

	GOVERNMENT OF ANTIGUA AND BARBUDA	Document	Circ. 09-001-2012
	DEPARTMENT OF MARINE SERVICES AND	Revision	0
	MERCHANT SHIPPING (ADOMS)	Page	
	Circular 09-001-2012 Preparations for the Maritime Labour Convention 2006	Reference	MLC 2006

Circular letter to:

**Companies having registered their ships under the flag of Antigua and Barbuda W.I.
Ships registered under the flag of Antigua and Barbuda W.I.
Authorised Recognised Organisations (ROs)**

Introduction

Antigua and Barbuda ratified the Maritime Labour Convention 2006 in August 2011 and completed a set of regulations to give effect to it. The administration also sent out Information letters 003-2011, 005-2011, and 006-2011 as well as an advice note to recognised organisations (CAN 002-2011). Since that guidance was published a number of changes have been made and this Circular is intended to bring the published information for shipowners, seafarers and recognised organisations up to date with the current position at April 2012.

Accordingly the following are cancelled from the date of this Circular and replaced by this Circular.

- Information letter 003-2011.
- Information letter 005-2011.
- Information letter 006-2011. and
- Class Advice Note 002-2011.

The Maritime labour Convention is fully open to Port State Control and it is to be expected that Port State Control Authorities will seek to carry out inspections once it is in force. The MLC, however, differs from other maritime conventions in that the standard to be enforced is that which is set out in the flag state's national legislation not that described in the MLC. The flag state's legislation is required to interpret and give effect to the requirements of the MLC. Therefore the Declarations of Maritime Labour Compliance Parts I and II are of critical importance.

Part I states in simple form the requirements of national law, Part II states the measures that the shipowner has adopted on board to actually give them effect. It is effectively these two documents that will form the inspection standard for the issue of a Maritime Labour Certificate or for any PSC or other inspection.

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Application

The MLC applies to all seafarers (Article II.2 MLC), and to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities (other than fishing vessels and similar and primitive vessels). (Art II.4 MLC.) That means that the MLC is applicable to vessels of under 500 GT as well as to larger vessels and it applies to, for example, small cargo ships under 500 GT certificated under the Caribbean Code of Safety for Caribbean Cargo Ships and to SCV vessels operating in the Caribbean area. There are no exceptions.

Legislation changes

The Antigua and Barbuda Merchant Shipping (Maritime Labour Convention 2006) regulations 2011 were made in July 2011. Since those regulations were made a considerable amount of further information and feedback from customers and from recognised organisations has been received. This has highlighted the fact that changes might be needed to provide better clarity and assistance for shipowners to implement the regulations and the Convention and that it would be valuable to modify the regulations. A review was carried out and as a result a new set of regulations, the Merchant Shipping (Maritime Labour Convention 2006) regulations 2012 are being made. These new regulations will replace the 2011 regulations shortly and will appear on the website as soon as possible.

The regulations do not make any substantive changes to the requirements; instead they expand on the detailed requirements of the Convention in areas where the 2011 regulations had insufficient detail. To reflect the expanded guidance in the new regulations, the Declaration of Maritime Labour Compliance Part I has been re-drafted to be of more assistance to owners.

The 2012 regulations also clearly state a number of substantial equivalences that have been agreed as allowed by Article VI of the Convention. These are also included in the text of the DMLC Part I and therefore will not normally be required to be completed separately on the certificate.

The current Merchant Shipping Act 2006 is presently being amended to remove the requirements for Crew Articles and other prescriptive elements that do not follow the MLC standards. Ships that comply with the Merchant Shipping (Maritime Labour Convention 2006) Regulations will not have to carry and use a crew agreement as the Seafarer Employment Agreement required by the MLC supersedes this system.

Certification for the MLC

The Maritime Labour Convention, MLC, requires all ships of 500 GT or more to carry a Maritime Labour Certificate. Carriage of a certificate is not mandatory for vessels of less than 500 GT but such a certificate can be issued on a voluntary basis if requested.

Whether certificated or not, all ships trading internationally must comply with the MLC when it comes into force.

ADOMS therefore recommends that operators of vessels of less than 500 GT should apply voluntarily for a certificate of compliance when they have made arrangements to comply in order to reduce the potential for problems with PSC.

For vessel of less than 200 GT not engaged in international voyages the MLC allows the flag state to adopt a different approach and ADOMS will advise the operators of such ships in due course of the requirements.

