

CDP 800

# Dominica Maritime Labour Compliance



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Maritime Administration**

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## INTRODUCTION

Dominica Maritime Labour Compliance has been developed taking into consideration the provisions of the Maritime Labour Convention, 2006 and the model national provisions that have been developed by the International Labour Organization for compliance with the Maritime Labour Convention.

The following provisions are the minimum mandatory requirements for all vessels registered with the Commonwealth of Dominica Maritime Administration with respect to seafarer and shipowner rights and obligations. This Publication does not restrict any ship registered with the Commonwealth of Dominica from requesting inspection and certification by an approved Recognized Organization for compliance with the Maritime Labour Convention.

## APPLICABILITY

All Dominica flagged ships whether publically or privately owned ordinarily engaged in commercial activities and international voyages; all seafarers; all shipowners and shipowners' associations providing employment to Dominica vessels or Dominica credentialed seafarers; and all seafarer recruitment and placement agencies providing services to Dominica credentialed seafarers.

## EXCEPTIONS

The following ships are exceptions to the requirements of Dominica Maritime Labour Compliance:

- Ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered water or areas where port regulations apply;
- Ships not ordinarily engaged in commercial activities or international voyages;
- Ships engaged in fishing or in similar pursuits;
- Ships of traditional build such as dhows and junks; and
- Warships or naval auxiliaries.

## DEFINITIONS

1. **Able Seafarer** means any seafarer who is deemed competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a supervisory or specialist rating, or who is defined as such by national laws, regulations or practice, or by collective agreement;
2. **Basic Pay or Wages** means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;

3. **Consolidated Wage** means a wage or salary which includes the basic pay and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
4. **Seafarer** means any person who is employed or engaged or works in any capacity on board a ship;
5. **Hours of work** means the time during which seafarers are required to do work on account of the ship;
6. **Hours of rest** means the time outside hours of work; this term does not include short breaks;
7. **Night** is the period of time between 9 PM (2100) to 6 AM (0600);
8. **Overtime** means time worked in excess of the normal hours of work;
9. **Seafarer Employment Agreement** includes both a contract of employment and articles of agreement;
10. **Seafarer Recruitment and Placement Service** means any person, company, institution, agency or other organization, in the public or private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners;
11. **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;
12. **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 *CDP-800 Maritime Labour Compliance*, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the shipowner;
13. **Ships Cook** means a seafarer with responsibility for food preparation.

# **TITLE 1**

Title 1 of this publication has been drafted to be consistent with the requirements of Title 1 of the Maritime Labour Convention. The four primary sections of this title are the following:

1. Minimum age – to ensure seafarers under the age of 16 are not employed on board Dominica flagged ships and also to protect the health and safety of seafarers under the age of 18 that are employed on board Dominica flagged ships;
2. Medical Certificates – to provide the requirements and guidance for examination and certification in compliance with the International Convention for Standards, Training, Certification and Watchkeeping (STCW), as amended, and the minimum requirements for employment at sea;
3. Training and Qualifications – to establish and enforce existing standards for training and qualifications to ensure that seafarers employed on Dominica ships are appropriately trained for the safe and effective employment at sea; and
4. Recruitment and Placement – to ensure that agencies providing services to Dominica flagged ships or Dominica certificated seafarers are doing so in compliance with the Maritime Labour Convention and/or minimum standards and requirements prescribed by the Dominica Maritime Administration.

## **1. Minimum Age**

- a) The employment, engagement or work on board a ship of any person under the age of 16 is prohibited.
- b) The employment, engagement or work of seafarers under the age of 18 is prohibited where the work is likely to jeopardize their health or safety.
- c) Where a shipowner/operator has in place a Shipboard Occupational Health and Safety Program, it shall address the safety and health of young seafarers and, specifically, restrictions on work considered hazardous for those under the age of 18.
- d) Prior to employment, a seafarer under the age of 18 shall be:

- i. Assessed for competency to perform a task or job while being given an explanation and/or walk through of all procedures, including safe working practices, and required to take pre-job training, if competence cannot be determined; and
  - ii. Provided with age-appropriate information concerning the prevention of accidents and the protection of their health on board ships. Such information should include the detrimental effects of alcohol and drug abuse and the abuse of other potentially harmful substances, and the risks and concerns related to HIV/AIDS and other health-risk-related activities.
  
- e) The activities or work likely to jeopardize the health or safety of seafarers under the age of 18 are those as determined by the shipowner/operator, and may be included in the development of a Shipboard Occupational Health and Safety Program, shall include but not be limited to:
  - i. The lifting, moving, or carrying of heavy loads or objects;
  - ii. Entry into boilers, tanks and cofferdams;
  - iii. Exposure to harmful noise and vibration levels;
  - iv. Operating hoisting and other power machinery tools, or acting as signalers to operators of such equipment;
  - v. Handling mooring or tow lines or anchoring equipment;
  - vi. Rigging;
  - vii. Work aloft or on deck in heavy weather;
  - viii. Nightwatch duties;
  - ix. Servicing of electrical equipment
  - x. Exposure to potentially harmful materials, or harmful physical agents such as dangerous toxic substances and ionizing radiations; when making a determination of which activities are hazardous, a shipowner/operator also should consider hazardous materials codes on a vessel-specific basis, as applicable;

- xi. The cleaning of catering machinery; and
  - xii. The handling or taking charge of ship's boats.
- f) Night work of seafarers under the age of 18 is prohibited subject to the paragraph below. For the purposes of this provision, the term "night" is the period of time between 9 PM (2100) to 6 AM (0600).
- g) An exception regarding night work may be made by the Commonwealth of Dominica Maritime Administration in the following situations:
- i. When the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or
  - ii. When the specific nature of the duty or recognized training programme requires that seafarers under the age of 18 perform duties at night and the Commonwealth of Dominica determines that the work will not be detrimental to their health or well-being.
- h) No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.

## **2. Medical Certificate**

- a) Seafarers shall hold a valid medical certificate attesting that they are medically fit to perform the duties that they are to carry out at sea. The medical certificate must have been issued prior to commencing work on a ship.
- b) A valid medical certificate issued to a seafarer in accordance with the requirements of the STCW Convention will be considered as meeting the requirements of paragraph (a) above.
- c) The Dominica Maritime Administration has prescribed the nature of the medical examination and certificate (See CDMP-3033a).
- d) A medical certificate:
- i. Must be issued by a duly qualified medical practitioner or, in the case of a certificate issued solely concerning eyesight, by a person recognized by the Commonwealth of Dominica as qualified to issue such a certificate. In order to be recognized, practitioners must enjoy full professional independence in exercising their medical judgment in undertaking medical examination procedures;
  - ii. Must state that:



- a. The hearing and sight of the seafarer, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and
  - b. The seafarer is not suffering from any medical condition likely to be aggravated by service at sea or render the seafarer unfit for such service as to endanger the health of other persons on board.
- e) Seafarers that have been refused a certificate or have had a limitation imposed on their ability to work, in particular with respect to time, field of work or trading area, have the right to a further examination by another independent medical practitioner or by an independent referee.
- f) Unless a shorter period is required by reason of the specific duties to be performed by the seafarer or is required under the STCW Convention:
- i. A medical certificate shall be valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year;
  - ii. A certification of colour vision shall be valid for a maximum period of six years.
- g) In urgent cases Dominica Maritime Administration may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:
- i. The period of validity of such permission does not exceed three months; and
  - ii. The seafarer concerned is in possession of an expired medical certificate of recent date that has been expired for a period not exceeding 6 months.
- h) If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.
- i) Medical certificates for seafarers working on ships ordinarily engaged on international voyages must, as a minimum, be provided in English.

### **3. Training and Qualifications**

- a) Seafarers must be trained or certified as competent or otherwise qualified to perform their

duties.

- b) All seafarers must have successfully completed training for personal safety on board the ship.
- c) Training and certification in accordance with the STCW Convention or other mandatory instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraph (a).

#### **4. Recruitment and Placement**

- a) All shipowners/operators are required to ensure that:
  - i. All public and/or private seafarer recruitment and placement services located in a State that is party to the Maritime Labour Convention have demonstrated compliance with the provisions of the Convention.
  - ii. Any private seafarer recruitment and placement service operating in a State that is not party to the Convention conforms to the requirements of the convention as far as practicable. Seafarer recruitment and placement services in non-party States shall demonstrate compliance to the shipowner/operator by completing a third-party audit verifying compliance with the standards annexed to CD-PL 05-13.
- b) The Dominica Maritime Administration shall closely supervise all seafarer recruitment and placement services working on behalf of Dominica shipowners/operators.
- c) The Dominica Maritime Administration shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.
- d) The Commonwealth of Dominica Maritime Administration shall, in so far as practicable, advise nationals of Dominica 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 fixed by the Convention are being applied.
- e) A shipowner that makes use of a service based in a country that has not ratified the Maritime Labour Convention, 2006 must provide information to Dominica Maritime Administration regarding the regulation of the service to ensure that it is operated in conformity with the standards required by the Dominica Maritime Administration as guided in paragraphs a) and b) above.
- f) Private seafarer recruitment and placement services must be operated in accordance with

the following requirements:

- i. Any means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified are prohibited;
- ii. No fees or other charges for seafarer recruitment or placement or for providing employment to seafarers may be borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which must be borne by the shipowner;
- iii. An up-to-date register of all seafarers recruited or placed through them, must be maintained and available for inspection by Dominica Maritime Administration; in particular, information regarding medical examinations, seafarers' identity documents and such other items as may be required for the seafarer to gain employment; the services must maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which shall include but not be limited to:
  1. The seafarer's qualifications;
  2. Record of employment;
  3. Personal data relevant to employment; and
  4. Medical data relevant to employment.
- iv. Seafarers must be informed of their rights and duties under their employment agreements prior to or in the process of engagement and proper arrangements must be made for the seafarer to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
- v. Services must ensure that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of the particular shipowner's policies relating to their employment;
- vi. Seafarers recruited or placed must be qualified and hold the documents necessary for the job concerned, and the seafarers' employment agreements must be in accordance with the applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;
- vii. The services must have procedures:
  - a. To ensure, as far as practicable, that all mandatory certificates and documents

- submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;
- b. To 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
  - c. To supply seafarers, as a matter of policy, only to shipowners that offer terms and conditions of employment to seafarers who comply with the applicable laws or regulations or collective agreements.
- viii. The services must make sure as far as practicable that shipowners have means to protect seafarers from being stranded in a foreign port;
  - ix. The services must maintain up-to-date lists of the ships for which they provide seafarers, ensuring that there is a means by which the service can be contacted in an emergency at all hours;
  - x. Procedures must be in place to 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;
  - xi. The services must examine and respond to any complaint concerning their activities and advise the Commonwealth of Dominica Maritime Administration of any unresolved complaint;
  - xii. The services must have procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;
  - xiii. The services must assume obligations to ensure the proper fulfillment by shipowners of the terms of their employment agreements concluded with seafarers, including establishing a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.
  - xiv. In the case of any public seafarer recruitment and placement service, the Dominica Maritime Administration shall consider;
    - a. Taking the necessary measures to promote effective cooperation among seafarer recruitment and placement services, whether public or private;

- b. The needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers that form part of the ship's crew that is responsible for the ship's safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and the relevant training institutions;
- c. Making suitable arrangements for the cooperation of representative shipowners' and seafarers' organizations in the organization and operation of the public seafarer recruitment and placement services, where they exist;
- d. Determining, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage, combination, and communication of such data to third parties;
- e. Maintaining an arrangement for the collection and analysis of all relevant information on the maritime labour market, including the current and prospective supply of seafarers that work as crew classified by age, sex, rank, and qualifications, and the industry's requirements, the collection of data on age or sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age or sex;
- f. Ensuring that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations have had adequate training, including approved sea-service experience, and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labour standards;
- g. Prescribing operational standards and adopting codes of conduct and ethical practices for seafarer recruitment and placement services;
- h. Exercising supervision of the licensing or certification system on the basis of a system of quality standards.

## **TITLE 2**

Title 2 of this publication has been drafted to be consistent with the requirements of Title 2 of the Maritime Labour Convention. The eight primary sections of this title are the following:

1. Employment Agreements – to ensure that seafarers and shipowners are protected by fair employment agreements. Minimum requirements for seafarers articles of agreement are laid out in this section;
2. Wages – to ensure that seafarers are compensated for their services and to prescribe the conditions of such payments;
3. Hours of Work and Hours of Rest – to ensure that seafarers have regulated hours of work and hours of rest to reduce the effects of fatigue and other hazards resulting from unregulated working hours;
4. Entitlement to Leave – to ensure that seafarers have adequate leave and to provide the circumstances and conditions for leave;
5. Repatriation – to ensure that seafarers are able to return home and to provide the conditions on which they will be repatriated by the shipowner or other responsible entity;
6. Compensation for the Ship's Loss or Foundering – to ensure that seafarers are compensated when a ship is lost or has foundered and to provide the requirements for such compensation;
7. Manning Levels – to ensure that seafarers work on board ship with adequate personnel for the safe, efficient, and secure operation of the ship; and
8. Career and Skill Development and Opportunities for Seafarer's Employment – to promote career and skill development and employment opportunities for seafarers.

### **1. Seafarers' Employment Agreements**

- a) Seafarers working on board a ship must have a clear written legally enforceable agreement, referred to in the Dominica Maritime Act, 2002, as amended, which must be signed by both the seafarer and the shipowner or a representative of the shipowner (or, where the seafarers are not employees, evidence of contractual or similar arrangements) and must provide them with decent working and living conditions on board the ship as required by CDP 800 Dominica Maritime Labour Compliance;
- b) Seafarers must be given an opportunity to examine and seek advice on the seafarers' employment agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with sufficient understanding

of their rights and responsibilities. The shipowner and seafarer concerned must each have signed originals of the seafarers' employment agreement;

- c) Shipowners must ensure that clear information as to the conditions of employment can be easily obtained on board by the seafarer concerned, including the ship's master, and that such information, including a copy of the seafarers' employment agreement, is also accessible for review by officers of the Commonwealth of Dominica Maritime Administration as well as those in ports to be visited;
- d) To the extent compatible with applicable law and practice, seafarers' employment agreements shall be understood to incorporate any applicable collective bargaining agreements;
- e) Where a collective bargaining agreement forms all or part of the seafarers' employment agreement, a copy of that agreement must be available on board. Where the language of the seafarers employment agreement and any applicable collective bargaining agreement is not in English, the following must also be available in English (except for ships engaged only in domestic voyages);
  - i. A copy of a standard form of the agreement;
  - ii. The portions of the collective bargaining agreement that are subject to a port State inspection in accordance with Regulation 5 of the Maritime Labour Convention, 2006.
- f) Seafarers' employment agreements shall in all cases contain the following particulars:
  - i. The seafarer's full name, date of birth or age, and birthplace;
  - ii. The shipowner's name and address;
  - iii. The place where and date when the seafarers' employment agreement is entered into;
  - iv. The capacity in which the seafarer is to be employed;
  - v. The amount of the seafarer's wages or the formula used for calculating them;
  - vi. The amount of paid annual leave or the formula used for calculating it;

- vii. The termination of the agreement and the conditions thereof, including:
  - a. If the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;
  - b. If the agreement has been made for a definite period, the date fixed for its expiry; and
  - c. If the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;
- viii. The health and social security protection benefits to be provided to the seafarer by the shipowner, including information on any mandatory social security contributions;
- ix. The seafarer's entitlement to patriation;
- x. A reference to the collective bargaining agreement, if applicable;
- g) The minimum notice period to be given by the seafarers and shipowners for the early termination of a seafarers' employment agreement is a minimum of seven days;
- h) A notice period shorter than the minimum may be given by the seafarer, without penalty, for compassionate or urgent reasons or in other circumstances that are recognized under the Commonwealth of Dominica Maritime Act, 2002, as amended, CDP 300 or other national employment laws or in applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice;
- i) Seafarers must be given a document containing a record of their employment on board the ship. The document must not contain any statement as to the quality of the seafarers' work or as to their wages. The Commonwealth of Dominica Seafarer's Discharge Book is the only document issued by or on behalf of the Commonwealth of Dominica that satisfies this requirement.

## **2. Wages**

- a) Seafarers must be paid at no greater than monthly intervals and in accordance with their seafarers' employment agreement and any applicable collective agreement;



- b) Seafarers must be given a monthly account of the payments due and the amounts paid, including wages, additional payments, and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to;
- c) Shipowners must establish a system for enabling seafarers, at the same 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. Allotments must be remitted in due time and directly to the person or persons nominated by the seafarers;
- d) Any charge for the services under paragraph (c) above shall be reasonable in amount, and the rate of currency exchange, unless otherwise provided, shall be at the prevailing market rate or the official published rate and not unfavourable to the seafarer and shall comply with any other relevant requirements that may be established by law.

### **3. Hours of Work and Hours of Rest**

- a) For the purpose of these provisions, the term:
  - i. “hours of work” means time during which seafarers are required to do work on account of the ship;
  - ii. “hours of rest” means time outside hours of work this term does not include short breaks.
- b) In accordance with these provisions, a minimum number of 10 hours per 24-hour period of rest shall be observed for seafarers;
- c) The normal working hours standard for seafarers, like that for other workers, is based on an eight-hour day with one day of rest per week and rest on public holidays. The Commonwealth of Dominica may authorize a collective agreement which determines seafarers’ normal working hours on a basis no less favourable than the paragraphs below;
- d) The minimum hours of rest are not less than 10 hours per 24-hour period and the minimum number of hours per rest in any seven-day period not less than 77. Taking into account the dangers posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship.
- e) Hours of rest may be divided into no more than two periods, one of which must be at least six hours in length, and the interval between consecutive periods of rest must not exceed 14 hours;
- f) Musters, fire-fighting and lifeboat drills, and mandatory drills, must be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue;

- g) When a seafarer is on call, such as when a machinery space is unattended, the seafarer must have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work;
- h) If no collective agreement or arbitration award exists or if the Commonwealth of Dominica Maritime Administration determines that the provisions in the agreement or award in respect of paragraph (f) or (g) are inadequate, the Commonwealth of Dominica Maritime Administration shall determine such provisions to ensure the seafarers concerned have sufficient rest;
- i) A table with the shipboard working arrangements must be posted in an easily accessible place on board the ship. The table must contain for every position at least:
  - i. The schedule of service at sea and service in port; and
  - ii. The maximum hours of work and minimum hours of rest required under paragraph (d) above or paragraph (l) below.
- j) This table must be in the form approved by Dominica Maritime Administration and in the working language or languages of the ship and in English (See CD-PL 06-13).
- k) Shipowners must maintain records of seafarers' daily hours of rest in accordance with the form approved by Dominica Maritime Administration (See CD-PL 06-13). Each seafarer shall receive a copy of the record pertaining to her or him which must be endorsed by the master, or a person authorized by the master, and by the seafarer.
- l) Dominica Maritime Administration may authorize or register collective agreements permitting exceptions to the limits set out. Any exceptions shall, as far as possible, follow the standards set out in this Publication but may take into account if more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages;
- m) Nothing in the preceding paragraphs shall be deemed to impair the right of the master of a ship to require a seafarer, including a young seafarer, to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purposes of giving assistance to other ships or persons in distress at sea. The master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master must ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest
- n) Without prejudice to the general obligation on all seafarers to work during any emergency as provided for in paragraph (m) while at sea and in port the following provisions apply to all young seafarers under the age of 18:

- i. Working hours must not exceed eight hours per day and 40 hours per week and overtime shall be worked only where unavoidable for safety reasons;
  - ii. Sufficient time must be allowed for all meals, and a break of at least one hour for the main meal of the day shall be assured; and
  - iii. A 15-minute rest period as soon as possible following each two hours of continuous work must be allowed.
- o) Exceptionally the provisions in paragraph (n) need not be applied if:
  - i. They are impracticable for young seafarers in the deck, engine room, and catering departments assigned to watchkeeping duties or working on a rostered shift-work system; or
  - ii. The effective training of young seafarers in accordance with established programmes and schedules would be impaired.
- p) Any exceptional situations under paragraph (o) must be recorded, with reasons, and signed by the master.

