

ClassNK

For voluntary appraisal certification

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

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

**NIPPON KAIJI KYOKAI
Ship Management Systems Department**

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Record of Revision

Date	Revised Paragraph	Reason of revision
November 2014	6.2.1	Minimum operation period on board for measures and plans set out in the reviewed DMLC Part II (in principle 1 month to in principle 3 months)
November 2014	6.2.3 & 6.2.4	Newly addition
September 2017	introduction	Revision, Added 2014 amendments to MLC, 2006
September 2017	6.2.1	Revision, Minimum operation period on board for measures and plans set out in the reviewed DMLC Part II was changed from 3 months to 1 month and transferred to section 7.1.1
September 2017	6.2.3 & 6.2.4	Deletion
September 2017	7.	Newly addition: Kind of inspection and timing of execution
September 2017	Department name change	Ship Management Systems Department
February 2022	1. & 6.1.3 & 6.2.1 & 9.	Revised description due to introduction of electronic audit records.

About your nearest branch or office in charge

Please refer to "DIRECTORY" issued every half year by Class NK.
The latest version of "DIRECTORY" is available from our Website.
http://www.classnk.or.jp/hp/en/directory/dir_top.aspx

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

Class NK, NIPPON KAIJI KYOKAI, Ship Management Systems Department

Tel: 03-5226-2173 /Fax: 03-5226-2174

e-mail: smd@classnk.or.jp

Contents

1. Introduction	.....	1
2. Abbreviations of terms	.....	2
3. Definitions of Terms	.....	2
4. Applicable Ship	.....	2
5. The types of Certificate, complementary document and the validity	.....	3
6. Voluntary appraisal Inspection and Certification	.....	3
6.1 Document review		
6.1.1 Application for Document review	.....	3
6.1.2 Documents to be submitted	.....	3
6.1.3 Document review	.....	3
6.2 On-board inspection		
6.2.1 Application for Onboard inspection	.....	4
6.2.2 Documents to be submitted	.....	4
6.2.3 On-board inspection	.....	4
7 Kind of inspection and timing of execution		
7.1 Initial inspection	.....	4
7.2 Intermediate inspection	.....	4
7.3 Renewal inspection	.....	4
7.4 Inspection for issuing interim MLC	.....	4
7.5 Additional inspection	.....	5
8. Issuance and maintenance of SOC, various inspections and issuance of certificate.....		6

1. Introduction

Maritime Labour Convention, 2006 was established by consolidating and updating of 68 Maritime Conventions and Recommendations that International Labour Organization (ILO) has adopted since 1920. And minimum requirements on working and living conditions for seafarers who work on board a ship are provided in this Convention, namely the provisions on conditions of employment, hours of work and hours of rest, accommodation and recreational facilities, food and catering, health protection, medical care, welfare and social security protection are included in this Convention.

This Convention has been enforced on 20 August 2013.

This Convention is designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO), i.e., SOLAS, STCW and MARPOL.

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

Furthermore, since the Convention has specified that ratified port states have responsible to inspect for not only ratified flagged vessels but also non-ratified flagged vessels in their port, it is recommended non-ratified flagged vessels are also to comply with the requirements of the Convention.

This handbook is guidance for non-ratified flagged vessels which intend to execute voluntary appraisal inspection and certification.

In addition, ClassNK has been promoting the digitization of our services as follows.

- .1 Application forms are posted on our Homepage and it is available to apply for MLC shipboard inspections by using online application service (e-Application). For details, please refer to our Home Page.
- .2 It's available for issuing secured MLC by e-certificate (PDF), instead of conventional paper one. For details, please refer to our Home Page.
- .3 Starting from 30 January 2022, the reports after completion of MLC shipboard inspection would be issued electronically and sent to the management company.
- .4 All our services above including this handbook are available from our Home Page, refer as below.
Checklist: <https://www.classnk.or.jp/hp/en/activities/statutory/mlc/index.html>
Application form: https://www.classnk.or.jp/hp/en/download/dl_appli.aspx
e-Application: <https://www.classnk.or.jp/hp/en/activities/portal/e-appli.html>

2. Abbreviations of terms

MLC, 2006: Maritime Labour Convention, 2006

MLC: Maritime Labour Certificate

SOC: Statement of Compliance

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

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

RO: Recognized Organization

3. Definitions of Terms

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

4. Applicable Ship

In general, this handbook is applied to ships, registered in non-ratified countries, which engaged in international voyage and 500 gross tonnage or over, other than ships mentioned below.

Under the MLC, 2006, Ships, registered in ratified countries, which are required complying with MLC, 2006, and to hold Maritime Labour Certificate (MLC) and Declaration of Maritime

Labour Compliance (DMLC), are as follows:

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

5. Type of Certificate and Validity

Based on this handbook, the certificate is voluntary appraisal certificate which is issued to a ship mentioned above. There is no certificate issued to the shipowner.

SOC: It is a Certificate to verify the ships comply with requirements of MLC,2006. Upon the request of shipowner(Company), the voluntary appraisal inspection and certification are to be conducted and then a Statement of Compliance (SOC) is to be issued. The SOC is not principally replaced with MLC when the Convention entries into force in the ship's flag state concerned. The validity and maintenance of SOC shall be followed to provisions of Standard A5.1.3 of the Convention. The SOC is to be issued upon voluntary appraisal inspection and certification carried out based on this hand book.

6. Voluntary Appraisal Inspection and Certification

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

6.1 Document review

6.1.1 Application for Document review

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

However, only for ships which are registered to the flag state recognized by NK as RO are acceptable.

6.1.2 Documents to be submitted

Documents to be submitted are as follows.

1. Application form (Form MLC-APPLI-voluntary-R)

Documents which are required to submit mentioned in the above application.

6.1.3 Document review

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

When the failure is found as a result of review, since the failure is notified to shipowner in writing then corrective measure are required to be taken.

Regarding the reviewed DMLC Part II, Form MLC-LOR (Letter of Review of Relevant Documents (DMLC Part II and/or drawings)) will be made as the document which indicates successful result of the Document review and will be returned to shipowner on electric format

by e-mail. Please keep the original DMLC Part I, the reviewed Part II and Form MLC-LOR on board. On the following on-board inspection it is confirmed that those measures and plans set out in the reviewed DMLC Part II have been implemented on board a ship sufficiently.

6.2 On-board inspection

6.2.1 Application for On-board inspection

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

6.2.2 Documents to be submitted

Document to be submitted is as follows.

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

7. Kind of inspection and timing of execution

7.1 Initial inspection

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

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

7.2 Intermediate inspection

Inspection to be conducted between the 2nd and 3rd anniversary date. After completion of the inspection, endorsement to the current SOC is to be made.

7.3 Renewal inspection

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

7.4 Inspection for issuing interim SOC

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

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

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

7.5 Additional inspection

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

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

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

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

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

2. Substantial amendment of the current DMLC Part II

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

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

3. When a ship that has been out of service for more than 6 months is re-entered service.

Under the current DMLC Part I and Part II, the additional inspection as comprehensive scope as initial inspection will be carried out and the current MLC will be endorsed appropriately.

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

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

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

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

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

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

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

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

7. Modification of crew accommodation.

Verification may be carried out in order to confirm compliance according to the provision of the Convention.

8. Any verification as determined by the society other than situations /conditions mentioned above.

8. Issuance and maintenance of SOC, various inspections and issuance of certificate

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

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