

Subject

The Paris MoU PSC Concentrated Inspection Campaign
on "Maritime Labour Convention, 2006"

ClassNK

Technical Information

No. TEC-1079
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To whom it may concern

Please be informed that the Paris MoU issued a Press release announcing the launch of the following PSC Concentrated Inspection Campaign (CIC) in 2016.

Item of CIC: Maritime Labour Convention, 2006 (Entered into force on 20 August 2013).
Title 1 to 5, Regulations and Standards "A"

CIC period: From 1 September 2016 to 30 November 2016

For the detail of the inspection, please refer to the attached Press release. (issued on July 28, 2016)
For your reference, Chapter 4 of "Guidelines for Port State Control Officers under the MLC, 2006" issued by ILO is attached.

For any questions about the above, please contact:

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Attachment:

1. The Paris MoU Press release (incl. Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006)
2. "Guidelines for Port State Control Officers under the MLC, 2006" Chapter 4

NOTES:

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Press release

28 July 2016

LAUNCH OF CONCENTRATED INSPECTION CAMPAIGN ON MLC,2006

The Paris Memorandum of Understanding (MoU) on Port State Control will launch a Concentrated Inspection Campaign (CIC) on the Maritime Labour Convention, 2006 (MLC,2006). The aim of the CIC is to verify that the minimum standards for working and living conditions have been implemented on board. This inspection campaign will be held for a period of three months, commencing from 1 September 2016 and ending 30 November 2016.

The ship's procedures and measures that are in place with respect to MLC,2006 will be checked in detail for compliance with the requirements during a regular Port State Control inspection.

Secretary General Richard Schiferli stated: "Working and living conditions on board have always been a prime area of attention. With the introduction of the MLC enforcement opportunities have greatly improved. Three years after the entry into force, the time is right to focus on the MLC during a concentrated inspection campaign".

Port State Control Officers (PSCOs) will use a list of 12 selected questions to ensure that the required certificates and documentation are present, in particular those related to the seafarers on board. Additionally there are questions aimed at verification of records of the inspections of the accommodation, food and catering, and whether a safety committee has been established.

When deficiencies are found, actions by the port State may vary from recording a deficiency and instructing the master to rectify it within a certain period of time to detaining the ship until serious deficiencies have been rectified. In the case of detention, publication in the monthly detention lists of the Paris MoU web sites will take place.

It is expected that the Paris MoU will carry out approximately 4,500 inspections during the CIC.

The results of the campaign will be analyzed and findings will be presented to the Port State Control Committee. The CIC questionnaire on MLC, 2006 is also published on the Paris MoU website (<http://www.parismou.org/>)

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Notes to editors:

Regional Port State Control was initiated in 1982 when fourteen European countries agreed to coordinate their port State inspection effort under a voluntary agreement known as the Paris Memorandum of Understanding on Port State Control (Paris MOU). Currently 27 countries are member of the Paris MOU. The European Commission, although not a signatory to the Paris MOU, is also a member of the Committee.

The Paris MoU is supported by a central database THETIS hosted and operated by the European Maritime Safety Agency in Lisbon. Inspection results are available for search and daily updating by MoU Members. Inspection results can be consulted on the Paris MoU public website and are published on the Equasis website.

The Secretariat of the MoU is provided by the Netherlands Ministry of Infrastructure and the Environment and located in The Hague.

Port State Control is a check on visiting foreign ships to verify their compliance with international rules on safety, pollution prevention and seafarers living and working conditions. It is a means of enforcing compliance in cases where the owner and flag State have failed in their responsibility to implement or ensure compliance. The port State can require defects to be put right, and detain the ship for this purpose if necessary. It is therefore also a port State's defence against visiting substandard shipping.

Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

Ship's name	
IMO Nr	
Date of inspection	

N°	QUESTIONS	YES	NO	N/A
1*	Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health? Standards A 1.1. para. 4			
2*	Are all seafarers holding valid certificate(s) attesting medical fitness? Standard A 1.2. para. 1			
3**	Have all seafarers successfully completed their training for personal safety on board? Regulation 1.3. para. 2			
4.1**	Do all seafarers have a copy of their seafarers' employment agreement? Standards A 2.1. para 1 (a)			
4.2**	Are the seafarers' employment agreements in compliance with minimum standard required by MLC? Standards A 2.1. para 4			
5	If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006? Standard A 1.4. para. 2 and para 9			
6	Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review? Standard A 3.1. para. 18			
7	Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented? Standard A 3.2 para. 7			
8	Has a ships safety committee been established on board regarding ships on which there are five or more seafarers? Standard A 4.3. para. 2d			
9*	For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW? Standard A.4.1. para. 4c			
10**	Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship ? Standard A 5.1.5 para.4			
11**	Have all seafarers received monthly accounts of their payments due and amounts paid? Standard A2.2, para. 2			
12	Was the ship detained as result of the CIC?			

