

ILO MLC pocket checklist

Reducing the risk of port state control detentions

In conjunction with: **UK P&I CLUB** 



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LIFE MATTERS

Introduction

Non-compliance with the requirements of the ILO Maritime Labour Convention (ILO MLC, 2006) is becoming an increasingly common reason for port state control (PSC) detentions, in addition to defective or missing equipment or records, which have been identified as reasons for detention for some time.

In conjunction with an industry partner, the UK P&I Club, we have compiled this checklist following an analysis of the ILO MLC requirements. We consider that non-compliance with the requirements covered in the checklist are more likely to lead to a vessel being detained by PSC officers when the Convention comes into force in 2013.

To help reduce the risk of your ship being detained, as a minimum, we strongly recommend that you include the items in this checklist as part of your final checks before voyage and port entry. These checks will help ensure your ship continues to conform to the requirements of the ILO MLC. It is strongly advised that these items are reviewed on an ongoing basis.

This is the sixth in our series of pocket checklists to help you comply with international convention requirements. For information about other checklists in this series please visit www.lr.org/psc or www.ukpandi.com

Latest news on classification and regulatory matters which affect you, including port state control, is published in our *Classification News* bulletins. To subscribe to this service please visit www.lr.org/classnews

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Are you prepared for a port state control inspection?

PSC officers always commence their inspection in the Master's office. It is essential that certification is up-to-date, original and valid. All other necessary documents and manuals should, where required, be approved and on board.

If equipment is broken or missing, or the ship has suffered damage en-route, the Master must notify the port authorities prior to port entry. If the port authorities are informed of the problem and of any permanent or temporary remedies agreed with the flag state, the vessel should not be detained. However, if notice is not given before entry, the port state has clear grounds for inspection, possibly leading to a detention.

If your ship is detained, or appears to be in the process of being detained, you should contact the nearest Lloyd's Register office immediately for assistance.

The major PSC organisations publish their criteria for targeting a ship on their web sites. Ship owners and operators should use these criteria to calculate the target rating of their ships.

Paris MOU – www.parismou.org

Tokyo MOU – www.tokyo-mou.org

USCG – <http://homeport.uscg.mil/mycg/portal/ep/home.do>

Other MOUs include Abuja, Black Sea, Caribbean, Indian Ocean, Mediterranean, Riyadh and Vina del Mar.

A ship operator may disagree with the findings of the PSC authority and the majority of the regional PSC organisations have guidelines on how to appeal against a detention. These can also be found on the above web sites.

The 2012 edition of IMO Procedures for Port State Control also provides guidelines on detentions. [ISBN:978-92-801-1550-5]

1. Documentation

The following documentation must be carried on board:

1. ■ **Maritime Labour Certificate (MLC)**
2. ■ **Declaration of Maritime Labour Compliance (DMLC)**

This is in two (2) parts:

- Part I is completed by the flag state and refers to the relevant national requirements that are to be met and which may be inspected to ensure compliance, including any exemptions granted
- Part II is completed by the shipowner and outlines the measures that the shipowner has put in place to ensure ongoing compliance on the ship with these flag state requirements

These two documents and also the conditions that they certify may be the subject of an inspection. The master copies of both documents, accompanied by an English translation if necessary, shall be held by the Master. Additional copies should be posted where seafarers can access them.

3. ■ **Two (2) copies of the report of the most recent inspection carried out by the flag state or a recognised organisation, acting on behalf of the flag state, are to be kept on board the ship**

One copy of the report, in the working language of the ship (and in an English translation if necessary) shall be held by the Master. An additional copy should be posted where it is readily accessible to the seafarers.

