sufficient safety for the crew and reliable contact with the authorities. The sufficiency of such extra security measures should be determined depending on the vessel's type, size and freeboard.

Prior to approaching a port, detailed local advice about the security situation should be obtained and arrivals and departures timed to coincide with security patrols operated by respective government forces, if available. Shore leave should be prohibited unless exceptional circumstances or emergencies may demand otherwise.

Normal crew changes should not be effected in any above listed country unless absolutely essential.

Under normal circumstances the company shall notify the seafarer if the vessel on which he/she is due to serve/is serving is planned to call into the Area at least 30 days prior to the entry. On receipt of this notification, the seafarer may request to exercise his/her right of repatriation at Company expense, with benefits accrued until date of return to final destination. If it proves impossible for a Company to notify a seafarer more than 30 days prior to the entry (for example due to schedule changes), the Company shall make all reasonable endeavors to repatriate the seafarer at the earliest opportunity, at Company expense, with benefits accrued until date of return to final destination.

The company should pay each seafarer agreeing to proceed into the Area a compensation amounting to 100% of the basic wage for each day of the seafarer's stay in the Area and a doubled compensation in case of death and/or disability.

In the event of an attack regular liaison should be maintained with seafarers' families to advise them of the status of respective crewmembers working in the Area and the security measures being adopted to safeguard and assist them.

Compared to the terms and conditions of the respective IBF Collective Bargaining Agreement, this agreement may lead to more favorable treatment for seafarers serving in the Area, but in no case will it undermine any existing contractual entitlements.

This designation is in force from 16<sup>th</sup> December 2015