



**MARITIME AND PORT AUTHORITY OF
SINGAPORE
SHIPPING CIRCULAR TO SHIPOWNERS
NO. 16 OF 2012**

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22 October 2012

Applicable to: Shipowners, shipmanagers, operators and seafarer recruitment and placement services.

**MARITIME LABOUR CONVENTION: SEAFARER RECRUITMENT
AND PLACEMENT REQUIREMENTS**

Introduction

1. Singapore ratified the Maritime Labour Convention 2006 (MLC) which will come into force internationally on 20 August 2013. As part of the obligations under the MLC (MLC Standard A1.4), all companies based in Singapore which are engaged in recruiting and placing seafarers shall conform to requirements set out in the MLC¹. These standards are applicable when the seafarer recruitment and placement services are operated in, or provided from, Singapore, and include those provided for Singapore-registered ships and foreign-flagged ships.

Employment Agency Licence and Letter of Approval

2. All companies that intend to carry out recruitment and placement activities for third parties² are required to obtain an Employment Agency (EA) licence from the Ministry of Manpower (MOM). Subsidiary companies³ that recruit and place

¹ The MLC definition of a seafarer recruitment and placement service is one which is "engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners".

² "Third parties" shall, in this context, mean separate legal entities which are distinct from the company which is carrying out the recruitment and placement service.

³ Section 5 of Companies Act - a corporation is deemed to be a subsidiary of another corporation, if (a) that other corporation (i) controls the composition of the board of directors of the first-mentioned corporation; (ii) controls more than half of the voting power of the first-mentioned corporation; or (iii) holds more than half of the issued share capital of the first-mentioned corporation (excluding any part thereof which consists of preference shares and treasury shares); or (b) the first-mentioned corporation is a subsidiary of any corporation which is that other corporation's subsidiary.

seafarers solely for their parent companies are also required to obtain an EA licence. All companies that recruit and place seafarers are also required to obtain a Letter of Approval (LOA) from the Director of Marine of the Maritime and Port Authority of Singapore (MPA).

3. EA licences would not be required in the following instances:

a. A company which recruits *all* its seafarers to work *solely* on ships owned by that company.

A LOA is also not required in this instance.

b. A company which itself employs, or becomes the employer of, all the seafarers that it recruits – ie: the company maintains control of, in relation to *all* its recruited seafarers, conditions of employment, working and living conditions, medical care, and safety and health – on board ships not owned by that company.

Although an EA licence is not required, the company is required to comply with the applicable provisions of the MLC and shall obtain a LOA from the Director of Marine of MPA.

4. Annex A provides details on EA licensing requirements, registration of EA personnel, types of EA licences and the application procedures for an EA licence. Annex B provides the different scenarios in which an EA Licence and/or LOA is required.

Letter of Approval

5. The Letter of Approval (LOA) is issued by the Director of Marine of MPA.

6. Pending the entry into force of the MLC on 20 August 2013 and the national regulations implementing the MLC requirements, MPA will, upon successful application, issue a Provisional Letter of Approval (Provisional Letter) in the interim. Subsequently, MPA will issue a LOA to replace the Provisional Letter within six months of the MLC coming into force i.e. the Provisional Letter will only be valid up to 20 February 2014 or up to when the LOA is issued, whichever is earlier. The Provisional Letter will be issued free of charge.

7. When the MLC enters into force on 20 August 2013, an issuing fee is payable upon successful application of the LOA (including replacement of a Provisional Letter with a LOA). The LOA will be valid for up to three years. However, if the company also possesses an EA licence, the LOA will be valid only up to the date of expiry of the EA licence.

8. For details on the application procedures for a “Letter of Approval”, please refer to Annex C. Application for the Provisional Letter of Approval will be available from 1 November 2012.

9. Queries regarding MOM's EA Licence should be addressed to:
 - Email: MOM_FMMD@mom.gov.sg; Tel. No.: 6438 5122

10. Queries regarding MPA's LOA should be addressed to:
 - Mr Benjamin Wong (email: Benjamin_k_l_wong@mpa.gov.sg; Tel: 6375 6216); or
 - Ms Irene Goh (email: Irene_t_l_goh@mpa.gov.sg; Tel: 6375 6225); or
 - Mr Glendon Goh (email: Glendon_goh@mpa.gov.sg; Tel: 6375 6268)

CHEONG KENG SOON
DIRECTOR OF MARINE
MARITIME AND PORT AUTHORITY OF SINGAPORE

Application for Employment Agency (EA) Licence and Registration of EA Personnel⁴

Who needs a licence?

