

Merchant Shipping (Maritime Labour Convention) (Requirements and Conditions of Employment) Regulations 2014

Table of Contents

Enacting Formula

- 1 Citation and commencement
- 2 Definitions
- 3 Application
- 4 Conditions for exceptions to hours of rest
- 5 Registration of provisions for exceptions to hours of rest
- 6 Record of hours of rest
- 7 Application for approval for night work by young seafarers
- 8 Shipboard working arrangements
- 9 Medical report form
- 10 Training standards for medical care and first-aid on board ships
- 11 Medical fitness standards
- 12 Medical fitness certificate
- 13 Recognition of certificates issued by foreign medical practitioner
- 14 Suspension and cancellation of medical fitness certificate
- 15 Certified copy of certificate

THE SCHEDULE

No. S 180

MERCHANT SHIPPING
(MARITIME LABOUR CONVENTION) ACT 2014
(ACT 6 OF 2014)

MERCHANT SHIPPING (MARITIME LABOUR
CONVENTION) (REQUIREMENTS AND CONDITIONS OF
EMPLOYMENT) REGULATIONS 2014

In exercise of the powers conferred by section 82 of the Merchant Shipping (Maritime Labour Convention) Act 2014, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Requirements and Conditions of Employment) Regulations 2014 and shall come into operation on 1st April 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“short voyage” means a voyage where, within any 24-hour period, the ship calls at 2 or more terminals, or locations where any loading or unloading of cargo, or embarkation or disembarkation of persons, occurs, and the 24-hour period commences when the ship is first secured at the terminal or location where the voyage begins;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 25th June 2010 and any amendment thereto which has come into force and has been accepted by the Government.

Application

3. These Regulations shall apply to —

- (a) all Singapore ships ordinarily engaged in commercial activities wherever they may be; and
- (b) all seafarers employed on ships referred to in paragraph (a).

Conditions for exceptions to hours of rest

4. The conditions referred to in section 16(9) of the Act are as follows:

- (a) any exceptions to the hours of rest set out in section 16 of the Act for seafarers whose duties involve watchkeeping, safety, security or prevention of pollution, or seafarers employed or engaged on a vessel on a short voyage, shall be set out in the provisions of a collective agreement or any other agreement between a seafarer and a shipowner, and such provisions shall be registered with the Director;
- (b) the minimum hours of rest shall not be less than 10 hours in any 24-hour period, and not be less than 70 hours in any 7-day period, and such reduced rest periods shall not be allowed for more than 2 consecutive weeks, and the intervals between any 2 reduced rest periods shall not be less than twice the duration of the preceding rest period;
- (c) the minimum hours of rest may be divided into no more than 3 periods, one of which shall be at least 6 hours in length and neither of the other 2 periods shall be less than one hour in length;
- (d) the intervals between consecutive periods of rest shall not exceed 14 hours;
- (e) there shall not be more than two 24-hour periods of reduced rest in any 7-day period; and
- (f) adequate compensatory leave, more frequent or longer leave periods shall be provided.

Registration of provisions for exceptions to hours of rest

5.—(1) The Director may register a provision of a collective agreement or any other agreement between a seafarer and a shipowner providing for exceptions to the hours of rest set out in section 16 of the Act —

- (a) if the shipowner has furnished the collective agreement or other agreement to the Director; and
- (b) the provision complies with the conditions set out in regulation 4.

(2) The Director may refuse to register any provision referred to in paragraph (1) if it is less favourable to the seafarer than the conditions set out in regulation 4.

Record of hours of rest

6. The standardised format for the record of hours of rest referred to in section 16(7) of the Act shall be the model format set out in Appendix 4 of the IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest issued jointly by the International Maritime Organization and the International Labour Organization.

Application for approval for night work by young seafarers

7.—(1) An application to the Director for approval for a young seafarer to be employed in night work shall be made in writing and be accompanied by such documents as may be necessary to establish to the satisfaction of the Director that the conditions referred to in section 18(2) of the Act are met.

