

Maritime Labour Convention, 2006

The 94th (Maritime) Session of the International Labour Conference (ILC) (Geneva, February 2006) adopted the MLC, an important new international agreement that consolidates almost all of the 70 existing ILO maritime labour instruments in a single modern globally applicable legal instrument. The MLC establishes comprehensive minimum requirements for working conditions of seafarers including, among other things, conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection. It combines rights and principles with specific standards and detailed guidance as to how to implement these standards at the national level. The Convention is comprised of three different but related parts: the Articles, the Regulations, and the Code. The Articles and Regulations set out the core rights and principles and the basic obligations of members ratifying the Convention. The Code contains the details for the implementation of the Regulations. The Code comprises Part A (mandatory standards) and Part B (non-mandatory guidelines).

The Maritime Labour Convention, 2006 will enter into force on August 20, 2013. The MLC requires certain ships that engage on international voyages have a valid Maritime Labour Convention certificate issued by its flag administration. The U.S. has not ratified the MLC. Until such time that the U.S. ratifies the MLC, the Coast Guard will not mandate enforcement of its requirements on U.S. vessels or upon foreign vessels while in the Navigable Waters of the United States. However, Article V, paragraph 7 of the Convention contains a “no more favorable treatment clause” which requires ratifying governments to impose Convention requirements on vessels from a non-ratifying government when calling on their ports irrespective of their status of ratification. As a result, U.S. vessels not in compliance with the MLC may be at risk for Port State Control actions including detention when operating in a port of a ratifying nation.

Guidance on MLC compliance is currently being developed. Once completed it will be posted.