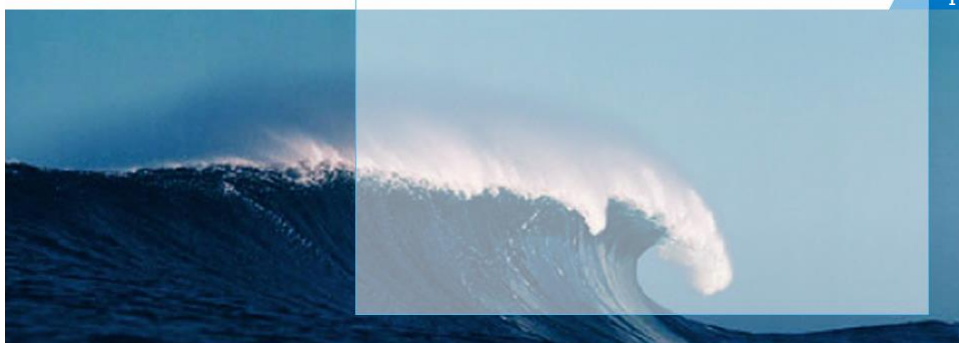


Maritime Labour Convention

Title 5

Flag State responsibilities

1



Maritime Labour Convention

Scope:

Provide an example of national provisions for implementing Title 5 of the MLC

Content:

- Generalities on Title 5 and Regulation 5.1
- Example of national provisions for implementing Reg. A.5.1.1 to 5.1.4



2

Maritime Labour Convention

Title 5



5.1 Flag State responsibilities

To ensure that each Member implements its responsibilities under MLC Convention with respect to ships that fly its flag

3

5.2 Port State responsibilities

To enable each Member to implement its responsibilities under this Convention regarding international cooperation in the implementation and enforcement of the Convention standards on foreign ships

5.3 Labour-supplying responsibilities

To enable each Member to implement its responsibilities under this Convention as pertaining to seafarer recruitment and placement and the social protection of its seafarers

Maritime Labour Convention

Main points

- 1. Inspection system**
- 2. Certification**
- 3. Delegation to Recognised Organisations**

Generalities on
Regulation 5.1

4



Maritime Labour Convention

Main points

1. **All ships subject to inspection**
2. **Certification:**
 - **Ships ≥ 500 GT on international voyages to be certified**
 - **Other ships if requested by the ship-owner**
 - **Certificate covers 14 areas (Appendix A5.1)**
3. **Delegation to Recognised Organisations**

Generalities on
Regulation 5.1

5



Maritime Labour Convention

Inspection

Example of
national
legislation
MLC 5.1

The Competent Authority for the inspection and certification of compliance to MLC standards is the Ministry of Labour – Department for working and living conditions

Each national vessel will keep on board a copy of the of the most updated version of the MLC

All ships registered in national ships' registry of _____ to which the MLC apply, are inspected to verify that they meet the MLC standards. The outcome of the inspection is recorded on the annexed form

6



Maritime Labour Convention

Inspection

**Example of
national
legislation
MLC 5.1**

The inspection of national ships to whom the Convention apply covers all the relevant Titles and Regulations of the MLC and the national provisions adopted for implementing the Convention

For ships ≥ 500 GT on international voyages and for all those issued with the Maritime Labour Certificate, the inspection includes the verification of procedures defined by the ship-owner to ensure the on-going compliance with the defined standards



7

Maritime Labour Convention

Inspection

**Example of
national
legislation
MLC 5.1**

The minimum criteria to be met by the ship's inspectors are as follow:

... ..

The ship's inspectors maintains their skills by undergoing to a training programme according to the following criteria:

... ..



8

Maritime Labour Convention

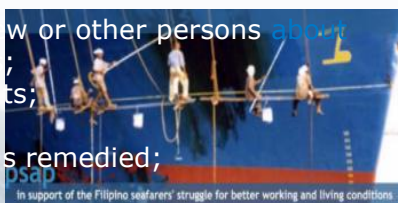
Inspection

**Example of
national
legislation
MLC 5.1**

All ship's inspections (initial, renewal and intermediate) are initiated on request of the ship-owner.

The ship's inspectors are empowered to:

- inspect the national vessels;
- to question the master, the crew or other persons about the application of the Standards;
- to examine book and documents;
- to take samples;
- To require that any deficiency is remedied;
- etc.



9

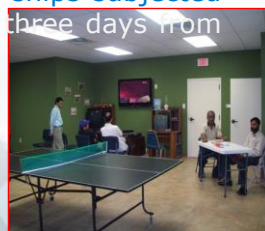
Maritime Labour Convention

Inspection

**Example of
national
legislation
MLC 5.1**

The ships' inspectors have to provide the ship's master and the Competent Authority with the report of each single inspection.