Maritime Labour certificate

A Maritime Labour Certificate is in three parts:

1. The actual certificate,
This looks very similar to any standard ship's statutory certificate and states the ship's details, the fact that the ship complies, and the dates of inspections and validity. It will normally be valid for 5 years.
2. The Declaration of Maritime labour Compliance Part I. (DMLC Part I)
This is an integral part of the Maritime Labour Certificate and must be attached to it. It is prepared by the flag state and states in simple terms the content of the flag state's laws that give effect to the Convention. It is the reference source for inspectors both for certification and for inspection.

A copy of the text of the Antigua and Barbuda DMLC Part I is attached at Appendix I for reference.

3. The Declaration of Maritime Labour Compliance Part II. (DMLC Part II)
This is issued in blank form by the flag state and completed by the shipowner for each ship. Like the Part I it is an integral part of the certificate and must be attached to it. It states in brief detail the measures that are in place in that ship and within that Company, to give effect to the 14 key measures of the Convention set out in the DMLC Part I.

A copy of the DMLC Part II in "Word" format for completion by the shipowner is available on the website or directly from ADOMS.

In completing the DMLC Part II shipowners should be guided by the sample in Appendix B5-1 to the MLC where illustrations showing how it should be completed are given.

Definition of "seafarer"

The MLC defines seafarer to include:

"any person who is employed or engaged or works in any capacity on board a ship"

This definition, unlike some previous legislation on crewing matters, includes the ship's master. It is recognised, however, that some persons working on board, such as pilots cannot readily be

covered by the requirements of the Convention given the nature of their work on board. Accordingly the ILO adopted Resolution VII which gives some guidance on interpretation.

Using this guidance, for Antigua and Barbuda ships, the term seafarer in the regulations should be taken to include the master and everyone working on board including shopkeepers, resident entertainers, hairdressers and similar persons BUT:

“Seafarer“ does **NOT APPLY** to persons whose work is not part of the routine business of the ship **and** whose principal place of business is ashore, for example, marine professionals such as harbour pilots, deep sea pilots, inspectors, superintendents, scientists, researchers, divers, specialist offshore technicians, and special purposes personnel.

NOT INCLUDED in the definition of seafarer are those persons working on a ship on an occasional and short term basis such as specialist fitters, guest lecturers, repair technicians, surveyors and port workers.

In any case of doubt as to whether or not a particular person is a “seafarer“in terms of the MLC regulations the final determination will be made by ADOMS.

Completing the DMLC Part II

The amount of detail to be included in the DMLC Part II may vary depending on the processes that are adopted by each shipowner to give effect to the requirements. Where the requirements are given effect in the ship’s Safety Management System or in another Quality Management System for example, then references to the detailed requirements in those systems will suffice. Where the methods of meeting the requirements are not set out elsewhere, then a more complete entry for the DMLC Part II as suggested in the Appendix to the Convention will be needed. Whichever way it is approached the requirement is that an auditor should be able to verify the arrangements in place to give effect to all the requirements stated in the Part I.

The implementation of the MLC is closer to the process for ISM than to the process for IMO Conventions and there are many areas where the regulations do not give precise instructions or exact requirements. For example, Title 3 of the MLC which deals with seafarer accommodation specifies that

“Appropriate seafarer’s recreational facilities, amenities, and services, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 and the associated code provisions on health and safety protection and accident prevention.”

The non-mandatory Part B of the Convention provides more detail on this subject and indicates that recreational facilities should be reviewed regularly and include as a minimum a bookcase, and facilities for reading and writing and, where practicable, playing games. It also suggests that consideration should be given to a range of other facilities, “where practicable”. The Antigua and Barbuda regulations incorporate Part B of the MLC for this area.

ADOMS has not, at this time, developed a precise set of prescriptive requirements for these aspects believing that the principles of the MLC are clear and that it is for each shipowner to set

out his approach to meeting the requirements in his DMLC Part II and for the inspector making the assessment to ascertain if they adequately meet the requirements and the intent of the Convention. ADOMS is of the view that a prescriptive set of regulatory requirements on standards such as these for A&B ships at this time would not be helpful.

However, it will in the future look at a number of areas where accepted Unified Interpretations can be developed with a view to supporting such interpretations in order to facilitate owners and develop standards for these in line with internationally agreed standards when they emerge.

