



# Understanding the MLC, 2006



- **Key elements of the MLC, 2006**
- **Compliance and Enforcement**
- **Minimum requirements for Seafarers**
- **Conditions of employment**
- **Accommodation, recreational facilities, food and catering**
- **Health protection, medical care, welfare and social security protection**



**Get an overview of the Maritime Labour Convention, 2006 with a particular emphasis on the port State control responsibilities**

## What is the Maritime Labour Convention, 2006?

*Why is an important relevant instrument?*



# Key elements of the MLC, 2006

- **Proposed by Shipowners and Seafarers in 2001**
- **Adopted in February 2006**
- **Entered into force on 20 August 2013**







**Set the rights which should be given to Seafarers**



## Fundamental rights

- Freedom of association (CE
- Elimination of all forms of forced or compulsory labour
- Effective abolition of child labour
- Elimination of discrimination in employment and occupation





## Seafarers' rights

- Fair terms of employment
- Decent living and working conditions on board
- Health protection, medical care and protection







## Structure of the Convention

- **1st level: Articles**
- **2nd level: Regulations.**
- **3rd level: A two part Code**
  - **Part A: Mandatory Standards**
  - **Part B: Non-mandatory Guidelines**
- **Explanatory note (Does not form part of the Convention – General guide)**
- **Resolutions**



## Vertical integration

### Regulation 1.2 – Medical certificate

***Purpose: To ensure that all seafarers are medically fit to perform their duties at sea***

**1. Seafarers shall not work on a ship unless they are certified as medically fit to perform their duties.**

### Standard A1.2 – Medical certificate

**1. The competent authority shall require that, prior to beginning work on a ship, seafarers hold a valid medical certificate attesting...**

### Guideline B1.2 – Medical certificate

**1. Guideline B1.2.1 – International Guidelines**

**The competent authority... should follow**



**Articles – Regulations – Standards – Guidelines**

**Which of them are subject to inspection?**

# Key elements of the MLC, 2006

**Article I – General obligations.**

**Article II – Definitions and scope of application.**

**Article III – Fundamental rights and principles.**

**Article IV – Seafarers' employment and social rights.**

**Article V – Implementation and enforcement responsibilities.**

**Article VI – Regulations and parts A and B of the Code.**

**Article VII – Consultation with shipowners' and seafarers' organisations.**

**Article VIII –Entry into force.**



**Article IX - Denunciation.**

**Article X – Effect of entry into force.**

**Articles XI & XII – Depositary functions.**

**Article XIII – Special tripartite committee.**

**Article XIV – Amendment of the convention.**

**Article XV – Amendments to the Code.**

**Article XVI – Authoritative languages.**





- How is with regard to the ratification process?
- Who will responsible for the survey and certification?
- Who will be responsible for the enforcement?
- Has the DMLC Part I been set?

# Compliance and Enforcement



<b>Title 1 – Minimum requirements for seafarers to work on a ship</b>	<b>Requirements for the ship</b>
<b>Title 2 – Conditions of employment</b>	
<b>Title 3 – Accommodation, recreational facilities, food and catering</b>	
<b>Title 4 – Health protection, medical care, welfare and social security</b>	
<b>Title 5 – Compliance and Enforcement</b>	<b>Responsibilities for the Administration</b>



## Who or what does the MLC, 2006 apply to?

### Article II

- **Seafarers: all persons working on a ship (to which the Convention applies)**
- **Ships: all ships, ordinarily engaged in commercial activities except for:**
  - **ships exclusively in inland waters**
  - **ships engaged in fishing etc**
  - **warships and ships of traditional build**

