

# ILO Maritime Labour Convention

*Guidance for Compliance*



**ABS**

## Our Mission

The mission of ABS is to serve the public interest as well as the needs of our clients by promoting the security of life and property and preserving the natural environment.

## Quality & Environmental Policy

It is the policy of ABS to be responsive to the individual and collective needs of our clients as well as those of the public at large, to provide quality services in support of our mission, and to provide our services consistent with international standards developed to avoid, reduce or control pollution to the environment.

All of our client commitments, supporting actions, and services delivered must be recognized as expressions of quality. We pledge to monitor our performance as an ongoing activity and to strive for continuous improvement.

We commit to operate consistent with applicable environmental legislation and regulations and to provide a framework for establishing and reviewing environmental objectives and targets.



# Understanding the ILO MLC 2006 Convention

*Bringing together more than 68 different international conventions and recommendations relating to the employment, living and working conditions of seafarers, the Maritime Labour Convention (MLC), developed by the International Labour Organization (ILO), was ratified on 20 August 2012.*

The Maritime Labour Convention is comprised of three different but related parts: the articles, the regulations and the Code. The articles and the regulations set out the core rights and principles and the basic obligations of members ratifying the Convention. The Code is comprised of Part A (mandatory standards) and Part B (non-mandatory guidelines).

The Code also contains the details for the implementation of the regulations, organized into general areas under five Titles which address a variety of seafarer labor-related issues. The requirements of the five Titles of the MLC, which will be subject to verification by a Recognized Organization, such as ABS when acting on behalf of the flag State, are as follows:

## **Title 1: Minimum Requirements for Seafarers to Work on a Ship**

- Minimum age
- Medical certificates
- Training and qualifications
- Recruitment and placement

## **Title 2: Conditions of Employment**

- Seafarers' employment agreements
- Wages
- Hours of work and hours of rest
- Leave entitlements
- Manning levels
- Repatriation

## **Title 3: Accommodation, Recreational Facilities, Food & Catering**

- Accommodation and recreational facilities
- Food and catering

## **Title 4: Health Protection, Medical Care, Welfare & Social Security Protection**

- Medical care on board ship and ashore
- Health and safety protection and accident prevention
- Shipowners' liability
- Social Security protection

## **Title 5: Compliance & Enforcement**

- General principles
- Onboard complaint procedures

### **ABS DELIVERS VALUE**

- Global team of experienced marine and offshore surveyors and engineers
- Trained, experienced and certified pool of dedicated maritime auditors
- Internationally recognized and accredited independent third-party certification organization
- Industry-leading integrated fleet management tool for crewing administration







Upon entry into force, except for certain exemptions allowed by the Convention, the MLC will apply to all commercial vessels. In addition, vessels of 500 gt and more, trading internationally, will be required to hold a Maritime Labour Convention certificate and a Declaration of Maritime Labour Compliance (DMLC).

The Convention does not differentiate between commercial ships and offshore units such as mobile offshore drilling units (MODUs) which may be considered ships under the Convention. As a flag State instrument, it will be at the discretion of individual flag States whether to consider MODU as “ships” or certain exemptions are provided to offshore units.

Potential conflicts regarding the applicability of the MLC to such units may also arise due to differing approaches adopted by the flag State and the coastal

State in which it may be operating. These conflicts will be settled on a case-by-case basis as such jurisdictional issues are not specifically addressed by the Convention.

## Shipowner Responsibilities

Each commercial ship of 500 gt and more, trading internationally, must carry a copy of the Convention on board and be issued a MLC certificate and a complementary DMLC. These certificates are to be posted in English and other languages as necessary.

To meet the intent of the Convention, shipowners are advised to request the DMLC Part I from their flag State, and then prepare the DMLC Part II in accordance with the national requirements of their flag state. Shipowners should also consider establishing a practical means of maintaining records in accordance with their own requirements and to demonstrate compliance to port and flag State representatives.

## Maritime Labour Certificate

Issuance of this document is evidence that the ship has been found to meet the requirements of the Convention and that the seafarer's working and living conditions meet national requirements. It is issued by the flag State following the necessary inspections to verify the vessel is in compliance with the applicable national laws and regulations implementing the Convention requirements.

In most instances it can be expected that the assessments will be carried out by an organization, such as ABS, that is recognized by the flag State (Recognized Organization).

The MLC certificate is subject to periodic validation based on intermediate, renewal or additional inspections as determined by the flag State. It has an initial validity of five years.

## Declaration of Maritime Labour Compliance

The DMLC is a unique form that must be completed by both the competent authority in the flag State and the shipowner as Parts I and II, respectively.

Part I is completed by the flag State and it provides the requirements for the ship type, details of any substantially equivalent provisions under the national law and indicates any exemptions granted by the flag State. It also contains a list of the areas to be inspected together with national provisions and requirements.

Part II is completed by the shipowner and must be reviewed and approved by the flag State or RO. It consists of the proposed measures that will be taken for initial and ongoing compliance with the national requirements contained in DMLC Part I and the Convention. Both Parts I and II must be attached to the MLC certificate that is retained on board.

Port State Control officers are required to accept the MLC certificate and the DMLC as *prima facie* evidence that the ship is in compliance with the requirements of the Convention. Owners and operators should note that PSC inspectors may review the manner in which the requirements of the Convention documented in the articles, regulations and standards (Part A) are being met. However, the elements that are covered by the non-mandatory guidelines (Part B) are not subject to inspection or enforcement.

## ILO MLC Services Provided by ABS

As a Recognized Organization for numerous flag Administrations, ABS has received authorization to conduct the required DMLC reviews and onboard inspections to verify compliance with the Convention and issue the relevant certificates.

