

KISH P & I LOSS PREVENTION CIRCULAR KPI-LP-114-2013 **(Summing Up MLC requirements & A Simplified Check-List)**

The MLC will enter into force on 20.AUG.2013. We have only two months to go.

The following notes are the latest in the MLC information series disseminated by the Kish P & I. The notes are devised as a sum-up & an attached simplified check-list (extracted from reliable international resources) has been introduced along with the circular as a guideline for the implementation process.

Members are recommended to work with their flag state and relevant classification society to ensure compliance with the provisions of the MLC.

► **Ships:**

All ships over 500 GT engaged in international voyages, must be certified as being MLC compliant. The requirements do not apply to ships which navigate exclusively in inland waters.

► **Seafarers:**

The MLC applies to all seafarers. Where there is any doubt as to whether particular categories of persons are to be regarded as “seafarers”, the matter must be determined by the flag state after consultation with the relevant ship-owners’ and seafarers’ organizations. Repair and maintenance squads, for example, who spend prolonged periods on board the ship, may be regarded by the competent authorities to be seafarers under the MLC.

► **Certification:**

Ships greater than 500 GT trading internationally will need a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance (DMLC) issued by the flag state and kept on board as well as displayed in a conspicuous place accessible by the crew.



► **The Maritime Labour Certificate:**

The Maritime Labour Certificate will follow an inspection by a recognized organization (RO) to ensure compliance with the MLC standards in accordance with the flag state’s national laws. Flag states must inspect and approve compliance with the minimum standards with respect to the following 14 elements before issuing a ship with a Maritime Labour Certificate:

1. Minimum age
2. Medical certification
3. Qualification of seafarers
4. Seafarer employment agreements
5. Use of recruitment and placement services (manning agencies)
6. Hours of work or rest
7. Manning levels
8. Accommodation
9. On board recreational facilities
10. Food and catering
11. Health & safety and accidental prevention
12. On board medical care
13. On board complaint procedures
14. Payment of wages

Certificates are valid for a maximum period of five years with the requirement for intermediate inspections to be held between the second and third year anniversary dates.

An interim Maritime Labour Certificate may be issued for a period that does not exceed six months, for example:

- To a new ship on delivery
- When a ship changes flag or
- When a ship-owner assumes responsibility for the operation of a ship which is new to that ship-owner.

Whilst a separate DMLC is not required, an interim certificate will only be issued following verification that:

1. The fourteen key areas listed above have been checked
2. The ship-owner has demonstrated to the flag state or RO that the ship has adequate procedures to comply with the MLC
3. The master is familiar with the requirements of the MLC and the responsibilities for implementation and
4. Relevant information has been submitted to the flag state or RO to produce a DMLC.

► **DMLC:**

In addition to the Maritime Labour Certificate there is also a requirement to carry on board and maintain a DMLC.

The purpose of the DMLC is to ensure continual compliance with MLC standards, and to assist inspectors in checking that national requirements are properly implemented.

The DMLC comprises of two parts and will be issued by the flag state as an attachment to the Maritime Labour Certificate.

Part I will be prepared by the flag state, listing the fourteen key areas and confirming that they reflect the national requirements, whereas part II will be drawn up and maintained by the ship-owner for each ship and will identify the measures adopted to ensure ongoing compliance between inspections.

► **Certification process:**

1. Ship-owner requests certification for a ship;
2. Flag state to provide DMLC part I showing issues to be covered by DMLC part II;
3. Preparation of DMLC part II by the ship-owner;
4. Submission of DMLC parts I and II for review by the flag state; a satisfactory review will result in a request for an on board inspection;
5. On completion of a satisfactory on board inspection, the DMLC will be stamped and signed and the Maritime Labour Certificate will be issued;
6. Intermediate inspection (2-3 years);
7. Renewal inspection (5 years)





► **Port State Control (PSC):**

Any ship calling at the port of a state that has ratified the MLC may be inspected by PSC for compliance with the MLC requirements, irrespective of whether the ship's flag state has ratified the MLC. ILO Resolution XVII requests that flag and port states should give due consideration to allowing ships to continue to operate without the Certificate and DMLC for up to a period of one year following the initial entry into force of the Convention, provided that their inspectors have no evidence that the ships do not conform to the requirements of the MLC.

Usually, a PSC inspection should only require a review of the Maritime Labour Certificate and the DMLC. However, if the inspector has clear grounds for suspecting that working and living conditions do not conform to the MLC standards then a more detailed inspection could be required.

Such grounds would include:

1. The Maritime Labour Certificate and DMLC are not available or are invalid or falsified;
2. There are clear grounds for believing that the working and living conditions on

the ship do not conform to the requirements of the MLC;

- 3.
4. A specific complaint has been received about the quality of the working and living standards;
- 5.
6. The ship has changed flag to avoid compliance.

Where any non-compliance affects on board health and safety, or is a serious breach of on board health and safety, the PSC officer can detain the ship. The MLC requires that port states should make every possible effort to avoid a ship being unduly detained or delayed. If the deficiency is not significantly serious, it is possible that the port state will instead require a rectification plan to be drawn up and implemented before the next port of call, where the ship can be inspected again.



**Examples of serious breaches
where the ship could be detained
include:**

1. *The presence of any seafarer on board under the age of 16;*
2. *The employment of any seafarer under the age of 18 in work likely to jeopardize their health or safety;*
3. *Insufficient manning, including that caused by the removal of the Safe Manning Document of underage seafarers;*
4. *Any other deficiencies constituting a violation of fundamental rights and principles of seafarers' employment and social rights;*
5. *Seafarers repeatedly having less than the required minimum hours of rest;*
6. *Seafarers repeatedly not having valid certificates confirming medical fitness;*
7. *Ventilation, and/or air conditioning or heating that is not working adequately;*
8. *Quality and quantity of food and drinking water not being suitable for the intended voyage;*
9. *Medical guide, medicine chest or medical equipment, as required, not being on board;*
10. *No seafarer qualified to be in charge of medical care on board.*



The simplified check-list can be of great assistance for all concerned.

► On board complaints procedure:

The on board complaints procedure, allows seafarers to enforce their rights under the MLC. Ship-owners must ensure their ships have procedures on board and each seafarer must be provided with a copy of the procedures. In all cases the seafarer must be able to complain directly to the master and where appropriate must also be able to complain to external authorities.