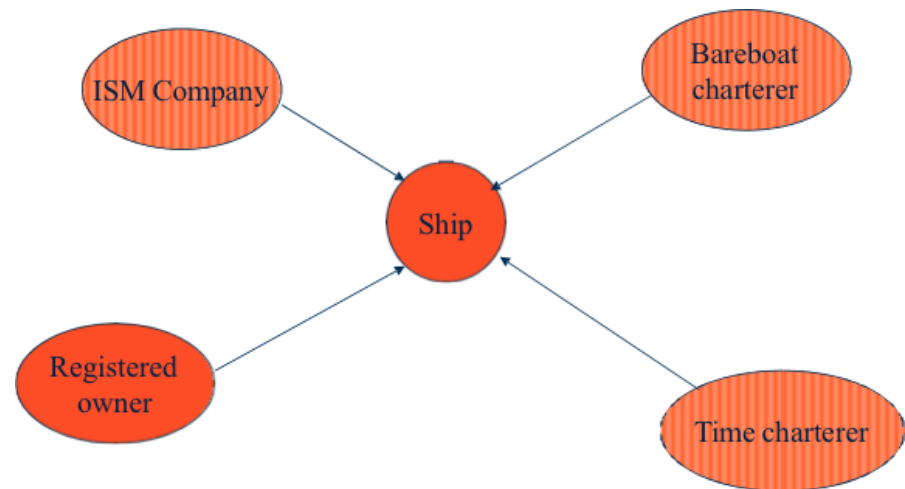


## Who or what does the MLC, 2006 apply to?

### Article II

- **Shipowner** - The owner\*\* of the ship or another organization or person that has assumed the responsibility for the operation of the ship, e.g. manager, agent, bareboat charterer.

\*\* Depends on the Flag





## No more favourable treatment

*(Article V, paragraph 7)*

*To ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.*







## Title 5 – Compliance and Enforcement

- **Part 1: Flag State responsibilities.**
- **Part 2: Port State responsibilities.**
- **Part 3: Labour supplying responsibilities**



## Authorisation of Recognised Organisations (ROs)

- *Can be authorised by the flag State to undertake MLC, 2006 inspections and to issue certificates.*
- *An up to date list of any authorisations (and their scope) must be provided to the ILO.*
- *The scope of the RO's role must be specified by the flag State.*
- *The flag State should have in place an oversight system for authorised RO's.*



## Documentation

*(Regulation 5.1.3)*

- **Maritime Labour Certificate.**
- **Interim Maritime Labour Certificate.**
- **Declaration of Maritime Labour Compliance (DMLC)**
  - **Part I (Flag) and Part II (Shipowner)**



## Interim Certification

Standard A5.1.3. Paragraph 5

Interim Maritime Labour Certificates may be issued:

- To new ships of 10M
- When a ship changes flag
- On change of ownership





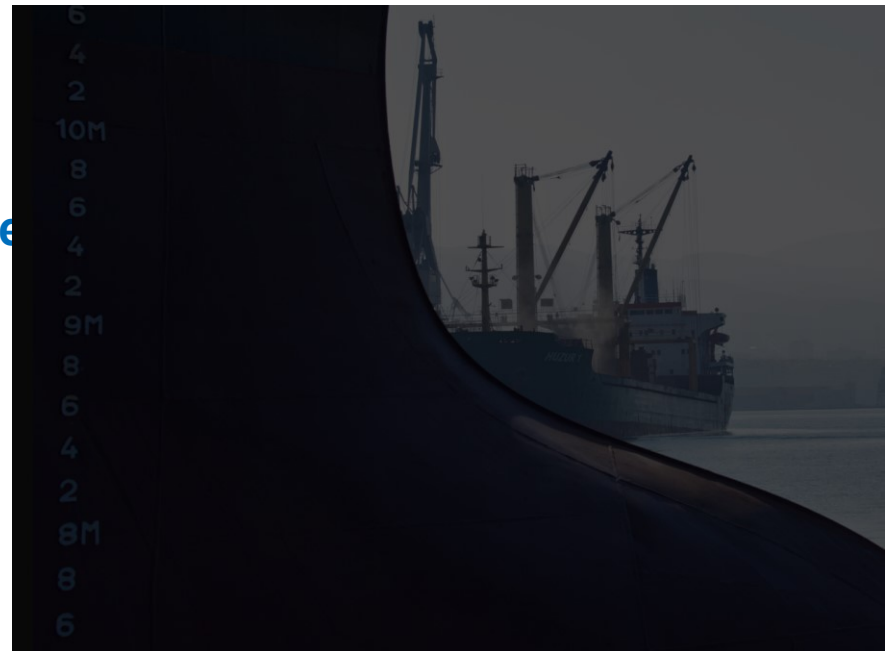
## Interim Certification

### Standard A5.1.3

**An interim certificate may be issued for a max period of 6 months**

**No further interim certificates may be issued after the initial 6 months**

**A DMLC need not be issued for the period of validity of the interim certificate**







## Ships under 500 GT

### Standard A5.1.3

**Ships under 500 GT are not required to have a Maritime Labour Certificate**

**BUT!**

**Paragraph 2 of Regulation 5.1.3 allows for ships under 500 GT to be issued with a Maritime Labour Certificate if requested by the owner.**



## The inspection process

- **First inspection**
- **Intermediate inspection (Must be within the 2nd and 3rd anniversaries)**
- **Renewal Inspection (Should be within 3 months of the expiry of the old certificate)**
- **Change of flag or ownership.**





## PORT STATE CONTROL

Every foreign ship may be inspected by an “authorised officer”

