



# The role of Recognized Organizations

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# Delegation of Authority





## Motivation for the Delegation of Authority

- Number of Flag State Surveyors/ILO Inspectors available
- Availability of own inspectors abroad
- MLC specific qualification of own Surveyors to make them ILO Inspectors





## The Legal Basis – Provisions for Authorization

- Title 5, Regulation 5.1.2 Authorization of Recognized Organisations
  - A Member may authorize public institutions or other organizations which it recognizes
    - as competent and
    - Independent.
  - In all cases, the Member shall remain fully responsible







## Criteria for Authorization (1)

- a) has the necessary expertise ..., including ... conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;
- b) has the ability to maintain and update the expertise of its personnel;
- c) has the necessary knowledge of the requirements of this Convention as well as of applicable national laws and regulations and relevant international instruments; and
- d) is of the appropriate size, structure, experience and capability commensurate with the type and degree of authorization.





## Criteria for Authorization (2)

2. ... authorizations shall ... empower the recognized organization to require the rectification of deficiencies that it identifies ... and to carry out inspections in this regard at the request of a port State.
3. Each Member shall establish:
  - a) a system to ensure the adequacy of work performed by recognized organizations
  - b) procedures for communication with and oversight of such organizations.
4. Each Member shall provide the International Labour Office with a current list of any recognized organizations authorized to act on its ...





## Further Guidance for Authorizations (1)

2. In evaluating the capability of an organization, the competent authority should determine whether the organization:

- a) has adequate technical, managerial and support staff;
- b) has sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;
- c) has proven ability to provide a timely service of satisfactory quality; and
- d) is independent and accountable in its operations.







## Further Guidance for Authorizations (2)

- 4. Each Member should require the recognized organizations to develop a system for qualification of staff...
- 5. Each Member should require the recognized organizations to maintain records of the services performed by them ...
- 6. In establishing the oversight procedures referred to in Standard A5.1.2, paragraph 3(b), each Member should take into account the *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration*, adopted in the framework of the International Maritime Organization.







## Further Guidance for Authorizations (3)

3. The competent authority should conclude a written agreement ... The agreement should include :

- (a) scope of application;
- (b) purpose;
- (c) general conditions;
- (d) the execution of functions under authorization;
- (e) legal basis of the functions under authorization;
- (f) reporting to the competent authority;
- (g) specification of the authorization from the competent authority to the recognized organization; and
- (h) the competent authority's supervision of activities delegated to the recognized organization.





# Authorization Contract

## MLC

- Scope, purpose, general conditions
- execution of functions under authorization
- legal basis of the functions under authorization
- ...

## RO-Code

- Application, purpose, general conditions
- execution of functions under authorization
- legal basis of the functions under authorization
- ...





# Class Activities







## Early Class Activities

- Technical consultation during the development phase
  - Meetings with administrations
  - Participation of class experts in Member State delegations
  - IACS striving being recognized as NGO





## Early Class Activities

Initial problem classification societies had:

- Extensive and long experience related to ship technology including matters related to living conditions and occupational health and safety
- No experience related working conditions on board





## Early Class Activities

- Measures related to Human Resources
  - Assigning of key personnel
  - Hiring of experts and consultants
  - Training of key personnel -> ILO Train the Trainer Seminar
  - Development of internal training concepts for MLC Inspectors
  - Training of staff







## Early Class Activities

- Related to shipowners
  - Information of shipowners about upcoming requirements
  - GAP analysis offered for shipowners
  - Training courses for company personnel offered
  - Pre-certifications offered
    - Heavily criticised as no DMLC 1 requirements were considered (have not been available at that time)





## IACS activities

- Establishment of an expert group related to MLC matters
- Development of common views
- First idea was to fokus on core competence, limit activities on matters related to e.g. wages or complaints as far as possible to the factual side





## IACS Standards

- Rec 118, Handling of seafarer complaints
  - Basic concept is that class inspectors are not dealing with complaints directly but forwards complaints to the Competent Authority
  - For that purpose complaints should be in writing to avoid misinterpretation or later tweaking of facts by any party involved
  - Inspector is to verify proper implementation of on-board complaint procedures acc. to 5.1.5







## IACS Standards, Rec 129

Rec 129 Guidance on DMLC Part II review, inspection and certification under the Maritime Labour Convention, 2006

- Comprehensive guideline dealing in detail with the various inspection items listed in Appendix A5-I
- In addition Rec 129 gives guidance on the inspection of the additional items covered by the convention





