

~ROUGH TRANSLATION~

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MTP ORDINANCE NO. 3,802, OF NOVEMBER 16, 2022

Regulates the provisions of the Maritime Labor Convention - MLC, 2006, from the International Labor Organization - ILO, enacted by Decree No. 10,671, of April 9 2021 regarding the authorization of recognized organizations, certification of Brazilian ships, operation of recruitment and placement services for seafarers and system for handling complaints on board. (Case No.19966.100610/2021-65).

THE MINISTER OF LABOR AND SOCIAL SECURITY, in the exercise of the attributions assigned to him confer items I and II of the sole paragraph of art. 87 of the Federal Constitution and item V of art. 1st of Annex I of Decree No. 11.068, of May 10, 2021, resolves:

Art. 1st. This Ordinance provides for the necessary requirements for the regulation of the following provisions of the Maritime Labor Convention - MLC, 2006, of the International Labor Organization - ILO, enacted by Decree No. 10.671, of April 9, 2021:

I - recognition of organizations to act in the certification procedures for ships of Brazilian flag;

II - operation of services for recruiting and placing seafarers established in Brazilian territory;
and

III - operation of the system for handling complaints on board, for the purpose of complying with the provisions of the MLC, 2006.

Art. 2nd. For the purposes of applying the MLC, 2006, it is considered:

I - competent authority - the Undersecretary of Labor Inspection of the Department of Labor of the Ministry of Labor and Social Security, to issue and supervise compliance with regulations, orders or other mandatory compliance instructions, regarding matters related to maritime work, including Control by the Flag State and Control by the Port State, under the MLC, 2006;

II - ship - any vessel belonging to a public or private entity, usually intended for commercial activities, excluding vessels engaged in fishing or similar activity, vessels sailing or staying exclusively in inland waters or in waters sheltered, in their vicinity or in areas covered by port regulations, vessels of traditional construction, warships or auxiliary units of the navy, and even fixed offshore drilling units and production, storage and offloading units - FPSO that fly the Brazilian flag;

III - seafarer recruitment and placement service - any natural or legal person dedicated to recruiting and placing seafarers with shipowners or their representatives; and

IV - seafarers - any person who works continuously on board a ship to which the provisions of the MLC, 2006 apply, excluding professionals who work on an occasional basis on board, such as maintenance and repair technicians, scientists, researchers, geologists, auditors, superintendents, shipowners, pilots, port workers and other non-crew professionals.

Single paragraph. Any doubts as to the definition of any other category of workers such as people from the sea or from any other vessel such as a ship, will be clarified by the Deputy Secretary of Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security, after hearing the representations of shipowners and workers.

CHAPTER I RECOGNITION OF ORGANIZATIONS FOR CERTIFICATION PURPOSES

Art. 3rd The certification of ships flying the Brazilian flag and recruitment and placement of seafarers will be carried out by organizations recognized by the Ministry of Labor and Social Security, through the Undersecretariat for Labor Inspection of the Secretariat of Labor, exclusively within the scope of the activities necessary for the issuance of the documents listed in art. 5o.

Art. 4th. The recognition referred to in this Chapter will be granted through the formalization of specific instrument with the interested organization, called the Acknowledgment Agreement, according to the model in Annex I.

§ 1o. From the signing of the Acknowledgment Agreement, the organization will be designated Recognized Organization - RO.

§ 2o. The Recognition Agreement model provided for in the caput follows the guidelines of the Code for Recognized Organizations - RO Code, published through Resolutions MEPC.237(65), of 17 of May 2013, and MSC.349(92), of June 21, 2013, both from the International Maritime Organization.

Art. 5th. The Recognition Agreement will allow the Recognized Organization to issue the following documents, in Portuguese and English, as provided in paragraphs 11 and 12 of Standard A5.1.3 from MLC, 2006:

- I - Maritime Labor Certificate;
- II - Endorsement of the Mandatory Intermediate Inspection Certificate and, if necessary, of other additional inspections;
- III - Additional endorsements;
- IV - Extension of the Maritime Labor Certificate, after carrying out the inspection of renovation;
- V - Provisional Maritime Labor Certificate; and
- VI - Seafarer Recruitment and Placement Service Certification.

§ 1o. The Recognized Organization may issue reports or any other documents relating to certifications completed or in progress.

§ 2o. The models of the documents referred to in items I to V of the caput are contained in Annexes IV to VIII.

Art. 6th. The Recognition Agreement does not remove the prerogative of the Ministry of Labor and Social Security, through the Undersecretariat for Labor Inspection of the Secretariat of Labor and the units decentralized departments of the Labor Inspection, in carrying out the activities authorized therein, as well as any others related to the fulfillment of its attributions as supervisory body of relations of work.

Art. 7th. Organizations interested in requesting authorization to act as a Recognized Organization, under the terms of this Ordinance, they must submit the following documents:

- I - articles of incorporation and internal regulations;
- II - statement with information about its structure, including offices and services located out of its head office;
- III - checklists of items, to guide your personnel responsible for the execution of surveys and inspections related to the requested authorization; and
- IV - stamps or seals used in the approval or authentication of documents, specifying its purpose and meaning, where applicable.

Art. 8th The request for the execution of an Acknowledgment Agreement, by the organization interested party, and the documentation provided for in art. 7 shall be forwarded to the Undersecretary of Inspection of Labor of the Secretariat of Labor of the Ministry of Labor and Social Security, through a protocol in the Electronic Information System - SEI

Single paragraph. The period for analysis will be up to thirty days, counting from the receipt of the of the request by the competent sector, which may be extended in case of need to present of supplementary documents.

Art. 9th. During the execution of the Recognition Agreement, the interested organization must meet the following requirements:

I - technical competence - the organization must perform the services through surveyors and inspectors who are duly qualified, trained, authorized and in sufficient numbers, in order to perform all obligations and activities entrusted to them, within their level of responsibility, according to the following parameters:

a) have the necessary technical knowledge on the relevant aspects of MLC, 2006, including the minimum requirements for work on board, working conditions, accommodation, leisure facilities, food and table service, accident prevention, health protection, medical care, welfare and social security protection;

b) have knowledge of the other provisions of the MLC, 2006, as well as the corresponding national legislation and applicable collective bargaining instruments;

c) have an infrastructure equipped with human and material resources that allows it to perform in a safely and appropriately the activities provided for in art. 3rd, in accordance with the standards established in Code for Recognized Organizations and MLC, 2006;

d) have an administrative structure provided with personnel, management and support capable of organize, direct and supervise the execution of the services provided for in art. 3rd, as well as to attend, to in a timely manner, any request for a survey or inspection anywhere in the national territory; and

e) have a documented system for the education and training of surveyors and inspectors that will perform the services related to the authorization and that allows the continuous updating of their specific knowledge.

II - independence - the Recognized Organization and its surveyors and inspectors shall not participate in any activities that may conflict with your independence of judgment and integrity in relation to certification procedures, according to the following aspects:

a) the Recognized Organization shall not be substantially dependent on a single company as a client to obtain its income;

b) the Recognized Organization may not certify ships and recruitment and placement of seafarer of which you are the owner, designer, manufacturer, supplier of goods materials, or the authorized representative of any such party, of the entity subject to certification.

