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To all Members

Maritime Labour Convention (MLC)

The Club circular dated 7 March 2013 outlined the background to the MLC and its impact on Club cover. The Philippines became the thirtieth state to ratify the MLC on 20 August 2012, and consequently, the Convention will enter into force on 20 August 2013. Whilst the minimum standards contained in the MLC should be met by the Club's membership, planning will be required to ensure compliance with the new certification, inspection and record keeping requirements. Members are recommended to work with their flag state and classification society to ensure compliance with the provisions of the MLC.

Ships

All ships over 500 GT engaged in international voyages, must be certified as being MLC compliant.

The requirements do not apply to ships which navigate exclusively in inland waters.

Seafarers

The MLC applies to all seafarers. Where there is any doubt as to whether particular categories of persons are to be regarded as "seafarers", the matter must be determined by the flag state after consultation with the relevant shipowners' and seafarers' organisations. Repair and maintenance squads, for example, who spend prolonged periods on board the ship may be regarded by the competent authorities to be seafarers under the MLC.



Certification

Ships greater than 500 GT trading internationally will need a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance (DMLC: see below) issued by the flag state and kept on board as well as displayed in a conspicuous place accessible by the crew.

The Maritime Labour Certificate

The Maritime Labour Certificate will follow an inspection by a recognised organization (RO) to ensure compliance with the MLC's standards in accordance with the flag state's national laws.

Flag states must inspect and approve compliance with the minimum standards with respect to the following before issuing a ship with a Maritime Labour Certificate:

1. Minimum age
2. Medical certification
3. Qualification of seafarers
4. Seafarer employment agreements
5. Use of recruitment and placement services (manning agencies)
6. Hours of work or rest
7. Manning levels
8. Accommodation
9. On board recreational facilities
10. Food and catering
11. Health & safety and accidental prevention
12. On board medical care
13. On board complaint procedures
14. Payment of wages

Certificates are valid for a maximum period of five years with the requirement for intermediate inspections to be held between the second and third year anniversary dates.

An interim Maritime Labour Certificate may be issued for a period that does not exceed six months, for example:

- To a new ship on delivery
- When a ship changes flag or
- When a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

Whilst a separate DMLC is not required, an interim certificate will only be issued following verification that:

- The fourteen key areas listed above have been checked

- The shipowner has demonstrated to the flag state or RO that the ship has adequate procedures to comply with the MLC
- The master is familiar with the requirements of the MLC and the responsibilities for implementation and
- Relevant information has been submitted to the flag state or RO to produce a DMLC.

DMLC

In addition to the Maritime Labour Certificate there is also a requirement to carry on board and maintain a DMLC.

The purpose of the DMLC is to ensure continual compliance with MLC standards, and to assist inspectors in checking that national requirements are properly implemented.

The DMLC comprises of two parts and will be issued by the flag state as an attachment to the Maritime Labour Certificate.

Part I will be prepared by the flag state, listing the fourteen key areas and confirming that they reflect the national requirements, whereas part II will be drawn up and maintained by the shipowner for each ship and will identify the measures adopted to ensure ongoing compliance between inspections.

Certification process:

- Shipowner requests certification for a ship
- Flag state to provide DMLC part I showing issues to be covered by DMLC part II
- Preparation of DMLC part II by the shipowner
- Submission of DMLC parts I and II for review by the flag state; a satisfactory review will result in a request for an on board inspection
- On completion of a satisfactory on board inspection, the DMLC will be stamped and signed and the Maritime Labour Certificate will be issued
- Intermediate inspection (2-3 years)
- Renewal inspection (5 years)

Port State Control (PSC)

Any ship calling at the port of a state that has ratified the MLC may be inspected by PSC for compliance with the MLC's requirements, irrespective of whether the ship's flag state has ratified the MLC. ILO Resolution XVII requests that flag and port states should give due consideration to allowing ships to continue to operate without the Certificate and DMLC for up to a period of one year following the initial entry into force of the Convention, provided that their inspectors have no evidence that the ships do not conform to the requirements of the MLC.

Usually, a PSC inspection should only require a review of the Maritime Labour Certificate and the DMLC. However, if the inspector has clear grounds for suspecting that working and living conditions do not conform to the MLC standards then a more detailed inspection could be required.

