

# Palau International Ship Registry



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## MARINE CIRCULAR 138.1

**To:** ALL SHIPOWNERS, MANAGERS, MASTERS, and REGISTRATION OFFICERS OF MERCHANT SHIPS AND RECOGNIZED ORGANIZATION.

**Subject:** SEAFARER RECRUITMENT AND PLACEMENT SERVICES BASED IN NON-MARITIME LABOUR CONVENTION, 2006 (CONVENTION) COUNTRIES OR TERRITORIES

**Reference:**

- Maritime Labour Convention, 2006 (MLC, 2006), Regulation 1.4.3
- MN 213.1- Minimum Requirements for Seafarers to Work on A Ship

**Purpose:**

The Republic of Palau, in respect of seafarers who work on ships that fly its flag, requires from ship-owners who use Seafarer Recruitment and Placement Services (SRPS) which are based in countries or territories where this Convention does not apply, to ensure that those services conform to the requirements set out in the MLC Code.

The purpose of this Circular is to implement Convention Regulation 1.4.3 which has been developed to ensure seafarer access to efficient and well-regulated recruitment and placement systems in countries and territories that are not a party to the Convention.

**Applicability:**

This circular applies to all ship-owners and operators of Palau flagged commercial ships.

**Provisions for Insurance Companies Acceptance:**

Palau International Ship Registry has an evaluation process for acceptance of SRPS Companies providing services to seafarers and are based in countries or territories where this Convention does not apply. All SRPS seeking approval from Palau Flag Administration are requested to submit the following documentation:



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- ✓ Act of Incorporation indicating the List of Named Managers and Persons in charge.
- ✓ Complete contact list of the company including email, telephone and fax numbers to the departments in charge of providing services to seafarers.
- ✓ Description of the organization and years in the maritime market
- ✓ Client portfolio
- ✓ Adequate documentation regarding company's financial standing and the company's eligibility to carry out its business.
- ✓ Adequate documentation on insurance coverage on claims met by the company for liability incurred under the MLC Convention 2006.
- ✓ A guarantee by the company and its parent company, if any, that it will cover liability incurred under the MLC Convention 2006, as amended, in reference to shipowners' liability and repatriation of seafarers.

## Requirements:

SRPS shall provide services as per below requirements:

1. General  
The SRPS may not use means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified.
2. Fees  
The SRPS may not charge the seafarers directly or indirectly, in whole or in part, any fees or other charges for recruitment or placement or for providing employment, other than the cost of the seafarer obtaining a national statutory medical certificate, a national Seafarer's Identification Record Book (SRIB) and a passport or other similar personal travel documents.
3. Data Register  
The SRPS should maintain an up-to-date register, available for inspection, of seafarers recruited or placed.  
The SRPS should maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by its recruitment and placement system. These records should include, but should not be limited to:
  - ✓ the seafarers' qualifications;
  - ✓ record of employment;
  - ✓ personal data relevant to employment; and
  - ✓ medical data relevant to employment.



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The SRPS should maintain up-to-date lists of the ships for which they provide seafarers and ensure that there is a means by which the agency can be contacted in an emergency at all hours.

#### 4. Information

The SRPS should ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically and at no cost.

#### 5. Age Limit

The SRPS must prohibit the engagement or work on board a ship of any person under the age of 16.

#### 6. Seafarer Rights and Duties

The SRPS must inform seafarers of their rights and duties under their employment agreements before signing. This should include advising the seafarers of any particular conditions applicable to the job for which they are to be engaged and of the particular ship-owners policies relating to their employment.

#### 7. Employment Agreements

Seafarer employment agreements must be in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement.

The SRPS must verify that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative seafarers' organization, and, as a matter of policy, supply seafarers only to shipowners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

Employment agreements, at a minimum, must contain the following:

- ✓ The seafarer's full name, date of birth or age, and birthplace;
- ✓ The shipowner's name and address;
- ✓ The place where and date when the seafarer's employment agreement is entered into force;
- ✓ The capacity in which the seafarer is to be employed;
- ✓ The amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- ✓ The amount of paid annual leave or, where applicable, the formula used for calculating it;



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- ✓ The termination of the agreement;
  - i. if the agreement has been made for an indefinite period, the conditions entitling either party to terminate the agreement, as well as the required notice period;
  - ii. if the agreement has been made for a definite period, the date fixed for the termination of the agreement;
  - iii. if the agreement has been made for a voyage, the port of destination and the time period for discharge of the seafarer after completion of the voyage.
- ✓ The health and social security protection benefit to be provided to the seafarer by the shipowner;
- ✓ The seafarer's entitlement to repatriation;
- ✓ Reference to a collective bargaining agreement, if applicable; and
- ✓ Any other particulars which national law may require.

The SRPS must make proper arrangements for seafarers to examine their employment conditions before and after they are signed. Seafarers must be provided with a signed copy of the agreement.

## 8. Qualifications

The SRPS shall not recruit or place seafarers to work on a ship unless they are trained or certified as competent or otherwise found qualified to perform their duties and have successfully completed basic training for personal safety on board ship. Seafarers must hold the documents necessary for the job concerned.

## 9. Seafarer Documents

The SRPS shall, as far as practicable, ensure that all mandatory certificates and documents submitted for employment are up-to-date, have not been fraudulently obtained and that employment references are verified.

## 10. Medical Certificate

Prior to beginning work on a ship, seafarers must hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.

The medical certificate must be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. Practitioners must enjoy full professional independence in exercising their medical judgment in undertaking medical examination procedures.

## 11. Shipowners' Means



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The SRPS must ensure by a way of insurance that the shipowner has the means to protect seafarers from being stranded in a foreign port.

## 12. Complaints

The SRPS must examine and respond to any seafarer's complaint concerning their activities and advise the Palau International Ship Registry Administration of any unresolved complaint.

## 13. Compensation for Monetary Loss

The SRPS must establish a system of protection by a way of insurance or other equivalent appropriate measures to compensate seafarers for monetary loss that they may result from a failure of the agency or the shipowner concerned to meet their obligations under the seafarer's employment agreement.

## 14. Advice Regarding Employment on Non-Convention Ships

The SRPS must, in so far as practicable, advise seafarers on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Convention until it is satisfied that standards equivalent to those contained in the Convention are being applied.

## 15. Prevention of Exploitation

The SRPS must have procedures in place to:

- ✓ Ensure that seafarers are not subject to exploitation with regard to the offer of engagement on a particular ship or by particular companies; and
- ✓ Prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarers which are handled by the SRPS.

## Contact:

SPRS Companies that wish to be approved by the PISR, may apply by sending a written request to:

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SPRS Companies will be approved for a period of five (5) years, subject to renewal. File review and Evaluation fee is 300.00\$.

Once an insurer is approved and authorized by PISR to issue Financial Security Certificates required by the MLC, must apply again in case that company name or address changes.

**The present supersedes any related Marine Circular issued by Palau International Ship Registry on a date prior to its official publication**

Click [here](#) or use the below QR Code for the list of the last updated Marine Circular

