



REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF TRANSPORT
DEPARTMENT OF MARINE ADMINISTRATION

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Marine Guidance (2/ 2013)

Ship-owners of Myanmar Ships on the compliance with Maritime Labour Certificate
including the Declaration of Maritime Labour Compliance Part I & II

Applicable to:	All Ship-owners, Ship Operators, Shipping Companies, Myanmar Ship-owners' Association, Myanmar Seamen's Federation, Recognized Organizations, Flag State Surveyors and Inspectors
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Purpose

1. It has been noted that MLC 2006 will come into force on 20th August 2013. Myanmar is a member of ILO and has ratified some of the Maritime Conventions and also we are anticipating to be ratified MLC 2006 by accession. Therefore, this Guidance is established by the Department of Marine Administration for inspection and certification program to implement MLC, 2006 which governs maritime labour conditions and sets minimum standards for the working and living conditions of seafarers aboard ships as applicable. The Inspection and Certification Program is authorized to certain Recognized Organizations (ROs), as established under separate written agreement, to carry out inspections and issue certificates under the MLC, 2006 on behalf of the Department of Marine Administration, and provides supplementary details regarding the scope of this authorization which is not covered within the individual agreements.

Scope of Application and Certification

2. The MLC applies to all Myanmar Registered ships ordinarily engaged in commercial activities. Myanmar Register ships of 500 gross tonnage and above which are engaged in international voyages shall attain a Maritime Labour Certificate (stated in Appendix I).

3. The DMLC consists of two parts. The DMLC Part I is to be prepared and issued by the Department of Marine Administration and contains the national requirements and applicable exemptions as stated in Appendix II. The DMLC Part II (stated in Appendix III) is to be prepared by the ship-owner and contains the measures to ensure compliance with DMLC Part I.

4. A Maritime Labour Certificate shall be issued to a ship by the DMA surveyors or the Recognized Organization (RO) the ship is in compliance with national (DMLC Part I) and applicable MLC requirements. The Department of Marine Administration has authorized the ROs to conduct the inspections and to issue the Maritime Labour Certificate, on behalf of Department of Marine Administration.

General Application of the MLC, 2006

5. The Republic of the Union of Myanmar haven't yet legislated the MLC, 2006 application which extend to registered ships engaged in fishing or in similar pursuits, ships of traditional build (such as dhows and junks), or ships which navigate exclusively in inland waters, waters within or closely adjacent to sheltered waters, or areas where port regulations apply.

6. All ships to which the MLC, 2006 applies of 500 gross tons or over, engaged in international voyages or operating from a port, or between ports, in another country must be certified for compliance with 14 areas of the MLC, 2006 which are subject to mandatory inspection.

7. All ships to which the MLC, 2006 applies, but which are not required to be certified (under 500 gross tons, not engaged in international voyages, or not operating from a port, or between ports, in another country), shall still be subject to full inspection against the same requirements as for certified ships. There are further details with regard to the identification of inspection requirements and record keeping for such non-certified vessels.

8. A copy of the MLC, 2006 shall be maintained on board the ship and made available to all seafarers.

Seafarers

9. The MLC, 2006 applies to all seafarers on all ships to which the MLC, 2006 applies. For this purpose, as defined in Article II, paragraph 1(f) of the MLC, 2006, a "seafarer means any person who is employed or engaged or works in any capacity on board a ship to which the MLC, 2006 applies."

10. The MLC, 2006 recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the MLC, 2006 should be regarded as seafarers for the purposes of the MLC, 2006.

11. In considering how to resolve such doubts, DMA, in consultation with the ship-owners and seafarers organizations, will take into account information as provided under Resolution VII adopted by 94th (Maritime) session of the International Labour Conference.

Recognized Organizations (ROs)

12. On behalf of DMA, it has delegated our Recognized Organizations (ROs) to the IACS members under a separate written agreement, its inspection and certification functions under the MLC, 2006.

Inspections

13. General

- (A) All inspections shall be carried out in accordance with respective ILO documents, such as "*Guidelines for Flag State Inspections under the Maritime Labour Convention, 2006.*"
- (B) When an inspection is conducted or when measures are taken under the MLC, 2006, the RO or other authorized inspector shall make all reasonable efforts to avoid a ship being unreasonably detained or delayed.
- (C) An inspector is authorized to carry out any examination, test or inquiry considered necessary to determine that the standards of the MLC, 2006 are being strictly observed.

