EMSA

European Maritime Safety Agency

Maritime Labour Convention

Title 1 and Title 2

Generalities
and
model national provisions

Maritime Labour Convention, 2006 - Title 1

Scope:

Provide better insight & example of national provisions for implementing Title 1 and Title 2 of the MLC

Content:

- Generalities on Title 1 and Regulation 1.1
- Example of national provisions for implementing Reg. 1.1
- Generalities on Title 2 and Regulation 2.3
- Example of national provisions for implementing Reg. 2.3

Maritime Labour Convention, 2006 - Title 1

- **1.1 Minimum age**

  To ensure that no under-age persons work on a ship

- **1.2 Medical certificate**

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

- **1.3 Training and qualification**

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

- **1.4 Recruitment and placement**

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

Maritime Labour Convention, 2006 - Title 1

Maritime Labour Convention, 2006 - Title 1

Regulation 1.2 Key issues

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

1.2.2. Exceptions can only be permitted as prescribed in the Code.

Regulation 1.3 Key issues

Any Member which, at the time of its ratification of this Convention, was bound by the Certification of Able Seamen Convention, 1946 (No. 74), shall continue to carry out the obligations under that Convention unless and until mandatory provisions covering its subject matter have been adopted by IMO and entered into force, or until five years have elapsed since the entry into force of the Convention

Seafarers shall not work on a ship unless they are trained or **certified as competent** or otherwise qualified to perform their duties

Seafarers shall not be permitted to work on a ship unless they have successfully completed training for **personal safety** on board ship

Training and certification in accordance with the mandatory instruments adopted IMO shall be considered as meeting the requirements of paragraphs 1 and 2 of this Regulation

Maritime Labour Convention, 2006 - Title 1

Each Member shall require, in respect of seafarers who work on ships that fly its flag, that ship owners who use seafarer recruitment and placement services that are **based in countries or territories in which this Convention does not apply** ensure that those services conform to the requirements set out in the Code

Regulation 1.4 Key issues

All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer

Seafarer recruitment and placement services operating in a Member's territory shall conform to the standards set out in the Code

Maritime Labour Convention, 2006 - Title 1

Generalities on Regulation 1.1

Which is the minimum age for all seafarers?

What about night work?

What about work jeopardizing health of safety?

What about for ships' cooks?

Maritime Labour Convention, 2006

The mandatory provisions must:

- **Require that the minimum age for admission to employment at sea is 16 years of age**

  A higher national age may be provided for in your country

- **Prohibit "night work" by seafarers under the age of 18**

  Flexibility may apply for training and schedules purpose

- **Prohibit seafarers under the age of 18 performing work that is to jeopardize their health or safety**

MLC, 2006 – Model national provisions

Section 1.1 Minimum age

1. **The employment, engagement or work on board a ship of any person under the age of 16 is prohibited**

2. **The employment, engagement or work of seafarers under the age of 18 is prohibited where the work is likely to jeopardize their health or safety**

3. **The activities or work likely to jeopardize… are those set by…. After consultation with the shipowners' and seafarers' consultation**

4. **Night work of seafarers under the age of 18 is prohibited. (…. For the purpose of this provision, the term "night" covers the period from between 9 p.m. and 6 a.m. ……) 9 hours as a minimum !!!**

MLC, 2006 – Model national provisions

Section 1.1 Minimum age

5. Exceptions regarding night work

When the effective training of the seafarers concerned, in accordance with established programmes and schedules

When the specific nature of the duty, or a recognized training programme requires it and the authority determines that the work will not be detrimental for their health or well-being. The types of such work shall be determined by national laws or regulations or by the competent authority, after consultation with the ship owners and seafarers organizations concerned, in accordance with relevant international standards.

MLC, 2006 – Model national provisions

Linking the "under the age of 18" with other provisions in the Convention:

- **Medical certificates**
- **Repatriation**
- **Leave**
- **Hours of work and rest**
- **Health and safety protection and accident prevention**

MLC, 2006 – Model national provisions

6. **No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.**

   The Convention does not provide a minimum age for particular positions on board other than for the cook.

