MLC 2006 requirements for standardization for the Approval of Manning Agencies on example of practice of Polish Crewing Agencies

Bogumil Laczynski
Gdynia Maritime University

The 5th annual
Maritime Human Resource Solutions conference

St. John’s, Canada 26-27 September 2012
Plan of presentation:

1. Introduction
2. Basic information about the seafarers market in Poland
3. Actual situation of ratification of MLC 2006 in Poland
4. Activities of selected classification societies in field of incorporating MLC 2006
5. Are we ready for MLC 2006?
Introduction

The International Labour Organisation (ILO) has adopted the “Maritime Labour Convention 2006” (MLC 2006). Each ratifying country should establish an effective system for implementation and enforcement of the standards of the Convention. Within one year after Convention enters into force (2014?) all Crew Manning Offices must be licensed, certified in order to ensure compliance with requirement in the Convention.
13 August 2012

To: All IMEC members

Dear IMEC Members,

Philippines Ratification of the Maritime Labour Convention, 2006

IMEC Members are informed that information has just been received confirming the ratification by the Government of the Philippines of the Maritime Labour Convention, 2006. This will therefore be the 30% and final ratification required for the Convention to enter force 12 months after this ratification has been through the formal registration process at the ILO. The convention is therefore likely to come into effect during August 2013 or shortly thereafter.

For the members' interest the Philippines' Senate concurred with ratification unanimously.

Giles Heilmann
Secretary General
The most important parts and requirements of MLC 2006 can be collected in 5 main topics:

1. Minimum requirements for Seafarers to Work on a Vessel (minimum age, medical certificate, training and qualification, recruitment and placement)

2. Conditions of Employment (seafarers’ employment agreements, wages, hours of work and hours of rest, Entitlement to leave, registration, seafarers compensation for the Ship’s Loss or Foundering, Manning levels, career and skill development and opportunities for seafarers’ employment)
3. Accommodation, recreational facilities, food and catering
4. Health protection, medical care, welfare and social security protection (medical care on board ships’ and a shore, shipowners’ liability, health and safety protection and accident prevention, access to shore-based welfare facilities, social security)

5. Compliance and enforcement
   a) Flag State responsibilities :
      - authorization of recognized organizations
      - maritime labor certificate and declaration of maritime labor compliance
      - inspection and enforcement
      - on board complaint procedures
      - marine causalities
   b) Port State responsibilities :
      - inspection in ports
      - onshore seafarer complaint
      - handling procedures
      - labour supplying responsibilities
Basic information about the seafarers market in Poland

The number of manning agencies in Poland is approx. 120, but it includes also those which work only for the ship manager of just one ship. 85% of Crew Manning Agencies is located in Gdynia.

Association of Polish Maritime Agents and Shipowners’ Representatives (APMAR) located in Gdynia was established in 1993 as an initiative of 9 leading private manning agencies. Today APMAR has 40 members and apr. 20000 seafarers are able to find a job on board vessels what is half of Polish seafarers employed in worldwide market. One of the APMAR members and founder is Academy Maritime Services Ltd established by Gdynia Maritime University in 1992.
All APMAR members are acting with a special certificate confirming follow recruitment requirements issued by voivodship Marshal's Office (Local Governor). Each manning agency received special number which should be shown in seafarers contract of employment. In last 10 years time national regulations systematically remove Ship Manning Agencies from specialized category of Ship Agent to common group of all employment agencies in Poland. According to different method of counting, the number of Polish seafarers is about 35000 - 38000 people. Polish Maritime Administration keeps only statistics on the number of diplomas issued what is not precise number of active seamen in Poland.
According to BIMCO or other sources, there is aprox. 1,3 million of seafarers in worldwide shipping. That means there is only apr. 3% Polish nationality seafarers in that number.

According to briefly calculation, rate of officers to ranting seamen among the Polish crew is 70% to 30%. The value of this export of Polish seafarers working under foreign flags vessels generate aprox. 1,6 billions USD annually.

