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Agenda

- What is MLC 2006?
- Why was it created?
- Applicability?
- Key players?
- Certification process?
- Where do we stand today?
- How can ABS help?
ILO

- Agency of the United Nations
- Tri-partite structure
- Common decent work conditions
- First specialized agency of UN in 1946
What is the Convention?

- Adopted 23 February 2006, the MLC incorporates fundamental principles of 8 ILO Conventions
- Updates and consolidates 68 existing instruments (37 Conventions and 31 recommendations)
- Existing Conventions gradually phase out
- Considered 4th pillar of Maritime regulations
Why the Convention?

- Existing Conventions
  - Outdated and not reflective of current working conditions
  - High level of detail led to compliance and enforcement problems
  - Relatively low ratification record
Why the Convention?

- New Convention
  - Accelerated and less costly amendment procedures (Articles XIV & XV)
  - Level playing field
  - System to resolve complaints
  - Ship operational changes
Applicability of the Convention

- All ships (and the seafarers on these ships)
  - Public and privately owned
  - Ordinarily engaged in commercial activities
  - Except as expressly provided*

*ships less than 200 gt
Applicability of the Convention

- Definition of “ship”

  - A ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply
Applicability of the Convention

- Definition of “seafarer”
  - Any person who is employed or engaged or works in any capacity onboard a ship to which the Convention applies
Applicability of the Convention

- Exceptions
  - Convention does not apply to:
    - Ships engaged in fishing or similar pursuits
    - Ships navigating exclusively in inland waters or waters within, or closely adjacent to
    - Ships navigating exclusively in sheltered waters or areas where port regulations apply
    - Ships of traditional build such as dhow and junks
    - Warships or naval auxiliaries
Applicability of the Convention

- Applies to all ships:
  - Ships 500 gt and more need to be certified and must carry a:
    - Maritime Labour Certificate (MLC)
    - Declaration of Maritime Labour Compliance (DMLC) – 2 parts
Makeup of the Convention

- Articles, Regulations and the Code
- Vertically integrated
- Articles and Regulations
  - Set out the core rights, principles and basic obligations of members
- Code
  - Details for implementation of regulations
  - Part A (mandatory standards)
  - Part B (non-mandatory guidelines)
Makeup of the Convention

- **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
**Convention Structure**

<table>
<thead>
<tr>
<th><strong>Articles &amp; Regulations</strong></th>
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<tr>
<td><strong>Title 1</strong></td>
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<td>Minimum requirements for seafarers to work on a ship</td>
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<td>Minimum Age</td>
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<td>Medical Certificate</td>
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<td>Training &amp; Qualification</td>
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*Note: Blue font indicates elements subject to inspection and approval.  
Note: Green font indicates elements subject to inspection only.*
Key Players

ILO MLC 2006

ILO Member States

Competent Authority

Port State Control

Flag State Control

Labor Supplying Country

Recognized Organization

Shipowner

Ship/Seafarer
What Does this Really Mean?

- Flag specifies the requirements
- Company develops a system
- Company implements the system
- Flag/Recognized Organization (RO) verifies initial implementation
- Company continues to implement and seeks continuous improvement
- Flag/RO periodically verifies ongoing compliance
The Labour Management System

Maritime Labour Convention

Title 1: Minimum requirements for a Seafarer 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 protection
Title 5: Compliance and Enforcement

MLC

DLC Part 1
Administration implementation of, including equivalencies to, the ILO Convention requirements

DLC Part 2
The procedures by which the Ship (Company) will implement the requirements of the Administration

Labour Management System Manual
Core ILO requirements
Company requirements

Source: IACS
Certification Flowchart

Company Prepares DMLC Part II -> Flag Issues DMLC Part 1

Onshore Activity, Prior to Shipboard Attendance

Review of DMLC Part II Against Part I

Inspect compliance with the Convention

Activities carried out by flag State or RO

Inspect working and living conditions

Endorse DMLC Part II

Issue Maritime Labour Certificate (MLC)
Entry into force

- "...12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 per cent."
Ratification

- Ratification was met on 20-Aug-2012
- Currently 35 ratifications
- Entry into force will be 20-Aug-2013
- **MLC 2006 includes a "no more favourable treatment" clause, meaning that Member States will be obligated to ensure that the ships that fly the flag of any State that has not ratified the Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it. As a result, ships registered in, for example, the United States calling in a port in a State that has ratified the Convention, Norway for example, may need to demonstrate that they are effectively in compliance with the Convention's requirements.**
- **This will force many ships registered in States not party to the Convention to seek and obtain voluntary MLC Certificates.**
Where We Stand Today?

