

CCS Technical Information

(2013) Technical Information No. 3 Total No.37

February 1, 2013 (Total 8 pages)

To: All ship-owners, Relevant Departments of CCS Headquarters

Guidance for Shipowners

Implementing the Maritime Labour Convention, 2006

On September 17th 2012, China Classification Society released *Information on the MLC, 2006 Meeting the Conditions of Coming into Effect* under the 2012 Technical Information Notice No.14, in which recommended procedures for shipowners and operators to acquire MLC, 2006 certification was also provided. Since the adoption of MLC, 2006 Convention in 2006, CCS has been tracking continuously the progresses of MLC, 2006 ratifications and legislations, as well as converted and distributed corresponding technical information notices and circulars in a timely manner, in hope that relevant shipowners and ship operators are in a position to timely acknowledge these requirements and make necessary arrangements to ensure compliance with the Convention without delay.

As the effective date of the Convention August 20th 2013 approaches, all of the Flag States have enhanced the progress of ratification and/or legislation, meanwhile port state organizations all over the world have also been proactively preparing the inspection after the Convention coming into force. To ensure that relevant shipowners are in a position to acquire relevant MLC certificates or compliance certificates, CCS has sorted out the status of MLC, 2006 ratification and legislation for each flag State that has authorized us to carry out statutory inspections and audits, and formulated detailed compliance recommendations of different flag situations for reference.

1. For Flag States that have ratified the Convention and promulgated its MLC legislation (including DMLC Part I)

- ◆ Flag States: Marshall Islands, Liberia, Bahamas and Cyprus
- ◆ From which CCS has been granted MLC authorization: Marshall Islands, Liberia, Bahamas and Cyprus
- ◆ Implementation recommendations:
 - 1) Shipowners shall contact the flag State in a timely manner and apply for the

issuance of DMLC Part I to their specific ships (and it is recommended to take adequate consideration to request the Administration to issue applicable exemption or substantially equivalent according to the requirements of the Convention);

- 2) Shipowners shall immediately, in accordance with the flag state's MLC legislation and DMLC Part I, engage in the preparation of DMLC Part II and other supporting documents; (reference can be made to *Guidance on the Development of DMLC Part II under MLC, 2006* and *Guidance on the development of Maritime Labour Management Manual* developed by CCS)
- 3) During preparation of the documents, it is strongly recommended that shipowners arrange necessary trainings to shore-based managing staff and crew members on relevant knowledge; (*Maritime Labour Convention 2006 (MLC,2006) Training Course (held in 2010)* and *Advanced Training Materials for MLC, 2006 Compliance (held in 2012)* developed by CCS could be used for this purpose.)
- 4) Submit to CCS' local branch or office the application of DMLC Part I and Part II and/or other supporting documents for review, including a copy of accommodation certificate (if any) that has already been issued (in accordance with ILO Convention No.92 and/or No.133 or flag State legislation). Meanwhile, these documents shall be implemented and operated on board ship and evidences of such operation must be maintained accordingly; (It is recommended to refer to the mode of ISM/ISPS initial implementation, i.e. to develop implementation plan and internal audit plan. However, the period for internal audits can be shortened where appropriate to less than 3 months, but implementation period at least not less than 1 month.)
- 5) Apply CCS for on board ship inspection and make necessary correction to or develop corrective action plans for the deficiencies and non-compliances identified in a timely manner in the purpose of acquiring issuance of declaration of compliance (before 20th August 2013) and renewal of MLC certificate after the 20th August.

NOTE:

- i. The Government of Cyprus has currently promulgated MLC legislation except DMLC Part I.

