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# **RULES FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS**

## **ESTABLISHMENT**

Rule No.53            17th May 2013

Resolved by Technical Committee on 4th February 2013

Approved by Board of Directors on 4th March 2013

“Rules for the inspection and registration of maritime labour systems” has been established as follows:

## **RULES FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS**

### **Chapter 1 GENERAL PROVISIONS**

#### **1.1 General**

##### **1.1.1 Application**

1 The NIPPON KAIJI KYOKAI (hereinafter referred to as “the Society”) is to inspect and register a maritime labour system in accordance with the provisions specified in the Rules for the Inspection and Registration of Maritime Labour Systems (hereinafter referred to as “the Rules”) based on an application submitted by a shipowner.

2 The Rules apply to the maritime labour system for ships which are of 500 *gross tonnage* or more, engaged in international voyages, and generally used for commercial purpose.

##### **1.1.2 Equivalency**

When a maritime labour system is considered by the Society to be equivalent to one complying with the requirements of the Rules, said maritime labour system may be deemed to comply with the Rules.

##### **1.1.3 National Requirements**

It is necessary to ensure that the maritime labour system not only complies with the requirements specified in this Rules, but also complies with the national requirements of the flag-state with respect to maritime labour system surveys and maritime labour requirements, etc. In addition, the Society may make special requirements as instructed by flag-governments or the governments of the sovereign nations in which ships navigate.

##### **1.1.4 Definitions**

For the purposes of the Rules, the following definitions apply unless otherwise specified:

- (1) “*Maritime Labour Convention*” means the comprehensive convention concerning maritime work adopted at the 94th General Conference of the International Labour Organization in February 2006.
- (2) “*Maritime Labour Requirements*” means those requirements deemed to be necessary by the Society referred to in the *Maritime Labour Convention*, which are specified in the Appendix to this Rules.
- (3) “*Maritime Labour System*” means a system built up to ensure compliance with the requirements related to seafarer employment, safety, health and security which are specified in the Declaration of Maritime Labour Compliance as well as the effective implementation and maintenance of decent working and living conditions for seafarers under fair terms of employment.
- (4) “*Declaration of Maritime Labour Compliance*” (hereinafter referred to as “DMLC”) means the document referred to in **Regulation 5.1.3** of the *Maritime Labour Convention*, which consists

of Part I which identifies the requirements ships are to satisfy and matters to be inspected, and Part II which identifies measures to be adopted to ensure on-going compliance and continuous improvement of the requirements specified in Part I.

- (5) “*Shipowner*” means the owner of a ship, or another organization or person, such as a manager, agent, or bareboat charterer, who has assumed responsibility and has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the *Maritime Labour Convention*.
- (6) “*Certificate*” refers to either a Maritime Labour Certificate (hereinafter referred to as “MLC”) or an Interim Maritime Labour Certificate (hereinafter referred to as “Interim MLC”).
- (7) “*Periodical Inspection*” means either the Renewal Inspection or the Intermediate Inspection specified in **3.4**.
- (8) “*Anniversary Date*” means the yearly date corresponding to the expiry date of the period of validity of a MLC, which excludes the expiry date of the period of validity of a Certificate.
- (9) “*Ships Engaged in International Voyages*” means those ships engaged in a voyage from one country to a port of another country, or flying the flag of one country but operating from a port, or between ports, of another country.

## **Chapter 2 REGISTRATION OF MARITIME LABOUR SYSTEMS**

### **2.1 Registration of Maritime Labour Systems**

**1** The Society is to carry out inspections on the ship maritime labour system under the application in **1.1.1** in accordance with the provision of **Chapter 3 of the Rules**, and register the maritime labour system in the Maritime Labour System Register Book when the maritime labour system has been found to satisfy the maritime labour requirements (hereinafter referred to as “MLS Registration”).

**2** The Society is to enter the necessary information (e.g. the name of ships) in the Maritime Labour System Register Book.

**3** The Society is to revise the entries in the Maritime Labour System Register Book whenever the content of any registered item(s) is/are changed.

**4** The Society is to enter the registered items prescribed in **-2** above in the “REGISTER OF MARITIME LABOUR SYSTEMS” and make it public.

**5** The shipowner is to notify the Society if any change is made to any of the items listed as entries in the “REGISTER OF MARITIME LABOUR SYSTEMS” in a prompt and timely manner.

### **2.2 Maintenance of MLS Registration**

In order to maintain MLS registration, the shipowner is to satisfy the following:

- (1) To ensure the implementation of the measurements shown in the approved DMLC.
- (2) To undergo Periodical Inspections and Additional Inspections in accordance with the provisions of **3.4** and **3.5** in order to maintain MLS Registration.
- (3) Not to change the DMLC without the Society’s approval, except the case of which the inspection prescribed in **3.5-1(2)(a)** is not required.

### **2.3 Certificates**

#### **2.3.1 Issuance of Certificates**

**1** The Society is to issue the certificate to the MLS-registered ship under the authority given by the flag state government.

**2** The Society is to issue an Interim MLC at the Additional Inspection specified in **3.5-1(1)**.

**3** The Society is to issue an MLC at the Initial Inspection, the Renewal Inspection or, when an Interim MLC has been issued, at a time within the period of validity of the Interim MLC.

