

# MY OPINION



**John Cook** looks at the MLC 2006  
now it is in force.

**T**he ILO has now received 46 ratifications of its members with many more expected by the end of 2013. As a result, the Maritime Labour Convention 2006 (MLC 2006) is now in force and the International Labour Organisation (ILO) has achieved the first phase in its objective to create a level playing field for the maritime industry.

The good news is that the UK ratified the convention on the 7th August 2013, ahead of when many thought they were going to. The Isle of Man and Gibraltar have also submitted their ratifications as well, so for these three flags the convention will enter into force on 7th August 2014. They will now have 12 months in which to inspect and certify all of the yachts on their registers. Italy is now the only major ILO member that has not ratified the convention within the Mediterranean. So what can we expect to see in the coming months now that the convention is in force?

## Certification

For those yachts that are commercially registered, the flag states that have ratified the convention will be carrying out their inspections and issuing certificates where they need to or are requested to do so. The good news here is that at the 94th Session of the ILO held in February 2006, resolution XVII was adopted by the ILO, which requests that yachts can continue to trade without a Maritime Labour Certificate for a period of up to 12 months after initial entry into force of the convention. However, having spoken to a number of maritime authorities they will only apply this request to those countries that have ratified the convention.

This means that if you own a yacht or work on a yacht whose flag has not yet ratified the convention, then a Port State control officer from a ratifying country, acting under the MLC, 2006, can and probably will carry out a full MLC inspection when the yacht calls at one of its ports. This view is further supported by the press release issued by the Paris MOU on the 12th August 2013, in which they make reference to resolution XVII

of the 94th session of the ILO in which they commented that, "The ILO has adopted a Resolution requesting port States to allow ships to continue to operate without a Maritime Labour Certificate (and Declaration of Maritime Labour Compliance) during a period of one year after 20 August 2013. ILO invited the member States to take a pragmatic approach in this respect during the first year."

In addition the press release goes on to say, "Ships from non-ratifying States should not receive any more favourable treatment than ships from States that have ratified the Convention. Under these circumstances, the ship will receive a more detailed inspection to ensure compliance with the MLC."

## Ratification

As of the 20th August 2013 the following Paris MOU members have ratified the convention: Bulgaria, Canada, Croatia, Cyprus, Denmark, Latvia, the Netherlands, Norway, Poland, the Russian Federation, Spain and Sweden. For those yachts going further afield this winter, the following countries have also ratified the convention: Antigua & Barbuda, Australia, Bahamas, Marshall Islands, Palau, Panama, St Kitts & Nevis, St Vincent and the Grenadines and Singapore.

By the end of the 2014 Mediterranean season, the convention will have also entered into force in the following countries: Finland, France, Germany, Greece, Malta, United Kingdom, Gibraltar and the Isle of Man. The message to Owners, Captains and Management companies is clear, if you have a yacht that is registered for commercial use and the flag is in a country that has ratified the convention, then prepare for inspection as soon as you can. If the yacht is registered in a country that has not yet ratified the convention, you will need to put in place all of the MLC, 2006 requirements in order to pass a full MLC, 2006 Port State inspection..

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