Briefing note

Maritime Labour Convention, 2006

An update on Lloyd's Register Group activity and advice as ratification nears

Substantial requirements of ship operators being met by Lloyd's Register's MLC team

The Lloyd's Register Group's MLC team has been in substantial demand worldwide helping ship operators prepare for the new legislation. Before ratification and subsequent entry into force, there is much that companies can do in preparation. Lloyd's Register provides a gap analysis service, trial inspections and training (for flag states as well as operators) providing the market with a clear understanding of their organisation's state of readiness.

We have a very strong team in the Lloyd's Register Group worldwide. At present the Group has more than100 trained ILO Inspectors worldwide. More will follow as they complete our training course. By the beginning of next year we will have trained 160 out of the 280 Inspectors that we have planned to resource ready for the anticipated ratification of the Convention.

Lloyd's Register Group's trial inspections are based on the Convention as it is written

It has been emphasised at every opportunity that, when we conduct trial inspections or gap analyses, it must be made very clear to the companies that we do so based solely on the provisions of the Convention as it is written. Companies will need to prepare a Declaration of Maritime Labour Compliance (DMLC) Part 2 and can only do so properly when the relevant flag has produced its DMLC Part 1. According to MLC, the DMLC Part 2 documentation," shall identify the measures adopted to ensure ongoing compliance with the national requirements".

They must be made aware that decisions by their flag states concerning exemptions, substantial equivalences, alternative arrangements and other interpretations may result in additional requirements or variations that we were not able to take into account at the time. The issue of a Statement of Compliance today cannot provide a guarantee that the ship will comply fully with the Convention as implemented by the administration when it enters into force.

Deep sea versus specialist ship types

There are special considerations to be borne in mind for special-purpose ship operators, yacht managers and others who desperately need some understanding and flexibility in terms of the practical application of the Convention. This is an area of genuine concern that needs to be addressed by the industry as the problems posed by the new requirements become more apparent.

Interpretation of MLC

We have received countless enquiries from companies wanting to know how particular requirements will be interpreted and what they need to do to comply. In discussions with companies and administrations about the practical implications of some of the Convention's provisions we advise on the difficulties they may pose, especially for the operators of certain unusual ship types and smaller vessels such as yachts. Nevertheless, in all our discussions with owners and operators we always make it absolutely clear that a key element of our response and advice throughout has been that flag (in consultation with the ship owners' and seafarers' representatives) decide on matters of interpretation and that class cannot second-guess decisions on interpretation. At an ILO meeting in Geneva (at which IACS will be present) in September the question of interpretations is likely to be discussed and a clearer picture may emerge.

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If in doubt, contact your flag

Companies should contact their flags, many of which have stated that they are anxious to hear of any problems or concerns while they are still developing their approaches and drafting their Declarations of Maritime Labour Compliance (Part 1) (DMLC1s).

Ratification – likely by end of 2010; entry into force expected by January 2012

Ratification by 30 flag states representing a combined 33% of the world's gross tonnage is required for MLC 2006 to enter into force which follows 12 months after this ratification threshold is crossed. Countries that have ratified the convention to date: Bahamas, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Liberia, Marshall Islands, Norway, Panama and Spain.

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