



The Maritime Labour Convention, 2006 (MLC, 2006)

Where Are We Now?

10 October 2012

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Republic of the Marshall Islands



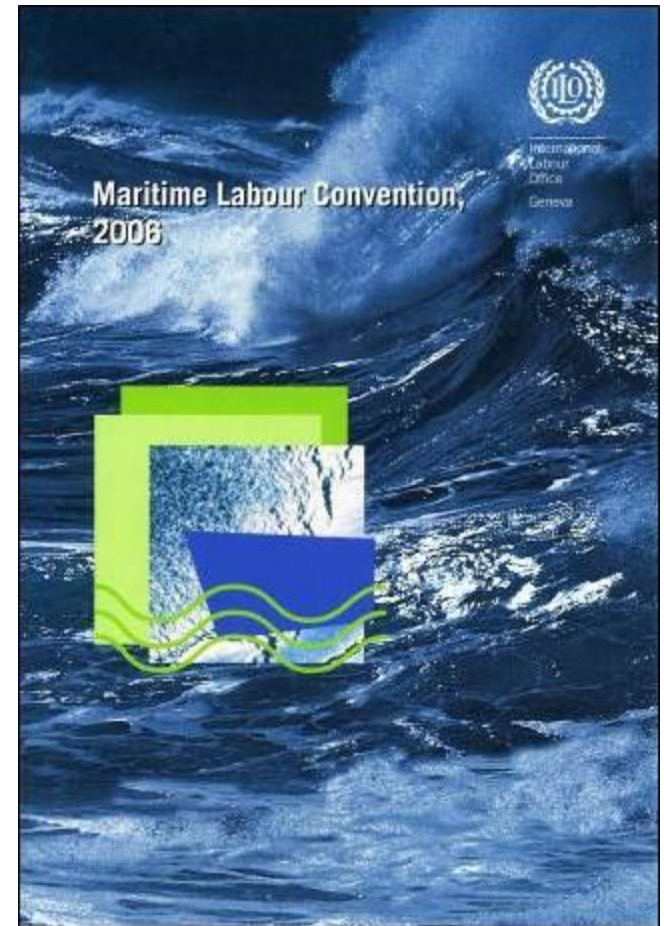
COMPLIANCE REQUIRED

August 20, 2012

This is the date on which qualifying conditions for MLC, 2006 to enter into force were met

August 20, 2013

This is the date on which the provisions of MLC, 2006 become enforceable



MLC, 2006 RATIFICATION

Q: Why is it important to know which countries have ratified the Convention?

A: No more favorable treatment clause

List of Countries That Have Ratified MLC, 2006

Antigua and Barbuda	The Netherlands
Australia	Norway
Bahamas	Palau
Benin	Panama
Bosnia and Herzegovina	Philippines
Bulgaria	Poland
Canada	Russian Federation
Croatia	Saint Kitts and Nevis
Cyprus	Saint Vincent and the Grenadines
Denmark	Singapore
Kiribati	Spain
Latvia	Sweden
Liberia	Switzerland
Luxembourg	Togo
Republic of the Marshall Islands	Tuvalu



A NEW PHASE

Member Country Ratification
(RMI Ratified 25 September 2007)



(RMI Voluntary
Inspection and
Certification Program)
(ended 20 August 2012)



Ratification by 30
Member States with
33% of GT
(occurred
20 August 2012)



1 Year Period of
Implementation
by
Member States



Compliance
Required
(20 August 2013)



We are here



RESOLUTION XVII

Adopted at the 94th Maritime Session of the International Labour Conference (February 2006)

- *Requests governments to develop plans to phase in certification requirements starting with bulk carriers and passenger ships*
- *Request during a period of one year following the initial entry into force of the Convention, both flag and port states give due consideration to allowing ships to continue to operate without the certificate and declaration referred to, provided that their inspectors have no evidence that the ships do not conform to the requirements of the Convention.*



RESOLUTION XVII (continued)

- RMI requires compliance by all of its ships to which the Convention applies by 20 August 2013
- There is no indication that Port State Control, particularly in Europe, plans to allow ships to operate without a Maritime Labour Certificate after 20 August 2013



CERTIFICATION TERMS

- **DMLC, Part I:** Issued by the registry (the flag State / Member State)
- **DMLC, Part II:** Developed by the shipowner / operator to show compliance with DMLC, Part I
- **DMLC:** DMLC, Parts I and II together; must be attached to the Maritime Labour Certificate for validity
- **Maritime Labour Certificate:** Issued by the Recognized Organization (RO) on behalf of the flag State; must be carried aboard the ship to show compliance



DMLC, PART I



REPUBLIC OF THE MARSHALL ISLANDS

OFFICE OF THE MARITIME ADMINISTRATOR

Maritime Labour Convention, 2006 Declaration of Maritime Labour Compliance – Part I

(NOTE: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of
the Government of the Republic of the Marshall Islands

With respect to the provisions of the Maritime Labour Convention, 2006 ("MLC, 2006" or also referred to below as "the Convention"), the following referenced ship:

Name of Ship	IMO Number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- the provisions of the MLC, 2006 are fully embodied in the national requirements referred to below;
- these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions where they differ from the MLC, 2006 are provided where necessary;
- the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- any ship-type specific requirements under national legislation are referenced under the requirements concerned.

