

C C S Technical Information

(2019) Technical Information No.3 Total No.398
Jan.16,2019
(Total 2 pages)

To: All branches, all overseas regional centers, and MLC shipowners

Notice on Strengthening the inspection of SEA ,wages and on-board complaints

Recently many ships were detained by PSC due to wages of seafarers, it not only affected ships normal service, but also made a heavy burden to flag states, ROs and relevant parties. To avoid such kind of detentions, the shipowners and ship inspectors are recommended to follow items,

1. For ships and shipowners
 - 1.1 Strictly abide relevant national laws, regulations, codes mentioned in DMLC-I
 - 1.2 Minimum seafarer's wage should meet the national law and applicable CBA, dual agreements and false contracts are prohibited.
 - 1.3 For Chinese seafarer, a work contract shall be issued timely between employer and seafarer.
 - 1.4 Strictly implement SEA, shipowner should pay full amount of wages monthly, and records shall be kept onboard(Total pay amount record shall not be used to replace final paying amount),seafarer shall keep monthly payment sheet, and all records shall be signed by seafarers.
 - 1.5 Strictly record overtime job, and OT record shall be signed by seafarers, and pay OT wages accordingly(including cadets); If total OT hours are more than standard OT in SEA/CBA, additional wages shall be paid and recorded in monthly payment sheet.
 - 1.6 Shipowners and ships should strengthen the learning and use of complaints procedures on board ships, strengthen communication, strive to resolve complaints at a lower level, and properly handle seafarers ' complaints to the third parties , so as to avoid negative effects.
2. For MLC Inspectors
 - 2.1 Strengthening the intensity of spot checks on SEA (contracts), payroll lists, Seafarers' monthly payment sheet, overtime records and pay, and conduct at least a spot check of payroll records for all crew members in the past three months.

- 2.2 Sampling must cover the various forms of employment used by the ship (Seafarers of their own and recruited), all recruitment agencies for ships. The crew should be clearly asked whether they are aware of the criteria for monthly wage , receive wages on time and in full.
- 2.3 If more defects are found during the spot check, the sample proportion may be expanded to 100% (all seafarers), anytime past three months' wages for all crew member shall be checked and recorded .
- 2.4 Each organization or person who has assumed the responsibility under the Convention on behalf of a shipowner is required to sign an agreement. In any event, the shipowner in the maritime labour certificate shall be solely responsible for the performance of the duties and responsibilities of the Convention.
- 2.5 Strengthen the inspection of the complaint procedure on board the ship. During the inspection, attention should be paid to the mood of seafarers, to the understanding and use of the complaint procedure by seafarers, checking the records of complaints and confirming that all complaints have been properly resolved. Particular attention shall be paid to the oral complaints of seafarers, who should be advised to submit written materials and encouraged to use the on-board complaints procedure.
- 2.6 Deficiency and non-conformity should be recorded in accordance with the requirements of the Notice. The legal basis should be accurate and the facts described clearly (including the time, the place, the person involved in and the details of the event).
- 2.7 Keep evidence of sampling checks, all evidence should be validated and archived, especially the items for high-risk of detention.
3. Types of Defects and Non-conformity
 - 3.1 DMLC PART I is not the latest version.
 - 3.2 Existence of dual agreements and false contracts.
 - 3.3 The employer did not enter into a labor contract with the Chinese seafarer after he was hired.
 - 3.4 Failure to comply with signed agreements, such as the failure to pay full monthly wages to seafarers in accordance with the provisions of the Convention; ship does not retain the record of wages; the lack of actual overtime records in monthly payroll records; the failure of seafarers to obtain monthly payment sheet; and the absence of seafarers ' signatures in the above documents.
 - 3.5 Submit false payroll records, such as falsification of bank transfer flow orders.
 - 3.6 Overtime wage was not paid as required.
 - 3.7 Seafarers are not familiar with on-board complaints procedures; Seafarers ' complaints are not properly handled.