2. For Flag States that have already ratified the Convention, but not yet released its MLC legislation, however DMLC Part I is released

- ◆ Flag States: Singapore, Panama and St. Vincent and the Grenadines
- ◆ From which CCS has been granted MLC authorization: Singapore, Panama and St. Vincent and the Grenadines

◆ Implementation recommendations:

- 1) Shipowners shall contact the flag State in a timely manner and apply for the issuance of DMLC Part I to their specific ships (and it is recommended to take adequate consideration to request the Administration to issue applicable exemption or substantially equivalent according to the requirements of the Convention);
 - 2) Shipowners shall immediately, in accordance with DMLC Part I, engage in the preparation of DMLC Part II and other supporting documents; (reference can be made to *Guidance on the Development of DMLC Part II under MLC, 2006* and *Guidance on the development of Maritime Labour Management Manual* developed by CCS)
 - 3) During preparation of the documents, it is strongly recommended that shipowners arrange necessary trainings to shore-based managing staff and crew members on relevant knowledge; (*Maritime Labour Convention 2006 (MLC,2006) Training Course (held in 2010)* and *Advanced Training Materials for MLC, 2006 Compliance (held in 2012)* developed by CCS could be used for this purpose.)
 - 4) Submit to CCS' local branch or office the application of DMLC Part I and Part II and/or other supporting documents for review, including a copy of accommodation certificate (if any) that has already been issued (in accordance with ILO Convention No.92 and/or No.133 or flag State legislation). Meanwhile, these documents shall be implemented and operated on board ship and evidences of such operation must be maintained accordingly; (It is recommended to refer to the mode of ISM/ISPS initial implementation, i.e. to develop implementation plan and internal audit plan. However, the period for internal audits can be shortened where appropriate to less than 3 months, but implementation period at least not less than 1 month.)
 - 5) Apply CCS for on board ship inspection and make necessary correction to or develop corrective action plans for the deficiencies and non-compliances identified in a timely manner in the purpose of acquiring issuance of declaration of compliance (before 20th August 2013) and renewal of MLC certificate after the 20th August;
 - 6) After the flag state's MLC legislation is promulgated, DMLC Part II and other supporting documents shall be revised accordingly and sent to CCS for further review, and an additional inspection may be required where necessary.
3. **For situation that the flag State has already ratified the Convention, but neither MLC legislation nor DMLC Part I is released so far**

◆ Flag States: Kiribati, Australia and Philippines

◆ From which CCS has been granted MLC authorization: Kiribati

◆ Implementation recommendations:

- 1) Shipowners shall contact the flag State in a timely manner for its MLC legislation or legislation draft, and apply from the Administration for the issuance of DMLC Part I to their specific ships (and it is recommended to take adequate consideration to request the Administration to issue applicable exemption or substantially equivalent according to the requirements of the Convention);
- 2) Shipowners shall, in accordance with MLC legislation or legislation draft acquired or DMLC Part I or MLC, 2006, engage in the preparation of DMLC Part II and other supporting documents; (reference can be made to *Guidance on the Development of DMLC Part II under MLC, 2006* and *Guidance on the development of Maritime Labour Management Manual* developed by CCS)
- 3) During preparation of the documents, it is strongly recommended that shipowners arrange necessary trainings to shore-based managing staff and crew members on relevant knowledge; (*Maritime Labour Convention 2006 (MLC,2006) Training Course (held in 2010)* and *Advanced Training Materials for MLC, 2006 Compliance (held in 2012)* developed by CCS could be used for this purpose.)
- 4) Shipowners of Kiribati ships may submit to CCS' local branch or office the application of DMLC Part I and Part II and/or other supporting documents for review. Meanwhile, these documents shall be implemented and operated on board ship and evidences of such operation must be maintained accordingly; (It is recommended to refer to the mode of ISM/ISPS initial implementation, i.e. to develop implementation plan and internal audit plan. However, the period for internal audits can be shortened where appropriate to less than 3 months, but implementation period at least not less than 1 month.)
- 5) Shipowners of Kiribati ships may apply for on board ship inspection from CCS and make necessary correction to or develop corrective action plans for the deficiencies and non-compliances identified in a timely manner in the purpose of acquiring issuance of declaration of compliance (before 20th August 2013) and renewal of MLC certificate after the 20th of August;
- 6) Once the flag State officially promulgates its MLC legislation, DMLC Part II and other supporting documents shall be revised accordingly and sent to CCS for further review by shipowners of Kiribati ships, and an additional inspection may be required where necessary.

