

IN BRIEF: THE MARITIME LABOUR CONVENTION, 2006

Introduction to the MLC

The International Labour Organisation (“ILO”) encompasses 185 of the 193 member states of the United Nations. The ILO promotes employees’ rights and working conditions in all industries, not just the marine industry.

In 2006 the ILO held a Maritime Labour Convention (“MLC”) to create a benchmark for seafarers’ living and working conditions on-board merchant vessels.

- The MLC updated and consolidated 68 existing marine regulations and conventions into a concise 105 page document.
- Each ratifying country must interpret the text of the MLC to ensure their own laws and regulations meet or exceed the minimum standards set by the MLC.
- The MLC came into force on 20th August 2013.

Who does it affect?

The text of the MLC was written primarily with the shipping industry in mind. There are a few exemptions, but generally any size yacht (Commercial or Pleasure) that undertakes charter activity is subject to the MLC.

- **The Yacht:** will be subject to an initial MLC inspection, an intermediate inspection between years 2-3 and a renewal inspection after 5 years.
- **Masters:** might need to learn and adopt a number of new procedures including additional record keeping.
- **Seafarers:** might be subject to better employment benefits compared with their current employment. The conditions detailed within the new format seafarer’s employment agreement (“SEA”) must meet or exceed any current employment conditions.

By way of an example the UK definition of a Seafarer is: *“Seafarer means any person, including a master, who is employed or engaged or works in any capacity on-board a ship and whose normal place of work is on a ship.”*

- **The Yacht Owner:** must ensure the living and working conditions for all seafarers (crew) working on-board their yacht(s) meet or exceed the minimum MLC standards. Insurance cover might need to be increased and certain duties and responsibilities might be delegated to other organisations.
- **Employment Businesses / Agencies:** (when seafarers are employed by a different company to the shipowner / when agencies have an influence on the selection process) must be licenced, certified or regulated to provide MLC compliant seafarer employment services.

What are my rights as a seafarer?

A seafarer employment agreement (“SEA”) will include all the conditions of employment and will meet or

exceed the minimum MLC requirements.

The seafarers' rights contained within the text of the MLC must be adopted or exceeded in every ratifying jurisdiction's own legislation. Copies of the MLC text and other MLC related procedures or regulations should be made available for seafarers to read on-board. Copies may also be downloaded from the Sarnia Yachts website: <https://www.praxisgroup.com/yacht-services-technical-content/document-library/>

A few points to note:

- Minimum age to work as a seafarer on-board is 16 years, but employers may often insist on 18 years as a minimum age.
- A valid medical fitness certificate must be held by the seafarer prior to joining the yacht.
- All seafarers must receive a fully signed copy of their seafarer employment agreement.
- Employment agencies and/or employment businesses must not charge the seafarer when placing or employing the seafarer.
- Salaries and payslips must be received monthly and wages can be sent to more than one bank account (reasonable bank charges may apply).
- Seafarers must receive a minimum of 10 hours rest in a 24 hour period and 77 hours in a 7 day period.
- Food and drinking water must be provided free of charge to seafarers.
- Medical and essential dental care must be provided free of charge to seafarers, subject to the terms and conditions of their SEA.
- Repatriation must be provided free of charge to seafarers, subject to the terms and conditions of their SEA.
- Seafarers must receive financial compensation for sickness, injury or death occurring in connection with their employment or for unemployment due to loss of the vessel, subject to the terms and conditions stated in their SEA and the yacht's insurance policy limits.

Where is the MLC in force?

There are two factors to consider;

- **Where is the yacht registered?** The MLC is enforceable, or soon will be, if the yacht is registered in a country which has ratified the MLC.
- **Where is the yacht operating?** The MLC is enforceable, or soon will be, when yachts are operating in the waters of all ratified countries.

For a list of ratified countries, enforcement dates, maritime authority contact details and other MLC information visit the ILO website at: www.ilo.org/mlc