



M P A
SINGAPORE

**MARITIME AND PORT AUTHORITY OF SINGAPORE
SHIPPING CIRCULAR TO SHIPOWNERS
NO. 6 OF 2013**

MPA Shipping Division
460 Alexandra Road
#21-00, PSA Building
Singapore 119963
Fax: 6375-6231
<http://www.mpa.gov.sg>

4 April 2013

Applicable to: Shipowners, shipmanagers, operators, masters and crew of Singapore-registered ships, classification societies and the general shipping community.

UPDATE ON THE IMPLEMENTATION OF THE MARITIME LABOUR CONVENTION 2006 (MLC)

- (A) SEAFARERS' EMPLOYMENT AGREEMENT (SEA)**
- (B) ON-BOARD COMPLAINT PROCEDURES**
- (C) MEDICAL REPORT FORM**

INTRODUCTION

1. Singapore ratified the Maritime Labour Convention 2006 (MLC) which will come into force internationally on 20 August 2013. All ships registered with the Singapore Registry of Ships are required to comply with the MLC. In addition, ships of 500 gross tonnage and above are required to carry and maintain a maritime labour certificate and a declaration of maritime labour compliance.¹

2. This Circular provides guidance on the requirements of the Seafarers' Employment Agreement (SEA), On-Board Complaint Procedures and Medical Report Form.

(A) SEAFARERS' EMPLOYMENT AGREEMENT (SEA)

3. Every seafarer working on board a Singapore-registered ship is required to have a SEA under MLC Regulation 2.1 and Standard A2.1.

4. In accordance with MLC Standard A2.1.1(e), seafarers shall be given a record of their employment onboard the ship. The employment record can be recorded in

¹ SRS ships below 500 gross tonnage are required to comply with the MLC but are not required to be certified. Such ships may attain MLC certification at the shipowner's request.

their Seafarer's Discharge Book. In its absence, the "Certificate of Discharge" available on MPA's website may be used.

URL: http://www.mpa.gov.sg/sites/pdf/cert_disc.pdf

Format of Seafarers Employment Agreement (SEA)

5. As a follow-up to feedback on Shipping Circular No. 18 of 2012, MPA will not prescribe the SEA format to be used. Companies may use their own format for the SEA as they deemed fit. However, the SEA shall contain all the information listed in **Appendix 1** of this circular, to comply with MLC Standard A2.1.4.

Personnel Onboard to be Reported

6. When the MLC comes into force on 20 August 2013, the current "Crew Agreement" (also known as "Articles of Agreement") will no longer be required and be replaced by the individual SEA, stated in paragraph 3 above. There is no requirement for the SEA to be lodged with the Director but the shipowners/managers or shipmasters must submit on demand.

7. Notwithstanding the above, shipowners/managers or shipmasters are required to maintain a current list of personnel onboard and notify MPA of any person engaged and discharged onboard a Singapore-registered ship via the Electronic Reporting of Personnel Form or the Marinet. This is similar to the current practice of notifying crew changes.

8. Shipowners/managers or shipmasters are also required to report the ship's trading areas (e.g. foreign going, home trade or special limits) to the Director upon registration of a ship with the Singapore Registry of Ship. This submission form is known as the Electronic Ship Information (ESI). There is no validity period for the ESI and will only need resubmission if there is:

- a. A change in the ship's trading areas, or
- b. A change in shipowners/managers and the new shipowners/managers are not retaining the seafarers employed by the previous owners/managers.

9. A separate Shipping Circular on the "Guide on submission of ESI and Reporting of Personnel Onboard" will be issued in July 2013.

(B) ON-BOARD COMPLAINT PROCEDURES

10. Every seafarer serving onboard a Singapore-registered ship is to be given a copy of the on-board complaint procedures. As a follow-up to the feedback on Shipping Circular No. 18 of 2012, MPA will not prescribe the format for the on-board complaint procedures. Companies may draw up their own procedures and to ensure that their on-board complaint procedures are complying with the requirements stated in MLC Regulation 5.1.5 and Standard A5.1.5. **Appendix 2 and Appendix 2A** contain some model formats for the "On-Board Complaint Procedures" which companies may adopt. **Appendix 2** contains the contact details of the Maritime and

Port Authority of Singapore which must be included in the “On-Board Complaint Procedures”.

