

# **Antigua and Barbuda Maritime Labour Convention (2006) Report 2015**

## **Introduction**

The report takes into consideration the guidance contained in MLC B5.1.4/10 and meets the requirements of the MLC Standard A5.1.4/13. The statistics contained in this report are concerned only with vessels to which the MLC applies. This report covers the calendar year from 1<sup>st</sup> January 2015 to 31<sup>st</sup> December 2015.

Antigua and Barbuda ratified the Maritime Labour Convention 2006 (MLC) on August 8<sup>th</sup> 2011 and it came into effect on 20<sup>th</sup> August 2013.

The Website <http://www.abregistry.ag> contains useful information with respect to MLC under the seafarers and information center sections.

## **Antigua and Barbuda Regulations**

The most relevant legislation with respect to MLC are as follows:

- The Antigua and Barbuda Merchant Shipping Act 2006 with amendments of 2006 2007 and 2014
- The MLC (Maritime Labour Convention 2006) Regulations 2012

The following directives are also relevant:

- Drinking Water Standards Directive 2005 (amended)
- The Merchant Shipping (Ships Medical Stores) Directive 2005
- The Merchant Shipping (Reporting of Accidents) Directive 2012
- Familiarization Information for Officers at the Management Level Directive 2012
- Fitness for Duty and Watch-keeping Directive 2012
- STCW Tribunal Directive 2013
- Seafarer's Accommodation in existing ships Directive 2013

Related Circulars have been issued on the following subjects:

- Maritime Labour Convention 2006 Guidance
- Reporting of Accidents
- Seafarer Medical Certificates
- 2010 Amendments to STCW New Grades of Personnel
- Interactive Application System for Seafarer Documents (IASS)
- Application for Seafarer Documents
- Control of Seafarer Certification by PSC
- Responsibilities of Companies
- Authenticity of Seafarer Documents
- SCV Code

## **The Antigua and Barbuda MLC Inspection System**

For Antigua & Barbuda registered ships to which the MLC applies, the Antigua & Barbuda Department of Marine Services and Merchant Shipping (ADOMS) is the “Competent Authority” as defined in Article II(a) of the MLC and is responsible for implementing Antigua & Barbuda’s obligations under the MLC.

In accordance with the MLC Regulations the following inspections are carried out:

- Those in order to certify Antigua & Barbuda registered ships of 500 gross tonnage or over engaged in international voyages pursuant to the requirement of MLC 5.1.3/6. These are conducted by Recognized Organizations.
- Those of vessels less than 500 gross tonnage operating commercially.

There are presently no recruitment and placement services based in Antigua & Barbuda pursuant to the requirement of MLC A1.4/2.

Inspections may also be carried out under the following circumstances:-

- Antigua & Barbuda registered vessels worldwide to which the MLC applies where a complaint has been made.
- Foreign Flag vessels to which the MLC applies in Antigua & Barbuda waters subject to a Port State Control (PSC) Inspection (MLC 5.2.1).
- Foreign Flag vessels to which the MLC applies in Antigua & Barbuda waters where a complaint has been made (MLC 5.2.2).

ADOMS utilizes Inspectors from the following Recognized Organizations (ROs) to conduct inspections:

- American Bureau of Shipping
- Bureau Veritas
- China Classification Society
- Class NK
- DNV GL
- Korean Register
- Lloyds Register
- Registro Italiano Navale
- Russian Maritime Register

These organizations utilize exclusive surveyors who have been trained to carry out MLC inspections in accordance with the requirements of MLC A5.1.4 and MLC B5.1.4. The performance of these recognized organizations is monitored by occasional auditing by ADOMS with preliminary audits having been conducted during 2014.

Inspections are conducted for each registered ship to which MLC applies at intervals not exceeding 3 years in compliance with MLC A5.1.4/4.

### **Inspections conducted in 2015**

Antigua & Barbuda registered ships were inspected as follows:

310 Inspections of the following types were conducted by Recognized Organizations on behalf of ADOMS

| Initial | Renewal | Additional | Interim | TOTAL      |
|---------|---------|------------|---------|------------|
| 202     | 5       | 16         | 87      | <b>310</b> |

### Deficiency and Observation categorization

| MLC Regulation | Deficiencies and Observations |
|----------------|-------------------------------|
| 1.1            | -                             |
| 1.2            | <b>5</b>                      |
| 1.3            | -                             |
| 1.4            | <b>2</b>                      |
| 2.1            | <b>21</b>                     |
| 2.2            | <b>1</b>                      |
| 2.3            | <b>16</b>                     |
| 2.4            | <b>1</b>                      |
| 2.5            | -                             |
| 2.7            | -                             |
| 3.1            | <b>29</b>                     |
| 3.2            | <b>18</b>                     |
| 4.1            | <b>8</b>                      |
| 4.2            | <b>1</b>                      |
| 4.3            | <b>5</b>                      |
| 4.5            | <b>1</b>                      |
| 5.1.1          | <b>1</b>                      |
| 5,1,3          | <b>2</b>                      |
| 5.1.5          | <b>5</b>                      |
| <b>TOTAL</b>   | <b>116</b>                    |

It is encouraging that with more inspections carried out than in the previous year there was a reduction in deficiencies and observations with 4.3 – Health and Safety and 2.4 Wages being areas with a good reduction. Unfortunately 2.3 Hours of Rest and 3.2 Food and Catering have not seen a corresponding improvement.

#### Foreign Flag Vessels were inspected as follows:

Port State Control Inspections were conducted in Antigua on 40 foreign flag vessels with 30 MLC related deficiencies being raised; 11 of these deficiencies related to Working and Living conditions. 6 of these deficiencies related to Hours of Rest recording and monitoring. Whilst this is an improvement over the previous year there were still cases where hours of rest recorded by electronic systems do not calculate compliance correctly. Often the use of any 24 hour period is not fully understood. The Caribbean MOU conducted a concentrated Inspection Campaign on Hours of Rest from 1<sup>st</sup> September to 30<sup>th</sup> November 2015. SEA's and DMLC part II's were also found having an incorrect or missing name and address of the ship-owner in 10 cases. The remaining 3 cases involved expired MLC certificates and medical certificates not signed by the seafarer.

#### **Seafarers**

During 2015 flag state endorsement of certification for 5104 Seafarers at the management level and 1815 Seafarers at the operational level was undertaken.

At the end of 2015 there were:

- 11,480 seafarers holding a valid Antigua & Barbuda endorsement at the management level
- 3,785 seafarers holding a valid Antigua & Barbuda endorsement at the operational level and
- 22,245 seafarers without any Antigua & Barbuda endorsement but as holding valid rating certificates at the support level or others (e.g. cook, cadets, OS)
- 8 fatalities to Antigua & Barbuda Seafarers serving on board Antigua & Barbuda flagged vessels, 28 serious injuries were reported, as were 5 injuries.
- There were also 2 apparent suicides on board Antigua & Barbuda flagged vessels
- 9 Crew complaints were received regarding Antigua & Barbuda flagged vessels concerning wages (5), wages and living conditions (1), Contract of employment (2) Seaman's Documentation (1) these were satisfactorily dealt with although two of the wage disputes did not result in full payment of expected amount and one has still to be finally settled.
- 4 Tribunal hearings were undertaken for 4 Seafarers related to incidents in 2014 including 2 for intoxication and 2 for failure to maintain a safe navigational watch; which resulted in various restrictions in the issuance of Antigua & Barbuda endorsements to the seafarers concerned.

The first comments of the ILO supervisory body on effective implementation of the MLC are being reviewed and acted on with a view to giving a detailed reply as requested in 2016