

CCS 通 函

Circular

China Classification Society

(2011) Circ.No. 18 Total No.82

April 22, 2011 (Total 2 Pages)

TO: Related departments of Headquarters; Branches and Offices and Ship Companies

Notice of Implementation of Marine Notice MLC-001

The Bureau of Maritime Affairs of Republic of Liberia issued Marine Notice MLC-001 to ship-owners, operators, masters and officers of merchant ships and authorized classification societies, which provides guidance on implementing the requirements of the Maritime Labour Convention (MLC), 2006, including the inspection and certification of ships. This is the first in a series of Marine Notices that provides guidance on implementation of the MLC, 2006. The related Marine Notices are:

MLC-002 - Minimum requirements for seafarers to work on a ship

MLC-003 - Terms and Conditions for employment of seafarers

MLC-004 - Standards of accommodation, recreational facilities, food, water and catering

MLC-005 - Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarer's

MLC-006 - On-board complaint handling procedures

MLC, 2006 will enter into force 12 months after the date on which it is ratified by at least 30 Member States representing at least 33% of the world's gross tonnage. As of the date of this Marine Notice, the criteria for entry into force has not been met, however the tonnage requirement has been met with the ratifications by Member States representing more than the required 33% of the world's gross tonnage. Liberia was the first Member State to ratify in June 2006.

Summary:

Forwarding the Liberia Marine Notice MLC-001, in which implements the requirements of MLC, 2006, and provides guidance on inspection and certification of ships.

Action required:

All the CCS branches and offices are required to organize the study and training of this Marine Notice, auditors should remind the Liberian-flagged companies and vessels to pay attention to this notice and the effective date of MLC, 2006. All the parties concerned should be fully in compliance with the requirements of this notice after the MLC, 2006 entered into force.

Attachment: Marine Notice MLC-001, 37 pages.

**For any problem please contact the Certification Management Dept. of CCS
Headquarters without hesitation**



REPUBLIC OF LIBERIA

Marine Notice

BUREAU OF MARITIME AFFAIRS

MLC-001
02/11

TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS AND AUTHORIZED CLASSIFICATION SOCIETIES.

SUBJECT: Implementation, Inspections and Certification under the Maritime Labour Convention (MLC), 2006

Reference:

- (a) Maritime Labour Convention (MLC), 2006
- (b) Liberian Maritime Law (RLM-107) Articles: 292, 293, 320, 321, 322, 323, 324, 325, 326, 327, 328, 330, 331, 333, 336, 336A, 338, 340, 341, 342, 343, 352, 354, 355, 356
- (c) Liberian Maritime Regulations (RLM 108) Regulations: 9.256, 9.257, 9.258, 10.291, 10.292, 10.296 (2d, 3, and 9), 10.315, 10.318, 10.320, 10.325, 10.336, 10.341, 10.342
- (d) Requirements For Merchant Marine Personnel (RLM 118)
- (e) Requirements For Marine Investigations And Hearings (RLM 260)
- (f) Liberian Marine Notices: INS-001, INT-001, ISM-001, MAN-001, SEA-001, SEA-002, SEA-004, SEA-003, SEA-004, SEA-005
- (g) Liberian guidelines for Maritime Labour Inspections- MLC-002, MLC-003, MLC-004, MLC-005, MLC-006

PURPOSE:

The purpose of this Marine Notice is to provide guidance on implementing the requirements of the Maritime Labour Convention (MLC), 2006, including the inspection and certification of ships. This is the first in a series of Marine Notices that provides guidance on implementation of the MLC, 2006. The related Marine Notices are:

- MLC-002 – Minimum requirements for seafarers to work on a ship
- MLC-003 – Terms and Conditions for employment of seafarers
- MLC-004 – Standards of accommodation, recreational facilities, food, water and catering
- MLC-005 – Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarer's
- MLC-006 – On-board complaint handling procedures

BACKGROUND:

In February 2006, the 94th (Maritime) Session of the International Labour Conference of the ILO adopted the MLC, 2006. When adopting the MLC, 2006, the Conference also adopted 17 resolutions, many of which relate to complementary and follow-up activities to assist in ensuring rapid and widespread ratification combined with effective implementation at the country level.

The MLC, 2006, essentially consolidated and updated 68 existing ILO Maritime Conventions and Recommendations adopted since 1920, into a single comprehensive international legal instrument. The MLC, 2006 contains new subjects, particularly in the area of occupational safety and health to meet current health concerns, such as fatigue, the effects of noise and vibration on workers and other workplace risks. Once it enters into force it will become the “fourth pillar” of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO) – SOLAS (1974) as amended, STCW (1978) as amended, and MARPOL (73/78), as amended.

MLC, 2006 sets out seafarers’ rights to minimum decent conditions of work and living and helps to create conditions of fair competition for shipowners. It will be universally applicable and uniformly enforced. Article V, paragraph 7, requires each Member to implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favorable treatment than the ships that fly the flag of any State that has ratified it.

MLC, 2006 is comprised of three different but related parts: the Articles, the Regulations and the Code. The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Code contains the details for the implementation of the Regulations and is comprised of Part A (mandatory Standards) and Part B (non-mandatory Guidelines). Although the provisions of Part B are non-mandatory, Members that have ratified MLC, 2006, 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. Part B provides guidance that is helpful in ascertaining the kind of action that might be expected of Members under the corresponding general obligation in Part A, as well as action that would not necessarily be required. MLC, 2006 further notes that by following the guidance provided in Part B, a Member, 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.

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

MLC, 2006 will enter into force 12 months after the date on which it is ratified by at least 30 Member States representing at least 33% of the world’s gross tonnage. As of the date of this Marine Notice, the criteria for entry into force has not been met, however the tonnage requirement has been met with the ratifications by Member States representing more than the required 33% of the world’s gross tonnage. Liberia was the first Member State to ratify in June 2006.

Where Liberian Law and Regulation is not as specific as the requirements found in the MLC, 2006, Liberian Marine Notices will provide guidance on compliance.

APPLICABILITY:

SHIPS

Except as expressly provided otherwise, the MLC, 2006 applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. The MLC, 2006 does not apply to warships or naval auxiliaries.

The following ships shall be inspected and certified to be in compliance with the requirements of the convention and carry and maintain a Maritime Labour Certificate (ML Certificate) and the Declaration of Maritime Labour Compliance (DMLC) Parts I and II issued in English:

- i. Ships of 500 gross tonnage or over, engaged in international voyages;
- ii. Ships of 500 gross tonnage or over, operating from a port, or between ports, in another country; and
- iii. Other ships, as may be voluntarily requested by a shipowner.

Inspection and certification procedures for these ships are provided in section 2.

The Liberian Administration has decided for the present time not to apply MLC, 2006 to Mobile Offshore Drilling Units, whose primary service is drilling operations for the exploration, exploitation, production of resources beneath the sea-bed and are not normally engaged in navigation or international voyages.

The Convention allows for flexibility in implementation by providing for national determinations, substantial equivalencies, and exemptions and variations under certain provisions.

The requirements in the Code implementing Regulation 3.1, Accommodation and recreational facilities, apply only to ships constructed on or after the date when the Convention enters into force. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction. For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to that date.

SEAFARERS

Except as expressly provided otherwise, MLC, 2006 applies to all seafarers on board the ships to which the Convention applies.

The MLC, 2006 recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the Convention should be regarded as seafarers. Recognizing that there is need for clarification on this subject to help to provide uniformity in the application in the rights and obligations provided by the Convention, the 94th (Maritime) Session of the International Labour Conference adopted Resolution VII, to assist Administrations in resolving any difficulties that may arise.

The Liberian Administration will consider the following issues, as provided for in Resolution VII, in determining whether certain persons or category of persons are considered seafarers:

- i. the duration of the stay on board of the persons concerned;
- ii. the frequency of periods of work spent on board;
- iii. the location of the person's principal place of work;
- iv. the purpose of the person's work on board; and
- v. the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.

