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MARITIME LABOUR CONVENTION: RIGHT AND DUTIES OF SEAMEN

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INTRODUCTION

Seamen³³ is a person who travels by sea on daily basis, also called as sailor per se.

They are the only person who working in the ship except master of the ship by sea but they do not entirely work while ship is in the port. They are employed by a ship owner to take care of the ship while ship is on board. They are also taking care of all the maintenance on board at the sea. They can also be an individual who bound to work at the sea and also perform the work including catering and cleaning.

KEYWORDS: Maritime Labour Convention, Maritime, Seamen Rights & Duties, MLC 2006, Working Condition, Condition for Amendment

MARITIME LABOUR CONVENTION

Maritime Labour convention³⁴ is called as Seamen's Bill of Rights.

Main aim of this convention is to provide all the rights to the seamen to whom they are entitled without any conditions. All the rights and responsibilities of seamen or marine worker are mentioned under this convention by ILO.

Maritime Labour convention are proposed to make marine trade globally fair for seamen worker without any discrimination despite of their region.

This convention are formed with some specific aims:

- To maintain the fair environment for the seamen all over the country.

- To modernize world standard for marine needs.
- Their should be no condition or MLC announce minimum needs for the condition.

HOW THE MLC IS ORGANISED

There are ³⁵three essential parts:

- Articles, which set out the vast principles and responsibilities
- Guidelines, which set out the basic necessities
- The Code, made from requirements (Part A) and tips (Part B), which fall into the 5 title

HISTORY³⁶

Just like another convention across different domains and industry which includes Basel, Geneva, and so forth., in which the governing body sets/ drafts a few set of guidelines to be rolled out within the gain of that area/enterprise/domain. Maritime convention too has its importance.

The Maritime Convention changed into organized and opened for signature and attractiveness by using the United Nations Maritime Conference convened by way of the Secretary-General of the United Nations pursuant to Economic and Social Council decision 35. The Conference met at Geneva from 19 February to 6 March 1948. For the text of the Final Act of the Conference, see United Nations, Treaty Series.

³³ blog.ipleaders.in/seafarer

³⁴ Basic facts of Maritime Labour Convention- ILO/www.ilo.org

³⁵ Three essential parts/ Uk government

³⁶ History of Maritime Labour Convention-www.jus.uio.no /<https://www.jus.uio.no> > treaties



As a result of the entry into pressure of the amendments followed via the IMCO Assembly through its resolutions, the name of the Intergovernmental Maritime Consultative Organization (IMCO) has been modified to "International Maritime Organization (IMO)" and the name of the Convention changed for this reason.

The International Maritime Organization (IMO) is a specialized organization of the United Nations this is chargeable for measures to enhance the safety and safety of worldwide delivery and to prevent marine pollutants from ships. The IMO sets standards for the protection and protection of worldwide delivery. It oversees each component of worldwide transport rules, inclusive of felony problems and shipping efficiency.

KEY TAKEAWAYS

- The International Maritime Organization is an organization tasked with improving the security and protection of international shipping.
- One of its key responsibilities is to devise strategies and measures to preserve the waterways easy through stopping marine pollutants from ships.
- The IMO's governing frame, the Assembly, meets each years, with the primary meeting in 1959.
- The IMO isn't answerable for implementing their rules. When a government accepts an IMO policy, it becomes a countrywide law which it's far their duty to put in force.
- This convention includes plenty of set policies that is surely in a textual content shape in expatiated version depicting each regulations with a clear rationalization in a layman's language.

HOW CAN MLC BE UPDATED³⁷?

There are modification techniques, Article XIV for the complete MLC, and Article XV to amend the Code. The Article XIV express ratification

system mirrors present techniques to revise Conventions. The segment to be up to date on a timely basis – the Code on technical and certain implementation of the simple obligations, can be amended via an elevated system (tacit recognition) within Article XV. This makes use of a well mounted IMO manner and allows adjustments to come back into impact for all or nearly all ratifying international locations 3 to four years put up concept. It will offer a extra present day Convention than present ones. A ratifying Member isn't always sure with the aid of a Code modification entering into effect below Article XV, if it expresses formal disagreement within two years.

WORKING CONDITION³⁸ OF SEAMEN

There are some requirements³⁹ which needs to be fulfilled if anyone wants to work as a seamen:

- Age- Minimum age for seamen is 16, if the work is at night or hazardous, the criteria further increase to 18.
- Seamen should have knowledge of all safety measures.
- Seamen should know how to operate the equipment.
- Seamen should have Certificate of Competency.

WHAT DO TITLES COVERS?

The Regulations, Standards (Part A) and Guidelines (Part B) are contained in 5 Titles:

- Minimum necessities for seafarers to work on a ship
- Conditions of employment
- Accommodation, leisure centers, foods and catering
- Health safety, hospital treatment, welfare and social protection
- Compliance and enforcement

WHAT DOES MLC'S TITLES NOT COVERS?

The convention doesn't apply to:

³⁷ Amendment of MLC: Article XIV/ www.ilo.org

³⁸ <https://dma.dk/> Conditions of employment

³⁹ <https://www.ukshipregister.co.uk/seafarer/working-conditions>



- Ships navigating handiest in inland waters
- Ships navigating waters in, or close to, sheltered waters – or regions where port policies follow
- Ships used in fishing
- Ships of traditional construct, such as dhows and junks
- Warships or naval auxiliaries
- Ships not usually utilized in commercial activities

RIGHT OF SEAMEN

Some Rights⁴⁰ which is mentioned under MLC, all the seamen are entitled to:

- Right to work in the safe place as per International safety standards.
- Decent working and living conditions.
- Fair term of employment⁴¹
- Right to claim health protection, medical care etc.
- Right to join the trade of their choices.

