

GL Systems Certification



**MLC 2006**

Pocket Guide

# MLC 2006

## Pocket Guide

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## Introduction

This booklet is intended to provide you, your employees and the seafarers onboard your vessels with a brief overview of the Maritime Labour Convention, 2006 (MLC 2006). In addition, it will help you to understand the principles of the Declaration of Maritime Labour Compliance (DMLC) and the new tasks deriving from that. It provides guidance for managing maritime labour compliance through your on-board management system and assists you in being prepared for maritime labour inspections.

Due to the absence of internationally valid minimum standards for seafarers' working and living conditions onboard ships, representatives for governments, shipowners and seafarers jointly agreed on the adoption of the Maritime Labour Convention, 2006. These minimum standards and requirements are reflected in the Maritime Labour Convention, 2006 and will be globally applicable to all ships.

The minimum requirements include: providing seafarers with a safe and secure workplace; fair terms of employment; decent living and working conditions; and social protection such as access to medical care, health protection and welfare.

The Convention comprises three different but related parts: **Articles**, **Regulations** and the **Code**. The Articles and Regulations deal with the core rights and principles and the basic obligations of countries that have ratified the Convention.

The Code, describing how the requirements are to be implemented, consists of two parts:

**Part A:** is mandatory.

**Part B:** consist of guidelines and is not mandatory, but can be helpful and sometimes essential for a proper understanding of the regulations and the mandatory standards in Part A.

Compliance with the Maritime Labour Convention, 2006 will be verified onboard either by the ship's Flag State or on behalf of Flag States by Recognised Organisations, and will be certified by means of a Maritime Labour Certificate issued to each vessel.

The Maritime Labour Convention, 2006, adapted by the ILO in 2006, is expected to enter into force by the end of 2012 or early 2013 and then become mandatory for all ships engaged in commercial activities (except fishing vessels, ships of traditional build and warships or naval auxiliaries).

We trust that this pocket guide will be of benefit to all readers.

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## Definitions

### **Competent Authority**

means the minister, government department or other authority with power to issue and enforce regulations, orders or other instructions that have the force of law with respect to the subject matter of the provision concerned.

### **Declaration of Maritime Labour Compliance (DMLC)**

means a declaration summarising the national laws or regulations implementing an agreed-upon list of 14 areas of the maritime standard. The Flag State of the vessel falling under the MLC 2006 will draw up a ship-specific Declaration of Maritime Labour Compliance, Part I (DMLC I).

The shipowner / operator shall develop and implement measures to ensure compliance with the national requirements in the ship-specific Declaration of Maritime Labour Compliance, Part II (DMLC II).

The declaration is attached to the Maritime Labour Certificate and sets out the shipowner's or operator's plan for ensuring that the national requirements implementing the Convention will be maintained on the ship between inspections.

### **Seafarer**

means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies.

**Seafarer Recruitment and Placement Service**

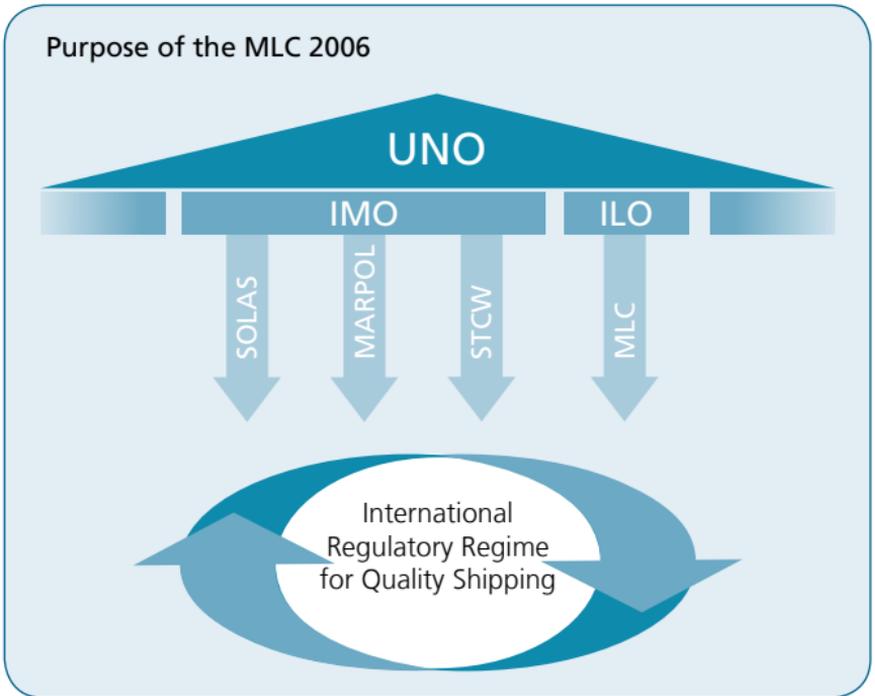
means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.