According to IMO statistics, one job on board (at sea) generates four jobs on shore (training, social insurance, travel agencies, etc.)
35 000 - 38000 Polish seafarers

Apr. 3% of worldwide staff

Annual income aprox. 1,6 billions USD
Actual situation of ratification of MLC 2006 in Poland

Poland in period July – December 2011 keep a presidency of European Union and this was a reason of political pressing on Poland front EU to kick ahead with accreditation of MLC 2006. This is why Parliament of Poland ratify MLC 2006 in November 2011 and President of Poland Mr. Komorowski signed MLC 2006 ratification in last days of 2011. In my opinion it was too early to ratify MLC 2006 without national regulations concerning for example social security of seafarers, guaranteed amount of money for coverage for repatriation, outstanding salaries, loss of private properties etc.

The 26th ratification of the Maritime Labour Convention 2006 has been made by Poland. This means that 4 more countries are now required to submit their ratifications in order for the convention to be operative and to enter into force one calendar year after the 30th ratification is received.
Above fact stimulate action of Polish Manning Agencies to be prepared for coming new situation. Association of Manning Agents and Shipowners Representatives (APMAR) took initiative and prepare special text of application addressed to Polish Maritime Administration asking for preparing special procedure to assess and certify that members of APMAR execute requirements of MLC 2006. All new 40 members send a such a application to Maritime Administration Office in Gdynia in the end of November 2011.

Polish Maritime Administration prepared in March 2012 special relatively detailed questionnaire which should shown that Manning Agencies activity cover all aspects of MLC 2006 requirements. On 18th of April 2012 Maritime Administration issued a special temporary letter of compliance which confirm that Manning Agent is complying MLC 2006 requirements.
<table>
<thead>
<tr>
<th>Tytuł 1.</th>
<th>Minimalne wymagania dla marynarzy do pracy na statku</th>
<th>Tak</th>
<th>Nie</th>
<th>Nie dotyczy</th>
<th>Sposób udokumentowania - Komentarz</th>
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<tr>
<td>A1.1</td>
<td>Minimalny wiek</td>
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<tr>
<td>1</td>
<td>Czy Agencja posiada procedury lub instrukcje zapewniające, że marynarz poniżej minimalnego wieku 16 lat nie jest zatrudniony na statku? (Państwo bandery może ustalić wyższy minimalny wiek i określa to w DMLC)</td>
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<td>2</td>
<td>Czy Agencja posiada procedury lub instrukcje zapewniające, że żaden marynarz w wieku poniżej 18 lat nie będzie wykonywał pracy w nocy?</td>
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<td>3</td>
<td>Jeżeli marynarz poniżej 18 lat pracuje w nocy to czy to jest częścią uznanego programu treningowego lub specyficznej natury wykonywanych obowiązków?</td>
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<td>A1.2</td>
<td>Świadectwo zdrowia</td>
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<td>1</td>
<td>Czy wszyscy marynarze posiadają ważne świadectwo zdrowia, zgodnie z ich stanowiskiem na statku?</td>
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<td>2</td>
<td>Czy treści świadectwa zdrowia, zakres i wyniki badań medycznych są zgodne z wymogami bandery?</td>
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<td>3</td>
<td>Czy wszystkie świadectwa zdrowia są zgodne z wymogami STCW?</td>
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<td>4</td>
<td>Czy świadectwa zdrowia wydawane przez państwo bandery są wydawane przez uznawanego lekarza?</td>
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<td>5</td>
<td>Czy świadectwa zdrowia/badania fizyczne określają odpowiedni stan zdrowia marynarza, słuch wzrok i jeśli dotyczy również jego rozpoznawanie kolorów?</td>
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<td>Czy świadectwa zdrowia/badania fizyczne określają, że marynarz nie cierpi na schorzenia, których stan może się pogorszyć w trakcie pracy na morzu lub doprowadzać marynarza do całkowitej niezdolności do pracy również stworzyć zagrożenie dla innych osób na burcie?</td>
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This temporary letter of compliance will be replaced in the future after completely all national regulations in Poland. Hopefully it will happen this year (2012).

The letter of compliance

The herewith document has been issued on request of company Academy Maritime Services Ltd., al. Jana Pawła II 3, 81-345 Gdynia, according to Maritime Labour Convention 2006 provisions.

The Director of Maritime Office in Gdynia herewith confirms that the company Academy Maritime Services Ltd. is complying national regulations, has obtained indispensable permissions and essential entries to registers.