III - impartiality - the Recognized Organization shall adopt procedures that are uniformly applied to all your customers, preventing your surveyors and inspectors from suffer any pressures that may influence their assessment when carrying out the procedures of certification;

IV - integrity - the Recognized Organization must have its performance based on principles of ethical behavior, which should be contained in a Code of Ethics, which should explain the responsibility inherent in the delegation of authority received, in order to guarantee an adequate performance in the execution of services; and

V - responsibility - the Recognized Organization must present a document where they are clearly defined attributions and responsibilities of each sector and position.

Art. 10th. The Recognition Agreement will be valid for up to five years and may be renewed at the end of that period, upon application by the interested party.

Art. 11th. If one of the parties is not interested in renewing the Acknowledgment Agreement, as well as in the event of early termination of the authorization, the party must notify the other party and to certified companies at least six months in advance.

Single paragraph. In the case of the caput, the certificates issued will remain valid for a thirty days after the expiration or termination date of the Acknowledgment Agreement.

Art. 12o. The Ministry of Labor and Social Security, through the Undersecretariat for Inspection of work of the Secretariat of Labor, may terminate the Recognition Agreement upon finding one of the following situations practiced by the Recognized Organization:

- I - failure to comply with any of the requirements set forth in art. 9th; or
- II - breach of any of the obligations arising from the Acknowledgment Agreement.

§ 1st. In the case of item II of the caput, prior to the termination process, the Undersecretary of Labor Inspectorate of the Department of Labor of the Ministry of Labor and Social Security shall notify the Recognized Organization, informing the irregularities found and requesting corrections required within the specified period.

§ 2nd. The termination of the Acknowledgment Agreement will be preceded by an administrative process established by the Undersecretariat for Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security, guaranteeing the contradictory and ample defense, and will be published on the gov.br portal.

§ 3rd. The termination of the Acknowledgment Agreement will imply the loss, within a period of one hundred and twenty days of the validity of the certificates issued.

Art. 13th. Regularly valid certificates issued by the Recognized Organization will automatically lose their validity in the following circumstances:

- I - when the renewal inspections are not completed within the deadlines specified in the paragraph 2 of MLC Standard A5.1.3, 2006;
- II - when they are not endorsed in accordance with the provisions of paragraph 2 of the Rule MLC A5.1.3, 2006;
- III - when the ship changes its flag;
- IV - when the shipowner fails to assume responsibility for the operation of the ship; and
- V - when substantial changes are made to the structure or equipment to which it refers to Title 3 of the MLC, 2006.

CHAPTER II

PROCEDURES FOR THE INITIAL CERTIFICATION OF VESSELS FLYING BRAZILIAN FLAG

Art. 14th. The certification process for ships flying the Brazilian flag will start with the request, addressed to the Undersecretariat for Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security, issuing the Declaration of Maritime Labor Compliance - Part I, with versions in Portuguese and English, pursuant to paragraph 12 of Standard A5.1.3 of the MLC, 2006, and whose model in Annex II.

§ 1o. The request referred to in the caput must be made through a protocol at the SEI, and must contain the e-mail address of the interested party.

§ 2o. In the request, the name of the ship for which certification is sought must be informed, its International Maritime Organization registration number - IMO number and its gross tonnage.

Art. 15th. The Undersecretariat for Labor Inspection of the Labor Secretariat of the Ministry of Work and Social Security will have a period of ten working days, counting from the receipt of the process by the Division of Inspection of Port and Waterway Work, to issue the declaration referred to in the caput of art. 14th. And forward it to the email address provided in the request.

Single paragraph. The period provided for in the caput may be extended if it is necessary to send supplementary documentation by the administrator.

Art. 16th. In possession of this declaration, the shipowner must prepare the corresponding Part II of the Declaration of Maritime Labor Compliance in Portuguese and English, in the form of the Annex model III, where it should identify the measures taken to ensure the ship's permanent compliance with in relation to the requirements stipulated in Part I, in addition to others that it may adopt with a view to the effective implementation of the MLC, 2006.

Art. 17th. Once Part II of the Declaration of Maritime Labor Compliance has been prepared, the shipowner must apply to an organization recognized by the Ministry of Labor and Social Security, through the Secretariat for Labor Inspection of the Secretariat of Labor, the initial inspection necessary for its respective certification and the issuance of the corresponding Maritime Labor Certificate.

CHAPTER III

REQUIREMENTS FOR THE OPERATION OF RECRUITMENT AND PLACEMENT SERVICES

Art. 18th. Any seafarer recruitment and placement service may only operate in the national territory after being duly certified by an organization that has signed an Agreement of Recognition with the Ministry of Labor and Social Security, through the Undersecretariat for Inspection of the Work of the Secretariat of Labor, under the terms of this Ordinance.

Art. 19th. Recruitment and placement services shall comply with the requirements of MLC Regulation A1.4, 2006, national law and collective bargaining agreements and agreements relating to the recruitment and placement of workers, ensuring that seafarers do not submit, in any in any way, to:

I - any discriminatory practice that may impede or impede their recruitment, placement or hiring, or even harm your employment relationship; and

II - requirement of any payment, direct or indirect, of fees or other related charges your recruitment and placement, or your employment.

Single paragraph. The expenses with issuing travel visas will be borne by the visa holder services responsible for hiring seafarers.

Art. 20th. Seafarer recruitment and placement services operating in the territory national must:

I - keep a complete and up-to-date record of professional information relating to seafarers covered by its recruitment and placement system, in compliance with Law No. 13,709, of August 14, 2018;

II - keep an updated record of the ships to which it supplies or has supplied, in the last five years, labor of seafarers;

III - make sure that seafarers are informed of their rights and duties set forth in collective agreement or convention and employment contract, before or during the hiring process;

IV - allow seafarers to examine their employment contracts before signing and receive a copy of the respective contract;

V - make sure that the employment contracts are in compliance with the legislation and with applicable collective bargaining agreements and agreements;

VI - examine and respond to any complaints about its activities and inform the Undersecretary of Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security on all unresolved complaint, through the SEI; and

VII - establish a protection system, through insurance or other equivalent measure appropriate, in order to compensate seafarers for financial losses they may incur due to non-compliance with the MLC, 2006, the employment contract, or the collective bargaining agreement or convention work by the service provider responsible for hiring them.

Single paragraph. The records mentioned in items I and II of the caput must remain at disposal of the Labor Inspectorate.

Art. 21th. Seafarer recruitment and placement services shall develop and maintain formalized operating practices that meet the following conditions:

I - possibility of seafarers being contacted at any time, for situations extraordinary;

II - free and effective means of providing information to family members of seafarers shipped;

III- procedures to avoid any form of exploitation of seafarers, related to with the anticipation of wages or other financial transactions; and

IV - guarantees that seafarers are informed in detail about all activities for which it is being contracted and the internal rules of the service provider responsible for your appointment.

