

IMPACT OF MARITIME LABOR CONVENTION 2006

(MLC - 2006)

ON PAKISTAN SHIPPING / SEAFARERS UZMA RAZA

DR. MEMOONA SAEED*

ABSTRACT

The study is based on the Pakistan Ship Industry comprising impact of MLC-2006 convention effects on Seafarers / Ship-owners / operators / manning agencies etc. A qualitative research approach of the data collection is adopted, thorough study of MLC 2006 convention/ Ship Visits / meetings and discussions with convention related matters from various departmental heads in Pakistan National Shipping Corporation by using interview technique. Study consists of minimum MLC-2006 14 requirements for International / National Ship Industry which covered under (5) titles in this study. On the basis of results conceived that MLC-2006 could have a clear effect on Pakistan Ship Industry / Seafarers particularly in Pakistan and world over. Seafarers are major assets of Ship Industry and their active role in the success of Industry cannot be denied, also position them to take on the challenges of the competitive ship business an extensive research has been conducted prior formation of MLC-2006 treaty for the consequences of Seafarers performing their duties in extreme sea weather conditions on low wages away from their home and families. Specially under developing countries ships with

* In the partial fulfillment of the Requirements for the Degree of Master of Philosophy (M. Phil.)
Social Sciences

Under the supervision of DR. MEMOONA SAEED

Presented to Hamdard Institute of Education and Social Sciences HAMDARD UNIVERSITY,
NOVEMBER, 2014

uncomfortable living conditions, discriminations, no proper medication on board / no medical facility at Port, un-hygiene atmosphere / un-healthy food / water supply, no proper safety measures at working places and in case of death / injury no compensation to or for their families. Although ILO and other Maritime Laws are in force but no Administration Authority is exist for implementation of Maritime Law enforcement.

Besides the hundreds of other reasons MLC-2006 was duly signed in 2006. However a number of countries Flag State Administration were not ratified this convention. Particularly in under developing countries, the Ship-owners / Operators have fear of closer of their business, if they fully compliance the convention of MLC-2006. Therefore it took six years to rectification after the MLC treaty was signed but somehow the ratification of 60% of world countries signed up to the year 2013. Globally MLC-2006 is implemented on 28 Aug 2013, almost with its full spirit, and under MLC-2006 convention ratified countries Port State Control Authorities of Flag State are bound to inspect each Vessel in its territory, must have a valid DMLC-2006 (Part II) or MLC-2006 (Part I) compliance certificate either its Flag Administration has ratified or not ratified the convention.

There are still many countries that have not ratified MLC-2006 like:

- USA
- Srilanka
- China
- Iraq
- Qatar
- Pakistan
- UAE
- Brazil
- Egypt
- Mexico
- Oman
- Saudia Arabia

Being under developing countries like Pakistan, most of the countries imposed stringent Visa restrictions to Pakistani Seafarer which also impact on recruitment and placement of Seafarers at Foreign ports, hence still there are Manning Agents employing Seafarers on Ships are trading within the countries not yet ratify the MLC-2006 are in distress, being fear of unemployment. Pakistani Seafarers are with the hope for the bursts of colors in future.

1. INTRODUCTION

Today, about 1.5 million seafarers are daily working on a global fleet of over 100,000 vessels all around the world. From the very beginning of seafaring, seafarers have always had to work under unique conditions.

1.1 BACKGROUND

During the 2nd half of the 19th century shipping has experienced an immense rise and has become one of the most important international industries in the world. Nowadays approximately 90% of goods and commodities are transported via sea to reach customers all over the world.

This indicates to what extent ships have become essential for international trade, consequently so have seafarers. "Seafarers are the very first truly international work force." In order to ensure safe and secure shipping it became apparent over the years that it would be necessary that seafarers obtain decent working conditions at all times in each and every country no matter which flag their ship is flying.