- (D) All persons inspecting under the MLC, 2006 shall have appropriate knowledge of ship operations, including:
- (1) Minimum requirements for seafarers to work on a ship;
 - (2) Conditions of employment;
 - (3) Accommodation;
 - (4) Recreational facilities;
 - (5) Food and catering;
 - (6) Accident prevention;
 - (7) Health protection;
 - (8) Medical care; and
 - (9) Welfare and social security protection.

14. Initial Inspections

- (A) Initial inspections shall be conducted to ensure compliance with the national requirements implementing the MLC, 2006. Ships shall undergo an initial inspection and receive a valid Maritime Labour (ML) Certificate / Interim ML Certificate (stated in Appendix IV).
- (B) To verify that the national requirements are being complied with and that the ship-owners measures have been correctly implemented and are being followed, an surveyor / inspector shall obtain supporting objective evidence by:
- (1) inspecting the relevant areas of the ship;
 - (2) examining further documentation such as passports or other official documents, medical certificates, training records, crew lists and payroll records, seafarer employment agreements, safe manning documents and work and rest schedules; and
 - (3) interviewing, in private, a representative number of seafarers, taking account of the need to preserve confidentiality and of the seafarers work and rest schedules.

15. Intermediate Inspections

- (A) Intermediate inspections shall be conducted to ensure continuing compliance with the national requirements implementing the MLC, 2006. An intermediate inspection shall be conducted between the second and third anniversary dates of the ML Certificate.
- (B) The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the ML Certificate.
- (C) The ML Certificate shall be endorsed by the RO following satisfactory intermediate inspection.

16. Renewal Inspections

- (A) Renewal inspections shall encompass inspections for all requirements (as per initial inspection) and be completed as follows:
- (B) When the renewal inspection is completed within three months before the expiry of the existing ML Certificate, the new ML Certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing ML Certificate.
- (C) When the renewal inspection is completed more than three months before the expiry date of the existing ML Certificate, the new ML Certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.

Certification

17. ML Certificate

- (A) The ML Certificate, issued by the relevant RO, attests that seafarer working and living conditions aboard a ship meet all the Republic of the Union of Myanmar laws and regulations that govern the implementation of the MLC, 2006.
- (B) DMA or an RO shall issue or renew a ML Certificate to a ship after completion of a satisfactory inspection of the national requirements for the 14 areas listed below for implementing the MLC, 2006 in the manner as detailed in the Declaration of Maritime Labour Compliance (DMLC).
- (1) Minimum age;
 - (2) Medical certification;
 - (3) Qualifications of seafarers;
 - (4) Seafarers' employment agreements;
 - (5) Use of any licensed or certified or regulated private recruitment and placement service;
 - (6) Hours of work or rest;
 - (7) Manning levels for the ship;
 - (8) Accommodation;
 - (9) On-board recreational facilities;
 - (10) Food and catering;
 - (11) Health and safety and accident complaint procedures;
 - (12) Payment of wages;
 - (13) Prevention; and
 - (14) On-board medical care.

(The list of above-mentioned 14 areas is stated in Appendix V.)

- (C) An ML Certificate endorsed by the RO must have attached to it a DMLC as well as any record of inspection as detailed in Paragraph 18.

18. Declaration of Maritime Labour Compliance DMLC

- (A) This document outlines the national laws or provisions that give effect to the 14 areas of the MLC, 2006 that are subject to inspection for certification and the measures put in place by the ship owner/operator to ensure compliance with these inspection items.
- (B) The DMLC consists of two parts:
- (1) **Part I:** the statement drawn up by DMA that references or describes the national laws, regulations or provisions with respect to the 14 areas of the MLC, 2006 that are subject to inspection for certification. The DMLC Part I will also record any flexibility, substantial equivalencies or exemptions which may have been applied to the ship after consultation with the relevant seafarers' organization and the ship-owners.
 - (2) **Part II:** the statement drawn up by the ship owner/operator identifying the measures adopted to ensure ongoing compliance with the national requirements detailed in the DMLC Part I, and enabling continuous improvement between inspections should indicate:
 - (a) when ongoing compliance shall be verified;
 - (b) persons responsible for verification;
 - (c) records to be taken;
 - (d) procedures to be followed when non-compliance is noted; and

- (e) to ensure ongoing compliance, the DMLC Part II also should include general international requirements concerning advances in technology and scientific findings concerning workplace design.
- (3) The DMLC Part II shall be certified compliant by the relevant RO prior to issuance of the ML Certificate to the ship owner/operator.

