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ΔΙΟΙΚΗΤΙΚΗ

MARITIME LABOR CONVENTION
IN SHIPPING INDUSTRY

Αλαγιάννη Μαρία

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Μεταπτυχιακού Διπλώματος Ειδίκευσης στη Ναυτιλιακή Διοικητική

Πειραιάς

Οκτώβρης 2019

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The approval of the thesis by the Department of Maritime Studies of the University of Piraeus does not imply acceptance of the author's opinions.

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ΠΕΡΙΛΗΨΗ

Η παρούσα εργασία διαπραγματεύεται το θέμα της Ναυτικής Σύμβασης Εργασίας (MLC 2006) η οποία με την εφαρμογή της ορίζει και προστατεύει τα δικαιώματα των εργαζομένων πάνω στο πλοίο. Με το μηχανισμό επιβολής και συμμόρφωσης μέσω της διαδικασίας επιθεώρησης και πιστοποίησης των πλοίων από την αρμόδια αρχή της σημαίας του πλοίου καθώς επίσης μέσω της επιθεώρησης των πλοίων από τις λιμενικές αρχές, ένα πλοίο μπορεί να τεθεί υπό κράτηση λόγω μη συμμόρφωσης και σοβαρής παράβασης κάποιου από τους όρους της σύμβασης εργασίας. Στην παρούσα μελέτη αφού παρουσιάζεται αναλυτικά το επάγγελμα του ναυτικού, ο χώρος εργασίας του, οι Οργανισμοί που συντέλεσαν στην ανάγκη και καθιέρωση της, εξετάζεται το περιεχόμενο της Σύμβασης, τις τροποποιήσεις του κώδικα που έχουν εφαρμοστεί μέσω κανονισμών καθώς επίσης και ο τρόπος που επιθεωρούνται τα πλοία. Καταλήγει τελικά σε ορισμένα ενδιαφέροντα συμπεράσματα και αποτελέσματα σχετικά με τις πιο συνηθισμένες παραβιάσεις, και τις επιρροές της συγκεκριμένης θέσπισης.

ABSTRACT

The dissertation discusses the issue of Maritime Labour Convention 2006, which with its enforcement sets and protects the rights of the seafarers on board. During the mechanism of enforcement and compliance through the process of inspections and certification of ships by the Flag authority (Flag State Control) as well as through inspection of ships by the port authorities (Port State Control), a ship may be detained for non-compliance and severe infringement with any of the terms of contract. The

present study provides a detailed overview of the seafarer profession, its workplace and of the Organizations that contributed to its need and establishment. Then, it examines the content of the Convention, the amendments of code that have been made in the course of time, as well as the way ships are inspected. It finally reaches some interesting conclusions about the most frequent infringements of regulations and results on the effect of this adoption.

Keywords: MLC, seafarer, Organizations, inspections

CHAPTER 1: INTRODUCTION

Nowadays, one of the most profitable jobs is that of the seafarer. At the mean time, it is extremely demanding and that is the reason why the last years, fewer and fewer young people follow this career. Maritime work, because of its specificity, is one of the labor sectors where employees need increased legislative protection. Its peculiarity lies in the fact that it is handled aboard. These labor conditions often exposed the seamen to hazards and have led to the urgent need to seek and set up an instrument whose purpose is to make a substantial contribution to the establishment and implementation of uniform minimum standards worldwide for seafarers' working and living conditions.

Thus, at the International Labor Organization (ILO) General Conference, at its 94th Maritime Summit in Geneva, Switzerland, the Maritime Labor Convention, 2006 (MLC, 2006), was adopted as a single, coherent and pioneering text incorporating standards for 82 existing ILO members. *“The convention received 314 votes in favor and none against by representatives of the government, employers and workers, who each held a single vote per country.”* This Convention entered into force on August 20, 2013 when it was ratified by at least 30 countries that have at least 33% of total ship capacity worldwide.

“Already after five ratifications the ratifying countries (Bahamas, Norway, Liberia, Marshall Islands, and Panama) represented over 43 per cent of the gross world tonnage (which is over 33 per cent; the second requirement for entry into force). As of September 2019, the convention has been ratified by 94 states representing over 94 per cent of global shipping.”(Wikipedia, October 2019)

Apart from the ratification of the Convention, however, it is important for its effective implementation to be monitored, if applicable, at two levels: control of the flag State and control by the port authorities (as it is reported in next chapter). The results of these inspections and controls also illustrate the problems that seafarers have to face and should be effectively overcome by the responsables in order to lead to integral implementation of Convention gaining a fully safe and decent work environment for sailors.

CHAPTER 1.1.: AIMS AND OBJECTIVES

The scope of this thesis is to identify the impact of Maritime Labor Convention in life and working environment of seamen. Through the collection and analysis of information, such as definitions, terms, historical route, maritime organizations, most recurrent disobedience to the regulations, the research will try to answer the question if it creates a broad perspective to the seafarer's rights at work.

CHAPTER 1.2.: THESIS'S STRUCTURE AND METHODOLOGY

This study will attempt to detail all the aspects of Maritime Labor Convention and its implementation. (Definitions, distinctiveness of job) in Chapter 1 by descriptive research.

In Chapter 2, the Organizations of shipping domain, which pointed out the need of rules regarding minimum requirements and conditions of work and live of seamen on vessel, will be presented.

In Chapter 3, the study will try to identify the term of this Convention, its target, its content and analyze the five (5) basic headings, their regulations and deficiencies observed.

Then, in Chapter 4 there will be a brief review of modifications on MLC that have been applied until today.

Moreover, in Chapter 5 an explanation of P&I Clubs participation in security and insurance via the regulations of MLC will take place.

In Chapter 6 the different types of audits and the inspections procedure are reported.

In Chapter 7 the most frequent non compliances with MLC are presented.

Finally, in Chapter 8 the positive effect of MLC will be analyzed ,which is beneficial for the involved parts and based on the conclusions made in Chapter 9, we will answer to the fundamental question of the dissertation if it helps essentially the seafarers and if there are some recommendations for further amelioration and research.

CHAPTER 1.3.: DEFINITIONS

CHAPTER 1.3.1.: IMPORTANT TERMS

As mentioned in the introduction, this paper will present the seafarers' working conditions on board as they should be in accordance with the Maritime Labor Convention and examine whether and to what extent this goal is met. Firstly, it is substantial to define the profession of seaman and present the specificities that this profession (commanders, sailors, freemen),

ii. Engine personnel (engineers, oilers) and

iii. The general staff (cooks, etc.).

Other definitions which should be referred are:

3) Ship means a way of transportation on water other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply

4) Seafarers' employment agreement includes both a contract of employment and articles of agreement

5) Ship owner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed in accordance with this Convention, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the ship owner

6) Company means the owner of the ship or any other organization or person such as the manager, or the bare boat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code

7) Seafarer recruitment and placement service means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of ship owners or placing seafarers with ship owners

8) Declaration of maritime labor compliance means the declaration referred to in Regulation 5.1.3 (in Chapter 3 it will be presented an extended analysis on issue)

CHAPTER 1.3.2.: WORKING ENVIRONMENT

The most fundamental of the peculiarities of the maritime profession is the nature of the working environment, the ship. It imposes the seaman to a specific way of work and life.

He follows the ship in all its movements and participates in all its activities and operations in every way, such as departure, loading, discharging, berthing, end of sea passage and bunkering. He is obliged to part with his family and social environment for a long time and to live on the ship, where he will also carry out his professional activities. (Diakogianni, 2014).

His general psychological state is influenced by this environment and by the limited space in which he lives and works. Also, the type and the duration of the journey play a major role. Modern ships are making an obvious effort to design the spaces where the sailor lives and works so as they are more comfortable, accessible and give seafarers entertainment options through their equipment with film projectors, libraries, board games, internet, swimming pools etc. All ships have modern communication devices that the sailor can communicate with the external environment. (Diakogianni, 2014).

The fact that the sailor not only works but also lives abroad for the duration of his stay makes this profession even more special and difficult. .More specifically, the problems and therefore the particularities associated with the nature of maritime work on board are as follows:

- Physical and climatic conditions.
- Fatigue.
- Insufficient sleep hours and poor sleep quality.
- Routine by repeating the same tasks in the same place.
- Lack of creative leisure activities.
- Stress.
- Bad nutrition.
- Feeling isolated as a result of being removed from the family and friends.

CHAPTER 2: ORGANIZATIONS THAT LEAD TO ENACTMENT OF MARITIME LABOR CONVENTION (MLC)

CHAPTER 2.1: INTERNATIONAL MARITIME ORGANIZATION (IMO)



The need to set up an Authority to coordinate maritime affairs internationally had begun to exist before World War II. After many efforts through consultations and meetings between the United Nation member states, the Intergovernmental Maritime Consultative Organization (IMCO) was established in 1948 as a part of the United Nations Maritime Conference in Geneva and renamed to International Maritime Organization (IMO) in 1982, headquartered in London. (Vlachos, 2007) IMO currently has 174 Member States and three Associate Members.

The usual procedure which is followed is the convening of international conferences which are resulting in the establishment of International Conventions. The last ones once ratified by the Member States, are incorporated into national law. The more important a contract is, the more urgent the need for ratification and implementation of codes.

