



# ST. VINCENT AND THE GRENADINES

## MARITIME ADMINISTRATION

### CIRCULAR N° MLC 007- Rev.2

#### GUIDELINES FOR MLC INSPECTIONS FOR SHIPS OF LESS THAN 500 GT

**TO:** RECOGNIZED ORGANIZATIONS (RO), FLAG STATE INSPECTORS, SHIPOWNERS, MASTERS AND SEAFARERS

**APPLICABLE TO:** ALL SHIPS OF LESS THAN 500 GT SUBJECT TO MLC CONVENTION

**EFFECTIVE AS FROM:** Date of this Circular

26<sup>th</sup> August 2015

#### **General**

Ships of less than 500 GT to which Maritime Labour Convention (MLC) applies are subject to MLC inspection at least every three (3) years. They are not required to have a Declaration of Maritime Labour Convention (DMLC) Part I and DMLC Part II unless the owner chooses to have a voluntary ML certificate. These ships should have an Inspection Report issued by a Recognized Organization (RO) to St Vincent and The Grenadines Maritime Administration.

Port State inspectors should accept a MLC Inspection Report issued by the RO as prima facie evidence of MLC compliance.

St Vincent and The Grenadines Maritime Administration encourages shipowners of less than 500 GT, engaged on international voyages, to apply voluntarily for a ML Certificate in order to prevent possible problems with Port State Control.

#### **Ships under 500 GT [(MLC Article 2, Para. (c)) in International Voyages**

MLC does not apply to ships navigating exclusively within St. Vincent and The Grenadines' inland or sheltered waters or areas where port regulations apply.

According to the Convention, commercial ships of less than 500GT engaged on international voyages will be required to meet the same MLC requirements as ships over 500 GT i.e. ships under 500 GT should also comply with the Convention however, they are not required to be certified. As previously stated, they are required to be inspected every three (3) years, but they are not required to have a DMLC Part I and DMLC Part II unless the owner chooses voluntary certification. In this case, these ships should be treated exactly as the ships of 500 GT and over (refer to Circular MLC 002, Para 5).

For ships of less than 500 GT, it is not mandatory to have a ML Certificate on board but this Certificate may be issued on a voluntary basis if requested by the Shipowner.

## **Ships of less than 200 GT**

It has been recognized at an early stage that the accommodation standards in the MLC would be difficult to apply to small ships. Consequently, substantial equivalency from Title 3 of the Convention may be applicable to ships of less than 200 GT built on or after 20<sup>th</sup> August 2013 after consultation with the social partners.

St Vincent and The Grenadines Maritime Administration will determine, after consultation with the social partners, whether all or any of the requirements of the MLC Convention Part A should be applied to ships of less than 200 GT not engaged in international voyages (operating only in domestic waters).

Ships of less than 200 GT engaged in international voyages may be, according to MLC Standard A3.1.20, exempted, after consultation with the social partners, from some requirements of the MLC. This includes the requirements for air conditioning, minimum cabin size, wash basins in sleeping rooms and laundry facilities on board.

## **Exemptions and Substantial Equivalences**

MLC 2006 allows very limited options for exemption from Title 3 (Accommodation, Recreational Facilities, Food, Catering and Water).

Exemptions may only be granted in consultation with the concerned seafarers' and shipowners' organizations or through the Special Tripartite Committee at the ILO.

This Administration strongly recommends that shipowners ~~to~~ strive for full compliance where possible without relying on exemptions since both processes (consultation with the concerned seafarers' and shipowners' organizations or through the Special Tripartite Committee at the ILO) are known to be lengthy.

A shipowner, who wishes to obtain an exemption, should submit an Application for consideration to this Administration via the RO some time in advance.

The RO involved in MLC inspections should clearly indicate their support or reservation of any aspect of the Application, and, if relevant, any recommendations or conditions that may be considered. The exemption issued by this Administration should be attached to the MLC Inspection Report.

Substantial equivalences will be accepted if this Administration is satisfied that the relevant legislation or other implementing measure is conducive to the full achievement of the general object and purpose of the provision or provisions of Part A of the concerned Code and gives effect to the provision or provisions of Part A of the concerned Code.

Any substantial equivalence issued by this Administration should be attached to the MLC Inspection Report.

## **Shipowners**

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 fulfil certain of the duties or responsibilities on behalf of the shipowner.