The Administration, taking into account the criteria provided in Resolution VII, considers that the following persons will not generally be considered as seafarers for the purpose of the MLC, 2006:

- i. Professional Pilots;
- ii. Port Workers;
- iii. Guest entertainers;
- iv. Ship Inspectors/Surveyors;
- v. Ship Superintendents;
- vi. Repair and maintenance technicians; and
- vii. Temporary riding crew such as Suez Canal crew.

1.0 DEFINITIONS:

Definitions have been taken from the MLC, 2006, SOLAS 74' as amended and where necessary, Liberian National interpretations.

- 1.1 Administration:** The Office of Deputy Commissioner, Bureau of Maritime Affairs, the Republic of Liberia.
- 1.2 Competent authority:** The minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned. The Liberian Administration is the competent authority with respect to Liberia flagged vessels.
- 1.3 Declaration of Maritime Labour Compliance (DMLC):** Document which states the national laws, regulations and marine notices implementing the requirements of this Convention for the working and living conditions for seafarers (Part I) and the measures put in place by the ship owner to ensure ongoing compliance with the requirements and the measures proposed to ensure that there is continuous improvement, on the ship concerned (Part II). Part I is drawn up by the Administration and Part II is drawn up by the shipowner.
- 1.4 International Voyage:** A voyage from a country to a port outside such a country.

- 1.5 Liberian Maritime Labour Inspector (LMLI):** An auditor who has been trained and appointed by the Administration to conduct maritime labour inspections and verifications onboard Liberian flag ships. The LMLI holds an identification card stating the inspector is qualified to perform maritime labour inspections and issue Maritime Labour Certificates on behalf of the Administration. A list of LMLI's can be found on Liberian Registry website www.liscr.com under the "Maritime" tab then click on MLC, 2006 and "Maritime Labour Inspector's".
- 1.6 Maritime Labour Certificate:** The certificate referred to in Regulation 5.1.3 of the Maritime Labour Convention,
- 1.7 Recognized Organization (RO):** An organization that meets MLC, 2006, A5.1.2 and has been authorized by the Administration to carry out maritime labour inspections or to issue ML Certificates or to do both on Liberian ships. A list of RO's is provided on Liberian Registry website www.liscr.com under the "Maritime" tab "MLC, 2006" and "List of RO's".
- 1.8 Seafarer:** any person who is employed or engaged or works in any capacity on board a ship to which this convention applies.
- 1.9 Seafarers Employment Agreement;** Includes both a contract of employment and the articles of agreement.
- 1.10 Seafarer Recruitment and Placement Service (SRPS):** Any person, company, institution, agency or other organization, in the public or private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.
- 1.11 Ship:** 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.
- 1.12 Shipowner:** 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 MLC, 2006, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the shipowner.
- 1.13 New Ship:** A ship constructed on or after the date that MLC, 2006 enters into force. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.
- 1.14 Existing Ship:** A ship constructed before the date that MLC, 2006 enters into force.
- 1.15 Deficiency:** An observed situation or defect where objective evidence indicates a non-fulfillment of a specified requirement of MLC, 2006.

- 1.16 Serious Deficiency:** An identifiable deficiency that represents a significant danger to seafarers' safety, health or security or constitutes a serious breach of the requirements of the MLC, 2006 (including seafarers' rights), that requires immediate corrective action.
- 1.17 Objective evidence:** Quantitative or qualitative information, records or statements of fact pertaining to seafarer safety or health or to the existence and implementation of MLC 2006 requirements, which is based on observation, measurement or test and which can be verified.

2.0 COMPLIANCE GUIDANCE

2.1 Certification requirements

Ships required to be inspected and certified for compliance with the requirements of the MLC, 2006 shall carry and maintain a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance (DMLC) Parts I and II issued in English.

The DMLC forms part of the Maritime Labour Certificate and is specific to each ship. Part I of the DMLC is drawn up by the Administration and identifies the list of matters to be inspected, the relevant national requirements, ship-type specific requirements under national legislation, any substantially equivalent provisions, and any exemption granted by the Administration. Part II is drawn up by the shipowner and identifies the measures that have been adopted to provide for initial and ongoing compliance with the national requirements and the measures proposed to encourage continuous improvement.

Part I and II contain a list of 14 matters related to the working and living conditions of seafarers that the Administration and the shipowner must address within the DMLC. The DMLC Part II must be reviewed and accepted by the Administration before a Maritime Labour Certificate may be issued.

The 14 matters and corresponding regulations that must be addressed in the DMLC are:

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
5. Seafarers' employment agreements (Regulation 2.1)
6. Payment of wages (Regulation 2.2)
7. Hours of work or rest (Regulation 2.3)
8. Manning levels for the ship (Regulation 2.7)
9. Accommodation (Regulation 3.1)
10. On-board recreational facilities (Regulation 3.1)
11. Food and catering (Regulation 3.2)
12. On-board medical care (Regulation 4.1)
13. Health and safety and accident prevention (Regulation 4.3)
14. On-board complaint procedures (Regulation 5.1.5)

2.2 Verification Inspections and Certification

The Administration is taking an active role in ensuring compliance with the working and living conditions and the rights of seafarers serving on board Liberian Flag ships. This role includes the review and acceptance of the DMLC Part II prepared by all shipowners. Review and acceptance of DMLC Part II will not be delegated to RO's/Classification Societies recognized by the Administration. The Administration's review will ensure consistency and efficiency in confirming compliance with requirements set out in DMLC Part I, certification of the DMLC Part II and inspections on the ship.

The Administration has trained a cadre of Liberian auditors to serve as Liberian Maritime Labour Inspectors in order to provide effective and efficient inspection and verification of the working and living conditions on board Liberian flag ships. These inspectors are also trained to conduct verification audits under the ISM and ISPS Codes. The Administration is considering the possibility of "harmonizing" these audits with subsequent maritime labour inspections after a vessels initial inspection for a Maritime Labour Certificate (See Marine Notice ISM-001 and ISP-001 for further details). The Administration has also authorized RO's to conduct maritime labour verification inspections and certification of Liberian flag ships. A shipowner can choose whether to have the on board verification inspections and certification conducted by the Administration or an authorized RO. The list of LMLI's can be found on Liberian Registry website www.liscr.com under the "Maritime" tab then click on MLC, 2006 and "Maritime Labour Inspector's". The list of authorized RO's can be found on LISCR website, www.liscr.com under the "Maritime" tab then click on "MLC, 2006" and "List of RO's".

Shipowners choosing or interested in using a LMLI should contact the Administration at audit@liscr.com for coordination.

Specific information of the inspection, verification, and certification can be found in Section 4 of this Notice.

2.3 Preparing the DMLC Part II

The shipowner shall request from the Administration at MLC@liscr.com, a ship specific DMLC Part I prior to developing and submitting a DMLC Part II for issuance of a Maritime Labour Certificate or a draft DMLC Part II for issuance of an interim Maritime Labour Certificate.

The standard DMLC Part I prepared by the Administration is provided in Annex I to this Marine Notice.

The shipowner should include or make reference in the DMLC Part II, the occasions on which ongoing compliance with the Administrations particular requirements will be verified, the records to be taken and maintained, and the procedures to be followed where non-compliance is noted. References may be made to other more comprehensive documentation covering policies and procedures, such as, the documents required by the ISM Code. If the DMLC Part II contains references to other documents, like the shipboard occupational health

and safety programmes in the Company's Safety Management System (SMS), copies of the applicable sections of those documents shall be included when submitting the DMLC Part II for review.

To facilitate the DMLC Part II review and acceptance process, it is recommended to complete the checklist used by the Administration for the DMLC Part II review and acceptance and attach it to the submitted DMLC Part II. The checklist identifies the applicable sections of MLC, 2006 and the corresponding Administration's requirements for the DMLC Part II in order to be accepted by the Administration.