One of the most important conventions, adopted by Member States under the IMO, are the 1974 SOLAS (Safety of Life at Sea), which International Maritime Convention revised and expanded in 1995. The most important chapter of this Convention and the main reason why this Convention is considered very important is the ISM Code. The ISM Code was adopted by SOLAS in 1994 and incorporated in Chapter IX. This code is an international standard for the safe management, operation of ships and the prevention of pollution. The purpose of the code is:

- Ensure safety at sea
- Prevent human injury or loss of life
- Avoid damage to the environment and to the ship.

Moreover, IMO adopted the International Convention for the Prevention of Pollution from Ships (MARPOL) on November 2, 1973. It is the main international convention which is covering prevention of pollution of the marine environment by ships from operational or accidental causes. The Protocol of 1978 was adopted in response to a spate of tanker accidents in the period from 1976 to 1977. The Convention includes regulations which have as target to prevent and minimize the

pollution from ships in all its forms - both accidental pollution and routine operations discharges- and currently includes six technical Annexes. Some special Areas with strict controls on this waste have been defined internationally.

CHAPTER 2.2: STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW)



According to statistics, most of the maritime accidents stem from the human fault. The actions or omissions of crew members, such as negligence, lack of attention, excessive confidence, inability to communicate, lack of knowledge, incorrect judgment or risk assessment are some examples. In view of the above, the necessity of ship's staff training is even more imperative. The immediate and effective response to unforeseen sources of danger is to provide the necessary knowledge of a ship's crew in order to put in place the maritime risk assessment and prevention mechanism. (Kioulekas, 2013).

Due to the continuous need for seafarers training, there are institutions that ensure the development and implementation of seafarers' training, retraining and systems at both national and international levels. STCW regarding rest/work hours of seamen was carried out before MLC 2006 came into force.

The International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW) was adopted on July 7, 1978 and entered into force on April 28, 1984. The main purpose of this Convention is to promote safety of life, property at sea and to protect marine environment by establishing in common agreement international standards of training, certification and watch keeping for seafarers.

The Manila amendments of the STCW Convention and Code were adopted on June 25, 2010 marking a major revision of the STCW Convention and Code. They are set into force on January 1, 2012 under acceptance procedure and are aimed to bring the Convention and Code up to date with developments since they were initially adopted. More specifically, the Convention defines strict measures to combat certification fraud, increase physical fitness requirements and update security training.

It is also worth noting that the Convention sets enforced conditions for members to apply the Treaty in order to ensure that the training certificates provided by States comply with the requirements of the Treaty. States that sign in the Treaty are required to have the necessary resources for training and certification so that they can be accepted by all flag States. Otherwise, the certificates they issue will not be accepted and the seafarers of these states will not be selected by the ship owners because their ships will be inspected and concluded with deficiencies by Port State Controls (PSCs). (Diakogianni, 2014).

CHAPTER 2.3: INTERNATIONAL LABOR ORGANIZATION (ILO)



The International Labor Organization (ILO) was established in 1919 as part of the Treaty of Versailles that ended World War I and reflects the belief that constant peace can only be achieved if it is based on social justice. The ILO is a tripartite body that brings together representatives of governments, employers and employees in its executive bodies. It is perhaps the only intergovernmental agency whose member states are represented not only by government officials but also by workers 'and employers' representatives. Each national delegation comprises four members: one employee representative, one employer and two government representatives from the respective country.

Its member states are 187. The main objectives of the organization are to develop international programs that improve living and working conditions, increase employment opportunities and establish international conventions and labor standards.

The ILO's key instruments are three:

- General International Conference is the ILO's highest body. The ILO Member States meet each year at the International Labor Conference on June in Geneva. Each Member State is represented by two government representatives, one employer representative and one employee representative. The conference plays a very important role in establishing and adopting

international labor standards, while also approving the organization's budget and electing the government body. It takes decisions on ILO policy and plans the program and budget that will be presented in order to be implemented at the international conference. It also elects the Director General.

- The International Labor Office oversees the Director General and is the ILO coordinating body. Its main responsibilities are gathering information from all over the world and editing ILO publications, the most important of which is the monthly International Labor Inspectorate and the Annual Labor Statistics Book. It is the permanent secretariat of the ILO. (Vlachos, 2007).
- The Agency's maritime work includes the promotion of a series of Treaties (more importantly the MLC) that regulate the work matters on-board, such as working hours, insurance, licenses, sick pay and minimum remuneration of seafarers. As the payroll cost of the crew is a significant proportion of the operating costs of the shipping business, the ILO's work significantly affects the operation of the shipping business. (Alexopoulou, 2012).

The organization works with the IMO mainly for training issues and issuing licenses for crewing with the Joint Commission's work.

CHAPTER 3: MARITIME LABOR CONVENTION (MLC, 2006)

CHAPTER 3.1.: MARITIME LABOR CONVENTION TERM

CHAPTER 3.1.1.: WHAT IS MARITIME LABOR CONVENTION?

The Maritime Labour Convention (MLC) , “*established in 2006 as the fourth pillar of international maritime law and embodies all up-to-date standards of existing international maritime labor Conventions and Recommendations, as well as the fundamental principles found in other international labor Conventions*”. The other pillars are the SOLAS, STCW and MARPOL” (they are introduced in Chapter 2) (Wikipedia, 2019)

It is sometimes called the Seafarers’ “Bill of Rights”. It applies to all seafarers, including those who work in hotels and other passenger services on cruise ships and commercial yachts. “*In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consulting with the ship*

owners' and seafarers' organizations. (International Labour Organization (ILO), 1996-2017)

“This Convention applies to all commercially operated ships of 500 gross tonnage or over, that fly the flag of ratified members and to, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries. Although the Convention has not been ratified worldwide, it has widespread effect because vessels from non-signatory states that attempt to enter ports of signatory states may face arrest and penalties for non-compliance with the MLC. (Wikipedia, October 2019)

In the event of doubt as to whether this Convention applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member after consultation with the ship owners' and seafarers' organizations concerned.” .(International Labour Organization (ILO), 1996-2017)

In particular, standards covering the whole of maritime work and live are adopted and refer to the minimum requirements for:

- Life conditions and conditions of employment, with special care for young people,
- Accommodation and catering,
- Prosperity and social security,
- Medical care and health protection for seafarers.



Recognizing the importance of the human factor in the safe operation of ships, the protection of human life and property at sea, the prevention of marine pollution, the security against illegal acts and the direct relationship between the efficiency and productivity of maritime transport services with the sustainable development of international trade, the requirements of the MLC aim to create “better quality working conditions” for seafarers worldwide, under the principle of “less favorable conditions” and of management to achieve a "level playing

field " internationally. (Draft law "Ratification of the Maritime Labor Convention, 2006 of the International Labor Organization", 2012).It is estimated that there are over 1.5 million people working at sea worldwide.

CHAPTER 3.1.2.: RATIFICATIONS

Under ILO practice, the regulations and denunciations of Conventions usually enter in force (become binding under international law) twelve (12) months after the date on which there have been registered ratifications by at least a required number of their members with a total share in the world gross tonnage of ships. Thereafter, this Convention shall come into force for any Member, twelve (12) months after the date on which its ratification has been registered. It is widely accepted that the formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

The Current Ratifications are:

| Country | Ratification | Entry into force | Notes | % of world gross tonnage¹ <small>91</small> |
|---------------------|---------------------|-------------------------|--------------|--|
| Albania | 28 October 2016 | 28 October 2017 | | <0.3 |
| Algeria | 22 July 2016 | 22 July 2017 | | <0.3 |
| Antigua and Barbuda | 11 August 2011 | 20 August 2013 | | 1.0 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ¹ 91 |
|------------------------|------------------|------------------|-------|---|
| Argentina | 28 May 2014 | 28 May 2015 | | <0.3 |
| Australia | 21 December 2011 | 20 August 2013 | | <0.3 |
| Bahamas | 11 February 2008 | 20 August 2013 | | 5.0 |
| Bangladesh | 6 November 2014 | 6 November 2015 | | <0.3 |
| Barbados | 20 June 2013 | 20 June 2014 | | <0.3 |
| Belize | 8 July 2014 | 8 July 2015 | | <0.3 |
| Belgium | 20 August 2013 | 20 August 2014 | | 0.4 |
| Benin | 13 June 2011 | 20 August 2013 | | <0.3 |
| Bosnia and Herzegovina | 18 January | 20 August | | <0.3 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|-----------------------|------------------|------------------|--|---|
| a | 2010 | 2013 | | |
| Bulgaria | 12 April 2010 | 20 August 2013 | | <0.3 |
| Canada | 15 June 2010 | 20 August 2013 | | <0.3 |
| Cape Verde | 6 October 2015 | 6 October 2016 | | <0.3 |
| Chile | 22 February 2018 | 22 February 2019 | | <0.3 |
| Republic of the Congo | 7 April 2014 | 7 April 2015 | | <0.3 |
| China | 12 November 2015 | 12 November 2016 | including Hong Kong (since 20 August 2018) | 8.8 |
| Croatia | 12 February 2010 | 20 August 2013 | | <0.3 |
| Cyprus | 20 July 2012 | 20 August 2013 | | 2.0 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ¹ 91 |
|----------|-------------------|-------------------|---|---|
| Denmark | 23 June 2011 | 20 August 2013 | including Faroe Islands (since 9 July 2014) excluding Greenland | 1.1 (Danish International Ship Register) |
| Djibouti | 20 July 2018 | 20 July 2019 | | <0.3 |
| Ethiopia | 28 March 2019 | 28 March 2020 | | <0.3 |
| Fiji | 10 October 2014 | 10 October 2015 | | <0.3 |
| Finland | 9 January 2013 | 9 January 2014 | | <0.3 |
| France | 28 February 2013 | 28 February 2014 | Including New Caledonia | 0.7 |
| Gabon | 25 September 2014 | 25 September 2015 | | <0.3 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|---------|------------------|------------------|-------|---|
| Gambia | 29 November 2018 | 29 November 2019 | | <0.3 |
| Germany | 16 August 2013 | 16 August 2014 | | 1.4 |
| Ghana | 16 August 2013 | 16 August 2014 | | <0.3 |
| Greece | 4 January 2013 | 4 January 2014 | | 5.3 |
| Grenada | 12 November 2018 | 12 November 2019 | | <0.3 |
| Hungary | 31 July 2013 | 31 July 2014 | | <0.3 |
| Iceland | 4 April 2019 | 4 April 2020 | | <0.3 |
| India | 9 October 2015 | 9 October 2016 | | 1.17 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|-----------|------------------|------------------|-------|---|
| Indonesia | 12 June 2017 | 12 June 2018 | | 0.82 |
| Iran | 11 June 2014 | 11 June 2015 | | <0.3 |
| Ireland | 21 July 2014 | 21 July 2015 | | <0.3 |
| Italy | 19 November 2013 | 19 November 2014 | | 1.4 |
| Jamaica | 13 June 2017 | 13 June 2018 | | <0.3 |
| Japan | 5 August 2013 | 5 August 2014 | | 1.4 |
| Jordan | 27 April 2016 | 27 April 2017 | | <0.3 |
| Kenya | 31 July 2014 | 31 July 2015 | | <0.3 |
| South | 9 January | 9 January | | 1.6 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|------------|-------------------|------------------|-------|---|
| Korea | 2014 | 2015 | | |
| Kiribati | 24 October 2011 | 20 August 2013 | | <0.3 |
| Latvia | 12 August 2011 | 20 August 2013 | | <0.3 |
| Lebanon | 18 February 2013 | 9 March 2019 | | <0.3 |
| Liberia | 7 June 2006 | 20 August 2013 | | 11.1 |
| Lithuania | 20 August 2013 | 20 August 2014 | | <0.3 |
| Luxembourg | 19 September 2011 | 20 August 2013 | | <0.3 |
| Malaysia | 20 August 2013 | 20 August 2014 | | <0.3 |
| Maldives | 7 October 2014 | 7 October 2015 | | <0.3 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|------------------|-------------------|-------------------|-------------------|---|
| Malta | 21 January 2013 | 21 January 2014 | | 4.4 |
| Marshall Islands | 25 September 2007 | 20 August 2013 | | 6.1 |
| Mauritius | 30 May 2014 | 30 May 2015 | | <0.3 |
| Mongolia | 1 September 2015 | 1 September 2016 | | <0.3 |
| Montenegro | 3 February 2015 | 3 February 2016 | | <0.3 |
| Morocco | 10 September 2012 | 10 September 2013 | | <0.3 |
| Myanmar | 25 May 2016 | 25 May 2017 | | <0.3 |
| Netherlands | 13 December | 20 August | only the European | 0.6 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ¹ 91 |
|-------------|------------------|------------------|---|--|
| s | 2011 | 2013 | part of the Kingdom and (since 14 April 2015) Curaçao | |
| New Zealand | 9 March 2016 | 9 March 2017 | | <0.3 |
| Nicaragua | 20 December 2013 | 20 December 2014 | | <0.3 |
| Nigeria | 18 June 2013 | 18 June 2014 | | <0.3 |
| Norway | 10 February 2009 | 20 August 2013 | | 1.5 (Norwegian International Ship Register) |
| Palau | 29 May 2012 | 20 August 2013 | | <0.3 |
| Panama | 6 February 2009 | 20 August 2013 | | 22.6 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|----------------------------------|------------------|------------------|-------|---|
| Philippines | 20 August 2012 | 20 August 2013 | | 0.6 |
| Poland | 3 May 2012 | 20 August 2013 | | <0.3 |
| Romania | 24 November 2015 | 24 November 2016 | | <0.3 |
| Russia | 20 August 2012 | 20 August 2013 | | 0.6 |
| Saint Kitts and Nevis | 21 February 2012 | 20 August 2013 | | <0.3 |
| Saint Vincent and the Grenadines | 9 November 2010 | 20 August 2013 | | 0.6 |
| Samoa | 21 November 2013 | 21 November 2014 | | <0.3 |
| Serbia | 15 March 2013 | 15 March 2014 | | <0.3 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|--------------|-------------------|-------------------|-------|---|
| Seychelles | 7 January 2014 | 7 January 2015 | | <0.3 |
| Senegal | 19 September 2019 | 19 September 2020 | | <0.3 |
| Singapore | 15 June 2011 | 20 August 2013 | | 4.8 |
| Slovakia | 17 May 2018 | 17 May 2019 | | <0.3 |
| Slovenia | 15 April 2016 | 15 April 2017 | | <0.3 |
| South Africa | 20 June 2013 | 20 June 2014 | | <0.3 |
| Spain | 4 February 2010 | 20 August 2013 | | <0.3 |
| Sri Lanka | 12 January 2017 | 12 January 2018 | | <0.3 |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|----------------|------------------|---------------------|--|---|
| Sweden | 12 June 2012 | 20 August 2013 | | <0.3 |
| Switzerland | 21 February 2011 | 20 August 2013 | | <0.3 |
| Tanzania | 3 April 2019 | <i>3 April 2020</i> | | <0.3 |
| Thailand | 6 June 2016 | 6 June 2017 | | <0.3 |
| Togo | 14 March 2012 | 20 August 2013 | | <0.3 |
| Tunisia | 5 April 2017 | <i>5 April 2018</i> | | <0.3 |
| Tuvalu | 16 February 2012 | 20 August 2013 | | <0.3 |
| United Kingdom | 7 August 2013 | 7 August 2014 | extended to Bermuda , Cayman Islands , Isle of Man , and Gibraltar | 3.8 ^[10] |

| Country | Ratification | Entry into force | Notes | % of world gross tonnage ^[9] |
|---------|---------------------------|---------------------|-------|---|
| Vietnam | 8 May 2013 | 8 May 2014 | | 0.4 |
| | Ratifications : 94 | In force: 88 | | Total: 94% |

Table from https://en.wikipedia.org/wiki/Maritime_Labour_Convention.

As in any other case, each member state and seafarer takes advantage of specific rights. Every seafarer has the right to a safe and secure workplace that complies with safety standards and to fair and decent terms of employment. He has also, entitlement to health protection, medical care, welfare measures and other forms of social protection.

“Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation..”(Matthew W. Finkin, Guy Mundlak (2015))

CHAPTER 3.2: HISTORY

The MLC is *“the result of the desire to create a single, coherent instrument which embodies as far as possible all up-to-date standards of existing international maritime labor Conventions and Recommendations, as well as the fundamental principles which are found in other distinct international labor Conventions, in particular:*

- ✚ *“the Forced Labour Convention, 1930*
- ✚ *the Freedom of Association and Protection of the Right to Organize Convention, 1948*
- ✚ *the Right to Organize and Collective Bargaining Convention, 1949*
- ✚ *the Equal Remuneration Convention, 1951*
- ✚ *the Abolition of Forced Labour Convention, 1957*
- ✚ *the Discrimination (Employment and Occupation) Convention, 1958*
- ✚ *the Minimum Age Convention, 1973*
- ✚ *the ILO Declaration on Fundamental Principles and Rights at Work, 1998*
- ✚ *the Worst Forms of Child Labour Convention, 1999 ”*

“The convention changed the status of 37 ILO conventions, which means that these conventions upon entry into force of the last convention will close for ratification and that entry into force for a specific country means automatic denouncement of the past conventions.” (International Labour Organization (ILO), 1996-2017)

CHAPTER 3.3.: LANGUAGE –STRUCTURE-CONTENT

CHAPTER 3.3.1.: LANGUAGE-STRUCTURE

Firstly, regarding the languages which the regulations of the Conventions are expressed are English and French versions and are equally authoritative.

The subject of Convention includes fourteen (14) areas such as:

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers’ employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Ship manning levels
- Accommodation
- Onboard recreational facilities
- Food and catering

- Health and safety protection and accident prevention
- Onboard medical care
- Seafarers' complaint handling procedures
- Payment of wages

The Convention is made up of three distinct, but interconnected parts: Articles, Regulations and Code:

- A. The first part consists of the 16 articles that first come to define broad principles and obligations. More specifically, these articles regulate the following:
- a) General Obligations of Members;
 - b) Definitions and scope,
 - c) Fundamental rights and principles,
 - d) seafarers' labor and social rights;
 - e) Obligations of States in relation to the implementation and enforcement of its requirements;
 - f) Way of Regulations and Part A and B of the Codes application
 - g) Consultation with ship owners and seafarers organizations;
 - h) Conditions of entry into force of the Convention;
 - i) Terms and Conditions of Termination of the Contract;
 - j) Effects of the entry into force of the Convention,
 - k) Duties of the Director-General of the International Labor Office, as the depositary of the Convention,
 - l) Powers and modalities of the Special Tripartite Committee,
 - m) Procedure for amending the Convention and its Code,
 - n) Original languages of the text of the Convention.
- B. The second part contains the regulations setting out the essential requirements for the special status of seafarers and how these requirements should apply. The regulations essentially reflect the provisions that must be incorporated into the national law of each Member State before ratifying the Convention.
- C. Finally, in the third part are the provisions of the code which are divided into two parts (A and B). The first set the mandatory standards and the second set

the instructions that are optional but supportive for the application of Part One. These templates are organized into thematic sections under five headings.