The company Academy Maritime Services Ltd. has been preliminary assessed according to the Maritime Labour Convention 2006 requirements and has been certified as complying all its provisions.

Director of Maritime Office in Gdynia

Capt. Andrzej Królikowski
Questionnaire prepared by Maritime Administration and different selfassesments proposed by classification societies should show to each Manning Agency how and which range of their activity actually covers MLC 2006 requirements. Actually range of inspection done by social regional administration and maritime administration are practically concentrated in 11 questions:

1. Manning Agency should present all required in Poland documents with allowed to act for employment agency.
2. Accordance of employment services with national law and regulations.
3. Do the Manning Agencies have signed, actual Agency Agreements with shipowner or shipowners?
4. Have shipowners and ship Maritime Labour Certificate i letter of compliance?
5. Have Manning Agency proper database of all employed seafarers?
6. Checking of duties and requirements of seafarers in their contracts of employment.
7. Methods of checking seafarers qualifications for work onboard vessels.
8. Is the contract of employment legal and follow national requirements?
9. Are Manning Agencies prepared in financial point of view for seafarer repatriation and other costs can arise?
10. Do Manning Agencies have a system of insurance which covers any of seafarers losses?
11. Do Manning Agencies inform every inspection offices in Poland about improper action of shipowner and vessel
On 10-11 May 2012 in Sopot in Poland took place the 15th European Manning and Training Conference. One of the leading topics was: “The impact of the LMC for Polish crewing agencies”. One of the conclusions on above conference was that every Manning Agent should incorporate into QUALITY MANAGEMENT SYSTEM (QMS) procedures of compliance with MLC 2006. Leading on Polish Market Classification institutions: DNV, PRS and GL are systematically preparing a special sessions and a one day course dedicated to representatives of Manning Agencies.
The 15th European MANNING & TRAINING Conference

Mapping out the future of European maritime manpower

Thursday 10th – Friday 11th May 2012  Sheraton Sopot Hotel, Conference Center & Spa, Sopot, Poland

Conference highlights for 2012

- The Eurocrew Initiative: Promoting seafaring as an attractive professional career development option for the next generation
- Polish Manning and training spotlight: The impact of the MLC for Polish crewing agents and a Polish crewing market forecast
- Countering the criminalisation of seafarers: Scapegoating, blame cultures and the distinction between accidents and crimes
- Maritime education and training focus: Implementing the STCW Manila Amendments, modernising training methods, anti-piracy measures and environmental compliance training solutions
- Shipping under the spotlight: Branding shipping as a desirable career path and mapping out maritime career progression
- Practical implementation of the MLC: Meeting minimum requirements and planning a route to compliance

PLUS: A PRACTICAL GUIDE TO MLC COMPLIANCE

Rising to the implementation challenge

Implementation timeline • Minimum requirements • Stakeholder implications • Inspection and certification

Wednesday 9th May 2012

Registration hotline: +44 (0)20 7017 5511  •  Email: maritimecustserv@informa.com
For latest programme and to book online please visit: www.manningandtraining.com/europe
Det Norske Veritas Poland would like to invite you to join the seminar for Crew Manning Agencies.

The purpose of the meeting is to introduce requirements related to Maritime Labour Convention, 2006.

AGENDA

09.30 - Registration and Coffee
10.00 - Welcome. Short presentation of Det Norske Veritas Poland
10.30 - DNV Academy - Survey Simulator
11.30 - coffee break
11.45 - Maritime Labour Convention, 2006
12.00 - DNV standard for Certification of Crew Manning Offices
13.00 - Lunch
Activities of selected classification societies in field of incorporating MLC 2006

The stronger and best located on Polish market are following classifications societies:

- DNV (Norway)
- GL (Germany)
- PRS (Poland)

Below are presented propositions of above societies to help to Manning Agencies approach MLC 2006.
Det Norske Veritas (DNV)

The Maritime Labour Convention 2006

DNV Maritime

Crew manning services
DNV is the most developed qualification society. They established very imported document named “Self Assessment Tool for the Maritime Labour Convention 2006”.