CHAPTER IV COMPLAINT PROCESSING SYSTEM ON BOARD

Art. 22nd. Every ship flying the Brazilian flag must adopt procedures on board to a fair, effective and agile processing of complaints from seafarers regarding non-compliance with the provisions contained in the MLC, 2006.

Art. 23rd. The shipowner must provide the seafarers, together with a copy of the work, a copy of the procedure adopted for dealing with complaints on board.

Art. 24th. Every ship shall keep on board a record of the complaints received, as well as the measures taken in relation to each.

§ 1st. The record referred to in the caput may be kept in physical or electronic media.

§ 2nd. A copy of the registered complaint must be provided to the complainant.

Art. 25th. The complaints procedure on board must observe, at least, the following:

I - establish a maximum period for handling complaints;

II - complaints must be directed, preferably, to the head of the section to which the seafarer;

III - the designation of a person on board the ship who will be able to guide the seafarers in their grievances, confidentially and impartially;

IV - if the complaint is not dealt with within the established period, the complainant may forward it directly to the ship's master;

V - the claimant shall have the right, at all stages of the procedure, to be accompanied or represented by another seafarer of his choice;

VI - if the complaint is not resolved on board within the period referred to in item I, the shipowner ashore should be communicated, with the purpose of finding a solution;

VII - all steps relating to the processing of a complaint must be included in the record of complaint; and

VIII - disclosure of the official channels of contact with the Ministry of Labor and Social Security.

§ 1st. The possibility of seafarers making complaints directly to the master, the shipowner, its representative entity, the Undersecretariat for Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security, to the decentralized units of Inspection of Labor or port State authorities.

§ 2nd. The procedures for dealing with complaints on board may be established by collective bargaining agreements or agreements.

Art. 26th. Any discriminatory or harassing practice of seafarers is prohibited due to the filing of complaints.

Single paragraph. The procedure referred to in art. 25th. should include safeguards against possibility that seafarers suffer any discriminatory practice that may limit or jeopardize your employment relationship as a result of having filed a complaint.

Art. 27th. The record of complaints on board must be kept available to the Labor Inspectorate.

CHAPTER V FINAL AND TRANSITIONAL PROVISIONS

Art. 28th. The Undersecretariat for Labor Inspection of the Labor Secretariat of the Ministry of Labor and Social Security will publish on its website the updated list of recognized organizations seafarers, as well as recruiting and placement services for certified seafarers.

Art. 29th. It is incumbent upon the Undersecretariat for Labor Inspection of the Labor Secretariat of the Ministry of Labor and Social Security resolve doubts and any controversies regarding the application of the provisions of this Ordinance.

Art. 30th. One hundred and eighty days are extended, from the publication of this Ordinance, the deadlines provided for in art. 2 of MTP Ordinance No. 994, of December 23rd., 2021.

Art. 31st. MTP Ordinance No. 994, of December 23, 2021, is revoked on July 1st., 2023.

Art. 32nd. This Ordinance comes into effect on the date of its publication.

JOSÉ CARLOS OLIVEIRA

ANNEX I

RECOGNITION AGREEMENT SIGNED BETWEEN THE MINISTRY OF LABOR AND SOCIAL SECURITY AND (RECOGNIZED ORGANIZATION - OR)

This Agreement is entered into in accordance with the provisions of Ordinance XXX of the Ministry of Labor and Social Security that regulates provisions of the Maritime Labor Convention - MLC, 2006, between the UNION, in this Act represented by the Undersecretary of Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security, and (RECOGNIZED ORGANIZATION, CNPJ, address), hereby represented by Mr. (Name and Full Qualification of the legal representative of RO), hereinafter referred to as RECOGNIZED ORGANIZATION - RO, in order to authorize this RO to act within the limits of this Agreement.

1. PURPOSE

1.1 The purpose of this Agreement is to authorize the company (RECOGNIZED ORGANIZATION) to act in the certification of ships flying the Brazilian flag and services for recruiting and placing seafarers established in Brazilian territory, as provided for in the Maritime Labor Convention - MLC, 2006, of the International Labor Organization - ILO, enacted by Decree No. 10.671, of April 9, 2021.

1.2 Recognition includes the provision of services, hereinafter referred to as SERVICES, relating to document analysis and on-board inspections, as well as the respective issuance of certificates, their endorsement or extension, and reports or any other document attesting that the working and living conditions of seafarers on the ship have been inspected and meet the requirements of MLC, 2006, national legislation and applicable collective work instruments. The conditions in which the SERVICES shall be provided are set out below.

2. GENERAL CONDITIONS FOR PERFORMING THE AUTHORIZED SERVICES

2.1 The SERVICES shall be carried out in accordance with the provisions of MLC, 2006, in conjunction with the legal and regulatory provisions provided for in the Brazilian legal system, and with the current collective work instruments.

2.2 The SERVICES must be conducted by RO representatives.

2.3 The SERVICES provided for in this Agreement shall be performed in a timely and satisfactory.

2.4. The RO is authorized, under the terms of this Agreement, to:

a) review documents, inspect any facilities on board and interview workers when necessary to prove compliance with the requirements established in MLC, 2006;

b) review any documents from the seafarer recruitment and placement services, when necessary to prove compliance with the requirements established in MLC, 2006;

c) issue, endorse or extend the certificates referred to in art. 5th. of Ordinance XXX of the MTP which regulates provisions of MLC 2006, attesting that the living and working conditions on board the seafarers, as well as the conditions relating to their recruitment and placement, when carried out by services in operation in Brazil, satisfy the principles and rights provided for in MLC, 2006;

d) require assessments, tests or corrective actions to be carried out when deficiencies in the seafarers' living and working conditions on board, in order to prove compliance with the requirements established at MLC, 2006;

e) require corrective actions to be carried out when deficiencies in actions and methods are verified operational services for the recruitment and placement of seafarers, in order to prove the compliance with the requirements established in the MLC, 2006, in the corresponding national legislation and in the applicable collective work instruments; and

f) cancel the validity of a certificate, if it is proven that the certified entity has ceased to comply with and take any corrective action in relation to the requirements set out in MLC, 2006, in corresponding national legislation and applicable collective labor instruments.

3. EXECUTION OF AUTHORIZED SERVICES

3.1 The RO shall, during the term of this Agreement:

a) keep updated with the Undersecretariat for Labor Inspection of the Secretariat of Labor of the Ministry of Labor and Social Security - SIT all documentation relating to its articles of incorporation, internal regulations, structure, including offices and agencies located outside its headquarters, and relationship of its administrative and technical personnel, with their respective functions;

b) issue certificates, endorsements, inspection reports and other documents related to the MLC, 2006 in Portuguese and English, and certificates and endorsements must be issued in Brazilian territory and be signed by Brazilians, qualified and residing in Brazil;

c) keep records of the SERVICES provided by it, within the scope of this Agreement, in files made available to SIT;

d) keep the theoretical and practical knowledge of its inspectors up to date, with regard to to the provisions of the MLC, 2006, the corresponding national legislation and the collective instruments of applicable work.

e) provide access to the Labor Inspectorate to its corporate labor control systems inspections and issue of certificates;

f) make available to SIT, until the 10th (tenth) day of each month, a list of certificates, reports and other documents issued in the previous month, by vessel or personnel recruitment and placement service from the sea;

g) communicate to SIT, within 24 (twenty-four) hours, the cancellation of any certificate, endorsement or other document issued pursuant to this Agreement, stating the reasons for such procedure;

h) inform the cancellation of the validity of any certificate, when the ship is in the abroad, to the Port State Control Authority - Port State Control; and

i) provide SIT, whenever requested, with the information necessary for the effective implementation and MLC application control, 2006 in Brazil.