Arrangements for inspection and certification

In common with the IMO Conventions the recognised organisations (ROs) normally recognised by Antigua and Barbuda will be authorised to carry out the inspections and certification for MLC. The Convention requires that the Administration assess the capability of each RO to which delegation is to be given to fulfil the MLC requirements and this process is nearly complete. It is intended that before certification becomes mandatory all the ROs recognised by Antigua and Barbuda will have received their formal authorisation to conduct MLC inspections and issue certification.

As with surveys for other statutory certificates, shipowners should contact their Classification Society for MLC certification.

Policy advice and interpretations will be provided by ADMOS at St. John's.

Copies of the standard DMLC Part I are being sent separately to each recognised organisation so that they will have this as a reference when contacted for inspection and certification.

Process for certification

ADOMS encourages shipowners to take the option for early compliance and it is anticipated that as the implementation date becomes closer there will be a heavy demand on the services of the ROs and actual certification could, as a result, be delayed. To avoid this ADOMS would strongly recommend early compliance on a voluntary basis.

This can be done at any time before the Convention comes into force and once completed will result in the issue of a Statement of Compliance. Once the Convention is in force, the Statement of Compliance can be upgraded directly to a Maritime Labour Certificate.

The process of certification, for either a Statement of Compliance, or, when the Convention is in force, a Maritime Labour Certificate is exactly the same and is as follows:

1. The Shipowner should examine the Convention, the Antigua and Barbuda Regulations and the generic DMLC Part I and assess the degree of compliance for the ship with these requirements.

2. The shipowner should introduce any changes in procedures or systems necessary to ensure compliance and then complete the DMLC Part II.
3. The shipowner should request the issue of a formal DMLC Part I from ADOMS for each ship,
4. The shipowner should request an inspection from the RO appointed for the issue of statutory certificates for the ship.

Although it is, in theory, possible to make the full review and inspection on board at a single visit, it is expected that, except in rare cases, the RO, on receiving a request for inspection, will require a copy of the DMLC Part I, the shipowner's completed DMLC Part II and any necessary supporting documentation such as complaints procedures and crew employment contracts for review and assessment at their offices ashore in advance of the on-board inspection.

Once the Part II and the supporting documentation has been reviewed, and any questions have been clarified and non conformities addressed, the RO will be in a position to complete the on-board inspection to verify the ship's compliance with the arrangements before issuing certification.

Areas where it is not possible to certify compliance before the Convention enters into force

There are some requirements of the Convention which remain uncertain. An example is the requirement for financial security for repatriation in Regulation 2.5.2 in the MLC. It is understood that the P&I Clubs are not currently able to provide this type of cover although it is being closely examined. There may be other alternative ways to meet this requirement and one of the changes made to the MLC regulations has been to widen the requirement from purely P&I Cover to allow other options. However it is accepted that it may not be possible in every case to demonstrate complete compliance in advance of the entry into force date. In a case where this happens there are two options for any RO undertaking an MLC inspection;

1. Complete the inspection and issue a Conditional Statement of Compliance where the condition reflects the requirement that is not yet met. When the missing requirement is met, the shipowner can confirm this with the RO who will be able to issue a full Statement of Compliance that can be immediately exchanged for a full Maritime Labour Certificate on the entry into force date. Or
2. Complete the inspection and issue a Statement of Compliance plus a non-conformity for the missing elements. The corrective action plan for the non-conformity will be to complete the missing element, and once it is closed out the Statement of Compliance will be fully effective until exchanged for a Maritime Labour Certificate on the entry into force date.

The option selected will depend on the internal procedures adopted within each RO.

Seafarer accommodation

The 2012 regulations clarify the application of Director's Directive 01-2008 which applies the two ILO Conventions on accommodation – ILO 92 and ILO 133. These are still the standards applicable to existing ships and the new standards from Title 3 of the MLC will apply only to ships constructed after the date of entry into force for the MLC. Existing ships will, however, require to demonstrate compliance with ILO 92 and ILO 133 and it is recommended that, where ships have not already done so, their owners or managers arrange for an inspection and the issue of a certificate of compliance from the appropriate RO.

Exemptions

The MLC allows very limited options for exemption from Title 3. However exemptions must be agreed in consultation with the seafarer and shipowner's representatives or agreed through the Special Tripartite Committee at the ILO. Both processes are lengthy and uncertain and it is recommended that shipowners arrange for full compliance without seeking to rely on exemptions. It is considered very unlikely that ADOMS will be in a position to consider exemptions.