As indicated in the Certificate of Registry and in any case, the Registered Owner, should complete the annexed form "Declaration of Shipowner assuming MLC responsibilities". The Registered Owner should identify a responsible entity including a physical address, contact

details (at least a telephone number and an e-mail address) as well as the name(s) and a 24 hours telephone number for the responsible person(s).

The relevant Declaration is annexed to this Circular.

### **MLC Inspections**

MLC inspections should be similar to inspections on ships of 500 GT and over but without the DMLC Part I and DMLC Part II at the starting points.

The national provisions [(Shipping (Maritime Labour Convention) Regulation 2013] implementing the requirements of the Convention and the General DMLC, Part I (refer to MLC 002 Circular, Annex) would, therefore, be applicable for these ships.

Owners of ships of less than 500 GT to which the MLC applies will need to contact the RO to arrange for an inspection to be carried out on their ship.

The Registered Owner should complete a "Declaration of Shipowner assuming MLC responsibilities". This document should be available on board before the inspection.

As far as inspection of Accommodations and On-board Recreational Facilities are concerned, please refer to Circular MLC 002, Para 5.2 and attach pertaining checklist to the MLC Inspection Report for the existing ships. Existing ships are defined as ships whose keel laying dates are before 20<sup>th</sup> August 2013, the date on which the MLC 2006 enters into force.

Upon completion of the inspection the RO will prepare and issue an Inspection Report which will be posted at a prominent place on board.

When owners choose for a voluntary certification, the process will be the same as for ships of 500 GT and over.

The fourteen (14) inspection items stated below are mandatory although **all the indicated provisions** of the MLC should be complied with:

1. Minimum age
  2. Medical certification
  3. Qualifications of seafarers
  4. Seafarers' employment agreements
  5. Use of any licensed or certified or regulated private recruitment and placement service
  6. Hours of work or rest
  7. Manning levels for the ship
  8. Accommodation and On-board recreational facilities
  9. Food and catering
  10. Health and safety and accident prevention
  11. On-board medical care
  12. On-board complaint procedures
  13. Payment of wages
- Entitlement to leave
  - Repatriation
  - Shipowners' liability
  - Social security
  - General principles (copy of MLC, 2006 on board)

Shipowners are encouraged to provide the following documents to the MLC attending inspector:

- A copy of the Seafarers' Employment Agreement(s) for seafarers serving on that ship and if, applicable, a copy of the Collective Bargaining Agreement. When the Seafarers'

Employment Agreement is signed by a ship owner's representative, a copy of the Agreement between the ship's owner and the shipowner's representative;

- A copy of the shipowner's evidence of financial security for the seafarers' repatriation;
- A copy of the ship owner's evidence of financial security to ensure compensation in case of the seafarer's death or of a long-term disability due to an occupational injury, illness or hazard;
- A copy of the form of ship board working arrangements for use on-board the ship;
- A copy of the form of daily hours of rest for use on-board the ship;
- A copy of the shipowner's health and safety policy;
- A copy of the on-board complaint procedures;
- St. Vincent and The Grenadines' Seaman's Book for each seafarer on board;
- Valid documents of Seafarers' qualification;
- Valid medical certificates

For a satisfactory inspection to be completed, the attending MLC inspector should use different methods, including document review, visual observation, general discussions with seafarers and private interviews with seafarers. Interviews with seafarers should keep the confidentiality of the information presented.

The RO should issue an MLC Inspection Report. This will indicate to Port State Control's inspectors that St Vincent and The Grenadines Maritime Administration is satisfied that the ship is compliant with national legislation implementing the MLC. This form will not be issued until the ship's owner has demonstrated that all the elements stated in the Inspection Report have been dealt with to the satisfaction of the RO's MLC Inspector.

#### **Action of the Shipowner upon issue of the MLC Inspection Report by RO**

A copy of the MLC Inspection Report should be posted at prominent place on board.

The following should be submitted by the shipowner to this Administration:

- A copy of the Inspection Report
- A Shipowner's Declaration assuming MLC responsibilities (annexed to this Circular)
- Crew list including the seafarers' gender
- Manager's / Operator's confirmation that all seafarers on board are in possession or have applied for the St Vincent and The Grenadines Seaman's book, including the Office to which the applications were sent.

#### **Interim MLC Inspection/Interim MLC Inspection Report**

If the ship is a new ship on delivery, when a ship changes Flag or when a shipowner takes the responsibility for the operation of a ship which is new to him, an Interim MLC Inspection should be carried out and an Interim MLC Inspection Report should be issued.

