



International
Chamber of Shipping

Shaping the Future of Shipping



ECSA
European Community
Shipowners' Associations

Shipowner perspectives on implementation and enforcement of the Maritime Labour Convention, 2006

Dr. Max Johns, ICS
Tim Springett, ECSA

Workshop on the MLC, 2006

18-20 February 2020

About ICS & ECSA

- ICS is the principal international trade association for shipowners and operators.
- ECSA is the European trade association for shipowners and operators.
- Represent the interests of shipowners and operators engaged in all sectors and trades at international regulatory fora, such as ILO and IMO.



Outline

History & Origins

Scope of the MLC

Milestones & Ratifications

Example of best practices

Challenges

Actions

Way forward



History & Origins

- Shipowner Group at ILO
- Geneva Accord
- Consolidation of existing ILO maritime instruments
- Adoption of MLC in 2006



Minimum Age Accommodation
Seafarer Employment Agreements Welfare Facilities
Recruitment & Placement Wages Shipowners' Liability
Hours of Work & Rest Medical Certificate Entitlement to
Leave Social Security Repatriation Compensation
Manning Recreational Facilities Qualifications
Medical Care Survey & Certification Health & Safety
On Board Complaints Procedures Training
Career & Skill Development Food & Catering
Accident Prevention



Minimum Age
Training
Medical
Qualifications
Certificate

Marine HR and crewing

Wages
Recruitment & Placement
Seafarer Employment Agreements
Social Security
Entitlement to Leave
Training
Repatriation

Shipowners'
Liability
Compensation

Safety Management System (SMS)

Accommodation
Manning
Medical Care
Training
Health & Safety
Food & Catering
Hours of Work & Rest
On Board
Complaints Procedures
Recreational Facilities
Accident Prevention

