

IN MY OPINION



Partner in Lesia Employment Services
ICC Ltd and an ILO certified trainer of MLC
inspectors, **John Cook** explains how the MLC
2006 will effect you.

You may already be aware that the Maritime Labour Convention 2006 (MLC 2006) has been making steady progress towards full ratification for the last few years. I am sure that some people believed it would never happen; however as of today the International Labour Organisation (ILO) has announced it has reached its target of 30 ratifications. ILO has received the 30th ratification from the Philippines, closely followed by Russia, which means the convention will enter into force 12 months later on the 20th August 2013. Russia has received the 30th ratifications from Russia which means the convention will enter into force 12 months later. For all those who have been sitting on their hands waiting for this day to come, now is the time to take action. MLC 2006 will apply to all yachts registered for commercial use and all the crew who work on them. So what are the areas of concern that will need to be addressed by both these groups in the coming months and what will make things easier?

Yacht certification

Flag States will carry out the inspections to certify yachts that are over 500 tons using a Declaration of Maritime Labour Compliance (DMLC) Part I with the yacht owner completing Part II in response. The result of this inspection will lead to a Maritime Labour Certificate (MLC) being issued by flag. All yachts under 500 tons will be inspected, however unless they request it, no MLC will be issued.

My advice to all owners of yachts under 500 tons is to request an MLC. The reason for this is that the MLC and DMLC Part I and II, when properly maintained, "Constitute prima facie evidence that the yacht meets the requirements of the MLC

2006". Port State Control Officers (PSCO) will be encouraged to end their inspection "after a satisfactory document review" and will be reminded "At all stages of the inspection, PSCOs should bear in mind the obligation to make all possible efforts to avoid a ship being unduly detained or delayed".

Approximately 80% of yachts that are commercially registered are under 500 tons!

Owners should also review the crew contracts, Seafarers Employment Agreements (SEA, in MLC speak) and their policies and procedures on discipline and complaints as well as making sure crew have evidence of their pay. They also need to know if there are any social security liabilities that will arise on the payment of crew wages.

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Protecting your rights

Although the MLC 2006 is going to protect seafarers and their rights, there are also some areas of action needed by crew. The most obvious area is that of social security. Crew should know whether or not they have "mandatory contributions" to make to any

social security authority. Social security for Seafarers applies to all those working on yachts (and any other vessel) irrespective of whether the yacht is commercial or not. However under the MLC 2006 of the items that will be inspected will be that of social security contributions to be made by crew.

The problem here is that many crew will already have a mandatory contribution to make and don't know it. So the last thing that crew need is to find out that they owe contributions for previous years, which could run into the thousands in some cases.

All crew need to check their social security status well before the convention enters into force to make sure they have no nasty surprises coming their way.