#### **4. Entitlement to Leave**

- a) Seafarers must be given paid annual leave, as provided in paragraph (c) below;
- b) Seafarers must be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions;
- c) Subject to any collective agreement providing for an appropriate method of calculation that takes account of the special needs of seafarers in this respect, the annual leave with pay entitlement must be calculated in the basis of 2.5 calendar days per month of employment;
- d) Any agreement to forgo the minimum annual leave with pay as set out in the above paragraph (c), except in cases provided for by Dominica Maritime Administration, is prohibited.
- e) Length of service is to be calculated on the following basis:
  - i. Absence from work to attend an approved maritime vocational training course or for such reasons as illness or injury or for maternity shall be counted as part of the period of employment;
  - ii. Service off-articles shall be counted as part of the period of employment;

- f) Annual leave with pay entitlements must be calculated on the basis set out below in paragraphs (g) and (h). Justified absences from work must not be considered as annual leave;
- g) The following are not to be counted as part of annual leave with pay:
  - i. Public and customary holidays, whether or not they fall during the annual leave with pay;
    - a. Seafarers shall be afforded a minimum of five (5) paid holidays;
  - ii. Periods of incapacity for work resulting from illness or injury or from maternity;
  - iii. Temporary shore leave granted to a seafarer while under the employment agreement;
  - iv. Compensatory leave of any kind, under conditions as determined by Dominica Maritime Administration or through established machinery; and
  - v. Time spent awaiting repatriation and repatriation travel time.
- h) The level of pay during annual leave shall be at the seafarer's normal level of remuneration provided in the applicable seafarers' employment agreement. For seafarers employed for periods shorter than one year or in the event of termination of the employment relationship, entitlement to leave shall be calculated on a pro-rata basis.
- i) The time at which annual leave is to be taken must, unless otherwise fixed by regulation, collective agreement, arbitration award or other means, be determined by the shipowner after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives;
- j) In principle, seafarers have the right to take annual leave in the place with which they have a substantial connection, which is normally the same as the place to which they are entitled to be repatriated. Seafarers must not be required without their consent to take annual leave due to them in another place except under the provisions of a seafarers' employment agreement;
- k) If seafarers are required to take their annual leave from a place other than that permitted by in paragraph (j), they must be entitled to free transportation to the place where they were engaged or recruited, whichever is nearer their home; subsistence and other costs directly involved must be for the account of the shipowner. The travel time involved must not be deducted from the annual leave with pay due to the seafarer.
- l) A seafarer taking annual leave may only be recalled in cases of extreme emergency and with

the seafarer's consent;

- m) The division of the annual leave with pay into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave, may be authorized by Dominica Maritime Administration;
- n) Subject to paragraph (m) and unless otherwise provided in an agreement applicable to the shipowner and the seafarer concerned, a seafarer's annual leave with pay must consist of an uninterrupted period;
- o) Seafarers under the age of 18 who have served six months or any other shorter period of time under a collective agreement or seafarers' employment agreement without leave on a foreign-going ship which has not returned to their country of residence in that time, and will not return in the subsequent three months of the voyage must be repatriated, at no expense to themselves, to the place of original engagement in their country of residence for the purpose of taking any leave earned during the voyage.

## **5. Repatriation**

- a) Seafarers have a right to be repatriated at no cost to themselves in the following circumstances:
  - i. If the seafarers' employment agreement expires while they are abroad; or
  - ii. Upon the expiry of the period of notice given in accordance with the provisions of the seafarers' employment agreement, when the seafarers' employment agreement is terminated;
    - a. By the shipowner; or
    - b. By the seafarer for justified reasons;
  - iii. When the seafarer is no longer able to carry out her or his duties under the employment agreement or cannot be expected to carry them out in the specific circumstances;
  - iv. In any event after serving a period of 12 months on board.
- b) The following are deemed to be circumstances covered by paragraph a(ii) and (iii):
  - i. Illness or injury or other medical condition which requires the seafarers' repatriation when found medically fit to travel;
  - ii. Shipwreck;
  - iii. The shipowner not being able to continue to fulfill their legal or contractual

obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;

- iv. The ship being bound for a war zone to which the seafarer does not consent to go; and
  - v. Termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.
- c) Shipowners are prohibited from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarer's wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.
- d) All ships that fly the flag of the Commonwealth of Dominica must provide the Maritime Administration with evidence of financial security to ensure that seafarers are duly repatriated;
- e) Shipowners are responsible, as a minimum, for the following costs and seafarer's repatriation entitlements:
- i. Passage to the destination selected for repatriation in accordance with paragraph (g) below;
  - ii. Accommodation and food from the moment the seafarer leaves the ship until they reach the repatriation destination;
  - iii. Pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination;
  - iv. Transportation of 30kg of the seafarers' personal luggage to the repatriation destination; and
  - v. Medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination.
- f) If, after young seafarers under the age of 18 have served on a ship that flies the flag of the Commonwealth of Dominica for at least four months during their first foreign-going voyage, it becomes apparent that they are unsuited to life at sea, they must be given the opportunity of being repatriated at no expense to themselves from the first suitable port of call in which there are consular services of the Commonwealth of Dominica or the State of nationality or residence of the young seafarer. Notification of any such repatriation, with the

reasons therefor, shall be given to the authority which issued the papers enabling the young seafarers concerned to take up seagoing employment;

- g) The shipowner's duty to cover the costs of the repatriation continues until the seafarers concerned are landed at a destination as required under paragraph (h) below or are provided with suitable employment on board a ship proceeding to one of those destinations;
- h) Shipowners are responsible for repatriation arrangements by appropriate and expeditious means. The normal mode of transport is by air. Seafarers have the right to be repatriated, at their choice to one of the following destinations with which the seafarers have a substantial connection:
  - i. The place at which the seafarer agreed to enter into the engagement;
  - ii. The place stipulated by collective agreement;
  - iii. The seafarer's country of residence;
  - iv. Such other place as may be mutually agreed at the time of engagement.
- i) The entitlement to repatriation may lapse if the seafarers concerned do not claim it within two weeks or a reasonable period of time determined by an applicable collective agreement;
- j) The provisions of this Publication are without prejudice to any right of the shipowner to recover the cost of repatriation under third-party contractual agreements;
- k) If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers:
  - i. Dominica Maritime Administration will arrange for repatriation of seafarers;
  - ii. Costs incurred in repatriating seafarers shall be recoverable from the shipowner concerned;
  - iii. The expenses of repatriation shall in no case be a charge upon the seafarers, except as provided above in paragraph (c)
  - iv. The ship or other ships of the shipowner concerned may be detained by Dominica Maritime Administration until the reimbursement has been made;
- l) A copy of the present provision regarding repatriation written in an appropriate language must be carried on board a ship that flies the flag of the Commonwealth of Dominica and must be available to seafarers.

- m) Every possible practical assistance shall be given to a seafarer stranded in foreign port pending repatriation and in the event of delay in the repatriation of the seafarer. Where foreign seafarers are stranded in a port of the Commonwealth of Dominica, the Dominica Maritime Administration shall ensure that the consular or local representative of the flag State and the seafarer's State of nationality or State of residence, as appropriate, are informed immediately.

## **6. Seafarer Compensation for the Ship's Loss or Foundering**

- a) Shipowners must pay each seafarer employed on board an indemnity, as provided under paragraph (b) below, against unemployment resulting from the ship's loss or foundering;
- b) The indemnity must be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the seafarers' employment agreement. The total indemnity payable to any seafarer is limited to two months wages;
- c) The requirement in paragraph (a) is without prejudice to any other rights a seafarer may also have for losses or injuries arising from a ship's loss or foundering;
- d) Seafarers have the same legal remedies for recovering the indemnity as they have for recovering arrears of wages earned during the service.

## **7. Manning Levels**

- a) Ships must have a sufficient number of seafarers on board to ensure that they operate safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to:
  - i. Ensure the safety and security of the ship and its personnel, under all operating conditions in accordance with a safe manning document issued or designated by Dominica Maritime Administration; and
  - ii. Comply with the standards provided for in this Publication.
- b) Dominica Maritime Administration shall determine or approve or revise manning levels taking into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, the principles in applicable international instruments, especially those of the International Maritime Organization, on manning levels, and all the requirements concerning food and catering as set out in Title 3, Section 2.
- c) Complaints concerning manning levels on a ship will be investigated. Dominica Maritime Administration will maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of such complaints and arrange offer representatives of



shipowners' and seafarers' organizations to participate, with or without other persons or authorities, in the operation of such machinery.

## **8. Career and Skill Development and Opportunities for Seafarers' Employment**

- a) The Dominica Maritime Administration has developed provisions through approved Maritime Training Centers to promote employment in the maritime sector and to encourage career and skill development and employment opportunities for seafarers domiciled in the Commonwealth of Dominica and elsewhere, in order to provide the maritime sector with a stable and competent workforce;
- b) The aim of the abovementioned provisions is to help seafarers strengthen their competencies, qualifications and employment opportunities.

## **TITLE 3**

Title 3 of this publication has been drafted to be consistent with the requirements of Title 3 of the Maritime Labour Convention. The two primary sections of this title are the following:

- 1. Accommodation and Recreational Facilities – to ensure that seafarers have decent accommodations and recreational facilities on board; and
- 2. Food and Catering – to ensure that seafarers have access to good quality food and drinking water provided under regulated hygienic conditions.

### **1. Accommodation and Recreational Facilities**

- a) Ships must provide and maintain decent accommodation and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarer's health and well-being;
- b) With respect to the requirements of this Publication which relate to ship construction and equipment, ships constructed before 20 August 2013, when Dominica Maritime Labour Compliance shall be implemented, shall comply with the following requirements:
  - i. The general requirements in paragraph (a) above; and
  - ii. The requirements relating to ship construction and equipment that are set out throughout this Publication.

- c) A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction;
- d) Ships must:
  - i. Meet the minimum standards for on-board accommodation and recreational facilities in this Publication, including the provisions of Title 4, Section 3 related to health and safety protection and accident prevention, to ensure that any accommodation for seafarers, working or living on board, or both, is safe, decent in light of the specific needs of seafarers that both live and work on board ship;
  - ii. Be inspected in accordance with the provisions of Title 5, Section 4 to ensure initial and ongoing compliance with those standards;
- e) Frequent inspections must be carried out on board ships by, or under the authority of the master, to ensure that seafarer accommodations are clean, decently habitable and maintained in a good state of repair. The results of each such inspection must be recorded and be available for review;
- f) Where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, Dominica Maritime Administration may permit fairly applied variations in respect of the requirements in this Publication on condition that such variations do not result in overall facilities less favourable than those which would result from the application of those requirements;
- g) The Commonwealth of Dominica Maritime Administration may exempt ships of less than 500 gross tonnage from certain requirements as specified below in paragraphs i, ii, iii, and iv provided that all of the conditions are met:
  - i. The exemption must be expressly permitted below with respect to the requirement concerned;
  - ii. The exemption must be reasonable, taking account of the size of the ship and the number of persons on board;
  - iii. The exemption can be clearly justified on strong grounds due to particular circumstances; and
  - iv. The exemption is subject to the need to protect the seafarers' health and safety.