(C) MEDICAL REPORT FORM

11. MLC Standard requires the competent authority to adopt a standard “Medical Report Form” for use by the ships’s masters and relevant onshore and onboard medical personnel. The “Medical Report Form” prescribed by the MPA is attached in **Appendix 3** to be used onboard Singapore-registered ships.

CHANGES TO LEGISLATION

12. Legislation to give effect to the MLC will be promulgated in due course. In view of the Convention coming into force on 20 August 2013, the shipping community is urged to prepare for early compliance with the MLC.

OTHER RELEVANT SHIPPING CIRCULARS

13. This Circular is to be read in conjunction with the following past Circulars:
- a. No. 16 of 2012 - Recruitments and Placement Requirements
 - b. No. 18 of 2012 - Requirements for the Declaration of Maritime Labour Compliance
 - c. No. 3 of 2013 - Requirements Pertaining to the Training of Cooks and the Provision of Food On Ships
 - d. No. 4 of 2013 - Reporting of Occupational Accidents, Injuries And Diseases Affecting Seafarers
14. Any queries regarding this circular should be directed to:
- a. Mr Benjamin Wong (Email: [Benjamin K L WONG@mpa.gov.sg](mailto:Benjamin_K_L_WONG@mpa.gov.sg)). Tel: 6375 6216
 - b. Ms Irene Goh (Email: [Irene T L GOH@mpa.gov.sg](mailto:Irene_T_L_GOH@mpa.gov.sg)). Tel: 6375 6225
 - c. Mr Samuel Soo (Email: [Samuel Soo@mpa.gov.sg](mailto:Samuel_Soo@mpa.gov.sg)). Tel: 6375 6207
 - d. Mr Glendon Goh (Email: [Glendon GOH@mpa.gov.sg](mailto:Glendon_GOH@mpa.gov.sg)). Tel: 6375 6228

CHEONG KENG SOON
DIRECTOR OF MARINE
MARITIME AND PORT AUTHORITY OF SINGAPORE

**Provisions to be included in a Seafarers' Employment Agreement (SEA),
based on MLC Standard A2.1.4**

- (1) Seafarer's full name, date of birth or age, and birthplace
- (2) Shipowner's name and address;
- (3) Place where and date when the seafarers' employment agreement is entered into;
- (4) Capacity in which the seafarer is to be employed;
- (5) Amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- (6) Amount of paid annual leave or, where applicable, the formula used for calculating it;
- (7) Termination of the agreement and the conditions thereof, including:
 - (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;
 - (ii) if the agreement has been made for a definite period, the date fixed for its expiry; and
 - (iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharge;
- (8) Health and social security protection benefits to be provided to the seafarer by the shipowner;
- (9) Seafarer's entitlement to repatriation;
- (10) Reference to the collective bargaining agreement, if applicable;
- (11) *Other terms and conditions

**All other terms and conditions of employment under this agreement must be in accordance with the provisions of the Maritime Labour Convention and Singapore law. Singapore law shall be construed to include, without limitation to the generality of the foregoing, any law enacted to implement Singapore's international obligations under the Maritime Labour Convention, any laws having mandatory application to the matter and all subsequent amendments to the aforementioned.*

**Any term in this agreement (including Collective Bargaining Agreement and any other private agreement that has been incorporated in this agreement) that is less favourable to the seafarer than is provided for under the Act and Regulations shall be unenforceable by either party to this agreement to the extent that it is less favourable.*

- (12) Confirmation of the Agreement

The undersigned has been given the opportunity to review and seek advice on the terms conditions in the agreement and freely accepts them before signing.

MODEL FORMAT FOR ON-BOARD COMPLAINT PROCEDURES FOR SINGAPORE-REGISTERED SHIPS (MLC REG 5.1.5)

1. Seafarers may lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of the Maritime Labour Convention (MLC) and the requirements under national legislation.