   Other age limitations are established in STCW (i.e. under 18 you cannot be an officer)

Maritime Labour Convention, 2006 - Title 2

- **2.1 Seafarers' employment agreement**

  To ensure that seafarers have a fair employment agreement

- **2.2 Wages**

  To ensure that seafarers are paid for their services

- **2.3 Hours of work and hours of rest**

  To ensure that seafarers have regulated hours of work or hours of rest

- **2.4 Entitlement to leave**

  To ensure that seafarers have adequate leave

Maritime Labour Convention, 2006 - Title 2

- **2.5 Repatriation**

  To ensure that seafarers are able to return home

- **2.6 Seafarer compensation for the ship's loss or foundering**

  To ensure that seafarers are compensated when a ship is lost or has foundered

- **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

- **2.8 Career and skill development and opportunities for seafarers' employment**

  To promote career and skill development and employment opportunities for seafarers

Maritime Labour Convention, 2006 - Title 2

Generalities on Regulation 2.3

Maximum hours of work <u>or</u> minimum hours of rest

Protect seafarers against fatigue

Hours of rest reflected in STCW

Definition of hours of work and hours of rest

Definition normal working hours standard

Maritime Labour Convention, 2006 - Title 2

Generalities on Regulation 2.3

- **<u>Area for flexibility</u>**
  - **Collective bargain agreement permitting exceptions A.2.3.13**

- **Requirements of 2.3 must be implemented in a form that would be considered <u>mandatory</u> under the national system**

Maritime Labour Convention, 2006 - Title 2

Regulation 2.3

Hours of work and hours of rest

Key issues

Each Member

shall ensure that the hours of work **or** hours of rest for seafarers are regulated.

Each Member

shall establish maximum hours of work **or** minimum hours of rest for periods that are consistent with the provisions in the Code

MLC, 2006 – Model national provisions

Section 2.3 Hours of work and hours of rest

1. **For the purpose of these provisions, the term:**

a) *"Hours of work" means time during which seafarers are required to do work on account of the ship*

b) *"Hours of rest" means time outside hours of work; this term does not include short breaks*

2. **In accordance with these provisions a [maximum number of hours of work][minimum number of hours of rest] shall be observed for seafarers**

3. **The normal working hours' standard for seafarers, is based on an eight-hour day with one day of rest per week and rest on public holidays.**

MLC, 2006 – Model national provisions

Section 2.3 Hours of work and hours of rest

4. **The [maximum hours of work shall be 14 hours in any 24-hour period and 72 hours in any 7 day period] [minimum hours of rest shall be 10 hours in any 24-hour period and 77 hours in any 7 day period]**

5. **After consulting the Shipowners' and Seafarers' organizations, a [reduction in the maximum hours of work] [increase to the minimum hours of rest] may apply.**

- **Take into account fatigue**
- **Seafarers for unattended machinery spaces**
- **Compensatory schemes**

MLC, 2006 – Model national provisions

Section 2.3 Hours of work and hours of rest

6. **Hours of rest may be divided into no more than two periods, one of which must be at least 6 hours in length, and the interval between consecutive periods of rest must not exceed 14 hours.**

MLC, 2006 – Model national provisions

Section 2.3 Hours of work and hours of rest

Provisions must also cover:

- **The criteria for recording hours of work or rest**
    - **Posting schedule of shipboard working arrangements**
- **Minimization of the disturbance during rest periods due to conducting emergency drills and training - Compensatory rest period to be arranged**
- **Working language & in English**
- **Endorsement of records of seafarers' daily hours of work and rest**

MLC, 2006 – Model national provisions

Section 2.3 Hours of work and hours of rest

Provisions must also cover:

- **Exceptions, within the limit of the Convention**
  - Exceptionally the provisions in paragraph XX need not be applied if:
    a) They are **impracticable** for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a shift-work system or
    b) The effective training of young seafarers in accordance with **established programmes and schedules** would be impaired

MLC, 2006

Thank you for listening