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1. Minimum age (Regulation 1.1)

- **Maritime Act, 1990, as amended (MI-107) §826 – Minimum age at sea.**
- **Maritime Regulations (MI-108) §7.49 – Minimum Age.**
 - For the purposes of this requirement, "night" is defined as the period starting at 20:00 hrs and ending at 06:00 hrs.
 - Seafarers under the age of 18 shall be prohibited from engaging in employment or work which is considered "hazardous" as determined by the shipowner/operator in accordance with relevant international standards.
- **Marine Notice 7-049-1-Hazardous Work and Consideration of Health and Safety Issues for Seafarers under the Age of 18.**
 - Addresses and provides criteria and the international standards for the determination of "hazardous" employment or work with regard to seafarers under the age of 18.

2. Medical certification (Regulation 1.2)

- **Maritime Act, 1990, as amended (MI-107) §825 – Required documents for seafarers.**
- **Maritime Regulations (MI-108) §7.47.4 – Medical Certificates.**
 - Each seafarer employed on board a vessel registered under the Maritime Act shall be in possession of a physical examination certificate in the official form required by the Republic of the Marshall Islands, the STCW Convention 1978, as amended, or by another State Party to the ILO Convention Concerning the Medical Examination of Seafarers, attesting to the holder's medical fitness for duty.
 - The certificate must be signed by a medical practitioner licensed in the place of examination.
 - Medical information required to be recorded on the medical certificate and the duration of validity of the certificate is the same as referred to in the Convention.
 - Provisions for urgent cases are the same as referred to in the Convention except that the term "expired medical certificate of recent date" is defined as a medical certificate which is expired for a period not greater than 6 months.
- **Marine Guideline 7-47-1 - Guidance on Medical Exams and Certificates for Seafarers.**
 - Contains model medical exam form for the physical examination and the required Physical Exam Certificate (Form MI-105M) that must be submitted to the Office of the Maritime Administrator.

3. Qualification of seafarers (Regulation 1.3)

- **Maritime Act, 1990, as amended (MI-107) §825 – Required documents for seafarers.**
- **Maritime Regulations (MI-108) §7.47.1 – Training and Qualifications.**
 - Requirements for merchant marine personnel certification (MI-118), established pursuant to Marshall Islands Maritime Act 1990, Chapter 1, Section 109 and Marshall Islands Maritime Regulation Section 1.04, comply fully with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

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14 AREAS OF INSPECTION

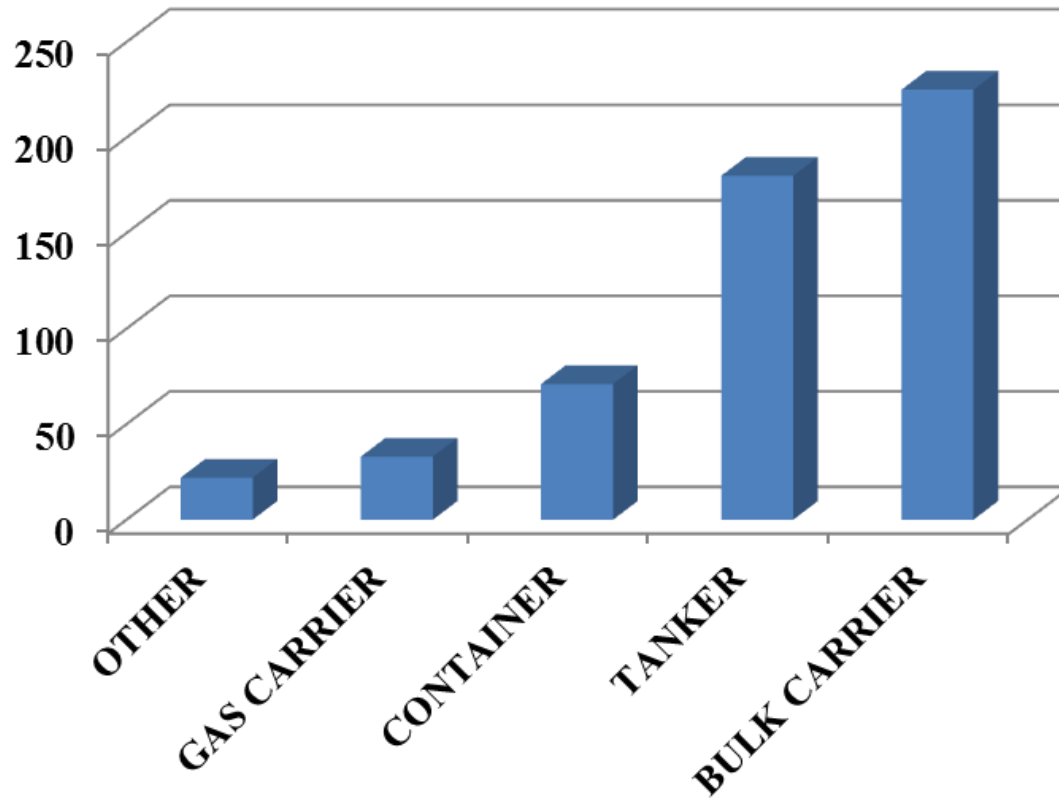
Which Are Most Problematic For Compliance?

