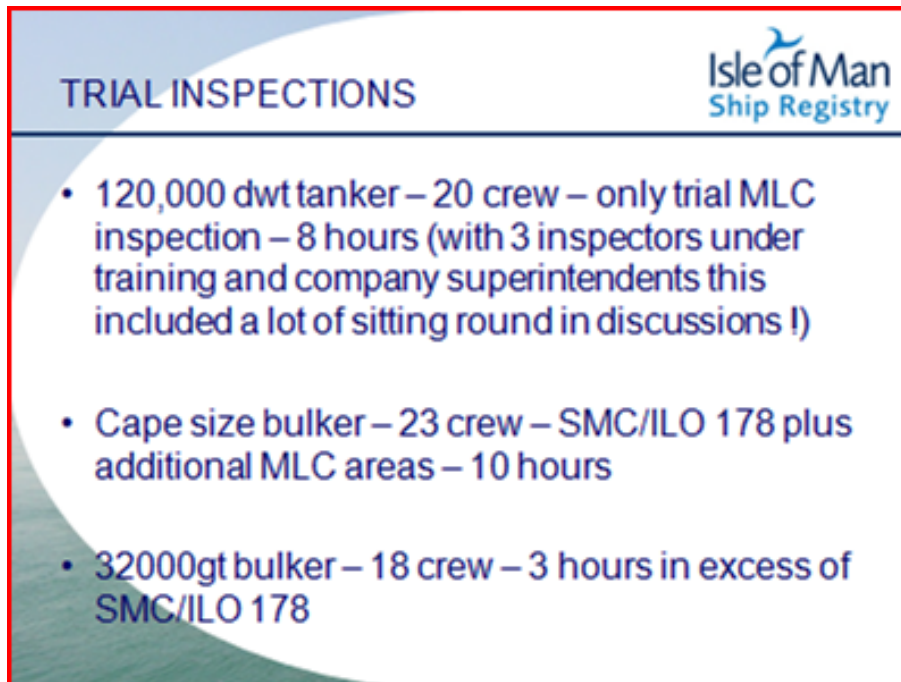


In Newsletter No 7 we want to share with you some of the findings and experiences from the trial MLC inspections that we have been carrying out.

We firstly want to thank the Companies and the crews on the ships that were willing to step forward to help us train some of our surveyors. The first few were daunting even for those of us who have been working on MLC for years so we can imagine the mixed feelings onboard in being "one of the first". So far things have gone well and everyone who has taken part has (hopefully) learnt a great deal.

The following are from a presentation given at a recent ship superintendents' training course held on the Isle of Man.



**TRIAL INSPECTIONS**

- 120,000 dwt tanker – 20 crew – only trial MLC inspection – 8 hours (with 3 inspectors under training and company superintendents this included a lot of sitting round in discussions !)
- Cape size bulker – 23 crew – SMC/ILO 178 plus additional MLC areas – 10 hours
- 32000gt bulker – 18 crew – 3 hours in excess of SMC/ILO 178

Slide 1 shows the time that an MLC inspection has been taking. While it is only a small sample it would seem to confirm the similarities that exist between current SMC ILO/178 audits and an MLC inspection. Broadly speaking it appears that separate visits for SMC and MLC may take 8 to 10 hours each whereas a combined visit looks like being 10 to 12 hours.

One way that this can be achieved is if much of the paperwork (SEA, hours of rest etc) can be sent to this office for review before the inspection and then verified onboard. We will have more information on this later.

