

For voluntary appraisal certification

Handbook on Inspection of Seafarers' Working and Living Conditions

**Based on the MLC, 2006
(Maritime Labour Convention, 2006)**

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1. Introduction

Maritime Labour Convention, 2006 was established by consolidating and updating of 68 Maritime Conventions and Recommendations that International Labour Organization (ILO) has adopted since 1920. Minimum requirements on working and living condition for seafarers who work on board a ship are provided in this Convention, namely the provisions on conditions of employment, hours of work and hours of rest, accommodation and recreational facilities, food and catering, health protection, medical care, welfare and social security protection are included in this Convention.

This Convention has been enforced on 20 August 2013.

And also this Convention is designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO), i.e., SOLAS, STCW and MARPOL.

Accordingly by coming into force of this Convention, Ships, registered in the ratified country, which are 500 gross tonnages or over, engaged in international voyage are requested to take an inspection by a flag state or a RO recognized by the flag state to verify compliance with the requirements of the flag state's national laws and regulations implementing MLC, 2006 and to issue Maritime Labour Certificate (hereafter, MLC). And the MLC and Declaration of Maritime Labour Compliance (hereafter, DMLC) which is attached to MLC shall be kept on board the ship.

Furthermore, since the Convention has specified that ratified port states have responsible to inspect for not only ratified flagged vessels but also non-ratified flagged vessels in their port, it is recommended non-ratified flagged vessels are also to comply with the requirements of the Convention.

This handbook is guidance for non-ratified flagged vessels which intend to execute voluntary appraisal inspection and certification.

2. Abbreviations of terms

MLC, 2006: Maritime Labour Convention, 2006

MLC: Maritime Labour Certificate (for ships flying flag of ratified country)

IMLC: Interim Maritime Labour Certificate (for ships flying flag of ratified country)

SOC: Statement of Compliance (for ships flying flag of non-ratified country or non-enforced country)

DMLC: Declaration of Maritime Labour Compliance - composed of Part I & Part II

- Part I: List of national legal provisions for implementing requirements of the Convention – drawn up by the competent authority of flag state
- Part II: the measures and plans adopted to ensure ongoing compliance with national requirement as prescribed in Part I – drawn up by the Shipowner and reviewed and certified by the flag administration or RO recognized by the flag state.

RO: Recognized Organization

3. Definitions of Terms

- “*Seafarer*” means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies;
- “*Seafarers’ employment agreement*” includes both a contract of employment and articles of agreement;
- “*Seafarer recruitment and placement service*” means any person, Shipowner, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of Shipowners or placing seafarers with Shipowners;
- “*Ship*” means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
- “*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 organization or persons fulfill certain of the duties or responsibilities on behalf of the Shipowner.

4. Applicable Ship

Under the MLC, 2006, Ships, registered in ratified countries, which are required to comply with MLC, 2006 and to hold Maritime Labour Certificate (MLC) and Declaration of Maritime Labour Compliance (DMLC), are as follows:

- .1 500 gross tonnage or over, engaged in international voyages; and
- .2 500 gross tonnage or over, flying the flag of a Member and operating from a port, or between ports, in another country.

This handbook is applied to other than ships mentioned above registered in non-ratified countries, which engaged in international voyage and 500 gross tonnages or over.

5. Type of Certificate, Supplementary documents and Validity

Based on this handbook, the certificate is voluntary appraisal certificate which is issued to a ship mentioned above. There is no certificate issued to the Shipowner.

SOC: The SOC is to be issued upon voluntary appraisal inspection and certification carried out based on this hand book.

It is a Certificate to certify a ship complies with requirements of MLC, 2006. Upon the request of Shipowner (Company), the voluntary appraisal inspection and certification are to be conducted and then a Statement of Compliance (SOC) is to be issued. The SOC is not principally replaced with MLC when the Convention entries into force in the ship's flag state concerned. The validity and maintenance of SOC is to be followed to provisions of Standard A5.1.3 of the Convention.

6. Voluntary Appraisal Inspection and Certification

Inspection and certification on voluntary Appraisal basis are inspections as comprehensive as inspections required on the Convention, and consist of **Document review and On-board inspection. Initial on-board inspection is to be carried out after completion of Document review.**

6.1 Document review

6.1.1 Application for Document review

The application of Document review should be submitted to our branch or office in charge.

6.1.2 Documents to be submitted

Documents to be submitted are as follows.

1. Application form (Form MLC-APPLI-R)
2. Documents which are required to submit mentioned in the above application.
- 3.

6.1.3 Document review

It is reviewed that measures/plans to make sure ongoing compliance with the requirements provided in Mimic DMLC Part I are incorporated in the DMLC Part II.

When the non-compliance is found as a result of review, since the non-compliance is notified to Shipowner in writing then suitable corrections on the DMLC part II are required and re-submission of the revised one is also required.