1. Entities and individuals that are actively involved in putting job seekers in touch with employers and vice versa, and/or could substantially influence the outcome of the employment terms and conditions are required to obtain an employment agency licence if such activities are carried out in Singapore. This is regardless whether the entity or individual is based in Singapore or overseas and regardless whether the job seekers are placed in jobs in Singapore or overseas.

2. A licence is not required if your agency only recruits persons for the sole purpose of employing them under your own company/business. This means any persons recruiting persons for other legal entities will need to obtain an EA licence.

How do I qualify for a licence?

3. The person applying for an EA licence must be a Singapore Citizen or Permanent Resident at the point of application.

4. Foreigners applying for an EA licence must obtain an Employment Pass which will allow him/her to work in that agency.

5. Before applying for an EA licence, the person must be registered with the Accounting and Corporate Regulatory Authority (ACRA) as an owner/managing director/manager of the agency at the point of application. The agency must have one of the following registered as one of its principal activities:

- 'Employment Agencies (excluding maid agencies)' (SSIC 78104)

⁴ For updates and changes regarding the Application for EA Licence and Registration of EA Personnel, please refer to the MOM website: <http://www.mom.gov.sg/Pages/default.aspx>

- 'Executive Search Agencies' (SSIC 78105)
 - 'Maid Agencies' (SSIC 78103)
6. Key Appointment Holders of the EA have additional responsibilities to fulfil.
7. Further information can be obtained from the following webpage:
- <http://www.mom.gov.sg/foreign-manpower/employment-agencies/legislation-licensing-criteria/Pages/default.aspx>

Who needs to be registered as EA Personnel?

8. Any staff who conducts EA work, which refers to activities carried out to facilitate the placement of a worker with an employer, will need to be registered as an EA Personnel. These activities may include:
- Communicating with any job seeker for the purpose of assisting in job applications
 - Collating biodata or resume of any job seeker to help secure employment
 - Submitting work pass applications to MOM on behalf of any employer or job seeker
9. When registering as an EA Personnel, you will need to register either as a Key Appointment Holder or Non-Key Appointment Holder.

Who should be registered as Key Appointment Holder (KAH)?

10. Any partner, owner, manager, director, managing director, chief executive officer, chief financial officer, chief operating officer or any person who has general control and management of the administration of any specified employment agency work must be registered as a Key Appointment Holder of the licensed employment agency. The criteria for registering as Key Appointment Holders are as follows:
- They must not be an undischarged bankrupt.

- They must not have any conviction records (particularly under Women's Charter, Children and Young Persons Act, Penal Code, Immigration Act, Employment Agencies Act and Employment of Foreign Workers Act) in Singapore or elsewhere, of an offence involving dishonesty or human trafficking.
- They are not directors of or involved in the management of an employment agency whose licence had been revoked.

11. To check if you are eligible to be registered as an EA Personnel, you may use the self assessment tool in the attached link:

<http://www.mom.gov.sg/foreign-manpower/employment-agencies/Pages/EASelfAssessmentTool.aspx>

What type of licence should I apply for?

12. Seafarer manning agencies can choose to apply for either one of the following two types of licences. Each of them is valid for 3 years.

- **Comprehensive Licence (CL)**
 - EAs are allowed to place all types of workers.
 - All Directors, Partners, Sole Proprietors are required to obtain the Certificate of Employment Intermediaries (CEI) before the EA can be granted a licence
 - Registered EA Personnel will also need to obtain the CEI
 - Required to furnish an initial security deposit of S\$60,000
- **Select Licence (SL)**
 - EAs are only allowed to place workers earning more than S\$7,000 excluding training work pass holders
 - None of the EA Personnel are required to obtain the Certificate of Employment Intermediaries
 - Required to furnish a security deposit of S\$20,000

How do I obtain the Certificate of Employment Intermediaries?

13. To obtain the Certificate of Employment Intermediaries, EA Personnel will need to pass an examination administered by NTUC Learning Hub Pte Ltd. The details are as follows:

Test Fees (Including GST): \$171.20 – CEI (KAH)
 \$171.20 – CEI (Basic)

Venue: NTUC Trade Union House
 73 Bras Basah Road
 #02-01
 Singapore 189556

Tel: (65) 6471 2223

Fax: (65) 6339 7288

Email: enquiries@ntuclearninghub.com

14. Should you fail the test; you will be required to attend the course before taking the re-test. If you fail the re-test, you may take the test again without having to re-attend the CEI course. There is no limit to the number of attempts you can take the test.

