

RULES FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS

GUIDANCE FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS

**Rules for the Inspection and Registration of Maritime
Labour Systems** **2017 AMENDMENT NO.1**
Guidance for the Inspection and Registration of Maritime Labour Systems
2017 AMENDMENT NO.1

Rule No.28 / Notice No.26 1st June 2017
Resolved by Technical Committee on 30th January 2017
Approved by Board of Directors on 20th February 2017

ClassNK
NIPPON KAIJI KYOKAI

An asterisk (*) after the title of a requirement indicates that there is also relevant information in the corresponding Guidance.

RULES FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS

RULES

2017 AMENDMENT NO.1

Rule No.28 1st June 2017

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An asterisk (*) after the title of a requirement indicates that there is also relevant information in the corresponding Guidance.

AMENDMENT TO THE RULES FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS

“Rules for the inspection and registration of maritime labour systems” has been partly amended as follows:

Appendix MARITIME LABOUR REQUIREMENTS DEEMED TO BE NECESSARY BY THE SOCIETY

3. Regulations Based on *Maritime Labour Convention*

3.2 Conditions of Employment (Title 2)

3.2.5 Repatriation (Regulation 2.5)*

Sub-paragraphs -4 and -5 have been added as follows.

1 Shipowners are to make arrangements for the repatriation of seafarers on ships in the following circumstances:

- (1) if the seafarers’ employment agreement expires while they are abroad;
- (2) when the seafarers’ employment agreement is terminated by the shipowner or by the seafarer for justified reasons; and also
- (3) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.

2 Shipowners are to not require that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers’ wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations, other measures, or applicable collective bargaining agreements, to be in serious default of the seafarer’s employment obligations.

3 All ships are to carry and make available to seafarers a copy of the applicable national provisions regarding repatriation written in an appropriate language.

4 In cases where the amendments of 2014 to the Maritime Labour Convention approved by the International Labour Organization at the 103rd session of its General Conference held in June 2014 are in force in the flag state of a ship, such a ship is to carry on board a certificate or other documentary evidence of an appropriate financial security system for repatriation of seafarers in the event of their abandonment, which falls under any of the following (1) to (3), to show that the system is in place. The certificate or evidence is to be issued by the financial security provider, and a copy is to be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider is to be carried on board.

- (1) The shipowner fails to cover the cost of the seafarer’s repatriation.
- (2) The shipowner has left the seafarer without the necessary maintenance and support (including adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care).
- (3) The shipowner has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.

5 The certificate or other documentary evidence specified in -4 above is to contain the information deemed appropriate by the Society. It is to be in English or accompanied by an English translation.

3.4 Health Protection, Medical Care, Welfare and Social Security Protection (Title 4)

3.4.2 Shipowners' Liability (Regulation 4.2)*

Sub-paragraphs -3 and -4 have been added as follows.

1 Shipowners are to provide seafarers employed on the ships with a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement. With respect to shipowner responsibility, the following requirements apply except in cases where such sickness or injury take place due to the intentional or negligent action of the seafarer.

(1) Shipowners are liable to bear the following costs:

((a) is omitted.)

(b) financial security to assure compensation in the event of the death or long-term disability of seafarers due to occupational injuries, illnesses or hazards, as set out in national laws, the seafarers' employment agreements or collective bargaining agreements;

((c) and (d) are omitted.)

((2) is omitted.)

(-2 is omitted.)

3 In cases where the amendments of 2014 to the Maritime Labour Convention approved by the International Labour Organization at the 103rd session of its General Conference held in June 2014 are in force in the flag state of a ship, such a ship is to carry on board a certificate or other documentary evidence of an appropriate financial security system to assure the compensation specified in -1(1)(b) above for contractual claims (i.e., any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard as set out in national law, the seafarers' employment agreement or collective agreement) to show that the system is in place. The certificate or evidence is to be issued by the financial security provider, and a copy is to be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider is to be carried on board.

4 The certificate or other documentary evidence of financial security specified in -3 above is to contain the information deemed appropriate by the Society. It is to be in English or accompanied by an English translation.

EFFECTIVE DATE AND APPLICATION

- 1.** The effective date of the amendments is 1 June 2017.

GUIDANCE FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS

GUIDANCE

2017 AMENDMENT NO.1

Notice No.26 1st June 2017

Resolved by Technical Committee on 30th January 2017

Notice No.26 1st June 2017

AMENDMENT TO THE GUIDANCE FOR THE INSPECTION AND REGISTRATION OF MARITIME LABOUR SYSTEMS

“Guidance for the inspection and registration of maritime labour systems” has been partly amended as follows:

Appendix MARITIME LABOUR REQUIREMENTS DEEMED TO BE NECESSARY BY THE SOCIETY

3. Regulations Based on *Maritime Labour Convention*

3.2 Conditions of Employment (Title 2)

Paragraph 3.2.5 has been added as follows.

3.2.5 Repatriation (Regulation 2.5)

1 The wording “appropriate financial security system” in 3.2.5-4, Appendix of the Rules refers to one prescribed by the flag state in accordance with the requirements of Standard A2.5.2 of the Maritime Labour Convention.

2 The “information deemed appropriate by the Society” referred to in 3.2.5-5, Appendix of the Rules means the following (1) to (9) information:

- (1) name of the ship;
- (2) port of registry of the ship;
- (3) call sign of the ship;
- (4) IMO number of the ship;
- (5) name and address of the provider or providers of the financial security;
- (6) contact details of the persons or entity responsible for handling seafarers’ requests for relief;
- (7) name of the shipowner;
- (8) period of validity of the financial security; and
- (9) an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2 of the Maritime Labour Convention.

Section 3.4 has been added as follows.

3.4 Health Protection, Medical Care, Welfare and Social Security Protection (Title 4)

3.4.2 Shipowners’ Liability (Regulation 4.2)

1 The wording “appropriate financial security system” in 3.4.2-3, Appendix of the Rules refers to one prescribed by the flag state in accordance with the requirements of Standards A4.2.1 and A4.2.2 of the Maritime Labour Convention.

2 The “information deemed appropriate by the Society” referred to in 3.4.2-4, Appendix of the Rules means the following (1) to (9) information:

- (1) name of the ship;
- (2) port of registry of the ship;
- (3) call sign of the ship;
- (4) IMO number of the ship;

- (5) name and address of the provider or providers of the financial security;
- (6) contact details of the persons or entity responsible for handling seafarers' contractual claims;
- (7) name of the shipowner;
- (8) period of validity of the financial security; and
- (9) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1 of the Maritime Labour Convention.

EFFECTIVE DATE AND APPLICATION

1. The effective date of the amendments is 1 June 2017.