19. Interim ML Certificate (IMLC)

- (A) An IMLC may be issued:
 - (1) to new ships on delivery;
 - (2) when a ship changes flag; or
 - (3) when a ship-owner assumes responsibility for the operation of a ship which is new to that ship-owner.
- (B) An IMLC may only be issued following verification that:
 - (1) the ship has been inspected, as far as reasonable and practicable, for items listed in paragraph 13;
 - (2) the ship-owner has demonstrated to the RO that the ship has adequate procedures to comply with the MLC, 2006;
 - (3) the master is familiar with the MLC, 2006 and the responsibilities for implementation; and
 - (4) relevant information has been submitted to the RO to produce a DMLC.
 - (5) A DMLC need not be issued for the period of validity of the IMLC.
- (C) An IMLC must be endorsed by the RO.

20. Certificate Formats

- (A) The ROs shall develop templates for the ML Certificate and IMLC which conform to the model prescribed by the MLC, 2006. MLC, DMLC Part I and DMLC Part II are as stated in Appendix I, II and III.
- (B) A copy of these documents must be posted in a conspicuous place on board the ship to be available to the seafarers onboard.
- (C) If the DMLC and ML Certificate are not in English, an English-language translation of these documents must accompany the originals for a ship engaged in an international voyage.

21. Non-Certified Ships

- (A) All ships to which the MLC, 2006 applies, regardless of whether they are required to carry a ML Certificate, shall comply with the national laws and provisions specified in the DMLC Part I, and shall be subject to inspection verifying that this requirement is met. Such ships may request voluntary certification subject to the satisfactory completion of all requirements necessary for certification.
- (B) Any other ship to which the MLC, 2006 does not apply, may request voluntary certification subject to the satisfactory completion of all requirements necessary for certification.

22. Certificate Validity

- (A) **ML Certificate** An ML Certificate shall remain valid for a period of five (5) years, and shall be subject to an intermediate inspection between the second and third years of validity.
- (B) **IMLC** An IMLC may be issued for a period not to exceed six months. An inspection in accordance with paragraph 13 shall be carried out prior to expiry of

the IMLC to enable issue of the ML Certificate. No further IMLC may be issued following this initial six months.

- (C) **Causes for Invalidation** An ML Certificate or IMLC shall cease to be valid in any of the following cases:
- (1) the relevant inspections are not completed within the specified time periods;
 - (2) the ML Certificate is not endorsed by the RO;
 - (3) when a ship changes flag;
 - (4) when a ship-owner ceases to assume the responsibility for the operation of a ship; and
 - (5) when substantial changes have been made to the structure or equipment covered in Title 3 of the MLC, 2006, "*Accommodation, Recreational Facilities, Food and Catering.*"

23. Deficiencies and Certificate Withdrawal

- (A) An RO, or other authorized inspector, shall require the rectification of deficiencies in seafarers working and living conditions that have been identified as the result of an inspection and shall carry out inspections in this regard at the request of a port State. Where there are grounds to believe that deficiencies constitute a serious breach of the MLC, 2006 (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, an inspector shall, with the authorization of DMA, prohibit a ship from leaving port until necessary corrective actions are taken.
- (B) An ML Certificate or IMLC shall be withdrawn by the RO or DMA if there is evidence that a ship does not comply with the requirements of the MLC, 2006 and that the required corrective action has not been taken. When considering the withdrawal of an ML Certificate, the seriousness and frequency of the deficiencies shall be considered.
- (C) Where there is no clear breach of the requirements that endangers the safety, health or security of the seafarers and where there is no prior history of similar breaches, an RO shall have the discretion to give advice instead of instituting or recommending withdrawal of an MLC Certificate.
- (D) If DMA receives a complaint that is not manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of the MLC, 2006 or that there are serious deficiencies in the implementation of measures set out in the DMLC, DMA shall undertake to investigate the matter and ensure that action is taken to remedy the deficiencies found.

Record Keeping

24. **ML Certificates** DMA shall maintain publicly available records of ML Certificates issued.