(2) The documents referred to in paragraph (1) shall as a minimum cover the following:

- (a) the nature and duration of the night work;
- (b) the reasons for the requirement for night work; and
- (c) where applicable, the details of the relation between the night work and the training of the young seafarer.

Shipboard working arrangements

8. The format for the display of the following information on working arrangements referred to in section 16(6) of the Act shall be in the model format set out in Appendix 3 of the IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest issued jointly by the International Maritime Organization and the International Labour Organization:

- (a) the schedule of service at sea and service in port;
- (b) the minimum hours of rest required by the Act; and
- (c) all other information on working arrangements that may be required by the Director from time to time.

Medical report form

9. The medical report form referred to in section 29(1) of the Act shall be in the form specified in the Schedule.

Training standards for medical care and first-aid on board ships

10.—(1) The training in medical first-aid referred to in section 31(a) of the Act shall meet the standard of competence for seafarers designated to provide medical first-aid on board ship specified in section A-VI/4 paragraphs 1 to 3 of the STCW Code or such other qualification as may be approved by the Director.

(2) The training in medical care referred to in section 31(b) of the Act shall meet the standard of competence for seafarers designated to take charge of medical care on board ship specified in section A-VI/4 paragraphs 4 to 6 of the STCW Code or such other qualification as may be approved by the Director.

(3) The holders of the training qualifications referred to in paragraphs (1) and (2) shall be required, at intervals not exceeding 5 years, to provide evidence of having maintained continued standards of competence to undertake the duties referred to in those paragraphs by completing refresher training requirements approved by the Director.

(4) The Director may publish, in such manner as he thinks fit, the qualifications approved under paragraphs (1) and (2) and the refresher training requirements approved under paragraph (3).

Medical fitness standards

11.—(1) A medical fitness certificate shall be issued by a qualified medical practitioner only if —

- (a) the qualified medical practitioner has examined the person to whom the medical fitness certificate relates; and
- (b) having had regard to the medical fitness standards determined by the Director, the qualified medical practitioner considers that the person to whom the medical fitness certificate relates is fit to perform the duties which that person will carry out at sea.

(2) The medical fitness standards referred to in paragraph (1)(b) shall cover vision standards, hearing standards, physical capability requirements, fitness criteria for medication use, fitness criteria for common medical conditions and any other areas, as may be determined by the Director.

(3) The Director may publish the medical fitness standards determined under paragraph (2) in such manner as he thinks fit.

Medical fitness certificate

12.—(1) A medical fitness certificate shall indicate if the person —

- (a) is fit for all duties worldwide within his department as indicated in the

certificate;

- (b) can undertake all routine and emergency duties but is only able to work in specified waters;
- (c) requires adaptation of some routine and emergency duties; or
- (d) cannot perform routine and emergency duties safely and effectively, and adaptation of duties is not possible.

(2) A medical fitness certificate shall be provided in English.

(3) A medical fitness certificate shall —

- (a) state whether the hearing of the person concerned is satisfactory;
- (b) state whether the vision of the person concerned is satisfactory, which shall include the colour vision of the person where fitness for the duties to be performed by the person is liable to be affected by defective colour vision;
- (c) state whether the person concerned is suffering from any medical condition likely to be aggravated by service at sea or to render the person unfit for such service or to endanger the health of other persons on board; and
- (d) contain such other information as required under section A-I/9 of the STCW Code (Guidelines on the Medical Examination of Seafarers).

Recognition of certificates issued by foreign medical practitioner

13.—(1) The Director may, at his discretion and upon such conditions as he may determine, recognise any medical fitness certificate issued by a foreign medical practitioner issued in accordance with the requirements of the Convention or the STCW Convention, as being equivalent to a medical fitness certificate issued by a qualified medical practitioner.

(2) The list of foreign medical practitioners whose medical fitness certificates are recognised by the Director under paragraph (1) shall be published by the Director in such manner as he thinks fit.

