

Marine Notice No. 42 of 2013

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

Maritime Labour Convention, 2006 – Guidance Notice

The Maritime Labour Convention, 2006 (MLC) entered into force on the 20th August 2013. The Convention aims to achieve decent working and living conditions for the world's seafarers and to secure fair competition for quality shipowners.

The purpose of this notice is to offer guidance on matters relating to the Convention and to clarify the Department's approach to the items below prior to ratification of the Convention by Ireland and subsequent entry into force.

A. Background

The **Maritime Labour Convention, 2006** is a Convention of the International Labour Organization (ILO), which was adopted in 2006 as the “Fourth Pillar” of international maritime law, and embodies all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions. The other “pillars” are considered to be the SOLAS¹, MARPOL² and STCW³ Conventions.

The MLC is comprised of three different but related parts: the Articles, the Regulations, and the Code. The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Code contains the details for the implementation of the Regulations. The Code comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines). Amendment procedures for the Articles, Regulations, and the Code are established in Article XIV and XV.

The Regulations and the Code are organized into general areas under five Titles:

- Title 1: Minimum requirements for seafarers to work on a ship
- Title 2: Conditions of employment
- Title 3: Accommodation, recreational facilities, food and catering
- Title 4: Health protection, medical care, welfare and social security protection
- Title 5: Compliance and enforcement

¹ International Convention for the Safety of Life at Sea.

² International Convention for the Prevention of Pollution From Ships.

³ International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

Additional Information may be found on the ILO website via the following links:

- 1) Dedicated section of ILO website on the Maritime Labour Convention:
<http://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm>
- 2) Text of MLC, 2006: [MARITIME LABOUR CONVENTION, 2006](#)
- 3) Guidelines for Flag State Inspection:
[Guidelines for flag State inspections under the Maritime Labour Convention, 2006](#)
- 4) Guidelines for Port State Inspection:
[Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006](#)
- 5) MLC 2006 - Frequently asked questions (FAQ) booklet (online edition):
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_177371.pdf

A hard copy of the text of the MLC is required to be available to seafarers serving on board Irish vessels to which the Convention is applicable.

B. Guidance from the Department on specific items of the MLC

1. Declaration of Maritime Labour Compliance

A *Declaration of Maritime Labour Compliance – Part I*, which is required under MLC Regulation 5.1.3, has been issued to all Irish-flagged vessels of 500 Gross Tonnage or more which operate internationally.

Shipowners have completed a *Declaration of Maritime Labour Compliance – Part II*.

Recognised Organisations have issued, where inspections have been completed, a Statement of compliance with the MLC.

2. Minimum Age

In accordance with MLC Regulation 1.1, the minimum age to be employed or hired or able to work on board an Irish-flagged vessel is 16 years.

Seafarers under the age of 18 shall not be employed or engaged in work where the work is likely to jeopardize their health or safety. When considering whether work is likely to jeopardize health or safety of seafarers under the age of 18, shipowners should take into account the potentially hazardous aspects of operations such as:

- Entry into enclosed spaces
- Working aloft
- Operating deck machinery such as cranes and derricks
- Use of paint spray equipment
- Use of sand blasting equipment
- Use of high pressure washers
- Use of pneumatic equipment in general
- Operating mooring and windlass machinery.

Night work for seafarers under the age of 18 is prohibited.

However, cadets or trainee deck and engineering officers under the age of 18 who are following a dedicated training programme may work at night, under supervision, at tasks related to their training. Such tasks may include bridge or engine watchkeeping, gangway watch, anchor watch and fire patrols.

Seafarers following a dedicated training programme may not form part of the minimum required manning on the Minimum Safe Manning Document.

3. Medical Certification

As part of the medical examination carried out under the *Merchant Shipping (Medical Examinations) Regulations 2005* [S.I. No. 701 of 2005], **the hearing of the seafarer is examined by the medical doctor.**

Before 1st January 2013, the Medical Fitness Certificate did not contain a specific statement to the effect that hearing had been examined, as is required by MLC Standard A1.2.6(a). Since that date, revised Medical Fitness Certificates have been issued containing a statement that the hearing of a seafarer has been examined. All Medical Fitness Certificates issued prior to 1st January 2013 will remain valid until expiry.

4. On-board Medical Care

In accordance with MLC Regulation 4.1, only vessels carrying 100 persons or more and ordinarily engaged on international voyages of more than three days' duration are required to carry a qualified medical doctor. Irish-flagged vessels carrying less than 100 persons are therefore permitted to carry instead either at least one seafarer on board who is in charge of medical care or at least one seafarer who is competent to provide medical first aid, such person to have satisfactorily completed training in either medical care or medical first aid, as appropriate, that meets the requirements of STCW Regulation VI/4/2.

5. Seafarers' Employment Agreements

Traditionally, Irish seafarers use Discharge Books to keep a record of their service. Under MLC Standard A2.1.3, the document containing a record of seafarers' employment shall not contain, *inter alia*, any statement as to the quality of the seafarers' work.

Therefore, it is suggested that for Irish Discharge Books, two crosses, "☒", be inserted in lieu of the two columns now present with the headings "For ability" and "For general conduct", and that for persons holding foreign discharge books no remarks be made in these columns.

The requirement that applicants for examination should submit appropriate and full watchkeeping certificates continues to apply.

The Department may issue Discharge Books in the future without columns to comment on conduct and ability but recognises that many seafarers may wish to retain their present Discharge Book.

6. Seafarers following a dedicated training programme for cadet or trainee deck/engineering officer

The Department recognises that many trainee seafarers, who are following a dedicated training programme, are employed directly by the shipowner, and that these seafarers will be in possession of a seafarer's employment agreement as agreed between the shipowner and the seafarer.

However, it is noted that shipowners may facilitate Nautical Colleges by providing an opportunity for trainee seafarers, who are following a dedicated training programme but who are not employed directly by a shipowner, to gain sea service on the shipowners' vessels. The Department notes and accepts this practice, which **promotes seafaring** for persons who cannot acquire employment as a trainee, as long as an appropriate agreement is in place.

In the case of cadets/trainees attending the National Maritime College of Ireland (NMCI) who receive such an opportunity to gain sea service, such trainee seafarers may be funded by a fund administered by the Irish Maritime Development Office (IMDO). Details are available on the [IMDO website](#).

7. Further information/contact details

Seafarers, shipowners and seafarers' representative organisations who wish to contact the Department in relation to MLC issues may use the following dedicated e-mail address: mlc@dtas.ie.

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

22/08/2013

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