



MLC: Ensuring compliance by shipowners

Julie Carlton



Maritime and
Coastguard Agency

Safer Lives, Safer Ships, Cleaner Seas

Ensuring compliance

Consultation

Information for shipowners

Inspection and certification

Enforcement

Collaboration

Information for seafarers

Complaints

Consultation

- MLC requirement
 - “after consultation with shipowners’ and seafarers’ organizations concerned”
- How to implement
- After transposition:
 - Identify any problems occurring
 - Discuss how to resolve problems
 - Continuous improvement



Information for shipowners

- What are the requirements?
 - Clear and effective legislation and guidance
- What evidence is required?
- What flexibility is there?
- Where can help/advice be found?
 - Marine notices
 - DMLC Part 1

Inspection and certification (1)

- Periodic inspection (5 yearly)
- Intermediate inspection (between 2nd and 3rd anniversary)
 - Wide-ranging – efficiency v. effectiveness
 - Always a snapshot
 - Changes between inspections (e.g. SEAs, Financial Security certificates)
- Record of inspection
 - Clarity about anything that needs correcting/improving
 - “Action Code” for rectifying deficiency – e.g. before departure/next port/14 days

Inspection and certification (2)

- MLC inspectors
 - No delegation on ship of 500GT and over initially
 - Training course and refresher training
 - Accompanied inspections
 - Aide memoire
 - Consultant surveyors /technical performance managers
- Under 24m vessels/no more than 12 passengers
 - Certifying authorities – cascade training and refresher training



Inspection and certification (3)

- Ship files
 - any exemptions, substantial equivalents
- Survey /inspection records
- PSC MOUs – Information systems
 - Follow-up



Labour supply

- Good compliance by RPSs will make compliance by shipowners easier
- No registration or licensing of RPSs in the UK
- Regulation by Department of Business, Energy and Industrial Strategy
- MCA non-mandatory certification scheme
 - 95 UK RPSs with MCA certification
 - Information for RPSs, including System of protection: MGN 475(M)

Collaboration

Employment Agencies Standards Inspectorate

- Recruitment and placement

HMRC

- Social security
- (National minimum wage)

Border Force

- Shore leave issues

Port authorities

- Information
- Welfare

Enforcement action

- Improvement notices/Prohibition notices
- Cancel /suspend Maritime Labour Certificate
- Detention
- Prosecution
 - Criminal offences
- Civil penalties
 - Annual leave
 - Wages
 - Recovery of costs (e.g. repatriation)

Information for seafarers

- Transparency
 - SEA
 - DMLC Parts 1 and 2
 - Financial security certificate
- Information available on www.gov.uk
- Published Merchant Shipping Notices, Marine Guidance Notes, Marine Information Notes must be carried
 - A guide for seafarers?



Complaints

- On board procedure
 - Do seafarers have adequate information?
 - Do they have the confidence to use it?
- On shore procedure
 - Access – e-mail address
 - How to maintain confidentiality?

Common complaints



Wages

- Non-payment
- Late payment
- Sick pay
- Paid leave



Repatriation

- Dispute over destination
- Dispute over early termination



Bullying/ discrimination

- Difficult to address through MLC provisions
- UK employment law where applicable

Summary

- Transparency/Information
- Collaboration
- Enforcement mechanisms
 - Routine inspection, certification
 - When things go wrong