NOTE:

- i. The above paragraphs 1), 2) and 3) can be implemented first for ships flying Australian and Philippine flags, as CCS is contacting the Administrations of these two countries for MLC authorizations, and implementation of subsequent

paragraphs 4), 5) and 6) can be referred to after MLC authorizations; it is also acceptable to apply for voluntary inspection from CCS prior to authorization, and MLC declaration of compliance is to be issued after a satisfactory inspection.

4. For Flag States that have not yet ratified the Convention, but already promulgated DMLC Part I

◆ Flag States: Hong Kong, China, Vanuatu

◆ From which CCS has been granted MLC authorization: Vanuatu

◆ Implementation recommendations:

- 1) Shipowners shall immediately, in accordance with DMLC Part I, engage in the preparation of DMLC Part II and other supporting documents; (reference can be made to *Guidance on the Development of DMLC Part II under MLC, 2006* and *Guidance on the development of Maritime Labour Management Manual* developed by CCS)
- 2) During preparation of the documents, it is strongly recommended that shipowners arrange necessary trainings to shore-based managing staff and crew members on relevant knowledge; (*Maritime Labour Convention 2006 (MLC,2006) Training Course (held in 2010)* and *Advanced Training Materials for MLC, 2006 Compliance (held in 2012)* developed by CCS could be used for this purpose.)
- 3) Submit to CCS' local branch or office the application of DMLC Part I and Part II and/or other supporting documents for review, including a copy of accommodation certificate (if any) that has already been issued (in accordance with ILO Convention No.92 and No.133 or flag State legislation). Meanwhile, these documents shall be implemented and operated on board ship and evidences of such operation must be maintained accordingly; (It is recommended to refer to the mode of ISM/ISPS initial implementation, i.e. to develop implementation plan and internal audit plan. However, the period for internal audits can be shortened where appropriate to less than 3 months, but implementation period at least not less than 1 month.)
- 4) Apply for on board ship inspection from CCS and make necessary correction to or develop corrective action plans for the deficiencies and non-compliances identified in a timely manner in the purpose of acquiring issuance of declaration of compliance.
- 5) Once the flag State officially promulgates its MLC legislation, shipowners shall contact the Administration in a timely manner and apply for the issuance of DMLC Part I to their specific ships (and it is recommended to take adequate consideration to request the Administration to issue applicable

exemption or substantially equivalent according to the requirements of the Convention). DMLC Part II and other supporting documents shall be revised accordingly and sent to CCS for further review, and an additional inspection may be required where necessary.

- 6) After the flag State ratifies the Convention, MLC certificate shall be issued to ships who already held MLC declaration of compliance.

NOTE:

i. Hong Kong SAR Marine Department (MD) has not granted official MLC authorization to its ROs so far, but it has clearly stated that shipowners can prepare DMLC Part II according to the draft DMLC Part I and submit such documents to its recognized ROs (including CCS) for review and approval, after which voluntary inspection for issuance of MLC declaration of compliance can be applied. After its labour legislation been approved, MD will issue official DMLC Part I with a statement explaining the reason why the issuing date of DMLC Part I is behind the approval date of DMLC Part II to avoid any trouble arising from port State control. Besides, MD has explicitly stated that there will be no major differences between the contents of official DMLC Part I and its existing draft DMLC Part I.