25. **Inspection Reports** RO inspectors shall submit a report of each inspection to DMA. The RO shall supply one copy of the report in English, and, if necessary, one in the working language of the ship to the master of the ship. The ship's master shall post a copy set on the ship's notice board.

26. **Inspection Records** A record of inspections shall be kept by the master with any significant deficiencies found during the inspection noted and their date of remedy recorded. This record, if not in English, shall be accompanied by an English-language translation and

appended to the DMLC so that it is available to seafarers, flag State inspectors, authorized officers in port States and ship-owners' and seafarers' representatives.

27. **Investigation Report** In the case of an investigation pursuant to a major incident, an RO or other authorized inspector shall submit a report to DMA as soon as practicable, but not later than one month following the conclusion of the investigation.

28. **Change of Flag** If a ship changes flag and both States concerned have ratified the MLC, 2006, the RO, on behalf of and upon notification of DMA, shall transmit to the competent authority of the other Member copies of the ML Certificate and DMLC carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports if the competent authority requests them within three months after the change of flag has taken place.

Annual Report

29. DMA shall maintain records of inspections and shall publish an annual report on inspection activities within a reasonable time, not exceeding six months after the end of the year. The Annual Report shall contain:

- (A) A list of relevant laws and regulations, as amended, relevant to seafarers' working and living conditions;
- (B) Details of DMA's system of inspection;
- (C) Statistics of ships subject to inspection;
- (D) Statistics on seafarers subject to national laws and regulations;
- (E) Statistics and information on violations of legislation, penalties imposed and cases of MLC, 2006 detention of ships; and
- (F) Statistics on reported occupational injuries and diseases affecting seafarers.

30. ROs shall assist DMA in meeting this requirement by providing statistics and other information required to produce this Annual Report.



Maung Maung Oo
Director General
Department of Marine Administration

Appendix - I

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 Republic of the Union of Myanmar.....
 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 tonnage¹
 IMO number
 Type of ship.....
 Name and address of the shipowner²

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 (I) (c) of the Convention.

² Ship-owner 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 ship-owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship owner. See Article 11(1) (j) of the Convention.

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 aton..... is attached.
Completion date of the inspection on which this Certificate is based was
.....Issued aton

Signature of the duly authorized official issuing the Certificate
(Seal or stamp of issuing authority, as appropriate)

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 above-mentioned country's national requirements implementing the Convention.

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

Signed
(Signature of authorized official)

Place

Date

(Seal or stamp of the authority, as appropriate)

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)

Signed

(Signature of authorized official)

Place

(Seal or stamp of the authority, as appropriate)

Additional inspection:

(if required)

Signed

(Signature of authorized official)

Place

(Seal or stamp of the authority, as appropriate)

Additional inspection:

(if required)

Signed

(Signature of authorized official)

Place

(Seal or stamp of the authority, as appropriate)

Appendix II

Maritime Labour Convention, 2006

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 Ministry of Maritime Transport of Xxxxxx

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 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 in the Appendix V.
- (d) any exemptions granted by the competent authority in accordance with 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).....
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)

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted *(insert description if applicable)*:

.....
.....

No equivalency has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

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

.....

No exemption has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Appendix III

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the ship-owner, 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) | <input type="checkbox"/> |
| | |
| 2. Medical certification (Regulation 1.2) | <input type="checkbox"/> |
| | |
| 3. Qualifications of seafarers (Regulation 1.3) | <input type="checkbox"/> |
| | |
| 4. Seafarers' employment agreements (Regulation 2.1) | <input type="checkbox"/> |
| | |
| 5. Use of any licensed or certified or regulated private recruitment
and placement service (Regulation 1.4) | <input type="checkbox"/> |
| | |
| 6. Hours of work or rest (Regulation 2.3) | <input type="checkbox"/> |
| | |
| 7. Manning levels for the ship (Regulation 2.7) | <input type="checkbox"/> |
| | |
| 8. Accommodation (Regulation 3.1) | <input type="checkbox"/> |
| | |
| 9. On-board recreational facilities (Regulation 3.1) | <input type="checkbox"/> |
| | |
| 10. Food and catering (Regulation 3.2) | <input type="checkbox"/> |
| | |
| 11. Health and safety and accident prevention (Regulation 4.3) | <input type="checkbox"/> |
| | |
| 12. On-board medical care (Regulation 4.1) | <input type="checkbox"/> |
| | |
| 13. On-board complaint procedures (Regulation 5.1.5) | <input type="checkbox"/> |
| | |
| 14. Payment of wages (Regulation 2.2) | <input type="checkbox"/> |

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 shipowner¹:

Company address:

Name of the authorized signatory:

Title:

Signature of the authorized signatory:

Date:

(Stamp or seal of the shipowner¹)

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 Ship-owner 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 ship-owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship-owner. See Article II (1) (j) of the Convention.