CHAPTER 3.3.2.: CONTENT OF THEMATIC SECTIONS

The Heading 1, 'Minimum requirements for seafarers working on board' consists of four (4) regulations. More specifically, Regulation 1.1. of MLC 2006 refers to Minimum age. The application of this regulation guarantees the protection of minors as it is forbidden for anyone under 16 years of age to work on board. At the same time, there are articles that ensure working conditions for seafarers under 18 years of age. In other words, they prohibit to seafarers at this age to work at night. At this point, it is significant to explain that night is defined by national law and practice. There are exceptions for night work for seafarers between the ages of 16 to 18 only if effective training would be provided. Night work should be part of established program and schedule of training. In general, some circumstances and tasks require higher minimum age (e.g. rank of cook)

Regarding Regulation 1.2. 'Medical Certificate' is mentioned that the signed on seafarers must hold a medical certificate in force, which certifies that they are capable of performing their duties. Medical certificates are authorized to be issued by qualified doctors specializing in general medicine or occupational medicine or pathology and practice their profession legally. The purpose of this Regulation is to ensure that seafarers are medically fit to perform their duties at sea without the risk of: (a) aggravating illness due to working on board; (b) unable to perform their duties; posing a danger to others. It should be noted that for international voyages the certificates should be in international language (English) and issued under the STCW. There are exceptions for short duration in urgent cases only for example if a certificate expires during voyage but the vessel is not at the port. So it remains into force until the next port of call.

Furthermore, Regulation 1.3. for 'Training and qualification' emphasizes that no seafarer can perform his duties on a ship unless he is fully qualified and certified. As a result, seafarers should have completed the training required by the STCW 1978, as well as the onboard personnel and ship safety training. The training and certification should be in accordance with international standards and in continuance of ILO Convention of 74 (Able seaman convention).

Regulation 1.4. 'Recruitment and Placement' aims to ensure that seafarers have access to an effective and well-regulated recruitment and placement system. This means that crewmembers must find a job at no cost to the seafarer. All staffing offices (private or public) must be regulated and provide an effective, adequate and reliable system that protects and promotes labor rights. Private recruitment service operates under standardized system of licensing, certification or other form of regulation. Member States must ensure that the staffing services they operate comply with the standards of Code. In addition, ship owners must use agencies that comply with these minimum requirements. Thus, if seafarers are recruited by a State agency that has not ratified the Convention, then the ship owner who has hired them must make sure that the agency meets MLC standards through an internal or external audit by the Class and inform seaman about potential problems of vessel in this category. Moreover, a complaint mechanism should be established, an up-to-date registry must be maintained and black lists are prohibited.

The Heading 2 'Conditions of Employment' includes eight (8) regulations, two (2) of them are for auxiliary reasons. Firstly, Regulation 2.1., which analyzes the 'Seafarer's employment agreement (SEA)' aims to ensure that all seafarers have a fair employment contract. As required by this Convention, seafarers should conclude an employment agreement providing them with decent working and living conditions on board. The terms should be clearly stated and be compatible with the requirements of national law, code and practice. The seafarers must be able to read the terms of the contract before signing it, freely accept them and if they wish to seek legal advice. The Regulation also provides in its first paragraph that the ship owner and the seafarer shall have a signed, original copy of the employment contract but not a report on Quality of seamen's work or on wages inside it. All the information about the terms and conditions of employment of the Association shall be freely accessible to all the crew on board and available for inspection at any port. Finally, regarding the possibility of termination of the indefinite term contract, the Regulation expressly states: " The minimum notice period provided by seafarers and ship owners for early termination of the indefinite term contract shall not be less than seven (07) days ". Member's National law defines any circumstances about shorter period or no notice of termination. Also, if the seaman terminates the contract for urgent reasons, there is no rule of penalty.

By applying regulation 2.2. for ‘Salaries’, it is ensured that seafarers are paid for their services. The monthly bill given should include the wage paid, supplementary payments and the exchange rate used if needed, where the currency is different from the one specified in the employment contract. The basic salary must not be less than the recommended minimum salary. Basic salary means that payment is based on normal working hours. In case of overtime obligation, it should be covered by national law and the remuneration should be at least 1.25 of the basic hourly wage. The captain must maintain, on a monthly basis, records of seafarer overtime which must be signed by both sides. Also, under the regulation, all seafarers should be paid full time for their work no greater interval than monthly as specified by their employment contract and be able to pass their remuneration to their families or legal beneficiaries (allotments). Every company should have a documented procedure regarding compensation to seamen.

The issue of standards for minimum hours of rest and maximum hours of work is covered by Regulation 2.3. of MLC 2006 according to which each member when setting a program should take into account the risk of seafarers' fatigue, especially those whose duties are related to the safe management of the ship. Avoiding the tiredness of seafarers is a matter for both the ILO and the IMO. Fatigue, especially for seafarers with guard duties, is directly linked to ship safety and preventing maritime accidents. Flag administration set the limits in both categories of hours. In particular, under this Regulation, the minimum rest hours shall not be less than 10 hours within 24 hours and not less than 77 hours in the 7-day period. Rest periods may be divided into two periods: one of the periods shall cover at least 6 hours. In addition, maximum hours of work shall not exceed 14 hours in any 24-hour period and 72 hours in any seven day period. The Captain is also considered as a sailor and that is why the above arrangements apply to him as well. Rest hours issue is one of the most important inspection items, so ship owners pay close attention to staffing levels and the working model which should be adopted on board. Last but not least, a table showing the arrangement of working time on board should be posted in an easily accessible place on the ship and include for each job the timetable of service when the ship is at sea and when the ship is in port .There are also the emergency drills in which crew participates so as to be familiarized and prepared for these cases. They must be conducted in a manner to minimize the disturbance of rest hours and not lead to exhaustion.

Regulation 2.4.: 'Entitlement to leave' analyzes the calculation of this right. In this estimation the authority must take into account the special needs of seamen. Also, the minimum standard that seaman deserves is 2.5 calendar days per month of employment. The seafarers should be given paid an amount for their annual leave and be granted for shore residence.

The 'Repatriation procedure' is elaborated in regulation 2.5. of MLC 2006. It tries to ensure that seafarers are able to return to their country without charge. Ship owner must cover the cost of transport, other expenses such as accommodation and medical treatment, financial security in this journey and provide copy of national provisions to his employee.

Regulation 2.7. 'Manning levels' develops the crucial factor of a sufficient operation and navigation of vessel. The number of seafarers on board determines that ship will operate safely, efficiently and with due regard to security.

As it is mentioned above Regulation 2.6. 'Seafarer compensation for ship's loss or foundering' –in case of injury, loss or unemployment and indemnity may be limited to 2 months of wages (unemployment payments) and regulation 2.8. 'Career and skill development' highlights the importance of development to face the professional competency and the right of each one to be promoted during his career .Both regulations are assistant material for application of the other regulations.

The Heading 3 'Accommodation - Recreational Facilities - Food and Catering' of MLC deals with the most technical issues related to ship equipment and construction. The Convention sets out a series of minimum benefits that should apply to vessels registered, after the Treaty has been flagged and ratified by the ILO Member States with a view to promoting the well-being of seafarers on board.

In more detail:

With regards to Accommodation and creative activities, Regulation 3.1. describes the facilities of seamen as they are shaped based on ILO Conventions. It clearly defines the exact bedroom size- 203 cm in general cases - the number of bedrooms and their sanitary facilities. The need the bedrooms, the recreation areas and the hospital facilities to be away from the noxious fumes of machine, are given. The insulation from heat, cold and noise should be adequate. The appropriate conditions related to ventilation, heating, lighting and drainage in the above areas of the ship are also described in detail. In addition, there is a mandatory availability of laundry facilities and a proper mess room, while a library, video / DVD projection area,

telecommunication network, internet access, fitness center and craft and music venues are recommended for creative seafarers' leisure time. Another basic requirement is occupational safety, health and accident prevention. The hospital accommodation should be separate, easily accessed in all weathers, comfortable and used only for medical purposes.

In order to ensure compliance with minimum standards, the ship owner is designated as responsible for decent housing and leisure facilities in Title III, paragraph 18 of Rule 3.1. Frequent inspections should thus be carried out by the Master to ensure that the seafarer's accommodation is clean and well maintained. The results of these inspections should be recorded and made available for review. Regarding catering, Regulation 3.2. provides that seafarers shall be serviced free of charge food, drinking water of appropriate quality, nutritional value and quantity to meet the requirements of the ship's crew. It also stipulates that all of these should be organized, equipped and prepared by properly trained and qualified staff (cooks), always keeping in mind the hygiene conditions. Finally, any religious and cultural particularities and practices of all crew members should be respected. Every six (6) months a survey of drinking water takes place.

