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Maritime and Coastguard Agency

Q & A BRIEF ON THE MARITIME LABOUR CONVENTION 2006

What is the Maritime Labour Convention ?

A consolidation and updating of 67 existing International Labour Organization instruments on seafarer living and working conditions, developed on a tripartite basis.

Why a new Convention ?

To update international standards for seafarer living and working conditions and to provide a widely ratifiable Convention. To provide for better enforcement through a certification system and to introduce a more level international playing field, through a “no more favourable treatment” clause.

What does it cover ?

It comprises Articles and 5 Titles :

- Title 1 : pre-employment requirements
- Title 2 : conditions of employment
- Title 3 : crew accommodation and catering
- Title 4 : health protection, medical care and welfare
- Title 5 : compliance and enforcement

What is the structure of the MLC ?

Like STCW, it comprises :

- Articles – fundamental rights and general principles e.g entry into force, amendment procedure
- Regulations : high level mandatory requirements
- Code A : mandatory standards
- Code B : Guidelines – non-mandatory

Who does it apply to?

- All seagoing commercial ships, publicly or privately owned (no tonnage threshold)
- All seafarers on board such ships – any person employed or engaged or who works in any capacity (includes hotel staff etc) on board
- Responsibilities placed on “shipowner” – owner or person who has assumed responsibility for operation of ship (as ISM)

When will the Convention come into force ?

12 months after 30 ILO member states representing a third of the world's shipping tonnage have ratified. So far Liberia, Bahamas and the Marshall Islands have ratified. Ratification threshold is expected to be reached in 2010 or 2011.

Is the UK going to ratify, and if so, when ?

Yes, Ministers have confirmed the intention to ratify by the end of 2010.

Is there any flexibility or scope for exemptions ?

"In the event of doubt" clauses allow some flexibility with definitions/application: -

- Code A can be implemented using "substantial equivalence"
- Code B is non-mandatory (although cannot be ignored)
- Crew accommodation – limited provision for exemptions

How does it differ from existing ILO Conventions, in particular ILO 147 and ILO 178 ?

It is much more comprehensive and introduces :

- A certification regime for ships over 500gt
- Inspection regime for all ships, regardless of tonnage
- On board and on-shore seafarer complaints procedures
- Seafarer employment agreements
- Shipowner liability

How does the MLC certification system work ?

Certification is required for ships over 500gt trading internationally or operating between 2 ports in a third country. Other ships can also request to be certified. Certification is based on flag state inspection (or inspection by recognized organization acting on behalf of the flag state), and completion of a Declaration of Maritime Labour Compliance (DMLC). The DMLC is in 2 parts, Part 1 covers national requirements and Part 2 covers shipowner measures for ongoing compliance.

How is the UK implementing the MLC ?

2 main steps :

- transposition of MLC provisions into UK merchant shipping legislation
- practical aspects – introduction of new inspection and certification regime

What does transposition involve ?

A "gap analysis" of existing UK merchant shipping (and other) legislation to identify changes necessary to align with the MLC. Approx. 30 sets of regulations will need to be amended or updated or replaced. Tripartite working group with industry is advising on policy for implementation.

Who will do the inspections ?

MCA surveyors, building on experience of doing ILO 178 inspections of living and working conditions. Some delegation to Classification Societies may be considered for interim inspections overseas (e.g. for vessels flagging in) or for some aspects of crew accommodation. .

How many UK ships will be affected?

An estimated 770 UK ships over 500gt will require inspection and certification and a further c300 will require inspection only.

How will inspections be conducted?

Taking account of the ILO flag state guidelines (recently developed but not yet published). Where appropriate and practical, MLC inspections will be carried out in conjunction with ISM audits, taking advantage of areas of overlap.

How long will an MLC inspection take?

It depends on the size of the ship and number of crew etc. On the basis of 2 trial inspections (one on a dredger and one on a container ship) they are likely to take 8-10 hours. A large passenger ship or cruise ship will take longer, but some sampling of e.g seafarer data should be possible.

Will high speed craft be covered ?

Yes (other than those that operate solely in sheltered waters).

*Seafarer Safety and Health Branch
October 2008*