Appendix IV

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:

.....
 (full designation of the State whose flag the ship is entitled to fly) 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 tonnage¹

IMO number

Type of ship

Name and address of the ship-owner²

.....
 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 ship-owner 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.

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 *Ship-owner* 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 ship-owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship-owner. See Article II (1) (j) of the Convention.

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)

Appendix V

List of Requirements of DMLC Part I

Declaration of Maritime Labour Compliance – Part I

This Part is drawn up by the Department of Marine Administration requirements with respect to the 14 areas that must be inspected and approved by DMA of its recognized organizations before certifying Myanmar ship in accordance with Standard A5.1.3 of the Maritime Labour Convention, 2006 (hereinafter refers to as 'Convention').

1. Minimum age (Regulation 1.1)

- .1 The age of a seafarer working onboard a Myanmar ship shall not be less than 17 years.
- .2 A "young seafarer" means any person between the ages of 16 years and 18 years.
- .3 'Night' shall be cover a consecutive hours period of at least nine hours, starting not later than midnight and ending no earlier than 5 am.
- .4 The employment, engagement or work of seafarers under the age of 18 on board a Myanmar ship shall be prohibited Night work where the work is likely to jeopardize their health or safety as identified in the IMDG Code and materials in Chapter 17 of IBC Code as amended.
- .5 Seafarers under the age of 18 shall not be allowed to carry out any type of work prescribed in paragraph 2 of Guideline B4.3.10 of the Convention unless they are trained, and provided with appropriate supervision and instruction. Notwithstanding the above, under the age of 18 shall not work in the following hazardous areas:
 - .1 working in high-pressure atmospheres, i.e. the risks from pressure and decompression such as diving;
 - .2 working in ship's hospital or taking care of patients on board;
 - .3 working involving high electrical voltage (over 1,000 voltage);
 - .4 exposures to shocks, low frequency vibration, for example, working in fast rescue craft, may be associated with back pain and other spinal disorders.

2. Medical certification (Regulation 1.2)

- .1 Every seafarer employed on board a Myanmar ship shall be in possession of a valid medical fitness certificate attesting that s/he is medically fit to perform the duties s/he is to carry out.
- .2 Medical fitness certificates to seafarers are to be issued in accordance with provisions of section A-1/9 and guidelines in B-1/9 of the revised STCW Code outlined in DMA Shipping Circular (1/2013).
- .3 DMA accepts valid medical fitness certificate issued by the following:
 - .1 a medical practitioner recognized by a MLC State Party and familiar with guidelines for conducting pre-sea and periodical medical fitness examinations for seafarers published by IMO, ILO or WHO; or
 - .2 a medical practitioner recognized by a STCW State Party on the "STCW White List"; or
 - .3 registered medical practitioners licensed to practice in Myanmar and familiar with guidelines for conducting pre-sea and periodical medical fitness examinations for seafarers published by IMO, ILO or WHO.