- Antigua and Barbuda
- Australia
- Bahamas
- Benin
- Bosnia and Herzegovina
- Bulgaria
- Canada
- Croatia
- Cyprus
- Denmark
- Finland
- Gabon
- Greece
- Kiribati
- Latvia
- Liberia
- Luxembourg
- Malta
- Marshall Islands
- Morocco
- Netherlands
- Norway
- Palau
- Panama
- Philippines
- Poland
- Russian Federation
- Saint Kitts and Nevis
- Saint Vincent and the Grenadines
- Singapore
- Spain
- Sweden
- Switzerland
- Togo
- Tuvalu
Member Obligations

- Adopt the Convention
- Develop national legislation
- Provide qualified inspectors
- Develop guidance on inspectors’ powers and protocols
Member Obligations

- Establish effective system of inspection and certification (including documents)
- Establish processes for receiving and investigating seafarer complaints
- Develop enforcement actions
Flag State Responsibilities

- Training of inspectors
- Inspect ships
- Recognized Organizations (ROs)
Flag State Responsibilities

- Certification
- Equivalencies or exemptions
Port State Control Responsibilities

- Established acceptance criteria
  - Certificate and DMLC are prima facie evidence
- Detailed inspection if clear grounds exist
Port State Control Responsibilities

- Inspection scope
  - Articles, Regulations and Part A
  - Part B not subject to inspection
Port State Control Responsibilities

- Inspection scope:
  - 14 areas of inspection and certification
  - May cover the other 5 areas for inspection only
  - Must be related to seafarer living and working conditions
Port State Control Responsibilities

- Notification of deficiencies
- No more favorable treatment
Shipowner Responsibilities

- Certificates and documentation
  - Ships to carry valid certificates and documents
Shipowner Responsibilities

- Declaration of Maritime Labour Compliance
  - Obtain Part I of the DMLC from the flag State
  - Complete Part II of the DMLC
Shipowner Responsibilities

- Implementation
  - Implement flag State and shipowner requirements
  - Incorporate shipboard inspections into maintenance program
  - Institute measures for ongoing compliance
Shipowner Responsibilities

- Records
  - Maintain records
  - Establish record retention criteria
Shipowner Responsibilities

- Inspections
  - Submit DMLC Part I & II for review prior to initial
  - Present vessel for initial, periodic and renewal inspections
Shipowner Responsibilities

- Certification
  - Maritime Labour Certificate (MLC)
  - Required for ships 500 GT or over
Labor Supplying Country

- Responsible for seafarer recruitment and placement services in their country
How ABS is helping the industry

- Information seminars
- Training
- Gap analysis
- ABS Guidance Notes on ILO MLC
- ABS Guide to MLC Title 3 Requirement, **MLC-ACCOM** Notation
- Voluntary certification
- Statutory certification
ABS Can Help

- Information and seminars
- Guidance Notes and Guide
- Gap analysis/pre-assessment
- Voluntary certification
- Statutory certification
- Training (Academy)
Voluntary Certification

- Process is similar to statutory certification except that National requirements may not be available

- Certifies
  - Shipowner’s measures identified in the DMLC Part II are implemented
  - Review of documents is limited to the requirements of the Convention
Why Voluntary Certification?

- Demonstrate to the stakeholders that company is prepared for statutory certification when flag State issues DMLC Part I and ratifies the convention.
- Planned certification is likely to reduce overall cost of implementation and certification.
- More than 40,000 vessels will need to be certified in 12 months when the convention is ratified.
- Know certification pitfalls and avoid the last minute rush!
Transition: Voluntary to Statutory

- National requirements must be verified prior to issuing the Convention certificate on behalf of the flag Administration
- Shipowner to submit DMLC Part I accompanied by DMLC Part II when the flag State ratifies the convention and issues DMLC Part I
- Additional verification may be needed
Sticky Areas for Compliance

- Seafarer complaints – onboard and onshore
- Rest hours during peak activity periods
- Social security and other benefits
- Recruitment and placement agencies in non-ratifying countries
- Medical certificates and qualified medical practitioners
- SEA and CBA (missing information, etc.)
- Disbursement of wages and confidentiality concerns
- Food and catering: quality, religious requirements and cultural practices
- Training and familiarization