5. For Flag States that have neither ratified the Convention, nor promulgated MLC legislation or DMLC Part I.

◆ Flag States: China, Belize, Malta, Greece, Barbados, Comoros, Equatorial Guinea, Honduras, Jamaica, Myanmar, Pakistan, Seychelles, Tanzania, United Arab Emirates, Qatar, Bolivia, Iran, Mauritius and Malaysia

◆ From which CCS has been granted MLC authorization: Iran and Mauritius

◆ Implementation recommendations:

- 1) Shipowners shall immediately, in accordance with MLC, 2006 and existing flag State legislations relating to MLC, 2006 issue, engage in the preparation of DMLC Part II and other supporting documents; (reference can be made to *Guidance on the Development of DMLC Part II under MLC, 2006* and *Guidance on the development of Maritime Labour Management Manual* developed by CCS)
- 2) During preparation of the documents, it is strongly recommended that shipowners arrange necessary trainings to shore-based managing staff and crew members on relevant knowledge; (*Maritime Labour Convention 2006 (MLC,2006) Training Course (held in 2010)* and *Advanced Training Materials for MLC, 2006 Compliance (held in 2012)* developed by CCS could be used for this purpose.)
- 3) Submit to CCS' local branch or office the application of DMLC Part I and

Part II and/or other supporting documents for review, including a copy of accommodation certificate (if any) that has already been issued (in accordance with ILO Convention No.92 and/or No.133 or flag State legislation). Meanwhile, these documents shall be implemented and operated on board ship and evidences of such operation must be maintained accordingly; (It is recommended to refer to the mode of ISM/ISPS initial implementation, i.e. to develop implementation plan and internal audit plan. However, the period for internal audits can be shortened where appropriate to less than 3 months, but implementation period at least not less than 1 month.)

- 4) Apply for on board ship inspection from CCS and make necessary correction to or develop corrective action plans for the deficiencies and non-compliances identified in a timely manner in the purpose of acquiring issuance of MLC declaration of compliance.
- 5) After the flag State ratifies the Convention and promulgates its MLC legislation, shipowners are to contact the flag State Administration in a timely manner and apply for the issuance of DMLC Part I to their specific ships (and it is recommended to take adequate consideration to request the Administration to issue applicable exemption or substantially equivalent according to the requirements of the Convention). Shipowners shall revise DMLC Part II and other supporting documents accordingly and send them to CCS for further review, and apply for an additional inspection to ships for the purpose of MLC certificate renewal.

It shall be borne in mind that ratifications and legislation promulgations of Flag States are dynamic, and CCS will follow up and release updates.

In addition, for the above-mentioned documents developed by CCS such as *Guidance on the Development of DMLC Part II under MLC, 2006* and *Guidance on the development of Maritime Labour Management Manual*, and *Maritime Labour Convention 2006 (MLC,2006) Training Course (held in 2010)* and *Advanced Training Materials for MLC, 2006 Compliance (held in 2012)*, shipowners can obtain them from CCS' local branches or offices or through direct contact with the Certification Management Department of CCS Headquarter at: sm@ccs.org.cn.

During preparation of MLC related documents, references can also be made to the flag State legislation circulars and information as well as other information collected and distributed by CCS.

(See CCS official website:

http://www.ccs.org.cn/gb/InformationService/InformationService12_3.htm)

Shall there be any difficulty or question during preparation of these documents, CCS' local branches or offices are also willing to provide any possible assistance.

According to ILO official website, up to now 32 Flag States have ratified the Convention (Chronological Order): Marshall Islands, Liberia, Bahamas, Panama, Norway, Bosnia and Herzegovina, Spain, Croatia, Bulgaria, Canada, Saint Vincent

and the Grenadines, Switzerland, Benin, Singapore, Denmark, Antigua and Barbuda, Gabon, Latvia, Luxembourg, Kiribati, Holland, Australia, Saint Kitts and Nevis, Tuvalu, Togo, Poland, Palau, Sweden, Cyprus, Philippines, Russia and Morocco.

For any questions please contact the Certification Management Department of CCS Headquarters without hesitation.

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