*Note: Questions 1 to 11 answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection.
If the box "No" is ticked off for questions marked with an "**", the ship may be considered for detention.
If the box "No" is ticked off for questions marked with an "***", and if the deficiency found is repeated (occure more than 1 time), the ship may be considered for detention.*

4. More detailed inspection of maritime labour conditions on ships

4.1. General note

84. This chapter is intended to provide a practical tool for guidance concerning the subject matter of a more detailed inspection under the MLC, 2006. For an authoritative statement of requirements on any issue, reference should be made to the text of the MLC, 2006, and – in so far as they are outlined in a valid Maritime Labour Certificate and attached DMLC – to the national laws or regulations or collective bargaining agreements or other measures implementing the MLC, 2006, that are applicable to the ship concerned.

85. Where a ship is not carrying a Maritime Labour Certificate and DMLC (because it is a ship for which certification is not mandatory (Regulation 5.1.3, paragraph 1) and has not requested a certificate or it is a ship of a non-ratifying State), PSCOs will need to use their professional judgement when evaluating compliance with the specific requirements of the MLC, 2006. This will also apply if the information contained in the Certificate or the DMLC or documents referred to in the Certificate or DMLC or other elements clearly indicate that the ship may not be in compliance with the requirements of the Convention (including seafarers' rights) relating to working and living conditions of seafarers on the ship. The exercise of professional judgement by PSCOs will be particularly necessary where a requirement of the MLC, 2006, may be stated in general terms in the Standards (Part A of the Code). Guidance as to the general expectations regarding this requirement may be found in Part B of the Code, but this guidance should be considered with care since Part B is not mandatory and is not itself the subject of port State control; however, it provides

Guidelines for port State control officers under the MLC, 2006

information on the intention of the mandatory provisions. In cases of perceived non-conformity, the master should be given an opportunity to produce evidence of the national requirements concerned and provide any necessary explanations.

86. With respect to inspections that are initiated by the PSC authority, information is provided below on the basic requirements to be complied with, accompanied by suggestions concerning sources of information for ascertaining compliance, as well as by examples of deficiencies or non-conformities, in the 14 areas for port State inspection that are specified in Appendix A5-III of the MLC, 2006. Since these are the same as those that are to be the subject of flag State certification under Appendix A5-I (see paragraph 20 above), this guidance is based on the relevant parts of Chapter 3 of the *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*. The guidance below may also be relevant to inspections initiated upon a complaint, within the limits of the scope of the complaint.

87. It should, however, be borne in mind that except where a ship is evidently substandard, or the PSCO already has clear grounds to believe that aspects of the living and working conditions on a ship are not in compliance with the MLC, 2006, the more detailed inspection by the PSCO may be much less extensive than that carried out by the flag State. If, after visiting the main spaces on the ship and talking to seafarers, the PSCO finds that the ship appears to be well maintained and operated and the seafarers appear to be satisfied with their general conditions of work, the PSCO may decide to choose several of the 14 areas of the requirements for a closer scrutiny, with a view to ascertaining whether the flag State inspections of the ship have been carried out and whether the shipowner's measures for ensuring ongoing compliance are adequate and are being adequately implemented. Depending upon

More detailed inspection of maritime labour conditions on ships

the results, the PSCO may decide to end the more detailed inspection, or to extend it to more or even all of the other areas referred to in Appendix A5-III.

88. Finally, in the following section, frequent reference is made to requirements under the national laws or to national requirements or to similar terms. These relate to the relevant national requirements that have been adopted by the flag State to implement the requirements of the Convention. It should be understood that it is not the function of PSCOs to enforce any national requirements that go beyond the requirements of the MLC, 2006.

4.2. The basic requirements; sources of information; examples of deficiencies or non-conformities

Regulation 1.1 – Minimum age (Appendix A5-III – Minimum age)

Basic requirements

- Persons below the age of 16 shall not be employed or engaged or work on a ship (Standard A1.1, paragraph 1).
- Seafarers under the age of 18 shall not be employed or engaged or work where the work is likely to jeopardize their health or safety (Standard A1.1, paragraph 4).
- Special attention must be paid to the safety and health of seafarers under the age of 18, in accordance with national laws and regulations (Standard A4.3, paragraph 2(b)).
- Night work* for seafarers under the age of 18 is prohibited, except to the extent that an exemption has been made by the competent authority under Standard A1.1, paragraph 3, in the case of training programmes (Standard A1.1, paragraph 2).

