

**ClassNK**

**For certification**

**Handbook on Inspection of Seafarers'  
Working and Living Conditions**

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

**NIPPON KAIJI KYOKAI  
Ship Management Systems Department**

**2017-09 (2nd Revision)**

## Record of Revision

Date	Revised Paragraph	Reason of revision
November 2014	7.2.1	Minimum operation period on board for measures and plans set out in the reviewed DMLC Part II (in principle 1 month to in principle 3 months )
November 2014	7.2.4	Newly addition
September 2017	introduction	Revision, Added 2014 amendments to MLC, 2006
September 2017	6.-3	Newly addition: Short –term MLC
September 2017	7.2.1	Revision, Minimum operation period on board for measures and plans set out in the reviewed DMLC Part II was changed from 3 months to 1 month and transferred to section 8.1.1
September 2017	7.2.3	Deletion
September 2017	7.2.4	Deletion
September 2017	8.	Newly addition
September 2017	Department name change	Ship Management Systems Department

About your nearest branch or office in charge

Please refer to “DIRECTORY” issued every half year by Class NK.  
The latest version of” DIRECTORY” is available from our Website.  
[http://www.classnk.or.jp/hp/en/directory/dir\\_top.aspx](http://www.classnk.or.jp/hp/en/directory/dir_top.aspx)

Please contact Ship Management Systems Department (SMD) for inquiries about Handbook on Inspection of seafarers' Working and Living Conditions.

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## **1. Introduction**

Maritime Labour Convention, 2006 was established by consolidating and updating of 68 Maritime Conventions and Recommendations that International Labour Organization (ILO) has adopted since 1920. And also this Convention is designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO), i.e., SOLAS, STCW and MARPOL.

Therefore minimum requirements on working and living condition for seafarers who work on board a ship are provided in this Convention, namely the provisions on conditions of employment, hours of work and hours of rest, accommodation and recreational facilities, food and catering, health protection, medical care, welfare and social security protection are included in this Convention.

This Convention has been enforced on 20 August 2013.

After that, the 2014 Amendments to the MLC, 2006 which provides additional requirements for financial security for repatriation and shipowner's liability for seafarer's death and long term disability has entered into force on 18th January 2017 in the countries that have ratified the MLC, 2006.

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

## 2. Abbreviations of terms

MLC, 2006: Maritime Labour Convention, 2006

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

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

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

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

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

RO: Recognized Organization

## 3. Definitions of Terms

- “*Seafarer*” means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies;
- “*Seafarers’ employment agreement*” includes both a contract of employment and articles of agreement;
- “*Seafarer recruitment and placement service*” means any person, Shipowner, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of Shipowners or placing seafarers with Shipowners;
- “*Ship*” means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
- “*Shipowner*” means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on Shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the Shipowner.

#### 4. Explanatory Note to the regulations and code of the MLC, 2006

- (1) This explanatory note, which does not form part of the Maritime Labour Convention, is intended as a general guide to the Convention.
- (2) The Convention comprises three different but related parts: the Articles, the Regulations and the Code.
- (3) The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Articles and Regulations can only be changed by the Conference in the framework of article 19 of the Constitution of the International Labour Organization (see Article XIV of the Convention).
- (4) The Code contains the details for the implementation of the Regulations. It comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines). The Code can be amended through the simplified procedure set out in Article XV of the Convention. Since the Code relates to detailed implementation, amendments to it must remain within the general scope of the Articles and Regulations.
- (5) The Regulations and the Code are organized into general areas under five Titles:
  - Title 1: Minimum requirements for seafarers to work on a ship*
  - Title 2: Conditions of employment*
  - Title 3: Accommodation, recreational facilities, food and catering*
  - Title 4: Health protection, medical care, welfare and social security protection*
  - Title 5: Compliance and enforcement*
- (6) Each Title contains groups of provisions relating to a particular right or principle (or enforcement measure in Title 5), with connected numbering. The first group in Title 1, for example, consists of Regulation 1.1, Standard A1.1 and Guideline B1.1, relating to minimum age.
- (7) The Convention has three underlying purposes:
  - (a) to lay down, in its Articles and Regulations, a firm set of rights and principles;
  - (b) to allow, through the Code, a considerable degree of flexibility in the way Members implement those rights and principles; and
  - (c) to ensure, through Title 5, that the rights and principles are properly complied with and enforced.
- (8) There are two main areas for flexibility in implementation: one is the possibility for a Member, where necessary (see Article VI, paragraph 3), to give effect to the detailed requirements of Part A of the Code through substantial equivalence (as defined in Article VI, paragraph 4).
- (9) The second area of flexibility in implementation is provided by formulating the mandatory requirements of many provisions in Part A in a more general way, thus leaving a wider scope for discretion as to the precise action to be provided for at the national level. In such cases, guidance on implementation is given in the non-mandatory Part B of the Code. In this way, Members which have ratified this Convention can ascertain the kind of action that might be