Such grounds would include:

- The Maritime Labour Certificate and DMLC are not available or are invalid or falsified
- There are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of the MLC
- A specific complaint has been received about the quality of the working and living standards
- The ship has changed flag to avoid compliance.

Where any non-compliance affects on board health and safety, or is a serious breach of on board health and safety, the PSC officer can detain the ship. The MLC requires that port states should make every possible effort to avoid a ship being unduly detained or delayed. If the deficiency is not significantly serious, it is possible that the port state will instead require a rectification plan to be drawn up and implemented before the next port of call, where the ship can be inspected again.

Examples of serious breaches where the ship could be detained include:

- The presence of any seafarer on board under the age of 16
- The employment of any seafarer under the age of 18 in work likely to jeopardise their health or safety
- Insufficient manning, including that caused by the removal of the Safe Manning Document of underage seafarers
- Any other deficiencies constituting a violation of fundamental rights and principles of seafarers' employment and social rights
- Seafarers repeatedly having less than the required minimum hours of rest
- Seafarers repeatedly not having valid certificates confirming medical fitness
- Ventilation, and/or air conditioning or heating that is not working adequately
- Quality and quantity of food and drinking water not being suitable for the intended voyage
- Medical guide, medicine chest or medical equipment, as required, not being on board
- No seafarer qualified to be in charge of medical care on board.

On board complaints procedure

The on board complaints procedure, allows seafarers to enforce their rights under the MLC. Shipowners must ensure their ships have procedures on board and each seafarer must be provided with a copy of the procedures. In all cases the seafarer must be able to complain directly to the master and where appropriate must also be able to complain to external authorities.



Checklist

The attached checklist may assist Members prepare ships for PSC inspections. The checklist is extracted and reproduced with kind permission from *The ISF Guidelines on the Application of the ILO MLC*.

Britannia Members can purchase *The ISF Guidelines on the Application of the ILO MLC* with the benefit of a 20% discount from the ISF headquarters.

An ISF order form can be accessed at the following link:

<http://www.britanniapandi.com/download.cfm?docid=56F1BDFF-F63C-4FE5-AB3CADAB195F5CC2>

CHECKLIST TO HELP SHIPOWNERS ENSURE MLC COMPLIANCE



This document has been prepared to assist shipowners when reviewing their ships' readiness to comply with the MLC.

General principles		Y/N
1	Is a copy of the MLC 2006 available on board?	
Regulation 1.1 – Minimum age		Y/N
2	Are all seafarers employed on board over the age of 16?	
3	Are any seafarers who are under the age of 18 carrying out work or being employed in situations which is likely to jeopardise their health or safety?	
4	Are any seafarers under the age of 18 employed in night work (except where an exemption has been granted with respect to training courses)?	
Regulation 1.2 – Medical certificate		Y/N
5	Do all seafarers hold valid medical certificates?	
Regulation 1.3 – Training and qualifications		Y/N
6	Do all seafarers hold valid appropriate STCW certificates and endorsements?	
7	Is there evidence available to confirm that seafarers have completed training for personal safety on board ship (including STCW Basic Training and shipboard familiarisation as appropriate)?	
8	Do ratings, for whom it is applicable, hold certificates for the rank of Able Seafarer as may be required by the flag state?	
Regulation 1.4 – Recruitment and placement		Y/N
9	Are any seafarer recruitment and placement services used (manning agents) licensed, certified or regulated in accordance with MLC and national requirements?	
10	Has the manning agent provided evidence of a system of financial protection (such as insurance) to compensate for any failure to meet its obligations to the seafarer?	
11	Are seafarers being provided with recruitment and placement services free of charge?	
12	Is there evidence to confirm that any recruitment and placement services based in nations not party to the MLC 2006 are operated in compliance with the MLC?	
Regulation 2.1 – Seafarers' employment agreements (SEA)		Y/N
	Do the seafarers' employment agreements contain the following information:	
13	Full name?	
14	Date of birth or age?	
15	Birthplace?	
16	Shipowner's name and address?	
17	The place where and date when the SEA is entered into?	
18	The capacity in which the seafarer is to be employed?	
19	The amount of the seafarer's wages or, if applicable, the formula used for calculating them?	

