

Impacts of Maritime Labour convention on RV operations

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MLC

- The **Maritime Labour Convention (MLC)** is an [International Labour Organization convention](#), number 186, established in 2006 as the *fourth pillar* of international maritime law and embodies "all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions"
- The convention entered into force on 20 August 2013, one year after registering 30 ratifications of countries representing over 33 per cent of the world gross tonnage of ships.^[1] Already after five ratifications the ratifying countries (Bahamas, Norway, Liberia, Marshall Islands, and Panama) represented over 43 per cent of the gross world tonnage^[3] (which is over 33 per cent; the second requirement for entry into force). As of August 2017, the convention has been ratified by 84 states representing over 89 per cent of global shipping.



MLC: five titles

The Code consists of five *Titles* in which specific provisions are grouped by standard (or in Title 5: mode of enforcement):

- 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



- Minimum requirements for seafarers to work on a ship (scientists)

- *Minimum age requirements*: the minimum age is 16 years (18 for night work and work in hazardous areas). **Not an issue**
- *Medical fitness*: workers should be medically fit for the duties they are performing. Countries should issue medical certificates as defined in the [STCW](#) (or use a similar standard). **ENG11/STCW MEDICAL**
- *Training*: Seafarers should be trained for their duties as well as have had a personal safety training.???
- *Recruitment/placement services* located in member states or for ships flying the flag of member states should have (among others) proper placement procedures, registration, complaint procedures and compensation if the recruitment fails **N/A**



Final outcome regarding training after discussion with flag state

- STCW personal survival techniques
- **STCW Proficiency in Maritime Security Awareness**

STCW Proficiency in Maritime Security Awareness (MSA) is designed to provide those on board merchant vessels who do not have designated security duties with the essential MSA training which meets the knowledge, understanding and proficiency requirements as set out in the STCW Code.

MSA training must be undertaken by all seafarers employed or engaged in any capacity on board any ship **which is required to comply with the ISPS Code**

Required for RV Celtic Explorer only, n/a for Celtic Voyager as below 400 grt /non ISPS

Course 3 hours duration , classroom based in Ireland, some flag states accredit on line course



•Conditions of employment

- Contracts*: the contract should be clear, legally enforceable and incorporate [collective bargaining agreements](#) (if existent).
- Payments*: Wages should be paid at least every month, and should be transferable regularly to family if so desired.
- Rest hours*: rest hours should be implemented in national legislation. The maximum hours of work in that legislation should not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period, or: at least ten hours of rest in any 24-hour period and 77 hours (rest) in any seven-day period..
- Leave*: Seafarers have a right to annual leave as well as shore leave.
- Repatriation*: Returning to their country of residence should be free
- Loss*: If a ship is lost or foundered, the seafarers have a right to an unemployment payments.
- Manning*: Every ship should have a sufficient manning level **n/a for scientists**



Final outcome regarding Contracts after discussion with flag state

- **Contracts:** Following submission of average days at sea for internal and external scientists the flag state accepted that their shore based contracts were meeting the requirements of the seafarers employment agreement under the principle of substantial equivalence
- **Hours of rest :** Scientists signed on as seafarers to comply with hours of rest requirements for seafarers including recording of hours of rest

Month and year:		Watchkeeper:	Yes	No
			delete as appropriate	
Record of Hours of Rest				
COMPLETE THE TABLE ON THE REVERSE SIDE				
The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:				
<i>Articles 5 and 8 of the Seafarers' Hours of Work and the Manning of Ships Convention (Convention No. 180) - ILO 180</i>				
I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.				
Name of master or person authorised by master to sign this record				
Signature of master or authorised person		Signature of seafarer		
A copy of this record is to be given to the seafarer.				



- Title 3: Accommodation, recreational facilities, food and catering/Title 4: Health protection, medical care, welfare and social security protection

More general requirements here easily met in most cases by both vessels

Only issue would be natural light in Celtic Voyager accommodation... however Irish flag does not issue crew accommodation certs and rely on the vessel accommodation being certified built for purpose when built. (1951 regulations)

Title 4 items all easily met without issue .

Our department of transport also advised that up to 12 persons can be carried under each vessels current passenger **boat** licence (**note not ship**)

Celtic Voyager restricted to carrying passenger inside 30 nm from shore

Celtic Explorer limited to domestic Voyages (however once on international voyager the international load line 12 passenger terms apply)



•Practicalities ctd.....

Both vessels have the following restrictions on the licence when operating domestically

These conditions are difficult when operating for 35 days and in mid Atlantic !!!!

So our current situation is :

Celtic Explorer : where possible all scientists have eng11 , pst and security awareness and no more then 12 can be missing one or all of these certificates.. In time when on line course becomes option we will make all three mandatory , hours of rest to be recorded by searfarer scientists]

Celtic Voyager : for operations over 30 nm from shore all scientist must have eng 11 and pst and complete hours of rest form

Conditions and Restrictions:

NAME OF BOAT:	Celtic Voyager	LICENCE NO	969
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GENERAL

1. Passenger boat must only operate in favourable weather conditions. "favourable weather" means weather when the visibility is good and when the combined effects of wind, sea and swell on the passenger boat are never greater than those which would cause moderate rolling or pitching or result in the shipping of green seas on the weather deck or, in the case of an open boat, over the gunwhale;



New Build considerations

Clear that the preferred option for a new build vessel is SPS (Special purpose ship)

IMO Resolution MSC.266(84) of 13 May 2008 – *Code of Safety for Special Purpose Ships, 2008*, as amended by Resolution MSC.299(87) and MSC.1/Circ.1422 (for ships built on or after 1 July 2009);

Special personnel” means all persons (who are not passengers or members of the crew) that are carried on board in connection with the special purpose of that ship or because of special work being carried out onboard that ship, Special personnel may :

- (a) scientists or technicians engaged in research or hydrographic or oceanographic surveys, and expeditionaries on non-commercial expeditions.

Special personnel are not considered to be part of the crew for the purposes of training or medical fitness and certification

Benefit is personnel can be certified under other schemes for medical fitness and safety, also more relaxed rules on accomodation etc.