Career & Skill Development

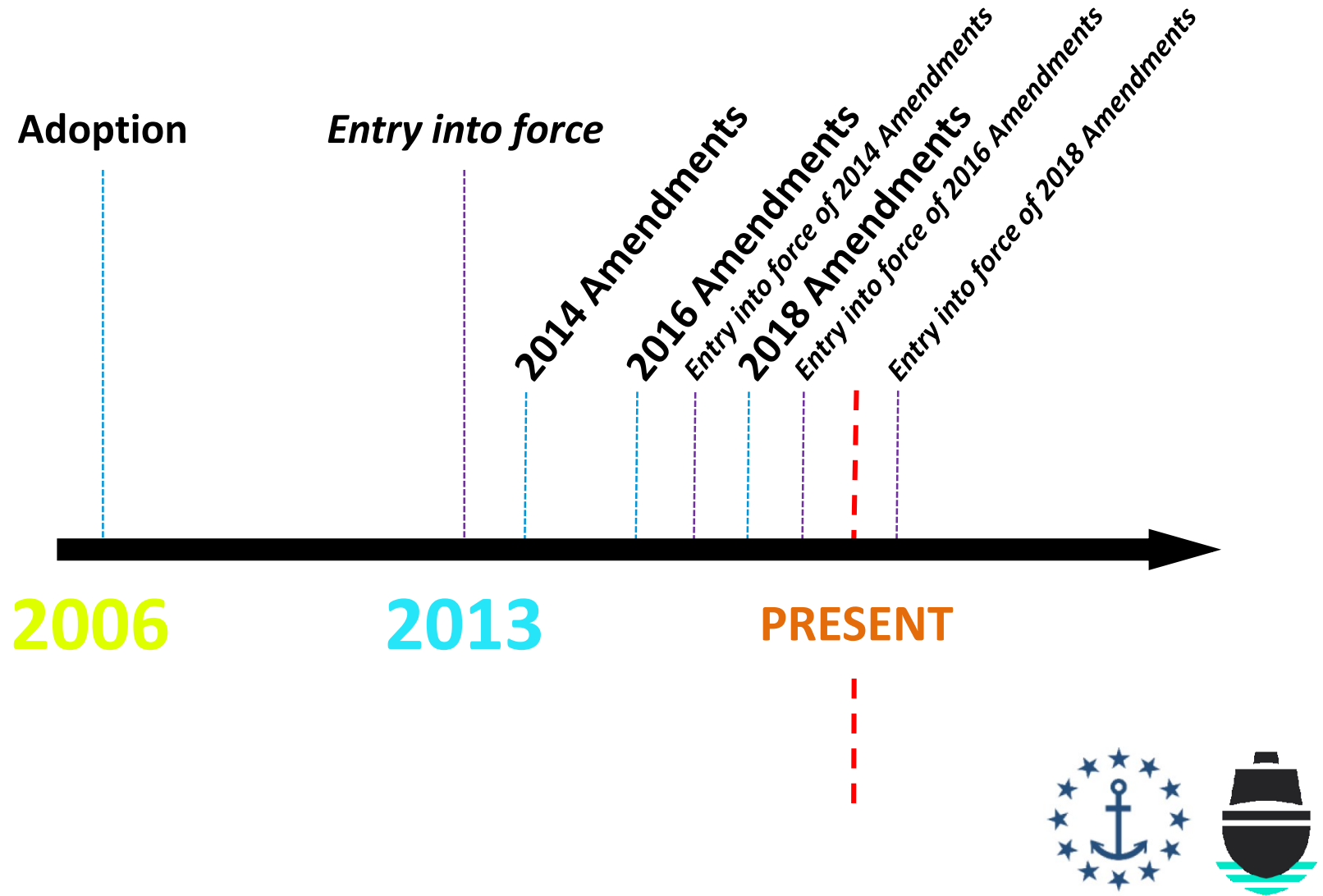
Welfare Facilities

Survey
Certification

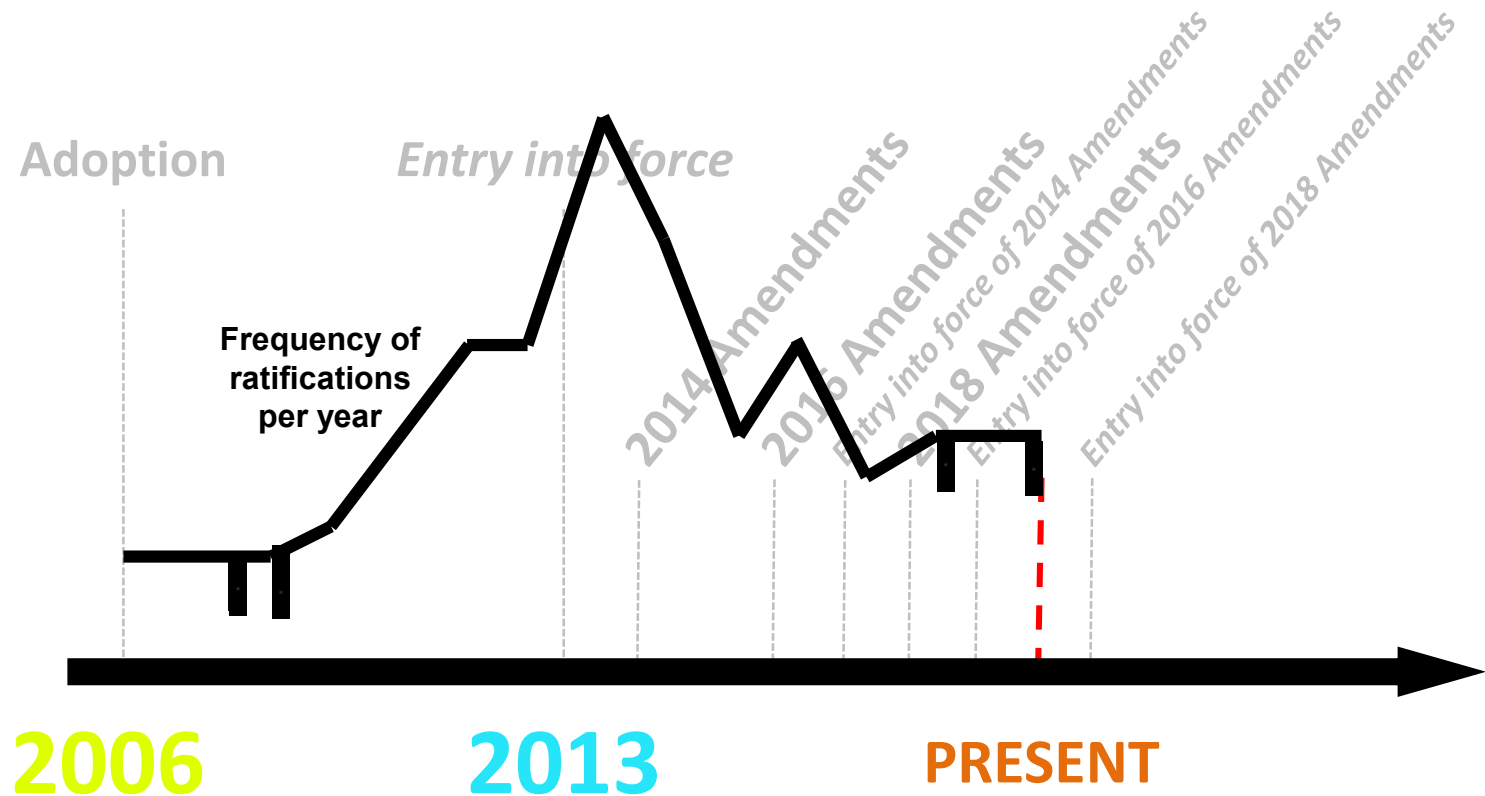
&



Milestones



Milestones



**How can we promote more
ratifications of the MLC?**

**What should be our
objectives and targets when
it comes to ratifications?**



Promotion of ratifications

Convention	Number of Ratifications
SOLAS	165
MARPOL	158
STCW	165
MLC	96

~ 50 to 60 potential
ratifications?



Promotion of ratifications

**Algeria Argentina Australia Azerbaijan Bangladesh
Brazil Canada Cape Verde Chile China Cuba
Ecuador Egypt Ethiopia Fiji Georgia Ghana India
Indonesia Iran Israel Jamaica Japan Jordan Korea
Madagascar Malaysia Mexico Montenegro Morocco
Myanmar New Zealand Oman Pakistan Peru
Philippines Russian Federation Senegal Serbia
Singapore South Africa Sri Lanka Tunisia Turkey
Ukraine United States of America Uruguay Vietnam**



Promotion of ratifications

**Algeria Argentina Australia Azerbaijan Bangladesh
Brazil Canada Cape Verde Chile China Cuba
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Madagascar Malaysia Mexico Montenegro Morocco
Myanmar New Zealand Oman Pakistan Peru
Philippines Russian Federation Senegal Serbia
Singapore South Africa Sri Lanka Tunisia Turkey
Ukraine United States of America Uruguay Vietnam**



Promotion of ratifications

Algeria Argentina Australia Azerbaijan Bangladesh
Brazil Canada Cape Verde Chile China Cuba
Ecuador Egypt Ethiopia Fiji **Georgia** Ghana India
Indonesia Iran Israel Jamaica Japan Jordan Korea
Madagascar Malaysia Mexico Montenegro Morocco
Myanmar New Zealand Oman **Pakistan** Peru
Philippines Russian Federation Senegal Serbia
Singapore South Africa Sri Lanka Tunisia **Turkey**
Ukraine United States of America Uruguay Vietnam

Saudi Arabia United Arab Emirates Yemen



**How do shipowners comply
with their responsibilities
under the requirements of
the MLC, as implemented by
their flag State(s)?**



EXAMPLE: Recruitment & placement

What is a recruitment and placement service (RPS)?