A copy of the checklist can be downloaded from the LISCR website: www.liscr.com under the "Maritime" tab, then click on MLC, 2006 and "DMLC Part II Questionnaire".

2.4 Submitting the DMLC Part II

Shipowners shall submit a single hard or soft copy of each DMLC Part II to the Administration, in English, for review and acceptance at least four (4) months prior to the inspection for a Maritime Labour Certificate. Where the DMLC Part II is not in English, it must be accompanied by an English-language translation. Following the Administration's review and acceptance of the measures in the DMLC Part II, either the LMLI or an authorized RO Inspector shall conduct an inspection of the ship to verify implementation of the measures drawn up by the shipowner. Following the successful on-board inspection and verification of compliance with requirements set out in DMLC Part I, the Part II will be certified and endorsed and the Declaration of Maritime Labour Compliance issued with the Maritime Labour Certificate.

To complete the review of each DMLC Part II, the shipowner must also submit the following documents to the Administration, in English:

- a) If applicable, list of hazardous work for young seafarers under the age of 18, which should be recorded in the DMLC Part II (refer to MLC-002, section 1.1.4 & MLC-005, sections 3.3 and 3.4);
- b) If applicable, for seafarers under the age of 18 engaged in night work, list of training programmes; or work to be performed, which due to its specific nature or under a recognized training programme, that will not be detrimental to the health and well being of the seafarers, this should be recorded in DMLC Part II (refer to MLC-002, section 1.1.2);
- c) Copy of the SRPS(s) (refer 1.10) license or certificate to operate, if available (refer to MLC-002, section 1.4.2); where the SRPS(s) is located in a country that is not a party to MLC, 2006, an audit report or certificate issued by the Administration or an authorized RO (refer to MLC-002, section 1.4.1);
- d) Copy of the Collective Bargaining Agreement(s) (CBA) applicable to seafarers serving on the ship operated by that shipowner (refer MLC-003, section 3.1);

- e) Copy of the Seafarers Employment Agreement(s) applicable to seafarers serving on the ship operated by that shipowner (refer to section 1.9 and MLC-003, section 3.1);
- f) Where the seafarers employment agreement is signed by a representative of the shipowner, a copy of the manning agreement or similar arrangement between the shipowner and the representative of the shipowner (refer MLC-003, section 3.1);
- g) Evidence of shipowners' financial security for repatriation of seafarers (refer to MLC-003, section 3.6.5);
- h) Evidence of shipowners' financial security to assure compensation (as set out in Liberian maritime regulation 10.336(1); the seafarers' employment agreement; or a collective agreement, whichever is greater) in case of seafarer's death or long-term disability due to an occupational injury, illness or hazard (refer to MLC-005, section 3.2.2);
- i) Copy of the standardized format of the table of ship-board working arrangements (refer to MLC-003, section 3.3.6);
- j) Copy of the standardized format of the record of daily hours of rest or hours of work (refer to MLC-003, section 3.3.7);
- k) Copy of the standard medical report form used by the master and relevant medical personnel (on board and ashore) to help facilitate treatment of seafarers (refer to MLC-005, section 3.1.5);
- l) Copy of the shipowners' occupational safety and health policy (refer to MLC-005, section 3.3.1); and
- m) Copy of ship-owners on-board complaint procedures (refer MLC-006).

After the measures in the DMLC Part II have been reviewed, all the pages will be stamped to indicate their acceptance by the Administration, pending inspection and verification of the implementation by the LMLI or authorized RO inspector.

A letter indicating successful review of the measures in the DMLC-II and the supporting documents will be issued to each ship, which must be placed on board along with the DMLC Part II.

A copy of the DMLC-II and the letter will be retained by the Administration for control purposes.

3.0 AUTHORITY, CONDUCT, OBLIGATIONS AND RESPONSIBILITIES OF INSPECTORS (LMLI'S AND AUTHORIZED RO INSPECTORS)

3.1 Authority of Inspectors

Inspectors have the authority:

- To board a Liberian registered ship;
- To carry out any examination, test or inquiry in order to satisfy themselves that the requirements of the Convention are being strictly observed;

- To question the master, seafarer or any other person, including the shipowner or the shipowners' representative, on any matter concerning the application of the requirements under Liberian laws and regulations, in the presence of any witness that the persons may have requested;
- To require the production of any books, log books, registers, records, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with Liberian laws and regulations implementing this Convention;
- To enforce the posting of notices that may be required under Liberian laws and regulations implementing this Convention;
- To require that the master make arrangements to take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;
- Following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, any deficiencies which may affect the health and safety of those on board ship;
- To require deficiencies to be remedied;
- On authorization from the Administration to prohibit a ship from departing port until any deficiencies which represent a significant danger to the safety, health or security of seafarers; or which constitute a serious breach of the requirements (including seafarers rights) of this convention is rectified or an action plan to rectify the deficiencies has been accepted by the Administration or authorized RO;
- To bring to the attention of the Administration and, if applicable to the RO any deficiency or abuse not specifically covered by existing Liberian laws and regulations and submit proposals for the improvement of the laws and regulations;
- To notify the Administration of any occupational injuries or diseases affecting seafarers in such cases and in such manner as required by Liberian law and regulations.

3.2 Conduct of Inspectors

- Inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and shall not reveal to the shipowner, the shipowners representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.
- Inspectors that have any direct or indirect interest with the shipowner, seafarers or other interested parties shall not be called upon to carry out the maritime labour inspection.
- Inspectors shall not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties, and may be subject to appropriate sanctions or disciplinary measures.

3.3 Obligation of Inspectors

LMLI's and authorized RO's, shall, submit a report of each inspection to the Administration (refer 4.1 below).

In case of an investigation following a major incident, the report shall be submitted to the Administration as soon as practicable, but not later than one month following the conclusion of the investigation.

3.4 Responsibility of Inspectors

When an inspection is conducted or when measures are taken to remedy or rectify deficiencies or provide an acceptable corrective action plan, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

4.0 REQUIREMENTS

These requirements are supplemental to DMLC Part I, the Maritime Law (RLM-107), Maritime Regulations (RLM- 108) and Marine Notices contained in the Combined Publication Folder (RLM-300).

4.1 Report of Maritime Labour Inspection, Maritime Labour Certificate and DMLC

Regardless of whether the ship is certified under the MLC, 2006, or not, after conducting an MLC, 2006, inspection, LMLI's and authorized RO inspectors shall prepare a report of each inspection and provide three copies in English. A copy of the report shall be given to the master, another copy shall be posted on the ships notice board for the information of the seafarers and the original sent to the Administration.

Upon request, on behalf of the seafarers, a copy of the report shall be sent to the seafarers' representative.

The report should stipulate that any deficiencies found during the inspection are to be rectified in accordance with the Administrations inspection reporting procedures.

The current valid Maritime Labour Certificate and DMLC (parts I and II) issued by the Maritime Labour Inspector in English, shall be carried on the ship, and a copy shall be posted in a conspicuous place on board where it is available to seafarers. A copy shall be made available, upon request to seafarers, LMLI's, authorized RO inspectors, authorized officers in port states, and shipowners' and seafarers' representatives.

4.2 Record keeping of inspections

For ships carrying a Maritime Labour Certificate, the inspection reports of all subsequent inspections or other verifications carried out, together with the date when the deficiencies were found to be remedied shall be maintained together with the DMLC, and be made available, when requested, to seafarers, LMLI's,

authorized RO inspectors, authorized officers in port states and shipowners' and seafarers' representatives.

4.3 Change of Flag

Shipowners of a Liberian flagged ship should notify the Administration, if the ship changes flag to another Administration. If that Administration is a flag State that is a Party to the MLC, 2006, the Liberian Administration or the authorized RO, where the authorized RO has issued the Maritime Labour Certificate on behalf of the Administration, will transmit to the gaining flag Administration copies of the Maritime Labour Certificate issued to the ship and, if applicable, copies of the relevant inspection reports, if the competent authority so requests within three (3) months after the change of flag has taken place.

