

# 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**

## 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 21<sup>st</sup> century shipping
- Too few ratification to enter into force
- No provisions for enforcement

Stop the proliferation of unilateral legislation

- Diminish the incidents of conflict 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- Outdated – did not reflect current working & living conditions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

**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

Tacit amendment

**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**