“Seafarer recruitment and placement service means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.” (Article II)

Why do shipowners use RPS? Expertise. Service. Responsive.

What does the MLC say about RPS?

“Each Member shall effectively exercise its jurisdiction and control over seafarer recruitment and placement services, if these are established in its territory.” (Article V)

“Each Member which has ratified this Convention shall require that shipowners of ships that fly its flag, who use seafarer recruitment and placement services based in countries or territories in which this Convention does not apply, ensure, as far as practicable, that those services meet the requirements of this Standard.” (Standard A1.4)



Recruitment & placement

What do shipowners expect from an RPS?

- Identify qualified and competent seafarers
- Verify certificates and documents of seafarers
- Inform seafarers of their rights and T&Cs of their employment
- Licensed, certified or otherwise authorized to operate as part of a standardized system (if in MLC Party)
- Certified by a classification society or other independent body (especially if in non-MLC Party), e.g. ISO, “MLC”

No fees or charges

No discriminatory practices

No blacklisting or deterrence



Recruitment & placement

— **What can shipowners do to satisfy themselves that a RPS is compliant with applicable legislation and/or requirements of the MLC?**

- Regularly review agreements and contracts with RPS
- Always check references and feedback on RPS
- Request documentary evidence of RPS operating licence, certification or other form of authorization or permission
- Develop internal checklists and conduct audits of RPS



Recruitment & placement






CERTIFICATE No. [REDACTED] 77-MLC

It is hereby certified that the Quality Management System of

M G MARINE SOLUTION CORP.

Eyup Sultan Mah. Merkez Cad. No: 18, Kat: 2, D-4, Zip Code: 34885 Samandıra,
Sancaktepe/ Istanbul / Turkey, Turkiye

for the following activity/activities:

Eyup Sultan Mah. Merkez Cad. No: 18, Kat: 2, D-4, Zip Code: 34885 Samandıra,
Sancaktepe/ Istanbul / Turkey, Turkiye

Is in compliance with the

**ILO Maritime Labour Convention 2006 - MLC 2006
(Title 1 - Regulation 1.4)**

Interpreted according to the

RINA INSTRUCTION TO TECHNICIANS:
"MARITIME LABOUR CONVENTION, 2006.
RECRUITMENT AND PLACEMENT REQUIREMENTS"

For the following field(s) of activities

SEAFARERS RECRUITMENT AND PLACEMENT SERVICES

The use and validity of this certificate are subject to compliance with the RINA document.
Rule for the certification of maritime personnel recruitment and placement agencies in compliance with the ILO Convention Maritime Labour Convention 2006

First issue	08/04/2017
Current issue	08/04/2017
Expiry date	07/04/2020



RINA Services S.p.A.
Via Corsica 12 - 16128 Genova

For information concerning validity of the certificate, you can visit the site www.rina.org






STATION OF COMPLIANCE

No. ODS0/EKK/20160719091404

This is to attest that

[REDACTED] **ES LTD**
24 Shevchenko Avenue, Office 601
65044 ODESSA
UKRAINE

Management System has been audited and that it complies
with the requirements of:

IAS Guidance Note NI 563
Quality Management System of Seafarer Manning Offices"

the Maritime Labour Convention, 2006 on voluntary basis

Audit on which this Attestation is based: 19 July 2016

is valid until **18 July 2021** considering that no substantial changes have
ing Office Quality Management System and subject to annual audits.

19 July 2016



BUREAU VERITAS

[REDACTED]

E. Kuznetsov
By Order of the Secretary

fished Rules of the Bureau Veritas Marine & Offshore Division and
the General Conditions thereby are applicable.