4.4 Changes to the Declaration of Maritime Labour Compliance, ML Certificate and Shipowner

4.4.1 Changes to measures in DMLC Part I

The Administration will advise shipowners of changes to the DMLC Part I

- In case of substantial changes to the DMLC Part I, requiring updating and certifying of the DMLC Part II, a new DMLC Part I will be issued to each ship and a new DMLC Part II must be submitted to the Administration for review and acceptance.

An additional Maritime Labour inspection may be required to verify the new measures, certify the new DMLC Part II and issue the declaration of maritime labour compliance. If an inspection is conducted, the existing ML Certificate shall be endorsed for an additional inspection with the same date as the date of issue of the new DMLC Part II.

4.4.2 Changes to measures in DMLC Part II

The shipowner shall advise the Administration of changes to the DMLC Part II.

- In case of minor editorial changes to the DMLC Part II not leading to updating of other parts of the DMLC Part II, only the amended pages of the DMLC Part II shall be submitted to the Administration for review and acceptance. The issue date of the DMLC shall not be changed. A new ML Certificate need not be re-issued.
- In case of any change to the measures in DMLC Part II, a new DMLC part II must be submitted to the Administration for review and acceptance. An additional Maritime Labour inspection may be required to verify the new measures, certify the new DMLC part II and issue the declaration of maritime labour compliance. If an inspection is conducted, the existing ML Certificate shall be endorsed for an additional inspection with the same date as the date of issue of the new DMLC Part II.

- The DMLC Part II need not be submitted, if there are changes made only to the documents referenced in the DMLC Part II, and does not affect the implementation of the measures in the DMLC Part II.

4.4.3 Changes to Certificate data

- In case of change in shipowners name and/or contact information, only the affected pages in the DMLC Part II must be submitted to the Administration and the last page in the DMLC Part II must be submitted to the Administration or the authorized RO which certified the DMLC Part II and issued the ML Certificate. An amended DMLC Part II will be issued with the new shipowners' name and/or contact information. The issue date of the DMLC shall not be changed. An amended ML Certificate with the new issue date and the same validity dates as the original ML Certificate shall be issued by the Administration or authorized RO.

The endorsement for the intermediate inspection, if any, shall be transferred to the new certificate, with date and location. It shall be stamped or marked with text "Confirmed carried out". The endorsement shall be stamped, dated and signed.

- In case of change in ships name, only affected pages in the DMLC Part II, if any, must be submitted to the Administration and/or authorized RO which certified the DMLC Part II and issued the ML Certificate. An amended DMLC Part I will be issued with the new ships name. The issue date of the DMLC shall not be changed. An amended ML Certificate with the new issue date and the same validity dates as the original ML Certificate will be issued by the Administration or the authorized RO.

The endorsement for the intermediate inspection, if any, shall be transferred to the new certificate, with date and location. It shall be stamped or marked with text "Confirmed carried out". The endorsement shall be stamped, dated and signed.

4.4.4 Changes to Shipowner

In case of change of Shipowner (manager or operator), a new DMLC Part II and relevant documents from 2.3 a) to m) above must be submitted to the Administration for review. A Maritime Labour inspection will be required.

4.5 Inspection for issuance of a Maritime Labour Certificate or Interim Maritime Labour Certificate:

4.5.1 Maritime Labour Certificate: Only the LMLI or an authorized RO inspector is authorized to conduct maritime labour inspections and verifications on behalf of the Administration.

- a) The shipowner must contact the Administration or authorized RO to arrange for the inspection and verification for a Maritime Labour

Certificate. Failure to have a valid Maritime Labour Certificate will be considered a violation of the MLC, 2006 Convention and the ship may be prevented from trading.

- b) The DMLC Part I and a DMLC Part II reviewed and accepted by the Administration must be available on board ship before any inspection and verification will be conducted.
- c) The Shipowners' measures drawn up in the DMLC Part II must be implemented on board before the inspection and verification for issuance of a Maritime Labour Certificate. The Administration does not specify minimum implementation period, however, the shipowner shall ensure that the measures included in the DMLC Part II have been in place on the ship for a period of time for the Master to develop sufficient evidence documenting implementation before the inspection and verification is carried out.

4.5.2 Interim Maritime Labour Certificate: The Administration is aware of the short period allowed for implementation of the requirements of the Convention on board newly operated vessels; therefore the following minimum requirements will be verified during the verification for an Interim Maritime Labour Certificate:

- a) the ship has been inspected, as far as reasonable and practicable, for the 14 matters listed in 2.1 above , taking into account b), c) and d) below;
- b) the Shipowner has demonstrated to the Administration that the ship has adequate procedures adopted in the draft of the DMLC Part II to comply with the requirements of the Convention;
- c) the Master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- d) the Shipowner has submitted a draft of the DMLC Part II to the Administration which outlines the measures that the shipowner proposes to implement on board the ship.

Where the information in b) and d) above has been submitted to the Administration, an email confirming receipt shall be sent to the Shipowner, as evidence of submission.

4.5.3 Preparing for the Inspection and Verification: When scheduling a maritime labour inspection and verification using the services of a LMLI, the shipowner should complete Form 201 "Audit and Inspection Application Form", (available on LISCR website www.liscr.com under the Marine Documents/Marine Safety Program/ Audit request form tabs) and submit it to the Audit Department at Liberian International Ship and Corporate Registry in Vienna, Virginia, USA.

The LMLI will prepare for the inspection and coordinate the visit on board with the local agent and the shipowners' representative with MLC responsibilities.

The preparation for the inspection and verification by the LMLI shall include the following elements:

- Date and place where the inspection and verification will be conducted;
- Objectives and scope;
- The expected time and duration for each activity (refer 4.5.4)
- Review of ship's history from previous flag state and port state inspection reports and ILO records if available;
- For certified and uncertified ships, before the inspection is carried out, whether there are any outstanding deficiencies from any previous inspection or other verification which have not been addressed by the shipowner. The Administration will take action regarding rectification of the deficiencies before the inspection.

4.5.4 Inspection and verification: The inspection and verification will be conducted as described below and should be sufficiently flexible to permit changes based on information gathered during the inspection.

- a) Conduct an opening meeting with at least the Master and the person/persons designated for assisting seafarers in following the on-board complaint procedures, using the following agenda:
 - Confirm the working language.
 - Introduction of the members of the inspection team.
 - Explanation of the scope and requirement of the inspection.
 - Outline the inspection program and ensure there is sufficient time to complete the inspection.
 - Set communication guidelines for inspectors and seafarers.
 - Agree which seafarers will accompany the inspector(s) as they verify the measures on board the vessel.
 - Verify vessel's crew list.
 - Confirmation that the inspector will ensure the confidentiality of the information obtained during the inspection.
 - Schedule the closing meeting.
- b) Conduct an inspection team briefing with all parties who participate in the inspection and familiarization with the measures drawn up in the DMLC, Parts I & II. If a DMLC Part I and a DMLC Part II that has been reviewed and accepted by the Administration is not available on board ship, the inspector(s) will not continue with the inspection.
- c) Conduct the inspection with the inspection team including:
 - i. Inspection of records of the elements of decent work, human and operational issues such as payment of wages, qualifications, manning levels, seafarers' employment agreements, minimum age, medical certification and hours of rest.
 - ii. Inspection of records of occupational health, safety and accident prevention programmes, including operational practices, hazard identification and risk evaluation, permit to work systems,

- accident/incident and near-miss reports, safety committee meeting reports;
- iii. Inspection of accommodation, recreational facilities, galley, food and catering, including the records of inspections;
 - iv. Inspection of medical chest, medical logs, hospital;
 - v. Inspection of deck areas, machinery spaces and personal protective equipment;
 - vi. Inspection of on-board complaint handling procedures; and
 - vii. Interview several seafarers in private.
- d) Conduct an inspection team debriefing to gather conclusions and recommendations.
 - e) Conduct a closing meeting with at least the Master and the person or persons designated to assist seafarers with the on-board complaint procedures.
 - f) Complete and issue the inspection report in accordance with section 4.1.

