



# Maritime Circular No.15

To:

**Ship – Owners / Managers / Operators, Registration Officers (RegOffs), Recognised Organisations (ROs), Flag State Inspectors (FSI), SLMARAD Departments (All)**

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Subject:

**Maritime Labour Convention (MLC), 2006 Procedure**

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Date:

**06<sup>th</sup> August 2019**

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References:

**Maritime Labour Convention, 2006**

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## Purpose

To provide guidelines on the inspection and certification of vessels flying the Sierra Leone flag with the requirements of the Maritime Labour Convention, 2006.

## Application

### 1. Ships:

- a. The MLC, 2006 applies to all ships as so defined, whether publicly or privately owned, that are ordinary engaged in commercial activities except:
  - i. Ships engaged in fishing or in similar pursuits;
  - ii. Ships of traditional build such as dhows and junks;
  - iii. Warships or naval auxiliaries.
- b. Paragraph 5, Article II of the MLC, 2006 recognizes that there may be situations where there is a doubt as to whether it applies to a ship or particular category of ships. In the event of doubt, SLMARAD must be contacted to make a determination on the question.
- c. The following ships must be inspected and certified as been in compliance with the MLC, 2006 and carry a Maritime Labour Statement of Compliance and the Declaration of Maritime Labour Compliance Parts I and II:
  - i. Ships of 500 gross tonnage or above, engaged in international voyages;
  - ii. Ships of 500 gross tonnage and above, operating from a port, or between ports, in another country;
  - iii. Other ships, as may be voluntarily requested by a Shipowner.
- d. The requirements of Regulation 3.1 for accommodation and recreational facilities as well as the related Code apply only to ships constructed on or after 20<sup>th</sup> of August 2013. A ship is considered to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

## 2. Seafarers:

- a. The MLC, 2006 applies to all persons who are employed or are engaged or work in any capacity on board a ship to which the Convention applies.
- b. Paragraph 3 of Article II of the MLC, 2006 addresses the cases where it is not clear whether a worker or category of workers are considered as “seafarers” covered by the Convention. In the event of doubt, SLMARAD must be contacted to make a determination on the question. In order to determine whether a category of workers are to be regarded as “seafarers” covered by the Convention, the following factors will be taken into consideration by SLMARAD:
  - i. Duration on board of the persons concerned
  - ii. Frequency of periods of work spent on board
  - iii. Location of the person’s principal place of work
  - iv. Purpose of the person’s work on board
  - v. Protection provided to the person concerned with regard their labour and social conditions

## 3. Certification requirements

- a. Ships required to be inspected and certified for compliance with the MLC, 2006 (refer to paragraph 1.c, above) must carry and maintain on board a Maritime Labour Statement of Compliance as well as a Declaration of Maritime Labour Compliance (DMLC), Parts I and II.
- b. The DMLC Part I is drawn up by SLMARAD and includes the following information:
  - i. The list of matters to be inspected in accordance with the MLC, 2006 (i.e., the 16 areas listed in Appendix A5-I, refer to paragraph 4.a below);
  - ii. In each of those areas, the national requirements embodying the relevant provisions of the Convention;
  - iii. Ship-type specific requirements under national legislation;
  - iv. Record any substantially equivalent provisions; and
  - v. Clearly indicate any exemption granted by SLMARAD as provided in Title 3 of the MLC, 2006.
- c. The DMLC Part II is to be drawn up by the Shipowner (for the definition of Shipowner refer to paragraph 1(j) of Article II of the MLC, 2006) and certified by the duly authorized Recognized Organization (RO) (refer to paragraph 4.d below). The DMLC Part II must identify the measures adopted to ensure ongoing compliance, between inspections, with the national requirements, stated in the DMLC Part I, and the measures proposed to ensure that there is continuous improvement.
- d. Interim Maritime Labour Statement of Compliance:
  - i. An Interim Maritime Labour Statement of Compliance must be issued:
    - To new ships on delivery;
    - When a ship changes flag; or
    - When a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.

- ii. An Interim Maritime Labour Statement of Compliance may be issued for a period not exceeding six months by the Recognized Organization (refer to paragraph 4.d below) duly authorized for this purpose.
  - iii. A Declaration of Maritime Labour Compliance need not be issued for the period of validity of the Interim Statement of Compliance.
  - iv. An Interim Maritime Labour Statement of Compliance may be issued for a period not exceeding six months. No further Interim Statement of Compliance may be issued following the initial six months.
- e. Maritime Labour Statement of Compliance:
  - i. A Maritime Labour Statement of Compliance must be issued to each ship following a successful initial inspection and verification by the RO (refer to paragraph 4.d below).
  - ii. The Maritime Labour Statement of Compliance must be issued by the duly authorized RO for a period which shall not exceed five years, upon successful inspection and verification of Sierra Leone requirements as outlined in the DMLC Part I implementing the provisions of the Convention regarding the working and living conditions of seafarers on the ship, including measures for ongoing compliance which are included in the declaration of maritime labour compliance.
  - iii. The validity of the Maritime Labour Statement of Compliance shall be subject to an intermediate inspection by the RO to ensure continuing compliance with the Administrations requirements implementing the provisions of the Convention, and it shall take place between the second and third anniversary dates of the Statement of Compliance. Anniversary date means the day and month of the year which will correspond to the date of expiry of the Maritime Labour Statement of Compliance. The scope of the intermediate inspection shall be equal to an inspection for renewal of the Statement of Compliance. The Statement of Compliance shall be endorsed by the RO following satisfactory intermediate inspection.
  - iv. Notwithstanding paragraph 3.e.ii above, 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 must be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing Statement of Compliance. In such a case the period of validity may exceed five (5) years.
  - v. When the renewal inspection is completed more than three (3) months before the expiry date of the existing Maritime Labour Statement of Compliance, the new Maritime Labour Statement of Compliance must be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.
- f. A Maritime Labour Statement of Compliance ceases to be valid:
  - i. If the relevant inspections are not completed within the periods prescribed by the MLC, 2006;
  - ii. If the Statement of Compliance is not endorsed following an intermediate inspection;