For compliance with the “requirements of the Convention” (including seafarers’ rights)

Requirements means the Articles, Regulations and the Code, Part A only



## Inspection process

In preparation for an inspection the PSCO should verify:

- **Whether the ship is flying the flag of a state that has ratified the Convention**
- **Whether there are any outstanding deficiencies, or complaint(s)**
- **Take due note of the ships' particulars in relation to the applicability of certain elements of the Convention (for example, the keel laying date with respect to crew accommodation)**
- **Review changes in Flag history to avoid compliance**



## Certificates and documents

**For ships of 500 GT and over check that the ship has:**

- **A valid Maritime Labour Certificate**
- **A Declaration of Maritime Labour Compliance (Parts I and II)**
- **In addition check for MLC inspections reports**



## Inspecting ship under 500 GT

### a) Ships with a certificate:

Follow the procedure for ships of 500 GT and over

### b) Ships without a certificate:

Seek evidence confirming that the ship has been inspected by the flag State.

Take account of the flag State inspection report when considering undertaking a more detailed inspection.

In the case of clear grounds, a more detailed inspection should be carried



## Inspecting ship under 500 GT

Give the master the opportunity to produce:

- Evidence of compliance with the MLC, 2006.
- Documents detailing any substantial equivalences or exemptions.

The PSCO may contact the flag State in the event of doubt.



## More detailed inspection

A more detailed inspection may be carried out when:

- **The documentation is incorrect**
- **The PSCO identifies that clear grounds exist**
- **Reasonable grounds exist**
- **A complaint alleging that specific working and living conditions do not conform to the MLC, 2006 has been made**





## Grounds for a More detailed inspection

**There are clear grounds for the PSCO believing that the working and living conditions on the ship do not conform to the requirements of the Convention.**

**There are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with the Convention.**



## Grounds for a More detailed inspection

There is a complaint alleging that specific working and living conditions do not conform to the requirements of the Convention.

No requirement for clear grounds etc, but the inspection:

- must generally be limited to the scope of the complaint;
- may provide clear grounds for detailed inspection.



## Grounds for a More detailed inspection

The working and living conditions constitute a clear hazard to safety, health, security of seafarers,

Or

The PSCO has grounds to believe that any deficiencies constitute a serious breach of the requirements of the MLC, 2006 (including seafarers' rights).





## More detailed inspection

When carrying out a More detailed inspection the PSCO should:

- Take account of the provisions stated in the DMLC Part I.
- Use their professional judgement judgment when checking against some or all of the 14 items.
- Consider consulting a competent labour authority ashore if specific expertise is needed.



**Broader protection of workers  
from exploitation**

**Protect workers from situations  
that may be harmful to themselves  
and to others**

**Protection of young people**





## Regulation 1.1 - Minimum Age

- No under-age person work on a ship (16 years old)
- ‘Person’ – Seafarer
- A higher minimum age can be set





## Regulation 1.1 - Minimum Age

### Flag State to determine:

- Night time
- Works falling under the category of hazardous/jeopardize health or safety
- Special attention to persons under 18





## Regulation 1.1 - Minimum Age

- **Non-compliance with the minimum age requirement is considered as a serious breach**
- **It may lead to a detention under port State control or a refusal to sail under the flag State**
- **No exemptions accepted**
- **Cook requirements**







## Regulation 1.2 – Medical certificate

- To ensure that ALL seafarers are medically fit to perform their duties
- Each certificate must state:
  - ✓ Hearing, sight and colour vision
  - ✓ Seafarer is not suffering from any medical condition likely to be aggravated by service at sea





## Regulation 1.2 – Medical certificate

- When and where a seafarer could get a valid medical certificate?
- Flag State to determine:
  - ✓ Recognition of examination of seafarers (STCW and non-STCW)
  - ✓ Qualified medical practitioners
- Ships' doctor can not issue medical certificates





## Regulation 1.2 – Medical certificate

- **Validity of two years (One year if under the age of 18)**
- **Certificate of colour vision valid for 6 years**
- **Urgent cases**
  - ✓ **Permission of three months**
  - ✓ **Next port of call**
- **In English as a minimum for ships engaged on international voyages**





## Regulation 1.2 – Medical certificate

- **ILO/WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers**





## Regulation 1.3 – Training and Qualifications

To ensure that seafarers are trained or qualified to carry out their duties on board

- **STCW seafarers**
  - **Non- STCW seafarers (Basic training)**
  - **Ship's cook (Regulation 3.2)**
- ✓ **Trained, qualified, competent**
  - ✓ **Training course, examination and certification by the Competent authority or approved school)**



## Regulation 1.4 – Recruitment and placement

To ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system.