expected of them under the corresponding general obligation in Part A, as well as action that would not necessarily be required. For example, Standard A4.1 requires all ships to provide prompt access to the necessary medicines for medical care on board ship (paragraph 1(b)) and to "carry a medicine chest" (paragraph 4(a)). The fulfillment in good faith of this latter obligation clearly means something more than simply having a medicine chest on board each ship. A more precise indication of what is involved is provided in the corresponding Guideline B4.1.1 (paragraph 4) so as to ensure that the contents of the chest are properly stored, used and maintained.

- (10) Members which have ratified this Convention are not bound by the guidance concerned and, as indicated in the provisions in Title 5 on port State control, inspections would deal only with the relevant requirements of this Convention (Articles, Regulations and the Standards in Part A). However, Members are required under paragraph 2 of Article VI to give due consideration to implementing their responsibilities under Part A of the Code in the manner provided for in Part B. If, having duly considered the relevant Guidelines, a Member decides to provide for different arrangements which ensure the proper storage, use and maintenance of the contents of the medicine chest, to take the example given above, as required by the Standard in Part A, then that is acceptable. On the other hand, by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates.

## **5. Applicable Ship**

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

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

## **6. Type of Certificate, Supplementary documents and Validity**

The certificate is only Maritime Labour Certificate (hereunder referred to as MLC) which is issued to a ship. There is no certificate issued to the Shipowner. The types of MLC are as follows.

1. MLC: Full term certificate issued under the authority of the flag state. (it is issued upon the completion of initial / renewal shipboard inspection.)  
It is provided that its validity shall not exceed five (5) years.
2. IMLC Interim certificate issued under the authority of the flag state.  
It is provided that its validity shall not exceed six (6) months.  
This certificate is to be issued to following cases,  
① to new ships on delivery;

- ② when ship changes flag; or
  - ③ when a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.
3. Short-term MLC
- Certificate complementing the period until issuance of full-term MLC, in case that CAP treatment has been taken when unresolved deficiency was remained at the completion of a shipboard inspection.
  - In case that a flag concerned issue full-term MLC, this Short-term MLC may be issued according to the flag's instruction accordingly.
4. DMLC:
- These declarations are composed of Part I and Part II, and attached to and
- Complemented MLC.
- Part I is to be drawn up and issued by the flag administration to individual ship.
  - Part II is to be drawn up by the Shipowner and certified by the flag administration or Recognized Organization.
5. SOC:
- It is a Certificate to certify a ship complies with national requirements of a flag state implementing MLC, 2006 prior to coming into force of the Convention in the State officially or a ship complies with national requirements of non-ratified state. upon the inspection and certification carried out based on this hand book. The SOC is to be issued instead of MLC according to the instruction by the flag state. The validity and maintenance of SOC is to be followed to provisions by the flag state. Likewise above -2, ISOC is to be issued accordingly, if applicable. Short-term SOC will be issued as mentioned above 3. in case that CAP treatment has been taken when unresolved deficiency was remained at the completion of an initial shipboard inspection.

## 7. Inspection and Certification

Inspection and certification of compliance are required on the Convention, and consists of **Document review and On-board inspection. Initial on-board inspection is to be carried out after completion of Document review.**

### 7.1 Document review

#### 7.1.1 Application for Document review

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

Only ships which are registered to the flag state recognized NK as their RO delegating to conduct document reviews are acceptable.