In any case where an exemption is the only solution, the matter will be referred to the ADOMS head office at St. John's for consideration.

Administration contact

Regulation 5.1.5 of the MLC requires that seafarers are provided with a copy of the on-board complaints procedures which shall include contact details for the competent authority in the flag state. For reference the contact point for Antigua and Barbuda ships to meet this requirement is:

Deputy Director (Technical and Registry Affairs).
ADOMS St. John's.
PO Box 1394 St. John's.
Antigua and Barbuda,
West Indies.

Tel: +1 268 462 1273
Fax: +1 268 462 4358
Email: marineserv@candw.ag

Appendix 1

Text of the Standard Version of the DMLC Part I for Antigua and Barbuda Ships.

Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of the Antigua and Barbuda Department of Marine Services and Merchant Shipping.

With respect to the provisions of the Maritime Labour Convention, 2006 the following referenced ship:

NAME OF SHIP	IMO NUMBER	GROSS TONNAGE

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the **Antigua and Barbuda Department of Marine Services and Merchant Shipping**, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4 are provided under the corresponding national requirements listed below;
- (d) any exemptions granted in accordance with **Title 3** are clearly indicated in the section provided for this purpose; and
- (e) any ship specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age. (Regulation 1.1)

Merchant Shipping (Maritime Labour Convention, 2006) Regulations 2012, Schedule, Paragraph 1.

- a. *Minimum ages are those referred to in the Convention.*
- b. *Night means a period of 9 consecutive hours beginning no later than 21:00 and ending no earlier than 06:00.*
- c. *Young persons may engage in night work where it is part of a recognised training programme.*
- d. *Prohibited work for young persons, unless trained and certificated for that work includes the tasks listed in Guideline B.4.3.10 paragraph 2 of the Code and also hot work, work in enclosed spaces, work outboard or aloft and other work as the Administration may specify from time to time.*

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2. Medical certification. (Regulation 1.2)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 2.

- a. *All seafarers must have a medical certificate.*
- b. *Certificates must conform to the standards in STCW and be issued following the procedures set out in the ILO/WHO Guidelines.*
- c. *Certificates issued by countries that are signatories to the STCW Convention are accepted.*

3. Qualifications of seafarers. (Regulation 1.3)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 3.

- a. *All seafarers whose role on board requires certification or other evidence of training must hold the appropriate certification or evidence of training as set out in the STCW Convention.*
- b. *All seafarers whose positions on board do not require training or certification under the STCW Convention must have received familiarisation training and instruction appropriate to their role on board before taking up their duties.*

4. Seafarer's employment agreements. (Regulation 2.1)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 5.

- a. *Every seafarer must have a current employment agreement which is agreed to in accordance with the conditions set out in Standard A2.1 of the Convention. A CBA may form part of the agreement.*
- b. *The agreement must contain all the particulars listed in Standard 2.1 paragraph 4 of the Convention. In lieu of birthplace the Administration accepts that the agreement may specify nationality as a substantial equivalent.*
- c. *Each seafarer shall receive a statement showing his record of employment on board which may be inserted in his Antigua and Barbuda Seafarer's Book, in a book issued by another administration, or in the form of a certificate provided that it does not contain any reference to quality of work or wages.*
- d. *Minimum notice period is 7 days. Seafarers may terminate an agreement without notice:*
 - i. *on compassionate grounds,*
 - ii. *if the ship is detained in respect of SOLAS or Loadline defects for 30 days or more,*
 - iii. *if the ship is arrested for 30 days or more, or is about to sail to a war zone to which the seafarer does not consent to go.*
- e. *Shipowners may terminate at less than 7 days notice when:*
 - i. *the ship is sold or lost,*
 - ii. *the seafarer is unable to continue to perform his duties due to illness or injury, or*
 - iii. *the seafarer is determined to be incompetent or guilty of a serious disciplinary offence.*

5. Use of any licensed or certified or regulated private recruitment and placement service. (Regulation 1.4).

Merchant Shipping (Maritime Labour Convention, 2006) Regulations 2012, Schedule, Paragraph 4.