**Shipowner**

means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

**What is the Maritime Labour Convention, 2006?**

MLC 2006 is often called the fourth pillar of the international maritime regulatory regime because, when it enters into force, it will exist alongside the well-known key IMO Conventions SOLAS, MARPOL and STCW that support quality shipping and help to eliminate substandard shipping. It is often referred to as the „seafarers’ bill of rights“ and it can be described as an objective benchmark for decent working and living conditions for seafarers.



### What are the objectives of the Maritime Labour Convention, 2006?

The new Convention will set out seafarers' right to decent working and living conditions globally and help to create conditions of fair competition for shipowners.

### **How will Flag States implement the MLC 2006?**

The individual implementation depends on the conversion of the MLC 2006 requirements into national law. Flexibility provided for in the MLC 2006 will, therefore, result in various interpretations by Flag States. GL is well prepared to support shipowners in complying with these national requirements.

### **When will the MLC 2006 enter into force?**

It is expected that ratification of the MLC 2006 will be completed by the beginning of 2012 at which time at least 30 member states, accounting for 33% of the world's gross tonnage, will have signed up to the Convention. Once these ratification targets have been achieved, the Convention will come into force 12 months later.

### **How will compliance with the MLC 2006 be enforced?**

Ships of 500 GT or over are required to carry a Maritime Labour Certificate (MLC) as well as a Declaration of Maritime Labour Compliance (DMLC) following a successful initial on-board inspection.

The Maritime Labour Certificate confirms that the working and living conditions have been inspected and verified to meet national laws and regulations implementing the MLC 2006. Ships below 500 GT are subject to an inspection at intervals not exceeding three years, with no certificate to be issued.

### **Where are the new requirements specified?**

The DMLC II describes how the MLC 2006 and the requirements of the ship's Flag Administration are to be implemented on board. It may contain

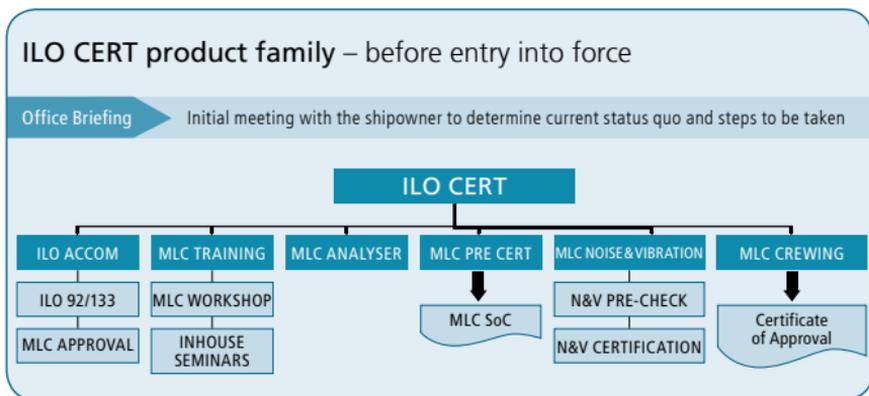
procedures, statements or refer to existing procedures of the ship's Safety Management System (ISM Code).