- h) With respect to general requirements for design and construction:
- i. There must be adequate headroom in all seafarer accommodation; the minimum permitted headroom where full and free movement is necessary shall not be less than 203 centimetres; Dominica Maritime Administration may permit some limited reductions in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:
    - a. Is reasonable; and
    - b. Will not result in discomfort to the seafarer;
  - ii. The accommodation shall be adequately insulated;
  - iii. In ships other than passenger ships, as defined in Regulation 2(e) and (f) of the International Convention for the Safety of Life at Sea, 1974, as amended (the SOLAS Convention), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;
  - iv. In passenger ships, and in special ships constructed in compliance with the IMO Code of Safety for Special Purpose Ships, 1983, and subsequent versions (hereinafter called “special purpose ships”), Dominica Maritime Administration may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;
  - v. There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight;
  - vi. The materials used to construct internal bulkheads, paneling and sheeting, floors and joinings must be suitable for the purpose and conducive to ensuring a healthy environment;
  - vii. External bulkheads of sleeping rooms and mess rooms must be adequately insulated; all machinery casings and all boundary bulkheads of galleys and other

spaces in which heat is produced must be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways; measures must also be taken to provide protection from heat effects of steam or hot-water service pipes or both;

- viii. Sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space must be adequately insulated to prevent condensation or overheating;
- ix. The bulkhead surfaces and deckheads must be of a material with a surface easily kept clean; no form of construction likely to harbor vermin shall be used; the bulkhead surfaces and deckheads in sleeping rooms and mess rooms must be capable of being easily kept clean and light in colour with a durable, nontoxic finish;
- x. The decks in all seafarer accommodation must be of approved material and construction and must provide a non-slip surface impervious to damp and easily kept clean; where the floorings are made of composite materials, the joints with the sides must be profiled to avoid crevices;
- xi. Proper lighting and sufficient drainage must be provided;
- xii. Accommodation and recreational and catering facilities must meet the requirements set out in Title 4, Section 3, on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers. In particular:
  - a. Accommodation and recreational and catering facilities must be located as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus;
  - b. Acoustic insulation or other appropriate sound-absorbing materials must be used in the construction and finishing of bulkheads, deckheads and decks within the sound-producing spaces as well as self-closing noise-isolating doors for machinery spaces;
  - c. Engine rooms and other machinery spaces must be provided, wherever practicable, with soundproof centralized control rooms for engine-room

personnel; working spaces, such as the machine shop, must be insulated, as far as practicable, from the general engine-room noise and measures must be taken to reduce noise in the operation of machinery;

- d. The limits for noise levels for working and living spaces must be in conformity with ILO international guidelines on exposure levels, including those in the ILO code of practice entitled “Ambient factors in the workplace, 2001,” and, where applicable, the specific protection recommended by the International Maritime Organization , and with any subsequent amending and supplementary instruments for acceptable noise levels on board ships; a copy of the applicable instruments in English or the working language of the ship should be carried on board and should be accessible to seafarers;
  - e. No accommodation or recreational or catering facilities must be exposed to excessive vibration;
  - f. Ships regularly trading to mosquito-infested ports must be fitted with appropriate devices;
- i) With respect to requirements for ventilation and heating:
- i. Sleeping rooms and mess rooms must be adequately ventilated; the system of ventilation for sleeping rooms and mess rooms must be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate;
  - ii. Ships, except those regularly engaged in trade where temperate climatic conditions do not require this, must be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room; in particular, air-conditioning systems, whether of a centralized or individual unit type, must be designed to:
    - a. Maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, ensure a sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and
    - b. Facilitate easy cleaning and disinfection to prevent or control the spread of disease.

- iii. All sanitary spaces must have ventilation to the open air, independently of any other part of the accommodation;
- iv. Adequate heat through an appropriate heating system must be provided, except in ships exclusively on voyages in tropical climates; furthermore:
  - a. The system of heating the seafarer accommodation must be in operation at all times when seafarers are living or working on board and conditions require its use;
  - b. In all ships in which a heating system is required, the heating must be by means of hot water, warm air, electricity, steam or equivalent except that within the accommodation area, steam must not be used as a medium for heat transmission;
  - c. The heating system must be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate likely to be met within the trade in which the ship is engaged;
  - d. Radiators and other heating apparatus must be placed and, where necessary, shielded so as to avoid risk of fire or danger or discomfort to the occupants; and
- v. Power for the operation of the air conditioning and other aids to ventilation required by the preceding subparagraphs must be available at all times when seafarers are living or working on board and conditions require; however, this power need not be provided from an emergency source.
- j) Ships of less than 500 gross tonnage may, subject to the conditions set out in paragraph (g) above, be exempted from the requirement in paragraph i(ii).
- k) With respect to requirements for lighting, subject to such special arrangements as may be permitted by Dominica Maritime Administration for passenger ships, sleeping rooms and mess rooms must be lit by natural light and provided with adequate artificial light. In particular:
  - i. Electric light must be provided in seafarers' accommodation;

- ii. If there are not two independent sources of electricity for lighting, additional lighting must be provided by properly constructed lamps or lighting apparatus for emergency use.
  - iii. In seafarers' sleeping rooms an electric reading lamp must be installed at the head of each berth;
  - iv. Suitable standards of natural and artificial lighting should be fixed by the classification societies recognized by the Administrator.
- l) When sleeping accommodation on board ships is required, the following requirements for sleeping rooms apply;
- i. In ships other than passenger ships, an individual sleeping room must be provided for each seafarer; in the case of a ship of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by Dominica Maritime Administration after special consideration;
  - ii. Subject to the minimum floor area requirements set out below in paragraph (m):
    - a. On ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers;
    - b. On passenger ships, sleeping rooms may be occupied by a maximum of four seafarers not carrying out the duties of ship's officers; in the case of seafarers performing the duty of petty officers, there must be no more than two persons per sleeping room;
    - c. On special purpose ships sleeping rooms may accommodate more than four persons;
  - iii. Separate sleeping rooms must be provided for men and women;
  - iv. As far as practicable, sleeping rooms of seafarers must be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers;
  - v. Sleeping rooms must be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness;

- a. Where the size of the ship, the activity in which it is to be engaged and its layout make it reasonable and practicable, sleeping rooms must be planned and equipped with a private bathroom, including a toilet, so as to provide reasonable comfort for the occupants and to facilitate tidiness;
  - b. For each occupant, the furniture, which must be of smooth, hard material not liable to warp or corrode, must include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres; if the drawer is incorporated in the clothes locker than the combined minimum volume of the clothes locker must be 500 litres; it must be fitted with a shelf and be able to be locked by the occupant so as the ensure privacy;
  - c. Each sleeping room must be provided with a table or desk, which may be of the fixed, drop-leaf, or slide-out type, and with comfortable seating accommodation as necessary;
  - d. Each sleeping room must be fitted with curtains or equivalent for the sidelights, as well as a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks;
- vi. Berths must meet the following standards:
- a. A separate berth for each seafarer must in all circumstances be provided;
  - b. The minimum inside dimensions of a berth must be at least 198 centimeters by 80 centimetres;
  - c. There must be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer;
  - d. Berths must not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there must be only a single tier where a sidelight is situated above the berth;
  - e. The lower berth in a double tier must be not less than 30 centimetres above the floor; the upper berth must be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams;



- f. The framework and the lee-board, if any, of a berth must be of approved material, hard, smooth, and not likely to corrode or to harbor vermin;
  - g. If tubular frames are used for the construction of berths, they must be completely sealed and without perforations which would give access to vermin;
  - h. Each berth must be fitted with a comfortable mattress with cushioning bottom or combined cushioning mattress, including a spring bottom or a spring mattress; the mattress cushioning material used must be made of approved material;
  - i. Stuffing of material likely to harbor vermin must not be used;
  - j. When one berth is placed over another, a dust-proof bottom must be fitted beneath the bottom mattress or spring bottom of the upper berth;
  - k. Clean good quality bedding must be supplied by the shipowner to all seafarers for use on board during service on the ship, and such seafarers must be responsible for their return at times specified by the master and on completion of service in the ship.
- m) Unless otherwise provided, sleeping rooms must have the minimum floor areas set out below (space occupied by berths and lockers, chests of drawers and seats must be included in the measurement of the floor area; small or irregularly shaped spaces which do not add affectively to the space available for free movement and cannot be used for installing furniture must be excluded):
- i. In single berth seafarer's sleeping rooms the floor area must not be less than:
    - a. 4.5 square metres in ships of less than 3,000 gross tonnage;
    - b. 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
    - c. 7 square metres in ships of 10,000 gross tonnage or over;
  - ii. In order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the Dominica Maritime Administration may allow a reduced floor area;

- iii. In ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, where sleeping rooms are occupied by two seafarers, the floor area of such sleeping room must not be less than 7 square metres;
- iv. On passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers must not be less than:
  - a. 7.5 square metres in rooms accommodating two persons;
  - b. 11.5 square metres in rooms accommodating three persons;
  - c. 14.5 square metres in rooms accommodating four persons;
- v. On special purpose ships sleeping rooms where more than four seafarers are accommodated, the floor area must not be less than 3.6 square metres per person;
- vi. On ships other than passenger ships and special purpose ships, for seafarers who perform the duties of ships' officers where no private sitting room or day room is provided, the floor area per person must not be less than:
  - a. 7.5 square metres in ships of less than 3,000 gross tonnage;
  - b. 8.5 square metres in ships of 3,000 gross tonnage and over but less than 10,000 gross tonnage;
  - c. 10 square metres in ships of 10,000 gross tonnage and over;
- vii. On passenger ships and special purpose ships, the floor area for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, the floor area per person for junior officers must not be less than 7.5 square metres and for senior officers not less than 8.5 square metres; junior officers are understood to be at the operational level, and senior officers at the management level;
- viii. The master, the chief engineer and the chief navigating officer, and where practicable the second engineer officer, must have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by Dominica Maritime Administration from this requirement;