15. This is the list of training providers:


Training Provider	Address	Contact Information
Absolute Kinetics Consultancy Pte Ltd	105 Desker Road Singapore 209627	Email: enquiry@absolutekinetics.com Tel: (65) 6763 7632 Fax: (65) 6763 3885
Grace Management & Consultancy Services Pte Ltd	231 Mountbatten Road Blk C, Mountbatten Centre, #01-05 Singapore 397999	Email: cei@gmcs.com.sg Tel: (65) 6392 4333 Fax: (65) 6299 4836


Singapore Polytechnic	PACE Academy 500 Dover Road Singapore 139651	Email: cec@sp.edu.sg Tel: (65) 6772 1288 Fax: (65) 6772 1957
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16. For further details on the test fees and the course details, you may refer to the attached link:

<http://www.mom.gov.sg/foreign-manpower/employment-agencies/Pages/CEI.aspx>

Licence Application Process

 Submission of EA licence application and Security Bond and Banker's Guarantee forms
<p>1) Submit the application form for the EA licence at www.business.gov.sg/licences via the Online Business Licensing Service. A non-refundable application fee of S\$400 will apply.</p>
<p>2) Download a set of EA licence application forms at: http://www.mom.gov.sg/services-forms/employment-agencies/Pages/ea-licences.aspx <i>(Please note that if either the Security Bond form or the Banker's Guarantee form is not submitted on time, the application for the EA license will lapse. There will be no refund of the \$400 application fee.)</i></p>
<p>3) Mail the completed copy of the original documents to this address: Employment Agency Licensing Branch Foreign Manpower Management Division 1500 Bendemeer Road #02-01 Ministry of Manpower Services Centre Singapore 339946</p>

 Processing of documents (Please allow up to 3 working days for processing of your documents)
<p>4) If your application is successful, you will receive an email or SMS notification titled "Approved Pending Payment".</p>



Getting your employment agency licence

(Please get your credit card ready for payment of licence)

5) Make final payment by logging on to OBLIS website.

6) Print your e-Licence from OBLIS website.



Protect yourself – Know your responsibilities

(There will be no fee refund for applications that lapse)

- You are only allowed to operate an employment agency after the e-Licence has been issued.
- You must comply with the provisions of the Employment Agencies Act and relevant Employment Agencies Licensing Conditions. You may view the full terms and conditions online at www.mom.gov.sg.

17. Further information on the licence application process can be found at the following webpage:

<http://www.mom.gov.sg/foreign-manpower/employment-agencies/Pages/licence-newapplicationframework.aspx>

Annex B

Scenario Table for Employment Agency (EA) Licence and MPA’s Letter of Approval (LOA)

Scenarios where a “recruiter” has to obtain an EA Licence and/or LOA:

	Recruiter	Employer⁵	Ship owner⁶	EA Licence	LOA
1)	ABC Company	ABC Company	ABC Company	Not required	Not required
2)	ABC Company	ABC Company	XYZ Company	Not required	Required
3)	ABC Company	XYZ Company	XYZ Company	Required	Required
4)	ABC Company	XYZ Company	DEF Company	Required	Required
5)	ABC Company	XYZ Company	ABC Company	Required	Required

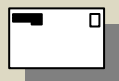
Recruiters/companies that require both the EA licence and the LOA must first obtain the EA licence before proceeding to apply for the LOA.

Note: In the examples above, ABC, DEF and XYZ companies are all separate legal entities.

⁵ “Employer” means any person who employs a seafarer under a contract of service and includes any organisation or person whose name is reflected in the seafarer’s employment agreement as the employer.

⁶ “Ship owner” in relation to a ship, means the owners, and includes the registered owner, or in the absence of registration, the person owning the ship or any other person such as the ship 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 the Convention, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the ship owner.

Application for the Letter of Approval (LOA) from MPA



Application for Letter of Approval (LOA)

1) Download the LOA application forms at:

http://www.mpa.gov.sg/sites/global_navigation/forms_directories/forms/shipping_forms.page

2) Submit the LOA application form via email : MMO_MPA@mpa.gov.sg



Processing of documents

(Please allow up to 3 working days for processing of your application)

3) If your application is successful, you will receive an email notification titled “Approved LOA”. The original LOA will be posted to your mailing address as stated in the LOA application form.



Know your responsibilities

- You are only allowed to operate as a Seafarer Recruitment and Placement Service after the Letter of Approval has been issued.
- You shall operate in accordance with requirements under national law and MLC, in particular, MLC Regulation 1.4 .- Recruitment and Placement.
- A new application is required should there be any changes in the applicant’s status e.g. change in any of the company’s particulars on the Letter of Approval, change in ownership of company.