



barbados maritime ship registry

INFORMATION BULLETIN No.203

Implementation of the Maritime Labour Convention (2006)

Guidance for Ship-owners and Managers to assist in the implementation of MLC (2006)

This Bulletin should be read in conjunction with:

- i. The MLC 2006 Convention and applicable ILO Resolutions;
- ii. Barbados Maritime Ship Registry (BMSR) Information Bulletins relating to MLC 2006, seafarers, manning and training;
- iii. ILO “*Guidelines for flag State inspections under MLC 2006*”,
- iv. ILO “*Guidelines for port State control officers carrying out inspections under MLC 2006*”;
- v. Other relevant ILO guidelines relating to labour conditions

Maritime Labour Convention, 2006

The Maritime Labour Convention (MLC), 2006, will come into force internationally on 20th August 2013.

The Government of Barbados will give full effect to the MLC through the passage of national legislation which is intended to reflect MLC requirements without imposing additional measures. The Convention is currently in the process of being ratified and will come into force for Barbados 12 months from the date of ratification. It is anticipated that there will not be any negative effect on our ships or operators, as the legislation and procedures required to give effect to the MLC 2006 are substantially in place.

Bearing this in mind, BMSR is encouraging shipowners and managers to develop the appropriate documentation and procedures for the DMLC Part II for each ship. This is necessary to help all persons concerned, such as flag state inspectors, authorized officers in port States and seafarers to check that the MLC requirements are being properly implemented on board. When this process has been completed, the shipowner or manager should apply to BMSR for an inspection of the ship to be carried out, and once the inspection has been completed satisfactorily, then BMSR will issue a MLC Statement of Compliance. Upon ratification and entry into force of the Convention for Barbados, each ship will be issued with a MLC Certificate.

Application and Interpretation

MLC 2006 applies to all seafarers and all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, except as specified below.

BMSR has determined that the following will not be considered ships for the purpose of application of the requirements of MLC 2006:

- i. Offshore units whose primary service is drilling operations for the exploration, exploitation or production of resources beneath the sea-bed and are not ordinarily engaged in navigation or international voyages
- ii. Yachts of less than 24 metres in length;
- iii. Yachts in non-commercial use of any size.

In regard to seafarers, BMSR will use the guidance in MLC 2006 Resolution VII in order to determine if a person engaged or employed onboard an applicable ship is a seafarer for the purpose of MLC 2006 compliance.

BMSR considers that the following persons are not seafarers for the purpose of MLC 2006 application:

Port workers, including travelling stevedores;

Pilots and port officials;

Ship surveyors and auditors;

Equipment repair/service technicians and riding crew whose principal place of employment is onshore;

Guest entertainers who work occasionally and short term onboard with their principal place of employment being onshore.

It should be noted that the non-application of the MLC 2006 requirements does not exclude the affected person from compliance with the training and certification requirements of the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers 1978, as amended (STCW) and /or other international requirements if this is required as a result of their assigned shipboard duties.

Representation

BMSR has confirmed its existing Recognised Organisations (ROs) for the purpose of MLC 2006 inspection and certification. ILO “Guidelines for Flag State Inspections” are to be used in order to apply a common standard for inspection and certification.

The RO carrying out the MLC 2006 inspection need not be the Classification Society for the ship, nor the issuing body of the Safety Management Certificate or International Ship Security Certificate. MLC 2006 inspection and certification is totally independent of any other statutory survey, audit or inspection.

Exemptions and Equivalences

Any application for exemption for and from MLC 2006 shall be submitted at the time of requesting the DMLC Part I.

If an equivalency or exemption is required subsequent to the issuance of the DMLC Part I, then a new application will be required and if the application is granted an amended DMLC Part I, DMLC Part II, and inspection for a Maritime Labour Certificate will be required.

Forms

These below listed documents are sufficient for the initial phase of development but are provisional and will continue to be updated as the legislation and implementation is developed further. Updates will be posted on BMSR webpage at www.barbadosmaritime.com. The guidance documents are provided to assist ship-owners and managers in preparing for MLC 2006 implementation:

Annex 1: A Draft Document of Maritime Labour Compliance (DMLC) Part I;

Annex 2: Document of Maritime Labour Compliance (DMLC) Part I (for inspections) - *this version should be used in preparation of DMLC Part II and for inspections prior to entry into force;*

Annex 3: A copy of the "Guidelines for flag State inspections under the Maritime Labour Convention, 2006" published by the ILO with information regarding how the flag State inspections will be conducted and what surveyors will be checking;

Annex 4: Form 3906: MLC Compliant Medical Report Form;

Annex 5: A Model Seafarer Employment Agreement, which will replace crew agreements in the longer term.

Annex 6: Statement of Compliance.