4.6 Rectification of Deficiencies

- .1 Any deficiencies identified during the inspection shall be recorded on the inspection report. All deficiencies identified are required to be rectified in accordance with the Administrations inspection reporting procedures.
- .2 A Maritime Labour Certificate will not be issued until deficiencies related to approved measures in the declaration of maritime labour compliance are rectified or a corrective action plan has been provided by the shipowner and/or master and accepted by the Inspector to rectify the deficiencies within a specified time-frame, not exceeding three (3) months to implement the necessary corrective actions.
- .3 The Inspector shall report any serious deficiencies which affect the safety of the ship, or represent a significant danger to the safety, health or security of seafarers, or constitute a serious breach of the requirements of this Convention (including seafarers' rights) to the shipowner, the Master of the vessel involved and to the Administration or authorized RO. The inspector will confirm that the shipowner and/or Master has determined and initiated appropriate corrective action to correct the deficiencies or to correct the causes of the deficiencies before the ship departs port.
- .4 In the case of any serious deficiencies which represent a significant danger or constitute a serious breach of the requirements of this Convention (including seafarers' rights), the Inspector shall, if authorized by the flag Administration, prohibit the ship from departing the port, unless the deficiencies are rectified or a corrective action plan to rectify the deficiencies has been accepted by the Administration or authorized RO.

- .5 For inspections carried out by the LMLI, the shipowner and/or Master should use the 'Corrective Action Plan' form provided in Annex V or any other format, provided the necessary information is included.
- .6 The Administration or authorized RO may accept a corrective action plan to correct the serious deficiencies, if satisfied that the plan will be implemented in an expeditious manner within a specified time-frame not exceeding three (3) months to implement the necessary corrective actions.
- .7 When a corrective action plan to rectify the deficiencies or serious deficiencies has been accepted by the Inspector, Administration or authorized RO, an additional Maritime Labour inspection may be required to verify the implementation of the corrective action plan.
- .8 Where an additional Maritime Labour inspection is not required, evidence of implementation of the corrective action shall be submitted within the agreed time-frame and verification of the implementation of the corrective actions will be carried out at the next scheduled inspection.

4.7 Additional Inspections and Verifications

An additional maritime labour inspection may be carried out by the Administration or the authorized RO:

- .1 if the Administration receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship does not conform to the requirements of this Convention or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance;
- .2 if after a more detailed inspection by an authorized officer of a port state, the ship is prohibited from proceeding to sea until any conditions on board that are clearly hazardous to the safety, health or security of seafarers; or the non-conformity that constitutes a serious or repeated breach of the requirements of this Convention have been rectified, or a plan of action to rectify such non-conformities has been accepted by the authorized officer, and is satisfied that the plan will be implemented in an expeditious manner;
- .3 when changes have been made to the measures in DMLC Part II;
- .4 when substantial alteration has been made to the seafarer accommodation; or
- .5 other occasions as may be deemed appropriate by the Administration.

4.8 Internal Maritime Labour Inspections

An internal maritime labour inspection should be conducted by the shipowners at intervals not exceeding 12 months to ensure ongoing compliance and continuous improvement. This may be done in concert with the Company's internal ISM audit.

Personnel carrying out the inspections should be independent of the areas being inspected unless this is impracticable due to the size and the nature of the shipowner.

4.9 Designation of the Shipowners' representative with MLC responsibilities

The shipowner (manager or operator) must provide the Administration with the name, address, fax, email, telex numbers and emergency contact information of the person(s) with MLC responsibilities, including seafarer complaint resolution. This information may be included with the documentation submitted by the shipowner for DMLC Part II. Changes should be sent by email or fax or mail.

The form for the declaration of person(s) with MLC responsibilities (RL-5005) is provided in Annex VI.

4.10 Validity of Certificates

A Maritime Labour Certificate shall be issued to each ship following a successful inspection and verification either by the LMLI or authorized RO inspector on behalf of the Administration.

4.10.1 The Maritime Labour Certificate shall be issued to a ship by the Administration or by the duly authorized RO for a period which shall not exceed five years, upon successful inspection and verification of the Administrations requirements 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.

4.10.2 The validity of the Maritime Labour Certificate shall be subject to an intermediate inspection by the Administration or authorized 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 certificate. Anniversary date means the day and month of the year which will correspond to the date of expiry of the Maritime Labour Certificate. The scope of the intermediate inspection shall be equal to an inspection for renewal of the certificate. The certificate shall be endorsed following satisfactory intermediate inspection.

4.10.3 Notwithstanding section 4.10.1 above, when the renewal inspection has been completed within three (3) months before the expiry of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five (5) years from the date of expiry of the existing certificate. In such a case the period of validity may exceed five (5) years.

4.10.4 When the renewal inspection is completed more than three (3) months before the expiry date of the existing Maritime Labour Certificate , the new Maritime Labour Certificate shall be shall be valid for a period not exceeding five (5) years starting from the date of completion of the renewal inspection.

- 4.10.5 The date and place of issue stated on the Maritime Labour Certificate is where the certificate was printed regardless the date and place of the inspection and verification. As example, the inspection took place on 25 June 2010 in Singapore and the certificate was issued in LISCR head office Vienna, Virginia on 25 July 2010 then the date and place of issue will be 25 July 2010 at Vienna, Virginia. The Maritime Labour Certificate will be valid until 24 June 2015.
- 4.10.6 A Maritime Labour Certificate issued by the Liberian Administration cannot be endorsed by an authorized RO, without the authorization of the Administration.

4.11 Interim Certification

- 4.11.1 Interim Maritime Labour Certificates may only be issued if the Administration or authorized RO acting on behalf of the Administration verified compliance with provisions of section 4.5.2 above and for:
- New ships on delivery;
 - Transfer from another Flag; or
 - A shipowner takes on responsibility for the operation of a ship which is new to that shipowner.
- 4.11.2 A shipowner may request for an interim Maritime Labour Certificate to an existing ship provided the inspection, verification and certification for a Maritime Labour Certificate is completed prior to the MLC, 2006 entering into force.
- 4.11.3 A declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.
- 4.11.4 An interim Maritime Labour Certificate may be issued for a period not exceeding six (6) months and cannot be extended.
- 4.11.5 For a vessels first inspection under MLC, 2006, it is recommended that shipowners consider requesting an interim Maritime Labour Certificate valid for a period not exceeding five (5) months. This will allow the Administration to extend the interim Maritime Labour Certificate for a period not exceeding one (1) month, if needed to complete implementation of the requirements of the Convention and avoid undue delays.
- 4.11.6 Prior to the expiration of the interim Maritime Labour Certificate, the Administration or the authorized RO should issue a Maritime Labour Certificate upon successful inspection for all the requirements of the Convention and verification of 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.

5.0 NONCOMPLIANCE WITH THE MLC, 2006

5.1 ‘Cease to be valid’ Maritime Labour Certificate

A certificate issued under sections 4.10.1 or 4.11 above shall cease to be valid in any of the following cases:

- a) if the intermediate inspection is not completed within the second and third anniversary dates of the Maritime Labour Certificate;
- b) if the intermediate inspection is not satisfactorily completed and the ML Certificate is not endorsed;
- c) when a ship changes flag;
- d) when a shipowner ceases to assume the responsibility for the operation of a ship; and
- e) when substantial changes have been made to the structure or equipment covered in Title 3.

