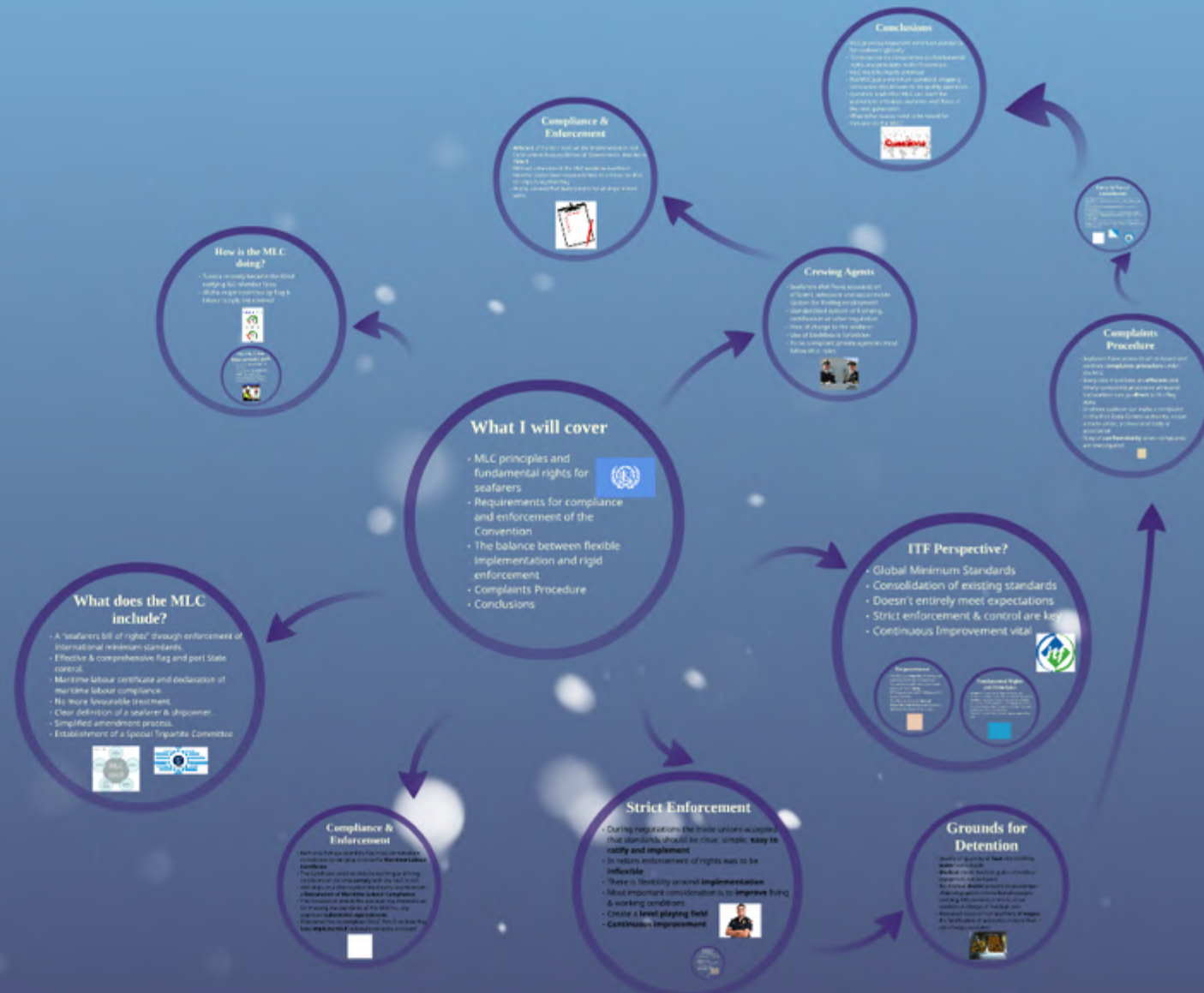


The Maritime Labour Convention, 2006



An ITF Perspective



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What I will cover

- MLC principles and fundamental rights for seafarers
- Requirements for compliance and enforcement of the Convention
- The balance between flexible implementation and rigid enforcement
- Complaints Procedure
- Conclusions



How is the MLC doing?