Already in the very beginning of shipping, going far back in history, seamen were usually underfed, underpaid and overworked, to name the most common problems. Constantly exposed to diverse dangers, be it the perils of the sea or the handling of hazardous cargo,

or even just the cargo handling made and still makes being a seafarer to one of the most dangerous job in the world.

In time, it became apparent that getting to work under modest circumstances was the key to implementing the best possible workforce; it would assure maritime safety and security, help to protect the marine environment. Above all, ensuring decent working, living conditions and safety is regarded as a basic human right and an essential aspect of human dignity.

1.2 PURPOSE: - Seafarers work under very poor conditions reflecting their health, their safety, their social welfare protection and safety of the vessel they work on. Seafarers have always accepted their working and living conditions on board because they were either not given any opportunity to complain or mostly did not know their rights and even who to turn to. For all that there are already many Flag States and ship-owners that are proud of providing seafarers working on their vessel flying their flag with decent working, living conditions and safety. However, these are the minority and compared to the majority of the ship-owners who are in some extent operating substandard ships and are not promoting their crews 'working, safety and living conditions', they are facing unfair competition.

1.3 SCOPE: - The scope of study is focused on implementation of MLC-2006 on Pakistan Flag Carrier Vessel and its impact on Seafarers.

1.4 JUSTIFICATION OF THE TOPIC:-

Proud being an Employee of PNSC in working related to Seafarers matters. The implementation of MLC-2006 would affects the matters on humanity grounds for

all Seafarers worldwide (more than 1.2 million seafarers, estimated 100,000 ships), life at sea was the reason to choose this topic as:

- ✓ Seafarers work under very poor conditions that affect their health, safety, social welfare protection and safety of the vessel they work on.
- ✓ In under developing countries the Seafarers have always accepted their working and living conditions on board because they were either not given any opportunity to complain or mostly did not know their rights or quite with fear to fired from employment.
- ✓ Aiming for fair working and living conditions and safety for the entire seafaring industry it became a matter of consequences that international standards would have to be developed that are effective , no matter which flag the ship the seafarer is working on is flying. In order to achieve those standards, global and national laws would have to be amended.

1.5 REVIEW OF RELATED LITERATURE:

MLC 2006 is a convention relating to standards Of seafarers rights to decent working living conditions and safety on board effective from 20th August 2013, the following sources were used to gather the related literature information:

- ✓ International Labor Organization (website).
- ✓ MLC-2006 Convention.
- ✓ PNSC managed Vessel visits.

- ✓ Questionnaire from Master and Vessel's Staff.
- ✓ Meetings and discussions with convention related matters from various departmental heads in Pakistan National Shipping Corporation.

2. RESEARCH METHODOLOGY / PROCEDURE

A qualitative research approach of the data collection is adopted, thorough study of MLC 2006 convention/ Ship Visits / meetings and discussions on convention related matters with Masters and Afloat Staff on Vessel, and concerned Officers in Pakistan National Shipping Corporation by using interview technique.

A panel interviews of 12 Afloat Officers and 08 Crew were conducted during ship visits on PNSC managed Vessels as well as with 05 Head of Departments and 05 concerned Officers in Pakistan National Shipping Corporation by asking research interview questions and on the basis of their answers, discussions and observations research data were conceived.

3. FINDINGS

- ✓ To reduce accidents at sea and protect seafarer's rights. There are wide variety of labour issues relating to the protection of seafarers and their working environment particularly emphasis on:

- ✓ Un-safe and un-secure working conditions
- ✓ Un-fair treatment of employment
- ✓ Improper living conditions
- ✓ Lack of recreational facilities
- ✓ Un-defined hours of work / rest

- ✓ Food and catering issues
- ✓ Deficiencies in Welfare and social protection
- ✓ Lack of Afloat Crew (ratings) Qualification.
- ✓ Lack of safety training sessions / awareness programs
- ✓ Unlicensed / unregulated recruitment and placement agencies.