In the case of a) and b) above, the existing ML Certificate may be reinstated following an additional inspection to the extent and scope of an inspection for a ML Certificate. The reinstated ML Certificate shall be endorsed as “Validity reinstated with scope as initial’

In the case referred to in c), d) and e) above, a new Maritime Labour Certificate shall only be issued when the Administration or the authorized RO issuing the new certificate is fully satisfied that the ship is in compliance with the Administrations laws and regulations and other requirements implementing the provisions of this Convention regarding working and living conditions of seafarers on ships.

5.2 Withdrawal of the Maritime Labour Certificate

A Maritime Labour Certificate may be withdrawn at the determination of the Administration. Cause for certificate withdrawal may include, but is not limited to:

- a) on recommendation of the Liberian Maritime Labour Inspector or the authorized RO, that the ship concerned does not comply with the Administrations requirements implementing the provisions of this Convention;
- b) any accepted corrective action plan to rectify serious deficiencies has not been implemented; and
- c) the measures in the declaration of maritime labour compliance Part II are not implemented on board.

When considering whether a Maritime Labour Certificate should be withdrawn, the Administration shall take into account the seriousness or the frequency of the deficiencies.

5.3 Right to Appeal

In the event a shipowner disagrees with a determination made by the LMLI or the authorized RO inspector, the shipowner may make a direct appeal to the Administration. The final determination will be based upon both the substance of the appeal and the recommendations of the LMLI or the authorized RO. Appeals shall be in writing and may be sent by email to MLC@liscr.com or faxed to the attention of MLC group at +1-703-790-5655.



ANNEX I

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance — **Part I**
(Note: This Declaration must be attached
to the ship's Maritime Labour Certificate)

Issued under the authority of The Bureau of Maritime Affairs, Republic of Liberia

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of Ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. **Minimum age** (Regulation 1.1)

Liberian Maritime Regulation 10.326; Liberian Maritime Law Sections 326 and 326(2); and M. Notice RLM 118 (the Requirements for Liberian Merchant Marine Personnel Certification) Regulations 5.2.2.6; 5.2.3; 5.4.2.7 as amended: Other than a ship's cook who shall be at least 18 year's old, the minimum age allowed is 16-years for employment as seafarer. Night work is prohibited for seafarers under age 18. See Marine Notice MLC-002 (paragraph 1.1) which provides for exception to night work for seafarers under age 18. Night is defined as a period of at least nine (9) hours starting no later than 0000 SMT (midnight) and ending no earlier than 0500 (5:00 a.m.), which period shall be specified in the DMLC Part II. The employment, engagement or work of seafarers under age 18 is prohibited where the work is likely to jeopardize their health or safety. See also MLC-005 (paragraph 3.3) which provides the detail of such work that is likely to jeopardize their health or safety.

2. **Medical certification** (Regulation 1.2)

Liberian Maritime Regulation/RLM-108, Reg. 10.325(3) and M. Notice RLM-118 Reg. 5.2.6 and Reg. 5.3.3 require all seafarers to always possess a "Fit for Duty" Physical Examination Form completed by a (duly qualified) physician/ medical practitioner licensed/certificated in the place of examination, and/or who is recognized by the Competent Authority at the place of examination for the issuance of seafarer's medical certification, and such standard medical form found in Annex 2 of M. Notice RLM-118 (or similar form with required information indicated in Marine Notice MLC-002, Paragraph 1.2) should be issued within the past two years of signing the shipping articles. However, for seafarers under the age of 18, the maximum period of validity of the certificate shall be 1 year. In urgent cases a seafarer may be permitted to work without a valid medical certificate in accordance with Marine Notice MLC-002(Paragraph 1.2), for a period of not more than three (3) months (in accordance with Standard A1.2.8(b)), until the next port of call where the seafarer can obtain a medical certificate, provided that the seafarer concerned is in possession of an expired medical certificate of recent date but not to exceed ninety (90) days from the date of expiry of the said medical certificate that is in the seafarer's possession. Medical certificate must be provided in the English Language in addition to any other language versions.

In accordance with treaty obligation, the Liberian Registry Administration also accepts medical certificates issued in accordance with STCW, as amended.

3. Qualifications of seafarers (Regulation 1.3)

Liberian Maritime Law Section 325 and Liberian Maritime Regulation 10.325 including M. Notice RLM-118 provide standards for training and certification requirement for seafarers employed on board Liberian registered ships.

4. Seafarers' employment agreements (Regulation 2.1)

- a) Liberian Maritime Law Section 320 and Liberian Maritime Regulation 10.320 provide for execution of a Shipping Article/Articles of Agreement (Seafarers Employment Agreement) - Before the Master of any Liberian vessel of 200 grt tons or more shall sail from any port, there shall be in force Shipping Articles (sometimes referred to as Articles) with every seaman on board his vessel, except with persons who are apprenticed to, or servants of, himself or the vessel's owner, who are not deemed to be seafarers. The Shipping Articles shall be written or printed and shall be subscribed by every seaman shipping on the vessel and shall state the period of engagement or voyage or voyages and the term or terms for which each seaman shall be shipped, and the rate of pay for each, and such other items as may be required by Regulation. The Master is also required to sign the Articles of Agreement.
- b) Liberian Maritime Regulation 10.320(2) sub-paragraphs (a) and (b): the seafarers shall be given an opportunity to review and seek advice on the agreement, including any collective bargaining agreement (CBA) that forms part of the employment agreement, before signing, to ensure that they have freely entered into the agreement with a sufficient understanding of their rights and responsibilities. The ship owner and the seafarer shall each have a signed original of the employment agreement.
- c) Liberian Maritime Law Section 324 provides for wages due to early termination; Regulation 10.324 requires prior notification (of at least 7 days) for early termination of the seafarer's employment. Marine Notice MLC-003 (paragraph 3.1) provides for termination of the seafarers' employment agreement (SEA) at a shorter notice or without notice in accordance with A2.1.6. Marine Notice MLC-003 (paragraph 3.1) also provides the minimum particulars to be included in the SEA.
- d) Liberian Maritime Law Section 325 and Liberian Maritime Regulation 10.325(2)(a) requires each person employed on board a Liberian vessel, other than those persons such as certain hotel staff personnel on passenger vessels who are not assigned or required to perform ship safety or pollution related shipboard duties, shall have in his or her possession an official Liberian Seafarer's Identification and Record Book, issued by the Commissioner or Deputy Commissioner in accordance with the International Labour Organization Convention N° 108 and Standard A2.1.1e, containing any certificates of special qualification issued to the holder by the Commissioner or a Deputy Commissioner, and in which all services at sea shall be entered and certified by the Master.

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

Liberian Maritime Regulation **10.327** provides for recruitment and placement. It provides for seafarer's access to efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer. It also provide that ship owners who use seafarer's recruitment and placement services that are based in countries or territories in which MLC-2006 does not apply are required to ensure that those services conform to the standards set out in A1.4. See also Marine Notice MLC-002 (paragraph 1.4) which provides guidelines for auditing of those seafarers recruitment and placement services.

6. Hours of work or rest (Regulation 2.3)

- a) Liberian Maritime Regulation 10.320 (4) (10) (b), (c), (e) and (f) along with Marine Notices MAN-001, MAN-003 and MLC-003 (paragraphs 3.3 and 3.4) provide for rest period; Regulation 10.341(3) incorporates the provision reflecting the minimum 77 hours in any seven day period including the conditions in A2.3-10, -11; Interval between consecutive hours of rest cannot be more than 14 hours. Marine Notice MLC-003 includes Annexes reflecting the Liberian standardize format (or use IMO/ILO form) for the table of shipboard working arrangement for posting and the record of work hours/rest periods, a copy of which is required to be signed/endorsed by the Master/ship owners' representative or a person authorized by the Master, and by the seafarer. A copy must be provided to the seafarer. Other forms of record keeping may be accepted provided the required information is

included. By the foregoing, the Administration has adopted the minimum hours of rest standard. However, with proper notice to the Administration, ship owners may elect to apply the maximum hours of work standard, but shall not implement both on the same vessel.

