

Important Information on MLC 2006 Implementation Phase

This newsletter is to keep shipowners advised of progress regarding MLC and the Isle of Man Ship Registry plans for inspections and certification of all MLC ships.

This information will encourage shipowners to have MLC requirements in place and to plan ahead so that MLC inspections will coincide with other audits and surveys carried out by us, which may avoid the necessity of an additional visit to the ship.

International progress

In mid March 2012 there are 21 countries out of the 30 countries required to have ratified the convention before it can come into force. There are 3 more countries that have lodged ratification with ILO but do not yet meet the full requirements.

The Isle of Man Ship Registry expects that the 30 country requirement will be met in the 3rd or 4th quarter of 2012 that will bring the convention into force 12 months after this date.

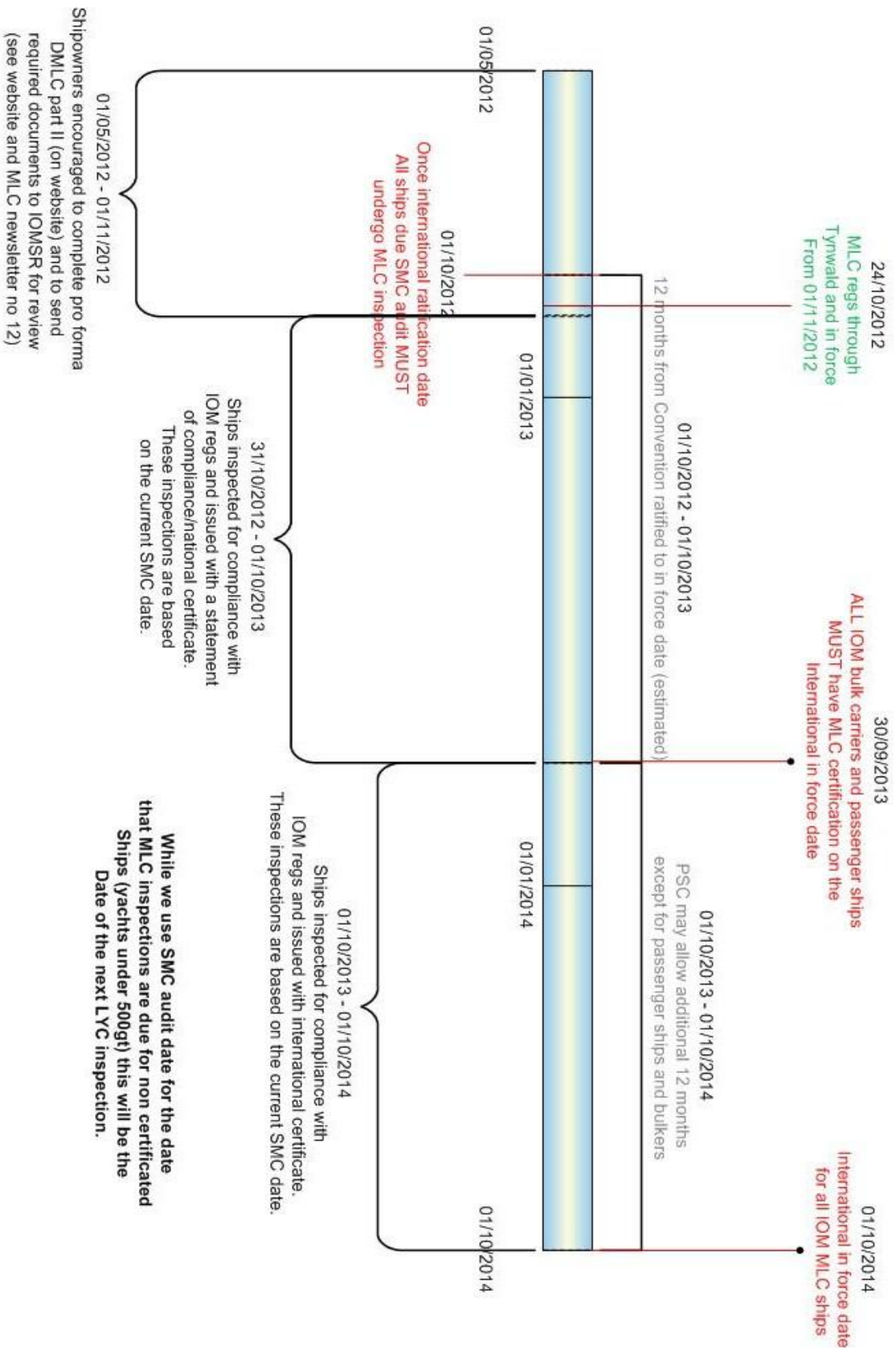
Isle of Man progress

If you have followed all the MLC Updates you will know that the work undertaken has been considerable. However, we can predict with certainty that the Isle of Man regulations to implement MLC will be placed with the Isle of Man Government for approval in October 2012 and we can move onto the implementation phase.

The following timeline shows the intended implementation of MLC with the following explanations;

1. The international ratification and therefore in force date has been chosen for demonstration purposes and will change, either forward or slipping backwards.
2. Resolution XVII from the 94th International Labour Conference held in Geneva in Feb 2006 requested that certification is phased in starting with bulk carriers and passenger ships in the first 12 months following the international ratification date. It also requests that flag states and port states allow other ships to continue to operate without certification in the 12 months following the international in force date.
3. This will mean that if the Isle of Man Ship Registry is ready for inspections close to the international ratification date then we will have almost 24 months to ensure all the ships are inspected.
4. While we must ensure all bulk carriers are inspected in the first 12 months all ships that are due an SMC audit during this period will be inspected for MLC compliance.

MLC Update



March 2012 v3

Practical steps for implementation