Such report has to be provided both for ships subjected and not subjected to certification within three days from the completion of the inspection



10

Maritime Labour Convention

Certification

Example of
national
legislation
MLC 5.1

The Maritime Labour Certificate according to the annexed form is issued to:

- Ships \geq 500 GT engaged on international voyages
- Ships \geq 500 GT operating from a port, or between ports, of a foreign country
- To other ships on request of the shipowner

The Certificate covers the 14 areas listed in the Appendix A5.1 to the Convention and will be filled in both in the national and English languages

"International voyage" means a voyage from a country to a port outside such a country.

11



Maritime Labour Convention

Certification

Example of
national
legislation
MLC 5.1

The Maritime Labour Certificate is valid if accompanied by the:

DMLC Part 1 – summarising the national requirements, laws or regulations or other measures implementing the MLC. The **DMLC** Part 1 will be filled in by the Competent authority; and

DMLC Part 2 – identifying the procedures adopted by the ship-owner to ensure the on-going compliance with the national requirements listed in the Part 1. The **DMLC** Part 2 will be filled in by the Ship-owner

12



Maritime Labour Convention

Certification

**Example of
national
legislation
MLC 5.1**

The Maritime Labour Certificate is issued by the Competent Authority following a satisfactory initial or renewal inspection

13

It remains valid for five years from the completion of the relevant inspection.

If the renewal inspection is carried out within three months before the expiry date of the certificate, the anniversary date will remain unchanged.



Maritime Labour Convention

Certification

**Example of
national
legislation
MLC 5.1**

The validity of the Maritime Labour Certificate is subject to an intermediate inspection which has to take place between the second and third anniversary date.

14

The intermediate inspection covers all the relevant Titles and Regulations of the MLC and the National legislation implementing the Convention.

Following the positive result of the intermediate inspection, the certificate is endorsed by the [delegated RO – Competent Authority]



Maritime Labour Convention

Certification

**Example of
national
legislation
MLC 5.1**

When the Maritime Labour Certificate is issued or endorsed based on a "Rectification Plan" of the outstanding deficiencies, its validity has to be confirmed following the verification of the implementation of such "Plan"

15



Maritime Labour Convention

Certification

**Example of
national
legislation
MLC 5.1**

Following an initial inspection, an Interim certificate can be issued in the case of:

- newly build ships
- change of Company
- change of Flag

16

The maximum validity of the interim certificate is six months. Such period cannot be extended

The Interim Certificate does not need to be accompanied by the DLMC part II



Maritime Labour Convention

Certification

Example of
national
legislation
MLC 5.1

The Maritime Labour Certificate ceases to be valid under the following conditions:

17

-
- In the absence of verification that the agreed "Rectification Plan" has been implemented *(specific procedures to be detailed by the Competent authority)*

The Maritime Labour Certificate has to be withdrawn when:

... ..



Maritime Labour Convention

Delegation

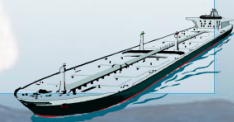
Example of
national
legislation
MLC 5.1

Inspections and the issuance of the MLCertificates is delegated to EU(?) Recognised Organisations (ROs)

18

A written agreement has to be signed with the authorised ROs and criteria/instructions for delegation of tasks to ROs have to be met

A list of the authorised ROs for the purpose of the MLC will be sent to the ILO



Maritime Labour Convention

Delegation

Example of
national
legislation
MLC 5.1

The report of an inspection carried out by ROs, has to be sent to the Competent Authority within three days from the completion of the inspection

19

If the Recognised Organisation is entitled to issue the MLC, a copy of the certificate and the attached DMLC Part I and II, have to be forwarded to the Competent Authority within three days from its issuance



Maritime Labour Convention

Monitoring

Example of
national
legislation
MLC 5.1

The Competent Authority will monitor the performance of the Recognised Organisations by examining:

- the reports of inspection and the MLCs issued on its behalf
- the results of PSC inspections on board of national vessels
- the complaints received

20

The detailed criteria for monitoring will be adopted by the Competent Authority. They can include oversight inspections carried out by national inspectors



**Example of
national
legislation
MLC 5.1.5**

Maritime Labour Convention

Complaints (on-board)

The Competent Authority is responsible for the approval of the ships' on-board procedures for handling complaints.

All ships must have an approved on-board procedures for the effective and expeditious handling of seafarers complaints.

All seafarers must be provided with a copy of the on-board approved procedures.

Victimisation of seafarers filing complaints is punished by the Law _____

21



**Example of
national
legislation
MLC 5.2.2**

Maritime Labour Convention

Complaints (onshore)

Where the complaint cannot be solved at the ship-board level, the authorised ship officer or the seafarer itself can inform the Flag State.

The Competent Authority is in charge for dealing with seafarers' complaints and its contact details are as follow (postal address; telephone; fax; e-mail)

22



Maritime Labour Convention

Complaints (onshore)

**Example of
national
legislation
MLC 5.2.2**

The Competent Authority has to examine received complaints in order to identify and implement appropriate remedial action

23

The complaints' investigation include the verification of the ship-board procedures' effectiveness both for the identification of possible improvements and lack of implementation by the ship's responsible person.

Any infringement of the principle of "confidentiality of complaints" is punished by _____



MLC 2006

Any question?

24

**Thank You
for listening!!!**