- b) Liberian Maritime Regulation 10.341 and Maritime Law Sections 354, 355 and 356 and Marine Notice MLC-003 (paragraph 3.3) together make provision for the Collective Agreement exception to hours of rest in A2.3-13 and for Emergency in A2.3-14 which is specifically clarified by the amendment to Reg. 10.341. MLC-003, paragraph 3.4 also provides guidelines for hours of work and rest for young seafarers under the age of 18 years.
- c) Maritime Law Sec 333(3) provides for seafarer vacation allowance/paid holiday per year, and annual leave with pay calculated on the basis of a minimum of 2.5 calendar days per month employment as required by A2.4.2.

7. Manning levels for the ship (Regulation 2.7)

- a) Liberian Maritime Law Section 292 requires that Liberian vessel shall not be navigated unless it has in its service and on board such complement of officers and crew as is necessary for safe navigation, and with due regards to security.
- b) Liberian Maritime Regulation 10.292 and Marine Notice MAN-001 provide the specific detail manning requirements including minimum number of deck officers, minimum number of engineers, minimum number of ratings of crew and certificated persons proficient in survival craft. A Minimum Safe Manning Certificate (MSMC) is issued by the Office of the Deputy Commissioner to each Liberian flag vessel in accordance with the Liberian Flag State requirements. Reg. 10.292(3) reflects minimization of excessive hours of work to ensure sufficient rest and limit fatigue of seafarers consistent with relevant IMO guidance.

8. Accommodation (Regulation 3.1)

Liberian Maritime Regulation 10.318 provides for the condition of employment. Consistent with ILO Convention 92 and Convention 133, Regulation 10.318(2) and sub-paragraph (3) and Marine Notice MLC-004 (paragraphs 3 and 4) provide for specific detail requirement for ships constructed on/or after MLC 2006 enters into force and consistent with the requirements of A3.1 and B3.1 covering the size of rooms and other accommodation spaces; heating and ventilation; noise and vibration and other ambient factors; sanitary facilities; lighting and hospital accommodation; laundry facilities and mess rooms. In accordance with Marine Notice MLC-004 (paragraph 3), certain exemptions may be provided to certain ships. MLC-004 (paragraph 4) also includes frequency of documented inspections of accommodation and records to be maintained.

9. On-board recreational facilities (Regulation 3.1)

Liberian Maritime Regulation 10.318 and specifically, Reg. 10.318(2) and sub-paragraph (3) and Marine Notice MLC-004, paragraphs 3.14/4.10 provide for specific detail requirements for appropriate recreational facilities.

10. Food and catering (Regulation 3.2)

- a) Liberian Maritime Law Regulation 10.315 and Marine Notice MLC-004 (paragraph 5.1) require to be maintained on board Liberian flag ships a sufficient supply of water, and of food of suitably nutritive quality and variety taking due regard of the number of seafarers on board, their religious requirements, custom and habit (cultural practices), and which shall be properly and hygienically prepared, dispensed and served at no cost to the seafarers during. The Commissioner may, as and if necessary, prescribe scales of provisions appropriate to the customs and habits of the crew.
- b) Seafarers employed as cooks on board Liberia registered ships are required to have completed a training course or program (as indicated Marine Notice MLC-004, paragraph 5.3) approved or recognized by the Administration as outlined in Standard A3.2.4 and as provided in the Requirements for Merchant Maritime Personnel Certification (RLM-118) Regulations 6.17 and as provided in MLC-004, paragraph 5.3. In accordance with Liberian Maritime Regulations, catering staff shall be properly trained or instructed for their position. Ship owners shall ensure that seafarers, who are engaged as ships' cooks are trained, qualified and found competent for the position in accordance with requirements set out in the Liberian Regulations.
- c) On board inspection of food quality and water supply and related accessories in accordance with Regulation 10.315(2) and Marine Notice MLC-004, paragraph 5.7.

11. Health and safety and accident prevention (Regulation 4.3)

- a) In respect to accident prevention for the management of occupational safety and health on board, Liberian Maritime Regulation 10.296(9) and MLC-005, paragraph 3.3 require the Master of each vessel to appoint from amongst the crew a suitable person and a committee responsible for accident prevention, and such person or committee shall in addition to any other duties assigned by the Master ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code including the ILO code of practice entitled Accident prevention on board ship at sea and in port or codes currently approved by the Office of the Deputy Commissioner are brought to the prompt attention of the Master.
- b) Reg. 10.296(9) and MLC-005, paragraph 3.3 require elements set forth in Standard A4.3 and identifies hazardous work for young seafarers under 18 years of age.
- c) Regulation 10.257(1) (f) requires inspection, reporting and correction of unsafe conditions of occupational accidents on board which shall be investigated. See also Marine Notice MLC-005 (paragraph 3.3).

12. On-board medical care (Regulation 4.1)

- a) In accordance with Standard A4.1.2, the Administration has adopted a standard medical report forms for use by the Ships' Masters and relevant onshore and onboard medical personnel. A copy of the forms which can be found in the Annex to the current WHO International Medical Guide for Ships. The form, when completed and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers, and shall be submitted to the Administration as part of the report required by Regulation 9.257. A medical log record shall be maintained as required by Regulation 10.296(2)(d).
- b) Liberian Maritime Regulation 10.296(3) require that Seafarers on Liberian flag ships shall have access to prompt and adequate medical care whilst working on board, and such medical care be provided by the ship owner at no cost to the seafarers.
- c) Liberian Maritime Regulation 10.296(3) and Marine Notice MLC-005, paragraph 3.1 require that every Liberian vessel shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In the determination of the contents of the chest consideration shall be given to the recommendations of the International Labour Organization/WHO International Medical Guide for Ships and Liberian Guidelines pursuant to Marine Operations Note 08-2009.
- d) Seafarers designated to provide medical first aid or designated to take charge of medical care shall meet the standard of competence respectively specified in the applicable sections of the International Convention on Standards of Training, Certification and Watch keeping, 1978, as amended, and as established by the Office of the Deputy Commissioner. Marine Notice MLC-005, paragraph 3.1 also requires certain publications to be carried on board to assist in providing medical care and obtaining medical advice.
- e) Liberian Maritime Law Section 336 and Marine Notice MLC-005, paragraph 3.1 and paragraph 3.2 ensures that ship owners are liable to bear the costs for seafarers working on their ships in respect of health, medical protection, medical care, 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.

13. On-board complaint procedures (Regulation 5.1.5)

Liberian Maritime Law Section 359 and Maritime Regulation 10.359 provide for Conciliation, Mediation and Arbitration of labor disputes, differences or grievances. On board complaint procedures is also contained in the publication on Familiarization, RLM-105A and Marine Notice MLC-006 (paragraph 2.1) including the implementation of Guideline B5.1.5.1(e) requiring that all complaints and the decisions on them shall be recorded and a copy provided to the seafarer concerned.