In the title 4 'Medical Care on Board and Ashore' as defined in Regulation 4.1. each Member State should ensure that the seafarer has access to appropriate medical care facilities and health protection. There should also be the possibility of visiting doctors in ports where the ship has a scheduled stop when possible. In addition, each ship should have a medicine box, medical equipment and a medical guide. For ships carrying more than 100 people and making long international trips, a doctor is required on board. Finally, international cooperation between ships is required for medical assistance.

Moreover, Regulation 4.2 'Ship owners' liability' in the event of an accident, illness or death of a seafarer during the travel and the protection from their financial consequences, provides that the ship owner shall bear the cost of medical care, as well as the full remuneration of the seafarer for as long as he is unable to perform his duties. Some basic requirements are safeguarding property, security for long term disability even death, burial expenses, medical expenses.

For 'Health and safety protection and accident prevention' Regulation 4.3. provides a series of instructions on ship to ensure that work environment promotes safety. The management of high and low temperatures, the reduction of exposure to noise and

vibration, the proper use of loading ,discharging and bunkering equipment and anything else that could cause an accident should be part of on board policy and program. At the same time, the factor of the seafarers' mental and physical fatigue is taken into account in order to minimize the risk of fatigue. It is essential to refer that risk evaluation, training, preventive measures, inspections and investigation of past accidents and warning the seamen of particular hazards are the principles so as to attain this goal.

Regulation 4.4. 'Access to shore-based leisure services' provides a series of activities that the ship owner must provide to the crew in order to find a way out to help improve mental, physical health, well-being and to provide easy access to these services. The access to these should be open to all seafarers irrespective of racist criteria such as race, sex, religion or politics. Gaining access to onshore activities during the ship's stay at the port is the result of co-operation between the ship owners 'and seafarers' associations in an effort to meet the recreational and other needs of the latter.

According to Regulation 4.5. 'Social security' each state must take the necessary measures to provide seafarers and their relatives with full social security protection. The benefits to be covered are: medical care, sickness benefit, unemployment benefit, pension, injury benefit, family benefit, maternity benefit and survivor's death allowance. Finally, it should pay any mandatory contribution for this good.

The Heading 5 'Compliance and enforcement set-up' is one of the most important parts of the Convention as it presents new data on the implementation and control of all measures provided for in the Regulations. It includes mechanisms to improve surveillance at all levels: ship, business, flag state, port state, labor state of origin and ILO system for global and uniform compliance and verification. It also explains the responsibilities of both the flag State for the implementation of its regulations, as well as the responsibilities of the Port State for the control of enforcement and penalties for non-compliances with the Regulations. Another basic subject is reporting mechanism to support and complement the inspection provisions. It also applies the ability of seafarers to file complaints as part of the state port inspection process. Regulation 5.1 'Flag state responsibilities' comprised of three (3) subsections.

The first subsection 5.1.1.(General Principles) ensures that each Member puts into effect its responsibilities under this Convention with respect to ships that fly its flag and the existence of inspection and certification system to those objectives. Then in

the subsection 5.1.2. ‘Authorization of Recognized Organizations’ the ROs are nominated to carry out specified functions.

Finally, Regulation 5.1.3. ‘Maritime Labor Certificate and Declaration of Maritime Labor Compliance’ confirms that vessel is compliant with the requirements of the Convention. The maritime labor certificate and the declaration of maritime labor compliance shall conform to the model prescribed by the Code. *“The maritime labor certificate shall be issued to a ship by the competent authority, or by a recognized organization duly authorized for this purpose, for a period which shall not exceed five years.”* (International Labour Organization (ILO) 1996-2017) The validity of the maritime labor certificate shall be subject to an intermediate inspection by the competent authority, or by a recognized organization duly authorized for this purpose, *“to ensure continuing compliance with the national requirements of the Convention. If only one intermediate inspection is carried out and the period of validity of the certificate is five years, it shall take place between the second and third anniversary dates of the certificate.”*

Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labor certificate. *“The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the certificate. When a MLC certificate is expiring, the authority should renew it .There are cases where a maritime labor certificate may be issued on an interim basis:*

- *(a) to new ships on delivery;*
- *(b) when a ship changes flag; or*
- *(c) when a ship owner assumes responsibility for the operation of a ship which is new to that ship owner*

Regarding their validity, DMLC need to be issued for confirmation of Interim MLC. “(Jennifer Lavelle , 2013)

DMLC means “a declaration summarizing the national laws or regulations implementing an agreed-upon list of 14 areas of the maritime standard.” The Flag State of the vessel falling under the MLC 2006 will draw up a ship-specific Declaration of Maritime Labor Compliance, Part I (DMLC I) contains references to the national laws and possible flag specific exemptions. More specifically, DMLC Part I should include reference to legislative provisions in each of the matters listed in

Appendix A5-1, explanation of any substantial equivalences applied and clear indication of any exemptions.

The ship owner operator shall develop and implement measures to ensure compliance with the national requirements in the ship-specific Declaration of Maritime Labor Compliance, Part II (DMLC II). The declaration is attached to the Maritime Labor Certificate and sets out the ship owner's or operator's plan for ensuring that the national requirements implementing the Convention will be maintained on the ship between inspections. DMLC Part II should include procedure for ongoing verification of compliance including persons responsible and records verified for non compliance situations, their handling and references to documentation.

Also, Regulation 5.2. 'Port State responsibilities' describes the responsibilities which port authorities have for the implementation of MLC regulations and Regulation 5.3. 'Labor supplying responsibilities' deals with relevant responsibilities.

Finally the heading 5 includes complaints system. In other words, it sets the procedures to manage complaints both at shore and on board. The participants are ILO supervisory system, Flag State context and Port State context. Firstly, ILO supervisory system handles complaints made to ILO by seafarer or ship owner organizations .It is not intended for dealing with complaints of individuals. Secondly, Flag State context projects the onboard complaint procedures and is responsible for inspections and enforcement based on grievances which address to them. Then, Port State context defines circumstances for the Inspection in the port for the onshore seafarer complaint-handling procedures.

For each of the titles there are general standards, which are specified in the mandatory regulations, as well as guidelines. The guidelines generally form a framework of regulations' implementation, in accordance with the requirements laid down, but different States are free to establish their implementing measures. The Regulations should, in principle, be fully implemented, but a country may apply a 'substantially equivalent rule', which it must declare when ratifying. The goal of MLC 2006 is to establish a continuous " compliance information " system at every stage, starting with national protection systems and reaching international system.

CHAPTER 3.4.: DEFICIENCIES

The Maritime Labor Convention may be regarded as one of the most important achievements for seafarers' work because it resolves many of the problems that have plagued seafarers for decades.

Nonetheless, there are some shortcomings that are significant. The new versions of Convention does not include references to key factors and incentives that can contribute to the mobilization of the human factor and enhance the uniformity of the maritime industry. The goal is to avoid diversification and thereby attract certified crews, whereas the current trend is ship owners turn to the eastern countries to find cheap labor.

These factors are:

- Setting the minimum wage as there are significant wage variations from country to country. This results in what has been said above with the selection of cheaper countries than the developed ones.
- Determination of the maximum duration of employment contracts as many seafarers work on the same ship for time that exceeds their contract.
- Definition of minimum period of stay on land to address the factor of seafarers' fatigue. Working conditions on board are not the only factors determining seafarers' fatigue. Equally important is the fact that sailors should avoid frequent trips when they are at shore.

Other deficits are specialized in legal and economic fields.

More specifically:

- Safe ship manning description based on vessel type, size and commercial activities.
- Appointing responsibilities for both sides (including financial responsibility and possible penalties). It is emphasized that the Convention only concerns the rights of seafarers and not their responsibilities.
- The shortage of anticipation in cases where breaches are made from countries which do not admit to Convention and to right of seamen.
- The lack of a provision for more economical measures, especially for small and medium-sized shipping companies.

- The gap of decisions in circumstances where companies do not have the wealth to be adapted in regulations promptly. The Convention was adopted at a time of full economic prosperity in 2006. When the Convention came into force, in 2013, the economy was in recession and many companies found it difficult to follow the timetable of the code. The Convention requires significant amounts of money to comply with the new regulations and there is the difficulty of adapting in particular to small and medium-sized companies.

CHAPTER 4: MODIFICATIONS

The Maritime Labor Convention 2006 paved the way for innovative changes in marine working environment. The maritime regulations and economic elements are amended at a fast rate. Hence, the Convention which is expected to need updating from time to time. This process, which is to some extent based on the process already established in another United Nations body, the International Maritime Organization (IMO), will allow changes to the code to take effect and be validated, for almost all countries within three to four years from the time it is proposed. This will lead to a contract that is more up-to-date than the existing one.

There are 3 set of amendments that have been accepted by the International Labor Conference and 2 of them already into force.

Firstly, the **proposed amendments** were discussed in detail and adopted almost unanimously on April **2014** by the participants at the first meeting of the Special Tripartite Committee (STC). The same year, on June 2014, these specific amendments to the MLC were formally adopted. The purpose of these amendments is to protect abandoned seafarers and provide financial security for compensation to seafarers and their families in the event of the death or long-term incapacity of a seafarer. These international legal measures are designed to improve the working and living conditions of seafarers.