# MLC Update

## MLC 2006 INSPECTION REPORT

MLC 2006 Requirement	Deficiency		Comments
	YES	NO	
Reg 1.1. Minimum age		X	All seafarers on the vessel are over the age of 18.
Reg 1.2. Medical certificate	X		Medical certificates are retained on board and valid. Note not all medical certificates stated issued in compliance with ILO 73 or MLC 2006.
Reg 1.3. Training & qualifications		X	All officer and crew STCW certification retained on board. All officers who require IOM endorsements had valid endorsements, and all seafarers have received familiarisation training on the vessel.
Reg 1.4. Recruitment and placement	X		Crew members stated that they were not being charged for recruitment and placement services. When MLC has been ratified evidence will be required that the recruitment agencies used have been licensed or other steps taken to show that they comply with MLC requirements.
Reg 2.1. Seafarers' employment agreements	X		<p>There were 5 contracts of employment and collective bargaining agreements, all retained on the vessel.</p> <ul style="list-style-type: none"> <li>• N</li> <li>• T</li> <li>• G</li> <li>• E</li> <li>• ITF Contract for Filipino Seafarers</li> </ul> <p>1. Contracts of employment do not state the seafarers date of birth or age. Shipowners name was stated but not the address.</p> <p>2. When a seafarer is engaged on a non-contract basis there is no entitlement to sickness benefit. This is not permitted by MLC.</p> <p>3. The Company pay for the US visa, but not the travel expenses involved for xxxxxx contract officers, therefore there is an inconsistency in the contracts on the vessel.</p> <p>4. Seafarers are required to sign a crew agreement, once MLC has been ratified crew agreements will no longer be required.</p>
Reg 2.2. Wages	X		For leave pay earned the Filipino seafarers had to travel back to their recruitment office approx 2 weeks after getting home on leave to receive their payment, this should be investigated by the company.

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## MLC 2006 INSPECTION REPORT

			The crew stated there was slight concern regarding the exchange rate used for their wages. Officers can arrange to have their wage slips sent back home by opting out of having them sent to the ship.
Reg 2.3. Hours of work and hours of rest	X		A table of shipboard arrangements for hours of work and rest is written in English and posted on the vessel. A computer programme is in use for recording hours of rest which is in accordance with ILO 180. All seafarers are receiving more than 77 hours of rest a week, however there have been occasions when seafarers have received less than 10 hours rest a day, and there have been daily rest periods of less than 6 hours. A serious deviation occurred on 23/04/10 when the chief officer, chief engineer and bosun were well below the required levels of rest with the chief officer only receiving 4 hours rest on that day. Hours of work and rest will be thoroughly investigated during the next IOM visit.
Reg 2.4. Entitlement to leave		X	Annual leave is well above the MLC minimum, and annual leave is earned to include travel to and from the vessel (as per IOM MLC policy for minimum leave) but this is not stated in the seafarers contracts.
Reg 2.5 Repatriation		X	Repatriation is in accordance with the MLC.
Reg 2.6 Seafarers' compensation for the ships' loss or foundering			Due to time restraints it was not possible to verify the P & I club agreement
Reg 2.7 Manning levels		X	Manning levels are in excess of the vessels Safe Manning Certificate.
Reg 3.1. Accommodation & recreational facilities		X	The vessel has been issued with a crew accommodation DOC stating compliance with ILO Convention 92 and 133, and the accommodation was found in a clean and tidy condition and no alterations have been made. There is an adequate supply of drying and washing machines as well as a drying room in the laundry. Recreational facilities on the vessel are good and include email facilities and a well equipped gym.
Reg 3.2 Food and catering.		X	The galley, food preparation and storage areas were in a very well maintained clean and tidy condition. Fresh water can be produced on board but has been loaded from ashore and chlorine levels checked.