#### **2.3.2 Validity of Certificates**

**1** The validity of an MLC is to be in accordance with the following:

- (1) The validity is to be five years from the date of completion of the Initial Inspection prescribed in **3.3** or the Renewal Inspection prescribed in **3.4.1**.
  - (2) Notwithstanding the requirements in **(1)** above, when the Renewal Inspection is completed within *3 months* before the expiry date of the existing MLC, the new MLC is to be valid from the date of completion of the Renewal Inspection to five years from the date of expiry of the existing MLC.
- 2** The period of validity of an Interim MLC is to not exceed *6 months* after the date of which the case specified in **3.5-1(1)(a)** to **(d)** has arisen.

### **2.3.3 Invalidation of Certificates**

A certificate is to become invalid when any of the following (1) through (7) is applicable:

- (1) when the Periodical Inspection or the Additional Inspection prescribed in 3.4 or 3.5 respectively is not undergone;
- (2) when the improvement required at an inspection has not been completed within the specified period;
- (3) when the maritime labour system is changed without the Society's approval, except the case of which the inspection prescribed in 3.5-1(2)(a) is not required;
- (4) when inspection fees or expenses have not been paid by the shipowner;
- (5) when the shipowner assumes the responsibility for the operation of a ship not previously operated by that shipowner;
- (6) when the ship's flag has been changed; or
- (7) for an Interim MLC, when the MLC is issued by the Society.

## **2.4 Retention, Re-issuance, Revision or Returning of Certificates**

### **2.4.1 Retention of Certificates**

The certificate is to be retained on board the ship. Further, the shipowner is to retain a copy of the certificate and present it upon the Society's request.

### **2.4.2 Re-issuance of Certificates**

When the certificate has been lost or damaged, the shipowner is to submit a request to the Society without delay to reissue the relevant certificate.

### **2.4.3 Revising Entries in Certificates**

The shipowner is to submit a request to the Society without delay to rewrite and reissue the certificate whenever there is a change in the content of the same.

### **2.4.4 Returning Documents and Certificates**

The shipowner is to immediately return the certificate to the Society whenever any of the following (1) through (4) become applicable:

- (1) when an MLC is issued in accordance with 2.3.1;
- (2) when the certificate is reissued (except in case of replacement of a lost certificate) in accordance with 2.4.2 or revised 2.4.3 above;
- (3) when the MLS registration has been withdrawn in accordance with 2.5; or
- (4) when a lost certificate has been found after re-issuance (the former certificate is to be returned).

## **2.5 Termination of MLS Registration**

The Society is to withdraw the MLS registration and notify the shipowner of such termination whenever any of the following (1) through (4) becomes applicable:

- (1) when an application to cancel the MLS registration is received from the shipowner;
- (2) when the shipowner has quitted the ship's management;
- (3) when the certificate becomes invalidated under the provisions of 2.3.3(1) through (4); or
- (4) when the flag of the ship has changed.

## **Chapter 3 INSPECTION OF MARITIME LABOUR SYSTEMS**

### **3.1 Conduct and Preparation of Inspection**

**1** The inspection is to be carried out at the request of the shipowner by maritime labour systems inspectors of the Society (hereinafter referred to as the “inspector”) who has been properly qualified and assigned under the requirements provided separately.

**2** The shipowner whose ship is to undergo an inspection is to make necessary preparations based on the inspection plan forwarded to the shipowner by the Society and the instructions given by the inspector, if any. This includes ensuring that all documents, records, etc. relevant to the Maritime labour system is made available to the inspector to carry out the inspection.

**3** When undergoing an inspection, the shipowner is to assign a person who is fully conversant with inspection procedures and capable of conducting the preparation of the inspection, and to give assistance when the inspector requests.

**4** The inspection may be suspended in cases where the shipowner fails to make necessary preparations for the inspection or does not dispatch the person to attend the inspection, or when the inspector considers that it is difficult to continue the smooth execution of the inspection.

### **3.2 Types of Inspection**

The Inspection consists of the following types:

- (1) Initial Inspection
- (2) Periodical Inspection
  - (a) Renewal Inspection
  - (b) Intermediate Inspection
- (3) Additional Inspection
- (4) Revised Document Review

### **3.3 Initial Inspection**

#### **3.3.1 General**

**1** For the ship which received an Interim MLC within the period of its validity, the Initial Inspection is carried out when the Maritime labour system is verified by the Society for the first time on the basis of operational experiences of the measurements and the requirements shown in the approved DMLC.

**2** The society is to examine the documents prescribed in **3.3.2-1** at the Initial Inspection (hereinafter referred to as “document review”). The Society is then to carry out the inspection to ensure that the maritime labour system is being implemented effectively on board the ship (hereinafter referred to as “shipboard inspection”).

#### **3.3.2 Documents to be submitted**

**1** The shipowner is to submit the following documents to the Society for review.

- (1) DMLC Part I issued by the flag state government 1 copy
- (2) DMLC Part II 1 copy
- (3) Documents and Drawings of accommodation and recreational facilities 3 copies

**2** The Society, when deemed necessary, may request other documents regarding the ship maritime labour system, in addition to those prescribed in **-1** above.

