

Maritime Labour Convention 2006

Background

The 94th Maritime Session of the International Labour Convention (ILC), in Geneva/ Feb 2006 adopted the Maritime Labor Convention, enters into force 20 August 2013.

Consolidates 70 existing International Labour Organization maritime labour instruments into one modern, globally applicable legal document.

Establishes comprehensive minimum requirements for working conditions for seafarers.

Requires certain ships engaged on international voyages maintain a valid Maritime Labour Convention certificate.

United States has not ratified the Maritime Labour Convention and US Coast Guard will not mandate enforcement on US vessels or upon foreign vessels while navigating within US waters.

Coast Guard intends to issue a Statement of Voluntary Compliance (SOVC) to vessels which comply with the Maritime Labor Convention.

Applicable:

USCG Navigation and Vessel Inspection Circular (NVIC) No. NEW-13

“US Commercial Vessels over 500 GT ITC on international voyages, also US Commercial vessels under 500 GT ITC, including uninspected commercial vessels, may be “certified” and demonstrate compliance through possession of a SOVC-MLC in keeping with Regulations 5.1.3 of the MLC, 2006”

Article II- (4) Maritime Labour Convention

“Except as expressly provided otherwise, this Convention applies to all ships, whether publicly or privately owned, **ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries.**”

Item of Concern: Will all foreign port states consider all UNOLS vessels as non-commercial

Pertinent Correspondence

United States Coast Guard e-mail to Scripps- January 31, 2013

“Though the U.S. has not ratified the MLC, we would consider nautical school vessels, as defined by 46 USC 2101(17), And oceanographic research vessels, as defined in 46 USC 2110(18), as being excluded from the MLC.”

V/R,

LCDR Chris Gagnon
HQ Office of Commercial Vessel Compliance
Domestic Vessels Division (CG-CVC-1)

Applicable Definitions

46 United States Code 2101- (17)

“nautical school vessel” means a vessel operated by or in connection with a nautical school or an educational institution under section [558](#) of title [40](#).

46 United States Code 2101- (18)

“oceanographic research vessel” means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.