

# The Maritime Labour Convention 2006 enforcement and compliance



**Danielle Southey, Claims Executive**

+44 20 3320 2212  
danielle.southey@ctplc.com

In the *Standard Bulletin*, February edition, we reported on the Maritime Labour Convention (MLC) and its impact on P&I cover. Amongst other things, this raised the issue of financial security for repatriation of seafarers as is required under the MLC and, more particularly, whether club certificates will be an acceptable form of security. Subsequent developments on this issue can be found in our *Circular* here. In this article, we summarise the key elements of enforcement and compliance before the MLC comes into force on 20 August 2013.

The MLC is a convention which will apply to shipowners through the national laws of ratifying states. It will be the responsibility of the flag state to establish a system for inspection and certification to ensure ships flying its flag comply with the MLC. This responsibility may be delegated to subordinate organisations such as classification societies.



All ships over 500 GT (other than those that navigate exclusively in inland waters or sheltered waters or areas where port regulations apply) must be certified as being MLC compliant.

Certification will consist of a 'Maritime Labour Certificate' and a 'Declaration of Maritime Labour Compliance', both of which must be carried on board and posted in a conspicuous place accessible to the crew. A ship's Maritime Labour Certificate will be issued on approval of a ship's compliance with the MLC by its flag state. The Declaration of Maritime Labour Compliance is divided into two sections. The first sets out the applicable regulations and will identify areas of shipowners' operations that will be inspected. The second section is to be completed by the shipowner and requires verification of the measures in place for ongoing compliance and continuous improvement. Shipowners' safety management systems will be fundamental in demonstrating on-going compliance with the MLC.

In broad terms, areas of inspection consist of employment, welfare and safety issues designed to preserve and promote crew welfare. A full list of inspection issues is set out in Title 5 of the MLC here.

MLC certification will be subject to renewal every five years, with reviews every two to three years. Checking ships' certificates are in place will form part of port state control's inspections and ships will face detention by port authorities for non-compliance.

Members are recommended to take all necessary steps to ensure compliance in advance of the MLC's implementation in August 2013.



<sup>1</sup> Maritime Labour Convention Appendix A5-III