The self assessment helps assist the shipowner or shipmanager in identifying areas where they need to have measures for MLC 2006 requirements. The self assessment only contains MLC 2006 areas where which will have to be inspected before ships can be certified. There will be additional requirements for inspection only, and for those we refer to DNV’s gap analysis service.
The matters that must be inspected and found to meet national laws and regulations or other measures implementing the requirements of the Convention before a MLC can be issued are:

1. Minimum age
2. Medical certification
3. Qualification of seafarers
4. Seafarer’s employment agreements
5. Use of any licensed or certified or regulated private recruitment and placement service
6. Hours of work or rest
7. Manning levels for the ship
8. Accommodation
9. On-board recreational facilities
10. Food and catering

11. Health and safety and accident prevention

12. On-board medical care

13. On-board complaint procedures

14. Payment of wages.
In October 2007 DNV issued Standard for Certification No. 3.404 “Crew Manning Offices, Private Recruitment and Placement Services”
Please find below the contents of above standard of the certification.

**Part 1: CREW MANNING OFFICES (CMO)**

- Application and certification
- Scope and application
- Certification principles
- Requirements for crew Manning Offices
- Management responsibility
- Quality manual, document and data control Manning agreement
- Evaluation of suppliers
• Recruitment of ship personnel
• Training of ship's crew
• Communication
• Emergency procedures
• Internal safety and quality audits
• Resources
• Analyses and improvements
• Customer Property
Part 2: PRIVATE RECRUITMENT AND PLACEMENT SERVICES (RPS)

- Application and certification
- Scope and application
- Certification principles
- Requirements from the Maritime Labour Convention 2006
- General Administration
Crew manning offices that comply with the requirements in this standard may receive a certificate for "Crew Manning Office". The "Crew Manning Office" certificate will be valid for 5 years. Validity of the certificate is subject to the crew manning office complying with the requirements for periodical audits. The certificate will be renewed following the satisfactory completion of a renewal audit.

RPS that comply with the requirements in Part 2 may receive a certificate for “Private Recruitment and Placement Services". The “Private Recruitment and Placement Services” certificate shall be valid for 5 years. Validity of the certificate is subject to the RPS complying with the requirements for periodical audits. The certificate will be renewed following the satisfactory completion of a renewal audit.
GERMANISHER LLOYD

GL Academy Polen (“where experts learn more”) connected with GL Academy in Hamburg offer specialized courses, workshop, training etc.

One of 10 proposed course is

- ILO Maritime Labour Convention (workshop)
- ILO Maritime Labour Convention – workshop
- STCW Basics
- Introduction to Crewing
- Management human resources
- Ship operation
- Latest Amendments to Maritime Regulations
- Maintenance of Life Saving Appliances and Fire-Fighting Equipment on Board Sea Going Ships
- Damage to Machinery and Repairs
- Damage to Hull and Equipment
- Practical Aspects of Corrosion Protection for Shipping Companies and Shipyards
ILO Maritime Labour Convention workshop offers explanations and solutions for compliance with the ILO Maritime Labour Convention, 2006 (MLC,2006). The requirements will be analysed in detail and the relevant information for ship’s crew, ship managers and crewing managers will be discussed. Particular attention is paid to those areas of MLC, 2006 where individual conversion of ILO Member States (Flag Administration) is expected.

Acquisition of detailed knowledge about the requirements of the Maritime Labour Convention, 2006 and an understanding of how the requirements can be implemented. The course is addressed to: Shipping Companies: Superintendents, fleet managers, crewing managers, nautical officers, engineers, assistants (crewing); Yard: Design managers, production managers, engineers. Duration of the course is 2 days (cost 350 USD).
GL established a “Standard for Approval of Seafarer Recruitment and Placement Service Providers”.

This standard is applicable to private and public recruitment and placement services, engaged in the selection, evaluation, recruitment, placement and training of Seafarers. This standard specifies the requirements for a management system of a recruitment and placement services provider, whether privately or publicly operated, under the provision of the Maritime Labour Convention, 2006.

The certification in accordance with this standard is intended to ensure that recruitment and placement services are operated in a manner that protect and promotes seafarers’ employment rights and at the same time respond to the requirements of shipowners. The objective is to ensure a constant high level of quality in supplying competent, experienced, qualified and certified seafarers.
Germanisher Lloyd recognises that there are a wide range of mandatory rules and regulations in force. This standard does in no way seek to replace any of the requirements, nor do any of the requirements of this standard relieve any other party of their responsibility to comply with the requirements of mandatory rules and regulations as required.

