



MARITIME LABOUR CONVENTION 2006 – Information from DNV

For further information contact your local DNV Station or send an e-mail to mlc@dnv.com.

We encourage you to keep updated by keeping an eye on our ILO information on:
www.dnv.com

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Information meetings/seminars

DNV can participate in, or organise/host customer information meetings/seminars regarding the MLC 2006. DNV seeks to keep our customers up to date on MLC 2006 progress and advice you to start the implementation process as soon as possible in order to develop, implement and verify the effectiveness of measures for ongoing compliance.

By hosting seminars and information meetings for our customers we can start a needed dialog with you. The provision of effective informational services is aimed assisting you as customers in your preparatory work and identification of challenges and solution (including the need for our assistance, e.g. courses or gap analysis).

DNV can provide information to:

- Shipowners
- Yards
- Crew manning offices
- Government

For those who are interested please contact your local DNV Station.

Training

DNV can provide one- or two day courses on MLC. The participants will obtain knowledge and enhance their understanding of the Maritime Labour Convention and the way it functions, including the need to develop measures for ongoing compliance and continuous improvements in the Declaration of the Maritime Labour Compliance (DMLC). The course will give participants a good starting point for evaluating how to prepare for, develop, implement and follow up their measures to handle Convention requirements.

The main difference between the two courses is that the two-day course includes more group work with a special focus on development of the Declaration of Maritime Labour Compliance (DMLC).

Gap analysis/extended document review

DNV has developed a document review/gap analysis service which will support preparing for compliance before the Convention enters into force. The gap analysis will be carried out to identify gaps between your existing procedures and the requirements of the MLC 2006. The gap analysis does not cover the national requirements in the Flag State (as most of the countries do not have DMLC Part I developed and/or published yet) However, if the DMLC part I is published by the Flag State in question, we should discuss if the national requirements shall be included in the gap analysis.

Starting the identification of gaps at an early stage will increase your opportunity to come up with efficient solutions for closing the gaps and preparing their ships for certification.

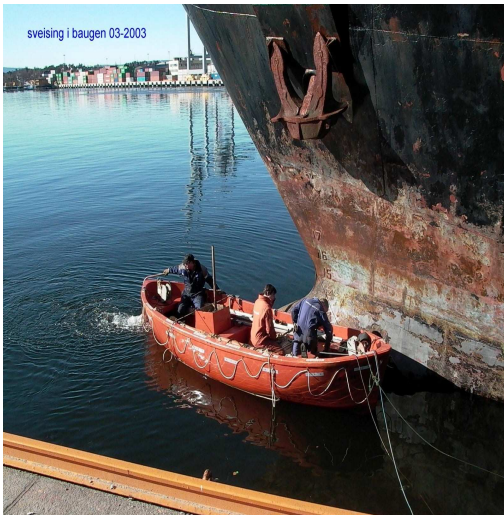
This gap analysis will be the start of developing a “default DMLC part II for the company.” The convention requires that **each ship** shall have a Declaration of Maritime Labour

Compliance (DMLC, where the DMLC part I is drawn up by the flag and the DMLC part II is drawn up by the company) when the convention enters into force. The DMLC part II shall include the company's measures for ongoing compliance and continues improvement.

DNV assumes that most of the procedures/systems are valid for the whole fleet and therefore recommend to carry out the gap analysis at the company level and start with developing a "default DMLC part II for company" (relevant for their whole fleet) and not for each ship. If there are specific procedures needed for different ship types and/or flags, those procedures should be identified and documented in the gap analysis report.

Inspections

Regular inspection is the responsibility of the Flag State Administration but also this work may be delegated and DNV intends to be authorized by most major flag State Administrations to carry out inspections (and to issue certificates (MLC)) on their behalf.



Each country which ratifies the Convention shall establish an effective system for the inspection and certification of maritime labour conditions ensuring that the working and living conditions for seafarers on ships that fly its flag. DNV will provide services enabling compliance with the inspection requirements in MLC 2006 to meet the standards in the Convention.

The Flag State will remain fully responsible for the inspection and certification, but we believe that both Flag States and shipowners will benefit from effective one stop inspections and certification which we will make available.

DNV will seek to provide services that our customers need, but will adhere to the Convention requirement that inspectors shall not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties.