- n) Ships of less than 500 gross tonnage may, subject to the conditions set out in paragraph (g) above, may be exempted from the requirements in subparagraphs (i) and (iii) of paragraph (m) in so far as those subparagraphs relate to the floor area;
- o) Mess rooms must comply with the following standards:
- i. They must be located apart from the sleeping rooms and as close as practicable to the galley; ships of less than 3,000 gross tonnage may be exempted by Dominica Maritime Administration from this requirement;
  - ii. They must be of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time;
  - iii. Mess room facilities may be either common or separate. Consideration should be given for factors such as size of the ship and the distinctive cultural, religious and social needs of the seafarers. The decision in this respect shall in all cases be subject to the approval of the Dominica Maritime Administration;
  - iv. Where separate mess room facilities are to be provided to seafarers, then separate mess rooms must be provided for the master and officers and for petty officers and other seafarers;
  - v. On ships other than passenger ships, the floor area of mess rooms for seafarers must be not less than 1.5 square metres per person of the planned seating capacity;
  - vi. In all ships, mess rooms must be equipped with tables and appropriate seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time;
  - vii. The tops of tables and seats must be of a damp-resistant material;
  - viii. There must be available at all times when seafarers are on board:
    - a. A refrigerator, which must be conveniently situated and of sufficient capacity for the number of persons using the mess room or mess rooms;
    - b. Facilities for hot beverages and cool water;

- c. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils must be provided;
  - d. Mess utensils, including plates, cups, and other mess utensils, of approved material which can be easily cleaned, must be supplied by the shipowner to all seafarers for use on board during service on the ship, and such seafarers must be responsible for their return at times specified by the master and on completion of service in the ship;
- p) With respect to requirements for sanitary facilities:
- i. All seafarers must have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and women;
  - ii. There must be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre; ships of less than 3,000 gross tonnage may be exempted by Dominica Maritime Administration from this requirement;
  - iii. In all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities must be provided at a convenient location;
  - iv. With the exception of passenger ships, each sleeping room must be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided; ships of less than 500 gross tonnage may, subject to the conditions set out in paragraph (g) above, be exempted from this requirement;
  - v. Where separate facilities for engine department personnel to change their clothes are provided, they must be located outside the machinery space but with easy access to it; and must be fitted with individual clothes lockers as well with tubs or showers or both and washbasins having hot and cold running fresh water;
  - vi. In passenger ships normally engaged on voyages of not more than four hours' duration, Dominica Maritime Administration may approve special arrangements or reduction in the number of facilities required;

- vii. Hot and cold running fresh water must be available in all wash places;
- viii. Washbasins and tub baths must be of adequate size and construction of approved material with a smooth surface not liable to crack, flake, or corrode;
- ix. All toilets must be of an approved pattern and provided with an ample flush of water or with some other suitable flushing means, such as air, which are available at all times and independently controllable;
- x. Sanitary accommodation intended for the use of more than one person must comply with the following:
  - a. Floors must be of approved durable material, impervious to damp, and must be properly drained;
  - b. Bulkheads must be of steel or other approved material and must be watertight up to at least 23 centimetres above the level of the deck;
  - c. The accommodation must be sufficiently lit, heated and ventilated;
  - d. Toilets must be situated conveniently to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access; this requirement does not apply where a toilet is located in a compartment between two sleeping rooms having a total of not more than four seafarers;
  - e. Where there is more than one toilet in a compartment, they must be sufficiently screened to ensure privacy;
  - f. Towels, soap and toilet paper for all seafarers must be provided by the shipowner;
- q) Ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration must provide separate hospital accommodation to be used exclusively for medical purposes and complying with the following requirements:
  - i. Hospital accommodation must, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention, in particular:

- a. It must be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases;
- b. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply must be designed to ensure the comfort and facilitate the treatment of the occupants;
- c. The number of hospital berths that should be provided are as follows:
  - 1. One berth on each ship carrying 15 or more persons engaged in a voyage of more than three days' duration;
  - 2. One additional berth for every 50, or fraction of 50, members of the crew or special personnel;
  - 3. In any case there need not be more than six berths.
- ii. Sanitary accommodation must be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto; such sanitary accommodation must comprise a minimum of one toilet, one washbasin and one tub or shower;
- r) Appropriately situated and furnished laundry facilities must be available. The laundry facilities must include:
  - i. Washing machines;
  - ii. Drying machines or adequately heated and ventilated drying rooms; and
  - iii. Irons and ironing boards or their equivalent.
- s) Ships of less than 500 gross tonnage may, subject to the conditions set out in paragraph (g) above, be exempted from the requirement of paragraph (r);
- t) Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships, must be provided on board for the benefit of all seafarers, taking into account the provisions on health and safety protection and accident prevention in Title 4, Section 3. Recreational facilities and services must be reviewed frequently to ensure that they are appropriate in the light of changes in

the needs of seafarers resulting from technical, operational and other development in the shipping industry. In particular, ships must:

- i. Have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers in board;
- ii. Be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by Dominica Maritime Administration from this requirement;
- iii. Provide furnishings for recreational facilities that as a minimum include a bookcase and facilities for reading, writing and, where practicable, games, and where appropriate, a canteen;
- iv. Include the following facilities at no cost to the seafarer, where practicable:
  - a. A smoking room;
  - b. Television viewing and the reception of radio broadcasts;
  - c. Showing of films, the stock of which must be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
  - d. Sports equipment including exercise equipment, table games and deck games;
  - e. Facilities for swimming;
  - f. A library containing vocational and other books, the stock of which must be adequate for the duration of the voyage and changed at reasonable intervals;
  - g. Facilities for recreational handicrafts;
  - h. Electronic equipment such as radio, television, video recorders, DVD/CD player, personal computer and software and cassette recorder/player; and

- i. 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;
- v. Ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible; efforts should also be considered for avoiding seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control;
- vi. Whenever possible and reasonable, expeditiously grant seafarers permission to have their partners, relatives and friends as visitors on board their ship when in port; such measures must meet any concerns for security clearances;
- vii. Allow seafarers to be accompanied by their partners on occasional voyages where this is practicable and reasonable; such partners must carry adequate insurance to cover against accident and illness; the shipowners must give every assistance to the seafarer to effect such insurance.

## **2. Food and Catering**

- a) Ships must, in accordance with paragraphs (b) and (c) below, carry on board and serve food and drinking water that is of appropriate quality, nutritional value and quantity and adequately covers the requirements of the ship;
- b) Seafarers on board a ship must be provided with food free of charge during the period of engagement;
- c) The following minimum standards for food and catering apply:
  - i. Food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, must be suitable in respect of quantity, nutritional value, quality and variety;
  - ii. The organization and equipment of the catering department must be such as to permit the provisions to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions;
  - iii. Catering staff must be properly trained or instructed for their positions, and any seafarers engaged as ships' cooks must have completed a training course approved or



recognized by Dominica Maritime Administration, which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.

- d) Seafarers shall only be qualified as ships' cooks if they satisfy the following:
  - i. Applicants must not be less than 18 years of age;
  - ii. They meet the physical examination requirements for certificated deck/navigational officer;
  - iii. Have passed an examination prescribed by Dominica Maritime Administration or passed an equivalent examination at an approved training course for cooks or hold a certificate of qualification as a ship's cook; and
  - iv. Meet the requirements of Regulation VI/I of the STCW Convention.
- e) On ships operating with a prescribed manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required by Dominica Maritime Administration to carry a fully qualified cook, anyone processing food in the galley must be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ships;
- f) In circumstances of exceptional necessity, Dominica Maritime Administration may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.
- g) Frequent documented inspections must be carried out on board ships, by or under the authority of the master, with respect to:
  - i. Supplies of food and drinking water;
  - ii. All spaces and equipment used for the storage and handling of food and drinking water;
  - iii. Galley and other equipment for the preparation and service of meals.

## **TITLE 4**

Title 4 of this publication has been drafted to be consistent with the requirements of Title 4 of the Maritime Labour Convention. The four primary sections of this title are the following:

1. Medical Care on Board Ship and Ashore – to protect the health of seafarers and to ensure their prompt access to medical care on board ship and ashore;
2. Shipowner’s Liability – to ensure that seafarers are protected from the financial consequences of sickness, injury or death occurring in connection with their employment;
3. Health and Safety Protection and Accident Prevention – to ensure seafarers’ work environment on board ships promotes occupational health and safety; and
4. Access to Shore-Based Welfare Facilities – to ensure that seafarers working on board a ship have access to shore-based facilities and services to ensure their health and wellbeing.

### **1. Medical Care on Board Ship and Ashore**

- a) All seafarers working on board a ship must be covered by adequate measures for the protection of their health and must have access to prompt and adequate medical care that is as comparable as possible to that which is generally available to onshore workers in the Commonwealth of Dominica;
- b) The protection and care under paragraph (a) must, in principle, be provided at no cost to the seafarers;
- c) Shipowners must adopt measures to provide for health protection and medical care, including essential dental care, for seafarers working on board. These measures must:
  - i. Ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions specific to work on board a ship;
  - ii. Ensure that seafarers are given health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;
  - iii. Give seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;

- iv. Ensure that, to the extent consistent with national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and
  - v. Not be limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programmes;
- d) A standard medical report form (CDVR-5012, as amended), adopted by the Dominica Maritime Administration, in order to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury, must be used by ships' master and relevant onshore and on-board medical personnel. When completed, the form and its contents must be kept confidential and must only be used to facilitate the treatment of seafarers;
- e) The following minimum requirements for on-board hospital and medical care facilities and equipment and training on ships apply:
- i. All ships must carry a medicine chest, medical equipment and a medical guide, the specifics of which are prescribed by Dominica Maritime Administration and shall be subject to regular inspection, taking into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards (See CD-MSA 05-05). In particular:
    - a. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, must be properly maintained and inspected at intervals, not exceeding 12 months, by responsible persons designated by the master, who must ensure that the labeling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required.
    - b. As a minimum the approved medical guides that must be kept on board are the most recent edition of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance – An International Maritime Training Guide, and the medical section of the International Code of Signals; where a cargo, which is classified dangerous, has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the necessary information on the nature of the substances, the risks involved, the necessary

personal protective devices, the relevant medical procedures and specific antidotes must be made available to the seafarers; the antidotes and personal protective devices must be on board whenever dangerous goods are carried; this information must be integrated with the ship's policies and programmes on occupational safety and health as set out below in Section 3.

