

Isle of Man Ship Registry Maritime Labour Notice

Inspection, Certification & Definitions

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1. Introduction

Commercial ships registered with the Isle of Man, of any tonnage, are required to comply with the Isle of Man's legislation implementing the Maritime Labour Convention (MLC).

The inspection schedule follows the same format as ISM and ISPS audits – interim, initial, intermediate and renewal inspections on a five year cycle. From 1 April 2017, MLC Inspections have been undertaken by your RO unless your ship has opted to make use of the Transitional Provisions allowed under our General Inspection Scheme.

Specific areas covered during an MLC inspection include the following:

- Seafarers' minimum age, medical certification and qualifications
- Seafarers' employment agreements and the payment of wages
- Use of any licensed, certified or regulated private recruitment and placement service
- Manning levels and hours of rest
- Accommodation, on board recreational facilities, food and catering
- Health and safety, accident prevention and on board medical care
- On board complaint procedures

2. Types of Inspection

2.1 **Interim MLC inspections**

Ships may undergo an interim MLC inspection in the following circumstances:

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

In all cases, the Ship Registry must be contacted in advance in order to make the necessary arrangements. Following the interim inspection, the following documentation will be issued:

a. Ships of less than 500GT

There is no requirement for ships of under 500GT to be issued with an interim (or full term) MLC Certificate. In order for these ships to demonstrate that the interim inspection has taken place, a letter will be issued by the Ship Registry confirming the inspection date and stating the date by which the initial MLC inspection must be



completed, which must be within six months of the date of the interim inspection.

b. Ships of 500GT or over

Following a successful interim inspection, the ship will be issued with an interim MLC certificate which is valid for six months.

During the interim MLC inspection, the attending inspector checks that:

- there are adequate procedures in place on board which will ensure, as far as is reasonable and practical, compliance with the Articles, Regulations and Part A of the MLC Convention
- the Master is familiar with his/her associated duties and responsibilities.

The inspector will also verify that relevant information has been submitted to the Ship Registry in order for the DMLC Part II to be drafted and approved. The DMLC Part I & II will not be required to be issued at this stage.

2.2 Initial MLC Inspections

In all cases, an initial MLC inspection must be completed within six months of the interim inspection and **it is not possible to extend this date**.

During the initial inspection the Inspector **uses the ship's DMLC Part II to verify the requirements and procedures** stated in Part II have been implemented on board. Following a successful initial inspection:

- ships of 500GT or over are issued with a full term MLC certificate, DMLC Part I & II
- ships of less than 500GT are issued with a DMLC Parts I & II together with a letter confirming the due date of the next MLC inspection.

2.3 Renewal Inspections

When a renewal inspection is successfully completed within 3 months of the expiry date of the existing certificate, the new certificate will be valid for a maximum period of 5 years from the expiry date of the existing certificate.

If a renewal inspection is successfully completed more than 3 months before the expiry date of the existing certificate, then the new certificate will be valid for a maximum period of 5 years from the date of the renewal inspection.

3. DMLC Documentation and Certification

3.1 DMLC Parts I & II

The DMLC documentation states how MLC is applied on board the ship. During an MLC inspection, it will be used as a starting point to verify that the ship, its crew and MLC-related documents comply with requirements. The DMLC comes in two parts:

- DMLC Part I is issued by the flag administration and details how the requirements of **the Convention are interpreted and applied by the ship's flag state**



- DMLC Part II which details how the shipowner complies with the relevant requirements. This is to be signed by the shipowner and the RO upon completion of the initial inspection.

In order to issue these documents in a timely fashion, it is imperative that we receive a **shipowner's DMLC Part II as soon as possible**. Ideally this will be prior to registration/change of shipowner, since the MLC Inspector conducting an interim inspection may request confirmation that this has been submitted for review. The DMLC Part I & II, issued by IOMSR and signed by the shipowner, is required to be on board the ship in time for the initial inspection.

