

	<b>CIRCULAR 2012-010</b>		
	<b>DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS)</b>		
	<b>Application of the Maritime Labour Convention 2006 to small local commercial vessels operating in Antigua and Barbuda</b>	Ref	MLC 2006 MS(Maritime Labour Convention 2006) regulations 2012

**Companies operating small commercial vessels in Antigua and Barbuda waters.  
Seafarers in small commercial vessels registered under the flag of Antigua and Barbuda.**

**Introduction.**

The Maritime Labour Convention 2006 (MLC) will come into force on 20<sup>th</sup> August 2013.

The Convention applies to all ships operating commercially regardless of size.

The Convention allows administrations to disapply certain requirements of the Convention to ships of less than 200 GT which are not engaged in international voyages. This Circular is intended to set out the approach that ADOMS ( The Antigua and Barbuda Department of Marine Services and Merchant Shipping) as the administration for Antigua and Barbuda ships will take towards the application of the Convention to ships of less than 200 GT operating commercially and not engaged in international voyages. In other words, ships that operate solely in Antigua and Barbuda waters.

All commercial vessels are required to comply fully with the Convention which is given effect in Antigua and Barbuda law through the Merchant Shipping (Maritime Labour Convention 2006) regulations 2012. Regulation 5(1) of the regulations states the power for ADOMS to make allowances for ships of less than 200 GT which are not on international voyages and reflects the same relaxation in the MLC. Employment on these vessels in Antigua and Barbuda waters is governed by employment law in Antigua and Barbuda and hence the provisions in the Maritime Labour Convention in some areas can be considered to be met by the equivalent provisions available locally. For other areas the Maritime labour Convention must still apply and this Circular sets out the extent to which ADOMS will seek to apply the MLC.

The Convention is divided into five Titles covering different areas of seafarer's employment. Four of the Titles have application to vessels of 200 GT or less operating in Antigua and Barbuda waters.

**Title 1 of the Convention.**

This section of the Convention deals with the Minimum Requirements for Seafarers to Work on a Ship. It covers;

- Standard A1.1 Minimum Age.  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .
- Standard A.1.2 Medical Certification,  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .

- Regulation 1.3 Training and Qualifications,  
The MLC and the Regulations specify that compliance with the STCW Convention will be considered as meeting the standard required. The MLC Regulation says that seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.

For Antigua and Barbuda ships of less than 200 GT operating in Antiguan waters and in which seafarers are not accommodated on board and instead work on the ship on a day capacity ADOMS will accept that the manning and qualifications specified in the applicable Codes – the “Small Commercial Vessel Code”, or the “Small Commercial Vessel and Pilot Boat Code”, which are notified to the IMO as equivalent standards will be accepted in lieu of full STCW certification.

For the requirement for all seafarers to have completed training for personal safety ADOMS will accept that this requirement need not be applied in the case of ships under 200 GT operating in Antiguan waters and where the crew are not accommodated on board.

- Standard A1.4 Recruitment and placement,  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .

### **Title 2 of the Convention.**

This Title covers the employment of seafarers on board, it has seven standards;

- Standard A2.1 – Seafarer’s Employment Agreements,  
Vessels of under 200 GT operating in Antiguan waters and in which seafarers are not accommodated on board will not be required to comply with this Standard.
- Standard A2.2 – Wages  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .
- Standard A2.3 Hours of Work and Hours of Rest,  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .
- Standard A2.4 – Entitlement to Leave.  
Vessels of under 200 GT operating in Antiguan waters and in which seafarers are not accommodated on board will not be required to comply with this Standard.
- Standard A2.5 – Repatriation.  
Vessels of under 200 GT operating in Antiguan waters and in which seafarers are not accommodated on board will not be required to comply with this Standard.
- Standard A2.6 – Seafarer Compensation for the ship’s loss or foundering.  
Vessels of under 200 GT operating in Antiguan waters and in which seafarers are not accommodated on board will not be required to comply with this Standard.
- Standard A2.7 – Manning Levels,  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .

### **Title 3 of the Convention.**

This Title covers the accommodation, recreational facilities and food and catering provided for seafarers. It is divided in to two standards;

- Standard 3.1- accommodation.  
This Standard is applicable to new ships, constructed on or after the date when the Convention comes into force. In so far as existing vessels under 200 GT and operating in Antigua and Barbuda waters are concerned, the applicable standards are those in ILO 92 and ILO133 as well as those in the Small Commercial Vessel Code, or the Code of Safety for Caribbean Cargo Ships as appropriate.

New vessels of under 200 GT operating solely within Antigua waters, and in which no seafarers are accommodated overnight, will not be required to comply with Standard A.3.1.

- Standard 3.2 - Food and catering.  
Vessels of under 200 GT operating solely in Antigua waters and in which no seafarers are accommodated overnight, will not be required to comply with this standard.

### **Title 4 of the Convention.**

- Standard A.4.1 – medical care on board ship and ashore.  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .
- Standard A.4.2 – shipowner’s liability.  
These requirements will be regarded as applicable to all ships including vessels of 200 GT or less operating in Antigua and Barbuda waters .
- Standard A.4.3 – health and safety protection and accident prevention.  
The requirements of the merchant Shipping (Maritime Labour Convention 2006) regulations in this area will apply to vessels of 200 GT and under operating in Antigua and Barbuda waters in the same manner as they apply to vessels on international voyages.
- Standard A.4.4 – access to shore-based welfare facilities.  
These requirements will not be applied to vessels of 200 GT or less operating in Antigua and Barbuda waters.
- Standard A.4.5 – social security.  
These requirements will be not be applied to vessels of 200 GT or less operating in Antigua and Barbuda waters .

Title 5 of the MLC addresses inspection and certification. ADOMS will include inspection of the applicable parts of the MLC and the Merchant Shipping (Maritime Labour Convention 2006) Regulations 2012 in its annual inspections of local commercial vessels from the first due inspection after 20<sup>th</sup> August 2013.

**References:**

The text of the Convention can be found at <http://www.ilo.org/global/standards/maritime-labour-convention/lang-en/index.htm> .

The text of the Merchant Shipping (Maritime Labour Convention 2006) Regulations 2012 can be found on the ADOMS website at [www.antiguamarine.com](http://www.antiguamarine.com)

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