- iii. When a ship changes flag;
  - iv. When a Shipowner ceases to assume the responsibility for the operation of a ship; and
  - v. When substantial changes have been made to the structure or equipment covered in Title 3 of the MLC, 2006.
- g. Under paragraphs 16 and 17 of Standard A5.1.3, a Maritime Labour Statement of Compliance must be withdrawn if there is evidence that the ship concerned does not comply with the requirements of MLC, 2006 and any required corrective action has not been taken.
- h. For ships that have been issued with Full Term Maritime Labour Statement of Compliance directly by the flag State, Owner / Managers / Operators must contact a Recognised Organization (RO) as per paragraph 4.d below and request to re-issue this Statement of Compliance.
- i. The RO must re-issue the Full Term Maritime Labour Statement of Compliance based on the same completion date of inspection on which the Statement of Compliance was issued by the flag State. The validity of the re-issued Full Term Maritime Labour Statement of Compliance must be identical to the one issued by the flag State. Copy of the re-issued Full Term Maritime Labour Statement of Compliance must be submitted to SLMARAD. The ROs are also authorized to endorse again the DMLC Part II of the vessel.

#### **4. Inspection requirements**

- a. As per paragraph 1 of Standard A5.1.3, the 14 areas in the working and living conditions of seafarers that must be inspected and certified as complying with the national laws and regulations or other measures implementing the requirements of the MLC, 2006 is contained in Appendix A5-I to the Convention. These areas are:
- i. Minimum age
  - ii. Medical certification
  - iii. Qualifications of seafarers
  - iv. Seafarers' employment agreements
  - v. Use of any licensed or certified or regulated private recruitment and placement service
  - vi. Hours of work or rest
  - vii. Manning levels for the ship
  - viii. Accommodation
  - ix. On-board recreational facilities
  - x. Food and catering
  - xi. Health and safety and accident prevention
  - xii. On-board medical care
  - xiii. On-board complaint procedures
  - xiv. Payment of wages
  - xv. Financial Security for repatriation
  - xvi. Financial Security relating to shipowner's liability

- b. During the interim Inspection:
  - i. The ship must be inspected, as far as reasonable and practicable, in the 16 areas (see paragraph 4.a, above);
  - ii. The Shipowner has demonstrated to the RO that the ship has adequate procedures to comply with the Convention;
  - iii. The master is familiar with the requirements of the Convention and the responsibilities for implementation; and
  - iv. Relevant information has been submitted to the RO to produce a declaration of maritime labour compliance.
  
- c. During Initial / Intermediate / Renewal Inspections:
  - i. The 16 areas in the working and living conditions of seafarers must be inspected and certified as complying with the national laws and regulations or other measures implementing the requirements of the MLC, 2006 as contained in Appendix A5-I to the Convention (refer to paragraph 4.a, above);
  - ii. In addition to the above 16 areas, the vessel must also be inspected for the entitlement to leave (Regulation 2.4) Repatriation (Regulation 2.5), Shipowner's Liability (Regulation 4.2) and Social Security (Regulation 4.5) requirements of the MLC, 2006.
  
- d. SLMARAD has authorized the following Recognized Organizations (RO) to carry out inspections and issue certificate under the MLC, 2006:
  - i. American Bureau of Shipping (ABS)
  - ii. Asian Shipping Classification Services (ASCS)
  - iii. Bureau Veritas (BV)
  - iv. China Classification Society (CCS)
  - v. DNVGL
  - vi. Dromon Bureau of Shipping (DBS)
  - vii. ForeSight Ship Classification (FSCClass)
  - viii. Korean Register of Shipping (KRS)
  - ix. Lloyd's Register (LR)
  - x. Maritime Lloyd (ML)
  - xi. New United Marine Services LT (NUMS)
  - xii. Overseas Marine Certification Service, Inc. (OMCS)
  - xiii. Panama Shipping Registrar Inc. (PSR)
  - xiv. Phoenix Register of Shipping S.A. (PHRS)
  - xv. RINA Services S.p.A (RINA)
  - xvi. Russian Maritime Register of Shipping (RMRS)
  - xvii. Sing Lloyd (SGL)
  - xviii. Union Bureau of Shipping (UBS)
  
- e. The above mentioned ROs are authorized to:
  - i. Issue an Interim Maritime Labour Statement of Compliance in accordance with the provisions of Article V and Title 5 of the MLC, 2006;
  - ii. Issue a Maritime Labour Statement of Compliance in accordance with the provisions of Article V and Title 5 of the MLC, 2006;
  - iii. Endorse the Maritime Labour Statement of Compliance, as applicable, in accordance with the provisions of Article V and Title 5 of the MLC, 2006;

- iv. Endorse the Declaration of Maritime Labour Compliance Part II;
- v. Request the rectification of deficiencies that have been identified in seafarers' working and living conditions on board.

5. The above will enter into effect as of 06<sup>th</sup> August 2019.

For additional information please contact SLMARAD at [info@slmarad.com](mailto:info@slmarad.com)

#### Revision Status

Date	Revision	Comments - Changes
10/01/2017	0	Initial – Adopted
19/07/2017	1	Corrections to paragraphs 3b-i, 4a, 4b-i & 4c-i to be aligned with 2014 amendments of MLC,2006
29/08/2017	2	Updated the list of authorized ROs
01/08/2019	3	Updated the list of authorized ROs