4. AUTHORIZATION SUPERVISION

4.1 SIT may carry out audits on the RO in order to verify its compliance with the procedures and requirements necessary for the execution of the SERVICES provided for in this Agreement.

5. REMUNERATION

5.1 The remuneration for the SERVICES performed by RO will be the responsibility of the organization that has requested its services, pursuant to a contract signed between the RO and the contracting organization.

6. FINAL PROVISIONS

6.1 This Agreement may be terminated in the interest of either party, 6 (six) months after written notice of the party interested in the termination.

6.2 MTP, through SIT, may terminate this Agreement if it is breached by RO, through the initiation of due administrative process.

6.3 Any amendment to this Agreement or its annexes will only become effective after the written agreement of both parties.

7. DURATION AND VALIDITY

7.1 This Agreement takes effect on ___ / ___ / _____, and is valid until ___ / ___ / _____.

8. DISCUSSION FORUM

8.1 This Agreement is governed by Brazilian law. Any existing conflicts arising from divergences in its execution, must be settled in the Federal Court of the Judicial District of the domicile of the RO.

In faith of the agreement, the undersigned duly authorized by the parties, sign the present Agreement on ___ / ___ / _____

RECOGNIZED ORGANIZATION SIT

ANNEX II

DECLARAÇÃO DE CONFORMIDADE DO TRABALHO MARÍTIMO - PARTE I (A PRESENTE DECLARAÇÃO DEVERÁ ESTAR ANEXA AO CERTIFICADO DE TRABALHO MARÍTIMO DO NAVIO)

Expedida sob a autoridade de: MINISTÉRIO DO TRABALHO E PREVIDÊNCIA

A respeito das disposições da Convenção sobre Trabalho Marítimo - CTM, 2006, o navio abaixo indicado se mantém em conformidade com a Norma A5.1.3 da Convenção:

Nome do Navio	Número IMO	Arqueação Bruta
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O abaixo assinado declara, em nome da autoridade competente antes mencionada, que:

a) as disposições da Convenção sobre o Trabalho Marítimo estão integralmente incorporadas nos requisitos nacionais listados abaixo;

b) estes requisitos estão contidos na legislação nacional a que se faz referência abaixo; explicações sobre o conteúdo desses requisitos serão fornecidas, quando necessário, observando-se que a legislação brasileira reconhece a prevalência dos acordos e convenções coletivas de trabalho sobre a legislação, ressalvadas as disposições contidas no art. 611-B da Consolidação das Leis Trabalhistas;

c) os detalhes de toda disposição de equivalência substancial adotada em virtude dos parágrafos 3º e 4º do artigo VI são indicados depois dos dispositivos nacionais correspondentes listados a seguir;

d) toda isenção concedida pelo Ministério do Trabalho e Previdência conforme o Título 3 da Convenção será indicada em seção própria; e

e) também se faz referência a todo requisito previsto na legislação nacional para uma categoria específica de navios.

1. Idade mínima (Regra 1.1):

Finalidade: Assegurar que nenhuma pessoa abaixo de determinada idade mínima trabalhe em navios.

- A idade mínima para o trabalho a bordo de navios brasileiros é de 18 (dezoito) anos, devendo ser observadas as disposições constantes da Seção II das Normas da Autoridade Marítima para Aquaviários - NORMAM-13/DPC.

2. Atestados médicos (Regra 1.2):

Finalidade: Assegurar que toda a gente do mar esteja apta do ponto de vista médico para executar suas tarefas a bordo de navio.

- Consolidação das Leis do Trabalho - Artigo 168 - Exame médico.
- Norma Regulamentadora nº 30 - NR 30
- É obrigatória a realização dos exames médicos admissional, periódico, de retorno ao trabalho, de mudança de função e demissional, em conformidade com os padrões mínimos estabelecidos na Norma Regulamentadora nº 30.

3. Qualificações da gente do mar (Regra 1.3):

Finalidade: Assegurar que a gente do mar esteja capacitada e qualificada para desempenhar suas tarefas a bordo de navio.

- Normas da Autoridade Marítima para o Ensino Profissional Marítimo de Aquaviários - NORMAM-30/DPC.

4. Acordos de emprego da gente do mar (Regra 2.1):

Finalidade: Assegurar que a gente do mar tenha um acordo justo de emprego.

- Convenções e Acordos Coletivos de Trabalho, com versões em português e inglês.
- Todo contrato de trabalho deverá ser celebrado na forma escrita, observando-se as disposições do parágrafo 4º da Norma A.2.1, em português e possuir modelo em inglês.
- Lei nº 9.537, de 11 de dezembro de 1997 - Art. 7º, parágrafo único.
- Lei nº 12.506, de 11 de outubro de 2011 - Aviso Prévio.

5. Utilização de serviço privado de contratação e colocação autorizado, certificado ou regulamentado (Regra 1.4):

Finalidade: Assegurar que a gente do mar tenha acesso a um sistema eficiente e bem regulamentado de contratação e colocação de gente do mar.

- Convenções e Acordos Coletivos de Trabalho.
- Capítulo III da Portaria XXX do Ministério do Trabalho e Previdência, que regulamenta disposições da CTM, 2006.
- Caso o armador venha a utilizar serviços de recrutamento e colocação de gente do mar, somente poderá fazê-lo com aqueles que estejam certificados por organização que tenha firmado Acordo de Reconhecimento com o Ministério do Trabalho e Previdência.

6. Horas de trabalho e de descanso (Regra 2.3):

Finalidade: Assegurar que a gente do mar tenha horas de trabalho e de descanso regulamentadas.

- Convenções e Acordos Coletivos de Trabalho.
- Disposições dos Parágrafos 10, 11 e 12 da Norma A2.3.
- Consolidação das Leis do Trabalho - Artigos 66 - Período mínimo de descanso entre duas jornadas de trabalho.
- Consolidação das Leis do Trabalho - Artigo 67 - Descanso semanal de 24 (vinte e quatro) horas consecutivas.
- Consolidação das Leis do Trabalho - Artigo 71 - Intervalo mínimo na jornada de trabalho para repouso ou alimentação .
- Consolidação das Leis do Trabalho - Artigos 248 a 250 - Jornada de trabalho de tripulante.

7. Níveis de tripulação do navio (Regra 2.7):

Finalidade: Assegurar que a gente do mar trabalhe a bordo de navios com pessoal suficiente para a operação do navio em condições de segurança, eficiência e proteção.

