

MARITIME LABOUR CONVENTION

KNOW YOUR RIGHTS TO A SAFE
AND SECURE WORKPLACE



HAILED AS THE SEAFARERS' BILL OF RIGHTS WHEN IT CAME INTO FORCE IN AUGUST 2013, THE MARITIME LABOUR CONVENTION (MLC) 2006 SET OUT FOR THE FIRST TIME THE MINIMUM RIGHTS THAT YOU SHOULD EXPECT AS A SEAFARER.

What is the Maritime Labour Convention?

The Maritime Labour Convention (MLC) is an International Labour Organization convention.

For the first time, it set out in one place minimum requirements for how a seafarer should be treated. Many states that ratify the Convention may have higher standards.

It was introduced in recognition that the global nature of the shipping industry means that seafarers need special protection, especially since you can be exempted from national labour laws.

The MLC incorporates and builds on 68 existing maritime labour conventions and recommendations, as well as other fundamental principles, to ensure decent working and living conditions for all seafarers.

In broad terms, the MLC gives you the right to a safe and secure workplace – where safety standards are complied with; and where you have fair terms of employment, decent living and working conditions, including social protection such as access to medical care, health protection and welfare.

MLC applies to all commercial seagoing ships operating in international waters or between ports of different countries except fishing, naval and traditionally built vessels. The MLC covers any seafarer who is employed, engaged or working in any capacity on board one of these vessels.

The MLC sits alongside International Maritime Organization (IMO) regulations which deal with the vessel and its operation.



MLC requirements

The MLC requires governments to make sure that their laws and regulations respect the following fundamental rights relating to work:

- The right to freedom of association – your right to join a trade union of your choice.
- Effective recognition of the right to collective bargaining – the right of your union to negotiate a collective bargaining agreement (CBA) on your behalf.
- Elimination of all forms of forced or compulsory labour – your right to work of your own free will and to be paid for that work.
- Effective abolition of child labour.
- Elimination of discrimination in respect of employment and occupation – your right to be treated in the same way as your fellow seafarers doing the same work, regardless of race, religion, national origin, gender, or political views.



Seafarers' rights

The MLC gives more details of the obligations of governments and shipowners under four headings:

1. Minimum requirements for seafarers to work on a ship.
2. Conditions of employment.
3. Accommodation, recreational facilities, food and catering.
4. Health protection, medical care, welfare and social security protection.

If your rights are not respected there are processes to follow for making complaints. If the problems are serious and repeated or a hazard to your health, safety or security, this can result in the detention of the ship.

How the MLC works

The minimum rights that you have under this Convention are put into place either through national laws and regulations, and/or by CBAs and employment agreements.

To make sure they are actually carried out, there is a strong enforcement regime backed by a system of inspection and certification.

Every ship of 500 GT or above operating internationally has to have a maritime labour certificate and a declaration of maritime labour compliance, both issued by the flag State. Through these documents, the flag State provides details of how the ship complies with the MLC requirements.

These details form the basis of the inspection regime, as Port State authorities can check against them for compliance. In enforcing compliance, the authorities have to make sure that ships flying the flag of a State that hasn't ratified the Convention don't get any advantages over those flying a flag that has. This is referred to as the 'no more favourable treatment' clause.

Where there is any doubt over how compliance is to be achieved, the Convention requires consultation with representatives of seafarers and shipowners.

Extra protections for seafarers

Two important amendments to the MLC came into force in January 2017 – to provide further protections to seafarers who have been abandoned, and, in the case of your death or long-term disability, to provide you and your family with financial security and compensation.

If you are abandoned:

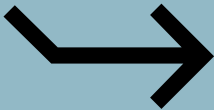
- Flag states must have a financial security system to provide financial assistance for all their registered ships.
- There will be a simpler system for you to report an abandonment and quickly get financial assistance.
- You will be entitled to up to four months of outstanding wages and all reasonable expenses you incur on board and until you arrive home, including repatriation and essential needs such as food, clothing, drinking water and medical care.

Making a claim for death or long-term disability:

- Flag states will be forced to adopt laws to provide you or your family with easy access to contractual compensation due.
- You, your next of kin or your representative can directly request contractual compensation.
- If the nature of your long-term disability makes it difficult to assess the full compensation, you must be given an interim payment to avoid undue hardship.

Under both amendments, evidence of financial security and the details of the financial providers must be posted on board and be made available to all seafarers. And any financial entitlements are without prejudice to any other form of compensation you may wish to pursue.

Find out more about your rights under the MLC with the ITF guide - <https://www.itfseafarers.org/en/resources/materials/itf-guide-seafarers-ilo-maritime-labour-convention-2006>.



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