Standard contents Approval requirements and Approval process. Seafarer recruitment and placement services to be approved under these standards have to be organized and delivered under a controlled quality standard system on the basis of ISO 9001:2008.

The Standard for the Approval of Seafarer Recruitment and Placement Services Providers is applicable to providers who have been authorized by the shipowner to select, recruit and to supply vessels with qualified seafarers.
Operational procedures shall at minimum cover compliance with the following subjects:

- Manning contracts
- Data register of seafarers
- Information about rights and duties
- Seafarers Employments Agreements (SEA)
- Termination of SEA
- Records of employments
- Qualification of recruited seafarers
- Personal safety training
- Medical certificate
- Protection of seafarers
- Repatriation and travel arrangements
- Complained procedures
Germianisher Lloyd proposed the following form of application

<table>
<thead>
<tr>
<th>Recruitment and Placement Service Provider – Company Details</th>
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<tbody>
<tr>
<td><strong>Company</strong></td>
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<td><strong>Street</strong></td>
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<td><strong>City Code</strong></td>
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<td><strong>City</strong></td>
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<td><strong>E-mail</strong></td>
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<tr>
<th><strong>Contact Person</strong></th>
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<tr>
<td><strong>Name</strong></td>
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<td><strong>Function</strong></td>
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<td><strong>Telephone</strong></td>
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<td><strong>E-mail</strong></td>
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<tr>
<th><strong>Information on Quality Standards System</strong></th>
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<tbody>
<tr>
<td><strong>Standard of certification</strong></td>
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<tr>
<td><strong>Certification body</strong></td>
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<td><strong>Date of issue</strong></td>
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<td><strong>Date of expiry</strong></td>
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<table>
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<tr>
<th><strong>Additional Information</strong></th>
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<tbody>
<tr>
<td><strong>No. of staff</strong></td>
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Certification Bureau of Polski Rejestr Statków S.A. (certifies over 20 years) suggest that the Quality Management System (QMS) of the applied organisation has been assessed and found to be in accordance with the requirements of ISO 9001:2008.

Scope of certification: Manning Agency Services.

From 2010 Polish Registry of Shipping offer to incorporate into existing QMS set of procedures according to norm ILO/MLS:2006/par. 1.4.
Polski Rejestr Statków
Biuro Certyfikacji Systemów Zarządzania

Pan Bogumił Łączyński
ACADEMY MARITIME SERVICES LTD.
Al. Jana Pawła II 3
81-345 Gdynia

Wasz znak: 
Nasz znak: CS/ASM/432/3071/2011
Gdańsk, 18.11.2011

OFERTA CERTEFYKACJI SYSTEMU ZARZĄDZANIA

PRZEDMIOT CERTEFYKACJI
System zarządzania firmy: ACADEMY MARITIME SERVICES LTD.
- siedziba główna: Gdynia
- liczba pracowników: 5
- ilość lokalizacji: 0
Norma: ILO/MLC:2006/par. 1.4
Zakres certyfikacji: Usługi agencyjne w zakresie zatrudniania marynarzy.
Ważność certyfikatu: 3 lata
Akredytacja: Polskie Centrum Akredytacji

AUDIT CERTEFYKACYJNY

Etap 1 auditu - w wymiarze 0,2 osobodnia

Etap obejmuje:
- auditowanie dokumentacji systemu zarządzania Organizacji,
- ocenę lokalizacji Organizacji i specyficznych dla lokalizacji warunków oraz przeprowadzenie dyskusji z personelem Organizacji w celu określenia gotowości do etapu 2 auditu,
- przeprowadzenie przeglądu statusu Organizacji i zrozumienia wymagań normy, identyfikacja kluczowych aspektów sposobu działania lub znaczących aspektów, procesów, celów i działania systemu zarządzania,
- zebranie niezbędnych informacji dot. zakresu systemu zarządzania, procesów i lokalizacji Organizacji oraz związanych z nimi statutowych i prawnych aspektów oraz zgodności,
- uzgodnienie z Organizacją szczegółów etapu 2 auditu i zaplanowanie auditu,
- ocenę planowania i realizowania auditów wewnętrznych i przeglądów zarządzania oraz czy poziom wdrożenia systemu zarządzania uzasadnia gotowość Organizacji do etapu 2 auditu.