- Tripulação mínima - Normas da Autoridade Marítima para Embarcações Empregadas na Navegação em Mar Aberto - NORMAM-01/DPC, Capítulo 1.

- Tripulação adicional (quando existente) - Convenções e Acordos Coletivos de Trabalho.

8. Alojamento (Regra 3.1):

Finalidade: Assegurar que a gente do mar tenha alojamento decente a bordo.

- Norma Regulamentadora nº 30 - NR 30.

- Resolução ANVISA RDC-72, de 29 de dezembro de 2009 - Capítulo IV, Seção III.

- Convenções e Acordos Coletivos de Trabalho.

9. Serviços de lazer a bordo (Regra 3.1):

Finalidade: Assegurar que a gente do mar tenha instalações de lazer a bordo.

- Norma Regulamentadora nº 30 - NR 30

- Convenções e Acordos Coletivos de Trabalho.

10. Alimentação e serviço de mesa (Regra 3.2):

Finalidade: Assegurar que a gente do mar disponha de alimentação e água potável fornecidas em condições higiênicas controladas.

- Norma Regulamentadora nº 30 - NR 30.

- Resolução ANVISA RDC-72, de 29 de dezembro de 2009 - Capítulo IV, Seções I e IV.

- Convenções e Acordos Coletivos de Trabalho.

11. Saúde e segurança e prevenção de acidentes (Regra 4.3):

Finalidade: Assegurar que o ambiente de trabalho da gente do mar a bordo de navios promova a segurança e a saúde no trabalho.

- Norma Regulamentadora nº 30 - NR 30.

- Convenções e Acordos Coletivos de Trabalho.

12. Assistência médica a bordo (Regra 4.1):

Finalidade: Proteger a saúde da gente do mar e assegurar-lhe pronto acesso a assistência médica a bordo e em terra.

- Norma Regulamentadora nº 30 - NR 30.

- Normas da Autoridade Marítima para Embarcações Empregadas na Navegação em Mar Aberto - NORMAM-01/DPC, Capítulo 4, Seção V. - Resolução ANVISA RDC-72, de 29 de dezembro de 2009 - Capítulo IV, Seção II.

- Convenções e Acordos Coletivos de Trabalho.

13. Procedimentos de tramitação de queixas a bordo (Regra 5.1.5):

Finalidade: Assegurar que todo navio que arvora a bandeira brasileira adote procedimentos a bordo para a tramitação justa, eficaz e ágil de queixas da gente do mar.

- Convenções e Acordos Coletivos de Trabalho.

- Capítulo IV da Portaria XXX do Ministério do Trabalho e Previdência, que regulamenta disposições da CTM, 2006.

14. Pagamento dos salários (Regra 2.2):

Finalidade: Assegurar que a gente do mar seja remunerada pelos seus serviços.

- Convenções e Acordos Coletivos de Trabalho.

- Constituição Federal de 1988 - Art. 7º, inciso XVII - Terço adicional na remuneração de férias.

- Consolidação das Leis do Trabalho - Artigo 59 - Limites e remuneração da jornada extraordinária.

- Consolidação das Leis do Trabalho - Artigo 73 - Remuneração do trabalho noturno.
- Consolidação das Leis do Trabalho - Artigos 142 a 145 - Remuneração e abono de férias, e prazo para seu pagamento.
- Consolidação das Leis do Trabalho - Artigos 457 a 464 - Composição, forma e prazo de pagamento de salários.
- Consolidação das Leis do Trabalho - Artigo 477, §§ 6º e 8º - Prazo de quitação de verbas devidas na rescisão do contrato de trabalho e penalização por seu descumprimento.
- Consolidação das Leis do Trabalho - Artigos 479 e 481 - Indenizações devidas em rescisão antecipada de contratos a termo.
- Consolidação das Leis do Trabalho - Artigo 484-A - Verbas rescisórias devidas na extinção do contrato de trabalho por acordo entre empregado e empregador.
- Lei nº 4.749, de 12 de agosto de 1965 - 13º Salário.
- Lei nº 12.506, de 11 de outubro de 2011 - Aviso Prévio.
- Lei nº 8.212, de 24 de julho de 1991 - Art. 32, inciso I - Folha de pagamento.
- Lei nº 8.036, de 11 de maio de 1990 - Artigos 15, 17-A e 18 - Contribuição do empregador ao FGTS.

15. Garantia financeira para casos de repatriação (Regra 2.5):

Finalidade: Assegurar que a gente do mar possa voltar para seu domicílio.

Convenções e Acordos Coletivos de Trabalho.

- Regra 2.5, parágrafos 1 e 2.
- Norma A2.5.1, parágrafos 1 e 3.
- Norma A2.5.2, parágrafos 2, 5, 6, 7, 9, 10 e 11.

16. Garantia financeira relativa à responsabilidade do armador (Regra 4.2):

Finalidade: Assegurar que a gente do mar seja protegida contra as consequências de doenças, lesão, ou morte relacionadas com seu emprego.

- Convenções e Acordos Coletivos de Trabalho.
- Lei 8.212, de 24 de julho de 1991 - Art. 20, art. 22, incisos I e II, e art. 23, incisos I e II - Contribuições devidas à Seguridade Social.
- Norma A4.2.1, parágrafos 1, 3, 7, 9, 10, 11, 12, 13 e 14.

Nome:

Cargo:

Assinatura:

Local:

Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

EQUIVALÊNCIAS SUBSTANCIAIS

Não se aplica nenhuma disposição de equivalência substancial.

Nome:

Cargo:

Assinatura:

Local: Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

EXCEÇÕES CONFORME O TÍTULO 3

Conforme o previsto no Título 3 da Convenção, são indicadas as seguintes exceções permitidas pelo Ministério do Trabalho e Previdência:

- Para os navios construídos até 07 de maio de 2021, aplicam-se a Convenção 92 - Alojamento da Tripulação a Bordo e a Convenção 133 - Alojamento a Bordo de Navios.

Nome:

Cargo:

Assinatura:

Local: Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

DECLARATION OF MARITIME LABOR COMPLIANCE - PART I

(This Declaration must be attached to the ship's Maritime Labor Certificate)

Issued under the authority of REPÚBLICA FEDERATIVA DO BRASIL, represented by
MINISTRY OF LABOR AND SOCIAL SECURITY

Name of ship	IMO number	Gross tonnage
--------------	------------	---------------

The undersigned declares, on behalf of the abovementioned competent authority, 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 requirement listed below;

(d) any exemptions granted by the competent authority in accordance with Convention Title 3 are clearly indicated in the section provided for this purpose below; and

(e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)

Purpose: To ensure that no under-age persons work on a ship.

- The minimum age to work on board Brazilian flagged ships is 18 (eighteen) years old, and the provisions contained in Section II of the Brazilian Maritime Authority Regulations for Seafarers - NORMAM 13 must be observed.

2. Medical certification (Regulation 1.2)

Purpose: To ensure that all seafarers are medically fit to perform their duties at sea.