#### 7.1.2 Documents to be submitted

Documents to be submitted are as follows.

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

#### 7.1.3 Document review

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



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

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

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

## **7.2 On-board inspection**

### **7.2.1 Application for On-board inspection**

The application of On-board inspection should be submitted to the nearest Branch or overseas office of the Society, where an inspection will take place directly. Please pay attention that, as a rule, a ship is not in normal operation, such as in dry-dock or at lay-up condition, the society may not undergo an on-board inspection except for an inspection for issuing Interim MLC.

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

### **7.2.2 Documents to be submitted**

Documents to be submitted are as follows.

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

## **8. Kind of inspection and timing of execution**

### **8.1 Initial inspection**

Inspection for issuing Full-term MLC (SOC). On-board inspection followed by document review is required and **an operation of the measures/plans set out in the DMLC Part II on a ship for at least 1 month is also required, in principle.**

In addition, it is required that the review of DMLC Part II has been completed

### **8.2 Intermediate inspection**

Inspection to be conducted between the 2<sup>nd</sup> and 3<sup>rd</sup> anniversary date. After completion of the inspection, endorsement to the current MLC is to be made.

### **8.3 Renewal inspection**

Inspection to renew the existing MLC before it expires. If the inspection is completed within 3 month before its expiry date, the anniversary date on the existing MLC remains unchanged.

MLC is issued newly.

#### **8.4 Inspection for issuing interim MLC**

In any of the following cases, interim MLC may be issued.

\*It is not always required to complete the review of DMLC Part II prior to the inspection but required that the application for review of DMLC Part II has been submitted to and accepted by RO or Flag.

1. New ships on delivery;
2. When a ship changes flag; or
3. When a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.

#### **8.5 Additional inspection**

Shipboard inspection specified by NK except periodical inspection (Initial inspection, Intermediate inspection and Renewal inspection) and Inspection for issuing interim MLC.

In any of the following cases, this inspection is required.

##### **1. Change of ship's specification (ship's name, tonnage)**

Completion of the review of amended DMLC Part II is required prior to conducting the inspection.

New MLC with same expiry date as the current one will be issued and the amended DMLC Part II will be endorsed accordingly.

##### **2. Substantial amendment of the current DMLC Part II**

Completion of the review of amended DMLC Part II is required prior to conducting the inspection.

The amended DMLC Part II will be endorsed and new MLC with the same expiry date as the current MLC will be issued accordingly.

##### **3. When a ship that has been out of service for more than 3 months is re-entered service.**

The handling will be confirmed by the Flag Administration and the inspection may be carried out in accordance with the flag's instruction.

##### **4. Change of specification stated in MLC and DMLC Part II (change of name or address of MLC shipowner, etc.)**

Completion of the review of amended DMLC Part II is required prior to conducting the inspection.

The confirmation is to be carried out at SMD by review of the relevant documents without shipboard inspection. The application and the amended DMLC Part II are to be sent to SMD.

New MLC will be issued and the amended DMLC Part II will be endorsed accordingly.

##### **5. When major non-conformity found during inspection was down-graded but could not be rectified by completion of the inspection.**

This inspection is required within the agreed period (maximum 3 months) for verification of implementation effectively of the agreed corrective action plan.

The current MLC will be endorsed after completion of the inspection.

**6. When additional inspection is required due to non-conformity pointed out by PSC inspection.**

The current MLC will be endorsed after completion of the inspection.

**7. Transfer of MLC Certification (in case of taking over from other IACS member)**

New MLC with the same expiry date as the current one will be issued unless otherwise provided or requested especially by the Flag state concerned or MLC shipowner.

**8. Modification of crew accommodation.**

Verification is to be carried out according to the instruction of the Flag administration.

**9. Any additional inspection as determined by flag administration.**

Verification is to be carried out according to the instruction of the Flag administration.

**9. Issuance and maintenance of SOC, various inspections and issuance of certificate**

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

The type of inspection and certificate may be different depending on various condition of the ship or the timing of inspection. So, please contact to SMD for further detail.

**10. Download of application form**

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

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