



Maritime Labour Convention, 2006 *Yachtmaster Instructor Conference*

Bas Edmonds – RYA Technical and Racing Services Manager
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Maritime Labour Convention - MLC

- Don't Panic!
- Background
- Key documents
- Process & RYA approach







What is the MLC?

- Aimed at seafarers welfare and working conditions
- Consolidating and updating of over 60 previous ILO instruments
- Designed to look at ships from the top down with regards to size
- Various levels of application
 - Under 200 gt
 - 200 gt – 500 gt
 - Over 500 gt



MLC Timescales

- Adopted February 2006
- Tripartite group in the UK advising MCA on implementation
- Came into force internationally on 20th August 2013
- UK ratified on 7th August 2013
- 12 months “grace” to allow certification and inspections to take place
 - No UK flagged vessel **should** be inspected within grace period



Key Documents

- Maritime Labour Convention, 2006
- MGN 471 – MLC definitions
- MGN 490 – 200 gt and under
- MGN 491 – 200gt to 500 gt
- SAN 53 – CA instructions



Benefits?

- Protects good operators
- Provides transparency of
 - Shipowners' obligations
 - Seafarers' rights and obligations
- Increased awareness of current legislation



Application and definitions

Article II

Seafarer – any person, including the master, employed, engaged or working on a ship, and whose normal place of work is on a ship.

Volunteers? Still waiting for clarification from the Tripartite group – RYA concerns have been formally raised to this group



Application and definitions

Article II – as amended by MGN 471

Shipowner – the owner of a ship or another organisation or person who has assumed the responsibility of the ship, e.g. manager, bareboat charterer

- named on the certificate



Application and definitions

Article II – as amended by MGN 471

Ships – all ships ordinarily engaged in commercial activities except for;

- Ships operating exclusively on domestic voyages and within 60 miles of a safe haven in the UK;
- Pleasure vessels;
- Fishing vessels;
- Warships and naval auxiliaries;
- Ships of traditional build



So MLC will apply to;

Ships ordinarily engaged in commercial activities and;

- Are more than 60 miles from a UK safe haven
- Are on an International voyage

Not linked to MCA category of operation

Accommodation standards:

- Vessels built after 20th August 2013 will need to comply with new standards
- Existing vessels have grandfather rights until they are substantially modified



How will MLC apply?

Many of the requirements already apply to UK SCVs;

- Minimum hours of rest
- Minimum age
- Minimum qualifications
- Safe manning levels
- Medical fitness
- On board medical facilities
- Health and Safety and Accident Prevention

Looks to protect good operators



How will MLC apply?

However, there are some new requirements

- Seafarer Employment Agreements
- Private recruitment and placement services
- New accommodation standards
- New food and catering standards
- Access to medical care overseas
- On board complaints procedures
- Checks on the payment of wages

Looks to protect good operators



Process

- MLC Certificates for 500 gt and over only
- SCV may apply for an MLC certificate from the MCA based on CA inspection
- Relies on surveyor to ascertain compliance with all 14 inspection points
- Inspection required every 36 months so should fall in line with code requirements
- New inspection required when vessel changes hands to ensure new owner is compliant



Process

- CA's have been authorised to carry out inspection/survey for SCV
- SAN 53 details the application process that CA's should follow and details
 - Certification process
 - Inspection process
 - Forms to be used
 - 14 different inspection items
- RYA have agreed a different approach with MCA



RYA MLC Process

- Emphasis in parts on owner responsibility rather than surveyor responsibility
- Split into three parts
 - MLC Owner Declaration
 - MLC Administration
 - MLC Survey
- RYA Guidance Notes will sit alongside all three forms



RYA MLC Process

**A run through of the 14 Inspection
Items and the proposed method of
compliance**



RYA MLC Process

Item 1 - Minimum Age

- 16 to work on a ship
 - Higher age is prescribed for some roles
- 18 for night work
- 18 for work jeopardizing health and safety
 - Risk assessment for young persons
 - Operation of lifting equipment
 - Working aloft
 - Clearing power operated machinery etc

Will require owner declaration with Risk Assessment submitted to RYA for review



RYA MLC Process

Item 2 – Medical certification

- To work on a ship, each seafarer must have a valid medical certificate
 - UK ENG1 or ML5 as appropriate
- MSN 1815 details other acceptable medical certificates

