

Marine Notice No. 30 of 2015

Notice to all Seafarers, Seafarer Representative Organisations, Ship Owners, Ship Operators, Recognised Organisations and Charterers.

Maritime Labour Convention, Flag State Inspection and Certification of Irish seagoing ships.

The Maritime Labour Convention 2006 (MLC 2006) comes into force in Ireland on the 21st July 2015.

Summary

The Maritime Labour Convention (MLC) was adopted at the 94th International Labour Organisation's (ILO) Maritime Session, on 23rd February 2006 in Geneva. The Convention seeks to ensure that the employment and social rights of seafarers are fully implemented. It will enter into force for Ireland on 21 July 2015, 12 months after the date on which Ireland's ratification was registered with the ILO.

The purpose of this notice is to give guidance and details in respect of the MLC 2006 in respect of the following:

- Inspection and certification of ships of 500 GT or over,
- Inspection for compliance of ships less than 500 GT,
- Onboard Complaint procedures - addressed in Annex I.

A list of applicable legislation and Marine Notices are listed in Annex II.

The Merchant Shipping (Maritime Labour Convention) (Flag State Inspection and Certification) Regulations 2014 (S.I. 376 of 2014) is the applicable statutory instrument in respect of the MLC 2006 for Irish flagged ships.

[Statutory Instrument No. 376 of 2014](#)

The MLC 2006 will apply to all seagoing Irish ships.

“seagoing”, in relation to a ship, means—

(a) a ship in respect of which a certificate is required to be in force in accordance with the Merchant Shipping (Load Lines) Act 1968 (No. 17 of 1968),

(b) a passenger boat that proceeds to sea of Class P3, P4, P5 or P6, in respect of which a passenger boat licence is required to be in force in accordance with the Act of 1992,

- (c) a passenger ship of Class I, II, II(A), III or VI in respect of which a passenger ship certificate is required to be in force in accordance with the Act of 1992,
- (d) a passenger ship of Class A, B, C or D in respect of which a passenger ship safety certificate is required to be in force in accordance with the Regulations of 2011,
- (e) a high-speed passenger craft in respect of which a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft outside waters of Categories A, B, C or D are required to be in force in accordance with the Regulations of 2011,
- (f) a Dynamically Supported Craft (“DSC”) in respect of which a DSC Construction and Equipment Certificate, and a DSC Permit to Operate High Speed Craft outside waters of Categories A, B, C or D are required to be in force in accordance with the Regulations of 2011, or
- (g) any other ship that proceeds to sea beyond the limits of smooth or partially smooth waters;

“ship” means any vessel, whether publicly or privately owned, which is ordinarily engaged in commercial operations, being a vessel other than a fishing vessel, warship or naval auxiliary.

See S.I. 376 of 2014 for further definitions.

Certification

All seagoing ships of 500 GT or more, as per the Regulations¹, are required to carry a Maritime Labour Certificate. Recognised Organisations may issue certification on behalf of the Minister, as per Regulation 7 of S.I. 376 of 2014. Those who already have Statements of Compliance issued by a Recognised Organisation, should contact that RO to exchange it for an international certificate with the same periods of validity.

Ships of less than 500 GT and ships over 500GT which operate domestically are not required to carry an MLC certificate but may apply for certification; it is then mandatory to comply with intermediate and renewal inspection requirements. All ships less than 500 GT to which the Convention applies and ships over 500GT which operate domestically will be inspected at least once every three years to ensure compliance.

Certification and inspection of ships

Ships of over 500 GT and ships which apply for certification will be subject to the following inspections:

- Initial Inspection – before the issue of an MLC Certificate;
- Intermediate Inspections – between the second and third year of validity of the Maritime Labour Certificate to ensure on-going compliance with the MLC 2006; and
- Renewal Inspection – at five yearly intervals.

An interim Maritime Labour Certificate (see Regulation 12 of S.I. 376 of 2014) may be issued when a ship is:

- a new Irish ship on delivery,
- transferred from the flag of another state to the State and becomes an Irish ship,

¹ Full details of the requirements for certain ships to be certified are set out in Regulation 4 of S.I. 376 of 2014. Every sea-going ship of 500GT or over that engages or intends to engage in international voyages, or operates or intends to operate from a port, or between ports, in another state, is required to be certified. (Ships of 500GT or over which operate domestically are not required to be certified, but will be inspected for compliance every 3 years.)

- a ship the responsibility for the operation of which is new to the shipowner.

Ships which are not required to carry a Maritime Labour Certificate will be subject to an inspection at least once every three years. A record of the inspection is to be carried on board. Marine Surveyors from the Marine Survey Office will carry out the MLC inspection.