The DMLC Part I will be issued by the Ship Registry with an electronic signature (i.e. a scanned copy of a written signature). The DMLC Part II may likewise be signed electronically by the shipowner.

3.2 Merchant Ships of 500GT and Over

Upon registration of a new merchant ship, the following documents will be issued by IOMSR as soon as possible:

- DMLC Part I
- DMLC Part II
- A DMLC Part II Approval Letter, confirming the DMLC Part II has been reviewed and approved by IOMSR

For all newly registered ships, MLC certificates will be issued by your ship's RO upon completion of the necessary inspections.

3.3 Yachts & Merchant Ships of Less than 500GT

For all yachts, MLC inspections will continue to be undertaken by IOMSR. The DMLC Part I and II will be issued by IOMSR, upon successful completion of the Initial Inspection. If the yacht is over 500gt, it will be issued together with a full term MLC Certificate. If the yacht is under 500gt, it will be issued together with a letter confirming the due date of the next inspection.

For merchant ships of less than 500gt, MLC Inspections will be undertaken by the **ship's RO**. The DMLC Part I and II will be issued by IOMSR, together with a letter confirming the due date of the next inspection, upon successful completion of the Initial Inspection.

4. Definitions

4.1 Shipowner

Shipowners bear ultimate responsibility for all aspects of the working and living conditions of seafarers employed on board, irrespective of who may actually employ them or own the ship on which they work. Under MLC, the shipowner may be either:

- the owner of the ship, or
- another organisation or person (manager, agent etc.) who has assumed 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



on shipowners in accordance with MLC, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the shipowner

4.2 Seafarer

MLC 2006 defines a *seafarer* as '*any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies.*' Since 2006 ILO has issued further interpretation of this definition:

Seafarers are persons who regularly spend more than short periods on board.

Seafarers are not persons whose work is not part of the routine business of the ship and whose principal place of work is ashore, e.g.: harbour pilots, inspectors, superintendents, scientists, researchers, divers and specialist offshore technicians.

Those persons working on an occasional and short-term basis for example, fitters, repair technicians, surveyors, port workers or day workers who do not stay on board the ship overnight are also not considered to be seafarers.

Using this interpretation the Ship Registry has determined that occasional workers such as harbour pilots, inspectors, superintendents, scientists, researchers, divers and specialist offshore technicians that work on board only for short periods of time are not seafarers. This is because their normal place of work is onshore - they are on board for only short periods of time (for example for two or three weeks) and have no emergency duties.

While occasional workers are not seafarers, they are still working on the ship and must:

- receive familiarisation training on board (responsibility of the ship)
- be assigned a berth and given access to mess areas and sanitary facilities (responsibility of the ship)
- be at least 16 years of age (responsibility of the employer)
- be medically fit to carry out their duties, **although a seafarer's medical fitness certificate is not required** (responsibility of the employer)
- be self-sufficient in an emergency situation
- not be required to pay for food or medical care on board, or of their return travel from the ship to their normal place of work/home (responsibility of the ship)
- have evidence that they have been issued with a contract of employment with **broadly equivalent provisions to a Seafarers' Employment Agreement. It is recommended the contract make reference to working in some capacity on board the ship - this could be an addendum to the employee's shore-based contract** (responsibility of the employer and ship)
- be aware that health and safety legislation applies (responsibility of the ship)

It is recommended that the Master includes occasional workers on the crew list (IOMLOC), **named as such (or simply as 'researcher' or 'technician')** - visiting port officials may wish to see confirmation that such occasional workers are not passengers.



Documents referred to in this notice

Maritime Labour Convention 2006 (MLC);

ILO Guidelines for flag state inspections and port state control officers;

Large Yacht Code Edition 3 (LY3)

Most regulations and notices are available on the Isle of Man Government website:
www.iomshipregistry.com or by contacting marine.survey@gov.im