Will require owner declaration and RYA review of systems by survey



RYA MLC Process

Item 3 – Qualifications of Seafarers

- Ensuring all seafarers are qualified for the area of operation
- Company has a system that seafarers are correctly qualified and provides familiarisation training
- MGN 280, MGN 411 and MSN 1802 provide guidance on acceptable qualifications
- MIN 416 guidance for other state's waters

Will require owner declaration and RYA review of systems by survey



RYA MLC Process

Item 4 – Seafarer Employment Agreement

- All seafarers to have an SEA or Letter of Engagement
- SEA complies with minimum standards
- System for ensuring SEA's are used

Will require owner declaration and RYA review of systems



RYA MLC Process

Item 5 – Placement service or Private recruitment

- Ensure that a placement service or private recruiter is;
 - From a ratifying country
 - If not from a ratifying country, that the company is MLC compliant

Will require owner declaration



RYA MLC Process

Item 6 – Hours of Rest

- Records for hours of rest are kept in the format as required by MSN 1767
- A schedule detailing hours of rest, where appropriate, is posted and is being complied with – link to SEA
- Minimum hours
 - Ten hours in any 24 hour period and 77 hours in any 7 day period
- Hours of rest may be divided into no more than 2 periods
 - One period must be at least six hours long and
 - Interval between consecutive periods must not exceed 14 hours

Will require owners declaration & systems survey by RYA



RYA MLC Process

Item 7 – Manning

- Ensuring manning levels are adequate (may require additional manning than MGN 280 requires)
- Procedures for briefing the second person on assisting the skipper
- System for ensuring sufficient seafarers on board

**Will require owners declaration and systems review by
RYA**



RYA MLC Process

Item 8 – Accommodation

- Not applicable to vessels built prior to 20th August 2013
- 5% of keel laid or the equivalent in lamination in the mould for GRP construction
- Ships built prior to 20th August shall comply with existing national standard in force at time of build

Will require RYA survey



RYA MLC Process

Item 8 – Accommodation

- Annex 1 of MGN 490 provides further details on the 18 different sections to be surveyed
- For most parts, compliance with the Code is sufficient
- Non physical aspects include Masters' Inspections and provision of free food
- Finer details are still being discussed with MCA as small recreational craft are unable to comply with current regulations



RYA MLC Process

Item 9 – On board recreational facilities

- Requirement to provide on board recreational facilities for seafarers

Will require RYA survey



RYA MLC Process

Item 10 – Food and Catering

- Food hygiene certificate for food preparation including system for ensuring certificated seafarer on board the vessel
- Surveyable requirements for galley area
 - Non slip galley
 - Materials of galley surfaces etc
- Messing areas for seafarers

Will require owner declaration and RYA review of systems by survey



RYA MLC Process

Item 11 – Health and Safety and Accident prevention

- Ensure no obvious health and safety issues on board
 - Awareness of COSWP
 - Noise and Vibration at work
 - Guarding of machinery
 - Appropriate safety management systems

Will require owner declaration and RYA review of systems by survey



RYA MLC Process

Item 12 – On board medical care

- Medical stores in accordance with MSN 1768
- Adequately trained seafarers on board and adequate systems
- Seafarers have access to medical care ashore when overseas (SEA)

Will require owner declaration and RYA review of systems by survey



RYA MLC Process

Item 13 – On board complaint procedures

- Allows seafarers to complain to the ships on board management
- Allows the seafarer to complain to either the flag state or the port state
- Complaints procedure to be posted up on board

Will require RYA survey



RYA MLC Process

Item 14 – Payment of Wages

- Payment of wages in accordance with SEA
- Payments are made at least monthly
- That there are no unlawful deductions and that there is a provision for allotments
- Where possible, seafarers to confirm that they are being paid!!

Will require owner declaration



Next steps...

- Final sign off from MCA on forms being used
- Inspector training on 30/31 January
- 770 vessels coded by RYA – anticipate approximately 250 - 300 will require MLC inspections
- Priority will be given to overseas vessels
- Option of using TC inspectors
- Option of running more MLC workshops for owners



Who was paying attention?

- Number of the MSN dealing with MLC for vessels under 200 gt?
- Number of inspection Items under the MLC?
- How much resin and laminate needs to be laid prior to 20th August 2013 for ship to be exempt from new accommodation standards?
- What are the benefits?



Questions?

technical@rya.org.uk