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Slide 2

MLC 2006 INSPECTION REPORT			MLC 2006 INSPECTION REPORT		
Reg 4.1 Medical care on board ship and ashore	X	Seafarers medical care is at the companies expense and sick pay is available for up to 130 days. The rate of sick pay is in accordance with the ITF/IBF rates. The hospital is well maintained, and medication as well as medical oxygen is checked on board and within the required expiry dates.	<p><b>Summary:</b> <b>Conclusion</b> Although the inspection was a trial which took place approximately 18 months prior to MLC coming into force the vessel already complies with MLC in most areas and only minor amendments are required to become fully MLC compliant. The vessel has a high standard of cleanliness and maintenance which was especially evident in the galley and engine room. All rates of pay and annual leave earned by the seafarers on the vessel are in excess of MLC standards, and crew contracts are maintained on the vessel.</p> <p>The areas which will require further work for MLC compliance are:-</p> <ol style="list-style-type: none"> <li>1.Seafarers Contracts of Employment – see MLC update newsletter No3 for IOM requirements.</li> <li>2.The Grievance procedure will require updating to an on board complaint procedure.</li> <li>3.Hours of work and rest – there was evidence of occasions when seafarers have received less than the minimum rest hours. This would be raised as an MLC deficiency.</li> <li>4.Seafarers will not be allowed to sail on a non contract basis.</li> <li>5.All recruitment agencies will have to be licensed, or evidence available that they meet the minimum standards in accordance with Reg 1.4.</li> </ol> <p>Other MLC observations.</p> <ol style="list-style-type: none"> <li>1.Filipino seafarers have to travel back to their recruitment office when on leave to receive any leave pay. (Although the pay is being issued within one month of being earned the seafarer should not have to travel to receive it).</li> <li>2.Does the P&amp;I membership cover liability for MLC title 2.6.</li> <li>3.Seafarers can opt out of having their wage slips sent to the vessel, however there should be a copy of the wage slip, or some means of verification of monthly payments on the vessel for flag state or port state inspection.</li> <li>4.There was slight concern from the crew regarding the exchange rate for their wages.</li> </ol> <p>Signed By:..... Name: P. Grace / C. Mitchell Title: Surveyor Date: 27 May 2010</p> <p>Reviewed By:..... Name: R. Strathdee Title: Principal Surveyor (Standards) Date: 27 May 2010</p>		
Reg 4.2 Shipowners' liability	X	The shipowners liability is covered in the contracts of employment, and as a minimum the ITF/IBF rate is used for disability resulting from an accident whilst the seafarer is in employment or travelling to and from the ship. The ITF/IBF scale is also used as a minimum if the seafarer dies in service for compensation to the seafarers family. Due to time restraints we could not determine how this was funded and if the P&I membership covered this liability.			
Reg 4.3. Health and safety protection and accident prevention	X	Safety meetings are held every 2 weeks and the minutes are thoroughly written however the company very rarely sends feedback regarding the meetings to the vessel. The safety officer is carrying out regular safety inspections of the vessel. Form xxx is used for reporting and recording safety issues and they are discussed at daily meetings. The company sends fleet information messages and records of fleet incidents. Risk assessments are in use and displayed on the vessel for all shipboard tasks. A training schedule is in use for all seafarers which involves safety drills, safety video and practical safety training on the vessel. Safety awareness onboard was of a very high standard.			
Reg 4.4. Access to shore based welfare facilities		N/A			
Reg 4.5. Social security		N/A			
Reg 5.1.5 On board complaint procedures	X	Grievance Procedure will need to be revised in order to comply with MLC. The Grievance Procedure will have to reference MLC, and will be referred to as the onboard complaints procedure. Complaints should be addressed to heads of department, and a nominated person on board shall be available to advise the seafarers on the procedures available to them. Also flag state contact details shall be available.			

## Slide 3

Slides 2 and 3 are examples of a trial inspection report that has been produced and sent to the Company for advice. It is a report that is being developed as we gain more experience and the final report forms may well look different.

# MLC Update

MLC Standard A.5.1.3 requirements	120000 dwt tanker	32000 gt bulk carrier	89000 gt bulk carrier	1400 gt commercial yacht
Reg 1.1. Minimum age				
Reg 1.2. Medical certificate	x		x	x
Reg 1.3. Training & qualifications		x		
Reg 1.4. Recruitment and placement	x	x	x	x
Reg 2.1. Seafarers' employment agreements	x	x	x	x
<i>Reg 2.4. Entitlement to leave</i>			x	
<i>Reg 2.5 Repatriation</i>		x	x	
<i>Reg 2.6 Seafarers' compensation for the ships' loss or foundering</i>			x	x
Reg 2.2. Wages	x		x	x
Reg 2.3. Hours of work and hours of rest	x	x		x
Reg.2.7 manning levels for the ship				
Reg 3.1. Accommodation & recreational facilities				
Reg 3.2 Food and catering.				
Reg 4.1 Medical care on board ship and ashore			x	
Reg 4.2 Shipowners' liability			x	
Reg 4.3. Health and safety protection and accident prevention				
<i>Reg 4.5. Social security</i>				
Reg 5.1.5 On board complaint procedures	x	x	x	

The final slide shows the areas where deficiencies were found during the trial inspections. The 14 areas for inspection as required in Title 5 Appendix A 5-I are shown (the areas in *italics* are additional but fall under the requirements of an SEA). The areas that are causing most deficiencies are not surprisingly the MLC areas that are either new or are not within an SMC audit or ILO178 inspection;

Reg 1.4 Recruitment and placement –labour supply agencies are not yet licensed or certified.

# MLC Update



Reg 2.1 Seafarers employment agreements – again this is a new area and as yet seafarers do not have an SEA that meets the requirements of MLC.

We believe that creating seafarers employment agreements and producing the DMLC Part II will be the biggest challenge under MLC and are areas that should be tackled sooner rather than later.