Attestation of Compliance No. ODS0/EKK/2016071

Exemptions and/or Areas of partial compliance are stated below:

ENDORSEMENT FOR ANNUAL VERIFICATION

1st ANNUAL VERIFICATION

2nd ANNUAL VERIFICATION

3rd ANNUAL VERIFICATION

4th ANNUAL VERIFICATION

Signed : _____

Place : _____

Date : 12

Signed : _____

Place : _____

Date : 05

Signed : _____

Place : _____

Date : _____

Signed : _____

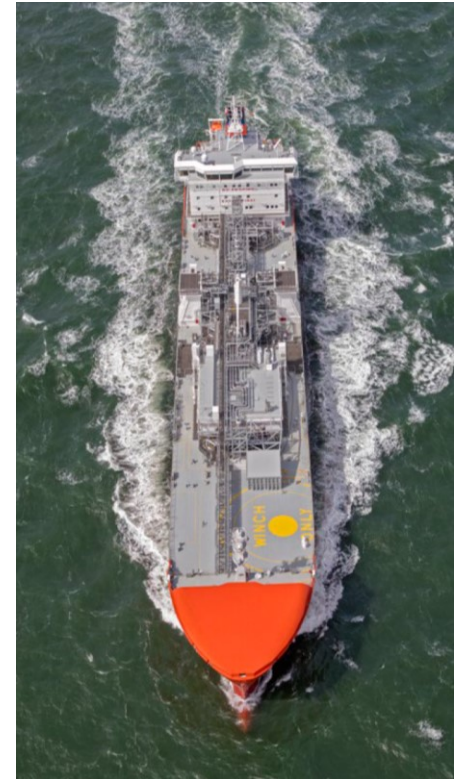
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Date : _____



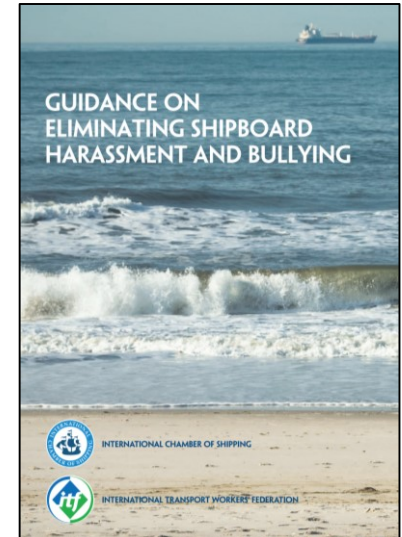
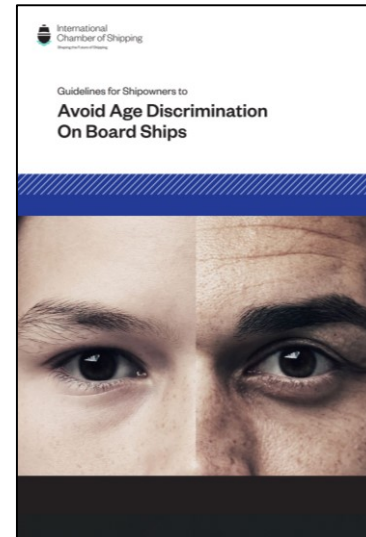
Challenges

- Insufficient ratifications of the MLC
- “Gold-plating”
- Failure to utilise flexibility provided for in the MLC
- Unclear/contradictory instructions
- Excessive bureaucracy
- Over-zealous inspections
- Misuse of complaint procedures
- Unfounded complaints and wrongful detentions



Actions taken by ICS & ECSCA

- Promoting ratification of the MLC, 2006, directly engaging with Governments
- Delivering training sessions with companies to explain the provisions of the Maritime Labour Convention and their responsibilities.



Developing new ICS on board training record book for ship's cook trainees

Developing new ICS guidance for shipowners on the use of manning agencies



Promotion of careers at sea



Recommendations

- Promote further **ratifications** of the MLC
- Promote respect for the **tripartite** process on which MLC is founded in all events and fora where the MLC is discussed
- Promote **collaboration** between all stakeholders
- Support **implementation** of the MLC through technical cooperation, capacity building, training activities and guidance
- Support **enforcement** of the MLC through harmonization of approaches to PSC inspections and training of PSCOs

But most of all...



Promote compliance!

(The MLC is not a stick!)





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