Ban of abusive practices such as:

- ✓ Blacklisting
- ✓ Fees for access to employment

Certification, licensing, regulations

Difficulties for inspection

Importance to ensure seafarers' rights





## Regulation 2.1 – Seafarers' employment agreement

- Intended to achieve fairness
- Agreed by the seafarers
- Incorporate collective bargaining agreements
- Signed by the seafarer and the shipowner
- Original on board





## Regulation 2.1 – Seafarers' employment agreement



- The place where and date when the SEA entered into
- Capacity to be employed
- The amount of seafarer's wages or the formula used for calculating them
- The amount of paid annual leave
- The termination of the agreement





## Regulation 2.1 – Seafarers' employment agreement



- **Health and social security protection**
- **Entitlement to repatriation**
- **Reference to CBA**



## Regulation 2.2 – Wages

- To ensure that seafarers are paid for their services
- Some countries may regulate seafarers' wages in national laws while others may not
- Flag State may establish:
  - Connection between wages and SEA
  - Methods of calculation
  - Payment methods / Allotments



# Conditions of employment



## Regulation 2.2 – Wages

- **Payments shall be in full and on a monthly basis**
- **Partly transferred to families or dependants**
- **No exceptions**





## Regulation 2.2 – Wages

- **Basic pay or wages includes hours of work**
- **Hours of work means the time during which seafarers are required to do work on account of the ship**
- **Overtime means time worked in excess of the normal hours of work**
- **Guideline B2.2.2 Calculation of payment**





## Regulation 2.2 – Wages

- **Minimum wages**
- **Consultation with Shipowners and Seafarers organizations**
- **Amount set by the Joint Maritime Commission as a reference**





## Regulation 2.3 – Hours of work and hours of rest

- **Hours of work – means time during which seafarers are required to do work on account of the ship.**
- **Hours of rest means time outside hours of work; this term does not include short breaks.**
- **What is deemed to be a short break?**
  - ✓ **1 hour for meals**
  - ✓ **15 minutes after 2 hours of work**



## Regulation 2.3 – Hours of work and hours of rest

- **There is no definition of hours of work or rest in STCW.**
- **Watchkeeper – means all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch**
- **Minimum Safe Manning Document or Equivalent – means a document issued by the Administration as evidence of compliance with SOLAS Reg V/14.**
- **UMS – means Unattended Machinery Space(s). A class notation whereby certain controls are in place allowing the ship to operate with the machinery space(s) unattended.**



## Regulation 2.3 – Hours of work and hours of rest

The maximum hours of work shall not exceed:

- 14 hours in any 24 hour period; and
- 72 hours in any seven day period

Minimum hours of rest must not be less than:

- 10 hours in any 24-hour period; and
- 77 hours in any seven-day period.

Hours of rest may be divided into no more than two periods:

- one of the periods must be at least six hours in length; and
- the interval between consecutive periods must not exceed 14 hours.





## Regulation 2.3 – Hours of work and hours of rest

Normal working hours' standard based on:

- an eight-hour day;
- one day rest per week;
- rest on public holidays.

That applies to **all seafarers** as defined in the MLC, 2006



## Regulation 2.3 – Hours of work and hours of rest

All persons with designated safety, prevention of pollution and security duties (as per STCW) must be provided with:

- A minimum of 10 hours rest in any 24 hour period; and
- 77 hours of rest in any 7 day period.

Hours of rest may be divided in to no more than 2 periods.

One rest period must be at least 6 hours long.

Intervals between consecutive rest periods shall not exceed 14 hours.

That **does not** apply to all seafarers.



## Regulation 2.3 – Hours of work and hours of rest

**Musters, fire-fighting and lifeboat drills and other prescribed drills must be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.**





## Regulation 2.3 – Hours of work and hours of rest

Rest periods need not be maintained in the case of an emergency or in other overriding operational conditions.





## Regulation 2.3 – Hours of work and hours of rest

Tables of working arrangements must:

- Be posted in an easily accessible place
- Contain for every position at least:
  - ✓ the schedule of service at sea and service at port; and
  - ✓ the minimum hours of rest or maximum hours of work required by national laws or regulations or applicable collective agreements.
- Be in a standardised format in the ship's working language(s) and English.

