

THE ILO MARITIME LABOUR CONVENTION, 2006

GUIDANCE FOR SHIP OPERATORS ON PORT STATE CONTROL AS FROM 20 AUGUST 2013

INTRODUCTION

The International Shipping Federation (ISF) is the identity used by the International Chamber of Shipping (ICS) when acting as the international employers' organisation for ship operators. ISF co-ordinates the representation of shipowners at the International Labour Organisation (ILO) in the development of maritime labour standards.

As an official social partner under the tripartite ILO process, ISF was instrumental for negotiating the text of the ILO MLC with governments and seafarers' trade unions. ISF therefore has a very special interest in working to ensure the Convention's smooth implementation.

The membership of ISF and ICS comprises national shipowners' associations from 36 nations representing 92% of the world merchant fleet.



While this advice given in this guide has been developed using the best information currently available, it is intended to be used as guidance only. It is not intended to be used as a substitute for legal advice. The International Chamber of Shipping (ICS) and the International Labour Organisation (ILO) are not responsible for any consequences resulting from the use of this guide. The ILO is not responsible for any consequences resulting from the use of this guide. The ILO is not responsible for any consequences resulting from the use of this guide. The ILO is not responsible for any consequences resulting from the use of this guide.

On 20 August 2013, the ILO Maritime Labour Convention (MLC) will enter into force and ship operators will need to be ready.

At the 2006 Diplomatic Conference which adopted the MLC, ILO also adopted a Resolution which recommends that Port State Control (PSC) should not commence until 12 months after entry into force, i.e. August 2014. However, some port states, if they have ratified the MLC, may still decide to subject ships to PSC inspections to check compliance with the MLC from 20 August 2013.*

The following advice is intended to help ship operators avoid potential PSC problems.

The ILO MLC addresses a wide range of matters including shipping companies' obligations regarding seafarers' contractual arrangements, oversight of manning agencies, working hours, health and safety, crew accommodation, catering standards, and seafarers' welfare.

Provided that they put in the effort, the vast majority of companies should not have any difficulty complying with the substance of the Convention, which in large part is derived from existing ILO maritime standards and accepted good employment practice.

However, the enforcement mechanism is new. Shipping companies therefore must get to grips with the certification process in order to avoid port state control problems, and take appropriate measures in the event that flag states have not issued required documentation or guidance.

* Any remaining States, in conformity with article 19, are required to implement and ratify the Convention from 20 August 2013, or having this should make PSC inspection of their registered vessels by 20 August 2013, even if the port state has not ratified the MLC.

Mlc Manual For Ship Operators

S Ben Porath



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