- Tunisia recently became the 82nd ratifying ILO Member State
- All the major countries by flag & labour supply are covered



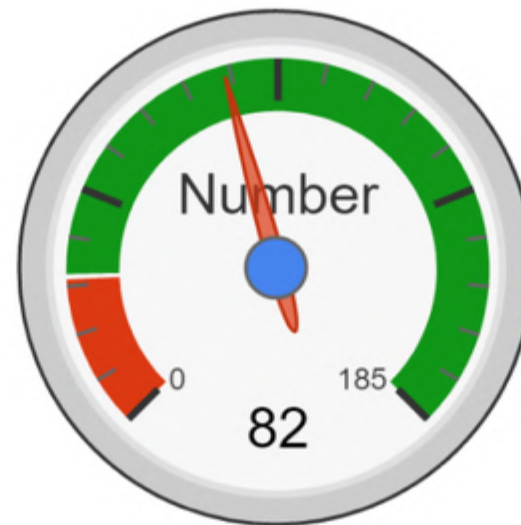
The MLC has three primary goals

- To ensure "**decent work**" for seafarers
- To establish a "**level-playing field**" – for shipowners
- To **continuously improve** living & working conditions

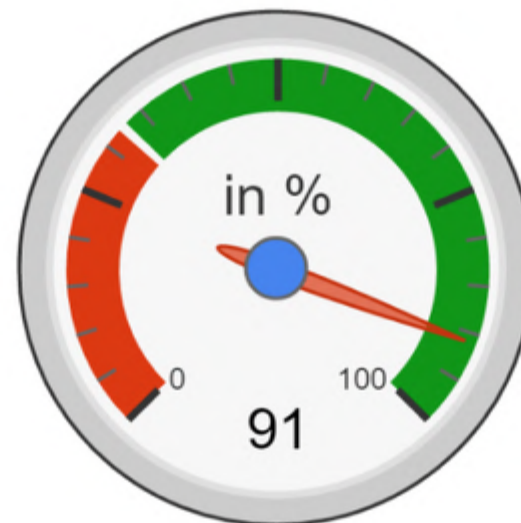


Ratifications progress

Number of ILO member States having ratified the Convention >



Percentage of world gross tonnage of ship



The MLC has three primary goals

- To ensure “**decent work**” for seafarers
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What does the MLC include?

- A “seafarers bill of rights” through enforcement of international minimum standards.
- Effective & comprehensive flag and port State control.
- Maritime labour certificate and declaration of maritime labour compliance.
- No more favourable treatment.
- Clear definition of a seafarer & shipowner.
- Simplified amendment process.
- Establishment of a Special Tripartite Committee



Articles plus 5 Titles



Minimum age

1

2

Medical Certification

3

Qualifications of seafarers

4

Seafarers Employment Agreements

5

Use of any licensed/ certified/ regulated private recruitment and placement service

6

Hours of work or rest

7

Manning levels for the ship

8

Accommodation

Subject to FSC/PSC

10

Food and Catering

11

Health, Safety and Accident Prevention

12

On-board medical care

13

On-board complaint procedures

14

Payment of wages

Content of the MLC

ITF Perspective?

- Global Minimum Standards
- Consolidation of existing standards
- Doesn't entirely meet expectations
- Strict enforcement & control are key
- Continuous Improvement vital



Empowerment

- The MLC can **improve** the living and working conditions of seafarers
- But seafarers will need to be made aware of their **rights**.
- ITF Inspectors and ITF affiliates will seek to do this
- The MLC and the ILO **Special Tripartite Committee** will provide a forum to challenge flag States.



Fundamental Rights and Principles

- **Article 3** – Fundamental Rights and Principles
- Inc. FOA & recognition of right to collective bargaining
- **Article 4** – Seafarers Employment and Social Rights
- Inc. safe & secure workplace; fair employment terms; decent working & living conditions; health protection, medical care & social protection.
- These Articles are the essential underpinning of the MLC.



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Crewing Agents

- Seafarers shall have access to an efficient, adequate and accountable system for finding employment
- Standardised system of licensing, certification or other regulation
- Free of charge to the seafarer
- Use of blacklists is forbidden
- To be compliant private agencies must follow MLC rules



Compliance & Enforcement

- **Article 5** of the MLC sets out the Implementation and Enforcement Responsibilities of Governments, detailed in **Title 5**
- Without enforcement the MLC would be worthless
- Member States have responsibilities to enforce the MLC on ships flying their flag
- And to conduct Port State Control for all ships in their ports



Compliance & Enforcement

- Each ship flying a country's flag must demonstrate compliance by carrying on board a **Maritime Labour Certificate**
- The Certificate certifies that the working and living conditions of the ship **comply** with the MLC in full
- And ships on a ship register must carry and maintain a **Declaration of Maritime Labour Compliance**
- The Declaration details the national requirements set for meeting the standards of the MLC inc. any approved **substantial equivalences**
- Shipowner has to complete DMLC Part II on how they have **implemented** national provisions on board



Strict Enforcement

- During negotiations the trade unions accepted that standards should be clear, simple, **easy to ratify and implement**
- In return enforcement of rights was to be **inflexible**
- There is flexibility around **implementation**
- Most important consideration is to **improve** living & working conditions
- Create a **level playing field**
- **Continuous improvement**



Grounds for Detention?

