



European Maritime Safety Agency

MED MoU PSC SEMINAR Lisbon 16-19 June 2014

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PSC INSPECTION OF LABOUR CONDITIONS ON BOARD SHIPS



European Maritime Safety Agency

INSPECTION OF LABOUR CONDITIONS ON BOARD SHIPS

Med MoU on PSC - Basic Principles

PS Authority apply:

Instruments in force (the port State is party to)

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Amendments in force (the port State has accepted)

No more favourable treatment to ships & crews of non-ratifying flag States

INSPECTION OF LABOUR CONDITIONS ON BOARD SHIPS

OLD REGIME 1926 – 2013

- Standards for living & working conditions on board ships
<37 Conventions and <30 Recommendations
- Inspection tool
Merchant Shipping (Minimum Standards) Convention, 1976 (C147)



NEW REGIME 2013 - on

- Standards for living & working condition on board ships
- one instrument
Maritime Labour Convention, 2006 (MLC)
- Inspection tool - MLC

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Med MoU members – statistics on ratification

Med MoU member	C 147	MLC 2006
Algeria	Ratified, in force	Not ratified, not in force
Cyprus	Denounced	Ratified, in force
Egypt	Ratified, in force	Not ratified, not in force
Israel	Ratified, in force	Not ratified, not in force
Jordan	Ratified, in force	Not ratified, not in force
Lebanon	Ratified, in force	Ratified, not yet in force
Malta	Denounced	Ratified, in force
Morocco	Denounced	Ratified, in force
Tunisia	Not ratified, not in force	Not ratified, not in force
Turkey	Not ratified, not in force	Not ratified, not in force

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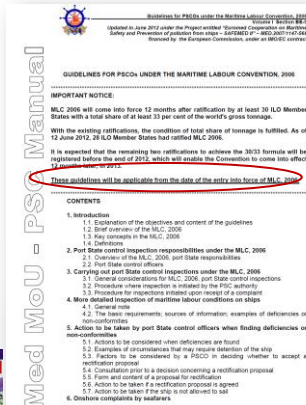
INSPECTION OF LABOUR CONDITIONS ON BOARD SHIPS

Legal grounds:

Med MoU on PSC

Section 2 Relevant Instruments

- 2.1 For the purposes of the Memorandum "relevant instruments" are, together with the **Protocols and amendments** to these instruments and related codes of mandatory status in force the following instruments:
- * The International Convention on Load Lines, 1966;
 - * The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
 - * The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974;
 - * The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);
 - * The International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 (STCW 78);
 - * The Convention on the International Regulations for Preventing Collisions at Sea, 1972;
 - * **The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147);**
- 2.2 With respect to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147). Each Authority will apply the instructions in Annex 1 for the application of ILO publication "Inspection of Labour Conditions on board Ship: Guidelines for procedure".



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INSPECTION OF LABOUR CONDITIONS ON BOARD SHIPS

Med PSC regime under C147

- **Umbrella Convention** – refers to a **number of ILO Conventions**, listed in Appendix
- Inspections – based on a **complaint or evidence for non-conformity** with the **standards** of C147 (what standards?)
- Subject to inspection - **any ship** regardless of whether the flag State has ratified C147
- Follow-up actions:
 - Report to the flag State + copy to the Director-General of ILO if a ship fails to meet the C147 requirements;
 - Ensure rectification of deficiencies, clearly hazardous to seafarers' safety and health before proceeding to sea (*may even include detention until corrective actions are taken*)

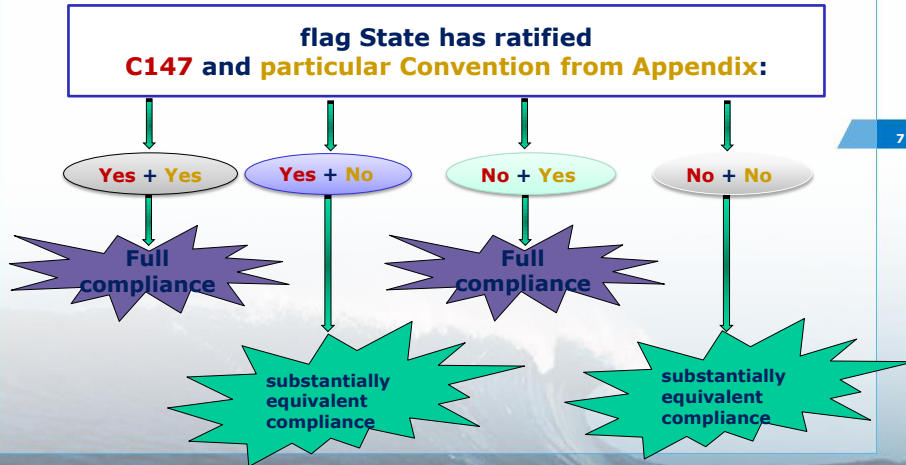
C147 - Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

