# ILO Maritime Labour Convention 2006

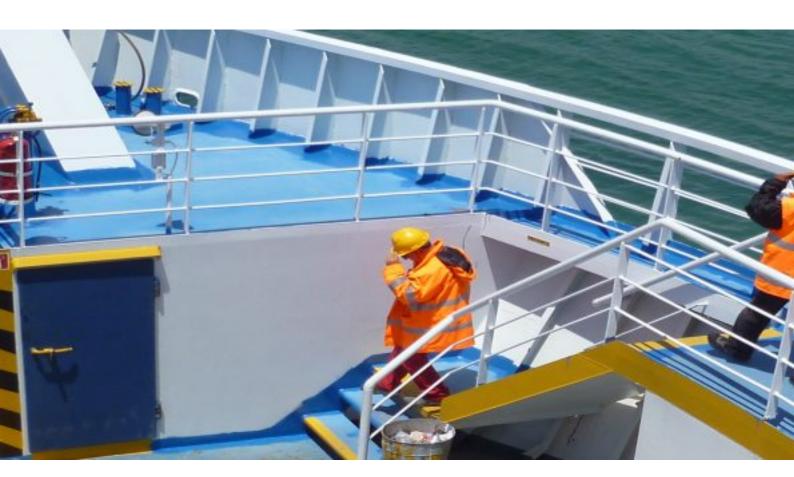


### Maritime Labour Convention(MLC), 2006 - Introduction

The ILO's Maritime Labour Convention (MLC), 2006 provides comprehensive rights and protection at work for the world's more than 1.2 million seafarers. The Convention aims to achieve both decent work for seafarers and secure economic interests in fair competition for quality shipowners.

As an estimated 90% of world trade is carried on ships, seafarers are essential to international trade and the international economic and trade system. The new labour standard consolidates and updates more than 68 international labour standards related to the Maritime sector adopted over the last 80 years.

The Convention sets out seafarers' rights to decent conditions of work on a wide range of subjects, and aims to be globally applicable, easily understandable, readily updatable and uniformly enforced. It has been designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO).



## The goals of the MLC 2006

Updating and consolidating existing ILO Conventions, (such as 92, 133, 134, 147, 164, 178 and 180)

Recruit, develop, motivate and retain qualified labour

Preventing poor working and living conditions being an advantage

Creating a level playing field

Establishing MLC 2006 as the 4th pillar in the international maritime regulation (together with SOLAS, MARPOL and STCW)

# Structure of MLC 2006

The Convention comprises three different but related parts:

- the Articles,
- the Regulations and
- the Code.

The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention.

The Code contains the details for the implementation of the Regulations. It comprises:

- Part A (Mandatory standards) and
- Part B (Non-mandatory guidelines)

The Code can be amended through the simplified procedure



# The Convention has three underlying purposes:

- to lay down, in its Articles and Regulations, a firm set of rights and principles;
  - to allow, through the Code, a considerable degree of flexibility in the way Members implement those rights and principles; and
- to ensure, through Title 5, that the rights and principles are properly complied with and enforced.

The Regulations and the Code are organized into general areas under five titles:

Title 1: Minimum requirements for seafarers to work on a ship;

Title 2: Conditions of employment;

Title 3: Accommodation, recreational facilities, food and catering;

Title 4: Health protection, medical care, welfare and social security protection;

Title 5: Compliance and enforcement.



# MLC 2006

### Title 1

Minimum requirements for seafarers to work on a ship

- Minimum age
- Medical certificate
- Training and qualifications
- Recruitment and placement

### Title 2

Conditions of employment

- Seafarers' employment agreements
- Wages
- Hours of work and hours of rest
- Entitlement to leave
- Repatriation
- Seafarer compensation for the ship's loss or foundering
- Manning levels
- Career and skill development and opportunities for seafarers' employment

### Title 3

Accommodation, recreational facilities, food and catering

- Accommodation and recreational facilities
- Food and catering

### Title 4

Health protection, medical care, welfare and social security protection

- Medical care on board ship and ashore
- Shipowners' liability
- Health and safety protection and accident prevention
- Access to shore-based welfare facilities
- Social security (minimum of 3 of the 9 items -A4.5 (2))

### Title 5

Compliance and enforcement

- Flag state responsibilities
- Onboard compliant procedures
- Port State responsibilities
- Labour supplying responsibility





# Application lication

The MLC, 2006, applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities. Subject to any national provisions to the contrary, the MLC, 2006, does not apply to:

 ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply

 ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks

warships or naval auxiliaries.

All ships are subject to an inspection for compliance with the requirements of the MLC, 2006.