- .4 a medical practitioner whose medical certification are accepted by the Director.
 - .4 The maximum validity for medical fitness certificate is two years, and one year for seafarers under the age of 18 years. The maximum validity for colour vision is six years.
 - .5 The nature of the medical examination is to be in accordance with the ILO/WHO Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/ D.2/ 1997), including any subsequent versions.
3. Qualifications of seafarers (Regulation 1.3)
- .1 Seafarers shall not work on a Myanmar ship unless they are certified as competent to perform their duties as required by the STCW Convention, as amended from time to time.
 - .2 Seafarers shall not be permitted to work on a Myanmar ship unless they have successfully completed the trainings required by the Section A-VI/1 of the Code of the STCW Convention, as amended from time to time.
 - .3 All officers and ratings on board a Myanmar ship shall comply with the provisions of the STCW Convention, as amended from time to time.
4. Seafarers' employment agreements (Regulation 2.1)
- .1 All seafarers working on board any ship shall each have a signed original of the seafarers' employment agreement, and the agreement is to be signed by both the seafarer and the ship-owner or a representative of the ship-owner.
 - .2 All seafarers shall have the opportunity to examine and seek advice on the terms and conditions in their seafarers' employment agreement before signing.
 - .3 Ship-owners shall ensure that clear information on the conditions of employment, including a copy of the seafarers' employment conditions, are easily obtainable on board by seafarers, and accessible for review by officers of a competent authority, including those in ports to be visited.
 - .4 Ship-owners shall ensure that all seafarers are given a document containing a record of their employment on board the ship (such as an appropriate "Seafarer's Identification and Record Book"), and that this document shall not contain any information on the quality of the seafarer's work or their wages.
 - .5 The format of the seafarers' employment agreement, prescribed by DMA and which shall be used on board Myanmar registered ships.
 - .6 The minimum notice period for early termination is not less than 7 days, or payment-in-lieu for shorter notice.
 - .7 The collective bargaining agreement will be incorporated as part of a seafarers' employment agreement where appropriate.
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
- .1 "Seafarer recruitment and placement service" refers to any person, company, institution, agency or other organization which is engaged in recruiting seafarers on behalf of ship-owners or placing seafarers with third party ship-owners.
 - .2 All seafarer recruitment and placement service based in Myanmar shall apply for and attain the Seafarer Employment License base upon Notification No. 3/2013 Dated 17.7.2013 issued by DMA.
 - .3 Seafarer recruitment agencies based in and licensed by State Parties to the MLC 2006 are recognized by DMA.

- .4 Ship-owners shall ensure that when using seafarer recruitment and placement services located in countries not party to the MLC 2006, such services are, as far as practicable, consistent with the requirements of the MLC 2006.
- .5 Ship-owners may engage any of the Recognized Organizations (authorized by the DMA) or the ship-owner's internal audit mechanism to audit seafarer recruitment and placement services located in countries not party to the MLC 2006. Ship-owners may engage seafarer recruitment and placement service already audited by any of the Recognized Organizations. Ship-owners are required to ensure that such services are consistent with the requirements of the MLC 2006.
6. **Hours of work or rest (Regulation 2.3)**
- .1 Ship-owners shall ensure that every seafarer on board is entitled to hours of rest, and the hours of rest shall not be less than ten hours in any twenty-four-hour period and not less than seventy-seven hours in any seven-day period. The minimum hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- .2 Exceptions from the required hours of rest in paragraph 1 can be allowed provided that rest period is not less than 70 hours in any 7-day period and shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception taking into account the guidance regarding prevention of fatigue given in Code B of the STCW 2010 (Manila Amendments).
- .3 "Hours of rest" means a period during which the seafarer is free to dispose of his time and movements. Meal breaks taken during hours of work shall not be considered as "hours of rest".
- .4 Ship-owners are recommended to use the *IMO/ILO model formats for recording daily hours of rest and shipboard working arrangements*. Ship-owners may use their own formats which shall contain at minimum the same information fields as found in the *IMO/ILO model formats*.
7. **Manning levels for the ship (Regulation 2.7)** Ship-owners shall ensure to comply with the Minimum Safe Manning Document issued by DMA.
8. **Accommodation (Regulation 3.1)**
- .1 Ships constructed on or after the date the MLC 2006 comes into force shall comply with the requirements of MLC 2006.
- .2 Ships constructed before the date when the MLC 2006 comes into force shall comply with Regulations of ILO Accommodation of Crews Convention (Revised), 1949 (No.92) or ILO Accommodation of Crews (Supplementary Provisions) Convention, (No. 133) if applicable.
- .3 Documented inspections, by or under authority of the master and at intervals not exceeding 7 days, shall be carried out on board with respect to ensuring that seafarer accommodation is clean, decently habitable and maintained in a good state of repair.
9. **On-board recreational facilities (Regulation 3.1)**
- .1 Ships constructed on or after the date the MLC 2006 comes into force shall comply with the requirements of MLC 2006.

- .2 Ships constructed before the date when the MLC 2006 comes into force shall comply with Regulations of ILO Accommodation of Crews Convention (Revised), 1949 (No.92) or ILO Accommodation of Crews (Supplementary Provisions) Convention, (No. 133) if applicable.
- .3 Without prejudice to the requirements of the MLC, and taking into consideration the guidelines in Part B, the ship-owner should as a basic requirement provide a television, reading materials and space for recreational activities. The seafarers shall be given reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount.