Inspection will be carried out for:

1. Ships where a Maritime Labour Certificate (MLC) are required, i.e. above 500 gross tonnage engaged in international voyages or flying the flag of a Member and operating from a port, or between ports, in another country.
2. Ships where inspection are required, but not MLC, i.e. ships below 500 gross tonnage that flying the flag of a Member.
3. Ships from non-ratifying states and where the shipowner wants (voluntary) inspection/MLC.

Certification

Maritime Labour Certification is the responsibility of the Flag State and DNV intends to be authorised by most major Flag State Administrations and become a Recognized Organization and conduct inspection and certification of MLC compliance on their behalf.

MLC 2006 certificates are required for all ships of:

- 500 gross tonnage or over, engaged in international voyages
- 500 gross tonnage or over, flying the flag of a Member and operating from a port, or between ports, in another country
- Shipowners operating other ships may request certification

Ships shall carry and maintain a:

- Maritime Labour Certificate (MLC), and
- Declaration of Maritime Labour Compliance (DMLC)

The MLC certifies that the working and living conditions of seafarers on the ship have been inspected and meet the requirements of national laws or regulations or other measures implementing the Convention.

The DMLC states the national requirements implementing the Convention for the working and living conditions for seafarers and sets out the measures adopted by the shipowner to ensure ongoing compliance with the requirements on the ship or ships concerned.

The MLC shall be issued to a ship by the competent authority, or by a Recognized Organization (RO), for a period which shall not exceed five years (and with an intermediate inspection between year 2 and 3).

The areas that must be inspected and found to meet national laws and regulations or other measures implementing the requirements of the Convention before a MLC can be issued are:

1. Minimum age
2. Medical certification
3. Qualifications of seafarers
4. Seafarers' employment agreements
5. Use of any licensed or certified or regulated private recruitment and placement service
6. Hours of work or rest
7. Manning levels for the ship
8. Accommodation
9. On-board recreational facilities
10. Food and catering
11. Health and safety and accident prevention
12. On-board medical care
13. On-board complaint procedures
14. Payment of wages

It must be noted that there are many detailed requirements within in all these areas and that requirements also from other areas of the Convention will be the responsibility of the shipowner (operator) and may be subject to inspection.

Voluntary Certification

DNV provides voluntary certification services for our customers. This service aims to facilitate the entry into force and compliance with the Convention requirements for key customers. DNV have trained and qualified MLC inspectors in all key locations around the World.

At this stage most Flag States do not have their regulations in place, and it must be noted that Flag States must implement the Convention requirements through national regulations (to be identified in the DMLC part I) and the shipowner's responsibility is to develop and implement measures *“adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement”* (DMLC part II).

Though there is some latitude in the Convention for implementation through “substantial equivalence”, the convention requirements are very detailed and most of them very clear and we do believe that most Flag States will implement the requirements as is in order to ensure the MLC 2006 providing a level playing field. It is on this basis that we do believe that it is efficient to start handling the Convention now.

Due to the above and the expected rush for certification in the months before entry into force, we do believe that it will be beneficial to make use of the voluntary certification service.

The voluntary certification service will be conducted through verification of compliance with the Convention requirements (and not Flag State requirements). DNV aim to have an effective service (mainly focusing on any Flag State requirements) when transferring from a voluntary certificate of compliance to the Maritime Labour Certificate.

Accommodation Approval

DNV is currently performing approval of accommodation arrangements in accordance with ILO Conventions 92 and 133, which are quite similar to the Convention's regulation 3.1.

Regulation 3.1 has to be approved during new building phase or if the ship is substantially altered. In addition some requirements in regulation 3.1 will be checked during the onboard inspection.

The requirements related to accommodation are basically about:

- the size of rooms and other accommodation
- heating and ventilation
- noise and vibration and other ambient factors
- sanitary facilities
- lighting
- hospital accommodation

With the entry into force of the Maritime Labour Convention 2006, all new ships and flagged to a ratifying state must be built in accordance with the requirements in the new Convention.

It must be noted that it is the laying of the keel and not the date of the contract that will determine which requirements have to be complied with.



Photo Ragnhild Cr Berg, submitted for the Norwegian Maritime Directorate photo contest)