- ii. Ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration must carry a qualified medical doctor who is responsible for providing medical care;
- iii. Vessels carrying 15 or more seafarers and engaged in a voyage of more than three (3) days' duration shall provide separate hospital accommodations to be used exclusively for medical purposes and that will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention. Vessels engaged in coastal trade and capable of reaching qualified medical care and medical facilities within eight (8) hours may be exempted from this requirement.
- iv. Ships which do not carry a medical doctor must have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties and at least one seafarer on board competent to provide medical first aid; persons in charge of medical care must meet the requirements of the STCW Convention; seafarers designated to provide medical first aid must have satisfactorily completed training in medical first aid that meets the requirements of the STCW Convention; without prejudice to any further standards that may be adopted by Dominica Maritime Administration taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board:
  - a. Ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours must have at least one designated seafarer with the approved medical first-aid training required by the STCW Convention which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship and to make use of medical advice by radio or satellite communications; and
  - b. All other ships must have at least one designated seafarer with approved training in medical care required by the STCW Convention, including practical training and training in life-saving techniques such as

intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board;

- v. The medical training referred to in subparagraph (iv) above must be based on the contents of the most recent editions of the medical guides referred to in subparagraph e(i)(b) above;
- vi. Persons referred to in subparagraph (iv)(a) and (b) above and such other seafarers as may be required by Dominica Maritime Administration must undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments;
- vii. Dominica Maritime Administration shall ensure that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, is available to all ships. In addition:
  - a. All ships must carry a complete and up-to-date list of radio stations through which medical advice can be obtained and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained;
  - b. Seafarers with responsibility for medical care or medical first aid on board must be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals so as to enable them to understand the type of information needed by the advising doctor as well as the advice received;
- f) Seafarers on board foreign ships in the territory of the Commonwealth of Dominica who are in need of immediate medical care will be given access to medical facilities on shore including:
  - i. Outpatient treatment for sickness and injury;

- ii. Hospitalization when necessary;
  - iii. Facilities for dental treatment, especially in cases of emergency;
- g) Suitable measures shall be taken to facilitate the treatment of seafarers suffering from disease. In particular, seafarers shall be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements shall be made to ensure, when necessary, continuation of treatment to supplement the medical facilities available to them;
- h) Dominica Maritime Administration may participate in international cooperation activities, based on bilateral or multilateral agreements or consultations among countries, in the area of assistance, programmes and research in health protection and medical care for seafarers, including:
  - i. Developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a ship through such means as periodic ship position reporting systems, rescue coordination centres and emergency helicopter services, in conformity with the International Convention on Maritime Search and Rescue, 1979, as amended, and the International Aeronautical and Maritime Search and Rescue (IAMSAR) manual;
  - ii. Making optimum use of all ships carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;
  - iii. Compiling and maintaining an international list of doctors and medical care facilities available worldwide to provide emergency medical care to seafarers;
  - iv. Landing seafarers ashore for emergency treatment;
  - v. Repatriating seafarers hospitalized abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
  - vi. Arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
  - vii. Endeavoring to set up health centres for seafarers to:

- a. Conduct research on the health status, medical treatment and preventive health care of seafarers; and
  - b. Train medical and health service staff in maritime medicine;
- viii. Collecting and evaluating statistics concerning occupational accidents, disease and fatalities of seafarers and integrating and harmonizing the statistics with any existing national system of statistics on occupational accidents and diseases covering other categories of workers;
- ix. Organizing international exchanges of the technical information, training material and personal, as well as international training courses, seminars and working groups;
- x. Providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services; and
- xi. Arranging for the repatriation of the bodies or ashes of deceased seafarers, in accordance with the wishes of the next of kin and as soon as practicable.

## **2. Shipowner's Liability**

- a) Seafarers working on board a ship have a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement;
- b) The right under paragraph (a) does not affect any other legal remedies that a seafarer may seek
- c) Shipowners must provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out below or in the seafarers' employment agreement or any applicable collective agreement;
- d) Shipowners are responsible for health protection and medical care of all seafarers working on board and are liable for the costs for all seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the

date upon which they are deemed duly repatriated, or arising from their employment between those dates to the extent provided below;

- i. Shipowners must defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of permanent character;
- ii. Shipowners must pay the cost of burial expenses in the case of the death occurring on board or ashore during the period of engagement; these expenses may be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation;
- iii. Where the sickness or injury results in incapacity for work, shipowners must:
  - a. Pay full wages (exclusive of bonuses) as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with this Publication;
  - b. Pay wages in whole or in part as prescribed below or as provided for in collective agreements from the time when the seafarers are repatriated or landed until their recovery or if earlier, until they are entitled to cash benefits under the applicable social security legislation;
- e) The liability of the shipowner under paragraph (d)(i) is limited to 4 weeks from the day of the injury or the commencement of the sickness and shall cease from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents;
- f) The liability of the shipowners to pay wages in whole or in part in respect of a seafarer no longer on board is limited to 4 weeks from the day of the injury or the commencement of the sickness and shall cease from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents;
- g) Shipowners are not liable in respect of:
  - i. injury incurred otherwise than in the service of the ship;



- ii. injury or sickness due to the willful misconduct of the sick, injured or deceased seafarer;
  - iii. sickness or infirmity intentionally concealed when the engagement is entered into;
- h) Shipowners or their representatives must take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.

### **3. Health and Safety Protection and Accident Prevention**

- a) Seafarers must be provided with occupational health protection consistent with their right to live, work and train on board ship in a safe and hygienic environment;
- b) Dominica Maritime Administration has – in accordance with the national occupational safety and health policy referred to in paragraph (c) below and keeping in mind the requirements of the present section – set and maintained standards for occupational safety and health protection and accident prevention to be observed on board;
- c) Dominica Maritime Administration has adopted and will keep under continuous review guidelines for the management of seafarer occupational safety and health on board. These guidelines are set out in CD-MSA 04-13, as amended. Relevant provisions or recommendations adopted by the appropriate national authorities or organizations or international organizations should be taken into account by those preparing texts of occupational safety and health protection and accident prevention measures or recommended practices. In formulating occupational safety and health protection and accident prevention programmes, Dominica Maritime Administration has due regard to any code of practice concerning the safety and health of seafarers which may have been published by the International Labour Organization;
- d) The guidelines under paragraph (c) shall take account of Guidelines B4.3.2 to B4.3.10 of the Maritime Labour Convention, 2006 as well as the ILO code of practice entitled Accident prevention on board ship at sea and in port, 1996, and subsequent versions and other related ILO and other international standards and guidelines and codes of practice regarding occupational safety and health protection, including any exposure levels that they may identify. The guidelines shall give priority to the following matters, in particular.
  - i. Structural features of the ship, including means of access and asbestos-related risks;

- ii. Machinery;
- iii. The effects of the extremely low or high temperature of any surfaces with which seafarers may be in contact;
- iv. The effects of noise in the workplace and in shipboard accommodation;
- v. The effects of vibration in the workplace and in shipboard accommodation;
- vi. The effects of ambient factors, other than those referred to in subparagraphs (iv) and (v), in the workplace and in shipboard accommodation, including tobacco smoke;
- vii. Special safety measures on and below deck;
- viii. Loading and unloading equipment;
- ix. Fire prevention and fire-fighting;
- x. Anchors, chains, and lines;
- xi. Dangerous cargo and ballast;
- xii. Personal protective equipment for seafarers;
- xiii. Work in enclosed spaces;
- xiv. Physical and mental effects of fatigue;
- xv. The effects of drug and alcohol dependency;
- xvi. HIV/AIDS protection and prevention; and
- xvii. Emergency and accident response.

e) The assessment of risks and reduction of exposure on the matters referred to in paragraph (d) above shall take account of the physical occupational health effects, including manual handling of loads, noise and vibration, the chemical and biological occupational health effects, the mental occupational health effects, the physical and mental health effects of fatigue, and occupational

accidents. The necessary measures shall take due account of the preventive principle according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the non-dangerous or the less dangerous, have precedence over personal protective equipment for seafarers;

- f) In addition, Dominica Maritime Administration has taken into account the implications for health and safety, particularly in the following areas:
  - i. Emergency and accident response;
  - ii. The effects of drug and alcohol dependency; and
  - iii. HIV/AIDS protection and prevention.
- g) Compliance with the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programmes will be considered as meeting the requirements set out in this section;
- h) Shipowners must adopt and promote on-board occupational safety and health management policies and programmes, consistent with the guidelines referred to in paragraphs above, that:
  - i. Include reasonable precautions to prevent occupational accidents, injuries and diseases on board ships, 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 disease that may arise from the use of equipment and machinery on board ships;
  - ii. Include training and instruction of seafarers and other on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, that involve seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; the curriculum for the training must be reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in manning practices, nationality, language and the organization of work on board ships;

- iii. Require the inspection, reporting and correcting of unsafe conditions and provide for the investigation and reporting of on-board occupational accidents and occupational injuries and diseases; all such events must be reported so that they can be investigated and comprehensive statistics can be kept, analyzed and published, taking account of protection of the personal data of the seafarers concerned; reports must not be limited to fatalities or to accidents involving the ship; due regard should be had to any international system or model for recording accidents to seafarers which may have been established by the international Labour Organization;
  - iv. Provide special attention to the safety and health of the seafarers under the age of 18;
  - v. 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 policy and programme;
  - vi. 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 must be established on board a ship on which there are five or more seafarers;
  - vii. Include risk evaluation in relation to management of occupational safety and health that refer to appropriate statistical information from their ships and from general statistics.
- i) With respect to young seafarers referred to under paragraph (h)(iv), except where they are recognized as fully qualified in a pertinent skill by Dominica Maritime Administration, the standards set in accordance with paragraph (b) must specify restrictions on young seafarers undertaking, without appropriate supervisions and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill. In determining the types of work to be restricted by the regulations, Dominica Maritime Administration might consider in particular work involving:
- i. The lifting, moving or carrying of heavy loads or objects;
  - ii. Entry into boilers, tanks or cofferdams;
  - iii. Exposure to harmful noise and vibration levels;

- iv. Operating hoisting and other power machinery and tools, or acting as signalers to operators of such equipment;
- v. Handling mooring or tow lines or anchoring equipment;
- vi. Rigging;
- vii. Work aloft or on deck in heavy weather;
- viii. Nightwatch duties;
- ix. Servicing of electrical equipment;
- x. Exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
- xi. The cleaning of catering machinery; and
- xii. The handling or taking charge of ships' boats.

