

Maritime Labour Convention may be here next year



Safety: Eddie Janson

Captain Eddie Janson of MariTrain AB, instructor and consultant in maritime safety, points the Shipgaz spotlight at safety related matters.

The International Labour Organization (ILO) has had conventions concerning shipping for many years. On the International Labour Conference in Geneva in February 2006 ILO adopted the Maritime Labour Convention, 2006 (MLC), an agreement that consolidates almost all of the 68 existing ILO maritime standards into a globally applicable legal instrument.

The convention will enter into force twelve months after 30 of the member states and states, representing more than 33 per cent of the world gross tonnage, have ratified the convention. The European Union have requested their member states to rat-

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In July 2010, nine states, representing more than 45 per cent of the world gross tonnage, had ratified the Maritime Labour Convention.

ify the convention before the end of 2010, if they do so the convention will enter into force at the end of 2011.

When the convention is in force, each ship must have a Maritime Labour Certificate issued on behalf of the flagstate. This certificate will be valid for five years with an intermediate inspection. It will also be subject to port state controls.

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maritime working and living conditions.

Since the convention is a consolidation of existing standards all things are not new to us, but here we will look at some of the changes from existing regulations.

The definition of a Seafarer is "any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies". This includes both the Master and contractors employed by other parties working on board.

Unlike most IMO conventions the MLC has no size limitation to which ships it applies to. It applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities. The convention does not apply to ships that navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, ships engaged in fishing, ships of traditional build – such as dhows and junks – warships or naval auxiliaries.

The convention is divided into five titles:

Title 1. Minimum requirements for seafarers to work on a ship.

Includes regulations on minimum age for seafarers. No one under the age of 16 is allowed to work on a ship and no one under 18 is allowed to work during night time.

All seafarers must have a medical certificate. This is nothing new, but remember that "all seafarers" also includes contractors on board.

Title 2. Conditions of employment.

States that all seafarers must have a written employment agreement. It includes a part about wages, but mentions no amount. The rest hours regulations are the same as in ILO 180.

Title 2 also requires flag states to have national policies to promote employment in the maritime sector and to encourage career and skill de-



PHOTO: JOHANNES SPRANIG

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PHOTO: JØRGEN STRAND

velopment and greater employment opportunities for seafarers domiciled in its territory.

Title 3. Accommodation, recreational facilities, food and catering.

The master must frequently inspect the galley. Cultural and religious backgrounds have to be observed when preparing food. The flagstate shall see that the “Ships’ cooks are trained, qualified and found competent for the position”. So a ship cook’s certificate must be in place before implementation.

Title 4. Health protection, medical care, welfare and social security protection.

All seafarers (including any contractors) shall be given medical and dental care both on board and ashore if needed. A standard medical report form must be developed by the flagstate and used on board.

»All companies must have a complaint procedure, where seafarers can complain about breaches of the MLC«

The master or a designated safety officer must be responsible for implementing an occupational health and safety program on board. A safety committee must be established on all ships with five or more seafarers. All occupational accidents must be reported to the flagstate, which must keep statistics of accidents and incidents.

Flagstates shall ensure that welfare facilities are available to seafarers in port.

All seafarers must be covered by at least three of the following benefits: medical care, sickness benefit, unemployment benefit, old-age benefit,

employment injury benefit, family benefit, maternity benefit, invalidity benefit or survivors’ benefit.

Title 5. Compliance and enforcement.

All companies must have a complaint procedure, where seafarers have the possibility to complain about breaches of the MLC. This procedure must ensure that no seafarer will be punished for complaining and that if not solved on board, the issue will be forwarded to the company.

A company that fulfils all requirements in the MLC will be given a Maritime Labour Certificate. A port state control officer shall only do a more detailed inspection if there are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of the MLC or if there are complaints from any of the Seafarers. *

ILO

→ Founded in 1919. The global body responsible for drawing up and overseeing international labour standards. A ‘tripartite’ UN agency that brings together representatives of governments, employers and workers.