Regarding the reviewed DMLC Part II, Form MLC-LOR (Letter of Review of Relevant Documents (DMLC Part II and/or drawings)) will be issued as the document which indicates successful result of the Document review and will be returned to Shipowner together with a report for document review (Form MLC-DRR) on electric format by e-mail. Please keep the Mimic DMLC Part I, the reviewed Part II (original or scanned copy) and Form MLC-LOR on board. On the following on-board inspection it is confirmed that those measures and plans set out in the reviewed DMLC Part II have been implemented on board a ship sufficiently.

In case of the on-board inspection for issuing an Interim MLC, it is not always required the completion of document review mentioned above prior to the said inspection.

6.2 On-board inspection

6.2.1 Application for On-board inspection

The application of On-board inspection should be submitted to the nearest Branch or overseas office of the Society where an inspection will take place directly.

Please pay attention that, as a rule, a ship is not in normal operation, such as in dry-dock or at lay-up condition, the society may not undergo an on-board inspection except for an inspection for issuing Interim SOC.

At the time of Initial inspection, the ship is required to operate the measures/plans set out in the reviewed DMLC Part II on a ship for at least 3 months in principle.

*: You may also utilize “ Online application service for surveys and audits ” through our web Service Portal, refer to e-Application for detail. (www.classnk.or.jp)

6.2.2 Documents to be submitted

Document to be submitted is as follows.

1. Application form (Form MLC-APPLI-S)
2. Documents which are required to submit mentioned in the above application.

6.2.3 On-board inspection for issuing Interim SOC (ISOC)

Inspector(s) to our Branch or overseas office in charge attend the ship to verify, to the extent possible practicably, whether the requirements prescribed in the Convention have been implemented on the ship effectively by confirming relevant documents/records, interviewing

with crew and ship tour according to the inspection plan which is sent prior to the inspection. Prior to conducting the inspection, although completion of DMLC Part II review is not always required but submission and acceptance of the application for the review is required. Upon the completion of inspection, as far as reasonable and practicable scope, ISOC will be issued with the inspection report for certifying.

If the non-conformities or major non-conformities with requirements of MLC, 2006 are found during the inspection, rectifications are requested by the inspector.

After confirming completion of the remedial action of the non-conformities or major non-conformities, ISOC will be issued with the inspection report for certifying.

Major non-conformities are to be downgraded during the inspection immediately.

If non-conformities or downgraded non-conformities are not rectified immediately, ISOC will be issued with the inspection report subject to all rectification measures according to the Corrective Action Plan (CAP) drawn up by the Shipowner are to be taken by the following initial inspection. The ISOC is to be kept onboard the ship and also the copy is to be posted in a conspicuous place on board. A copy of inspection report is required to be kept on shore and on board for at least the validity of the certificate.

In case of the on-board inspection for issuing an interim ISOC, upon the completion of inspection the DMLC Part II (draft DMLC Part II is acceptable) provided on board the ship is not to be signed, stamped and sealed.

6.2.4 Initial on-board inspection

Inspector(s) to our Branch or overseas office in charge attend the ship to verify whether the measures/plans set out in the reviewed DMLC Part II have been implemented on the ship effectively by confirming relevant documents/records, interviewing with crew and ship tour according to the inspection plan which is sent prior to the inspection.

Upon the completion of inspection, NK stamp and signature on the DMLC Part II will be made with NK seal for certifying and SOC will be issued with the inspection report.

If the non-conformities or major non-conformities are found during the inspection, rectification is requested by the inspector.

After confirming completion of the remedial action of the non-conformities or major non-conformities, NK stamp and signature on the DMLC Part II will be made with NK seal for certifying and SOC will be issued with the inspection record.

Major non-conformities are to be downgraded during the inspection immediately.

If non-conformities or downgraded non-conformities are not rectified immediately, NK stamp and signature on the DMLC Part II will be made with NK seal for certifying and a short term (maximum 3 months validity) SOC will be issued with the inspection report subject to all rectification measures according to the Corrective Action Plan (CAP) drawn up by the Shipowner are to be taken within the specified period.

In addition, due to verification of effective rectification to be taken according to the CAP for the downgraded non-conformities, an additional inspection should be required within 3 months after the initial inspection concerned.

The SOC is to be kept onboard the ship with DMLC (constituting Part I and Part II) and also those copies are to be posted in a conspicuous place on board.

A copy of inspection report is required to be kept at least for five (5) years on shore and on board.

7. Issuance and maintenance of SOC, various inspections and issuance of certificate

Issuance and maintenance of SOC is principally treated as same as MLC, but if there are special requirements by flag state those requirements should be followed.

However once the flag concerned has ratified the Convention, it is assumed that treatment of the SOC will be changed so please contact to SMD for further detail.

8. Download of application form

Application form for Document review and On-board inspection is available to download from our ClassNK website below;

- The posting site
http://www.classnk.or.jp/hp/en/download/dl_appli.aspx
- Application form
 - Application form: (Form MLC-APPLI-R, Form MLC-APPLI-S
Form MLC-APPLI-S-J)