### **3.3.3 Document Review**

- 1 At the document review, the Society is to approve the DMLC Part II where it complies with the maritime labour requirements.
- 2 In -1 above, where the DMLC Part II does not comply with the maritime labour requirements, the Society is to notify the shipowner in writing to revise it appropriately.
- 3 The Society is to notify the shipowner in writing of the result of the document review.

### **3.3.4 Shipboard Inspection**

- 1 The Society is to verify that the maritime labour system on board the ship fully complies with the DMLC and that it is in satisfactory condition and fit for the service for which the ship is intended.
- 2 In -1 above, where the ship maritime labour system on board the ship is not considered to meet the requirement, the Society is to require the shipowner to improve it appropriately.
- 3 The Society is to notify the shipowner of the result of the shipboard inspection in writing and to require the copy of it placed on board the ship.

## **3.4 Periodical Inspection**

### **3.4.1 Renewal Inspection**

- 1 The Renewal Inspection is to be completed within 3 *months* before the expiry date of the existing MLC. However, it may be carried out in advance of the due period at the request of the shipowner.
- 2 At the Renewal Inspections, the Society is to verify that the maritime labour system fully complies with the approved DMLC, is in satisfactory condition and fit for the service for which the ship is intended.

### **3.4.2 Intermediate Inspection**

- 1 The Intermediate Inspection is to be carried out between the second and third anniversary date following the Initial Inspection or the previous Renewal Inspection. However, upon application by the shipowner, the Intermediate inspection may be carried out before the due time mentioned the above.
- 2 At the Intermediate Inspections, the Society is to verify that the maritime labour system remains satisfactory for the service for which the ship is intended in accordance with the approved DMLC.
- 3 The inspector is to endorse the MLC upon completion of the Intermediate Inspection.

## **3.5 Additional Inspection**

- 1 The Society is to carry out the Additional Inspections prescribed in the following (1) and (2) at the request of the shipowner at any time.
  - (1) Inspection for issuing Interim MLC:
    - (a) when a ship is on delivery, or a ship without a certificate prior to its entry into service
    - (b) when a shipowner assumes the responsibility for the operation of a ship not previously operated by that shipowner
    - (c) when flag of a ship has been changed
    - (d) when the shipowner has been changed
  - (2) Additional inspections deemed necessary by the Society
    - (a) when the DMLC is changed except the slight change otherwise specified

(b) when the ship maritime labour system is changed in a way that influences its operating condition

**2** At the inspections prescribed in **-1(1)** above, the Society is to verify that the maritime labour system complies with the requirements specified elsewhere.

**3** At an inspection prescribed in **-1(2)** above, the Society is to verify that the maritime labour system related with the change complies with the approved DMLC and is in satisfactory condition for the service for which the ship is intended.

**4** Where Renewal Inspection or Intermediate Inspection is carried out in advance at the due time of Additional Inspection prescribed in **-1(2)**, the Additional Inspection may be dispensed with.

### **3.6 Revised Document Review**

**1** Revised Document Review is to be carried out when the DMLC has changed except the case the Additional Inspection is not required specified in **3.5-1(2)(a)**.

**2** At the Revised Document Review, the Society is to examine the revised matter of DMLC in accordance with **3.3.3**.

**3** The shipowner is to notify the Society of the slight change where the Additional Inspection is not required prescribed in **3.5-1(2)(a)** in writing.

## **Chapter 4 MISCELLANEOUS PROVISIONS**

### **4.1 Retention of Certificate**

The certificate is to be retained on board the ship. Further, the shipowner is to retain a copy of the certificate in their office and present them to the Society upon request.

### **4.2 Supply of Information**

The shipowner is to furnish the Society with complete and correct information deemed necessary by the Society for the maintenance of MLS registration.

### **4.3 Maintaining Confidentiality, etc.**

**1** The Society is responsible for not disclosing any confidential information obtained through the inspection of the ship maritime labour system carried out in accordance with the Rules to third parties without first securing the prior written permission from the shipowner.

**2** Maritime labour system register books, inspection of maritime labour system, records related to Port State Control and documents submitted by our clients are to be controlled with appropriate measures to prevent reading or any other actions by no duly authorized entities.

### **4.4 Appeals**

In cases where the shipowner has any complaint concerning the inspection carried out by the inspector of the Society in accordance with the Rules, the shipowner may request in writing the Society carry out a re-inspection within 30 *days* from the day after completion of the original inspection.

## **Appendix MARITIME LABOUR REQUIREMENTS DEEMED TO BE NECESSARY BY THE SOCIETY**

### **1. Application**

**1** This Appendix specifies the maritime labour requirements deemed to be necessary by the Society referred to in **1.1.4(2) of the Rules**.

**2** The requirements specified in **3.3.1** of this Appendix apply to ships constructed on or after 20 August 2013.

### **2. Definitions**

For the purposes of the Appendix, the following definitions apply in addition to those specified in **1.1.4 of the Rules**.