2. Requirements for seafarers to work on a ship

1. ■ All seafarers on board the ship must be aged 16 years or above
2. ■ Valid training and competency certificates are available for all seafarers:*
 - Confirmation of their competency or that they are otherwise qualified to perform their duties in accordance with the flag state's requirements
 - Records of training in personal safety are maintained on board
3. ■ Documentary evidence is available to indicate that the private seafarer recruitment and placement service (SRPS) or agency contracted by the operator to engage the crew members is operated in accordance with the MLC 2006

Requirements for seafarers under 18 years of age

4. ■ Evidence that no night work is undertaken**
5. ■ Evidence that no tasks that are likely to jeopardise their safety or health are undertaken, in accordance with the flag state's national requirements for young seafarers
6. ■ Medical certificate valid for a maximum of one (1) year

* Training and certification in accordance with Standards of Training, Certification and Watchkeeping (STCW), as amended, or the flag state's specific requirements are accepted as meeting these requirements

** The term "night" depends on national law and practice, but it must be a period of at least nine (9) hours, starting no later than midnight and ending no earlier than 5:00 am

2. Requirements for seafarers to work on a ship – continued

Manning levels

7. Must be at least in accordance with the Minimum Safe Manning Document
8. Must be adequate, in terms of number and qualifications, to ensure the safety and security of the ship and its personnel under all operating conditions



3. Medical certification

Valid medical certificates must be available for all seafarers on board and must:

1. be issued by an appropriately qualified medical practitioner
2. be valid for a period not exceeding the flag state's requirements or two years, whichever is the shortest
3. be in English and in a format acceptable to the flag state (certificates issued to comply with the requirements of STCW shall be accepted)
4. provide details of hearing/sight/colour vision
5. have a validity period for colour vision not exceeding the flag state's requirements or six years, whichever is shortest
6. include a statement to say that the seafarer is fit for duties



4. Seafarers' Employment Agreements (SEAs)

SEAs must be available for all seafarers on board and must meet the following requirements:

1. The SEA must be signed by the seafarer and the shipowner, or his authorised representative*
2. copies of the SEA and Collective Bargaining Agreement (CBA) (if applicable) must be available on board
3. English translations of the SEA and CBA must be available on board

The SEA must contain the items required by MLC 2006 Regulation 2.1, Standard A2.1.4 and any other particulars that the flag state's law may require, including:

1. a notice period for early termination of the SEA of not less than seven days
2. the right to terminate the contract for compassionate reasons

* All seafarers must be given an original copy of the SEA

5. Wages

1. Wages are paid in accordance with the SEA (and CBA, if any)
2. An individual monthly statement of account is provided to all seafarers on board, indicating their monthly wage and any authorised deductions, such as allotments
3. Seafarers have the right to make an allotment of all or part of their earnings
4. Charges for the allotments and exchange rates are reasonable and in accordance with the flag state's requirements
5. There are no unauthorised deductions, such as payments for travel to or from the ship



6. Hours of work and hours of rest

1. A table of shipboard working arrangements for all positions on board is posted in an accessible place or places. An English translation is available
2. Accurate records of hours of work and rest are available for all seafarers, and are signed by the Master (or a person authorised by the Master) and the seafarers
3. Normal working hours are based on 8 hours per day, with a minimum one day of rest per week and rest on public holidays
4. Maximum work or minimum rest hours on board are:
 - Maximum working hours
 - 14 hours in any 24 hour period
 - 72 hours in any 7 day period
 - Minimum rest hours
 - 10 hours in any 24 hour period
 - 77 hours in any 7 day period
5. The daily rest period is divided into two periods, one of which is of at least 6 hours duration
6. Muster and LSA/FFA drills are held at times to minimise disturbance to rest periods and not induce fatigue
7. Compensatory rest for call outs during normal rest periods is considered
8. Records of exemptions from the above (if any) permitted by the flag state are available
9. Arrangements are in place to allow for hours of work that may be required in cases of emergency

7. Leave and repatriation

The following arrangements are in place and all seafarers are aware of their rights:

1. All seafarers have minimum annual leave with pay based on 2.5 days per month of employment
2. The flag state's provisions regarding repatriation are available on board
3. All seafarers are entitled to repatriation:
 - after a maximum 12 months period
 - as stated in the SEA
 - in case of termination for justified reasons (by the shipowner or seafarer)
 - when they are not able to carry out their duties on board due to illness, injury, etc.
4. Repatriation costs, including tickets, meals, accommodation, luggage and medical expenses are covered by the shipowner except in cases of serious default of the employment terms by the seafarer

8. Accommodation and recreational facilities

The ship's accommodation and recreational facilities are compliant with the flag state and MLC 2006 requirements.