Suspension and cancellation of medical fitness certificate

14.—(1) This regulation shall apply if a qualified medical practitioner has reasonable grounds for believing that —

- (a) there has been a significant change in the medical fitness of a person during the period of validity of that person's medical fitness certificate;
- (b) a person is not complying with the terms of a condition to which that

person's medical fitness certificate is subject;

- (c) when a medical fitness certificate was issued, had a qualified medical practitioner been in possession of full details of the condition of the person to whom the certificate relates, the qualified medical practitioner could not reasonably have considered that the person was fit, having regard to the medical fitness standards specified in these Regulations; or
- (d) a medical fitness certificate was issued otherwise than in accordance with these Regulations.

(2) If this regulation applies, the qualified medical practitioner may —

- (a) suspend the validity of a medical fitness certificate until the person to whom the certificate relates has undergone further medical examination;
- (b) suspend the validity of the medical fitness certificate for such period as the qualified medical practitioner considers the person to whom the certificate relates will remain unfit to perform the duties the person will carry out at sea; or
- (c) cancel the certificate if the qualified medical practitioner considers that the person to whom the certificate relates is likely to remain permanently unfit to perform the duties the person will carry out at sea,

and must notify that person concerned accordingly.

(3) The qualified medical practitioner may require that a person surrenders a medical fitness certificate which has been issued to that person and which has been suspended or cancelled under paragraph (2), as that practitioner directs.

(4) For the purposes of this regulation, a significant change in the medical fitness of a person is a condition which affects or would be reasonably likely to affect that person's ability to carry out his duties, including his ability to undertake emergency duties.

Certified copy of certificate

15.—(1) If a person who was issued with a medical fitness certificate, which is still valid, is no longer in possession of that certificate, then upon —

- (a) application being made by that person to the qualified medical practitioner who issued the certificate; and
- (b) payment of the qualified medical practitioner's administrative costs of issuing a certified copy,

the qualified medical practitioner who issued the medical fitness certificate may issue to

that person a certified copy of the medical fitness certificate.

(2) This regulation shall not apply to a medical fitness certificate which has been surrendered under regulation 14(3).

THE SCHEDULE

Regulation 9

MEDICAL REPORT FORM

(MLC Regulation A4.1)

Date and time of report _____

Ship information and location

Ship Name _____

Shipowner/Shipmanager _____

Type of ship and cargo _____

Name and address of on-shore agent at Port of Call _____

Position (latitude and longitude; name of port, if applicable) at onset of illness/injury:

Destination and ETA (expected time of arrival)

Particulars of patient

Name as in passport: _____

Sex: Male Female

Date of birth (dd-mm-yyyy) _____

Nationality _____

Seafarer passport number _____

Shipboard job title (and specify type of work) _____

Hour and date when taken off work _____

Hour and date when returned to work _____

Injury or illness

Hour and date of injury or onset of illness _____

Hour and date of first examination/treatment on board _____

Location on board ship where injury occurred: _____

Circumstances of illness/injury: _____

Symptoms _____

Findings of physical examination _____

Overall on board impression before treatment _____

Treatment given on board _____

Telemedical consultation

Hour and date of initial contact _____

Mode of communication (radio, telephone, fax, other) _____

Surname and first name of telemedical consultant or name of medical company

Details of telemedical advice given _____

N.B. Attach all relevant medical reports to this report form.

Clinical consultation

Clinical diagnosis: _____

Clinical treatment given or examination: _____

Is the illness due to an accident: Yes/No _____

Patient unfit for work from: _____ to _____

Clinical treatment terminated or follow up required: _____

Place of consultation: Clinic/Hospital

Date of consultation: _____ Doctor's Name and Signature: _____

Made this 12th day of March 2014.

LUCIEN WONG
Chairman,
Maritime and Port Authority of Singapore.

[MPA46/11.C07.V02/LSK; AG/LLRD/SL/180A/2013/14 Vol. 1]