20	The amount of paid annual leave (at least 2.5 days/month) or, if applicable, the formula used for calculating it?	
21	The termination of the agreement and the conditions thereof, including: (a) If the agreement is for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period which must not be less for the shipowner or the seafarer? (b) If the agreement is for a definite period, the date fixed for its expiry? (c) If the agreement is for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged?	
22	The health and social security protection benefits to be provided to the seafarer by the shipowner?	
23	The seafarer's entitlement to repatriation?	
24	Reference to the collective bargaining agreement, if applicable?	
25	Any other particulars as required by national legislation?	
Regulation 2.2 – Wages		Y/N
26	Are the crew covered by a collective bargaining agreement (CBA)? (NB: Use of CBAs is not a mandatory requirement, unless specified by relevant national law.)	
27	If yes, are the terms and conditions of the CBA with respect to hours of work and remuneration written in the SEAs?	
28	Are all the elements of the employment contract (basic wages, leave pay, allowances, overtime etc) reflected in the seafarer's wage account?	
29	Do the hours of work recorded in the wage account correspond with the crew overtime records and/or hours of work and rest?	
30	Do the times of entering/leaving port, manoeuvring, loading/discharging, as recorded in the ship's log, correspond with the recorded working hours of the crew members concerned?	
31	Is there only one set of wage accounts in use?	
32	Can the validity of any large cash advances or allotments that are shown in wage accounts be substantiated?	
33	If large cash advances are shown as being paid at sea can it be established when and by who the money was delivered to the ship?	
34	Was this money delivered to the ship by the agent and paid to the Master's general account? If so can the Master provide a copy of the receipt?	
35	Have seafarers authorised the Master/shipowner to make allotments? If so can the ship provide evidence of any such authorisation or allotment advice?	
36	Can the ship demonstrate that the company checks the bank account details of each seafarer and provide confirmation of remittances?	
Regulation 2.3 – Hours of work and hours of rest		Y/N
37	Is there a standardised table of shipboard arrangements for hours of work and rest posted up in an easily accessible place?	
38	Is the table in the working language of the ship and in English?	
39	Does the ship maintain records that demonstrate that the minimum hours of work and rest (and other detailed requirements of the MLC) are adhered to by all seafarers?	
40	Are up to date records of hours of work and rest available for each seafarer?	
41	Are seafarers issued with a signed copy of their individual work/rest hour record?	

Regulation 2.4 – Entitlement to leave		Y/N
42	Are seafarers allowed paid annual leave of at least 2.5 days per 30 day month of employment and in accordance with national legislation?	
Regulation 2.5 – Repatriation		Y/N
43	Are seafarers repatriated with no cost to themselves and in accordance with national legislation?	
44	Has the shipowner obtained financial security to ensure that repatriation will always occur?	
Regulation 2.7 – Manning levels		Y/N
45	Is the ship manned in accordance with the Safe Manning Document issued by the flag state?	
Regulation 3.1 – Accommodation and recreational facilities		
Sleeping rooms		Y/N
46	Are separate sleeping rooms provided for men and women?	
47	Is the floor area of the sleeping rooms in accordance with MLC requirements?	
48	Does the ventilation meet national legislation requirements for satisfactory air circulation?	
49	Has the heating system been shielded, if necessary to avoid danger?	
50	Is there shielded lighting, including a reading lamp at the head of each berth?	
51	Are the sleeping rooms located above the loadline and either amidships or aft (in ships other than passenger ships); with no sleeping rooms located forward of the collision bulkhead?	
Mess rooms		Y/N
52	Are the mess rooms separate from sleeping rooms and located as close as practicable to the galley?	
53	Is there a common mess room used by all personnel or alternatively are separate mess rooms provided for the Master and officers and petty officers and ratings?	
54	Are the size of the mess rooms, their equipment, tables and chairs sufficient for the number of persons likely to use them at any one time?	
55	Is the floor area of each mess room on ships other than passenger ships at least 1.5m ² per person?	
56	In addition to tables, chairs and lockers for storing mess utensils do the mess rooms have a conveniently situated refrigerator and facilities for hot beverages and cool water?	
Recreation facilities		Y/N
57	Where practicable have recreation room(s) been provided for seafarers?	
58	Are the recreation rooms fitted, as a minimum, with a book case and facilities for reading, writing and where practicable, games and a canteen?	
59	In addition to the above, has consideration been given to providing the following facilities where practicable: a smoking room, television and radio reception facilities together with electronic equipment such as a television, radio, video recorders, DVD players and personal computers, a stock of films sufficient for the voyage, sports equipment such as exercise equipment, table tennis, and deck games, a suitably stocked library and, if appropriate, bars for the use of seafarers?	
60	Do seafarers have reasonable access to ship-to-shore telephone communication, email and internet facilities (the charges for the use of this equipment should be reasonable)?	