#### **4. Access to Shore-Based Welfare Facilities**

- a) Dominica Maritime Administration shall promote the development of welfare facilities in appropriate ports of the Commonwealth of Dominica that take into account the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.

### **TITLE 5**

Title 5 of this publication has been drafted to be consistent with the requirements of Title 5 of the Maritime Labour Convention. The seven primary sections of this title are the following:

1. General Principles – to ensure that the provisions of this Publication are implemented with respect to ships that fly the Dominica flag;
2. Authorization of Recognized Organizations – to outline the requirements for authorization of a Recognized Organization to perform inspections and issue certificates in compliance with this Publication or the Maritime Labour Convention, 2006;

3. Maritime Labour Statement of Compliance and Declaration of Maritime Labour Compliance – details the requirements for issuance of a Maritime Labour Statement of Compliance and Parts I and II of the Declaration of Maritime Labour Compliance;
4. Inspection and Enforcement – provides information relating to inspection for initial certification, maintenance, and renewal of the Maritime Labour Statement of Compliance and Declaration of Maritime Labour Compliance as well as the continued enforcement of the provisions of this Publication;
5. On-Board Complaint Procedures – to implement a standard procedure for complaints related to the requirements of this Publication and the course of action to be taken;
6. Maritime Casualties – to outline the obligations of the Dominica Maritime Administration in the conduct and reporting of marine casualties; and
7. Labour Supplying Responsibilities – to outline the responsibilities of the Dominica Maritime Administration as pertaining to seafarer recruitment and placement and the social protection of seafarers.

## **General**

The Dominica Maritime Administration requires that all commercial ships over 500 gross tonnage (per ITC) are inspected and documented in accordance with this Publication. Dominica Maritime Administration highly recommends that all ships less than 500 gross tonnage are documented as well in order to reduce the likelihood of more detailed or expanded inspection or possible detention by port State officials.

Compliance with Dominica Maritime Labour requirements will be achieved through issuance of a Maritime Labour Statement of Compliance, Declaration of Maritime Labour Compliance Part I (DMLC Part I), and Declaration of Maritime Labour Compliance Part II (DMLC Part II).

The DMLC Part I will be prepared by Dominica Maritime Administration and outlines current policy and legislation giving effect to provisions of the Maritime Labour Convention. Upon completion of an inspection, a DMLC Part I will be issued to the vessel.

The DMLC Part II is prepared by the shipowner or shipowner's representative. This document outlines the measures that have been taken by the shipowner to ensure ongoing compliance and improvements for Maritime Labour requirements. The DMLC Part II should be submitted in the provided format to the Dominica Maritime Administration or Recognized Organization for review and approval.

Following inspection by an authorized Flag State Inspector or authorized individual of a Recognized Organization and issuance/approval of the Declarations of Compliance, a Maritime Labour Statement of Compliance will be issued to a vessel. Annual Safety Inspections and verification inspections shall verify continued compliance with Dominica requirements.

## **Detailed**

### **Flag State Responsibilities**

#### **1. General Principles**

- a) The Commonwealth of Dominica Maritime Administration has established an effective system for the inspection and certification of maritime labour conditions, in accordance with this Publication, on ships that fly the flag of the Commonwealth of Dominica;
- b) The Dominica Maritime Administration may, where appropriate in accordance with Section 2 below, authorize public institutions or other organizations which it recognizes as competent and independent to carry out inspection or to issue certificates or to do both;
- c) The Dominica Maritime Administration has established clear objectives and standards covering the administration of the inspection and certification system referred to in paragraph (a) above (refer to CDP-501 and CD-PL 09-13), as well as adequate overall procedures for its assessment of the extent to which those objectives and standards are being attained;
- d) Ships must have a copy of CDP-800 available on board.

#### **2. Authorization of Recognized Organizations**

- a) The Dominica Maritime Administration has recognized public institutions or other organizations as competent and independent, for the purpose of carrying out inspections or certification of ships to determine compliance with the provisions of this Publication;
- b) Dominica Maritime Administration has reviewed the competency and independence of the organizations recognized for the purpose of carrying out inspections and certification of Dominica flagged ships and has determined that the organizations have demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred in it, that the organizations:
  - i. Have the necessary knowledge of the requirements of this Publication as well as of applicable national laws and regulations and relevant international instruments; and have the necessary expertise in the relevant aspects of this

Publication and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;

ii. Are of an appropriate size, structure, experience and capability commensurate with the type and degree of authorization; the organizations have demonstrated the technical, administrative and managerial competence and capacity to ensure the provision of timely service of satisfactory quality; in this respect, Dominica Maritime Administration has determined that the organizations:

a. Have adequate technical, managerial and support staff;

b. Have sufficient qualified professional staff to provide the required service, representing and adequate geographical coverage;

c. Have proven the ability to provide a timely service of satisfactory quality;

d. Are independent and accountable in their operations;

iii. Have the ability to maintain and update the expertise of its personnel; recognized organizations must develop a system for the qualification of staff employed by them as inspectors to ensure the timely updating of their knowledge and expertise.

c) Dominica has concluded written agreements with organization that have been recognized for purposes of an authorization. The agreements include the following elements:

i. Scope of application;

ii. Purpose;

iii. General conditions;

iv. The execution of functions under authorization;

v. Legal basis of the functions under authorization;



- vi. Reporting to the Dominica Maritime Administration;
  - vii. Specification of the authorization from the Dominica Maritime Administration to the recognized organizations; and
  - viii. The Dominica Maritime Administrations supervision of activities delegated to the recognized organization;
- d) A Recognized Organization is empowered to require the rectification of deficiencies that it identifies in seafarers' working and living conditions and to carry out inspections in this regard at the request of a port state;
- e) Recognized organizations must maintain records of the services performed by them such that they are able to demonstrate achievement of the required standards in the items covered by the services;
- f) Dominica Maritime Administration has established:
- i. A system to ensure the adequacy of work performed by recognized organizations, which includes information on all applicable national laws and regulations and relevant international instruments; and
  - ii. Procedures for communication with and oversight of Recognized Organizations that take into account the Guidelines for the Authorization of Organizations Acting on Behalf of the Administration, adopted in the framework of the International Maritime Organization.
- g) The Dominica Maritime Administration has made appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' shipboard working and living conditions;

### **3. Maritime Labour Statement of Compliance and Declaration of Maritime Labour Compliance**

- a) This section applies to every ship that flies the flag of the Commonwealth of Dominica and is:
- i. 500 gross tonnage and over engaged in international voyages;
  - ii. 500 gross tonnage or over and operates from a port, or between ports, in a country other than the Commonwealth of Dominica;

- iii. For the purpose of these paragraphs, “international voyage” means a voyage from a country to a port outside such a country.
  
- b) This section also applies to a ship not covered by paragraph a(i) or (ii) above, at the request of the shipowner to the Dominica Maritime Administration;
  
- c) Every ship to which this Section applies must carry and maintain a current valid maritime labour statement of compliance issued to the ship by the Dominica Maritime Administration, or by a recognized organization duly authorized for this purpose, which shall complete the form for this statement of compliance, and affix to the form their signature and the seal or stamp of the issuing authority;
  
- d) A declaration of maritime labour compliance must be attached to the maritime labour statement of compliance. The declaration consists of two parts:
  - i. Part I summarizes the requirements of the Commonwealth of Dominica laws or regulations or other measures implementing the requirements of this Publication and the Maritime Labour Convention regarding the working and living conditions of seafarers on ships; it is drawn up by the Commonwealth of Dominica Maritime Administration;
  
  - ii. Part II identifies the measures adopted by the shipowner to ensure ongoing compliance on the ship with the national requirements and the measures proposed to ensure that there is continuous improvement; it must be drawn up by the shipowner based on the form contained in Appendix B of CD-PL 09-13 and certified by the Dominica Maritime Administration or recognized organization duly authorized for this purpose; the following requirements apply:
    - a. The measures drawn up by the shipowner, must, in particular, indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted;
  
    - b. Part II may take a number of forms and may make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, for example documents required by the International Safety Management (ISM) Code or the information required by Regulation

5 of the SOLAS Convention, Chapter XI-I relating to the ship's Continuous Synopsis Record;

- c. The measures to ensure ongoing compliance must include general requirements for the shipowner and master to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work, and to inform the seafarer representatives accordingly;
- e) A maritime labour statement of compliance, complemented by a declaration of maritime labour compliance, constitutes prima facie evidence that the ship has been duly inspected and that the requirements of this Publication relating to working and living conditions of the seafarers have been met to the extent so certified;
- f) The maritime labour statement of compliance may be issued only where the Dominica Maritime Administration or a recognized organization duly authorized for this purpose has ascertained through inspection, as provided for in Section 4 below, that the ship concerned meets the standards of this Publication;
- g) The maritime labour statement of compliance is issued for a period of five years.
- h) The validity of the maritime labour statement of compliance is subject to an intermediate inspection by the Commonwealth of Dominica, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance. One intermediate inspection shall be carried out and shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour statement of compliance. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the statement of compliance. The statement of compliance shall be endorsed following satisfactory intermediate inspection;
- i) The maritime labour statement of compliance may be renewed subject to a new inspection in accordance with paragraph (f) above to ascertain that the ship concerned continues to meet the standards of this Publication. When the renewal inspection has been completed within three months before the expiry of the existing maritime labour statement of compliance, the new maritime labour statement of compliance is valid from the date of completion of the renewal inspection for a period of five years from the date of expiry of the existing certificate. When the renewal inspection is completed more than three months before the expiry date of the existing maritime labour statement of compliance, the new maritime labour statement of compliance is valid for a period of five years starting from the date of completion of the renewal inspection.

- j) A maritime labour statement of compliance may be issued on an interim basis:
  - i. To new ships on delivery;
  - ii. When a ship changes flag to the Commonwealth of Dominica;
  - iii. When a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.
  
- k) An interim maritime labour statement of compliance shall be issued for a period not exceeding six months by the Commonwealth of Dominica Maritime Administration or a recognized organization duly authorized for this purpose following verification that:
  - i. The ship has been inspected, as far as reasonable and practicable for the matters covered by the 14 items listed in the declaration of maritime labour compliance, taking into account verification of items under subparagraphs (ii), (iii) and (iv) of this paragraph;
  - ii. The shipowner has demonstrated to the Commonwealth of Dominica Maritime Administration or recognized organization that the ship has adequate procedures to comply with the standards of this Publication;
  - iii. The master is familiar with the requirements of this Publication and the responsibilities for implementation; and
  - iv. Relevant information has been submitted to the Commonwealth of Dominica Maritime Administration or recognized organization to produce a declaration of maritime labour compliance.
  
