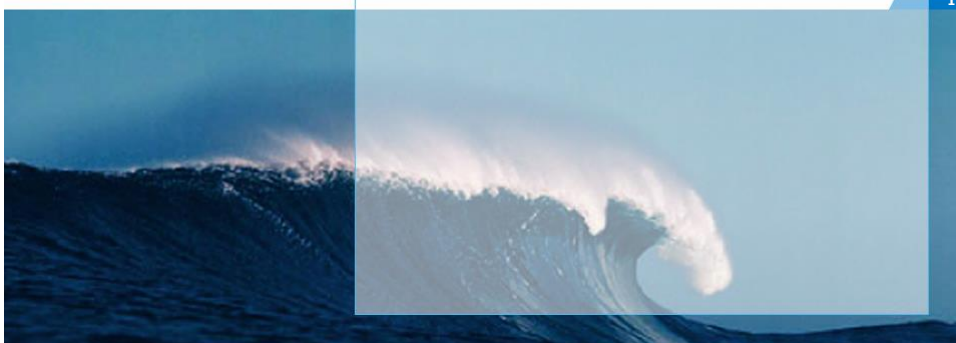


Maritime Labour Convention

Title 5

Port State Control Responsibilities

1



Maritime Labour Convention, 2006 - Title 5

5.2 Port State Control responsibilities

Responsibility established in Article V

- Non-more favourable treatment clause
- Inspection of foreign flag ships

2



Maritime Labour Convention, 2006 - Title 5

5.2 Port State Control responsibilities

Regulation 5.2 and Standard A.5.2 do not address the legal form for implementation of the requirements.

3

No substantial equivalence to provisions of Title 5

Maritime Labour Convention, 2006 - Title 5

5.2.1 Inspection in port

Requirements to be addressed:

- ☐ Every foreign ship may be subject of inspection by an authorized officer
- ☐ Effective system for reviewing compliance with the Convention
- ☐ Scope of the inspection – Prima facie evidence
- ☐ Type of inspection

4

Maritime Labour Convention, 2006 - Title 5

5.2.1 Inspection in port

Requirements to be addressed:

- ☐ **Deficiencies – Detention – Rectification**
- ☐ **Authorized officers**
- ☐ **Complaints**

5

Maritime Labour Convention, 2006 - Title 5

5.2.1 Inspection in port

Model national provisions

- **MLC, 2006 as a Relevant Instrument**
- **Inspection procedures in line with Paris MoU Guidelines on MLC, 2006**
- **Provisions shall not constitute grounds for justifying a reduction in the general level of protection of workers under Union social legislation**

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Maritime Labour Convention, 2006 - Title 5

5.2.1 Inspection in port

Model national provisions

- *In the case of deficiencies which are clearly hazardous to safety, health or the environment and/or constitute a serious or repeated breach of the Maritime Labour Convention requirements (including seafarers's rights), the competent authority of the port State where the ship is being inspected shall ensure that the ship is detained or that the operation in the course of which the deficiencies are revealed is stopped*

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Maritime Labour Convention, 2006 - Title 5

5.2.1 Inspection in port

Model national provisions

➤ Rectification and detention

- The detention order or stoppage of an operation shall not be lifted:
 - until the hazard is removed or until the competent authority establishes that the ship can, subject to any necessary conditions, proceed to sea or the operation be resumed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment;

and/or

- the competent authority has **accepted a plan of action to rectify the non conformities** related to the Maritime Labour Convention and is satisfied that the plan will be implemented in an expeditious manner.

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Maritime Labour Convention, 2006 - Title 5

5.2.1 Inspection in port

Model national provisions - Reporting

	Appropriate Shipowners' and Seafarers' organization in the port State.	Director General of the ILO	Flag State	PSC authority of next port
Significant deficiency* or deficiency in connection with Complaint	Must be informed	May be informed and any reply from flag State should be attached	May be informed	May be informed according port State Procedure
On shore complaint not resolved	Must be informed	Must be informed	Must be informed	May be informed according port State Procedure
Ship detained due to MLC, 2006 deficiency	Must be informed	Must be informed	Must be informed	May be informed Informed by THETIS if Paris MoU port.

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Maritime Labour Convention, 2006 - Title 5

5.3 Labour-supplying responsibilities

Main requirements

- Establishment of an effective inspection and monitoring system for enforcing labour-supplying responsibilities (Recruitment and Placement)
- Social responsibilities for seafarers

10

Maritime Labour Convention, 2006 - Title 5

5.3 Labour-supplying responsibilities

Model national provision

Has any Member State developed legislation/provisions for licensing and monitoring of operational requirements of labour supplying countries?

11

Maritime Labour Convention, 2006 - Title 5

5.2.2 Onshore seafarer complaint-handling procedure

- ☐ **Obligation for port States to provide procedures allowing seafarers to make complaints about the conditions on ships**
- ☐ **5.2.2 interacts with 5.2.1 (More detailed inspection and detention)**
- ☐ **It may relate to complaint procedures within the Administration**

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Maritime Labour Convention, 2006 - Title 5

5.2.2 Onshore seafarer complaint-handling procedure

Requirements to be addressed:

- ☐ A complaint by a seafarer may be reported to an authorized officer in the port of call
- ☐ The authorized officer must undertake an initial investigation
- ☐ If the complaint justifies a detention, the 5.2.1 procedure must be followed

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Maritime Labour Convention, 2006 - Title 5

5.2.2 Onshore seafarer complaint-handling procedure

Requirements to be addressed:

- ☐ If the complaint is not resolved, notification to the flag State and corrective plan of action
- ☐ Reporting to the DG ILO, Shipowners and Seafarers organizations in the port State
- ☐ Safeguard confidentiality

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Maritime Labour Convention, 2006 - Title 5

5.2.2 On Shore seafarer complaint - handling procedure Model national provisions

- *Where a complaint by a seafarer related to matters covered by the Maritime Labour Convention has not been resolved at the ship-board level, the port State control officer shall forthwith notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action. A report of the inspection shall be transmitted by electronic means to the inspection database referred to in Article 24.*

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Maritime Labour Convention, 2006 - Title 5

5.2.2 On Shore seafarer complaint - handling procedure Model national provision

Where the complaint has not been resolved following action taken in accordance with paragraph 1, the port State shall transmit a copy of the authorized officer's report to the Director-General of the International Labour Office. The report must be accompanied by any reply received within the prescribed deadline from the competent authority of the flag State.

The appropriate shipowners' and seafarers' organizations in the port State shall be similarly informed.

In addition, statistics and information regarding complaints that have been resolved shall be regularly submitted by the port State to the Director-General of the International Labour Office.

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Maritime Labour Convention, 2006 - Title 5

5.2.2 On Shore seafarer complaint - handling procedure Model national provisions

Both such submissions are provided in order that, on the basis of such action as may be considered appropriate and expedient, a record is kept of such information and is brought to the attention of parties, including shipowners' and seafarers' organizations, which might be interested in availing themselves of relevant recourse procedures.

Appropriate steps shall be taken to safeguard the confidentiality of complaints made by seafarers.

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MLC, 2006

Thank you

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