## IACS Standards, Rec 129 (II)

Structure of the Guidance in Rec 129:

- *General*
- *Basic requirements*
- *How to check the basic requirements*
- *Examples of deficiencies*
- *Items for review of DMLC Part II*
- *Guidance for Inspection*





## IACS Standards

- Rec 132, Human Element Recommendations for structural design of lighting, ventilation, vibration, noise, access and egress arrangements (part of GBS package)
- Link between technical elements of relevant IMO and ILO standards





## IACS Standards

- PR 36, Transfer of Maritime Labour Convention, 2006 Certification
  - Procedural requirement on the process for the change of certification



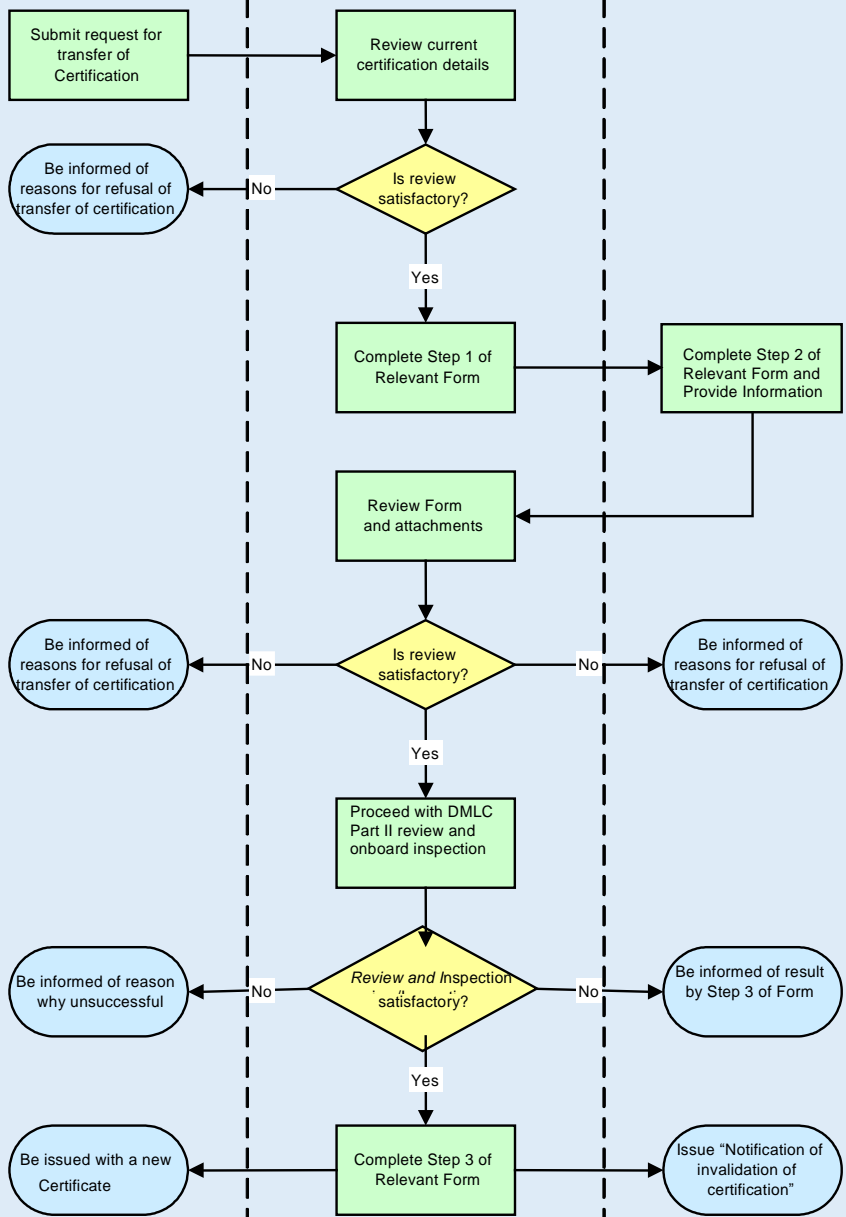




shipowner

Gaining Society

Losing Society



This project is financed

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## Conclusion

- Delegation of Authority is possible
- Authorisation process is similar to the IMO process
- It is essential to establish proper communication and monitoring of ROs
- No communication between different ROs servicing one ship
- Delegation activities are to be reported to ILO





# *Discussion*