ANNEX
APPENDIX
Minimum Age Convention, 1973 (No. 138) or
Minimum Age (Sea) Convention (Revised), 1976 (No. 181) or
Minimum Age (Sea) Convention, 1920 (No. 7)
Seafarers' Liability (Ship and Inland Business) Convention, 1976 (No. 151) or
Seafarers Insurance (Sea) Convention, 1926 (No. 183) or
Medical Care and Scheme Benefits Convention, 1949 (No. 101)
Medical Examination (Seafarers) Convention, 1948 (No. 73)
Prevention of Accidents (Seafarers) Convention, 1970 (No. 133) (Article 4 and 7)
Accommodation of Crews Convention (Revised), 1946 (No. 102)
Food and Catering (Shipboard) Convention, 1946 (No. 103) (Article 3)
Offshore Company Certificate Convention, 1948 (No. 102) (Article 2 and 4)
(Note: In cases where the established licensing system or certification structure of a State could be prejudiced by problems arising from strict adherence to the relevant standards of the Offshore Company Certificate Convention, 1948, the principle of substantial equivalence shall be applied so that there will be no conflict with that State's established arrangements for certification.)
Seafarers' Articles of Agreement Convention, 1926 (No. 181)
Registration of Seafarers Convention, 1926 (No. 181)
Foundations of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1948 (No. 98)

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INSPECTION OF LABOUR CONDITIONS ON BOARD SHIPS

How to decide on applicable standards ?



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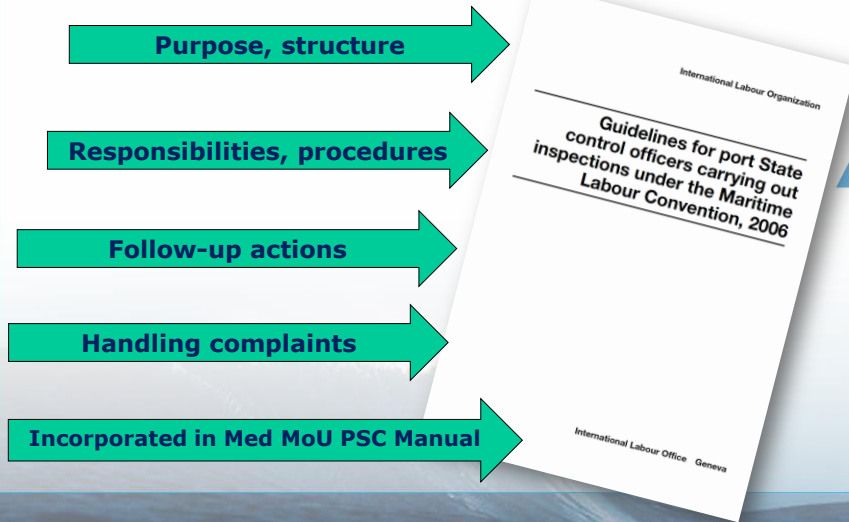
Maritime Labour Convention, 2006

- Relevant instrument under PSC - **since 20 August 2013**
- Purpose of the PSC inspection under MLC: To determine compliance with the requirements of the Convention (**14 areas** of working & living conditions on ships, Appendix A5-III)
- Maritime Labour Certificate (MLC) & Declaration of Maritime Labour Compliance (DMLC) – **prima facie** evidence for compliance
- Potential phases/stages of inspection:
 - Document review
 - More detailed inspection
 - Actions to be taken in case of deficiencies & non-conformities (*including detention*)

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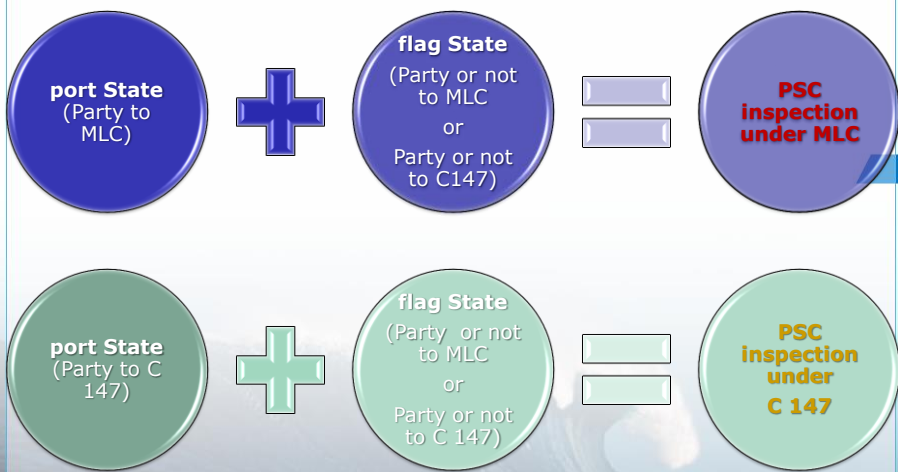


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Thank you



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