Online sources of information:

This notice should be read in conjunction with:

- **Guidelines for flag State inspections under the Maritime Labour Convention, 2006**

[Guidelines for Flag State Inspections under the Maritime Labour Convention 2006](#)

- **Directive 2009/13 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC**

[Council Directive 2009/13/EC](#)

- **Directive 2013/54 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006**

[Council Directive 2013/54/EU](#)

The International Labour Organisation (ILO) has a dedicated online section for the MLC 2006

[Maritime Labour Convention 2006](#)

Scope of Inspections

Ships of 500 GT or over: All seagoing ships of 500GT or over which operate internationally will be inspected and issued certification as appropriate.

Ships less than 500 GT: All seagoing ships of less than 500 GT (and those over 500GT which operate domestically) will be inspected for compliance with the MLC 2006 at least once every three years. A copy of the Maritime Labour Convention 2006 (MLC 2006) is required to be available in hard copy or in electronic format at all times to all on board. All ships will be required to demonstrate compliance with the Convention in respect of:

- Minimum Age
 - No person under the age of 16 employed on board
 - No young persons on night duty unless in accordance with an established training programme and not detrimental to the health or wellbeing of the seafarer under the age of 18
 - See European Communities (Merchant Shipping) (Organisation of Working Time)(Amendment) Regulations 2014 (S.I. 245 of 2014)
[Statutory Instrument No.245 of 2014](#)
- Medical Certification
 - All seafarers to possess a medical fitness certificate, a copy of which to be available on board,
 - See Merchant Shipping (Medical Examinations) Regulation 2014 (S.I. 246 of 2014)
 - [Statutory Instrument No.246 of 2014](#)
 - See Marine Notice No. 38 of 2014.
 - [Marine Notice No. 38 of 2014](#)
- Qualifications of Seafarers
 - Copies of relevant qualifications to be available on board in accordance with STCW or National Regulations
- Seafarers Employment Agreements²
 - Seafarers working on an Irish seagoing ship must have a signed and current employment agreement
 - Owners/Operators should note that the form of the work agreement is not prescribed, however it must contain as a minimum the details required in Standard A2.1.4 of the Convention
 - An employment agreement needs to be signed by both the seafarer and the owner or their agent.
 - At all times seafarers must be given the right to obtain advice prior to signing an employment agreement.
- Details regarding the use of private recruitment and placement services (if applicable)

² A Seafarers Employment Agreement is not necessary for ships that operate domestically (no international voyages); it will be sufficient to note that a salary is paid monthly and in accordance with national employment law.

- Details of Hours of Rest
 - Records are required to be maintained on board for a three year period
 - Pro-forma are available in Marine Notice No 16 of 2010 as linked below
[Statutory Instrument No.245 of 2014](#)
[Marine Notice No.16 of 2010](#)
- Manning Levels of the Ship
 - as per the Minimum Safe Manning Document, if applicable
 - as per the Passenger Certificate, if applicable
 - and/or the operational requirements of the ship
- Accommodation
 - As applicable to the nature of the ship
- On-board Recreational Facilities
 - As appropriate to the nature, size and operation of the ship
- Food and Catering
 - As appropriate to the nature, size and operations of the ship
- Health and Safety, Accident Prevention
 - As per statutory Regulations – see Merchant Shipping (Health and Safety: General Duties) Regulations 1988 (S.I. 109 of 1988)
 - [Statutory Instrument No. 109 of 1988](#)
- On-board Medical Care
 - Medical equipment in accordance with statutory Regulations – see European Communities (Minimum Safety and Health Requirements for Improved Medical Treatment on board Vessels) Regulations 1997 (S.I. 506 of 1997)
 - [Statutory Instrument No. 506 of 1997](#)
- On board complaints procedures
 - Regulation 16 of S.I. 376 of 2014
 - See Annex I for a model on board complaints procedure
- Payment of wages
 - To be paid at least monthly
 - The seafarer shall be given a monthly account of wages

Other requirements of the Convention may also be checked e.g. repatriation, liability of shipowners.

A copy of the inspection report by the Marine Surveyor is required to be posted on board.

Irish Maritime Administration,
 Department of Transport, Tourism and Sport,
 Leeson Lane, Dublin 2, Ireland.

23/06/2015

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, Leeson Lane, Dublin 2, tel: +353-(0)1-678 3400.
For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418.
Written enquiries concerning Marine Notices should be addressed to: Maritime Safety Policy Division,
Dept. of Transport, Tourism and Sport, Leeson Lane, Dublin 2, Ireland.
email: marinenotices@dtas.ie or visit us at: www.dttas.ie

Annex I

MODEL ON-BOARD COMPLAINT PROCEDURES

NAME OF SHIP:.....

IMO NUMBER:.....