- (1) “Seafarer” means any person who is employed or engaged or works in any capacity on board a ship to which **1.1.1 of the Rules** applies.
- (2) “Seafarers’ employment agreement” includes both a contract of employment and articles of agreement.
- (3) “Seafarer recruitment and placement service” means any person, company, 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;
- (4) “Special purpose ships” means special ships constructed in compliance with the IMO Code of Safety for Special Purpose Ships, 1983, and subsequent versions.
- (5) “Hours of work” means time during which seafarers are required to do work on account of the ship;
- (6) “Hours of rest” means time outside hours of work; this term does not include short breaks.

### **3. Regulations based upon the *Maritime Labour Convention***

#### **3.1 Minimum Requirements for Seafarers to Work on a Ship (Title 1)**

##### **3.1.1 Minimum Age (Regulation 1.1)**

**1** The employment, engagement or work on board a ship of any person under the age of 16 is to be prohibited.

**2** Night work of seafarers under the age of 18 is to be prohibited. For the purposes of this requirement, “night” is to cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.

**3** The employment, engagement or work of seafarers under the age of 18 is to be prohibited where the work is likely to jeopardize their health or safety.

##### **3.1.2 Medical Certificate (Regulation 1.2)**

**1** Seafarers are to hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.

**2** Medical certificates are to only be issued by duly qualified medical practitioners.

**3** 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, are to be given the opportunity to have a further examination by another independent medical practitioner or by an independent medical referee.

- 4 Each medical certificate is to state in particular the following:
- (1) The hearing and sight of the seafarer concerned, 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
  - (2) The seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.
- 5 Unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under the STCW Convention, the following (1) and (2) are required:
- (1) a medical certificate is to 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 is to be one year;
  - (2) a certification of colour vision is to be valid for a maximum period of six years.
- 6 If the period of validity of a certificate expires in the course of a voyage, the certificate is to 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 does not exceed three months.
- 7 The medical certificates for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English.

### **3.1.3 Training and Qualifications (Regulation 1.3)**

- 1 Seafarers are not to work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties.
- 2 Seafarers are not to be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.

### **3.1.4 Recruitment and Placement (Regulation 1.4)**

- 1 All seafarers are to have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.
- 2 Shipowners who use seafarer recruitment and placement services are to ensure that those services conform to the requirements set out in the *Maritime Labour Convention*.

## **3.2 Conditions of Employment (Title 2)**

### **3.2.1 Seafarers' Employment Agreements (Regulation 2.1)**

- 1 Shipowners are to set out or refer to the terms and conditions for employment of a seafarer in a clearly written legally enforceable agreement.
- 2 Seafarers' employment agreements are to be made taking into account collective bargaining agreements and comply with the following requirements:
  - (1) Seafarers working on ships are to have a seafarers' employment agreement signed by both the seafarer and the shipowner or a representative of the shipowner (or, where they are not employees, evidence of contractual or similar arrangements) providing them with decent working and living conditions on board the ship;
  - (2) Seafarers signing a seafarers' employment agreement are to be given an opportunity to examine and seek advice on the agreement before signing as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities;
  - (3) The shipowner and seafarer concerned are each to have a signed original of the seafarers' employment agreement;

- (4) Measures are to be taken to ensure that clear information as to the conditions of their employment can be easily obtained on board by seafarers, 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 a competent authority, including those in ports to be visited; and
- (5) Seafarers are to be given a document containing a record of their employment on board the ship.

The document is not to contain any statement as to the quality of the seafarers' work or as to their wages and the form of the document, the particulars to be recorded and the manner in which such particulars are to be entered, are to be determined by national law.

**3** Where a collective bargaining agreement forms all or part of a seafarers' employment agreement, a copy of that agreement is to be available on board. Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following are also to be available in English (except for ships engaged only in domestic voyages):

- (1) A copy of a standard form of the agreement; and
- (2) The portions of the collective bargaining agreement which are subject to Port State Inspections.

**4** Seafarers' employment agreements are in all cases to contain the following particulars:

- (1) the seafarer's full name, date of birth or age, and birthplace;
- (2) the shipowner's name and address;
- (3) the place where and date when the seafarers' employment agreement is entered into;
- (4) the capacity in which the seafarer is to be employed;
- (5) the amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- (6) the amount of paid annual leave or, where applicable, the formula used for calculating it;
- (7) 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 is to 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;
- (8) the health and social security protection benefits to be provided to the seafarer by the shipowner;
- (9) the seafarer's entitlement to repatriation;
- (10) reference to the collective bargaining agreement, if applicable; and
- (11) any other particulars which national law may require.

**5** At least seven days notice is to be given by seafarers and shipowners for early termination of a seafarers' employment agreement. However, a notice period shorter than seven days may be given in circumstances which are recognized under national laws or regulations or applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice.

### **3.2.2 Wages (Regulation 2.2)**

**1** Shipowners are to pay for seafarers work regularly and in full in accordance with their employment agreements.

**2** Payment due to seafarers working on ships is to be made at no greater than monthly intervals and in accordance with any applicable collective bargaining agreement.

**3** Shipowners are to give seafarers a monthly account of the payments due and the amounts paid.

**4** Shipowners are to take measures such as the following to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.

- (1) a system for enabling seafarers, at the 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; and
- (2) a requirement that allotments are to be remitted in due time and directly to the person or persons nominated by the seafarers.