The ILC approved the amendments as reformulated by the STC, and informed the ILO Member States on July 18, 2014. The amendments came into force on January 18, 2017, six months after the end of the two-year meetings.

The amendments introduced refer to the Implementation Code of Regulation 2.5 relating to the repatriation of seafarers:

- The convenience of the seafarer to have immediate access to seek help, promptly and directly from the financial security provider.
- Food, medical expenses, salaries (up to 4 months delay) and other expenses related to abandonment that should be included in financial security coverage.
- An improved description of what is considered abandonment.

With regard to Rule 4.2 and the liability of the ship owner:

- The obligation of the financial security provider to provide early warning to the flag State and seafarers whether financial security is to be canceled or not renewed.
- The requirement that evidence of financial security should be posted at the crew's accommodation.
- Extending the financial guarantee to cover contractual claims.
- The implementation of a new Annex (Appendix A4-I) containing the form and content of the financial security certificate in relation to death and long-term disability for improving crew safety and welfare.

A **second set of amendments** to the Maritime Labor Convention (MLC) for improving crew safety and welfare were admitted in **2016** and came into force on January 8, 2019. The modifications pertain to Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases. They refer to health, defense of safety environment and accident prevention.

The changes which have been made:

- A major issue which is taken into account in the latest version of the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF) constitutes the '*harassment and bullying*' on board, included to the various health and safety issues of MLC. Problems that have been arisen from these matters should be investigated further.

Bullying and harassment, including sexual harassment, is an abuse of human rights and living on a ship offers limited alternatives to avoid it. Although

these changes are non-mandatory, flag states must give due consideration to implement them. They are described as follows:

- An additional modification has been made to mandatory Standard A5.1.3, where flag states may extend the validity of a Maritime Labour Certificate from their standard maximum validity of five years by up to extra five months, in case a ship has successfully passed a MLC renewal inspection, but the new certificate of compliance cannot immediately be issued and consequently be available on board as the port call is not reachable at that time.

The **2018 MLC amendments** are expected to enter into force in January 2021, subject to their approval by the International Labor Conference in June 2018.

Relating to Regulation 2.1 Standard A2.1 – Seafarers’ employment agreements

- A Seafarers Employment Agreement continue to be valid while a seafarer has been captured onboard or ashore as a result of acts of piracy or armed robbery. The SEA will be deemed to have effect in every case, even though the contract has been expired or either party has given notice to suspend or terminate it.

For the Regulation 2.2 Standard A2.1.-Wages:

- A vast majority of ship owners provide the wages of seamen to their families even though they are in captivity. In addition to the above, the STC decided that the amendments will give clarifications about the ambiguous areas about the expiration of fixed-term contracts and the continuous payment of wages during the entire period of unlawful captivity.

In Regulation 2.5 Guideline B2.5.1 – Entitlement to leave\ replacement:

- To this issue, the scope of the amendments is to systemize the protection of seafarers’ other entitlements under their employment agreement. The relevant arranging agreement or the national law of the flag State must be fixed and the responsibility for such action to be taken by the appropriate party during the period when the seafarer is held captive.

Generally, amendments to any of the provisions of this Convention may be adopted by the General Conference of the International Labour. *“In the case of Members whose ratifications of this Convention were registered before the adoption of the amendment, the text of the amendment shall be communicated to them for ratification. In the case of other Members of the Organization, the text of the Convention as amended shall be communicated to them for ratification in accordance with article 19 of the Constitution. For those Members whose ratification of this Convention was registered before the adoption of an amendment but which have not ratified the amendment, this Convention shall remain in force without the amendment concerned.*

An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Ship owner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Ship owner or Seafarer representatives. At the end of 6 months, the proposal, accompanied by a summary of any observations or suggestions shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if: (a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and (b) a majority of at least two-thirds of the Committee members vote in favor of the amendment; and (c) this majority comprises the votes in favor of at least half the government voting power, half the Ship owner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote. ” (International Labour Organization (ILO), 1996-2017)

CHAPTER 5: P&I CLUBS AND MLC

CHAPTER 5.1.: CASES OF COMPENSATION

From January 18, 2017, all ships which are subject to MLC have been required to carry and display on board two certificates confirming that financial security is in place for:

(a) ship owners' liabilities for repatriation of crew members, covering cost for basic needs like food, accommodation and medical care and up to four months' outstanding contractual wages and entitlements in the event of insolvency (mainly abandonment) (Regulation 2.5, Standard A2.5.2 Paragraph 9)

(b) Compensation for death or long-term disability of a crew member due to an occupational injury, illness or hazard set out in the employment agreement or collective agreement (Regulation 4.2, Standard A4.2.1 paragraph 1(b)). Liability for disability due to occupational injury under Regulation 4.2 will normally fall within the scope of standard crew cover under the Rules. Repatriation and unpaid wages will be considered inside the scope in some cases, including when due to a shipwreck. However, repatriation and overdue wages are not covered by P&I clubs when arising from abandonment under Standard A2.5.2 due to, for example, a ship owner's financial default. About 19 ILO Member States have accepted the certificate which confirms their membership in a P&I club as proof of the ship owner's financial security.

However, there are cases where ship owners cannot be compensated by the P&I clubs, because of defense policy or exclusion (for example if a claim arises out of war risks) or because a claim is beyond the scope of insurance such as the repatriation followed by the expiry of the employment contract or when the termination is applied.

CHAPTER 5.2.: CLAIMS HANDLING

If there is any problem, seafarers should firstly liaise with their employers and union representatives in order to seek a solution to these issues. If that does not resolve matters, any seafarer who intends to claim against the Certificates should contact the insurance Club which has issued the Certificate displayed on board the vessel. Alternatively, their representatives may contact the Club. Seafarers or their representatives should ensure that they provide as much documentation as they can to support and quantify their claims. They will also need to cooperate in enabling repatriation arrangements to be made.

Then, when the Club will acknowledge receipt of the claim immediately takes steps to investigate. The whole case will be checked and it will in most cases be necessary

to contact the ship owners. Clubs will often appoint local correspondents or other representatives to provide assistance in handling claims.

CHAPTER 6: INSPECTIONS

The inspections procedure on vessels contributes importantly to prevention of serious incidents or near misses cases. The steps of an entire inspection is the collection of data and situations that take place on board, identify and record potential hazards and make suggestions regarding necessary corrective and preventive actions. It is well known that the inspection procedure is demanding and excessive in terms of the time, as the nature of the MLC, 2006 needs highly qualified, experienced and trained inspectors so as to perform it effectively.

For this scope, the ILO has implemented and recommended a series of usefull material such as Guidelines for authorities. Training of inspectors can be achieved through seminars and workshops. Moreover, national legal lawyers who are involved with ratification should participate at the above said meetings and seminars in order to ensure national legal implementation further to the realization of the standards and to a more professional approach.

Of course the ships of member states should be certified through the procedure.” *In addition, ships that are flying the flag of countries that have not ratified the MLC, are also subject to inspection with respect to working and living conditions for seafarers when those ships enter in port of countries where the MLC is in force. This inspection, called “no more favorable treatment,” is an important aspect of the Convention, aimed at helping to ensure fair competition for ship owners who comply with the MLC by providing decent work for seafarers.*”(International Labour Organization (ILO), 1996-2019)



Companies in order to ameliorate their procedures and activities, implement the first level of inspection, the internal audit acting as a separate, critic and objective individual for the confirmation of implementation of the company's Safety Management System (SMS). The above analyzed internal audits are performed so as to bring a systematic discipline and improve through evaluation the compliance of the vessel and its crew with international / national / regional rules. In other words the goal is to eliminate the risk of safety environmental and / or life hazards. The Convention also contains important new compliance and enforcement components based on flag State inspection and for port State control which will be analyzed below.

CHAPTER 6.1. : FLAG INSPECTIONS

At second level the ship 'belongs' to a specific country, subject to its laws and follow international conventions on ships depending on the flag it flies. This creates the need for each ship to be registered in a particular port (Port of Registry) of the country of flag. The United Nations Convention on the Law of the Sea requires every ship to travel under one flag and at the same time entitles each State, whether seaside or continental, to provide its flag to ships. Of course, every state that exercises this right also has some obligations. (Dourou, 2016).

So, a ship which is flying its flag should be in accordance with international law, comply with certain regulations on technical and operational matters adopted by each State. The last ones are the prerequisite for the ship to be registered in that country. More analytically, before a ship subscribes to a national register goes through some inspections by ROs (Recognized Organizations on behalf of Flag States) as required by the relevant national legislation, and if all the necessary conditions are met then it

is registered in the national register and automatically bears the corresponding state flag. This process is called Flag State Control.

CHAPTER 6.1.1. : ROLE OF FLAG

Therefore, the term flag means the national flag under which a ship is carried, that is to say, the country on which the ship is registered. The flag of the ship is particularly important because it defines the law which is governing the ship and the crew both domestically and in international law because the ship is considered to be a floating part of the territory of the flag country.

All the ships which are sailing on the high seas must have a national character. A ship without a flag and a non-state ship are subject to a detention threat as reported in the International Transport Workers' Federation. The flag State must take measures for ships sailing under its flag to ensure maritime safety with regard to ship construction and management, airworthiness, crew capacity, working conditions and prevention of accidents. It is the duty of the flag State to take all necessary measures to ensure that ships flying its flag comply with all international regulations and laws but also the ability to sail in all seas and ports. (Seaworthiness) this is achieved by regular flag state control by authorized inspectors on all ships. (Diakogianni, 2014).

