Maritime Labour Code (MLC-2006)

David Dominguez (Capt. Sarmiento de Gamboa)
Juanjo Dañobeitia (UTM- CSIC)
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
“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- Outdated – did not reflect current working & living conditions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
ARTICLES OF THE CONVENTION
General provisions; definitions; application; amendment procedures; transition; entry into force requirements; final provisions.
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

*16TH ERVO MEETING, 11TH–12TH JUNE 2014, BARCEONA, SPAIN*
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