The Maritime Labour Convention & Canada

NAMMA
Friday, April 13, 2018
Topics

1. MLC 2006 – 2014 Amendments summary
2. MLC 2006 – 2016 Amendments summary
3. Third Meeting of the Special Tripartite Committee - April 2018
4. Proposed Amendments to the Marine Personnel Regulations (MPR)
MLC 2006 - 2014 AMENDMENTS

Background

• Canada ratified the MLC in June 2010, the convention entered into force on August 20, 2013.

• In 2009, the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, at its Ninth Session, finalized proposed amendments to the MLC for further protection of seafarers in relation to:
  • the abandonment of seafarers; and
  • claims for compensation in the event of a seafarer’s death or long term disability due to an operational injury, illness or hazard.

• The amendments were approved by the International Labour Conference at its 103rd session on June 11, 2014 in Geneva.
MLC 2006 - 2014 AMENDMENTS

Requirements

• Since January 18, 2017, vessel owners subject to the MLC 2006 have been required to display proof of insurance or other financial security arrangement:
  – to cover eventual cost and expense of crew repatriation, as well as contractually entitled arrears of wages and entitlements following abandonment (MLC Regulation 2.5, as amended).
  – to cover liabilities for contractual claims arising from seafarer personal injury, disability or death (MLC Regulation 4.2, as amended).
Financial Security

- Vessel owners subject the MLC are to ensure that a financial security system is set in place to provide assistance to seafarers in the event of abandonment.
- Abandonment is defined as:
  - when a shipowner fails to cover the cost of the seafarer’s repatriation;
  - when a shipowner has left the seafarer without the necessary maintenance and support; or
  - when a shipowner has otherwise unilaterally severed their ties with the seafarer, including failure to pay contractual wages.
Financial Security (cont’d)

- The financial security system shall provide direct access, sufficient coverage and expedited financial assistance, including adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care, to any abandoned seafarer.
Financial Security (cont’d)

• Vessel owners subject to the MLC are to ensure that a financial security system is set in place to assure contractual compensation to seafarers.
  – “Contractual claim” means any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard as set out in national law, the seafarers’ employment agreement or collective agreement.

• The financial security system shall provide, expeditious and fair procedures to expedite payments, without prejudice to seafarers, their next of kin, designated representatives or beneficiaries.
MLC 2006 - 2016 AMENDMENTS

Background

• The amendments of 2016 to the code of the MLC 2006 were approved by the Conference at its 105\textsuperscript{th} session in Geneva on the 9 June 2016.

• The 2016 amendments are related to:
  – Provisions on occupational accidents, injuries and diseases as well as Investigations (Regulation 4.3); and
  – Maritime labour certificates and declarations of maritime labour compliance (Regulation 5.1)

• A copy of 2016 MLC 2006 amendments is available at www.ilo.org.

• End of formal disagreement is July 8\textsuperscript{th}, 2018

• The expected date of entry into force is January 8\textsuperscript{th}, 2019.
MLC 2006 - 2016 AMENDMENTS

Amendments to the Code relating to Regulation 4.3

• Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases.

• Guideline B4.3.6 – Investigations
  – Consideration of problems arising from harassment and bullying.
MLC 2006 - 2016 AMENDMENTS

Amendments to the Code relating to Regulation 5.1

• Standard A5.1.3 – Maritime labour certificate and declaration of maritime labour compliance.
  – Introduction of extended validity of a maritime labour certificate, after renewal inspection.
The coming meeting of the Special Tripartite Committee of the MLC 2006 will be held at the ILO in Geneva from 23 to 27 April 2018.

• The meeting will address:
  – Review of the report from the Working Group of the Special Tripartite Committee;
  – Consideration of any proposals for amendments to the Code of the MLC 2006;
  – Exchange of information related to the implementation of the MLC 2006; and
  – Review of maritime-related international labour standards.
AMENDMENTS TO THE MARINE PERSONNEL REGULATIONS

• Clarification regarding the requirements for hours of rest
  – The current Marine Personnel Regulations meet the MLC, 2006 standard

• A Ship Safety Bulletin will be released in the next several months ensuring authorized representatives meet the 2014 amendments

• Reviewing of 2016 MLC amendments is ongoing
  – Sexual harassment deterrence is addressed by the Canada Labour Code.
  – Transport Canada is reviewing the latest version of the Guidance on Eliminating Shipboard Harassment and bullying published by the International Chamber of Shipping and the International Transport Workers’ Federation.
  – Introduction of extended validity of a Maritime Labour Certificate can be addressed through the administrative authority of the Minister.
QUESTIONS