Sanitary facilities		Y/N
61	Are the number of private and semi-private bathrooms in accordance with national legislation?	
62	Does the number of toilets, wash basins, tubs and showers that are provided for seafarers without personal facilities meet applicable national legislation?	
63	Are separate sanitary facilities provided for men and women?	
64	Do the facilities have sufficient lighting, heating and ventilation?	
65	Is adequate drainage provided, together with hot and cold fresh water available in all wash spaces?	
66	Are the decks, bulkheads, partitions etc impervious to damp and easily cleaned?	
67	In addition to the above has the following been provided? Hot and cold hand washing and drying facilities, toilets with an ample supply of flushing water or some other means which is available at all times and independently controllable, sufficient screening to ensure privacy, anti-scalding mixing valves for showers and adequate drainage to ensure the free discharge of water from the deck.	
Laundry facilities		Y/N
68	Are there a sufficient number of suitable sinks and washing machines with an adequate supply of hot and cold fresh water?	
69	Are there a suitable number of drying machines, drying rooms and/or rooms adequately heated and ventilated and fitted with a means for hanging clothes?	
70	Have irons and ironing boards (or similar) been provided?	
71	Are there a sufficient number of ventilated compartments/lockers for hanging oilskins and working clothes, situated in the vicinity of the sleeping rooms?	
Hospital accommodation		Y/N
72	If the ship is intended to be at sea for a continuous period of more than 3 days and is carrying more than 15 persons is there permanent hospital accommodation with a designated toilet and washbasin?	
73	Have the entrance, berths, lighting, ventilation, heating and water supply been designed in such a way as to ensure the comfort and the treatment of patients and is the number of hospital beds/person in accordance with national legislation?	
74	Is the hospital only used for the treatment of sick or injured people?	
75	Has a secure medical locker suitable for the storage of medicines been provided?	
Offices		Y/N
76	Have separate offices (or a common office for use by all officers of the deck and engine room departments) been provided (unless an exemption has been granted for ships under 3,000 GT)?	
Other facilities		Y/N
77	Are separate changing facilities provided for members of the engine room department?	
78	Are they located outside the machinery space but conveniently close to it and fitted with individual clothes lockers?	
79	Is the changing room fitted with toilet and shower facilities?	

Regulation 3.2 – Food and catering		
Galleys		Y/N
80	Does the design and layout of the galley permit good hygiene practices including protection against contamination?	
81	Are the surfaces of the decks, bulkheads, deckheads and doors constructed from impervious, non-absorbent, washable and non-toxic materials thus preventing the accumulation of dirt, condensation, the growth of undesirable mould and the shedding of particles?	
82	Has a suitable natural or mechanical ventilation system been provided and constructed to permit easy maintenance including access to filters?	
83	Is the ambient temperature in the galley acceptable?	
84	Does the galley have adequate natural or artificial lighting?	
85	Are the drainage facilities adequate and designed/constructed to prevent contamination?	
86	Is there an adequate supply of hot and cold water available in the galley for washing food?	
87	Are the work surfaces (including the surfaces of galley equipment, and uptake grease filters) maintained in a good condition and are they easy to clean and disinfect?	
88	Are adequate facilities provided for the cleaning, disinfecting and storage of utensils and equipment?	
Food storage arrangements		Y/N
89	Are there a sufficient number of temperature controlled food storage and handling rooms for the number of persons on board and the duration of the voyage?	
90	Are the temperatures of the deep freezers and dry provision rooms maintained in accordance with national legislation (e.g. -18° C for deep freezers and 7° C for dry provision rooms)?	
91	Are the cold store rooms insulated and ventilated in order to maintain the correct temperatures?	
92	Are the cold store room doors operable from both sides?	
93	Are the cold store rooms fitted with man trap alarms?	
Food preparation and supply		Y/N
94	Is the condition of the food satisfactory?	
95	Is the food being correctly stored with respect to stock rotation, segregation and spillages?	
96	Is the food being defrosted in cool clean conditions?	
97	Are the hot and cold holding arrangements in accordance with national legislation?	
98	Is the meal preparation to serving time satisfactory?	
99	Is the variety of the food provided satisfactory?	
Domestic fresh water supplies		Y/N
100	Is the hot water stored and delivered at the taps at a temperature in accordance with national legislation (e.g. 60°C and 50°C respectively)?	
101	Has the piping been adequately insulated where hot and cold water pipes run together?	
102	Are records available to confirm that the fresh water storage tanks have been cleaned and disinfected within the last 12 months?	