1. Minimum Age
2. Medical Certification
3. Qualification of Seafarers
4. Seafarers' Employment Agreements
5. Use of Private Recruitment and Placement Services
6. Hours of Work or Rest
7. Manning Levels
8. Accommodation
9. On-Board Recreational Facilities
10. Food and Catering
11. Health Safety and Accident Prevention
12. On-Board Medical Care
13. On-Board Complaint Procedures
14. Payment of Wages



DOCUMENTS ISSUED

DMLC, Part I - 531

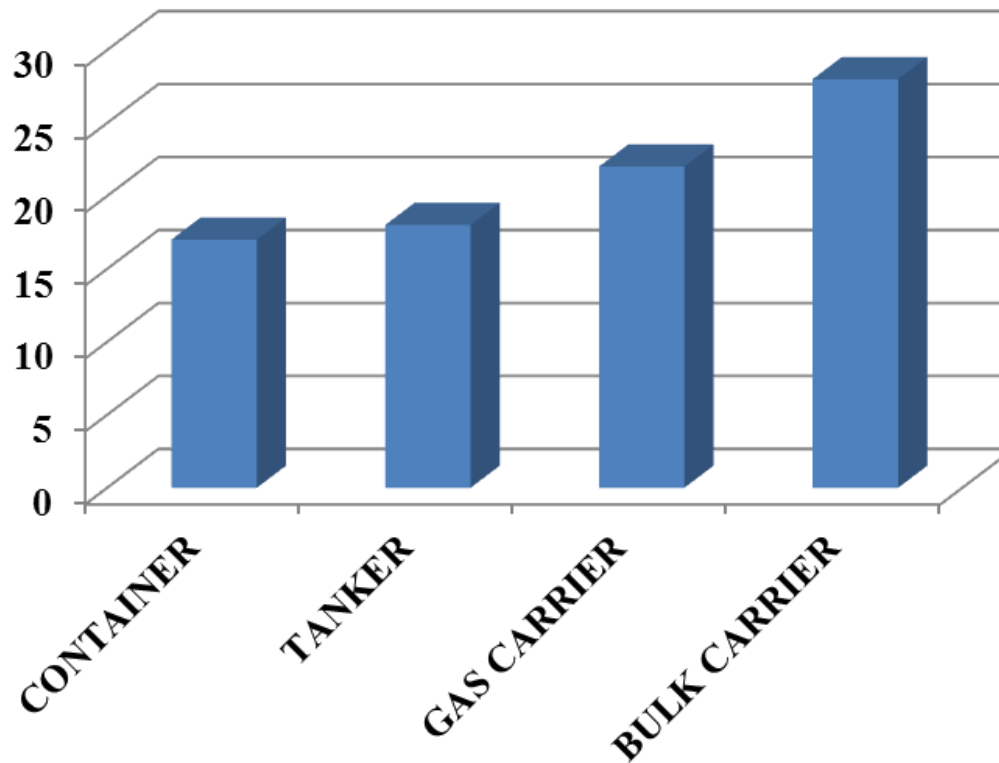


As of 26 September 2012



DOCUMENTS ISSUED (continued)

Statement of Compliance - 86



As of 26 September 2012



CONVERSION OF RMI CERTIFICATES

- ML SOC issued during the period prior to 20 August 2012 shall be convertible to full ML Certificates during the one year implementation period
- ML Certificates should retain the original expiration date and inspection cycle unless the shipowner wishes to harmonize MLC, 2006 inspections with ISM Code audits



STARTING THE COMPLIANCE PROCESS

- Step 1:** Perform a **gap analysis** of ship and company policies against RMI National provisions
- Step 2:** Bring any areas of concern, such as where a substantial equivalency/ exemption may be permitted and necessary, to the attention of the Administrator
- Step 3:** Formally request the issuance of a DMLC, Part I
- Step 4:** The Administrator issues the official DMLC, Part I
- Step 5:** The **DMLC, Part II is prepared by the Company/Shipowner (in consultation with the RO)** for certification of the DMLC, Part II by the RO
- Step 6:** Upon completion of the DMLC (Part I and Part II), the vessel inspection process for issuance of the ML Certificate is arranged



CONCLUSION

Don't Panic

- Much of MLC, 2006 is documenting your compliance rather than fundamentally changing how you operate

Take Action to Comply

- Begin a dialog with your flag State and your RO

RMI MLC, 2006 webpage on:

<http://www.register-iri.com>



THANK YOU



www.register-iri.com