* “Night” is defined in accordance with national law and practice. It covers a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. (Standard A1.1, paragraph 2).

Guidelines for port State control officers under the MLC, 2006

Sources of information

- A crew list, a passport or other official document confirming seafarers' birth dates.
- Work schedule with respect to seafarers under the age of 18 to determine hours and nature of work.
- Information on types of work on board that have been identified as likely to jeopardize the safety of seafarers under the age of 18.
- Recent accident reports and safety committee reports to determine whether seafarers under the age of 18 were involved.
- Interviews, in private, with seafarers.

Examples of deficiencies

- Person under the age of 16 working as a seafarer.
- Seafarer under the age of 18 working at night (and not as part of a training programme).
- Seafarer under the age of 18 carrying out tasks that are likely to jeopardize their safety or health.

Regulation 1.2 – Medical certificate (Appendix A5-III – Medical certification)

Basic requirements

- Seafarers are not allowed to work on a ship unless they are certified * as medically fit to perform their duties (Regulation 1.2, paragraph 1).
- For seafarers working on ships ordinarily engaged on international voyages the certificate must be provided as a minimum in English (Standard A1.2, paragraph 10).
- The medical certificate must have been issued by a duly qualified medical practitioner and must still be valid (Standard A1.2, paragraphs 1 and 4).

More detailed inspection of maritime labour conditions on ships

- The period of validity** for a certificate is determined under the national law of the flag State in accordance with the following:
 - two-year maximum for medical certificates except for seafarers under 18; then it is one year (Standard A1.2, paragraph 7(a));
 - six-year maximum for a colour vision certificate (Standard A1.2, paragraph 7(b)).

*** Certificates issued in accordance with, or meeting the substance of the applicable requirements, under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, are to be accepted as meeting these requirements (Standard A1.2, paragraph 3).**

** The above requirements should be read in light of the following provisions of the MLC, 2006:

8. In urgent cases the competent authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:

- (a) the period of such permission does not exceed three months; and
- (b) the seafarer concerned is in possession of an expired medical certificate of recent date (Standard A1.2, paragraph 8).

9. If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months (Standard A1.2, paragraph 9).

Sources of information

- The crew list.
- The medical certificates.
- Colour vision certificates, where appropriate.

Guidelines for port State control officers under the MLC, 2006

- Work schedules and interviews, in private, with seafarers to determine that medical restrictions on work for individual seafarers are being respected and that seafarers are not assigned to, or carrying out, work contrary to these restrictions.
- The authorization or permit (subject to a maximum validity of three months) where the competent authority of the flag State has permitted a seafarer to work without a valid, or with an expired, certificate in urgent cases.

Examples of deficiencies

- Seafarer on board without a valid medical or colour vision certificate (where appropriate) or authorization from the competent authority in urgent cases.
- Seafarer working on the ship or performing tasks contrary to a restriction on a medical certificate.
- Seafarer's medical certificate not in the English language on a ship ordinarily engaged in international voyages.
- A medical certificate that has not been issued by a duly qualified medical practitioner.

Regulation 1.3 – Training and qualifications (Appendix A5-III – Qualifications of seafarers)

Basic requirements

- Seafarers must be trained or certified* as competent or otherwise qualified to perform their duties in accordance with flag State requirements (Regulation 1.3, paragraph 1).
- Seafarers must have successfully completed training for personal safety on board ship (Regulation 1.3, paragraph 2).

*** Training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.**

More detailed inspection of maritime labour conditions on ships

Sources of information

- Minimum Safe Manning Document (SMD) to verify the required qualifications of the seafarers.
- Certificates and endorsements for STCW personnel confirming seafarers' competency with respect to their duties (as well as the crew list to determine duties).
- Documentary evidence (from a shipowner or, if relevant to the position concerned, a national authority or otherwise) confirming that seafarers have any qualifications that may be required under the MLC, 2006, for those performing other duties on board ship (for example, ships' cooks – see below, Regulation 3.2).
- Evidence confirming that seafarers have successfully completed training for personal safety on board ship.
- Appropriate training material that is available to the crew.
- Interviews, in private, with seafarers to confirm training.