To meet the needs of its clients, ABS has trained a core group of personnel, stationed worldwide, to carry out these reviews and inspections. In addition, a comprehensive program has been developed to assist owners in preparing for the implementation of the Maritime Labour Convention.

## Optional Class Notation

The ABS *Guide for Compliance with the ILO Maritime Labour Convention, 2006, Title 3 Requirements* provides the assessment criteria and measurement methodology for obtaining the ABS Maritime Labour Convention accommodations notation (MLC-ACCOM). This optional class notation is available immediately for newbuildings and would certify the subject vessel meets the requirements of Title 3 of the Convention.



## Pre-Assessment

ABS is able to conduct an MLC pre-assessment of an owner's policies and procedures and of the manner these are implemented on board a vessel to determine if a vessel's documentation and labor management system comply with the Convention and flag State requirements where known.

Essentially a gap analysis, the ABS pre-assessment identifies where there may be shortcomings for bringing the procedures into compliance. The pre-assessment procedure includes:

- A review of the vessel's documentation
- An interview of onboard personnel
- An inspection of the vessel's working and living areas

The pre-assessment is optional but strongly recommended since it can assist clients in identifying improvement opportunities related to the seafarers' working and living conditions in advance of an application for certification.

A successful pre-assessment provides an owner or operator with evidence of compliance efforts that may be valuable when presented to customers, flag State and port State authorities.

## Voluntary Certification

At the owner's request, following a successful initial verification, ABS may issue a Statement of Voluntary Compliance with the requirements of the Convention. Since some flag Administrations may not formally issue their national regulations to the Convention's requirements, voluntary certification to the Convention's requirements may speed formal certification compliance when implemented.

In addition, a Statement of Voluntary Compliance would provide evidence to flag and port State authorities that the owner has made best efforts to conform to the Convention.

## Training Courses

The ABS Academy offers training on MLC requirements, from an introductory course to more detailed courses offering practical applications for operators and inspectors. These courses are available at the ABS Academy facilities around the world or tailored for onsite delivery for an owner needing special assistance. Full information is available at [www.eagle.org](http://www.eagle.org) within the ABS Academy section.





## Crew Management Software

ABS Nautical Systems offers a comprehensive suite of integrated fleet management software solutions. The Workforce Management suite of NS5 Enterprise helps ship managers improve operating efficiencies by simplifying crewing administration, thereby reducing payroll errors and optimizing crew managers' time spent in recruiting qualified personnel.

When the Crew Manager and Crew Payroll modules are used in conjunction, ship managers can easily demonstrate compliance with requirements of the MLC. Owners and operators can also demonstrate compliance with the International Convention on Standards of Training, Certification and Watchkeeping (STCW) and the Oil Companies International Marine Forum (OCIMF) guidelines such as minimum rest hours and tanker operator experience, respectively.



Modules and utilities featured in the Workforce Management suite include:

- **Crew Manager** simplifies the administration required to keep vessels staffed with qualified people by integrating personal and qualification details of crew with customized vessel requirements. Built-in crew scheduling calendars allow crew managers to quickly identify staffing requirements and locate qualified personnel.
- **Crew Payroll** is a highly customizable, integrated payroll and general accounting system that can manage multiple employment contracts, currencies, personnel allotments, overtime and onboard deductions. Designed specifically for the maritime industry, it allows for payroll processing either from the shore or on board the vessel.
- **Union Reporting**, an optional feature that interfaces with the Crew Payroll module, provides crew managers with an easy tool to calculate, manage and report union contributions as specified by labor contracts.

## Achieving Compliance

The ILO Maritime Labour Convention has been developed through the tripartite efforts of shipowners, flag States and labor representatives. It is intended to simplify and clarify the many different, sometimes conflicting instruments that previously govern the terms and conditions under which seafarers live and work.

ABS has developed this comprehensive program to assist shipowners, operators and managers to understand what will be expected of them under the new requirements, how compliance can be achieved and which tools are immediately available to them to simplify tracking the substantial amount of information that will be needed to demonstrate continued compliance to flag and port State authorities and other interested parties.

*Please contact the nearest ABS office for more detailed information on how we can assist you in adapting your operations and procedures to these new standards.*



### **WORLD HEADQUARTERS**

ABS Plaza • 16855 Northchase Drive • Houston, TX 77060 USA  
Tel: 1-281-877-5800 • Fax: 1-281-877-5803  
Email: ABS-WorldHQ@eagle.org

### **AMERICAS DIVISION**

ABS Plaza • 16855 Northchase Drive • Houston, TX 77060 USA  
Tel: 1-281-877-6000 • Fax: 1-281-877-6001  
Email: ABS-Amer@eagle.org

### **EUROPE DIVISION**

ABS House • No. 1 Frying Pan Alley • London E1 7HR, UK  
Tel: 44-20-7247-3255 • Fax: 44-20-7377-2453  
Email: ABS-Eur@eagle.org

### **GREATER CHINA DIVISION**

5th Floor, Silver Tower • No. 85 Taoyuan Road  
Huang Pu District • Shanghai, 200021 P. R. China  
Tel: 86-21-2327-0888 • Fax: 86-21-6360-5391  
Email: ABSGreaterChina@eagle.org

### **PACIFIC DIVISION**

438 Alexandra Road #10-00 • Alexandra Point • Singapore 119958  
Tel: 65-6276-8700 • Fax: 65-6276-8711  
Email: ABS-Pac@eagle.org

### **NAUTICAL SYSTEMS DIVISION**

ABS Plaza • 16855 Northchase Drive • Houston, TX 77060 USA  
Tel: 1-281-877-5700 • Fax: 1-281-877-5701  
Email: NS-info@eagle.org

***www.eagle.org***