103	Are records available to confirm that shower heads (where fitted) are cleaned and disinfected every 3 months?	
104	Are the fresh water loading hoses capped and stored correctly?	
105	Are records available to confirm that the fresh water loading hoses are being regularly disinfected?	
Hygiene		Y/N
106	Are there adequate facilities for hand washing and drying?	
107	Are there sufficient cleaning agents available?	
108	Are the chemical cleaning agents being stored correctly?	
109	Are there sufficient cleaning cloths available and are they being used correctly?	
110	Are separate chopping boards being used for different foods to prevent cross contamination?	
111	Are the arrangements for disposing of food waste in accordance with national legislation?	
112	Are there any signs of vermin or pests being present in the food areas?	
Catering staff		Y/N
113	Are the catering staff wearing clean and suitable personal protective clothing?	
114	Is personal protective clothing available for use (and being used) with chemical cleaning agents?	
115	Are the training records of the ship's cook and other catering staff available?	
116	Is the catering staff's knowledge of food safety satisfactory?	
Regulation 4.1 – Medical care on board ship and ashore		Y/N
117	Are seafarers adequately covered for protection of their health?	
118	Do seafarers have prompt access to adequate medical care including essential dental care?	
119	Is health protection and care provided free of charge?	
120	Are seafarers permitted by the shipowner to visit a qualified medical doctor or dentist in port (where practicable) without delay?	
Regulation 4.2 – Shipowners' liability		Y/N
121	Does the shipowner provide material assistance and support with respect to the financial consequences of sickness, injury or death whilst serving under a SEA?	
122	Does the shipowner bear the costs in respect to sickness and injury to seafarers working on their ships?	
123	Does the shipowner provide financial security to assure compensation in the event of death or long term disability as set out in the SEA, CBA and national legislation?	
124	Are measures in place to safeguard property left on board by sick, injured, or deceased seafarers?	
Regulation 4.3 – Health and safety protection and accident prevention		Y/N
125	Is the ship being maintained in a clean and tidy condition?	
126	Is the safe access/means of escape satisfactory?	
127	Are any openings in the decks etc guarded or covered?	
128	Is personal protective equipment in good order and being maintained correctly?	
129	Is personal protective equipment being used correctly?	

130	Are machinery guards correctly secured in place (including those in the way of hot/cold surfaces)?	
131	Do machinery emergency stop devices function correctly?	
132	Are seafarers aware of the risks posed by enclosed spaces and the procedures required to enter them?	
133	Are suitable and sufficient risk assessments available?	
134	Are seafarers aware of any guidelines pertaining to the management of occupational health and safety?	
135	Have the risks faced by young persons been addressed?	
136	Is the shipboard safety committee (where required by national legislation) functioning correctly?	
137	Are safety inspections (where required by national legislation) being carried out correctly?	
138	Are the issues raised by the safety committee and safety inspections being addressed in a timely manner?	
139	Are the shipboard safety officer and safety representatives (where required by national legislation) aware of their roles and responsibilities?	
140	Are occupational accidents and diseases being investigated and reported in accordance with national legislation?	
Regulation 4.5 – Social security		Y/N
141	If it is a state contributory system, is there evidence available to confirm that the appropriate contributions are being made as required by national legislation, by seafarers and the employer?	
Regulation 5.1.5 – On board complaint procedures		Y/N
142	Is there a system in place for handling seafarers' complaints alleging breaches of the MLC 2006?	
143	Are seafarers given a copy of the complaints procedure?	



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