10. Food and catering (Regulation 3.2)

- .1 Ship-owners shall provide and maintain the following minimum standards for food and catering on board ships:
 - .1 The provision of food and drinking water shall be of appropriate quality, nutritional value, quantity and variety. The provision of food and drinking water shall also take into account the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the ship's voyage.
 - .2 The organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions.
 - .3 The catering staff shall be properly trained or instructed for their positions.
- .2 Ship-owners shall provide seafarers on board with food and drinking water free of charge during the period of engagement.
- .3 Ship-owners shall ensure that seafarers, who are engaged as ships' cooks are trained, qualified and found competent in accordance with the requirements in Guidance Note.
- .4 Documented inspections, by or under authority of the master and at intervals not exceeding 7 days, shall be carried out on board with respect to:
 - .1 supplies of food and drinking water;
 - .2 all spaces and equipment used for the storage and handling of food and drinking water; and
 - .3 galley and other equipment for the preparation and service of meals.
- .5 No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.

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

- .1 Ship-owners shall adopt, implement and promote occupational safety and health policies and programmes on board ships, including risk evaluation as well as training and instruction of seafarers.
- .2 Ship-owners shall provide and ensure reasonable precautions to prevent occupational accidents, injuries and diseases on board, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or diseases that may arise from the use of equipment and machinery on board ships.
- .3 Ship-owners shall ensure that on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, take into account preventive measures, including engineering and design control, substitution of processes and

procedures for collective and individual tasks, and the use of personal protective equipment.

- .4 The ship-owner or the master of the ship are required to report to the Director of DMA occurrences of occupational accidents, injuries and diseases on board ships, and to also correct unsafe conditions. Reports are required if the accident, injury or disease renders the crew unfit for work for more than 3 consecutive days or hospitalized for at least 24 hours.

.5 Ship-owners conducting risk evaluation in relation to management of occupational safety and health shall refer to appropriate statistical information from their ships and from general statistics provided by the Director.

- .6 Ship-owners shall specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policies and programmes. Ship-owners shall also specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be established on board a ship on which there are five or more seafarers.

- .7 Ship-owners shall pay special attention to the safety and health of seafarers under the age of 18.

13. On-board medical care (Regulation 4.1)

- .1 Ship-owners shall ensure that:

- .1 there are measures for seafarers to be given prompt and adequate medical care (including dental care) and occupational health protection relevant to their duties on board the ship;
- .2 seafarers have the right to visit a doctor or dentist without delay in ports of call, where practicable;
- .3 medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided at no cost to the seafarer; and
- .4 there are measures for medical care to be of preventive character such as health promotion and education programmes.

- .2 The format of the medical report form prescribed by DMA and which shall be used by shipmasters and relevant onshore and on board medical personnel.

14. Onboard Complaint Procedure (Regulation 5.1.5)

- .1 Ship-owners shall ensure that all ships have the on board complaint procedures, as prescribed by the Director of Seafarer Division, for the fair, effective and expeditious handling of seafarer complaints alleging breaches of MLC 2006.
- .2 Ship-owners shall ensure that all seafarers working on board any ship have a copy of the on board complaint procedures, as prescribed by the Director of Seafarer Division. This shall include contact information for the competent authority in the flag State and, where different, in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.
- .3 The on board complaint procedures, as prescribed by the Director of Seafarer Division.

15. Payment of wages (Regulation 2.2)

- .1 Ship-owners shall ensure that payments due to seafarers are paid at no greater than monthly intervals and in accordance with the seafarer employment agreement, and where applicable, any collective bargaining agreement.
- .2 Ship-owners shall ensure that seafarers are given a monthly account of the payments due and that the account contains the minimum information fields that are required by national law.
- .3 The rate of currency exchange shall not be unfavorable to the seafarers.
- .4 Ship-owners shall take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. Measures to ensure that seafarers are able to transmit their earnings to their families include:
 - .1 a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and
 - .2 a requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers.
- .5 Ship-owners shall ensure that transmissions of earnings by seafarers to at least one account designated by the seafarer shall be provided free of charge. Where more than one account has been designated by the seafarer, allotments to any subsequently designated account(s) shall be provided at a reasonable charge.