- a. *Recruitment services in Antigua must be licensed by ADOMS.*
- b. *Shipowners using recruitment and placement services in countries in which the Convention does not apply shall ensure, as far as practicable, that the services conform to the standards set out in Standard 1.4 of the Convention and shall have evidence that they have taken steps to verify this.*

6. Hours of work or rest. (Regulation 2.3).

Merchant Shipping (Maritime Labour Convention, 2006) Regulations 2012, Schedule, Paragraph 7

- a. *Hours of rest do not include short breaks of less than 1 hour,*
- b. *Every seafarer shall receive the hours of rest specified in Standard A2.3 of the Convention,*
- c. *Mandatory drills and training shall be arranged so as to minimise the disturbance to hours of rest,*
- d. *Hours of rest requirements may be breached in cases of emergency or other overriding operational condition provided that compensatory rest is provided on the conclusion of the situation,*
- e. *Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution, or security duties may be exempted in part from the requirements of rest in Standard A2.3 provided that their rest hours conform to those set out in Chapter VIII of the STCW Convention (as amended in 2010),*
- f. *A table of shipboard working arrangements in the format published by the IMO/ILO is to be posted up. As a substantially equivalent measure in accordance with Article VI of the Convention the Administration accepts that the table may be in a format recognisably similar to the IMO/ILO published format.*
- g. *Records of seafarers daily rest hours shall be maintained in the published IMO/ILO format. As a substantially equivalent measure in accordance with Article VI of the Convention, the Administration accepts that the records may be in an electronic format provided that each seafarer:*
 - i. *has access,*
 - ii. *can obtain a printed copy, and*
 - iii. *is able to endorse his record electronically, and provided that the Master can also endorse the record electronically and the records are in a format recognisably similar to the IMO/ILO format and protected against tampering and available readily to auditors, inspectors and PSC officers.*

7. Manning levels for the ship. (Regulation 2.7)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 11.

- a. *There are to be sufficient seafarers on board to ensure the ship can be operated safely in all conditions,*

- b. *Manning in accordance with the ship's Safe Manning Document is deemed to be sufficient for determining the manning level.*

8. Accommodation. (Regulation 3.1).

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 12.

- a. *Seafarer accommodation is to meet the standards set out in Standard 3.1 paragraphs 6 to 17 of the Convention and the detailed guidance set out in Part B3.1 of the Convention.*
- b. *Seafarer accommodation in ships constructed before the entry into force of the Convention is to comply with the standards set out in ILO Conventions 92 and 133. A certificate of compliance issued by an RO is accepted as demonstrating compliance with ILO 92 and 133.*
- c. *Variations may be allowed in the interests of seafarers having differing and distinctive religious and social practices.*
- d. *The Master is to ensure that inspections are carried out at no more than monthly intervals and that, the inspections are recorded, the records are kept for at least 3 years, that any defects are recorded, and that defects are rectified promptly.*

9. On-board recreational facilities. (Regulation 3.1)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 12.

- a. *Recreational facilities must be provided.*
- b. *The scale and scope of the facilities is to be determined by the shipowner guided by the Guidelines in B3.1.11 of the Convention.*
- c. *Recreational facilities in ships constructed before the entry into force date of the MLC should comply with the standards in ILO Conventions 92 and 133.*

10. Food and catering. (Regulations 3.2)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 13

- a. *Food and drinking water is to be provided of appropriate quality, nutritional value and quantity appropriate for the number of seafarers and the planned duration of the voyage and at no charge to the seafarers.*
- b. *Organisation and equipment for the catering department is to be such that adequate, varied and nutritious meals can be prepared and served in hygienic conditions.*
- c. *If 10 or more crew are on board there must be a qualified cook. A Cook is qualified if he is 18 or more, has attended a cooks training course and holds a certificate, or he has five years service at sea with 4 years as second cook and received appropriate training, or he holds approved qualifications in cookery valid in a commercial cooking establishment.*
- d. *If the manning is less than 10 persons and there is no cook, the person processing food is to be trained and instructed in areas including food and personal hygiene and handling and storage of food. The training should be documented.*
- e. *If the cook is temporarily not available through exceptional circumstances or has had to leave the ship, ADOMS may issue a dispensation for up to one month or until the next port where*

the cook can be replaced provided the person taking over the role has received instruction or training in handling food, storage of food, and hygiene.

