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ONE YEAR AFTER IMPLEMENTATION OF MLC, 2006

The Maritime Labour Convention, 2006 (MLC, 2006) was adopted in Geneva in 2006 and entered into force on 20 August 2013. The convention is the fourth pillar of international maritime law, along with SOLAS, STCW and MARPOL. So far, 60 member states of ILO have ratified the convention, and collectively they have approximately 80 per cent of the world's gross tonnage.

The convention establishes minimum requirements regarding working and living conditions for seafarers. It is divided into five sub-categories:

- Minimum requirements for seafarers to work on a ship
- Conditions of employment
- Accommodation, recreational facilities, food and catering
- Health protection, medical care, welfare and social security protection
- Compliance and enforcement

Commercial vessels of 500 GT, and above and which trade internationally, are required to carry a certificate, as imposed by the convention. These vessels have to carry specific documents such as the Maritime Labour Certificate (MLC) and a Declaration of Maritime Labour Compliance (DMLC) to show that the ships are in compliance with the requirements of the convention.

The consequences of non-compliance with MLC, 2006 are evident from the number of inspections and detentions being recorded which have been authorised by port state controls (PSC) regarding deficiencies related to MLC, 2006.

DNV GL carried out an analysis of MLC, 2006-related deficiencies found by PSC during the first year of the convention's enforcement. This analysis revealed that 160 ships were detained as a result of serious deficiencies being recorded.

The most common grounds for detention were:

- Records of rest (STCW)
- Seafarers' Employment Agreement (SEA)
- Fitness for duty – work and rest hours
- Manning specified by the minimum safe manning document (STCW)
- Wages

Most MLC, 2006-related detentions in the Tokyo MoU have been in Australia and China, representing approximately 60 per cent of MLC, 2006-related detentions in the region. In the Paris MoU, most MLC, 2006-related detentions have been in Spain, Russia and Bulgaria, representing 40 per cent of MLC, 2006-related detentions in the region.

Recently, AMSA (Australian Maritime Safety Authority) stopped a vessel from entering any Australian port for three months due to repeated breaches related to the seafarers' welfare and the maintenance of the vessel. The vessel in question had been detained three times since July 2013. During these inspections, AMSA detected incompliances with MLC, 2006 related to improper payment of wages, inadequate living and working conditions and inadequate maintenance of the vessel.

With the ongoing CIC on hours of rest (STCW), it is expected that more MLC, 2006-related deficiencies will be detected. We therefore urge ship managers to pay proper attention to seafarers' welfare. It is just as important as the proper maintenance of ship equipment, and an integral part of safe operations.

CONTACT

psc@dnvgl.com / portstatecontrol@dnvgl.com