



WORKING PAPER

FACILITATION PANEL (FALP)

FOURTEENTH MEETING

Montréal, 20 to 24 April 2026

Agenda Item 2: Recent Facilitation-Related Developments in the United Nations and Other International Organizations

UPDATES ON JOINT ICAO/ILO/IMO/WHO WORK ON THE PROTECTION OF TRANSPORT WORKERS DURING PUBLIC HEALTH EMERGENCIES OF INTERNATIONAL CONCERN

(Presented by ICAO Secretariat co-sponsored by ILO IMO WHO)

SUMMARY

This paper provides an update on joint work undertaken by the Secretariats of the International Civil Aviation Organization (ICAO), the International Labour Organization (ILO), the International Maritime Organization (IMO), and the World Health Organization (WHO) concerning the protection and treatment of transport workers during public health emergencies of international concern, building on lessons learned from the COVID-19 pandemic.

The paper also highlights the broad international recognition of the critical role played by transport workers, in particular air crew and seafarers, in maintaining essential connectivity and global supply chains. It also recalls the operational, safety and economic risks arising from fragmented national measures affecting the movement and treatment of such workers during health emergencies.

It further outlines progress as well as relevant normative developments within the ILO and IMO, including binding instruments recognizing seafarers as key workers and establishing facilitation-related obligations during public health emergencies. It also notes relevant provisions of the WHO Pandemic Agreement related to essential workers.

Action by the FAL Panel:

Actions by the Panel are presented at paragraph 3, below.

1. INTRODUCTION

1.1 At the 41st Session of the ICAO Assembly, a paper entitled “*Harmonizing Crew Treatment Standards Worldwide*”, underscored the importance attached by the international aviation community to achieving greater harmonization in the treatment of air crew during international crises.

1.2 The paper highlighted that disparate measures adopted during the COVID-19 pandemic created unsafe and unpredictable working conditions for air crew. In particular, testing, quarantine and entry requirements frequently resulted in exceedance of flight and duty time limitations on long-haul operations, leading to route suspensions or costly technical stops. These disruptions resulted in long-term competitive distortions in international air service markets, increased costs for passengers and reduced operational efficiency. Such outcomes demonstrated that inconsistent crew treatment measures during public health emergencies can undermine the principle of fair competition provided for in international air transport agreements.

1.3 Building on the broad support expressed at the Assembly, a working paper was subsequently presented to the thirteenth meeting of the ICAO Air Transport Committee, Facilitation Panel. The Panel was invited to acknowledge the critical role of air crew in ensuring essential connectivity and supply chain security and to consider the development of new Standards and Recommended Practices (SARPs) under Annex 9 — *Facilitation*, Chapter 10, addressing minimum standards for crew treatment.

1.4 While the Facilitation Panel broadly supported the principles contained in the proposal, it noted that the introduction of new terminology, in particular the term “essential workers”, raised legal and policy considerations requiring further examination. The Panel therefore requested that additional work be undertaken, including consultation with relevant international organizations, before reaching a final decision.

1.5 In parallel, related discussions have taken place in other international fora regarding the recognition and protection of transport workers during public health emergencies involving the International Maritime Organization (IMO) the International Labour Organization (ILO), and the World Health Organization (WHO).

2. DISCUSSION

2.1 *Inter-agency work*

2.1.1 On 6 December 2021, the Director-Generals of the ILO and WHO, along with the heads of international transport organizations and federations, established the [Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain \(JAG-TSC\)](#). The JAG-TSC's composition later expanded to include IMO and ICAO. Its 2023 [Recommendations](#) to Governments included the call to take immediate, effective and sustainable action to ensure that all relevant ministries, agencies and other government institutions recognize the key role played by transport workers during public health emergencies of international concern, "in particular mobile and cross-border transport workers that serve the sustainment of essential supply chains, and, if not having already done so, designate them as "key workers".

2.2 **International Labour Organization (ILO)**

2.2.1 At its November–December 2020 session, the ILO Committee of Experts on the Application of Conventions and Recommendations adopted a [General Observation on matters arising from](#)

[the application of the Maritime Labour Convention, 2006 \(MLC, 2006\) during the COVID-19 pandemic.](#) The Committee welcomed resolutions adopted by the United Nations General Assembly, the ILO Governing Body and the IMO Maritime Safety Committee urging Member States to designate seafarers as key workers in order to facilitate their safe and unhindered movement, including embarkation and disembarkation, shore leave and, where necessary, access to shore-based medical treatment, "strongly encouraged ratifying States in their different capacities as flag States, port States or labour-supplying States who have not yet done so, to recognize seafarers as key workers without delay and to draw in practice the consequences of such qualification, in order to restore the respect of their rights as provided for in the MLC, 2006"

2.2.2 More recently, the Fifth Meeting of the ILO Special Tripartite Committee established under the MLC, 2006 adopted, on 11 April 2025, amendments to the Code of the Convention, including Guideline B2.5.2 – Key workers under Regulation 2.5 (Repatriation). These amendments were approved on 6 June 2025 by the 113th session of the International Labour Conference [ILC. 113/Instruments](#) Amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006) and are expected to enter into force on 23 December 2027. Notably, the recognition of seafarers as key workers under the ILO framework is not limited to the context of public health emergencies.