1. General Arrangement plans of the vessel's accommodation are available and up to date
2. Records of the Master's inspections of the vessel's accommodation are maintained and available
3. Accommodation spaces are clean and in a good state of repair, and fixtures and fittings are in place and in good working order
4. Mess rooms are clean, hygienic and comfortable
5. Cabins have hot and cold running water
6. Bedding is clean and hygienic
7. Heating and ventilation, including air conditioning, where fitted, is adequate and well-maintained
8. Sanitary facilities are accessible, hygienic and working correctly
9. The laundry facilities are in good working order



8. Accommodation and recreational facilities – continued

10. Adequate natural and artificial light is available
11. Noise and vibration experienced within the accommodation are within limits established by the flag state
12. Recreational facilities are appropriate and in good working order, and may include TVs/DVDs and sports equipment, including exercise equipment and games



9. Food and catering

1. The galley is clean, hygienic and in a good state of repair
2. Spaces used for the storage of food are clean, hygienic and in a good state of repair
3. Temperature of refrigerators and freezers are appropriate
4. Food is of good quality and quantity and caters for different religious beliefs among the crew
5. Food is provided free of charge on board the vessel
6. Drinking water is of good quality and the quantity available is appropriate
7. The cook is over 18 years of age and holds appropriate qualifications, in accordance with the flag state's laws and regulations
8. All other catering staff are adequately trained (a training programme, posters, etc., may be available)

Note: For ships with less than 10 crew no cook is required, but the crew handling food are to be trained in food hygiene



10. Medical care on board ship and ashore

1. Health protection and medical care, including essential dental care is available and free of charge to all seafarers
2. Seafarers have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable
3. The ship's hospital is clean and hygienic and for medical use only – it is not used as a cabin or storage space
4. Medical equipment and supplies are provided and certified as per the flag state's requirements
5. Medical publications are available on board as per the flag state's requirements
6. An up-to-date list of radio contacts where medical advice can be obtained is readily available
7. The medical log and visit reports are kept up to date. A standard medical report form is used for both onshore and on-board medical personnel and the completed forms are kept confidential

11. Social security

1. As a minimum, cover for medical care, sickness and injury benefit is provided

12. Health and safety protection and accident prevention

1. The applicable Occupational Health and Safety (OHS) policy, procedures and programmes are in place and meet the flag state's legal OHS requirements
2. The people responsible for implementing OHS policies and procedures on board are clearly designated and documented
3. Risk assessments are carried out and documented
4. Accidents and incidents are investigated and reported, and records are available
5. Safety committee meetings are held regularly, and minutes are available
6. All seafarers are aware of their responsibilities, which are clearly documented
7. On board training and familiarisation is carried out and records are available
8. Safe working practices are implemented
9. Personal Protective Equipment (PPE) is readily available and used as appropriate for the task
10. PPE items are in-date, where appropriate, and arrangements are in place to obtain replacement items when required

12. Health and safety protection and accident prevention – continued

11. Appropriate measures are in place to address OHS risks associated with fatigue, drug and alcohol use, smoking, asbestos, high and low temperatures, noise and vibration, infections
12. Health and safety inspections and surveillance are carried out regularly and documented
13. OHS risks associated with sub-contractors working on board are addressed. All sub-contractors working on board are subject to documented control procedures

13. Access to shore-based welfare facilities

1. All seafarers have access to shore-based welfare facilities

14. Seafarers' complaints

1. Is there a complaints procedure on board?
2. Does each seafarer have a copy of the procedure?
3. Is there a complaints log on board?
4. Are complaints handled in a timely, fair and effective manner?
5. Are contact details available for the flag state and the competent authority in the seafarer's country of residence?

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Lloyd's Register EMEA

T +44 20 7709 9166

E emea@lr.org

Lloyd's Register Asia

T +852 2287 9333

E asia@lr.org

Lloyd's Register Americas, Inc.

T +1 281 675 3100

E americas@lr.org

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London

T +44 20 7283 4646

Hong Kong

T +852 2832 9301

New Jersey

T +1 201 557 7300

Piraeus

T +30 210 429 1200

Tokyo

T +81 3 5442 6110

E karl.lumbers@thomasmiller.com

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