- Consolidated Labour Laws - Article 168 - Medical exam.

- Brazilian Regulatory Standard 30 - NR 30

- It is mandatory to carry out admission, periodic, return to work, change of function and dismissal medical exams, in accordance with the minimum standards established in Brazilian Regulatory Standard 30 - NR 30.

3. Qualifications of seafarers (Regulation 1.3)

Purpose: To ensure that seafarers are trained or qualified to carry out their duties on board ship.

- Regulations of the Maritime Authority for the Professional Maritime Teaching of Seafarers - NORMAM 30.

4. Seafarers employment agreements (Regulation 2.1)

Purpose: To ensure that seafarers have a fair employment agreement.

- Collective Bargaining Agreements, with versions in Portuguese and English.
- Every employment contract must be signed in writing, observing the provisions of paragraph 4 of A.2.1, and have versions in Portuguese and English.
- Law 9,537, of December 11, 1997 - Article 7, single paragraph.
- Law 12,506, of October 11, 2011 - Prior Notice.

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

Purpose: To ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system.

- Collective Bargaining Agreements.
- Chapter III of the Ordinance XXX of the Ministry of Labour and Social Security, which regulates provisions of the MLC, 2006.
- If the shipowner uses services for the recruitment and placement of seafarers, they will only be able to do so with those recognized organization which has signed a Recognition Agreement with the Ministry of Labour and Social Security.

6. Hours of work or rest (Regulation 2.3)

Purpose: To ensure that seafarers have regulated hours of work or hours of rest.

- Collective Bargaining Agreements.
- Provisions of Paragraphs 10, 11 and 12 of Standard A2.3.
- Consolidated Labour Laws - Article 66 - Minimum rest period between two working days.
- Consolidated Labour Laws - Article 67 - Weekly rest period of twenty-four (24) consecutive hours.
- Consolidated Labour Laws - Article 71 - Minimum break in the working day for rest or food.
- Consolidated Labour Laws - Articles 248, 249, and 250 - Seafarer's daily working day.

7. Manning levels for the ship (Regulation 2.7)

Purpose: To ensure that seafarers work on board ships with sufficient personnel for the safe, efficient and secure operation of the ship. - Minimum crew - Brazilian Maritime Authority Regulations for Vessels Used in Open Sea Navigation - NORMAM 01, Chapter 1. - Additional crew - Collective Bargaining Agreements.

8. Accommodation (Regulation 3.1)

Purpose: To ensure that seafarers have decent accommodation and recreational facilities on board.

- Brazilian Regulatory Standard 30 - NR 30.
- ANVISA Resolution RDC 72, of December 29, 2009 - Chapter IV, Section III.
- Collective Bargaining Agreements.

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

Purpose: To ensure that seafarers have decent accommodation and recreational facilities on board.

- Brazilian Regulatory Standard 30 - NR 30
- Collective Bargaining Agreements.

10. Food and catering (Regulation 3.2)

Purpose: To ensure that seafarers have access to good quality food and drinking water provided under regulated hygienic conditions.

- Brazilian Regulatory Standard 30 - NR 30.
- ANVISA Resolution RDC 72, of December 29, 2009 - Chapter IV, Sections I and IV.
- Collective Bargaining Agreements.

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

Purpose: To ensure that seafarers work environment on board ships promotes occupational safety and health.

- Brazilian Regulatory Standard 30 - NR 30.
- Collective Bargaining Agreements.

12. On-board medical care (Regulation 4.1)

Purpose: To protect the health of seafarers and ensure their prompt access to medical care on board ship and ashore.

- Brazilian Regulatory Standard 30 - NR 30.
- Regulations of the Maritime Authority for Vessels Used in Open Sea Navigation - NORMAM 01, Chapter 4, Section V.
- ANVISA Resolution RDC 72, of December 29, 2009 - Chapter IV, Section II.
- Collective Bargaining Agreements.

13. On-board complaint procedures (Regulation 5.1.5)

Purpose: To ensure that every Brazilian flagged ship adopts onboard procedures for the fair, efficient and agile processing of complaints from seafarers.

- Collective Bargaining Agreements.
- Chapter IV of the Ordinance XXX of the Ministry of Labour and Social Security, which regulates provisions of the MLC, 2006.

14. Payment of wages (Regulation 2.2)

Purpose: To ensure that seafarers are paid for their services

- Collective Bargaining Agreements.
- Federal Constitution of 1988 - Article 7, item XVII - Additional third in vacation pay.
- Consolidated Labour Laws - Article 59 - Limits and remuneration for overtime work.
- Consolidated Labour Laws - Article 73 - Night work remuneration.
- Consolidated Labour Laws - Articles 142 to 145 - Remuneration and vacation bonus, and the deadline for their payment.
- Consolidated Labour Laws - Articles 457 to 464 - Composition, form and term of payment of wages.
- Consolidated Labour Laws - Article 477, paragraphs 6th and 8th - Deadline for payment of amounts due upon termination of the employment contract and penalty for non-compliance.
- Consolidated Labour Laws - Articles 479 and 481 - Indemnities due on early termination of fixed-term contracts.
- Consolidated Labour Laws - Article 484-A - Severance payments due upon termination of the employment contract by agreement between employee and employer.
- Law 4,749, of August 12, 1965 - 13th Salary.
- Law 12,506, of October 11, 2011 - Prior Notice.
- Law 8,212, of July 24, 1991 - Article 32, Item I - Payroll.

- Law 8,036, of May 11, 1990 - Article 15, Article 17-A and Article 18 - Employer contribution to FGTS.

15. Financial security for repatriation (Regulation 2.5)

Purpose: To ensure that seafarers are able to return home.

- Regulation 2.5, paragraphs 1 and 2.
- Standard A2.5.1, paragraphs 1 and 3.
- Standard A2.5.2, paragraphs 2, 5, 6, 7, 9, 10, and 11.

16. Financial security relating to shipowners liability (Regulation 4.2)

Purpose: To ensure that seafarers are protected from the financial consequences of sickness, injury or death occurring in connection with their employment.