The MLC, 2006, applies to all seafarers on all ships covered by the MLC, 2006. A seafarer is any person who is employed or engaged or works in any capacity on board a ship to which the MLC, 2006, applies.

 $(1.2 \, million \, seafarers, \, estimated \, 69,000 \, ships \, -16 \, \% \, Unionized)$ 

# Certification Documents 211011

The documents that are issued by the flag State, or by INSB as an authorized RO, are the Maritime Labour Certificate (MLC) and a Declaration of Maritime Labour Compliance DMLC.

### Maritime Labour Certificate

Issuance of this document is evidence that the ship has been found to meet the requirements of the Convention and that the seafarer's working and living conditions meet national requirements. It is issued by the flag State, or the authorized RO, following the necessary inspections to verify the vessel is in compliance with the applicable national laws and regulations implementing the Convention requirements.

Declaration of Maritime Labour Compliance (DMLC)

The DMLC has two parts:

DMLC part I: Shall be drawn up by the flag state

- List of matters to be inspected in accordance with the 14 items
- Reference to the relevant national requirements
- Refer to ship-type specific requirements under national legislation
- Record any substantially equivalent provisions
- Record exemption granted by the flag state

DMLC part II: Shall be drawn up by the shipowner

- Measures for compliance with the convention and national requirements
- Ensure ongoing compliance and continuous improvement

The DMLC has to be certified before MLC can be issued

## Shipowner preparation and implementation

- Evaluate the need for updating existing procedures
- Evaluate the need for new procedures
- Evaluate procedures for implementation
- Prepare ship and seafarers and company officers for implementation and compliance
- Evaluate need for training in order to ensure effective implementation and compliance
- Establish system to ensure continuous compliance

# Port State responsibilities

- Inspections in port
- Onshore seafarer complaint handling procedures

The certificates issued under the authority of a ratifying State shall, if there are no grounds to doubt the basis for them, be accepted as proof of compliance.

Ships from non-ratifying states shall be met by the "No more favorable treatment" ensuring inspections for compliance on such ships



Minimum age

- Medical certification
- Qualifications of seafarers
- Use of any licensed or certified or regulated private recruitment and placement se
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages
- Seafarers' employment agreements

### Certification applies to ships of:

(a) 500 gross tonnage or over, engaged in international voyages; and

(b) 500 gross tonnage or over, flying the flag of a Member and operating from a port, or between ports, in another country.

A flag State must also verify that its ships meet all MLC, 2006, requirements, even if the requirement is not one that must be certified.

For ships that do not have to be certified the flag State must **still verify compliance** for all the same requirements as a certified ship.

Certification is mandatory only for some ships that are covered by the MLC, 2006; however, a shipowner can also request that a ship be certified even in cases where certification is not required.

### Maritime Labour inspection can be divided into two parts:

### Physical condition (such as)

- Accommodation
- Galley
- Working spaces
- Working condition

### Operational (such as)

- Payment
- Employment Agreement
- Minimum Age
- Medical certification
- Hours of work



### **MLC Pre-Assessment**

INSB offers a MLC pre-assessment of an owner's policies and procedures and of the manner these are implemented on board a vessel to determine if a vessel's documentation and labor management system complies with the flag State requirements based on the Convention.

Essentially is a gap analysis, which identifies where there may be shortcomings and provides suggested guidelines for bringing the procedures into compliance. The pre-assessment procedure includes:

- A review of the vessel's documentation
- An interview of onboard personnel
- An inspection of the vessel's working and living areas

The pre-assessment is optional but strongly recommended since it can assist clients in identifying improvement opportunities related to the seafarers' working and living conditions in advance of an application for certification.

### **MLC Certification**

As an organization recognized by several flag Administrations, INSB conducts the required Maritime Labour Certification and Declaration of Maritime Labour Compliance reviews and onboard inspections to verify compliance with the Convention.

To meet the needs of our clients, INSB has trained a considerable number of Maritime Labour Inspectors, stationed worldwide, to carry out these reviews and inspections.

### **About INSB**

"International Naval Surveys Bureau" (or simply known as INSB), being a leading Non IACS Classification Society, is a Greek non governmental Organization activated in the international maritime industry.

During our 35 years of evolving presence and experience, we have been promoting ship safety standards by providing customers with **reliable technical services** for their ships and marine installations, while cost leadership and quality compliance are embedded in every aspect of our operations.

Through a sound organizational structure and technically competent manpower, INSB Class is gaining worldwide confidence by all major maritime stakeholders.

INSB Head Office is located at Piraeus, Greece and operates internationally via a well structured expanding network, **able to respond timely & effectively**, in Europe, Asia, Africa & the Americas – wherever ships are being built, repaired or operated.