4. RECOMMENDATIONS FOR SHIP-OWNERS / OPERATORS / MASTER:

4.1 ACTION PLAN FOR COMPLIANCE

Gap Analysis: The first step is to determine the existing deficiencies in their present regime as defined under the new convention. To achieve this it is recommended that an effective gap analysis be undertaken evaluating present procedures and levels of compliance under the requirements of the MLC– 2006 convention. Through this analysis of the ship owner's procedures and policies the company can gauge what needs to be adapted to comply with the procedures.

4.2 FOCUS OF GAP ANALYSIS

- Inspection of shipboard working, safety and living conditions.
- Inspection of documentation including hours of rest records, training procedures, medical certificates and seafarer's employment agreements.
- Interviewing crew members, evidence of fair treatment, effective complaint procedures, suitable living conditions and recreational facilities

4.3 SHIP-OWNERS / MANNING AGENCIES / OPERATORS

- Suggested measures to be taken by Ship-owners/Manning agencies/Operators for a better impact in compliance with MLC-2006 on to retain required / desires potential , well trained and skilled staff best fit for the job.

- The company's Safety Management System (SMS) is at the core of compliance with MLC-2006 and as such new procedures, policies and records of compliance should be incorporated into the SMS as this is required for evidence of on-going compliance.
- Matters relating to health, safety and accident prevention should be revisited and updated where required.
- Awareness sessions on health and safety issues for Crew held.
- Accident and near miss reporting system in place.

4.4 SHIP MASTERS / STAFF :

Suggested measures to be taken by Ship's Master / staff for a better impact in order to maintain MLC-2006 on board their Vessels for reducing the risk of Port State Control detentions.

- **Master's regular Inspections:**
 - ✓ It is now statutory requirement under MLC-2006 that Masters regularly carry out inspections of the accommodation and record them.
 - ✓ It is important that the Master inspects the accommodation and working places at frequent intervals to ensure that the ship is complying with the provision of the convention. Only Frequent inspections will ensure on going compliance, reducing the risks of detailed inspection by the PSC.
- **The areas which should be focused include:**
 - ✓ Accommodation
 - ✓ Galley services e.g., Food storage and catering
 - ✓ Working spaces
 - ✓ Hours of work and rest

CONCLUSION :-

It is a comprehensive international labour Convention that was adopted by the International Labour Conference of the International Labour Organization (ILO), under article 19 of its Constitution, at a maritime session in February 2006 in Geneva, Switzerland. It sets out seafarers' rights to decent conditions of work and helps to create conditions of fair competition for shipowners. It is intended to be globally applicable, easily understandable, readily updatable and uniformly enforced. The *Maritime Labour Convention, 2006* (MLC, 2006) has been designed to become a global legal instrument that will be the —fourth pillar|| of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO) such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended (STCW) and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL).

This study is focused on “Impact of MLC-2006 Convention on the Pakistan Ship Industry / Seafarers and Ship-owners.

Although Pakistan Flag State is not yet ratify the MLC-2006 and matters are in process. Pakistan National Shipping Corporation has implemented DMLC-Part II on its managed Bulk Carrier and Oil Tanker Vessels trading world over as mandatory requirement.

Ship-owners / Manning Agents / Ship Operators are running business in Pakistan are also bound to comply MLC-2006 being trading globally / or supply of Seafarers to Foreign Principles are also restricted to protect Seafarers in accordance with MLC-2006.

Seafarers are also facilitating in compliance with MLC-2006. MLC-2006 indeed has an impact on industry relating to Seafarers welfare matters, living conditions, pay and social welfare, recreational and access to internet, quality food and water alongwith comprehensive Seamen Employment Agreement. (SEA)

Since the debate on power play images of MLC-2006 that Seafarer's are beneficial or the Ship-owners / operators have more liabilities to decrease in their business, especially in under developing countries it would effect in closer of small shipping companies and assigned major role of CBA under MLC-2006, either would boom the ship industry globally or vice versa. The time factor proceedings can prove the effect of MLC-2006 with proof of to reduce accidents at sea and protect seafarer's right by resources, policy decision makers as well as government and academic institutions internationally in due course.