5 Any charge for the service under -4 above is to be reasonable in amount, and the rate of currency exchange, unless otherwise provided, is to be, in accordance with national laws or regulations, at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

### **3.2.3 Hours of Work and Hours of Rest (Regulation 2.3)**

1 The normal working hours' standard for seafarers is to be based on an eight-hour day with one day of rest per week and rest on public holidays.

2 Maximum hours of work are not to exceed the following:

- (1) 14 hours in any 24-hour period; and
- (2) 72 hours in any seven-day period.

3 Minimum hours of rest are to not be less than:

- (1) ten hours in any 24-hour period; and
- (2) 77 hours in any seven-day period.

4 Hours of rest may be divided into no more than two periods, one of which is to be at least six hours in length, and the interval between consecutive periods of rest is to not exceed 14 hours.

5 When a seafarer is on call, such as when a machinery space is unattended, the seafarer is to have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

6 In an easily accessible place, a table with the shipboard working arrangements is to be posted, which is to contain at least the following for every position:

- (1) the schedule of service at sea and service in port; and
- (2) the maximum hours of work or the minimum hours of rest required by national laws or regulations or applicable collective bargaining agreements.

7 The table referred to in -6 above is to be established in a standardized format in the working language or languages of the ship and in English.

8 Ship masters are to maintain the records of seafarers' daily hours of work or of their daily hours of rest. These records are to be in a standardized format established by the competent authority taking into account any available guidelines of the International Labour Organization or are to be in any standard format prepared by the Organization. They are to be in the languages required by -7 above. Seafarers are to receive a copy of all records pertaining to them which are to be endorsed by the ship's master, or a person authorized by the ship's master, and by the seafarer.

### **3.2.4 Entitlement to Leave (Regulation 2.4)**

1 Seafarers employed on ships are to be given paid annual leave under appropriate conditions.

2 Seafarers are to be granted shore leave to benefit their health and well-being and with the operational requirements of their positions.

3 Shipowners are to give seafarers the annual leave subject to any collective bargaining agreement or national laws or regulations providing for an appropriate method of calculation that takes account of the special needs of seafarers in this respect, annual leave with pay entitlement is to be calculated on the basis of a minimum of 2.5 calendar days per month of employment.

### **3.2.5 Repatriation (Regulation 2.5)**

1 Shipowners are to make arrangements for the repatriation of seafarers on ships in the following circumstances:

- (1) if the seafarers' employment agreement expires while they are abroad;
- (2) when the seafarers' employment agreement is terminated by the shipowner or by the seafarer for justified reasons; and also
- (3) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.

**2** Shipowners are to not require 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 seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations, other measures, or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.

**3** All ships are to carry and make available to seafarers a copy of the applicable national provisions regarding repatriation written in an appropriate language.

### **3.2.6 Manning Levels (Regulation 2.7)**

Shipowners are to arrange a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.

## **3.3 Accommodation, Recreational Facilities, Food and Catering (Title 3)**

### **3.3.1 Accommodation and Recreational Facilities (Regulation 3.1)**

**1** With respect to general requirements for accommodation, the following requirements apply:

- (1) there is to be adequate headroom in all seafarer accommodation; the minimum permitted headroom in all seafarer accommodation where full and free movement is necessary is to be not less than 203 centimetres; the competent authority may permit some limited reduction of headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction is as follows:
  - (a) reasonable; and
  - (b) will not result in discomfort to the seafarers;
- (2) the accommodation is to be adequately insulated;
- (3) in ships other than passenger ships, sleeping rooms are to 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;
- (4) there are to 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 are to be efficiently constructed of steel or other approved substance and be watertight and gas-tight;
- (5) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings are to be suitable for the purpose and conducive to ensuring a healthy environment; and
- (6) proper lighting and sufficient drainage are to be provided.

**2** With respect to requirements for ventilation and heating, the following requirements apply:

- (1) sleeping rooms and mess rooms are to be adequately ventilated;
- (2) ships, except those regularly engaged in trade where temperate climatic conditions do not require this, are to be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room;
- (3) all sanitary spaces are to have ventilation to the open air, independently of any other part of the accommodation; and

(4) adequate heat through an appropriate heating system is to be provided, except in ships exclusively on voyages in tropical climates.

**3** With respect to requirements for lighting, subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms are to be lit by natural light and provided with adequate artificial light.

**4** When sleeping accommodation on board ships is required, the following requirements for sleeping rooms apply:

- (1) in ships other than passenger ships, an individual sleeping room is to be provided for each seafarer;
- (2) separate sleeping rooms are to be provided for men and for women;
- (3) a separate berth for each seafarer is to, in all circumstances, be provided;
- (4) the minimum inside dimensions of a berth are to be at least 198 centimetres by 80 centimetres;
- (5) in single berth seafarers' sleeping rooms, the floor area are not to be less than the following:
  - (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; and
  - (c) 7 square metres in ships of 10,000 gross tonnage or over;
- (6) in 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; the floor areas of such sleeping rooms are not to be less than 7 square metres;
- (7) on passenger ships and special purpose ships, the floor areas of sleeping rooms for seafarers not performing the duties of ships' officers are not to be less than the following:
  - (a) 7.5 square metres in rooms accommodating two persons;
  - (b) 11.5 square metres in rooms accommodating three persons; and
  - (c) 14.5 square metres in rooms accommodating four persons;
- (8) on special purpose ships, sleeping rooms may accommodate more than four persons; the floor areas of such sleeping rooms are not to be less than 3.6 square metres per person;
- (9) on ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person are not to be less than the following:
  - (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 or over but less than 10,000 gross tonnage; and
  - (c) 10 square metres in ships of 10,000 gross tonnage or over;
- (10) on passenger ships and special purpose ships, the floor areas 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 are not to 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;
- (11) the ship's master, the chief engineer and the chief navigating officer are to have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space;
- (12) for each occupant, furniture is to include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres; however, if the drawer is incorporated into the clothes locker, the combined minimum volume of the clothes locker is to be 500 litres; it is to be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy; and
- (13) each sleeping room is to be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type as well as with comfortable seating accommodation as necessary.