### How can GL verify compliance?

The DMLC II must be reviewed for compliance against the DMLC I. This must be done by the Competent Authority of the vessel's Flag Administration or a Recognised Organisation (RO) authorised by the Flag Administration such as GL. Only after a successful review of the DMLC II can the ship be inspected by a GL Maritime Labour Inspector.

### How can GL assist in the preparation phase?

GL already has expertise in all ILO relevant certifications. Therefore, we have developed "ILO CERT" – a variety of services covering all aspects of the Maritime Labour Convention, 2006 that ensure proper preparation for full compliance with the requirements of this upcoming mandatory Convention.



## The Process of On-board Inspection

### Step 1: Application for DMLC I with the Flag State

### Step 2: Preparation of DMLC II by the shipowner

### Step 3: Submission of DMLC I+II for review

The result of a satisfactory review is the issuance of a "Letter of Review" by GL that will be forwarded to the ship

### Step 4: Apply for the on-board inspection

### Step 5: On-board inspection

During the on-board inspection, the Maritime Labour Inspector will verify compliance with the ship's national requirements for decent living and working conditions by using various inspection methods:

- ➔ Collecting documented evidence
- ➔ Visual tour of the ship
- ➔ Conducting interviews with seafarers (in private)

### Step 6: Issuance of Maritime Labour Certificate incl. DMLC I + II

After a successful inspection has been conducted, the Maritime Labour Inspector will sign and stamp the DMLC and issue a Maritime Labour Certificate.

## MLC 2006 Requirements

The Regulations and the Code are structured into 5 Titles.

### The titles are:

#### **1. Minimum Requirements for Seafarers to Work on a Ship**

The purpose of the 4 regulations of this title is to ensure that nobody under the prescribed minimum age works on-board a ship. In addition, seafarers must be medically fit and well trained and qualified for the duties they are assigned to.

#### **2. Conditions of Employment**

These regulations ensure that all seafarers shall have fair employment agreements that provide them with adequate leave and entitlements to be repatriated. It requires that their wages are paid monthly and that seafarers shall have regulated hours of work or hours of rest.

#### **3. Accommodation, Recreational Facilities, Food and Catering**

Each seafarer has the right to decent and safe accommodation and recreational facilities. Requirements regarding free access to good food and drinking water on-board are set out here as well.

#### **4. Health Protection, Medical Care, Welfare and Social Security Protection**

The purpose of these regulations are to protect seafarers' health and to ensure that their working and living environment is safe and hygienic.

#### **5. Compliance and Enforcement**

This title addresses the responsibilities of ratifying Member States regarding implementation and ensuring compliance and enforcement with MLC 2006 requirements. The implementation of an on-board complaint procedure, the carriage of a Maritime Labour certificate for vessels of 500 GT and over, and the rectification of deficiencies raised during inspections are just some of the issues determined within this title.

## **On-board Inspection FAQs**

### **How will seafarers' complaints be handled?**

Via the mandatory on-board complaint procedure, the seafarer will be able to lodge a complaint alleging breaches of the requirements of the MLC 2006 (incl. seafarers' rights). Although the Convention emphasises that complaints, in the first instance, should be resolved at the lowest level possible, seafarers have the right to complain directly to the master, and if necessary to appropriate external authorities.

The intention behind this requirement, seeking to resolve complaints on-board, is to avoid involving external parties that could cause an unnecessary delay of the ship.

### **What is the master's role in ensuring compliance with MLC 2006 requirements?**

The master, or a person authorised by the master, shall maintain and sign the records of seafarers' daily hours of work or daily hours of rest. Each seafarer concerned shall endorse his personal copy.

It is the master's obligation to carry out on-board the ship frequent inspections to ensure that accommodation areas and recreational facilities are safe and in a hygienic condition. In addition, regular inspections of the galley, storerooms, provisions and equipment used for the handling and preparation of food shall be carried out by or under the authority of the master.