Article III⁴² of convention also mentioned about some fundamental Right of seamen under ILO:

- Freedom of Association
- No forced Labour
- No Child Labour
- No Discrimination

MAINTENANCE & CURE

MAINTENANCE⁴³

Injured seamen are eligible to get paid by ship's owner to cover their loss which is occurred by their inability to perform the duties. This kind of payment called as 'Maintenance'. The payment/ Maintenance is equal to the usual income of seamen/workmen. They get the maintenance even if injury is caused by their own mistakes. Maintenance will generally be provided until recovery. During the recovery seamen is entitled to repatriated to their residence.

⁴⁰ Right of Seamen: YL Tube

⁴¹ Fair term of Employment: Article IV/ Fundamental rights & principle of Seamen/ www.ilo.org

⁴² Fundamental rights & principle of seamen: Article III/ www.ilo.org

⁴³ www.skuld.com/ insight : Maintenance & Cure

CURE

The payment which cover all the medical expenses of the seamen is called as 'Cure'. All medical expenses will be covered till the Seamen is completely recovered. Injured have a right to choose their medical doctor for the treatment. If the seaman pays the medical expenses himself, then all his money will be reimbursed after the treatment.

WHAT YOU CAN DO IF YOU ARE INJURED?

If you get injured while doing your job as a seamen then you have to follow some steps:

Make a Report- If you have any kind of injury while working as a seaman, you should report it immediately. So that if your injury becomes serious in the coming time, then you do not have to face any problem

Collect Evidence- If any workman or any person is present there at the time of the incident, So get his complete contact details so that he can be useful in future. Even if they didn't witness the incident they may be able to provide work condition at that time.

Medical Attention - Contact the doctor immediately so that if there is any need in future, the doctor can describe the whole situation.

Get Legal Assistance- If your idea is to claim in the court for your injuries, then contact the legal assistant. Or if you want to do something like this in future, then adjust the situation beforehand. Legal assistant should be professional in Maritime law.

GENERAL DUTIES⁴⁴ & RESPONSIBILITIES OF SEAMEN

- Seaman should keep his point in front of everyone without fearing anyone.
- Seamen have to ensure that the environment in which they are working is safe and secure and it doesn't affect the health of any workmen.

⁴⁴ Duties and Responsibilities of Seamen : YL tube



- Seamen should have a right if he feels that the place where he is working is dangerous for the purpose of his safety or health, then he can stop that work immediately. And such a situation should be first informed to the Competent Officer so that he can take some action and guarded the workmen who is present their.
- Seamen should only abandoned the ship on ship master's order or If ship master is not present then on the order of competent authority who is present their.
- Seamen should only take care of own safety and health or of the person to whom any problem is caused by them.
- Seamen should not operate any equipment for which they don't have any permission to use.
- They have to follow all the safety & health measure.
- Seamen should take extra care during any emergency drill, fire or lifeboat.
- Seamen should make sure that whatever instructions he has explained has been understood by the workers.

CONCLUSION

The maritime enterprise has continually been internationally acclaimed, now it's grew to become global. Maritime delivery has been at the vanguard of globalism, with the consequent possibilities and intimidations for each capital and the operating-elegance. The industry is moulded in a manner that permits folks that prefer to play roulette with the seafarers and passengers lives, assets and the environment.

The ILO's consolidated Maritime Labour Convention (MLC) 2006 is without a shred of doubt the excellent convention the maritime quarter has perceived inside the records of shipping for the welfare of seafarers. The MLC is aptly being recognized as the fourth pillar of the delivery industry, after the SOLAS convention, STCW, 1978 as amended and MARPOL 73/78 (short for Marine Pollution) But, it's also a fact

that however suitable the convention is, if the implementation isn't always achieved properly, it's gain take lengthy for the convention's reputation to head downhill.

As it's evident from the port nation inspections numbers that the implementation of the convention has seen betterment in phrases of vessels inspected and deficiencies associated with MLC are concerned, but it isn't enough, given the number of cases of alleged non-compliance from seafarers grievances, the stipulated deficiencies should have spiked more than the consequences proven. There are numerous motives for the identical, some of them are loss of time for proper inspection at port because of shorter turnaround time of vessels, loss of PSC officials on the port or loss of right inspection and lack of inspections at smaller ports may be one of the most important causes why a lot of non-compliant vessels are nonetheless eluding the inspection and are nevertheless operational.

It is likewise obtrusive in my studies that many seafarers still experience that there hasn't been a great deal alternate of their dwelling and operating conditions. Moreover, some agree with that the weight has expanded because of better logistical statistics alternate between the supply chains, the turnaround time at ports and anchorages has drastically reduced, which in flip has affected the leisure and shore leave time available in older days. The induction of better generation has delivered with it the discount of the group onboard, which additionally leads to an accelerated burden on the group. It has also been uncovered that quite a few MLC necessities are handiest executed on paper, as a defence mechanism towards the port state inspections. A greater specified inspection should be done on the a part of port states to locate non-compliance with MLC.

To conclude, MLC 2006 is a properly-composed conference, protecting all of the requirements of seafarers, even though it has favoured the ratifying international locations by now not providing stringier suggestions for



implementation. It's been seven years because the adoption of MLC, however it's disheartening to mention that the conference has not achieved justice to the expectancies of the seafarers. Implementation on smaller vessels and smaller ports is a main concern to be tackled because the group in these vessels are not permanent and court cases best lead to non-renewal of group's contracts. The implementation element have to be upheld by way of the member states and now not rely upon group complaints of the equal.

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