**5** With respect to requirements for mess rooms, the following requirements apply:

- (1) mess rooms are to be located apart from sleeping rooms and as close as practicable to the galley; and
  - (2) mess rooms are to 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; provision are to be made for separate or common mess room facilities as appropriate.
- 6** With respect to requirements for sanitary facilities, the following requirements apply:
- (1) all seafarers are to 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 for women;
  - (2) there are to be sanitary facilities within easy access of the navigation bridge and the machinery space or near the engine room control centre;
  - (3) 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 are to be provided at a convenient location;
  - (4) with the exception of passenger ships, each sleeping room are to be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided;
  - (5) hot and cold running fresh water are to be available in all wash places.
- 7** Ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration are to provide separate hospital accommodation to be used exclusively for medical purposes under all weather conditions, be easy to access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.
- 8** Appropriately situated and furnished laundry facilities are to be available.
- 9** All ships are to have a space or spaces on an open deck to which the seafarers can have access to when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on board.
- 10** All ships are to be provided with separate offices or a common ship's office for use by the deck and engine departments.
- 11** Ships regularly trading to mosquito-infested ports are to be fitted with appropriate devices as required by the competent authority.
- 12** Ship masters are to carry out frequent inspections on board their ships to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair. The results of each such inspection are to be recorded and be available for review.

### **3.3.2 Food and Catering (Regulation 3.2)**

- 1** Shipowners are to provide seafarers on board a ship with food free of charge during the period of engagement.
- 2** Seafarers employed as ship cooks with responsibility for food preparation are to be trained and qualified for their position on board ship.
- 3** Shipowners are not to employ seafarers under the age of 18 to be engaged or work as a ship's cook.
- 4** With respect to the organization and equipment of food and catering, the following requirements apply:
  - (1) 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, are to be suitable in respect of quantity, nutritional value, quality and variety;
  - (2) the organization and equipment of the catering department are to be such as to permit the

provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and

(3) catering staff are to be properly trained or instructed for their positions.

**5** Ship masters are to carry out frequent inspections on board ships and to record the results with respect to the following:

(1) supplies of food and drinking water;

(2) all spaces and equipment used for the storage and handling of food and drinking water; and

(3) galleys and other equipment for the preparation and service of meals.

### **3.4 Health Protection, Medical Care, Welfare and Social Security Protection (Title 4)**

#### **3.4.1 Medical Care on Board Ship and Ashore (Regulation 4.1)**

**1** All seafarers on ships are to be covered by adequate measures for the protection of their health and are to have access to prompt and adequate medical care whilst working on board. The protection and care is, in principle, to be provided at no cost to the seafarers.

**2** Measures are to be provided for health protection and medical care, including essential dental care, for seafarers working on board a ship. These measures are to ensure the following:

(1) 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;

(2) seafarers have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;

(3) medical care and health protection services, to a degree consistent with national law and practice, are provided free of charge to seafarers while a seafarer is on board ship or landed in a foreign port; and

(4) medical care and health protection services are not limited to the treatment of sick or injured seafarers, but also include measures of a preventive character such as health promotion and health education programmes.

**3** All ships are to be provided with a standard medical report form for use by the ships' masters and relevant onshore and on-board medical personnel. The form, when completed, and its contents are to be kept confidential and are to only be used to facilitate the treatment of seafarers.

**4** All ships are to carry a medicine chest, medical equipment and a medical guide.

**5** Ships carrying 100 or more persons and ordinarily engaged in international voyages of more than three days' duration are to carry a qualified medical doctor who is responsible for providing medical care.

**6** ships which do not carry a medical doctor are required to have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid ; persons in charge of medical care on board who are not medical doctors are to have satisfactorily completed training in medical care that meets the requirements of the STCW; in addition, seafarers designated to provide medical first aid are to have satisfactorily completed training in medical first aid that meets the requirements of the STCW.

**7** All ships are to 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.

### **3.4.2 Shipowners' Liability (Regulation 4.2)**

1 Shipowners are to provide seafarers employed on the ships with 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. With respect to shipowner responsibility, the following requirements apply except in cases where such sickness or injury take place due to the intentional or negligent action of the seafarer.

