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MLC 2006: it's time to get on board

The International Labour Organization's Maritime Labour Convention (MLC 2006) will be ratified and will have a significant impact on ship management, both on board and ashore. That was the message from Captain Stephen Chalk, senior marine ILO specialist at Lloyd's Register (LR) when he addressed a joint meeting of industry groups, organised by the Nautical Institute's London branch last month. He cautioned: "The message hasn't really got out there yet."

When it was drafted in 2006, the convention was hailed for bringing together 68 ILO conventions dating as far back as 1920, few of which had been ratified, implemented – or even, Chalk suggested, understood by many ILO member states. Yet MLC 2006 is still short of signatories.

It will come into force a year after it has been ratified by 30 member states representing at least 33% of the world's fleet. So far, it has enough tonnage – 43% of the fleet – but only five flag states. But Chalk believes that more will sign up soon, predicting that if China does so, other Asian nations will follow. The EU is encouraging its member states to ratify by December 2010. As for the ILO itself, it has published an action plan that would yield sufficient ratifications by 2011 so that it can come into force in 2012.

So what explains this reluctance to ratify? Chalk cited one flag state that had initially planned to ratify but had not yet done so, because it was "scared at being the first". Its reluctance, he told SASI, was a combination of finding it technically difficult to implement and simply dragging its feet.

And, in his view, the convention contains many 'grey areas' that have caused concern in some quarters. For example, it defines a seafarer as "any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies" – wording that "is causing uproar" in the cruise sector, Chalk said, as even hairdressers would be defined as seafarers.

Yet there is benefit in this wide interpretation. In the case of cleaners, who may have to use chemicals in their work, an inspector could check whether they have had proper training and equipment to handle those chemicals, Chalk pointed out.

His comments are based on about 25 inspections that LR has conducted since last September at the request of shipowners and one flag state based on MLC 2006 requirements and he urged companies to act as though it were in force. "Awareness [of the convention] on board ship is not good at all," he told SASI. To counter this,

Lloyd's Register has prepared guidance notes and questionnaires, and Chalk is giving presentations to companies about the convention's impact.

For example, MLC 2006 sets limits for hours of work and rest. Some flag states have found the definitions confusing and plan to amend the wording, Chalk suggested. But, whatever the wording, it will require records to be kept of hours worked – something that is often not done.

Chalk underlined the role that masters and superintendents can play in meeting the convention and cited two ships that were delivered to one owner at the same time. After a few months, inspections revealed one to be in pristine condition while the other was dirty. "There needs to be an improvement in this area if shipowners want to avoid deficiencies under MLC 2006," Chalk said, pointing out that its scope for noting deficiencies is wider than under PSC inspections.

It also allows seafarers to complain. If a seafarer raises a complaint via an LR inspector, the society's policy will be to ask whether he or she has used the onboard complaints procedure. But they will also be able to complain direct to their ship's flag state, which will have to establish 24-hour telephone contact numbers. "But where do you draw the line?" Chalk mused. "You could have a seafarer ringing the flag state to say there's no bottle of sauce on board."

Many uncertainties may only be resolved once MLC 2006 enters force. Chalk urges owners not to wait that long. "Implement MLC 2006 now, to your schedule, not to the ILO's," he said.

For more information and the full text of the convention, go to www.ilo.org/global/What_we_do/InternationalLabourStandards/MaritimeLabourConvention/lang--en/index.htm.