The text of new Guideline B2.5.2 – Key workers read as follows:

1. Each Member should designate and recognize seafarers as key workers and take appropriate measures to facilitate their safe movement when travelling in connection with their employment or work, including, but not limited to, access to shore leave, repatriation, crew changes and medical care ashore.

2.2.3 In addition, the Special Tripartite Committee adopted a Resolution on Recognizing Seafarers as Key Workers ([STCMLC/2025/Resolution](#)), in which it:

1. Calls upon ILO Members to effect the early implementation of Guideline B2.5.2 – Key workers, and designate and recognize seafarers as key workers and take appropriate measures to facilitate their safe movement when travelling in connection with their employment or work, including, but not limited to, access to shore leave, repatriation, crew changes and medical care ashore.
2. Reaffirms the commitment of the tripartite constituents of the ILO to advocate for the well-being and rights of seafarers, promoting initiatives that recognize their indispensable contributions to global maritime commerce, including giving full effect in the Maritime Labour Convention, 2006, as amended, to the right of seafarers to safe movement when embarking or disembarking a vessel, including access to shore leave, repatriation, crew changes and when necessary, access to shore-based medical treatment.
3. Requests the Office to support early implementation of Guideline B2.5.2 – Key workers.

2.3 **International Maritime Organization (IMO)**

2.3.1 Amendments to the FAL Convention were adopted in 2022 through resolution FAL.14(46), introducing a new subsection entitled Response to a public health emergency of international concern. These amendments entered into force in January 2024 and include binding Standards and Recommended Practices addressing, inter alia, the facilitation of crew changes, access to medical care, provision of public health information, coordination with stakeholders, and the designation of port workers and ship's crew as key workers during such emergencies. Extracts of the relevant Standards and Recommended Practices are reproduced in the Appendix, for reference.

2.3.2 At its forty-ninth session, the IMO Facilitation Committee (FAL 49) considered a proposal to address the protection of key workers during public health emergencies of international concern, including amendments to the Convention on Facilitation of International Maritime Traffic (FAL Convention), with a view to aligning IMO and ILO provisions. FAL 49 agreed that more information was needed to make a decision and requested the IMO Secretariat to liaise with the Secretariats of ICAO, ILO and WHO to explore how this modality of working group could be established. FAL 50 (23 to 27 March 2026) will consider the outcome of the discussions of the Secretaries of the four specialized agencies of the United Nations, presented in document FAL 50/19.

2.4 World Health Organization (WHO)

2.4.1 The WHO [Pandemic Agreement](#), adopted (pursuant to Article 19 of the Constitution of the World Health Organization) by the World Health Assembly during its 78th session in May 2025, aims to strengthen international collaboration for pandemic prevention, preparedness and response by outlining key principles, approaches and tools in areas such as surveillance, equitable and timely access to medical countermeasures, and health system resilience, among others.

2.4.2 [Article 7.5 of the WHO Pandemic Agreement](#) refers to essential workers that provide essential public goods and services during pandemic emergencies. During the Pandemic Agreement discussion there was a general recognition that the term "essential workers" referred to workers "who provide essential public goods and services during pandemic emergencies", and as such would remain at the discretion of countries and the particular context. The text of article 7.5 is below:

Article 7.5 Health and care workforce

The Parties, taking into account national circumstances, shall take appropriate measures in order to ensure decent work and a safe and healthy environment for other essential workers who provide essential public goods and services during pandemic emergencies. The Parties, taking into account national circumstances, shall also take measures to develop and implement coordinated policies for the safety and protection of transport and supply chain workers, as appropriate, by facilitating the transit and transfer of seafarers and transport workers, among others, and their access to medical care.

2.4.3 An Intergovernmental Working Group (IGWG) on the WHO Pandemic Agreement was established by WHA78.1, including inter alia, to draft and negotiate a Pathogen Access and Benefit Sharing System (PABS) Annex, a multilateral system for access and benefit sharing. The IGWG will submit its outcome for consideration and adoption by the 79th session of the World Health Assembly in May 2026. Once the Assembly adopts the PABS Annex, the WHO Pandemic Agreement will be opened for signature, and it will enter into force once at least 60 countries have ratified it.