Name of person or persons on board the ship authorized to provide advice on a confidential basis and assist the complainant seafarer in following the complaints procedure:

a):

b):

Or:

The name/names of the person/persons on board of the ship authorized to provide advice on a confidential basis and assist the complainant seafarer in following the complaints procedure can be found on the notice board in the messroom.

CONTACT INFORMATION

Contact information of the person or persons ashore designated by the shipowner for handling on-board complaints:

Name:

Telephone number:

E-Mail address:

Competent authority in Ireland:

Marine Survey Office
Department of Transport, Tourism and Sport,
Leeson Lane,
Dublin 2
Ireland

Tel: +353 -1- 6783400

Fax: +353-1- 6783409

Email: mlc@dtas.ie

Web; www.dttas.ie

Competent Authority in the seafarers' country of residence

For contact information of appropriate external authorities, see the ILO-website:

[Ratifications of Maritime Labour Convention 2006](#)

PROCEDURES:

1. The complainant seafarer shall submit his/her complaint in writing within [five (5)] days of the occurrence, or according to the circumstances, to any of the following. Preferably the complainant should seek to resolve the matter at the appropriate level onboard in order as follows, as appropriate:

- a) Superior Officer
- b) Head of Department
- c) Master

Each has a further [five (5)] days to resolve the complaint.

2. Complaints should be sought to be resolved at the lowest level possible; and only when the matter cannot be resolved to the satisfaction of both parties, shall it be elevated to the next level.

3. Seafarers have the right to complain directly to the master and where they consider it necessary, to the person ashore designated by the shipowner to handle complaints or to the Marine Survey Office or to the appropriate external authorities.

4. If the complainant seafarer refers the complaint to the master, the master shall handle the complaint personally and may seek the assistance of the person designated by the shipowner to handle complaints.

5. If the master is unable to resolve the complaint, the seafarer shall have [ten (10)] days to bring it through the master to the shipowner, or if the complaint may be of prejudice to the master, then directly to the shipowner.

6. The shipowner and the seafarer concerned shall have a period of [twenty (20)] days from that date to solve the matter.

7. If after [twenty (20)] days, the complaint has not been solved, then either party shall have a further [twenty (20)] days to bring the matter to the Marine Survey Office.

8. Complainant seafarers have the right to be accompanied or represented during the complaints procedure.

9. The complainant seafarer shall not be victimized.

10. All complaints and decisions on them shall be recorded and a copy provided to the complainant seafarer.

Annex II

Legislation and Marine Notices:

In respect of the MLC 2006 the following list of legislation and marine notices are amongst those which may be referenced. The list is not exhaustive.

Maritime Labour Convention 2006

Merchant Shipping Act 2010 - Section 87	14 of 2010
Merchant Shipping Act 2010 (Section 87) (Commencement) Order 2014	241 of 2014
Implementation of the Maritime Labour Convention 2006	MN04/2011
Maritime Labour Convention 2006 – Guidance Notice	MN42/2013

Maritime Labour Convention: Crew Accommodation & Recreational Facilities

MS (Crew Accommodation on Board Ship) Regulations, 1951	95 of 1951
---	------------

Applies to existing ships **constructed before 21st July 2015**

MS (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) Regulations 2014 – Part 2	374 of 2014
--	-------------

Applies to existing ships **constructed on or after 21st July 2015**

Maritime Labour Convention: Employment, Conditions of

European Communities (Merchant Shipping)(Organisation of Working Time) Regulations 2003	532 of 2003
European Communities (Merchant Shipping) (Organisation of Working Time) (Amendment) Regulations 2014	245 of 2014
MS (Maritime Labour Convention) (Seafarer Employment Agreement and Wages) Regulations 2014	373 of 2014
MS (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) Regulations 2014	374 of 2014
MS (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) Regulations 2014	375 of 2014

Maritime Labour Convention: Flag State Inspection & Certification

MS (Maritime Labour Convention) (Flag State Inspection and Certification) Regulations 2014	376 of 2014
--	-------------

Maritime Labour Convention: Food & Catering

MS (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) Regulations 2014 – **Part 3** 374 of 2014

Maritime Labour Convention: Medical Examinations

MS (Medical Examinations) Regulations 2014 246 of 2014

Revised Seafarer Medical Certificate MN65/2012

Amended Seafarer Medical Certificate - Form 3 (ENG11) from 1 January 2014 MN67/2013

Seafarer Medical Examinations Scheme, Medical and Eyesight Standards & List of Approved Doctors MN38/2014

Maritime Labour Convention: Ships' Cooks

MS (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) Regulations 2014 – **Part 4** 374 of 2014

Maritime Labour Convention: Young Persons, Protection of

Protection of Young Persons (Employment)(Exclusion of Workers in the Shipping and Fishing Sectors) Regulations 2014 357 of 2014