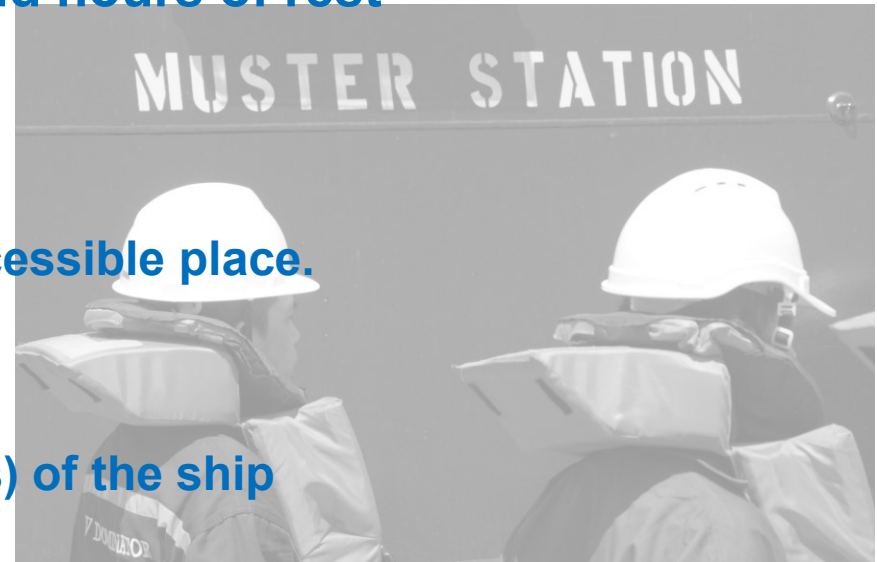




## Regulation 2.3 – Hours of work and hours of rest

### Watch schedules:

- **Must be posted up in an easily accessible place.**
- **Shall be in a standardised format.**
- **Shall be in the working language(s) of the ship and in English.**
- **What is considered to be an easily accessible place?**





## Regulation 2.3 – Hours of work and hours of rest

- Seafarers on call, such as when a machinery space is unattended, must have adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work
- How should compensatory rest be recorded?





## Regulation 2.3 – Hours of work and hours of rest

### Records under the MLC, 2006

- Maintained for seafarers in a standardized format in the ship's working language(s) and English
- Endorsed by the Master or authorized person and by the seafarer concerned
- The seafarers must receive a copy of the records pertaining to them.







## Regulation 2.3 – Hours of work and hours of rest

### The Master:

- Has the right to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.
- May suspend the schedule of the schedule of hours or rest/work in these situations.

Adequate period of rest for seafarers' affected as soon as practicable after the event.





## Regulation 2.3 – Hours of work and hours of rest

A Member may have regulations/procedures to authorise collective agreements permitting exceptions to the limits.

Exceptions should follow should follow the provisions of A2.3.

More frequent or longer leave periods/granting of compensatory leave should be taken in to account.





## Regulation 2.3 – Hours of work and hours of rest (Signs of fatigue)

- Vacant stare with sunken, bloodshot eyes
- Eye strain, sore or 'heavy' eyes, dim or blurred vision
- Droning and humming in the ears
- Paleness of skin
- Slurred speech
- Headaches
- Feeling cold compared with others in the same room
- Faintness and dizziness
- Lack of energy, drowsiness
- Unstable posture/swaying, dropping chin, nodding head
- Loss of muscular strength, stiffness, cramps
- Loss of manual dexterity/difficulty making fine movements



## Regulation 2.4 – Entitlement to leave

To ensure that seafarers have adequate leave...

... but difficult to prohibit workers from taking consecutive employment





## Regulation 2.4 – Entitlement to leave

### Flag State must:

- **Establish laws and regulations determining minimum leave**
- **Require that seafarers are given paid leave**
- **Determine the concept of leave (calculation, public holidays, periods)**





## Regulation 2.4 – Entitlement to leave

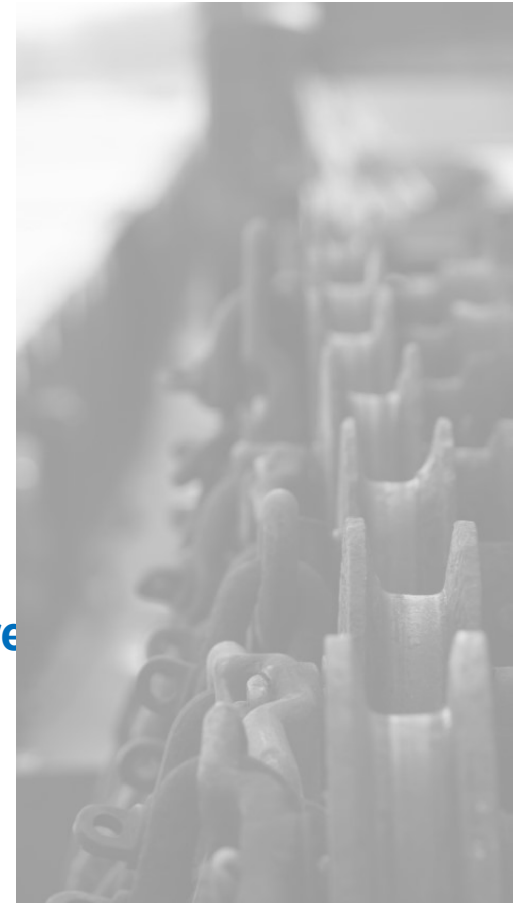
- **2.5 calendar days per month of employment**
- **Are seafarers obliged to take leave (rather than money)?**
- **What is the maximum period on work on board?**
- **Guideline B2.4**





