



MERCHANT SHIPPING NOTICE

Issued by the Merchant Shipping Division, Sri Lanka

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NOTICE TO SHIP OWNERS, MANAGERS, OPERATORS, SHIPPING AGENTS, RECOGNIZED ORGANIZATIONS, DESIGNATED PERSON ASHORE UNDER ISM, TRAINING INSTITUTES, MASTERS, OFFICERS AND RATINGS

Implementing the Maritime Labour Convention- 2006 (MLC-2006)

The MLC contains a comprehensive set of global standards, based on those that are already found in over 60 maritime labour instruments, adopted since 1920. The new convention brings almost all of the existing maritime labour standards and recommendations together in a single new regulation that uses a new format with some updating to reflect modern conditions and language. This will “consolidate” the existing international law on all these matters.

The MLC is organized into three main parts: the Articles, Regulations, and Code (parts A and B) provisions. The regulations and the standards (part A) and guidelines (part B) in the code are integrated and organized into general areas of concern under five titles:

Title 1: Minimum requirements for seafarers to work on a ship

Title 2: Conditions of employment

Title 3: Accommodation, recreational facilities, food and catering

Title 4: Health protection, medical care, welfare and social security protection

Title 5: Compliance and enforcement

The new convention is intended to achieve more compliance by operators and owners and to strengthen enforcement of standards through mechanisms at all levels. For example, it contains provisions for: complaint procedures; the owners’ and captains’ supervision of conditions; the flag states’ jurisdiction and control over their vessels; and port state inspections of foreign ships.

It applies to all “seafarers,” meaning any persons who are employed or engaged or work in any capacity onboard ships.

These ships include all vessels ordinarily engaged in commercial activities, other than ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, and ships engaged in fishing or similar pursuits or ships of traditional build such as dhows and junks.

In addition, only ships that are of 500 gross tons or over and are engaged in international voyages will have to carry statutory certificates to show that the vessel is being operated in conformity with the requirements. In the case of smaller ships, the owners can also voluntarily request to include their vessels in the certification system, so as to avoid or reduce the likelihood of their being inspected in foreign ports.

Implementation of the MLC has already reached one of the two requirements for entry into force, requirement being ratifications of the Convention by at least 33 per cent of the world gross tonnage. By 2009, it has reached 46 per cent. The second requirement is for 30 countries to ratify the Convention.

As of July 2010, only eleven Countries have ratified it and 19 more ratifications are needed. With the decision in 2007 by the European Union to invite its members to ratify the Convention by the end of 2010, the MLC 2006 is expect to come into force by 2011 or early 2012.

Therefore, all parties concerned are requested to commence implementation procedure since the recruiting agents and ship owners/managers may have to comply with it irrespective of ratification of the MLC 2006 by Sri Lanka.

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