

Welcome from the Editor

Many of you receiving this newsletter will have forgotten that you asked to be included in the circulation list for an MLC newsletter at least a year ago. Our apologies that it has taken so long to get this first edition out, but now that it is in circulation we will now make it a regular occurrence.

We decided to do an MLC newsletter as the technical notes that we developed in the lead up to ISPS coming into force were well received as ISPS was seen as a great unknown. MLC isn't such an unknown item but it is the largest change in seafarers working and living conditions for a considerable number of years and will therefore mean new practices, changes to existing methods and important rights for seafarers being reinforced.

The newsletter is designed to ensure that our customers are aware of the requirements of MLC and are ready for it when it comes into force. We don't want to be in the situation of making the legislation and then find that the industry isn't prepared for it. Therefore, the more information we can give then the easier the whole process will be for all of us.

Format of the Newsletter

In writing these first few articles it is quickly become clear that one article leads to another and then you think that perhaps more detail is needed of the earlier background to MLC. We will develop a format as time goes on which may be articles on each of the five titles in each newsletter. To get some reader involvement if you have any area that you want covered then please let us know...so long as it is to do with MLC!

As this is the first newsletter we will keep it more general and leave the detail for future issues.

International position

MLC will come into force 12 months after the date on which it has been ratified and the criteria for ratification is at least 30 Members of ILO with a total share of 33% of the world gross tonnage of ships. Presently 5 countries have ratified it and as they are Panama, Marshall Islands, Liberia, Bahamas and Norway. As they have over 50% of the world fleet then the target of 33% of world tonnage has been met.

What's the latest prediction?

The official word from ILO is the same as it has been for a while now and that they expect the number of countries required to be reached by the end of 2010 which will mean it will have been ratified and will come into force at the end of 2011.

The key to the number of countries being reached is with the EU and they have asked all members of the EU to make "best endeavours" to be able to ratify MLC by the end of 2010.

It will not be a block signing and each country is doing what they need to do in trying to achieve the requested date.

When does the Isle of Man intend to ratify MLC?

This is a question that everyone wants to know the answer to and the answer is we aren't going to ratify MLC or any other Conventions. Before you all panic let us explain the legal (and slightly tedious) reasons for this. The Isle of Man isn't a Member of ILO and therefore cannot ratify anything from ILO. The United Kingdom is the ratifying member and they then extend this to the Isle of Man and the other Red Ensign countries. Simple? Not quite finished yet as we need to have all our legislation in place and approved by the UK before they extend it to us.

The bottom line is we are working to the same in force date of end of 2011 and we are on schedule to have everything ready for this.

What we are planning regarding certification for the ships?

You will be pleased to hear we aren't just going to appear at the bottom of the gangway to carry out an MLC inspection and one of the reasons for these newsletters is to advise you how we are progressing, the decisions we are making, and most importantly to gradually advise you on what you may need to do.

Under our current plan we will not be carrying out any ship inspections until April 2011, but that doesn't mean putting things off till March 2011.

The good news ?

You will have forgotten this in a couple of years time and then you can't blame me but I do believe that when you look through what you currently do and compare this against what you need to do for MLC you will already be doing 80% of it. You may not be aware of it as another department may be doing it for you, or it's more likely you've never sat down and tried to pull all the bits together before.

The bad news?

That will be the other 20%, or more if you're not quite so organised.

What can you do at present?

While I do hate to use "business speak" as it is an immediate turn off the phrase "gap analysis" was created for where a lot of shipowner's (we will come back to the use of shipowner in a later newsletter) will find themselves at present. Basically you need to find out what you require to do and what do you do at present. Finding out what you need to do is easy as there are 14 areas within MLC that are;

1. Inspected by flag states before they can issue a certificate (Maritime Labour Certificates are required for vessels over 500gt)
2. Required to be submitted by shipowners to flag states for inclusion in the Declaration of Maritime Labour Compliance Part II.
3. Subjected to port state control during an expanded inspection.

Covering these 14 items doesn't mean you've cracked it, but they are the areas that will be open to inspection and what your ships will be "judged on" so you need to get these sorted out as the first task.

What are the 14 points?

Towards the end of your copy of MLC 2006 within Title 5 which deals with compliance and enforcement (a new feature for an ILO convention) you will find Appendix A5-1 and A5-III which list the following items:

1. Minimum age (Regulation 1.1) .
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3) .
4. Seafarers' employment agreements (Regulation 2.1) .
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) .
6. Hours of work or rest (Regulation 2.3) .
7. Manning levels for the ship (Regulation 2.7) .
8. Accommodation (Regulation 3.1) .
9. On-board recreational facilities (Regulation 3.1) .
10. Food and catering (Regulation 3.2) .
11. Health and safety and accident prevention (Regulation 4.3) .
12. On-board medical care (Regulation 4.1) .
13. On-board complaint procedures (Regulation 5.1.5).
14. Payment of wages (Regulation 2.2).

The detail of what you will need to be able to demonstrate is described in the Regulations and the Standards within MLC. So if you want to know if what you currently do complies with MLC and what extra you will need to do when MLC comes into force give it go! Hopefully you should be able to show that you have current systems in place to cover most of 1,2,3,6,7,8,9,10,11 and 12.

As stated earlier the object of the newsletter is to gradually cover all these areas and to advise you of our requirements although there are some areas that we have still to tackle. While we intend not to embellish the requirements of MLC there will be some areas where national requirements must be met and that means there will be some "extras" above MLC requirements. However, this shouldn't stop you from using the 14 points as a good place to start.