CHAPTER 6.2. : PORT STATE CONTROL (PSC)

In continuous of external inspections, the Port State Control is, according to the IMO, the control of foreign ships in national ports to ensure that the state of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in accordance with international regulations. These inspections were originally intended to be an alternative plan to the implementation of Flag State Control, but in the course of their development they have proved to be extremely effective and helpful. This is also due to the fact that all flag states do not act responsibly as required by international regulations and do not control all their ships or perform incomplete checks.

CHAPTER 6.2.1. : INTERNATIONAL FRAMEWORK

In 1978 the first agreement called The Hague Memorandum of Understanding was drawn up by a number of European shipping authorities. In March 1978 the

destruction of 'Amoco Cadiz' on the British coast caused catastrophic environmental pollution. This has required stronger political activities for maritime safety. Subsequently, in January 1982, the Paris Memorandum of Understanding on Port State Control was signed by 14 countries, including Greece, and entered into force on July 1, 1982. Today these countries are 27. Port State Control is defined in SOLAS 74/78; Chapter I, General Provisions, within Regulation 19 with reference to IMO Resolution .This regulation sets the legal basis for the work of Port State Control Officers.

The purpose of all of the above is to control ships with degraded security levels through a harmonized port state control system (PSC) to limit their operation between ports. The above provisions exclude fishing vessels, warships, auxiliary vessels, primitive wooden vessels, vessels owned by public authorities and used for non-commercial purposes, as well as recreational vessels not used for commercial purposes.

CHAPTER 6.2.2. : REGIONAL AGREEMENTS (MEMORANDA) OF PORT STATE CONTROL

An uncoordinated effort of PSC inspections within an area can lead to the recurrence of sailing ships that do not meet minimum standards. If PSC inspectors did not have prior knowledge of previous inspections, they would not be able to correct deficiencies or habitual target violators. Ships that do not meet the minimum requirements will also visit ports where there are less stringent PSC inspections. This may impede the financial situation of ports that carry out appropriate inspections. Various regional agreements have been set up to avoid the above. The most important functions within these regional agreements are the establishment of a secretariat and of central databases, so national PSC control functions can expose information in which all members can access and examine the history of a vessel's PSCs.

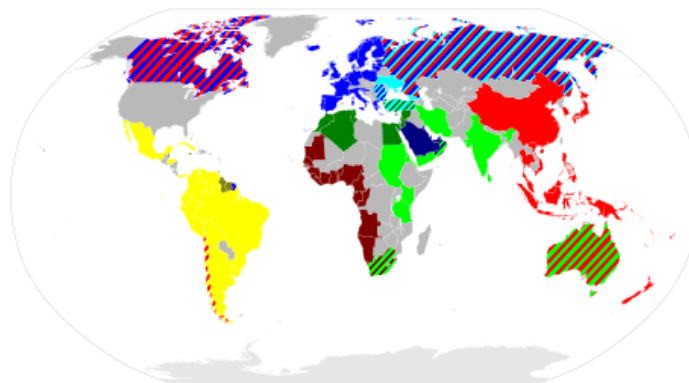
Using the above information ensures the control of as many vessels as possible by avoiding continuous control of the same vessels along the area covered by each Memorandum. The specific advantage of the regional agreements also ensures that ships are not delayed by possible continuous checks since the information exchanged by States avoids inspection on ships inspected at least 6 months in advance. Another reason that demonstrates the usefulness of these agreements is to ensure that the identified below-average vessels are effectively controlled; especially those that have

been allowed to sail with some minor defect and observations provided they are rectified to the next port.

The first regional agreement that was signed worldwide was the Paris MoU, which came into force on July 1, 1982 as we have already mentioned. Ten years later, the signing of the protocol, also known as the Pacific-Asian Convention Protocol or Tokyo MoU, followed in the Far East. Around the same time, the Indian Ocean MoUs and the Latin American Agreement were followed by the States of South America, together with Cuba and Mexico, establishing the Viva Del Mar Agreement. The next years were followed by other corresponding protocols such as the Mediterranean MoU, the Western and Central African Convention (Abuja MoU), the Black Sea MoU, the Caribbean Protocol MoU and the Convention Protocol covering the Arabian Gulf region (Riyadh MoU).

The following is a map outlining the corresponding regional agreements around the world:

Map 1: Regional Agreements (MOUs) around the world



https://en.wikipedia.org/wiki/Port_State_Control

Signatories to the Paris MOU (blue), Tokyo MOU (red), Indian Ocean MOU (green), Mediterranean MOU (dark green), Acuerdo de Vina del Mar (yellow), Caribbean MOU (olive), Abuja MOU (dark red), Black Sea MOU (cyan) and Riyadh MOU (navy).

CHAPTER 6.3. : INSPECTION PROCEDURE

Flag States are required to establish and maintain effective control of vessels flying their flag. This requirement is laid down in Article 94 UNCLOS 1982. Flag State inspectors must have one excellent education, as well as appropriate qualifications and experience. Ships are divided in two levels. By this way, the management is more efficient as the substandard ones should be inspected, while the "good ships" are subject to fewer controls.

Moreover, the ships are sorted by the target factor. There is a relative scale (smaller, medium, high) as a guideline for encouraging the selection of ships and a targeting factor that contributes in combination to the selection of vessel to be inspected. The scale does not replace the order of priority indicated by the targeting factor. A high targeting factor does not mean that a ship is in a degraded security level, but that inspection may reveal such a situation.

At the highest level, the priority of the inspection may be determined by specific information or criteria relating to the ship. Evaluating the results of the inspections, some agreements have introduced the Black List (Very High, High and Middle Class), Gray List and White List versions. These are Tables produced annually and based on performance over the last 3 years and present the full range between quality flags and poor performance flags that are considered high or very high risk. Finally, each year it presents the results of the inspections in the Annual Report, which are available to each stakeholder.

The flags, depending on the number of detentions they had on their ships, belong to a list presented above. It is worth to mention that the Greek Flag is consistently on the White List. It should be pointed out that the authorities of each Port State are boarding ships of foreign flags so that the data obtained from their inspections do not reflect the overall and true picture of all ships operating on them. The Contracting States have agreed to inspect 25% of the foreign flag ships that visit their ports each year. If a ship is inspected in a port and is in full compliance with all the conditions and rules, then there is no need to inspect the same ship in the next country to approach. The Port Authority is turning its attention to another ship that has not been inspected. (Diakogianni, 2014).

“In every inspection there are some documents which are required to be maintained onboard for Maritime Labour Certificate and are checked:

- Declaration of Maritime Labor Compliance, Parts I and II*
 - Maritime Labor Certificate*
 - Recent Inspection report*
 - Evidence proving that all seafarers onboard are above sixteen (16) years of age*
 - Evidence showing the crewing agencies comply with the MLC requirements*
 - A Medical Certificate of maximum one year validity for seafarers under 18 years of age*
 - A Medical Certificate of maximum two years validity for seafarers above 18 years of age*
 - Evidence proving no dangerous work or night time work being undertaken for seafarers under 18 years of age*
 - A Seafarer’s Employment Agreement (SEA), signed by the seafarer and ship owner or an authorized representative*
 - A copy of Collective Bargaining Act and its English version*
 - A valid Certificate of Competency and valid training certificates for all seafarers onboard*
 - Records of training in personal safety and safety meetings held onboard*
 - Records of all accidents, incidents, investigations and consequent analysis onboard*
 - Records of seafarer’s familiarization and the records for seafarer’s work /rest hours.*
- Forms of familiarization for deck and engine Departments”(intlreg.org, August 2019)*

CHAPTER 7: MOST FREQUENT NON-COMPLIANCES

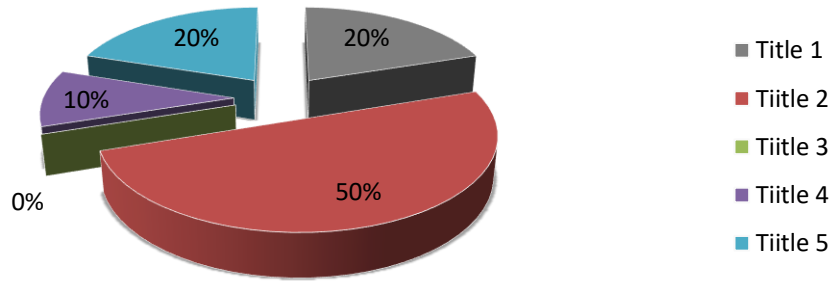
At this point we should introduce a research about the most frequent non compliances of MLC 2006 as informed by inspectors during the initial inspections of vessels carried out from March to June of 2013 .The purpose of this analysis is to provide information on the most common deficiencies observed during this period of time in order identify and find some possible corrective actions in due time to avoid future problems with Port State Control inspections. Since the entry into force of the

Maritime Labour Convention (MLC, 2006), 113 ships were detained by one of the Paris MoU Authorities for MLC related deficiencies.