- l) An inspection in accordance with paragraph (f) above shall be carried out prior to expiry of the interim statement of compliance to enable issuance of the full-term maritime labour statement of compliance. No further interim statement of compliance may be issued following the initial six months. A declaration of maritime labour compliance need not be issued for the period of validity of an interim certificate.
  
- m) The results of all subsequent inspections or other verifications carried out with respect to the ship concerned and any significant deficiencies found during any such verification must be recorded, together with the date when the deficiencies were found to have been remedied. This record must be appended to the declaration of maritime labour compliance and made available

to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

- n) A current valid maritime labour statement of compliance and declaration of maritime labour compliance shall be carried on board the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available upon request, to seafarers, flag State inspectors, authorized officers in port States, and shipowners' and seafarers' representatives.
- o) A maritime labour statement of compliance, including an interim statement of compliance where applicable, will cease to be valid in any of the following cases:
  - i. If the relevant inspections are not complete within the periods specified under paragraph (i) above;
  - ii. If the certificate is not endorsed in accordance with paragraph (h);
  - iii. When a ship changes flag;
  - iv. When a shipowner ceases to assume the responsibility for the operation of a ship;
  - v. When substantial changes have been made to the structure or -equipment covered in Title 3, Section 1.
- p) In the case referred to in paragraph (o)(iii), (p)(iv) or (p)(v), a new statement of compliance may only be issued when the Commonwealth of Dominica Maritime Administration or recognized organization issuing the new certificate is fully satisfied that the ship is in compliance with the requirements set out above.
- q) A maritime labour statement of compliance will be withdrawn by the Commonwealth of Dominica or a recognized organization duly authorized for this purpose, if there is evidence that the ship is not in compliance with the requirements of this Publication and any required corrective action has not been taken.
- r) When considering whether a maritime labour statement of compliance should be withdrawn in accordance with paragraph (q) the Commonwealth of Dominica or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

## 4. Inspection and Enforcement

- a) The Commonwealth of Dominica Maritime Administration will maintain a system of inspection of the conditions for seafarers on ships that fly the flag of the Commonwealth of Dominica, including verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed;
- b) The Commonwealth of Dominica Maritime Administration has developed this compliance and enforcement Publication to ensure consistency and otherwise guide inspection and enforcement activities related to this Publication. Copies of this Publication shall be provided to all inspectors and relevant law-enforcement officials and shall be made available to the public and shipowners and seafarers associations;
- c) Inspections shall take place at the intervals required under Section 3 above, where applicable. Intervals shall in no case exceed three years. Inspections of seafarer accommodation must be carried out when:
  - i. A ship is registered or re-registered; or
  - ii. The seafarer accommodation on a ship has been substantially altered.
- d) If the Commonwealth of Dominica Maritime Administration receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies the flag of the Commonwealth of Dominica does not conform to the requirements of this Publication or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, Dominica Maritime Administration will investigate the matter and ensure that action is taken to remedy any deficiencies found;
- e) The Commonwealth of Dominica Maritime Administration has established simple procedures to enable it to receive information in confidence concerning possible breaches of this Publication presented by seafarers directly or by representatives of the seafarers (See CD-PL 04-13, as amended), and permit inspectors to investigate such matters promptly, including:
  - i. Enabling masters, seafarers or representatives of the seafarers to request an inspection when they consider it necessary; and
  - ii. Supplying technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the requirements of this Publication and of bringing about a continual improvement in seafarers' on-board conditions.

- f) The Commonwealth of Dominica Maritime Administration has appointed a sufficient number of qualified inspectors to fulfill the responsibilities in paragraph (a) above.
- g) The Commonwealth of Dominica Maritime Administration has adopted adequate rules that are effectively enforced to guarantee that inspectors have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences;
- h) Inspectors must not undertake duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties. In particular, inspectors:
  - i. Are prohibited from having any direct or indirect interest in any operation which they are called upon to inspect; and
  - ii. Subject to appropriate sanctions or disciplinary measures, must not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties.
- i) The Commonwealth of Dominica has established recourses necessary to fulfill its functions. In particular:
  - i. Duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of the inspectors; and
  - ii. Inspectors have been contracted with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.
- j) Inspectors have qualifications and adequate training to perform their duties and where possible have a maritime education or experience as a seafarer. They have adequate knowledge of seafarers' working and living conditions and of the English language and are fully trained and sufficient in numbers to secure the efficient discharge of their duties with regard to:
  - i. The importance of the duties which the inspectors have to perform, in particular the number, nature, and size of ships subject to inspections and the number and complexity of the legal provisions to be enforced;
  - ii. The resources placed at the disposal of the inspectors; and

- iii. The practical conditions under which inspections must be carried out in order to be effective.
- k) Inspectors, with proper credentials acting in accordance with the Publication referred to in paragraph (b) above have the following powers:
- i. To board a ship that flies the flag of the Commonwealth of Dominica freely and without previous notice; when commencing the ship inspection, inspectors must provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives;
  - ii. To carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed, including the following:
    - a. To question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the requirements under laws and regulations, in the presence of any witness that the person may have requested;
    - b. To require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance;
    - c. To enforce the posting of notices as required;
    - d. To take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled; when a sample is being taken or removed, the shipowner or the shipowner's representative, and where appropriate the seafarer, must be notified or must be present at the time the sample is taken or removed and the quantity of such sample must be properly recorded by the inspector;
    - e. To require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of this Publication, or represent a significant danger to the seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.



- l) Inspectors have the power:
  - i. Following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, deficiencies which may affect the health and safety of those on board the ship;
  - ii. To alert the Commonwealth of Dominica Maritime Administration and, if applicable, the recognized organization to any deficiency or abuse not specifically covered by existing laws or regulations and submit proposals to them for the improvement of the laws or regulations; and
  - iii. To notify the Commonwealth of Dominica Maritime Administration of any occupational injuries or diseases affecting seafarers in such cases and in such a manner as may be prescribed by laws and regulations.
- m) Inspectors have the discretion to give advice instead of instituting or recommending proceedings when there is no clear breach of the requirements of this Publication that endangers the safety, health or security of the seafarers concerned and where there is no prior history of similar breaches.
- n) Inspectors must treat as confidential the source of any grievance or complaint alleging to a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative, or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint;
- o) Inspectors must submit a report of each inspection to the Commonwealth of Dominica Maritime Administration. One copy of the Deficiency Notice in English or in the working language of the ship must be provided to the master of the ship and another copy must be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives;
- p) The Commonwealth of Dominica Maritime Administration shall maintain records of inspections of the conditions for seafarers on ships of the Commonwealth of Dominica;
- q) In the case of an investigation pursuant to a major incident, the report must be submitted to the Commonwealth of Dominica Maritime Administration as soon as practicable, but not later than one month following the conclusion of the investigation.

- r) When an inspection is conducted or when measures are taken, all reasonable efforts must be made to avoid a ships being unreasonably detained or delayed;
- s) Compensation shall be payable to the shipowner/operator for any loss or damage suffered as a result of the wrongful exercise of the inspectors' powers by the inspector. The burden of proof in each case is on the complainant;
- t) The following penalties and other corrective measures for breaches of the requirements of this Publication and for obstructing the inspector in the performance of their duties apply:
  - i. A fine and/or revocation of registration in accordance with the Dominica Maritime Act, 2002, as amended.
- u) Any action taken pursuant to paragraph (k)(iii) above is subject to a right of appeal to a judicial or administrative authority.

## **5. On Board Complaint Procedures**

- a) Ships must have an approved on-board complaint procedure for the fair, effective, well-documented and expeditious handling of seafarer complaints alleging breaches of the requirements of this Publication (See CD-PL 04-13, as amended);
- b) Any adverse action taken by any person with respect to a seafarer for lodging a complaint, which is not manifestly vexatious or maliciously made, is considered victimization and is prohibited;
- c) Shipowners must provide all seafarers working on a ship with a copy of the approved on-board complaint procedures applicable on the ship;
- d) On-board complaint procedures that are approved by the Commonwealth of Dominica must:
  - i. Seek to resolve complaints at the lowest level possible; however, in all cases, seafarers must have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities;
  - ii. Include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints; in order to help avoid problems of victimization of seafarers making complaints, the procedures should encourage the nomination of a person on board who can advise seafarers on the

procedures available to them and, if requested by the complainant seafarer, also attend any meetings or hearing into the subject matter of the complaint;

- iii. Include contact information for the Commonwealth of Dominica Maritime Administration and, where different, the competent authority of the seafarers' country of residence, as well as the name of a person or persons on board the ship who can, on a confident basis, provide the seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures to them on board the ship.
- e) Subject to any relevant provisions of an applicable collective agreement, the Commonwealth of Dominica has developed a model for fair, expeditious and well documented on-board complaint-handling procedures (See CD-PL 04-13, as amended); the following procedures are included in the on-board complaint process:
- i. Complaints should be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;
  - ii. The head of department or superior officer must then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;
  - iii. If the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter must refer to the master, who must handle the matter personally;
  - iv. Seafarers must at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned;
  - v. All complaints and the decisions on them must be recorded and a copy provided to the seafarer concerned;
  - vi. If a complaint cannot be resolved on board, the matter must be referred ashore to the shipowner, who must be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representative; and
  - vii. In all cases seafarers must have a right to file their complaint directly with the master and the shipowner and the Commonwealth of Dominica Maritime Administration.

- f) Any act of discrimination as defined in paragraph (b) is subject to a penalty in accordance with the Dominica Maritime Act, 2002, as amended;
- g) The paragraphs set out above are without prejudice to a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

## **6. Marine Casualties**

- a) The Commonwealth of Dominica Maritime Administration will hold an official inquiry into any serious marine casualty, leading to injury or loss of life that involves a ship that flies the flag of the Commonwealth of Dominica. The final report of an inquiry will normally be made public.
- b) The Commonwealth of Dominica Maritime Administration will cooperate with the competent authorities in other countries to facilitate the investigation of serious marine casualties.

## **7. Labour Supplying Responsibilities**

- a) The Commonwealth of Dominica Maritime Administration has established an effective system for enforcing the requirements of this Publication applicable to the operation and practice of seafarer recruitment and placement services, through inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for under this Publication.