

Maritime Labour Code (MLC-2006)



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Maritime Labour Convention 2006

- ❑ **Profound impact**
- ❑ **Entry into force: ratification by 30 countries with a total share of 33% of the world's gross tonnage**
- ❑ **EU: 25 countries & 27% of tonnage**
- ❑ **Ratification is expected within 3-5 years**

Why a new convention?

“The standard of safety of a ship is dependent not only on the health of the ship but more **on the health of the seafarers** in charge of the operation of the ship.” *M Fuazudeen*
IMO

“Without a **happy and fit crew**, existing in decent working and living conditions, the shipping industry will be unable to meet its requirements for safer ships in clean waters.” *Bjorn Lödöen*
ICSW

Scope & Purposes

Existing conventions are:-

- Irrelevant to 21st century shipping
- Too few ratification to enter into force
- No provisions for enforcement

Stop the proliferation of unilateral legislation

- Diminish the incidents of confliction laws
- Reduce confusion
- Introduction of 'level playing field'
- Harmonise jurisdictions

Maximise ratifications

Consolidation exercise – 'one stop shop'

Background To The Convention

Problems with existing ILO regulations

- Too many instruments
- Outdated – did not reflect current working & living conditions
- Loosely ratified
- Inadequate amendment procedures
- No practical enforcement procedures

MLC Overview : Structure



Explicit amendment

Tacit amendment

ARTICLES OF THE CONVENTION
 General provisions; definitions; application; amendment procedures;
 transition; entry into force requirements; final provisions.

REGULATION I
 Pre-requisites
 for going to sea
 and Related
 Provisions.
 Key
 Broad principles

REGULATION II
 Conditions of
 Employment and
 Manning
 Conventions.
 Key
 Broad principles

REGULATION III
 Accommodation,
 Welfare facilities,
 food and catering
 Conventions.
 Key
 Broad principles

REGULATION IV
 Health protection,
 welfare, medical care
 and social security
 Protection
 Key
 Broad principles

REGULATION V
 Enforcement
 Key
 Broad principles

CODE PART A I
 Pre-requisites for
 Going to sea and
 Related provisions
 Conventions

CODE PART A II
 Conditions of
 Employment and
 Manning
 Conventions

CODE PART A III
 Accommodation,
 Welfare facilities,
 food and catering
 Conventions

CODE PART A IV
 Health protection,
 welfare, medical care
 and social security
 protection Conventions

CODE PART A V
 Enforcement
 Conventions

CODE PART B I
 Pre-requisites for
 Going to sea and
 Related provisions
 recommendations

CODE PART B II
 Conditions of
 Employment and
 Manning
 recommendations

CODE PART B III
 Accommodation,
 welfare facilities,
 food and catering
 recommendations

CODE PART B IV
 Health protection,
 welfare, medical care
 and social security
 protection
 recommendations

CODE PART B V
 Enforcement
 recommendations

Substantial Equivalence

Background To The Convention

- **NOT** a government initiative
- Industry initiative introduced by the **International Shipping Federation**
- ISF endorsed a radical approach – new problems need new solutions

Convention Structure

- **Vertical structure**
- **Articles** – legal provisions; definitions
- **Regulations** – principles, obligations
- **Code** – details to implement Regulations
 - Part A – mandatory standards
 - Part B – guidelines (not mandatory)

Regulations & Code Integrated under 5 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

Definitions: Seafarer & Ship owner

Seafarer

- **Any person** employed or working in **any capacity** on board
- All-encompassing definition - Resolution to assist Administrations in determining who may be excluded

Ship owner

- **Owner, manager, agent, bareboat charterer**
- A person or organization **assuming responsibility** for the operation

Certification Maritime Labour Certificate

- Issued by **Flag State** or its RO
- Verifies that labour conditions **comply** with national legislation
- Validity: **5 years** (periodic inspections)
- **IDENTIFIES** the “ship owner” who is responsible to satisfy the obligations of the Convention

Certification Declaration of Maritime Labour Compliance

National laws & Owner's plan to implement 14 AREAS of standards:

- Minimum Age
- Qualifications of Seafarers
- Use of a Recruitment & Placement Service
- Manning Levels
- On-board Recreational Facilities
- **Health and Safety and Accident Prevention**
- On-board Complaint Procedures
- **Medical Certification**
- **Seafarer Employment Agreement**
- **Hours of Work or Rest**
- **Accommodation**
- Food and Catering
- **On-board Medical Care**
- Payment of Wages

Social Security; 9 Elements of Social Protection

Flag State ensures state of residence provides at least 3

- Medical care
- Sickness benefit
- Unemployment benefit
- Old-age benefit
- Employment injury benefit
- Family benefit
- Maternity benefit
- Invalidity benefit
- Survivors' Benefit

Hours of work or rest. Accommodation.

Work & Rest Limits:

- Provisions for maximum hours of work & minimum hours of rest **include the Master**

Accommodation Standards:

- Grandfather clause for existing ships
- Sleeping accommodations – required only when seafarers must **live on board**; not for those who go home following short voyages

Conclusions & Observations

- All ILO maritime instruments, except the *Pension Convention & Seafarers ID Convention*, into a **single** “super-convention”
- **All** governments will have to amend their legislation
- The **European Commission** will **encourage** ratification
- Some labour-supply countries (Philippines) are likely to encounter ratification difficulties
- STCW, SOLAS, MARPOL, and the Maritime Labour Convention will be the 4 *regulatory pillars* of the industry
- PSC will be encouraged to establish a **level playing field** by checking labour standards of non-ratifying Flag State ships (*No more favorable treatment*)

What is unique about the MLC?

Significant departure from previous conventions in both style and structure

- **Definition of seafarer – Article 2**
- **Definition of ship owner – Article 2**
- **Inclusion of fundamental human rights – Article 3**
- **Implementation and enforcement – Article 5**
- **Tacit amendment procedure – Articles 14 & 15**
- **Guidelines instead of recommendations –
explanatory note to regulations &
code p12**



Thanks very much for your attention