- The presence of any worker under the age of 18 or over 65 under the age of 18 in which likely to jeopardise their health
- Inadequate training
- Violations of the fundamental rights and principles of workers' engagement & social rights
- Removal of workers without social consultation



Grounds for Detention?

- The presence of any seafarer under the age of **16** on board/under the age of **18** in work likely to jeopardise their health
- Insufficient **manning**
- **Violations** of the fundamental rights and principles of seafarers employment & social rights
- Repeated cases of seafarers without valid **certificates**



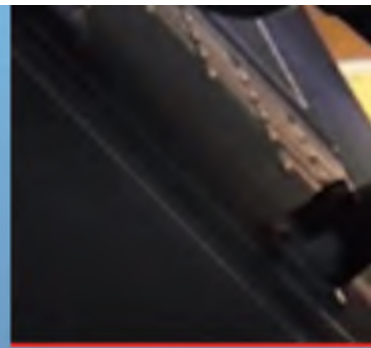
Grounds for Detention?

- Seafarers repeatedly working beyond their maximum hours of work permitted in the respective provisions based on their classification or on considering their working conditions
- Accommodation, including catering and sanitary facilities, shall be on par with or better than normal housing
- Seafarers not in possession of valid seafarers' employment agreements
- Cases of child labouring, sexual harassment



Grounds for Detention?

- Seafarers repeatedly working beyond maximum **hours of work** permitted or not receiving minimum hours of rest
- **Ventilation** or air conditioning not working adequately
- **Accommodation**, including catering and sanitary facilities, that is unhygienic or with equipment missing
- Seafarers not in possession of valid **seafarers' employment agreements** (SEAs) or SEAs containing invalid clauses



MODEL FORMAT FOR SEAFARER EMPLOYMENT AGREEMENT

THIS AGREEMENT IS BETWEEN:-

.....
(insert Seafarer's full name)

.....
(insert date of birth)

.....
(insert place of birth – town and country)

and

.....
(insert Shipowner's name)

.....
(insert Shipowner's full address)

CAPACITY IN WHICH SEAFARER IS TO BE EMPLOYED

The capacity in which you are initially employed is
.....

(insert capacity)

PLACE OF WORK

You will be employed on
.....

(insert name of vessel or state any vessel owned , managed or chartered by the shipowner)

WAGES

Your wages will be (insert amount and currency) per week/month/year (delete as appropriate) or formula for determining wages

Grounds for Detention

- Quality or quantity of **food** and drinking **water** not suitable
- **Medical** chest, medical guide or medical equipment not on board
- No medical **doctor** present on passenger ships engaged in international voyages carrying 100 persons or more, or no seafarer in charge of medical care
- Repeated cases of non-payment of **wages**, the falsification of accounts or more than 1 set of wage accounts



Complaints Procedure

- Seafarers have access to an on-board and onshore **complaints procedure** under the MLC
- Every ship must have an **efficient** and timely complaints procedure on-board, but seafarer can go **direct** to the flag state
- Onshore seafarer can make a complaint to the Port State Control authority, so can a trade union, professional body or association
- Duty of **confidentiality** when complaints are investigated



IF THERE'S
ANYTHING
ELSE YOU
NEED, PLEASE
HESITATE
TO ASK.



Entry in Force/ Amendments

- **20th August 2013** the date for first enforcement of MLC, applicable to 12 states who had ratified MLC 2006 by 20th August 2012
- Amendments on **Financial Security** came into force in **January 2017**
- Further amendments on validity of the **Maritime Labour Certificate** and **Bullying & Harassment** likely to come into force in **2018**
- Further amendments likely to be agreed in April 2018 (w.e.f. **2020**) covering payment of wages whilst held **captive** (piracy/armed robbery)



Conclusions

- MLC provides important minimum standards for seafarers' globally
- There can be no compromise on fundamental rights and principles in the Convention
- MLC must be rigidly enforced
- But MLC just a minimum standard, shipping companies should seek to be quality operators
- Question is whether MLC can meet the aspirations of today's seafarers and those of the next generation
- What other issues need to be raised for inclusion in the MLC?



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