An interim MLC Inspection Report may only be issued upon verification that:

(a) the ship has been inspected, as far as reasonable and practicable, for the fourteen (14) items listed in Title 5, Appendix A5-I of MLC, 2006, taking also into account the verification of items under the subparagraphs 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

### **Full MLC Inspection/ Definite MLC Inspection Report**

A Definite MLC Inspection Report should be issued following a full MLC Inspection which should be carried out within six (6) months from the date of the Interim MLC Inspection.

A definite MLC Inspection Report should be issued by the authorized RO upon completion of a satisfactory inspection. It should not be issued until the shipowner has demonstrated that all fourteen (14) items listed in Title 5, Appendix A5-I of MLC, 2006 are dealt with to the RO MLC Inspector's satisfaction.

As previously stated, the ships are subject to MLC inspection at least every three (3) years. This inspection should be carried out in order to ensure an ongoing compliance with the requirements of MLC, 2006

### **Recognized Organization's action**

This Administration should be notified by the RO as soon as the vessel's MLC Inspection Report has been issued.

The RO should immediately notify this Administration if the Shipowner has failed to submit the vessel for MLC Inspection within the three (3) years period.

### **Additional MLC Inspection/Additional MLC Inspection Report**

An additional inspection should be required in the following cases:

- Substantial alteration of ship's accommodation;
- Change of ship's type;
- Ship has been more than twelve (12) months out of service; and
- When a corrective action plan to rectify the deficiencies or the significant deficiencies has been accepted by the attending MLC Inspector.

An additional inspection may be required in the following cases:

- If the Administration receives a complaint which it does not consider as unfounded or obtains evidence that a ship does not conform with the requirements of this Convention;
- If, after a more detailed inspection by an authorized Port State Control's officer, the ship is prohibited from proceeding to sea due to a serious or repeated breach of the requirements of this Convention, or a plan of action to rectify such non conformities has been accepted by the authorized officer; and
- Other occasions as this Administration may deem appropriate.

### **Handling of deficiencies**

The shipowner is responsible for the rectification of any deficiency identified by the inspector(s) within the agreed time period. A deficiency (if any) should be recorded in the MLC Inspection Report.

All deficiencies found during the inspection have been rectified through immediate corrective action or a rectification plan has been provided by the master or another shipowner's representative and agreed by the attending MLC inspector.

A significant deficiency may be downgraded if the attending MLC inspector is satisfied that an effective rectification has been made. A significant deficiency raised during an on-board inspection should be corrected or downgraded prior the ship sails. **This Administration should be notified by the RO about all significant deficiencies whether downgraded or not at the earliest opportunity.**

When a significant deficiency has been corrected or downgraded, at least one additional inspection should be carried out within the time frame as agreed with the shipowner to verify the effectiveness of the actions that have been taken.

An additional inspection may also be required to verify the implementation of corrective actions taken in response to deficiencies, depending on the number and nature of the deficiencies identified.

In such cases, the attending MLC inspector should clearly specify the due date by which the additional inspection should be held. If no additional inspection is deemed necessary, the verification of the effectiveness of the corrective actions should take place as part of the next scheduled inspection.

Deficiencies not effectively addressed by the shipowner by its due date may be upgraded as significant deficiencies.

This Administration should be immediately notified by the Shipowner if any significant deficiency is imposed by Port State Control.

Annex: Declaration of Shipowner assuming MLC responsibilities

#### **Revision History**

Rev 1: Shipowners, MLC Inspections, Recognized Organization's action, Annex

Rev 2: Exemptions and Substantial Equivalences, MLC Inspections



# ST. VINCENT AND THE GRENADINES

## MARITIME ADMINISTRATION

### ILO MLC 2006

### Declaration of Shipowner assuming MLC responsibilities

In accordance with Article II of Maritime Labour Convention, 2006, "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.

The undersigned **confirms** that:

Name of the Company*	
Address*	
Name of Responsible Person*	
Telephone*	
E – mail*	
Fax (optional)	

Is the **Shipowner**, responsible for all the requirements imposed by MLC 2006 for the Ship(s) listed below:

Ship's Name*	IMO Number (if any)	Official Number*

\*Compulsory entry

Remarks	
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The undersigned agrees that any change in the "Shipowner's" status should be made in writing to this Administration.

Date
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Registered Owner
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