## Regulation 2.5 – Repatriation

- **Who pays?**
- **Conditions for travel?**
- **What if there is a default?**
- **Shipowners to provide financial security**
- **Facilitate the repatriation of seafarers**
- **Not refuse the right of repatriation to any seafarer because of the financial circumstances of a shipowner**
- **Difficulties to inspect**





## Regulation 2.6 – Seafarer compensation for the ship's loss or foundering

- Dealing with the consequences of abandonment







## Regulation 2.7 – Manning levels

- To ensure that seafarers work on board ships with sufficient personnel for the safe, efficient and secure operation of the ship
- MLC, 2006, STCW and SOLAS





## Regulation 2.8 – Career and skill development and opportunities for seafarers' employment

- To promote career and skill development and employment opportunities for seafarers
- A flag State responsibility



# Accommodation, recreational facilities, food and catering



To ensure that seafarers have decent accommodation and recreational facilities on board

The most relevant provisions for seafarers and shipowners





## Regulation 3.1 – Accommodation and recreational facilities

**The most tangible provisions of the Convention, and the most difficult areas to rectify if deficiencies since they relate to ship construction and design**





## Regulation 3.1 – Accommodation and recreational facilities

- **What is adequate?**
- **What is decent?**
- **What is feasible?**



## Regulation 3.1 – Accommodation and recreational facilities

**Binding requires  
existing ships**





**Regulation 3.1 – Accommodation and recreational facilities**

**Consultation with Shipowners and Seafarers**

**Elaborate inspection obligations**

**Set flexibility (but not subjectivity)**



## Regulation 3.1 – Accommodation and recreational facilities

- **Check the construction plan of the ship showing dimensions identifying the use to be made of each room or other area**
- **Compare the crew list with the number of sleeping rooms and berths available**
- **Records of inspections**





## Regulation 3.1 – Accommodation and recreational facilities

**Difficulties of inspection**

**Flexibility by Flag States**





## Regulation 3.2 – Food and Catering



**Good quality food and drinking water provided under regulated hygienic conditions**

**Free of charge**

**Ship's cook trained and qualified**



## Regulation 3.2 – Food and Catering



- **Quantity**
- **Nutritional value**
- **Variety**
- **Area for complaints**

# Health protection, medical care, welfare and social security protection



**One of the most difficult issues for a globalized work force...**





## Regulation 4.1 – Medical care on board ship and ashore

- **To protect the health of seafarers and ensure their prompt access to medical care on board ship and ashore**
- **Interaction with Title 2, title 3 and STCW**
- **Seafarers MUST receive adequate Social Security protection**
- **Protection and care is ‘in principle’ at no cost to the seafarer but, with limitations?**



## Regulation 4.1 – Medical care on board ship and ashore

- **Access to:**
  - ✓ **Medical facilities**
  - ✓ **Essential dental care**
  - ✓ **Medicines**



