EMSA

European Maritime Safety Agency

Maritime Labour Convention

General introduction

Maritime Labour Convention

General introduction

International Labour Organisation (ILO)

- First specialised Agency of the United Nations
- Common decent work condition
- Tri-partite structure

Maritime Labour Convention

General introduction

The Convention

- Adopted on 23 February 2006
- Updates and consolidates 68 existing instruments *(37 Conventions and 31 recommendations)*
- Core rights and fundamental principles unchanged
- Existing Conventions gradually phased out

Appreciation of the role and condition of seafarers

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General introduction

Galley,
provision store,
food

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ON BOARD

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Maritime Labour Convention

General introduction

Sanitary facilities

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General introduction

Occupational safety and health

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Are you now convinced about the Importance of working and living conditions?

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General introduction

WHY

- Outdated and not reflective of current working conditions
- High level of detail led to compliance and enforcement problems
- Relatively low ratification record

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General introduction

Some novelties
Generalities

- Level playing field
- Inspection and certification
- System to resolve complaints

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Flexibility for governments under the MLC

- Formulation of mandatory requirements in Code A in a more general way and guidance given by Code B;
- Discretion in providing for precise action at national level;
- through “substantial equivalence”

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Flexibility and national provisions

Why a flexibility?

To create a level playing field and an instrument adaptable to the specificity of each Party

What does the flexibility imply?

The repeated use of words like "adequate"; "sufficient"; "competent authority may permit"; "appropriate"; "suitable"; etc.

How the flexibility can be appropriately used

Defining the national standards and making clear and precise the flexible terms for the implementation of the Convention thorough the NATIONAL PROVISIONS

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A3.1 (6)(a)
…the minimum permitted headroom in all seafarers accommodation where full and free movement is necessary shall be not less than203 cm

A3.1 (6)(f)
the material used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be SUITABLE for the purpose …..

B3.1.1 (6)
Where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices

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Be a FLAG STATE
in capital letters

Why to define precise standards?

To fulfil the commitment to give full and proper effects to the Convention

To play appropriately the role of Flag State

Because of the delegation of tasks to ROs (they need precise standards to apply)

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General introduction

Combining the "best of the old with the new"

- to achieve universal acceptance with a new approach to securing compliance, and
- building upon well-established approaches developed, in particular, in some IMO Conventions

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The structure

- 1st level: Articles
- 2nd level: Regulations
- 3rd level: A two-part Code
  - Part A: Mandatory Standards
  - Part B: Non-mandatory Guidelines

(Explanatory note)

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Example of 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

- Issued by a duly authorised practioner
- Maximum validity two years – one year under the age of 18
- Attesting hearing and sighting
- Colour vision if relevant (certificate can cover up to six years)
- Etc.

Guideline B1.2 – Medical certificate

The competent authority … should follow the ILO/WHO Guidelines for conducting pre-sea and periodic medical fitness examinations for seafarers…

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General Obligations

Article I

Contains the general obligation of each Party to give effect to the Convention and co-operate with other States for its effective implementation

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Who or what does the MLC, 2006 apply to?

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, etc;
- ships engaged in fishing;
- warships and ships of traditional build

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The Articles

Who or what does the MLC, 2006 apply to?

Is it possible to exclude:

- categories of seafarers or ships?
- particular provisions?

Article II.6, **the only provision permitting exclusion** of a general nature.

Limited to:
- certain details of the Code
- ships less than 200GT and
- not engaged in international voyages.

This determination must be made and **periodically reviewed** in consultation with the ship-owners' and seafarers' organizations concerned

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Implementation and Enforcement
(including regular inspections)

Article V

3 Levels of international responsibilities:

- Flag State (Title 5, Regulation 5.1)
- Port State (Title 5, Regulation 5.2)
- Labour Supply (Title 5, Regulation 5.3)

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Entry into force of the Convention

Initial entry into force

12 months after ratifications from at least 30 countries with a total share in the world gross tonnage of ships of at least 33%

Entry into force for each Member State

12 months after the ratification is registered

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The Articles

Effect of entry into force

Article X

Lists the existing ILO Conventions which will be revised by the new Convention

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Special Tripartite Committee

Accelerated amendment procedure *(Article XV)*

Filling a gap in tripartite consultation *(Article VII)*

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NOTE

The training session will focus on the national provisions

The examples provided during the training session:

- have been drafted by EMSA and have the only scope to provide you with "food for your minds" and a starting point for discussion
- Do not take into account specific needs of any Party to the Convention and do not reflect all conditions to be taken into account in the real life

MLC 2006

Any question?

Thank You
for listening!!!