



TECHNICAL CIRCULAR No. 132 of 4th June 2013

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	MLC 2006, Title 4, C4.3 & C4.4, Health and Safety, Shore-based facilities
Reference:	MLC, 2006 – Maritime Labour Convention, 2006

MLC 2006, Title 4, C4.3 & C4.4, Health and Safety, Shore-based facilities

C4.3. Health and safety protection and accident prevention

C4.3.a. Who has responsibility for establishing the on-board health and safety protection and accident prevention under Regulation 4.3?

The primary obligations under Regulation 4.3, paragraphs 1 to 3, regarding what is usually called marine or maritime occupational safety and health (MOSH), are directed to the flag State. A significant level of technical details and guidance on the subject is set out in Standard A4.3 and Guideline B4.3. These provisions are also linked to those under Standard A3.1 regarding accommodation and recreational facilities on board ship. Standard A4.3 specifies the areas in which occupational safety and health policies and programs are to be adopted, effectively implemented and promoted on ships and which are also to be the subject of legal standards covering occupational safety and health protection and accident prevention. Such policies and programs and legal standards may already exist for ships in the country concerned or that country may have global policies and programs covering these subjects, which will need to be supplemented or adapted so as also to cover conditions on board ship. Standard 4.3 and Guideline B4.3 for the most part set out technical details that would need to be developed, based on international and industry guidance and tripartite consultation, and implemented by the competent authority [see A25. Who is the competent authority?] after consultation with the shipowners' and seafarers' organizations concerned. The International Labour Office is in the process of

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developing additional technical guidance to assist with national implementation. Additional ILO Guidance is also available such as Code of practice on Accident prevention on board ship at sea and in port, 1996, Code of practice on ambient factors in the workplace, 2001.

C4.3.b. When must a ship's safety committee be established?

A ship's safety committee is to be established when there are five or more seafarers on board the ship concerned (Standard A4.3, paragraph 2 (d)).

C4.4. Access to shore-based welfare facilities

C4.4.a. Why are shore-based seafarers' welfare facilities required under the MLC, 2006?

The purpose of including a requirement for shore-based welfare centers is to help ensure that seafarers working on board a ship have access to shore-based facilities and services to secure their health and well-being. These facilities, which are located in or near ports, are important way to provide seafarers, who may be on extended voyages at sea, with access to health and welfare services in a foreign country as well as a social environment.

C4.4.b. What is the obligation on a port state regarding shore-based welfare services?

Under Regulation 4.4, countries must ensure that shore-based welfare facilities, where they exist on their territory, are easily accessible to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work. They must also encourage the development of welfare facilities in appropriate ports of their country and determine, after consultation with the shipowners' and seafarers' organizations concerned, which ports are to be regarded as appropriate. They must encourage the establishment of welfare boards to regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

C4.4.c. What kinds of services should be provided in welfare facilities?

Guideline B4.4.2, paragraph 3 of the MLC, 2006 [see A12. What is the status of the Guidelines in Part B of the Code?] gives a non-exhaustive list of the following kinds of services:

- (a) meeting and recreation rooms as required;
- (b) facilities for sports and outdoor facilities, including competitions;
- (c) educational facilities; and
- (d) where appropriate, facilities for religious observances and for personal counseling.

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C4.4.d. Who must pay for welfare facilities?

The provisions in Regulation 4.4 and Standard A4.4 do not require that the port State take responsibility for financing or operating such services. Guideline B4.4.2, paragraphs 1 and 2, of the MLC, 2006 [see A12. What is the status of the Guidelines in Part B of the Code?] states that welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:

- (a) public authorities;
- (b) shipowners' and seafarers' organizations concerned under collective agreements or other agreed arrangements; and
- (c) voluntary organizations.

Under Guideline B4.4.4, financial support for port welfare facilities should be made available through one or more of the following:

- (a) grants from public funds;
- (b) levies or other special dues from shipping sources;
- (c) voluntary contributions from shipowners, seafarers, or their organizations; and
- (d) voluntary contributions from other sources.

C4.4.e. Does the MLC, 2006 require that seafarers be allowed ashore to access welfare centres?

Regulation 2.4 of the MLC, 2006 establishes the principle that seafarers shall be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions. The fundamental importance of shore leave to seafarers' well-being, is recognized under Regulation 4.4. of the MLC, 2006, as well as in the IMO Convention on the Facilitation of International Maritime Traffic, 1965, as amended and the ILO Conventions No. 108 and 185 on seafarers' identity documents. Although the grant of shore leave may not always be possible in view of the operational needs of the ship concerned or for security reasons, requests for shore leave to access welfare centers should not be unreasonably refused.

REFERENCES:

- **MLC, 2006 – Maritime Labour Convention, 2006**

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