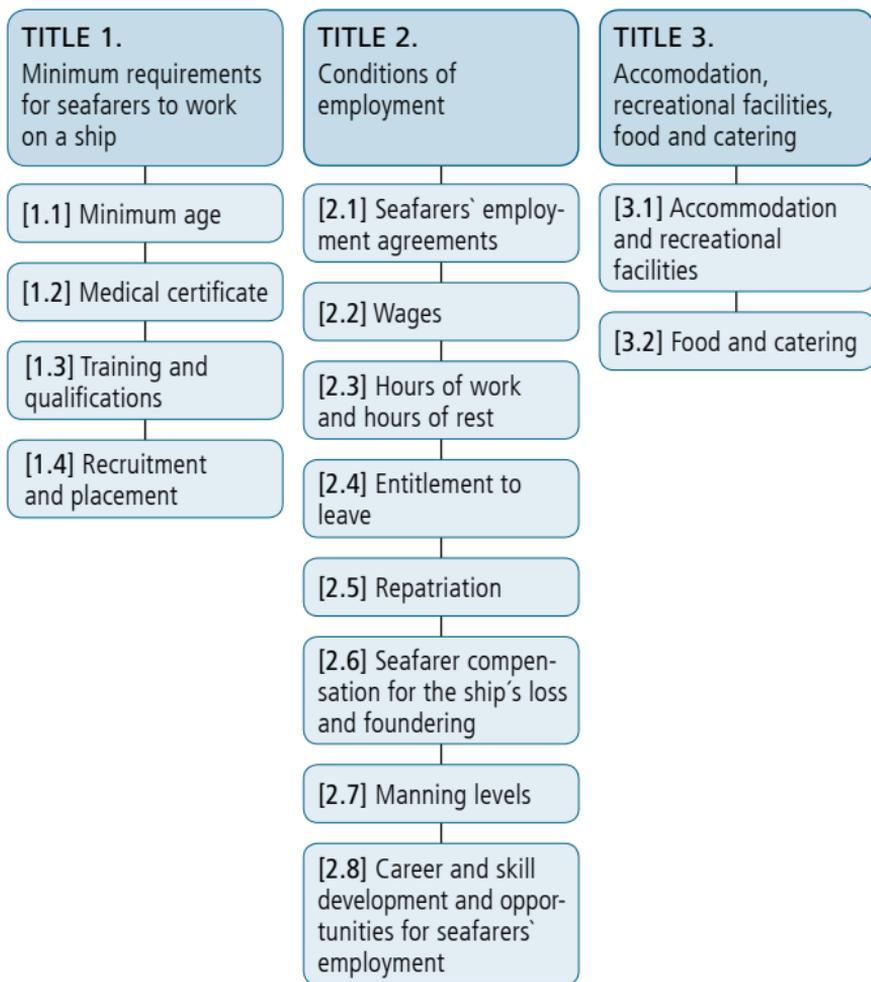
The results of these inspections, either carried out by the master or under his authority, shall be recorded and be available for review, which should include evidence for follow-up and rectifications if deficiencies are found.

In any case, masters should be familiar with the requirements of the MLC 2006 and the responsibilities with regard to its implementation.

### **What happens if the inspectors identify deficiencies?**

The MLC 2006 requires that, before a Certificate can be issued or endorsed or prior to allowing a ship to sail, deficiencies raised during an inspection must either be rectified immediately or a rectification action plan must be provided and agreed on by the inspector.

## The Regulations and the Code



**TITLE 4.**

Health protection, medical care, welfare and social security protection

[4.1] Medical care on board and ashore

[4.2] Shipowners' liability

[4.3] Health and safety protection and accident prevention

[4.4] Access to shore-based welfare facilities

[4.5] Social security

**TITLE 5.**

Compliance and enforcement

[5.1] Flag state responsibilities

[5.1.1] General principles

[5.1.2] Authorization of recognized organizations

[5.1.3] Maritime labour certificate and declaration of maritime labour compliance

[5.1.4] Inspection and enforcement

[5.1.5] On-board complaint procedures

[5.1.6] Marine casualties

[5.2] Port state responsibilities

[5.2.1] Inspections in port

[5.2.2] Onshore seafarer complaint-handling procedures

[5.3] Labour-supplying responsibilities

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