First, the Name & Address of “Ship owner” included in Maritime Labour Certificate and also in the Declaration of Maritime Labour Compliance Certificate-Part II (DMLC-Part II) are not according to the correct definition of “Ship owner” established by Article II of MLC. Second, the Medical Certificates sometimes are issued by medical personnel who is not recognized by the responsible Authority (Standard A1.2.4 and MMC-261) Moreover, Safety Recruitment Placement Services without License or Certificate to operate (Standard A1.4.2; A1.4.3) is a deficiency with great extent. Other severe deficiencies regarding Seafarers Employment Agreement (SEA) are that it is not signed between seafarer and ship owner (Standard A2.1.1 (a)) and not available in English language (Standard A2.1.2).Manning agreement between the ship owner and the representative of the ship owner (where the SEA is signed by a representative of the ship owner) is not available on-board (Standard A2.1.1 (a))

An important record of daily hours of work and rest of seamen is an issue which concern critically the inspectors and they are not properly completed (Standard A2.3.12) in some cases. The Documented evidence of ship owners’ financial security to assure compensation in case of seafarer’s death or long-term disability due to an occupational injury, illness or hazard is not found on-board (Standard A4.2.1(b))The same can occur to Documented evidence of ship owners’ financial security for repatriation of seafarers (Regulation 2.5.2) ,which are referred in previous chapter. Last, inspectors find out that the Complaint procedures do not exist on board and personnel are not familiarized with these procedures (Standard A5.1.5.2 and Guideline B5.1.5.1).

Most frequent deficiencies per Title of MLC



CHAPTER 8: IMPACT OF MLC

This ILO Convention of Employment offers a lot of benefits not only to seafarers, but also to ship owners and governments.

More specifically the Convention improves their working and living conditions in a difficult labor sector and provides an integrated set of basic principles of maritime work and the fundamental rights of the ILO. Moreover, the seafarers are in a position to entitle their rights as they are better informed and the regulations are 'translated' in their language. In case of any conflict they have the right to make complaints both on board and at shore.

The main benefit that Ship owners enjoy is the new contract, which contains the minimum standards required within current industry practice and should be applied to their advantage. In addition, a more socially responsible shipping industry and a better protected and more efficient workplace are granted. The last have to face fewer problems and fewer delays in ports due to safe operation of ships. Thanks to code application there is the reassurance of fair competition and marginalizing of degraded ships as result of uniform acts. Finally, they gain profit from a certification system, including certification for ships below 500 GT, in case of their request.

The positive aspect for Governments is the enforcement of the quality of shipping services and of environmental protection. Mandatory certification system is also applied for vessels over 500 GT. Some benefits are given to ships of countries that have ratified the Convention. The most important is the confirmation for protection against unfair competition for degraded ships through 'less favorable treatment' for ships of countries that have not ratified the Convention.

CHAPTER 9: CONCLUSIONS

The Maritime Labor Convention 2006 brings together, in one place, international minimum standards that ensure dignified work for the estimated more than 1.5 million seafarers around the world whose work is essential to international trade as well as to tourism and recreational activity. Under the MLC, 2006 every seafarer has the right to:

- *fair terms of employment*
- *a safe and secure workplace that complies with safety standards*
- *decent working and living conditions on board ship*
- *health protection, medical care, welfare measures and other forms of social protection* (International Labour Organization (ILO), 1996-2019)

Secondly, it helps to lay the foundation for ship owners of high quality who are operating under the flag of countries that have ratified the MLC, 2006. The goal is to ensure that decent working conditions which seamen can 'exploit' are combined with fair competition by ship-owners. It shows that the three (3) aspects - which are referred above for the assets which have earned- and international cooperation can operate constructively for the globalization and advance of industry. It sets out a general legal framework within which all activities in the ocean and seas must be carried out and is of strategic importance as it constitutes the basis for national, regional and global action and collaboration in the marine sector.

The profession of seafarer is a particularly demanding profession. Its difficulties are exacerbated by its peculiarity, as the workplace is the ship which is in "constant motion" and the conditions that surround it change constantly. This unique element - with its extensions, as we have discussed above -, varies according to the continued striving for profit on behalf of the ship owners and the recent lack of a contract establishing and securing the rights of seafarers, made them vulnerable to infringement of their rights and crucial loss of their interests.

The above situation has changed with the adoption and, in particular, the ratification of the Maritime Labor Convention (MLC 2006). The latter was a unified and coherent body that pioneered the rights of seafarers, as it included standards contained in existing international bodies and fundamental principles as laid down in other international labor agreements, which had not previously been formulated in any text. This new Convention opened a new way for a more integrated effort to improve the conditions of work for all seafarers, on all ships, worldwide. After all, it is widely accepted by all shipping parties, but also objectively ascertained, both in shipping and in all other sectors of labor, that increasing the quality of service provided is only achieved by ensuring the best possible conditions. As a result, the market has a proportional increase in the efficiency and productivity of employees.

On the other hand, many seafarers themselves and industry bodies face it as a rather weak convention that do not cover their needs and do not face their serious everyday problems. On their point of view, the most significant matters are referred in section "B" of MLC 2006. These issues include problems regarding the size of cabins which they want to be bigger and therefore the number of shelves and storage spaces to be multiplied. They believe that especially in cargo ships are currently minimal. Finally, they believe that the term of good nutritious food should be clarified and achieve its balanced conservation and ventilation.

However, the existence of a very large number of ships and seafarers working worldwide raises many doubts about how the most effective control would be achieved and at the same time the proportion of irregular application of the Convention would increase. These difficulties have been compounded by the imposition of stricter controls on both flag state inspections and port state control. The last one is conducted through the regional agreements (MoUs), which are developed per region and continent. In particular, these audits produce and publish annual reports on the results of ship-by-ship inspections in order for results to be known to all the parties.

CHAPTER 9.1.: FUTURE RESEARCH & SUGGESTIONS

Summarizing these results the dissertation is concluded that there are many provisions which ships have not yet complied with or need to be improved. Firstly, incentives should be given to young people who must take a decision for their life, so as to select this job among others. Such motivations are the increase of earnings, the administration of professional development in all ranks on board and the capability of promotion in few sea services. Based on regulations of Heading 1 more trainings and seminars would take place in order to give the knowledge and self-confidence to seamen to be on board.

Regarding Heading 2, the Seafarers Employment Agreement (SEA) should be clearly defined, minimizing irregularly incompleteness and violation of law. The lack of work/rest hours registry would be limited by activation of an inconsistent software system on vessels with relevant everyday or monthly notifications. The data will be collected and checked centrally. Furthermore, some issues for the period in which seamen are joining the ship would be faced by implementation of a rule of 1 day of rest regardless of time of embarkation. The suitable combination of minimum period of stay on land with maximum period on board should be fixed and not only the sea service which has a border of one (1) year.

Although, the number of shortcomings presented in Title 3 concerning provisions on accommodation, leisure and entertainment facilities is not risky, many seamen require changes in this domain like more respect and design for religious and cultural differences. For example, each cook whether nationality must be well trained to prepare meals of international cuisine. Moreover, there is a proposal for disposal of comfortable mattresses and cabinet furniture changes.

A very significant aspect of life at sea is mental health and well-being of seafarers which could be improved by providing free internet access. Another approach would add at least one sport activity on board, such as basketball or swimming and a construction of fitness center with at least three (3) parts of fitness equipment. By this way, the seamen would spend their free time recreationally and escape from routine of repeating same tasks in the one environment.

Besides, certificates are not valid in some cases mainly those that verify the regulations of Title 1 regarding medical certificate and Title 4 relating to the protection of seafarers' health, medical care and recreation .The requirements of these rules have led to most detentions in comparison to all the regulations of this Convention as they set in doubt the appropriateness of seamen who have embarked the ship. The seriousness of the content of these provisions, as ensuring the health of workers and their medical care in the event of an accident or illness, is of major importance, making it imperative to reduce the percentage of deficiencies per inspection by taking appropriate measures. This need is exacerbated by the fact that there is an increasing trend in this percentage of deficits from year to year. A restrictive measure could be the imposition of stricter penalties on ship owners who are found to have failed to implement Title 4 of the MLC. Penalties with a strong economic impact would be a strong incentive for ship owners to take immediate action on their compliance with rules in order to avoid limiting their profit. At this point, we would suggest a modern way of health support, Telemedicine. In other words, it is the distribution of health-related services , such as diagnosis and monitoring and information via electronic information and telecommunication technologies.

Finally, it is noteworthy to suggest the execution of restrictions for Part B of Convention (Guidelines), the non mandatory applications that should be taken duly into consideration for the implementation of the mandatory requirements. It should eliminate the range of flexibility concerning the way the States ratifying the Convention implement the aforementioned obligations, rights and principles Notwithstanding, it is highlighted that the implementation of Part B of the Code cannot be verified/ inspected by inspectors/ authorized officers within the framework of Port State Control, but only from pertinent supervisory bodies of the ILO ,it is necessary to introduce this section in objects of checking by inspections and audits.

A general measure which we could propose is the imposition of some common prerequisites relating to specific provisions in all registries worldwide by international organizations, in order to tighten flag state control rules. The tendency of ship owners to focus on so-called convenience flags that have more flexible and less prerequisite

provisions is on the rise, and is also on the rise and the rate of shortages on board working conditions. These two (2) changes are related to Heading 5 of MLC.

Another solution should be the development of anti-bullying and harassment policies so as to create a secure and friendly environment to seamen to live and work. The result of that suggestion will be the decrease of complaints and disputes between seamen themselves and shipping companies and of course increase of productivity and effective accomplishment of duties.



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