- (1) Shipowners are liable to bear the following costs:
    - (a) the costs for 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;
    - (b) financial security to assure compensation in the event of the death or long-term disability of seafarers due to occupational injuries, illnesses or hazards, as set out in national laws, the seafarers' employment agreements or collective bargaining agreements;
    - (c) 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 a permanent character; and
    - (d) the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.
  - (2) Where the sickness or injury results in incapacity to work, shipowners are liable for the following:
    - (a) to pay full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated; and
    - (b) to pay wages in whole or in part as prescribed by national laws or regulations or as provided for in collective bargaining 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 national laws.
- 2 Shipowners or their representatives are to 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.

### **3.4.3 Health and Safety Protection and Accident Prevention (Regulation 4.3)**

1 The following measures are to be provided by all ships for health and safety protection and accident prevention:

- (1) the adoption and effective implementation and promotion of occupational safety and health policies and programmes on ships, including risk evaluations as well as training and instruction of seafarers;
- (2) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, 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;
- (3) on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarer representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design controls, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; and
- (4) requirements for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.

**2** Shipowners, seafarers and others concerned are to comply with applicable standards and with the ship's occupational safety and health policy and programme with special attention being paid to the safety and health of seafarers under the age of 18.

**3** For a ship on which there are five or more, a committee where the ship's seafarers appoint or elect as safety representatives to participate in meetings on the ship's safety is to be established on board.

### **3.5 Notice of the Maritime Labour Convention, Related Laws and the Maritime Labour Certificate (Regulation 5.1.1 and 5.1.3)**

**1** Shipowners are to post or place a copy of the Maritime Labour Convention and related national laws and regulations in a conspicuous place on board.

**2** Shipowners are to post a copy of the Maritime Labour Certificate or the Interim Maritime Labour Certificate in a conspicuous place on board.

### **3.6 On-board Complaint Procedures (Regulation 5.1.5)**

**1** In all ships, on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the Maritime Labour Convention (including seafarers' rights) are to be provided.

**2** Any kind of victimization of a seafarer by shipowners for filing a complaint is to be prohibited and penalized.

**3** In cases where shipowners receive seafarer complaints, they are to deal with them in accordance with the procedures specified in **-1** above.

**4** In addition to a copy of their seafarers' employment agreement, all seafarers are to be provided with a copy of the on-board complaint procedures applicable on the ship. This is to include the following information:

- (1) contact information for the competent authority of the flag state and, in cases where different, the competent authority in each seafarers' country of residence; and
- (2) the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.

## **EFFECTIVE DATE AND APPLICATION**

- 1.** The effective date of the amendments is 20 August 2013.

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# **GUIDANCE FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS**

**GUIDANCE**

## **ESTABLISHMENT**

Notice No.35      17th May 2013

Resolved by Technical Committee on 4th February 2013

Notice No.35 17th May 2013

“Guidance for the inspection and registration of maritime labour systems” has been established as follows:

## **GUIDANCE FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS**

### **Chapter 1 GENERAL PROVISIONS**

#### **1.1 General**

##### **1.1.1 Application**

“Gross tonnage” specified in **1.1.1-2 of the Rules** means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969.

##### **1.1.2 Equivalency**

A DMLC Part II approved by the flag state or its recognized organization is regarded equivalent to one approved by the Society.

##### **1.1.4 Definitions**

For the purposes of this Guidance, “Date of MLS registration” means the date of the last day of the Initial Inspection prescribed in **3.3.1-1 of the Rules**. However, in cases where the Inspection for Issuing an Interim MLC prescribed in **3.5-1(1) of the Rules** is carried out in advance of the Initial Inspection, it means the date of the last day of the Inspection for Issuing an Interim MLC.

## **Chapter 2 REGISTRATION OF MARITIME LABOUR SYSTEMS**

### **2.1 Registration of Maritime Labour Systems**

“Necessary information” stipulated in **2.1-2 of the Rules** means all of the following:

- (1) MLS registration number
- (2) Date of MLS registration
- (3) Ship name and type
- (4) Ship Distinctive number or signal letters
- (5) Port of registry
- (6) Gross tonnage
- (7) Shipowner name and address
- (8) IMO ship identification number
- (9) Ship delivery date

### **2.3 Termination of MLS Registration**

Any ship of whose MLS registration had been previously withdrawn may apply for re-registration. The number of the registration is to be determined giving due consideration to the conditions under which the MLS registration had been withdrawn.

## Chapter 3 INSPECTION OF MARITIME LABOUR SYSTEMS

### 3.1 Conduct and Preparation of Inspections

- 1 An inspection of the maritime labour system is to be conducted upon submission of an application specified by the Society.
- 2 The Society is to determine the date of the Initial Inspection, Periodical Inspection or Additional Inspection, and notify the shipowner of the schedule accordingly.

### 3.3 Initial Inspection

#### 3.3.2 Documents to be submitted

Measures adopted to ensure on-going compliance with national requirements between inspections and measures proposed to ensure that there is continuous improvement are to be included in the “DMLC Part II” prescribed in **3.3.2-1(2) of the Rules**.

#### 3.3.4 Shipboard Inspection

- 1 The place and the date of the Shipboard Inspection are to be determined in consultation with the shipowner.
- 2 The Shipboard Inspection is to be carried out in the presence of a person appointed by the shipowner.
- 3 The inspector is to notify the results of the inspection to the ship master and the person appointed by the shipowner upon completion of the inspection.

