



MLC 2006

Making the Convention happen





Nature of the MLC

- Like most ILO Conventions:
 - Not prescriptive
 - “each member shall ensure...”
 - “Each member shall adopt laws..”

- Essentially goal based.





Nature of the MLC

➤ Therefore –

- Requires dedicated national legislation.
- Some standards absolute – but may not match national standards for workers in a National Labour Code for example – means two groups of workers nationally – seafarers with special rights and others.





Nature of the MLC

➤ Hence the definitions of

- Seafarer
- Shipowner
- ship

are critical.





Tripartitism

- Many decisions can only be made – “after consultation”.
- The ILO first General report on the operation of the MLC notes:
 - Some concerns raised from worker’s organisations in a few cases... In addition a number of members indicated difficulty as they do not have representative organisations.





Tripartitism

- Taken very seriously by the ILO.
- Fundamental to its charter and all its conventions
- Article VII MLC-
- Any derogation etc from the Convention which requires consultation with shipowners and seafarers organisations, in cases where representative organisations do not exist within a member, may only be decided by that member through consultation with the special tripartite committee (Article XIII)





Special Tripartite Committee

- Created by Article XIII
- First meeting in April 2014
- Agreed to meet annually for the next three years
- Agreed that there would be a panel to consider requests in between meetings





Special Tripartite Committee

➤ Particular issues

- Member states using the process – Must report to the next special tripartite meeting on how they have dealt with the advice.
- Panel is made up of two member states, two seafarers representatives and two shipowner representatives drawn from a full set.





Substantial equivalence

- Provided for by Article VI
- Can be used when – “a member is not in a position to implement the rights and principles in Part A” and allows use of measures that are “substantially equivalent”.
- If used member must be satisfied that it is conducive to full achievement of the purpose of the Code, and it gives effect to the Code.





National Standards to be created

➤ Title 3 provisions

- Aircon to maintain “satisfactory” conditions
- Suitable standards of natural and artificial lighting to be fixed by the CA.
- “adequate” berth arrangements in sleeping rooms.
- Washbasins and tub baths of “adequate” size.
- Food and water of “appropriate “ quality and quantity.





National Standards to be created

➤ Title 3 provisions

- Member to adopt national laws to provide for minimum standards for food and water.





National Standards to be created

➤ Title 4 provisions

- Specifics of the medicine chest to be prescribed by the CA.
- Members shall develop and promulgate national guidelines for the management of occupational safety and health on board ships.





Particular Flag state obligations

- Investigate occupational accidents, keep records, analyse results and publish.
- Maintain records of all inspections of conditions for seafarers and publish an annual report on inspection activities within 6 months of the end of the year.