Etap 1 auditu przeprowadzany jest w obiektach Organizacji, Organizacja otrzymuje sprawozdanie po zakończeniu etapu 1 auditu.
CERTYFIKAT
CERTIFICATE

Przyznany organizacji:
Issued for:

ACADEMY MARITIME SERVICES Ltd.
Al. Jana Pawła II 3
81-345 Gdynia

Biuro Certyfikacji Polskiego Rejestru Statków S.A., al. gen. Józefa Hallera 126, 80-416 Gdańsk, zawiadamia, że System Zarządzania Jakością wyżej wymienionej organizacji został oceniony i stwierdzono jego zgodność z wymaganiami:
Certification Bureau of Polski Rejestr Statków S.A., al. gen. Józefa Hallera 126, 80-416 Gdańsk, certifies that the Quality Management System of the above organization has been assessed and found to be in accordance with the requirements of:

ISO 9001:2008

Zakres certyfikacji:
USŁUGI AGENCYJNE W ZAKRESIE ZATRUDNIANIA MARYNARZY
Scope of certification:

MANNING AGENCY SERVICES

Wyłączenia: 7.3 Projektowanie i rozwój, 7.4 Zakupy,
Exclusions: 7.3 Design and development, 7.4 Purchasing,
7.6 Nadzorowanie wyposażenia do monitorowania i pomiarów
7.6 Control of monitoring and measuring devices

Pierwsze wydanie Certyfikatu:
Certificate first issue:
21.03.1997

Certyfikat jest ważny do:
The Certificate is valid until:
30.03.2013

 Nr Certyfikatu: NC-44
Certificate No.: NC-44

Gdańsk, 31.03.2010

AC 014
CMS

Jan Jankowski
Andrzej Kufel
Are we ready for MLC 2006?

To come into force, the MLC 2006 has to be ratified by at least 30 Member States with a total share in the world gross tonnage of ships of 33 percent. DNV expect the MLC 2006 to enter into force mid 2013.

Within one year after the Convention enters into force, private recruitment and placement services (Crew Manning Offices) must be licensed, certified or otherwise regulated in order to ensure compliance with requirements in the Convention. The shipowner will be responsible for, as far as reasonable, ensuring compliance when using services in a non ratifying state. We have from the ILO been informed that this will include some sort of documentation. We are confident that companies, in order to operate effectively and assist their customers in operating effectively, must have procedures and training to ensure compliance and effective follow up and documentation of compliance.

The convention applies to all seafarers and the seafarer is defined as any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies.
The process of ratification of MLC 2006 in last 2-3 years is slow down especially in EU countries. Many shipowners and shipmanagers have no orientation of future of MLC 2006 due to fact that in most countries there are no local, national regulations. This is why shipowners and shipmanagers have to prepared themselves to introduction of new convention.

At this stage most flag States will not have their regulations. Flag States are responsible for implementing the Convention requirements through national regulations.

Most flag States will implement the requirements as is. Due to this and the expected rush for certification in the months before entry into force, is easy to believe that it will be beneficial to make use of the voluntary certification service.
Taxation and social security for EU seafarers in a main concern in Maritime Administration and national law makers in most of Maritime Nations in EU.

To be better prepared to deadline (2014?) of entering MLC 2006 into force, few middle east European national associations of Crew Manning Agents established in 2011 new Association “EUROCREW”. The main purpose of established above was to create common actions arised from individual experience of Croatians, Poles and other nationality - members.

In my personal opinion the most important matter for Polish Manning Agencies is a fact that we have to cover one of the MLC requirements:

“in place of an insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result the failure from the side of the SRPS and/or of the relevant shipowner to meet its obligations under the seafarers employment agreement”.

Actually none of Polish Insurance companies wants to produce such kind of insurance. Equivalent appropriate measure give us an open door for finding of another option of insurance. I do hope that shipowners will be able to add to their P&I policy additional compensation for seafarers losses.