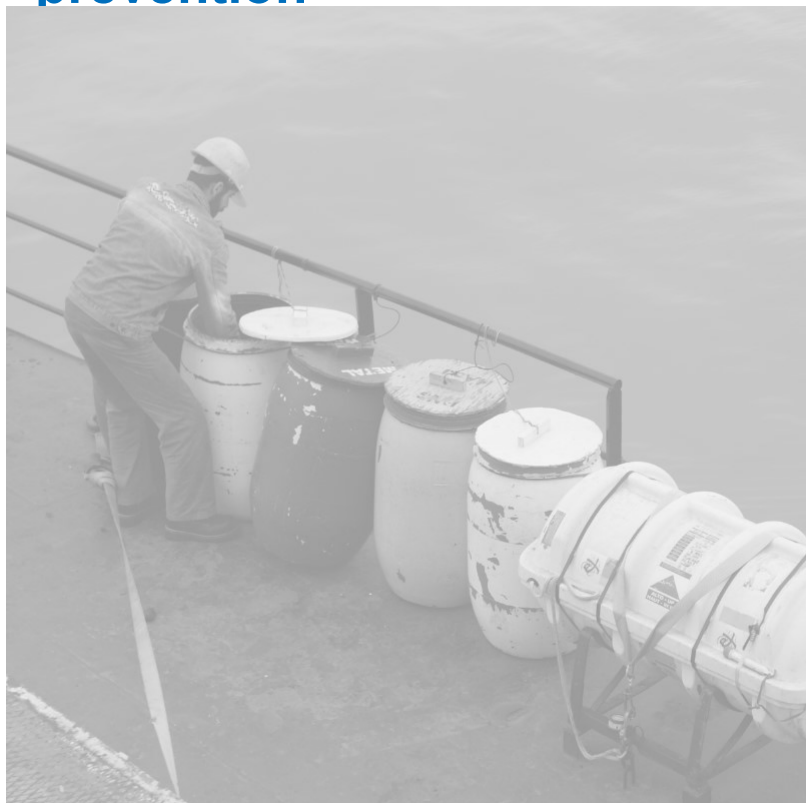


## Regulation 4.1 – Medical care on board ship and ashore

- **Medical chest**
- **Medical equipment / Medical guide**
- **Qualified medical doctor (Ships carrying more than 100 persons, engaged on international voyages of more than three days)**
- **Seafarers trained to provide medical first aid (STCW)**
  - **Able to provide medical aid**
  - **Administering medicine**



## Regulation 4.3 – Health and ship safety protection and accident prevention



What is to be expected on board?

‘Safety first’





## Regulation 4.3 – Health and ship safety protection and accident prevention

### Guideline B4.3

#### Machinery

Low or high temperature surfaces

Effects of noise and vibration

Loading and unloading equipment

Fire prevention and Fire-fighting

Anchors, chains and lines

Personal protective equipment

Work on enclosed spaces

Effects of fatigue

Effects of drugs and alcohol

HIV / AIDS protection and prevention

Emergency and accident response



## **Regulation 4.3 – Health and ship safety protection and accident prevention**

### **Guideline B4.3.10 Safety and health education of young seafarers**

#### **Types of work which may be restricted:**

- **Lifting, moving or carrying heavy loads or objects**
- **Entry into boilers, tanks or cofferdams**
- **Handling mooring or tow lines and anchoring equipment**
- **Work aloft or on deck in heavy weather**
- **Nightwatch duties**
- **Servicing electrical equipment**



## Regulation 4.4 – Access to shore-based welfare facilities

- **Obligation to assist by the port State?**
- **Facilitating the right to come ashore**
- **Welfare facilities and services?**



## Regulation 4.5 – Social Security

- **The most challenging requirement of the Convention**
- **Practical difficulties**
- **How to provide social security coverage?**
- **Long-term and short-term protection**



## Regulation 4.5 – Social Security

### Full social security protection:

- **Medical care**
- **Sickness benefit**
- **Unemployment benefit**
- **Old age benefit**
- **Employment injury benefit**
- **Family benefit**
- **Maternity benefit**
- **Invalidity benefit**
- **Survivors' benefit**



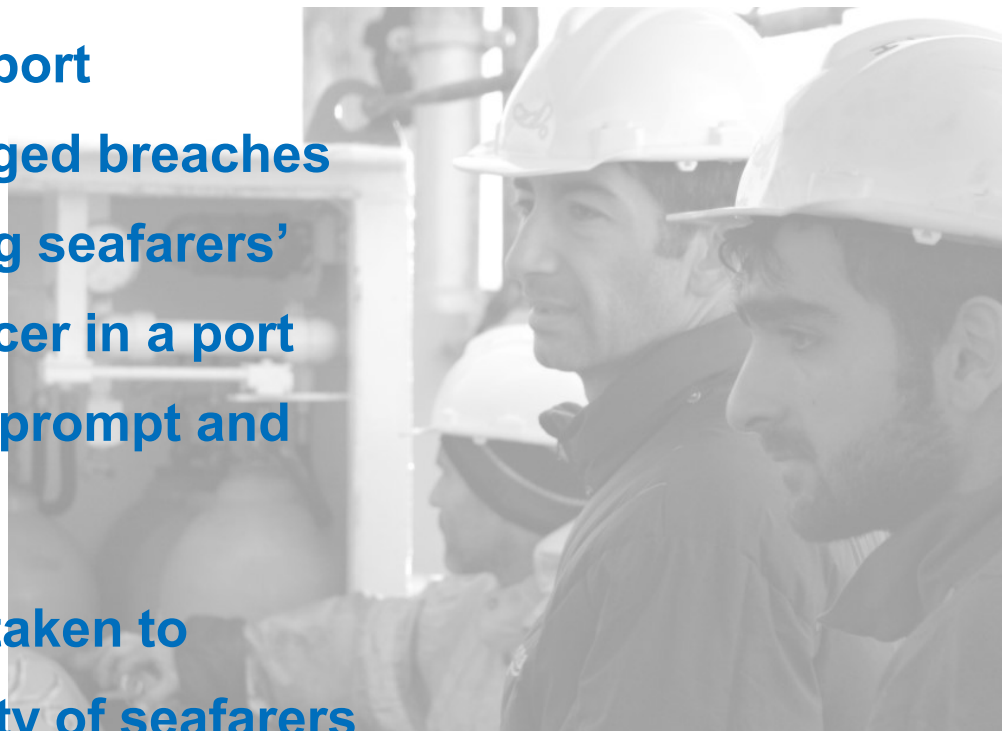
## Two aspects:

- **Port State control inspection (Regulation 5.2.1) - Information submitted by a seafarer, a professional body, an association, a trade union or generally any person with an interest in the ship.**
- **A Seafarer exercises their right to complain to officers on shore (Regulation 5.2.2)**



**Seafarers have a right to report complaints concerning alleged breaches of the Convention (including seafarers' rights) to an authorized officer in a port State in order to facilitate a prompt and practical means of redress.**

**Appropriate steps shall be taken to safeguard the confidentiality of seafarers making a complaint (Standard A5.2.2 para. 7)**





**Is there a procedure whereby a seafarer or seafarers can complain using the internal procedure as defined in MLC, 2006 Reg 5.1.5 to the ships on board management.**

**This complaint remains an internal procedure and should not involve the PSCO.**

**Nevertheless, the existence of a functioning procedure can be checked during a More Detailed Inspection.**





## Step 1:

- **Determine whether the complaint should be handled under the PSC procedure.**
- **Carry out an initial assessment to ascertain whether the complaint relates to the MLC, 2006.**
- **Depending upon the outcome, the PSCO should decide whether or not to carry out a More detailed inspection**



## Step 1 (Cont.):

- **Seek to resolve the complaint at ship board level.**
- **Check to see in the on-board complaints system has been used.**
- **The master, shipowner or any other person involved should be given the opportunity to make their views known.**
- **If any non-conformity found falls within the scope of A5.2.1 then the procedure is the same as for those found during a port State inspection (Standard A5.2.2, para 4).**
- **Seek advice from the flag State/competent authority**



## Step 2 – Inspection process:

- **Check whether the on board complaint procedure has been used.**
- **If it has not been used without justification, the PSCO should advise that in the first instance the procedure should be used.**
- **Otherwise the PSCO should seek to resolve the complaint at ship board level.**



## Step 2 – Inspection process:

- **The master, owner or any person or organisation with a legitimate interest in the shipboard working and living conditions shall be permitted to express their views.**
- **If a deficiency relating to the complaint has been recorded and depending upon its seriousness the PSCO should take the appropriate action.**



## Step 2 – Inspection process:

- **If the complaint cannot be resolved at shipboard level, or the complaint refers to other areas than listed in annex A5-III, the flag State should be informed and requested to provide (within a prescribed deadline) advice and a corrective plan of action.**



## Step 3 - Dealing with an unresolved complaint

- **If the flag State advises that it will deal with the complaint then the PSCO will not have any further involvement.**
- **If the flag State does not resolve the complaint within the prescribed timescale, then the PSCO should forward the inspection report to the ILO & inform the social partners of that port state.**
- **Keep track of any correspondence with the flag State**

## Rectification Action Plan

- **It is a document proposed by the captain and shipowner that specifies, in particular, the action required and time frame agreed to rectify a MLC, 2006 related detainable deficiency(ies) and when accepted by the PSCO.**
- **It allows the release of the ship from an MLC, 2006 related detention.**

## Rectification Action Plan

When deciding whether to accept a RAP the following elements should be considered:

- the length and nature of the intended voyage or service
- the nature of the hazard to seafarers' safety, health or security
- the seriousness of the breach of the requirements of the MLC, 2006 (including seafarers' rights)
- any previous history of deficiencies or repeated deficiencies
- whether or not the appropriate work or rest periods for seafarers are being observed
- the safe manning requirements of the flag State
- the number and nature of deficiencies found during the particular inspection

**It is the joint responsibility of the shipowner and the master to propose and implement a RAP.**

The RAP should specify the actions required and agreed time frame acceptable to all parties, within which period the items will be rectified.





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