To get over 530 ships and yachts inspected within 24 months is going to be hard work and it will need planning and cooperation. Initially it is intended;

1. For ships and yachts that are ISM certificated the initial MLC inspection will take place at the next SMC audit after 1st November 2012.
2. For yachts under 500gt (no ISM required) the initial MLC inspection will take place at the next annual large yacht compliance survey after 1st November 2012.
3. The small number of ships under 500gt that trade locally will have initial inspections arranged at a suitable time.

MLC regulations and MLN guidance notes.

As a short reminder can we direct you to Newsletter no 10 that explained the new style of regulations and guidance notes that are being used for MLC. Briefly, the new regulations will mirror as closely as possible the wording in the MLC Standards. These regulations prescribe the standard which needs to be achieved but not necessarily how that is to be achieved. Advice on how a shipowner might comply with the standards will be published as an MLN which will have no statutory authority but rather provide guidance on how to comply and implementation of the guidance given in the MLN can be used as evidence of compliance.

Website.

On the Isle of Man Ship Registry website (www.iomshipregistry.com) we now have available the following;

1. MLN Guidance notes on the relevant IOM MLC regulations, these will be added to as other MLNs are compiled.
2. DMLC Part I - This will show how the IOM regulations enforce the requirements of the 14 inspection items.
3. DMLC Part II – This is a web document that can be filled in by the shipowner and sent back to us. If this information meets the IOM requirements then we will import this into the DMLC Part II that will be taken to the ship for the initial inspection and signed after completion.

DMLC Part II

When the shipowner fills in the DMLC Part II they have 2 options;

1. They can give the full detail of how they comply with the IOM requirements for implementing MLC and they will be inspected against this. This could make the Part II a very large document.
2. MLC Guideline B5.1.3.2 does allow reference to be made to existing documentation that is used by the shipowner and will have more comprehensive information (primarily the safety management system, personnel manuals.) The example below shows the type of referencing that may be considered:

1.	<p><u>Minimum age (Regulation 1.1)</u></p> <p><i>Date of birth of each seafarer is noted against his/her name on the crew list and the list is checked and verified by the Master at the beginning of each voyage. Seafarers under the age of 18 receive, at the time of engagement, a note prohibiting them from performing any night work and any work that is listed as hazardous and requiring the seafarer to consult with the competent officer if in any doubt. No one under the age of 16 is permitted to be employed.</i></p> <p>Reference: MY Employment Manual</p> <ul style="list-style-type: none"> • Employment Age Verification Procedure (ver02) • Processing Seafarer Personal Data (ver02) • Employment Procedure Regarding Prevention of Discrimination (ver01) <p style="text-align: center;">MY Manning and Recruiting Manual</p> <ul style="list-style-type: none"> • Documents to Be Provided to Seafarers During Recruitment (ver03) 	□
2.	<p><u>Medical certification (Regulation 1.2)</u></p> <p><i>Seafarers fitness is ascertained in accordance with ILO/WHO guidelines and by qualified medical practitioners. Expiration dates of medical certificates are monitored on a monthly basis and upon signing onto a ship. Certificates are kept in strict confidence by the competent officer. Provisions have been made so that a seafarer with an expired certificate while in the service of the ship can obtain a new medical certificate at the first available opportunity within a period not exceeding 3 months.</i></p> <p>Reference: MY Employment Manual</p> <ul style="list-style-type: none"> • Seafarer Medical Examination Procedure (ver02) • Processing Seafarer Personal Data (ver02) <p style="text-align: center;">MY Manning and Recruiting Manual</p> <ul style="list-style-type: none"> • Documents to Be Provided to Seafarers During Recruitment (ver03) <p style="text-align: center;">MY Licensing Manual</p> <ul style="list-style-type: none"> • Seafarer Licence Medical Certification and Expiration Tracking (ver02) 	□

We would expect that most shipowners with a SMS or other appropriate manuals would make reference to them.

While the SMS may be updated by regular review the DMLC Part II should only be resubmitted for updating when there has been an addition to, or there are significant changes that adversely affect the seafarers entitlement under IOM requirements for MLC compliance (including the seafarers rights). This section will also be applicable to yachts under 500gt that will not have a SMS but we propose that they show their MLC compliance in a DMLC Part II and we will consult with industry on this very shortly.

Documents that can be inspected prior to ship inspections

The trial inspections that we have carried out showed that a lot of time can be spent onboard looking through various documents (especially seafarer employment agreements). We believe that many of the documents can be sent to this office and reviewed prior to the inspection, with a follow up onboard to check the same version is in use. The key documents that can be reviewed in our office are;

Seafarer employment agreements (SEA)

The shipowner should forward all generic SEA(s) including any incorporated collective agreements to the IOMSR for inspection for compliance with IOM MLC regulations and guidance (MLN 2.1 – which includes a model format SEA). All SEAs and any incorporated collective agreements should be supplied in English.

Minimum age

The shipowner should supply any policy and procedures relating to the prohibition of the employment of seafarers under the age of 16, and for seafarers under the age of 18:

- Night work;
- Hours of work and rest;
- Leave and repatriation;
- Health and safety including health assessment, risk assessment and prohibition and restriction of certain types of work.

Repatriation

The shipowner should supply evidence of financial security to ensure that seafarers are duly repatriated.

Shipowners' liability

The shipowner should supply evidence of financial security to assure compensation in the event of the death or long term disability of seafarers due to an occupational injury, illness or hazard. This includes any indemnity against unemployment from the foundering or loss of the ship.

On board complaint procedure

The shipowner should supply a copy of the on board complaints procedure.

Health and Safety

The shipowner should supply evidence that procedures are in place for new health and safety areas required by MLC which includes –

Arrangements are in place to protect seafarers from the harmful effects of noise, vibration and chemicals on board the vessel.

Procedures are in place to advise the Master on reporting occupational diseases to the Ship Registry.

Why have the documents reviewed before the ship inspection?

While we want to encourage shipowners to do this as it will help us to use the time on the ship more effectively rather than taking hours going through paperwork we cannot make it a requirement prior to carrying out an inspection.

For a shipowner with a number of ships then having these documents sent to us only once for review and recording on the DMLC Part II for each of their ships that are Isle of Man registered will save considerable time for both of us after the initial review and acceptance.

Any future changes that need reviewing by us can be submitted and then entered into the generic DMLC part II that will be applicable to all the ships.

Finally - to recap

1. From 1st November 2012 all ships that are due an SMC audit, or a yacht that is due an annual large yacht survey will be inspected for compliance with the Isle of Man MLC requirements.
2. Owners must ensure that bulk carriers are all inspected within the first 12 months. All other ships and yachts are to be inspected with the first 24 months.
3. The 24 months only applies in relation to the international ratification date and may not be fully available if this date is prior to 1st November 2012.

We know that this will be a lot of work for shipowners and for the Isle of Man Ship Registry and we look forward to your cooperation and that by working together we can ensure that with advanced planning and preparation that the inspection and certification will go smoothly.

Please contact us at marine.mlc@gov.im and we will do our best to advise you.