



MLC 2006

Titles 1, 2 and the first amendments





Title 1

- Minimum requirements for seafarers to work on a ship.
 - Minimum age,
 - Medical certificate
 - Training and qualifications
 - Recruitment and placement.





Minimum age

- 16
- No night work under 18
- Night = 9 hours between 2400 and 0500 – for national determination.
- Night relaxation for training
- No employment of 16 to 128 year olds if likely to jeopardise health or safety. Types of hazardous work to be determined **after consultation**.





Medical Certificates

- Seafarers to have one before starting work
- CA to prescribe nature of examination and certificate – **after consultation.**
- STCW medical certificates are acceptable.
- Certificates to be issued by a qualified independent practitioner
- Seafarers to have right of second opinion.
- Maximum validity 2 years (1 year if <18)





Medical certificates - continued

- Medical certificates to state;
 - Hearing and sight are satisfactory; and
 - Seafarer is not suffering from any medical condition likely to render him unfit or endanger others on board.
- CA may permit a seafarer to join without a medical certificate in urgent cases provided he has a recently expired one and he gets a new one at next possible port not later than 3 months away.
- If medical expires on the voyage the certificate remains valid to the next port where it can be renewed, max 3 months.



Training and Qualifications

- Not permitted to work unless trained or certified as competent
- Not to work unless training for personal safety has been completed
- Meeting the STCW requirements on training, meets the MLC requirements.





Recruitment and Placement

- Public seafarer R & P services to be operated in an orderly manner protecting and promoting seafarer rights.
- Private R & P services with a primary purpose of recruiting and placing seafarers, or which place a significant number of seafarers – only to operate in conformity with a licensing or certification system established or changed **after consultation**.
- Rules also apply to services operated by seafarer's organisations to the extent agreed **after consultation**.





R & P continued

- Licensed R& P services MUST;
 - Not use lists or other methods intended to prevent seafarers from gaining employment for which they are qualified.
 - Charge no fees for employment either directly or indirectly. (except seaman's book, passport and other travel documents Visas to be paid for by shipowner.)
 - Maintain an up to date register open for CA inspection.





R&P continued

- Ensure seafarers are informed of their rights prior to or during engagement and have an opportunity to examine the Employment Agreement in advance.
- Verify that recruited seafarers are qualified and that the employment agreement conforms to the law and any CBA.
- Ensure (as far as possible) that the shipowner has the means to protect seafarers from abandonment.
- Examine and respond to any complaint and advise the CA of unresolved ones.
- Establish a system of insurance or similar to compensate seafarers from monetary loss as a result of failure of the R&P service or the shipowner to meet obligations in the employment agreement.





R&P continued

- CA must supervise closely all R&P services in its territory,
- CA must ensure there is machinery to investigate complaints about the activities of R&P services (involving the social partners as necessary).
- CA must advise seafarers as far as possible of the problems of signing up for work on ships registered in non-ratifying states.
- CA must ensure that shipowners using its flag who use R&P services based in non-ratifying states ensure that they meet MLC requirements.





R&P continued

- Part B of the Code –
- Member states should consider requiring R&P services in its territory to develop and maintain verifiable operational practices.





Title 2

- Conditions of employment
 - Seafarer's employment agreements
 - Wages
 - Hours of work and rest
 - Entitlement to leave
 - Repatriation
 - Compensation for loss or flundering
 - Manning levels
 - Career and skill development





Seafarer's employment agreements (SEA)

- Laws must require that;
 - Every seafarer has a SEA signed by the seafarer and the shipowner (or his authorised representative).
 - Every seafarer has an opportunity to examine and obtain advice on the SEA before signing.
 - Seafarer and shipowner each to have signed originals.
 - Clear information to be on board on conditions of employment and the SEAs to be accessible for review by CA.
 - Each seafarer to get a record of service without reference to quality of work or wages.



(SEA) continued

- CBA can be part of the SEA and if it is it must be available on board and the applicable parts in English. (not required for domestic ships).





(SEA) continued

- Laws to specify content of the SEA must include as a minimum;
 - Name, DOB, birthplace.
 - Shipowner's name and address
 - Place and date the agreement is entered into
 - Capacity in which employed,
 - Amount of wages or method to calculate,
 - Amount of paid annual leave,
 - Rules for termination including conditions for termination for indefinite agreements, date for fixed agreements and port for termination for voyage agreements.
 - Health and Safety protections provided by the shipowner,
 - Entitlement to repatriation
 - Reference to any applicable CBA.





