

UK Implementation of the Maritime Labour Convention 2006

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| Lead department | Department for Transport |
| Summary of measure | UK implementation of the Maritime Labour Convention (MLC) 2006, covering new regulations on survey and certification and minimum requirements for seafarers and amended regulations, such as on hours of work and health and safety. |
| Submission type | Post-implementation review (PIR) |
| Review date | 13th October 2019. |
| Department recommendation | Keep |
| RPC reference | RPC-DfT-5145(1) |
| Opinion type | Formal |
| Date of issue | 4 February 2022 |

RPC opinion

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| Rating¹ | RPC opinion |
| Fit for purpose | The recommendation of the PIR to 'keep' the Regulations is supported by the evidence and analysis presented. The Department has provided a well-presented and proportionate review of the regulations. There are some areas, outlined below, where the PIR could be improved. |

¹ The RPC opinion rating is based on whether the evidence in the PIR is sufficiently robust to support the departmental recommendation, as set out in the [better regulation framework](#). The RPC rating will be fit for purpose or not fit for purpose.

RPC summary

| Category | Quality | RPC comments |
|-------------------------------|---------------------|---|
| Recommendation | Green | The Department has provided sufficient analysis and evidence to support the recommendation. |
| Monitoring and implementation | Satisfactory | The PIR provides a proportionate review of the impact of the regulations, addressing the key requirements for 'very low' or (in the case of crew accommodation) 'low impact' measures. The PIR uses an appropriate level and range of evidence. |
| Evaluation | Satisfactory | The PIR addresses the extent to which policy objectives have been achieved and explains how unintended consequences have been addressed. The PIR would benefit from a further focus on the crew accommodation measure and impacts on small business vessel operators. |

Summary

The Maritime Labour Convention (MLC) 2006 covers international obligations on the employment, living and working conditions of seafarers on ships in scope of the Convention. The UK implemented the MLC using five statutory instruments. Two of these focused on survey and certification and minimum requirements for seafarers. The other three amended existing regulations relating to hours of work, health and safety and made other minor amendments. These measures were covered by nine impact assessments (IAs), although only one of these had significant monetised impacts. The individual measures and associated IAs are summarised at Annex B(i) and B(ii) of the PIR, respectively.

Recommendation

The recommendation to ‘keep’ the regulations is supported by the analysis and evidence presented in the PIR. The Department has provided a well-presented and proportionate review of the regulations. There are some areas, outlined below, where the PIR could be improved.

Monitoring and implementation

Proportionate

The RPC considers that the PIR is a proportionate review of the impact of the regulations. Only the crew accommodation measure had an EANDCB above the ‘low-impact’ EANDCB threshold of £5 million to £10 million in the RPC proportionality guidance.² The PIR addresses the main elements set out in the RPC guidance for a measure of this level of impact. These include a ‘light-touch’ consultation and research but with evidence from key stakeholders and consideration of unintended consequences.

Range of evidence

The PIR uses an appropriate range of evidence. It draws upon three main data collection or research methods: a stakeholder workshop, with presentations and facilitated discussion (a list of invited stakeholders and a summary of discussion are provided at Annexes A and D, respectively); a questionnaire to seafarer and shipowner representatives (Annex C); and review of survey and inspection statistics (Annex E). Although the Department reports that the UK has implemented the minimum MLC requirements, it appears that ‘substantial equivalence’ allows for discretion in how to do this. The PIR could, therefore, still benefit from proportionately reviewing implementation in other countries to inform this analysis.

The PIR would benefit from proportionately addressing the impact of EU Directives implementing the MLC, to the extent that they placed any additional burdens on the UK as an EU Member State above the MLC standards.

² <https://www.gov.uk/government/publications/proportionality-in-regulatory-submissions-guidance> (page 16)

Evaluation

Policy objectives considered

Feedback from the questionnaire and stakeholder workshop indicates that the policy has met its objectives. The analysis of statistical evidence, such as on ship deficiencies, also indicates that the UK legislation has been an effective way of ensuring compliance with the MLC requirements.

Given that the crew accommodation measure accounts for the majority of the costs of the regulations (£6.2 million per year, out of £8.7 million), the PIR would benefit from a slightly greater focus on this measure. Within this, the RPC understands³ there is one aspect of this measure where UK legislation goes beyond MLC requirements, relating to the size of mess rooms. Although the IA explained why any costs were likely to be negligible, the PIR would benefit from discussing specifically the impacts of this discretionary element of the regulations.

Unintended effects

The PIR explains that the continuous review of the convention and the UK's implementation has identified unintended consequences, which have resulted in amendments to the legislation. The PIR describes how concerns in relation to sick pay and the provision of food and catering on board have been addressed through amendments to the regulations (pages 3 and 8). The PIR would benefit from reporting any early information on how far the amendments to the legislation have been successful in addressing the unintended consequences.

The PIR reports a summary of the stakeholder workshop at Annex D and this identifies some issues that will be taken forward, such as in relation to fishing vessels undertaking guard ship duties.

Original assumptions and impact on small businesses

The PIR helpfully brings together and reports the cost estimates from the original IAs, in both summary, tabular form (pages 10 and 24-27) and in more individual detail (pages 16-23).

The PIR could discuss further the assumption of the number of UK registered vessels as a proxy for UK businesses in the original assessments, given that this would also include UK flagged vessels registered by EU/EEA physical and legal persons. The PIR could also discuss further the substantial reduction in UK fleet size in recent years (as presented in Annex E) and its impact on the number of deficiencies reported in 2019.

³ As noted in the RPC opinion RPC11-DfT-0874(3) '*Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations 2013*', 30 July 2013.

As the regulations implement an international obligation, the Department was not required to undertake small and micro business assessments at implementation stage (and, in addition, all but one of the measures fall below the current cost threshold for this framework requirement). However, the PIR would benefit from providing feedback from any smaller businesses to inform how far the Maritime and Coastguard Agency's work with smaller vessel operators to establish "*...pragmatic standards through the use of substantial equivalence*" (page 5) has been successful in minimising burdens on them. More generally, the PIR would benefit from describing how its consultation and research reached small business vessel operators (e.g. by providing additional information on the list of delegates at the stakeholder workshop at Annex A).

Improvements or alternatives considered

As noted above, the PIR explains that the MLC and its UK implementation are reviewed continuously and that this has resulted in amendments to the legislation. The PIR would benefit from providing some additional information on how some of the issues identified in the stakeholder workshop will be taken forward, in particular explaining the actions the Department expects to take and when they would take effect.

Regulatory Policy Committee

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