14. Payment of wages (Regulation 2.2)

- a) Liberian Maritime Law Section 327 provides for Payment of Wages, as follows: Commencement and Termination. - Wages shall commence on the day specified and agreed to in the Shipping Articles or at the time of presence on board the vessel for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge or termination of the Articles. Normal working hours' standard for seafarers shall be based on an eight-(8) hour day with one day of rest per week and rest on public holidays. Any applicable CBA may determine seafarers' normal working hours on a basis no less favorable than this. Hours worked in excess of the normal working hours shall be considered overtime. The rate of compensation for overtime should not be less than one-and one-quarter (1-1/4) times the basic wage per hour.
- b) Time of Payment. - In the absence of any agreement to the contrary the ship owner or the Master of the vessel shall pay to every seaman his wages within two days after the termination of the Articles, or at the time when the seaman is discharged, whichever is first. See also Marine Notice SEA-004 which, consistent with Marine Notice MLC-003, paragraph 3.2, provides for electronic transfer of wages and for proper accounting statement for the seafarer.
- c) Entitlement. - A seaman is entitled to receive in local currency or currency agreed to in the Employment Agreement, on demand, from the Master his wages actually earned less any valid deduction and payable at every intermediate port where the vessel shall load or deliver cargo before the voyage is ended, but not more than once in any fifteen-day period. Seafarers shall be paid in full at no greater than monthly intervals in accordance with their employment agreements. Seafarers shall be given a monthly account of the payment due and the amounts paid, including wages, any additional payments and the rate of exchange used, if applicable.
- d) Account. - Every Master shall deliver to the seaman, before paying off, a full and true account of his wages and all deductions to be made there from on any account whatsoever, and in default shall, for each offense, be liable to a penalty of not more than US\$500.
- e) Liberian Maritime Regulation 10.320(2), (3) and (4) provides that wages shall commence no later than on the day specified and agreed to in the Articles or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge.
- f) Regulation 10.327 incorporates Standard A2.2(2) requiring monthly accounting of payments and calculation of over time wages consistent with Guideline B2.2.2(c) amplified by Marine Notice SEA-004.
- g) Liberian Maritime Law Section 331(2) provides in paragraph (2) it shall be lawful for the Master and any seaman to agree that an allotment of all or portion of the seaman's earnings, at regular intervals, may be payable to a spouse, children, grandchildren, parents, grandparents, brothers or sisters or person(s) nominated by the seafarer, or to a bank account in the name of the seaman.

Name: Margaret C. Ansumana

Title: Deputy Commissioner

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):

No Equivalency has been granted.

Name: Margaret C. Ansumana

Title: Deputy Commissioner

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

No Exemption has been granted.

Name: Margaret C. Ansumana

Title: Deputy Commissioner

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

ANNEX II

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1)
.....
2. Medical certification (Regulation 1.2)
.....
3. Qualifications of seafarers (Regulation 1.3)
.....
4. Seafarers' employment agreements (Regulation 2.1)
.....
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
.....
6. Hours of work or rest (Regulation 2.3)
.....
7. Manning levels for the ship (Regulation 2.7)
.....
8. Accommodation (Regulation 3.1)
.....
9. On-board recreational facilities (Regulation 3.1)
.....
10. Food and catering (Regulation 3.2)
.....
11. Health and safety and accident prevention (Regulation 4.3)
.....

- 12. On-board medical care (Regulation 4.1)
.....
- 13. On-board complaint procedures (Regulation 5.1.5)
.....
- 14. Payment of wages (Regulation 2.2)
.....

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner:¹

.....

Company address:

.....

Name of the authorized signatory:

.....

Title:

Signature of the authorized signatory:

.....

Date:

(Stamp or seal of the shipowner¹)

The above measures have been reviewed by *the Office of the Deputy Commissioner, Bureau of Maritime Affairs, Republic of Liberia* and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

.....

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

¹ *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 organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.



REPUBLIC OF LIBERIA

**BUREAU OF
MARITIME AFFAIRS**

ANNEX III

Maritime Labour Certificate

*(Note: This Certificate shall have a Declaration
of Maritime Labour Compliance attached)*

**Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as “the Convention”)
under the authority of the Government of**

The Republic of Liberia

by the Office of the Deputy Commissioner, Bureau of Maritime Affairs

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage ¹

IMO number

Type of ship

Name and address of the shipowner ²

.....

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

² *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 ship-owners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued

at on is attached.

Completion date of the inspection on which this Certificate is based was

Issued at on

Signature of the duly authorized official issuing the Certificate

(Seal or stamp of issuing authority, as appropriate)

Endorsements for mandatory intermediate inspection and, if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

Intermediate inspection:
(to be completed between the second and third anniversary dates)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Additional inspection:
(if required)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)

Additional inspection:
(if required)

Signed
(Signature of authorized official)

Place

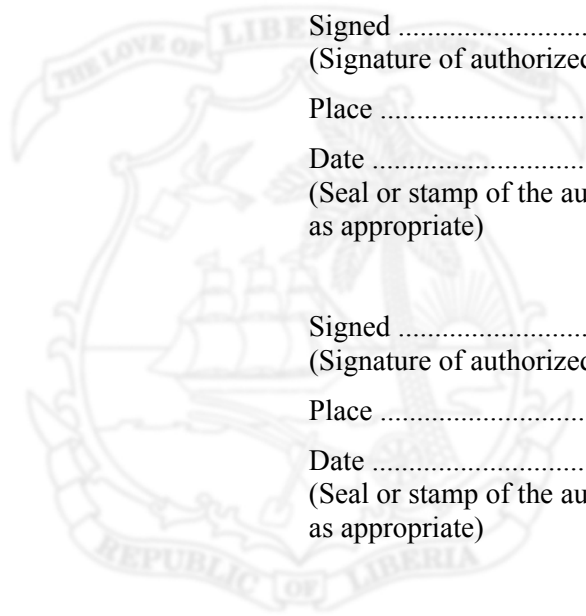
Date
(Seal or stamp of the authority,
as appropriate)

Additional inspection:
(if required)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)





REPUBLIC OF LIBERIA

**BUREAU OF
MARITIME AFFAIRS**

ANNEX IV

Interim Maritime Labour Certificate

**Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006**
(referred to below as “the Convention”)
under the authority of the Government of

The Republic of Liberia

by the Office of the Deputy Commissioner, Bureau of Maritime Affairs
Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage ¹

IMO number

Type of ship

Name and address of the shipowner ²

.....

This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

² *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 organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4.

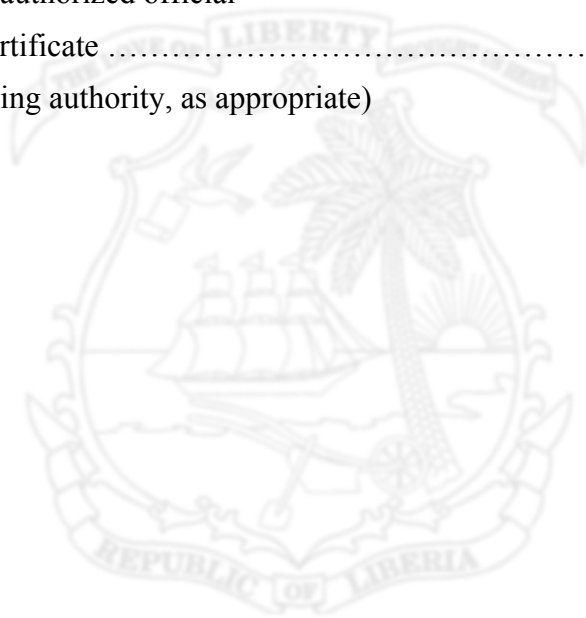
Completion date of the inspection referred to under (a) above was

Issued at on

Signature of the duly authorized official

Issuing the interim certificate

(Seal or stamp of issuing authority, as appropriate)





ANNEX VI

DECLARATION OF SHIPOWNERS' REPRESENTATIVE WITH MLC RESPONSIBILITIES (including seafarer complaint resolution)

(To be filled out by the Shipowner¹)

Dates should be in the format dd/mm/yyyy

Information			
1	Name of Shipowner ¹ :	Company IMO number:	
2	Name of MLC Representative: Address(es) of the MLC Representative: Phone: Fax: Mobil Phone: 24 hour number: Email: The MLC Representative is responsible for all ships: YES NO If NO, the following ships:		
3	Name of ship:		IMO Number:
	Name of ship:		IMO Number:
	Name of ship:		IMO Number:
	Name of ship:		IMO Number:
	Name of ship:		IMO Number:
	Name of ship:		IMO Number:
	Name of ship:		IMO Number:
	Name of ship:		IMO Number:

THIS IS TO CERTIFY THAT this record is correct in all respects:

Signature of authorized person: _____

Name of authorized person: _____

Date of issue: _____

¹ Shipowner: 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 MLC, 2006, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the shipowner