- f. *Weekly inspections are to be carried out of food and water, spaces and equipment for storage and handling of food and water, galleys and equipment. Inspections and any deficiencies identified are to be recorded and deficiencies rectified promptly. Records of inspections are to be available for 2 years.*

11. Health and safety and accident prevention. (Regulation 4.3)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 16

- a. *The shipowner, so far as practicable shall,*
 - i. *provide and maintain plant and equipment and systems of work that are safe and without risk to health,*
 - ii. *make arrangements for ensuring safety and the absence of risk to health in connection with the use, handling, storage and transport of articles and substances,*
 - iii. *provide the seafarers with information, instruction, training and supervision as necessary to ensure health and safety,*
 - iv. *maintain all workplaces in a safe and risk free condition, and provide and maintain an environment on board that is safe and without risk to health.*
- b. *The shipowner shall prepare and keep up to date, a written statement of his general policy with respect to health and safety on board and the arrangements for carrying out the policy.*
- c. *Standards and practices are those set out in the ILO Code – accident prevention on board ships at sea and in port 1996, the UK Code of safe Working Practices for Merchant Seamen, and such guidance as ADOMS may publish.*
- d. *A copy of the Code of Safe Working Practices for Merchant Seamen is to be carried on board and may be in electronic form provided that all the seafarers have access to the sections relevant to their roles.*
- e. *The shipowner may not levy a charge for anything done in compliance with this section.*
- f. *All accidents, injuries and diseases occurring on board are to be reported to ADOMS in accordance with ADOMS requirements.*
- g. *When there are five or more seafarers there shall be a safety committee including representatives from all departments on board. The operation of the safety Committee shall be as set out in the Code of safe Working practices.*

12. On-board medical care. (Regulation 4.1)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 14.

- a. *Every seafarer is to be provided whenever practical and where necessary with an opportunity to visit a doctor or a dentist ashore without delay at no cost to the seafarer.*
- b. *The Master is to use the medical report form contained in the International Medical Guide for Ships, or in the Ship Captain's Medical guide or a similar publication to facilitate the medical treatment of seafarers ashore. Records are to remain confidential.*
- c. *The Standards set out in Standard A4.1 paragraph 4 shall apply and the contents of the Annex to the Regulations regarding medical stores and medical training on board are mandatory.*

13. On-board complaint procedure. (Regulation 5.1.2)

Merchant Shipping (Maritime Labour Convention, 2006) Regulations, 2012, Schedule, Paragraph 19.

- a. *There is to be a formal complaints procedure available to all seafarers on board which is designed to resolve complaints at the lowest possible level but which does not prevent a seafarer from making a complaint directly to the Master or to ADOMS if he considers it necessary.*
- b. *Seafarers making a complaint may be accompanied or represented during the procedure,*
- c. *The complaint system must include safeguards against victimisation,*
- d. *The complaint system shall ensure at least that complaints are;*
 - i. *addressed to the head of department or to a superior officer,*
 - ii. *dealt with within 24 hours whenever practicable,*
 - iii. *if not resolved referred to the Master to be dealt with within 3 days,*
 - iv. *recorded,*
 - v. *if not resolved on board, referred to the shipowner or his representative ashore to be resolved within one month.*
- e. *Every seafarer to be provided with a copy of the complaints procedure and with the contact at ADOMS to whom complaints can be referred and the contact details for the maritime authorities in his country of residence.*
- f. *Every seafarer to be provided with the name of a person on board who can provide impartial advice on a confidential basis on a complaint. As a substantial equivalent the Administration accepts that the identity of a position on board can be substituted for the name of a person.*

14. Payment of wages. (Regulation 2.2)

Merchant Shipping (Maritime Labour Convention 2006) Regulations, 2012, Schedule, Paragraph 6.

- a. *Definitions regarding wages are those in the MLC Guidelines B2.2.1 and B2.2.2*
- b. *Payment of wages to be at not greater than one month intervals,*
- c. *Seafarers to receive a monthly statement of wages specifying wages, additional payments, rate of exchange (where payment is made in a currency different from that in the seafarer's employment agreement).*
- d. *Seafarers are to have means to transmit all or part of their earnings to beneficiaries.*
- e. *The rate of exchange for transmission of earnings shall be that published internationally on the day of transmission and charges for transmission shall not exceed the charges levied by the banks making the transactions.*
- f. *The requirements of Guidelines B2.2.2 paragraphs 1,2,3 and 4 shall apply unless overwritten by a CBA.*
- g. *Normal hours for calculating basic pay shall be 48 hours per week and overtime shall be at not less than 1.25 times basic pay rate.*

Name:

Title:

Signature:

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