2.5 Other United Nations Initiatives

2.5.1 In July 2024, the United Nations Human Rights Council adopted a Resolution on Promoting and protecting the enjoyment of human rights by seafarers, building clear synergies between the work conducted by the ILO, the IMO and the UN General Assembly regarding the need to adopt measures to strengthen the effective enjoyment of seafarers' human rights, including labour rights. In this Resolution, the Human Rights Council, among others: 6. Urges all States Members of the United Nations to designate seafarers and other marine personnel as key workers, in line with General Assembly resolution 75/17 of 1 December 2020, on international cooperation to address challenges faced by seafarers as a result of the coronavirus disease (COVID-19) pandemic to support global supply chains.

2.6 Inter-Secretariat Considerations

2.6.1 The ICAO, ILO, IMO and WHO Secretariats noted that differences in terminology, scope and legal effect across their respective instruments reflect distinct mandates and governance structures. They also noted implementation challenges arising where responsibilities for health, labour and transport fall under different national authorities.

2.6.2 In light of the information provided, the scope and terminology of key workers in the respective organizations, were different because while IMO refers to seafarers and port workers as key workers in the context of a pandemic, ILO refers to seafarers as key workers and the need to facilitate their safe movement without limiting it to situations of pandemics, and WHO refers to essential workers, and calls on countries to take measures to develop and implement coordinated policies for the safety and protection of transport and supply chain workers, as appropriate, by facilitating the transit and transfer of seafarers and transport workers.

2.6.3 Taking these considerations into account, the Secretariats concluded that establishing a formal joint ICAO/ILO/IMO/WHO working group would not be effective at this stage. Instead, they recommended continued inter-secretariat cooperation, information exchange and sharing of best practices as a more pragmatic and flexible approach to promoting harmonized treatment of transport workers during future public health emergencies.

3. RECOMMENDATIONS

3.1 The Facilitation Panel is invited to:

- a) take into account the differing scope and usage of the terms “key workers” and “essential workers” across relevant international frameworks, and to consider, as appropriate, in light of these distinctions, whether any terminology and scope would be suitable for application in Annex 9 — *Facilitation*; and
- b) review the Standards and Recommended Practices (SARPs) derived from the International Maritime Organization (IMO) Facilitation (FAL) Convention, as reproduced in the Appendix, and to consider whether similar SARPs could be developed for possible inclusion in ICAO Annex 9 — *Facilitation*.

APPENDIX

IMO FACILITATION CONVENTION

Standards and Recommended Practices on Response to a Public Health Emergency of International Concern

(Extracts from IMO FAL Convention, as amended by resolution FAL.14(46); reproduced from FAL 50/19 — for reference only)

6.11 Standard: Contracting Governments and their relevant authorities shall, to the greatest extent possible, allow ships and ports to remain fully operational, in order to maintain complete functionality of supply chains during a public health emergency of international concern in line with the International Health Regulations and any relevant recommendations of the World Health Organization.

6.12 Recommended Practice: Contracting Governments and their relevant authorities should facilitate the continuing operation of shipping, and of ports under their jurisdiction, to allow the transport of marine cargoes so that supply chains are not disrupted and to allow the global economy to continue to function during a public health emergency of international concern.

6.13 Recommended Practice: Contracting Governments and their relevant authorities, when implementing policies and measures to protect public health, should also avoid the introduction of unnecessary interference to ship and port operations, including the movement of ship's crew for the purposes of crew changes, repatriation and travel of crews, as well as the wider functionality of port ecosystems during a public health emergency of international concern.

6.14 Recommended Practice: Contracting Governments and their relevant authorities should engage with appropriate stakeholders, including port authorities, port service providers, shipowners and ship operators, to secure continued facilitation of maritime trade and supply chains during a public health emergency of international concern.

6.15 Standard: Public authorities shall provide ships with relevant information concerning measures taken to protect public health prior to arrival at a port, where practicable, during a public health emergency of international concern.

6.18 Standard: Contracting Governments and their relevant authorities shall ensure, to the greatest extent possible, a safe ship–shore interface during a public health emergency of international concern.

6.22 Standard: Contracting Governments and their relevant authorities shall ensure that port workers and ship's crew, regardless of their nationality or the flag of their ship, when in their territory, are designated as key workers (or equivalent) providing an essential service during a public health emergency of international concern.

6.23 Standard: Contracting Governments and their relevant authorities shall, to the greatest extent possible, continue to facilitate ship's crew changes, including the travel and repatriation of crew, and ensure access to visas and permissions during a public health emergency of international concern.

6.24 Recommended Practice: Contracting Governments and their relevant authorities should take account of recommendations of the Organization relevant to the facilitation of crew changes and travel by ship's crew during a public health emergency of international concern.

Note: The above Standards and Recommended Practices are reproduced from the IMO Convention on Facilitation of International Maritime Traffic, as amended, and are provided for reference only. Their inclusion does not imply the adoption of similar terminology or obligations within ICAO instruments.

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