(SEA) continued

- Member state to determine minimum notice periods **after consultation**, not to be less than 7 days.
- Less notice can be allowed in circumstances set by national law or a CBA and the member state is to ensure that consideration is given to seafarer's need to terminate early on compassionate grounds.





Wages

- To be paid monthly (or more frequently)
- Seafarers to get a full monthly account of wages
- To have an opportunity to transmit part of wages back to family or dependents including;
 - A system allowing seafarers to allot a portion of wages to family or dependents at regular intervals
 - A requirement that allotments are remitted in good time and directly to the nominee.
- Charges for allotments to be reasonable and rate of exchange to be at prevailing market rate.





Wages continued

- Standard A2.2 paragraph 6:
Each member that adopts national laws or regulations governing seafarer's wages shall give due consideration to the guidance in Part B.
- Part B defines the normal work day at 8 hours, with 48 hours/week, and overtime rates at 1.25 minimum. It requires overtime records to be kept and signed off monthly.
- Part B also says that member states shall after consultation, define a procedure for determining minimum wages taking into account international labour standards.





Hours of work and rest

- Either can be regulated.
- Basis is an 8 hour day with one day off per week and rest on public holidays.
- Work limits are:
 - 14 hours in any 24 and 72 hours in any 7 days.
- Rest limits are:
 - 10 hours in any 24 and 77 hours in any 7 days





Hours continued

- Rest is to be divided into no more than two periods one of which is at least 6 hours.
- Intervals between rest periods not to exceed 14 hours
- Musters and drills to be scheduled to minimise effects on rest.
- Time on call is rest unless called out





Hours continued

- Table of working arrangements and schedules of hours at sea and in port to be posted up,
- Records to be kept – in standard format.
- Seafarers to get a signed copy of their record.
- CA can have national laws or accept a CBA that varies the hours limits as long as they follow the standard as far as possible.
- The Master retains the right to require work for the immediate safety of the ship, cargo or persons on board or to assist another vessel.





Leave

- Annual leave with pay to be at least 2.5 days per month served.
- Agreements to forgoe leave to be prohibited.
- Annual implies every year which implies the maximum length of a contract is just over 11 months.





Repatriation

- Critical issue – subject to the first amendments in 2014.
- Ships to have financial security for repatriation. Options might include social security, insurance, funds etc. Form to be determined **after consultation.**
- System is to provide direct access to seafarers and ships to have a certificate or other documentary evidence of cover.





Repatriation continued

- Seafarers are entitled to repatriation when:
 - SEA expires,
 - SEA is terminated by the shipowner
 - SEA is terminated by the seafarer for justified reasons.
 - Seafarer is unable to continue or cannot be expected to.





Repatriation continued

- Part B expends situations when the entitlement to repatriation arises and includes:
 - Illness or injury,
 - Shipwreck,
 - Shipowner unable to meet obligations through insolvency or sale of the ship, or re-registry or similar,
 - Ship bound for a war zone to which the seafarer does not consent to go,
 - Termination or interruption of the employment in accordance with an industrial award or similar.





Repatriation continued

- After the 2014 amendments the definition of abandonment is clarified and gives rise to a right to repatriation by activating the financial security—abandonment is defined as when the shipowner:
 - Fails to meet the cost of repatriation
 - Has left the seafarer without necessary maintenance and support including food, accommodation, drinking water, essential fuel, and necessary medical care.
 - Has otherwise severed ties including failing to pay wages for 2 months.





Compensation for ship's loss

- Seafarers have a right to compensation for loss, injury or unemployment arising from the ship's loss.
- Shipowner to pay an indemnity against unemployment resulting from the loss.
- May be limited to 2 month's wages at basic rate (Part B).



Manning levels

- Member states are required to ensure that its ships are manned by an adequate crew in size and qualifications to ensure the safety of the ship and its personnel under all operating conditions as per the minimum safe manning document.
- CA is to take particular account of the need to minimise fatigue as well as the principles in other instruments especially the IMO.





Career development

- Members to have national policies to promote employment in the maritime sector and encourage career and skill development as well as career opportunities for seafarers in its territory.