- Law 8,212, of July 24, 1991 - Article 20, Article 22, Items I and II, and Article 23, Items I e II - Contributions due to Social Security.
- Standard A4.2.1, paragraphs 1, 3, 7, 9, 10, 11, 12, 13, and 14.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

SUBSTANTIAL EQUIVALENCIES

No equivalency has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

EXEMPTIONS

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

For ships built before May 7, 2021, Accommodation of Crews Convention (Revised), 1949 (No. 92), and Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) apply.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

ANNEX III

DECLARAÇÃO DE CONFORMIDADE DO TRABALHO MARÍTIMO - PARTE II
Medidas adotadas para assegurar o cumprimento contínuo entre as inspeções

O armador, cujo nome figura no Certificado de trabalho Marítimo ao qual se anexa a presente Declaração, adotou as seguintes medidas para assegurar o cumprimento contínuo das disposições da Convenção entre as inspeções:

(Indique a continuação das medidas adotadas para assegurar o cumprimento de cada um dos pontos que figuram na parte I)

1. Idade mínima (regra 1.1) ()
2. Atestados médicos (regra 1.2) ()
3. Qualificações da gente do mar (Regra 1.3) ()
4. Acordos de emprego da gente do mar (Regra 2.1)..... ()
5. Utilização de serviço privado de contratação e colocação autorizado, certificado ou regulamentado (Regra 1.4) ()
6. Horas de trabalho e horas de descanso (Regra 2.3) ()
7. Níveis de tripulação do navio (Regra 2.7) ()
8. Alojamento (Regra 3.1) ()
9. Serviços de lazer a bordo (Regra 3.1) ()
10. Alimentação e serviço de mesa (Regra 3.2) ()
11. Saúde e segurança e prevenção de acidentes (Regra 4.3) ()
12. Assistência médica a bordo (Regra 4.1) ()
13. Procedimentos de tramitação de queixas a bordo (Regra 5.1.5) ()
14. Pagamento dos salários (Regra 2.2) ()
15. Garantia financeira para casos de repatriação (Regra 2.5) ()
16. Garantia financeira relativa à responsabilidade do armador (Regra 4.2) ()

Pela presente certifico que as medidas acima mencionadas foram formuladas para garantir o cumprimento contínuo entre as inspeções, dos requisitos listados na parte I.

Nome do armador [1]:

Endereço da empresa:

Nome do signatário autorizado:

Cargo:

Assinatura:

Local:..... Data:

(Selo ou carimbo do armador)

As medidas antes mencionadas foram revisadas por (inserir o nome da autoridade competente ou organização devidamente reconhecida) e, depois de haver inspecionado o navio, foi considerado que satisfazem os objetivos estabelecidos na alínea b) do parágrafo 10 da norma A5.1.3, em relação às medidas destinadas a assegurar o cumprimento inicial e contínuo dos requisitos estipulados na parte I da presente Declaração.

Nome:

Cargo:.....

Endereço:.....

Assinatura:

Local: Data:

(Selo ou carimbo da autoridade ou OR, se for o caso)

[1] O termo armador designa o proprietário de um navio ou outra entidade ou pessoa, como pode ser o administrador, o agente ou o afretador a casco nu, que assumiu a responsabilidade da exploração do navio por conta do proprietário e que, ao fazê-lo, aceitou cumprir todos os deveres e responsabilidades que incumbem aos armadores em virtude da presente Convenção, independentemente se outra entidade ou pessoa desempenhe alguns dos deveres ou responsabilidades em nome do armador. Ver artigo II, parágrafo 1, alínea j), da Convenção.

DECLARATION OF MARITIME LABOUR COMPLIANCE - PART II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

- 1. Minimum age (Regulation 1.1) ()
- 2. Medical certification (Regulation 1.2) ()
- 3. Qualifications of seafarers (Regulation 1.3) ()
- 4. Seafarers employment agreements (Regulation 2.1) ()
- 5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) ()
- 6. Hours of work or rest (Regulation 2.3) ()
- 7. Manning levels for the ship (Regulation 2.7) ()
- 8. Accommodation (Regulation 3.1) ()
- 9. On-board recreational facilities (Regulation 3.1) ()
- 10. Food and catering (Regulation 3.2) ()
- 11. Health and safety and accident prevention (Regulation 4.3) ()
- 12. On-board medical care (Regulation 4.1) ()
- 13. On-board complaint procedures (Regulation 5.1.5) ()
- 14. Payment of wages (Regulation 2.2) ()
- 15. Financial security for repatriation (Regulation 2.5) ()
- 16. Financial security relating to shipowners liability (Regulation 4.2) ()

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner[1]:

Company address:

Name of the authorized signatory:

Title:

Signature of the authorized signatory:

Date:

(Stamp or seal of the shipowner)

The above measures have been reviewed by (insert name of competent authority or duly recognized organization) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:
Address:.....
.....
Signature:
Place:
Date:
(Seal or stamp of the authority, as appropriate)

[1] Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

ANNEX IV
CERTIFICADO DE TRABALHO MARÍTIMO

(Ao presente Certificado deverá juntar-se uma Declaração de Conformidade do Trabalho Marítimo)

Expedido conforme as disposições do artigo V e do Título 5 da Convenção sobre Trabalho Marítimo, 2006

(a seguir, "a Convenção")

em virtude da autoridade do Governo de:

REPÚBLICA FEDERATIVA DO BRASIL

Por:
(designação completa e endereço da autoridade competente ou organização reconhecida devidamente autorizada em virtude das disposições da Convenção).

Dados do navio:

Nome do navio:

Letras ou números distintivos:

Porto de registro:

Data em que se registrou o navio:

Arqueação bruta[1]:

Número IMO:

Tipo de navio:

Nome e endereço do armador[2]:

.....

.....

Certifica-se que:

1. Este navio foi inspecionado e teve verificada sua conformidade com os requisitos da Convenção e com as disposições da Declaração de Conformidade do Trabalho Marítimo em anexo.

2. As condições de trabalho e vida a bordo da gente do mar especificadas no anexo A5-I da Convenção foram consideradas correspondentes às disposições nacionais do país acima indicado, pelo meio das quais se aplica a Convenção. Na Declaração de Conformidade do Trabalho Marítimo, parte I, consta um resumo destas disposições nacionais.

O presente Certificado é válido até, salvo inspeções que se efetuem conforme as Normas A5.1.3 e A5.1.4 da Convenção.

Este Certificado só é válido quando em anexo com a Declaração de Conformidade do Trabalho Marítimo expedida em (local) na data de

Data de finalização da inspeção em que se baseia o presente Certificado:

Expedido em na data de

(Assinatura do funcionário devidamente habilitado que expede o Certificado)

(Selo ou carimbo da autoridade expedidora, conforme o caso)

[1] A arqueação bruta para os navios aos quais se aplica o sistema provisório de medição de arqueação bruta adotado pela OMI será a que figura na coluna "OBSERVAÇÕES" do Certificado Internacional de Arqueação (1969). Ver artigo II, parágrafo 1, alínea c), da Convenção.

[2] O termo armador designa o proprietário de um navio ou outra entidade ou pessoa, como pode ser o administrador, o agente ou o afretador a casco nu, que assumiu a responsabilidade de exploração do navio por conta do proprietário e que, ao fazê-lo, aceitou cumprir todos os deveres e responsabilidades que incumbem aos armadores em virtude da presente Convenção, independentemente de que outra entidade ou pessoa desempenhe alguns dos deveres ou responsabilidades em nome do armador. Ver artigo II, parágrafo 1º, alínea j), da Convenção.

MARITIME LABOUR CERTIFICATE

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)
Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as "the Convention")

under the authority of the Government of: REPÚBLICA FEDERATIVA DO BRASIL
by.....

(full designation and address of the competent authority or recognized organization duly authorized under the provisions of the Convention).

Particulars of the ship

Name of ship:
Distinctive number or letters:
Port of registry:
Date of registry:
Gross tonnage [1]:
IMO number:
Type of ship:
Name and address of the shipowner [2]:
.....
.....