### 3.4 Periodical Inspection

#### 3.4.2 Intermediate Inspection

In application of the proviso in **3.4.2-1 of the Rules**, in cases where an Intermediate Inspection is carried out in advance at the due time of the Inspection (hereinafter referred to as “Advance Intermediate Inspection”) either of the following measures is to be taken.

- (1) The validity of the MLC is to be amended by endorsement to the previous day after 3 *years* from the date the Advance Intermediate Inspection was completed.
- (2) An additional Intermediate Inspection is to be carried out. The due time of the additional Intermediate Inspection is to be between the day after 2 *years* and the previous day after 3 *year* from the date the Advance Intermediate Inspection was completed.

### 3.5 Additional Inspection

- 1 When requesting an Additional Inspection, the ship owner is to include the reason for said inspection on the application form.
- 2 “The slight change otherwise specified” in **3.5-1(2)(a) of the Rules** means items other than those related to the working and living conditions of seafarers prescribed as follows:
  - (1) Minimum age
  - (2) Medical certification
  - (3) Qualifications of seafarers
  - (4) Seafarers’ employment agreements

- (5) Use of any licensed or certified or regulated private recruitment and placement service
- (6) Hours of work or rest
- (7) Manning levels for the ship
- (8) Accommodation
- (9) On-board recreational facilities
- (10) Food and catering
- (11) Health and safety and accident prevention
- (12) On-board medical care
- (13) On-board complaint procedures
- (14) Payment of wages

**3** “The requirements specified elsewhere” prescribed in **3.5-2 of the Rules** means the following:

- (1) The documents specified in **3.3.2-1 of the Rules** have been submitted.
- (2) Arrangements have been made for carrying out the Initial Inspection.
- (3) The ship satisfies the Maritime Labour Requirements.

## **Appendix MARITIME LABOUR REQUIREMENTS DEEMED TO BE NECESSARY BY THE SOCIETY**

### **1. Application**

“Ships constructed” specified in **1-2, Appendix of the Rules** means ships whose keels are laid or ships at a similar stage of construction.

### **3. Regulations based on *Maritime Labour Convention***

#### **3.1 Minimum Requirements for Seafarers to Work on a Ship (Title 1)**

##### **3.1.1 Minimum Age (Regulation 1.1)**

“Night” specified in **3.1.1-2, Appendix of the Rules** means a period of time defined in accordance with national laws and practice.

##### **3.1.3 Training and Qualifications (Regulation 1.3)**

Training and certification in accordance with mandatory instruments adopted by the International Maritime Organization are to be considered as satisfying the requirements of **3.1.3-1 and -2, Appendix of the Rules**.

#### **3.2 Conditions of Employment (Title 2)**

##### **3.2.2 Wages (Regulation 2.2)**

“Monthly account” specified in **3.2.2-3, Appendix of the Rules** is to include 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.

##### **3.2.3 Hours of Work and Hours of Rest (Regulation 2.3)**

Nothing in **3.2.3, Appendix of the Rules** is to be deemed to impair the right of the ship master to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the ship 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 ship master is to ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

#### **3.3 Accommodation, Recreational Facilities, Food and Catering (Title 3)**

##### **3.3.1 Accommodation and Recreational Facilities (Regulation 3.1)**

**1** With reference to **3.3.1-1(3), Appendix of the Rules**, in passenger ships, and in special ships, on condition that satisfactory arrangements are made for lighting and ventilation, sleeping rooms may be located below the load line as deemed appropriate by the competent authority, but in no case are they to be located immediately beneath working alleyways.

**2** For ships of less than 3,000 gross tonnage or special purpose ships, exemptions from the

requirements specified in **3.3.1-4(1), (5), (11), 3.3.1-5(1), 3.3.1-6(2) and 3.3.1-10 of Appendix of the Rules** may be granted by the competent authority in cases where it deems that such requirements are difficult to be satisfied.

**3** For passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given to special arrangements or to a reduction in the number of facilities required in **3.3.1-6 of Appendix of the Rules** as deemed appropriate by the competent authority.

**4** For ships engaged in coastal trade, the requirement specified in **3.3.1-7 of Appendix of the Rules** may be relaxed as deemed appropriate by the competent authority.

### **3.3.2 Food and Catering (Regulation 3.2)**

For ships operating with a manning of less than ten, **3.3.2-2 of Appendix of the Rules** may not be required as deemed appropriate by the competent authority by virtue of the size of the crew or the trading pattern. However, anyone processing food in the galley is to be trained or instructed in areas including food and personal hygiene as well as the handling and storage of food on board ship.

### **3.6 On-board Complaint Procedures (Regulation 5.1.5)**

**1** The on-board complaint procedures are to include the right of the seafarer to be accompanied or represented during the complaints procedure as well as safeguards against the possibility of the victimization of seafarers for filing complaints. The term "victimization" covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

**2** Appropriate on-board complaint procedures are to seek to resolve complaints at the lowest level possible. However, in all cases, seafarers are to have a right to complain directly to the ship's master and, where they consider it necessary, to appropriate external authorities.

## EFFECTIVE DATE AND APPLICATION

- 1.** The effective date of the amendments is 20 August 2013.