2 All seafarers serving on board Singapore-registered ships shall be provided with a copy of this set of on-board complaint procedures.

3. The following are the on-board complaint procedures for Singapore registered ships:

- a. Complaints should be addressed to the head of department of the seafarer lodging the complaint or to the seafarer's superior officer.
- b. The head of department or seafarer's superior officer should attempt to resolve the complaint as soon as practicable taking into account the seriousness of the issues involved or within 3 days.
- c. If the head of department or the seafarer's superior officer cannot resolve the complaint to the satisfaction of the seafarer, the seafarer may refer it to the Master, who should handle the case personally.
- d. All complaints and decision outcomes should be recorded in the provided form (attached at **Appendix 2A**) and a copy of it provided to the seafarer concerned.
- e. If the complaint cannot be resolved on board, the matter should be referred ashore to the ship-owner, who should resolve the issue as soon as practicable, where appropriate, in consultation with the seafarer concerned or any person the seafarer may appoint as his representative.
- f. In all cases, seafarers have a right to file their complaints directly with the master, the shipowner and where necessary, to any appropriate competent external authority.

Please see **Appendix 2B** for a flow-diagram of the complaint procedures.

4. Seafarers have the right to be accompanied or represented by another seafarer of their choice on board the ship concerned during the complaints procedure.

5. Shipowners shall put in place measures to safeguard against possible victimisation for filing a complaint. The term "victimisation" covers any adverse action taken by any person towards a seafarer for lodging a complaint which has grounds for concern.

6. The Seafarers Management Department (SMD) of the Maritime and Port Authority of Singapore is designated to handle seafarer's complaints. The contact details are as follows:

Address: 460 Alexandra Road #21-00
PSA Building
Singapore 119963
Tel 6 375 6224
E-mail : mmo_mpa@mpa.gov.sg

7. The contact information of the competent authority in the seafarer's country of residence (where different from the flag State) and the name of the person(s) on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaints or assist them on the complaint procedures, are to be provided as below:

Contact information of competent authority in seafarer's country of residence (if different from flag State):

Name:

Contact Information:

Contact information of person(s) on board who can provide impartial advice or assist on complaint procedures:

Name:

Contact Information:

On-Board Complaint Form

This form is to be filled by the complainant or complainant's representative. If the complaint involves allegation against any other seafarer, which may be regarded as personal, private or intimate, such seafarer may not be referred to in an identifiable way in writing this form.

Ship's Particulars

Vessel:	Date:	Place
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Complainant's Particulars

Designation :	Name and Passport No.:	Date of Birth:
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Complainant's Representative's Particulars (if any)

Designation :	Name and Passport No.:	Date of Birth:
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Declaration:

I confirm that I have agreed and accepted to accompany and/or to represent the complainant, and to attend any meetings into the subject matter of the complaint.

Signature : _____

Briefly describe the complaint (including date, time and place of event and persons involved or witnesses):

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Declaration:

I confirm that I have not been penalised or victimised in any way for filing this complaint, and that I have been informed that lodging this complaint is without prejudice to my right to seek redress through whatever legal means I consider appropriate.

I declare that all the information submitted by me in this On-Board Complaint Form is correct and does not contain any false information. I declare that I have not omitted any relevant information and that my complaint is not unjustified.

I accept that this matter may be referred to the Master for resolution and the Master will inform me of the outcome.

Signature of the complainant:

Acknowledged by Head of Dept, Seafarer's Superior Officer or Shipmaster

Rank:	Name:	Date of Receipt:
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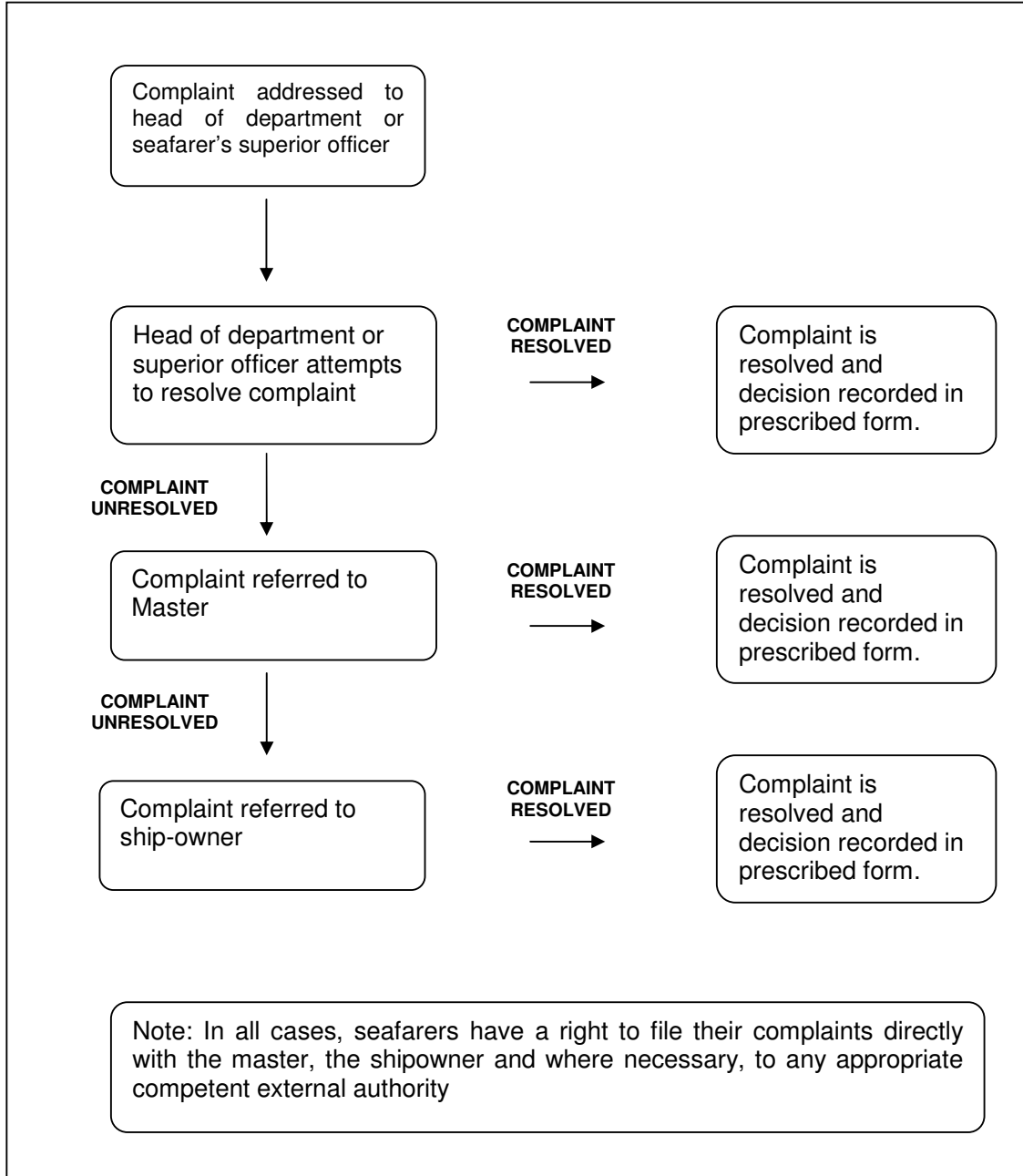
Meeting to Resolve Complaint

Date Of Meeting & Attended By
Briefly describe the result of the meeting
The matter has been resolved: Yes / No ((If No, please state reason)

If No – The matter has been referred to the Company for resolution on **(date/month/year)**. If other, please state organisation.

Acknowledged by Complainant Name and Signature: Date:	Signature by Shipmaster Name and Signature: Date:
Acknowledged by Complainant's Representative (if any) Name and Signature: Date:	

Flow-diagram of the On-Board Complaint Procedures



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 onboard _____

Location on board ship where injury occurred: _____

Circumstances of illness /injury: _____

Symptoms _____

Findings of physical examination _____

Overall onboard 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 & Signature: _____