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued at on is attached. Completion date of the inspection on which this Certificate is based was..... Issued at on

Signature of the duly authorized official issuing the Certificate

(Seal or stamp of issuing authority, as appropriate)

[1] For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

[2] Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

ANNEX V

ENDOSSO DO CERTIFICADO DA INSPEÇÃO INTERMEDIÁRIA OBRIGATÓRIA E, SE NECESSÁRIO, DE OUTRAS INSPEÇÕES ADICIONAIS

Certifica-se que o navio foi inspecionado conforme as Normas A5.1.3 e A5.1.4 da Convenção e verificou-se que as condições de trabalho e vida da gente do mar que se especificam no anexo A5.I da Convenção se ajustam às disposições nacionais do país acima indicado e pelas quais se aplica a Convenção.

Inspeção intermediária: se efetuará entre o segundo e o terceiro ano a partir da data de expedição do certificado

.....
(Assinatura do funcionário habilitado)

Local: Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

ENDORSEMENTS FOR MANDATORY INTERMEDIATE INSPECTION AND, IF REQUIRED, ANY ADDITIONAL INSPECTION

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

Intermediate inspection: (to be completed between the second and third anniversary dates)

.....
(Signature of authorized official)

Place: Date:

(Seal or stamp of the authority, as appropriate)

ANEXO VI

ENDOSSOS ADICIONAIS (caso necessário)

Certifica-se que o navio foi objeto de uma inspeção adicional com a finalidade de verificar se o navio continua cumprindo com as disposições nacionais pelas quais se aplica a Convenção, conforme previsto no parágrafo 3 da Norma A3.1 da Convenção (nova matrícula do navio ou modificação importante de alojamento) ou por outros motivos.

Inspeção adicional (caso necessária):

.....

(Assinatura do funcionário habilitado)

Local:..... Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

Inspeção adicional (caso necessária):

.....

(Assinatura do funcionário habilitado)

Local: Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

Inspeção adicional (caso necessária):

.....

(Assinatura do funcionário habilitado)

Local: Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

ADDITIONAL ENDORSEMENTS (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Additional inspection(if required):

.....

(Signature of authorized official)

Place:.....Date:.....

(Seal or stamp of the authority, as appropriate)

Additional inspection(if required):

.....

(Signature of authorized official)

Place:..... Date:..... (Seal or stamp of the authority, as appropriate) Additional inspection(if required):

.....

(Signature of authorized official)

Place:..... Date:

(Seal or stamp of the authority, as appropriate)

ANNEX VII

PRORROGAÇÃO DO CERTIFICADO DE TRABALHO MARÍTIMO, APÓS A REALIZAÇÃO DA INSPEÇÃO DE RENOVAÇÃO (caso necessário)

Certifica-se que o navio foi submetido a uma inspeção de renovação e que continua a cumprir a legislação e regulamentos nacionais ou outras medidas que implementam os requisitos desta Convenção. Consequentemente, o presente certificado é prorrogado, de acordo com o disposto no parágrafo 4 da norma A5.1.3, até (não superior a cinco meses, contados da data de expiração do certificado em vigor), a fim de permitir a emissão e disponibilização a bordo do novo certificado.

Data de conclusão da inspeção de renovação na qual esta prorrogação é estabelecida:

.....
.....

(Assinatura do funcionário habilitado)

Local:Data:

(Selo ou carimbo da autoridade expedidora, conforme o caso)

EXTENSION AFTER RENEWAL INSPECTION (if required)

This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of this Convention, and that the present certificate is hereby extended, in accordance with paragraph 4 of Standard A5.1.3, until (not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship.

Completion date of the renewal inspection on which this extension is based was:

.....
.....

(Signature of authorized official)

Place:.....Date:

(Seal or stamp of the authority, as appropriate)

ANNEX VIII

CERTIFICADO PROVISÓRIO DE TRABALHO MARÍTIMO

Expedido conforme as disposições do artigo V e do Título 5 da Convenção sobre Trabalho Marítimo, 2006 (a seguir, "a Convenção")

em virtude da autoridade do Governo de: REPÚBLICA FEDERATIVA DO BRASIL

Por:

(designação completa e endereço da autoridade competente ou organização reconhecida devidamente autorizada em virtude das disposições da Convenção)

Dados do navio

Nome do navio.....

Letras ou números distintivos:

Porto de registro:

Data em que se registrou o navio:

Arqueação bruta [1]:

Número IMO:.....

Tipo de Navio:.....

Nome e endereço do armador [2]:

.....
Certifica-se que, para efeitos do parágrafo 7 da Norma A5.1.3 da Convenção:

- a) este navio foi inspecionado a respeito das matérias que figuram no anexo A5.I da Convenção, tendo em conta a verificação dos aspectos assinalados nas alíneas "b", "c" e "d";
- b) o armador demonstrou para a autoridade competente ou organização reconhecida que o navio conta com procedimentos adequados para cumprir o disposto na Convenção;
- c) o capitão conhece as disposições da Convenção e as responsabilidades da sua aplicação, e
- d) foram apresentadas informações pertinentes à autoridade competente ou a organização reconhecida para a expedição de uma Declaração de Conformidade do Trabalho Marítimo.

O presente Certificado é válido até, salvo inspeções que se efetuem conforme as Normas A5.1.3 e A5.1.4 da Convenção.

Data de finalização da inspeção mencionada na alínea "a" acima:

Expedido em..... na data de

.....
(Assinatura do funcionário habilitado que expede o Certificado)

(Selo ou carimbo da autoridade expedidora, conforme o caso)

[1] A arqueação bruta para os navios aos quais se aplica o sistema provisório de medição de arqueação bruta adotado pela OMI será a que figura na coluna "OBSERVAÇÕES" do Certificado Internacional de Arqueação (1969). Ver artigo II, parágrafo 1, alínea c), da Convenção.

[2] O termo armador designa o proprietário de um navio ou outra entidade ou pessoa, como pode ser o administrador, o agente ou o afretador a casco nu, que assumiu a responsabilidade de exploração do navio por conta do proprietário e que, ao fazê-lo, aceitou cumprir todos os deveres e responsabilidades que incumbem aos armadores em virtude da presente Convenção, independentemente de que outra entidade ou pessoa desempenhe alguns dos deveres ou responsabilidades em nome do armador. Ver artigo II, parágrafo 1º, alínea j), da Convenção.

INTERIM MARITIME LABOUR CERTIFICATE

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as "the Convention")

under the authority of the Government of:

REPÚBLICA FEDERATIVA DO BRASIL

by

(full designation and address of the competent authority or recognized organization duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship:.....

Distinctive number or letters:.....

Port of registry:.....

Date of registry:.....

Gross tonnage [1]:.....

IMO number:.....

Type of ship:.....

Name and address of the shipowner [2]:

.....
This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

(a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;

(b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;

(c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and

(d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was

Issued at on

.....

Signature of the duly authorized official issuing the interim certificate:

(Seal or stamp of issuing authority, as appropriate)