Examples of deficiencies

- Seafarer's qualifications not in accordance with the SMD.
- Seafarer working on the ship who is not trained or certified or otherwise qualified to perform required duties.
- Certificates or endorsements are not up to date or have expired.
- Seafarer working on the ship who has not successfully completed personal safety training.
- Absence of a valid dispensation issued under STCW, where needed.

Guidelines for port State control officers under the MLC, 2006

Regulation 1.4 – Recruitment and placement

(Appendix A5-III – Use of any licensed or certified or regulated private recruitment and placement service)

Basic requirements

- Where a shipowner has used a private seafarer recruitment and placement service it must be licensed or certified or regulated in accordance with the MLC, 2006 (Standard A1.4, paragraph 2).
- Seafarers shall not be charged for use of these services (Standard A1.4, paragraph 5(b)).
- Shipowners using services based in States not party to the MLC, 2006, must ensure, as far as practicable, that these services meet the requirements of the MLC, 2006 (Standard A1.4, paragraph 9).

Sources of information

- National web sites of the competent authority regarding the licensing or regulation of seafarer recruitment and placement services (manning agencies).
- If seafarers were engaged through a seafarer recruitment and placement service based in a country that has not ratified the MLC, 2006, documentation should be available to show that the shipowner has, as far as practicable, verified through a proper system that the service is operated consistently with the MLC, 2006. The shipowner's system may, for example, take account of information collected by the flag State, as well as any audits or certifications concerning the quality of services operating in countries that have not ratified the MLC, 2006. Other evidence which shipowners could provide might be checklists against the MLC requirements or an RO audit of a recruitment and placement service based in a country that has not ratified the MLC, 2006.

More detailed inspection of maritime labour conditions on ships

- Interviews, in private, with seafarers to determine that they have not paid a fee or other charge to a recruitment or placement service and have been informed of their rights and duties.
- Interviews, in private, with seafarers to determine that the recruitment and placement service used does not operate a black-list.

Examples of deficiencies

- No documentary evidence available to indicate that the service or agency is operated in accordance with the MLC, 2006.
- A seafarer who was recruited through a private seafarer recruitment and placement service that was not licensed or certified or regulated in accordance with the MLC, 2006, or whose license or certificate or any other similar document is no longer valid.
- Use of a private recruitment and placement service requiring the seafarer to pay a fee or other charge for employment services.
- A seafarer working on board who was recruited by a recruitment and placement service operating in a State which is not party to the MLC, 2006, in cases where the shipowner cannot support its conclusion of consistency with the MLC, 2006.

Regulation 2.1 – Seafarers’ employment agreements (Appendix A5-III – Seafarers’ employment agreements)

Basic requirements

- All seafarers must have a copy of their seafarers’ employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner’s representative (or other evidence of contractual or similar arrangements) (Standard A2.1, paragraph 1(a)).

Guidelines for port State control officers under the MLC, 2006

- A SEA must, at a minimum, contain the matters set out in Standard A2.1, paragraph 4(a)–(k) of the MLC, 2006 (Standard A2.1, paragraph 4).
- Seafarers must also be given a document containing a record of their employment on the ship (such as a discharge book) (Standard A2.1, paragraph 1(e)).
- Where a collective bargaining agreement forms all or part of the SEA, the agreement must be on board the ship with relevant provisions in English (except for ships engaged only in domestic voyages) (Standard A2.1, paragraph 2).

Sources of information

- A copy of the SEA (or other evidence of contractual or similar arrangements) and any applicable collective bargaining agreements for seafarers and, at a minimum, a standard form of the SEA (in English) for the ship.
- Evidence, where possible, given the timing of the inspection relative to employment period, of possession by seafarers of a record of their employment.
- Seafarers' records of employment to determine that they do not contain statements as to the quality of their work or as to their wages.
- Interviews, in private, with seafarers to confirm that, on signing a SEA, they were given an opportunity to examine and seek advice and freely accepted the agreement before signing.

Examples of deficiencies

- A seafarer without a SEA (or other evidence of contractual or similar arrangements) working on the ship.
- A seafarer, with a SEA that does not contain all the items in Standard A2.1, paragraph 4(a)–(k).

More detailed inspection of maritime labour conditions on ships

- A seafarer with a SEA that is inconsistent with the national requirements of the flag State.
- No system or provisions for seafarers to have their employment recorded.
- Seafarers are not given a record of their employment on the ship on completion of engagement.
- A collective bargaining agreement that forms all or part of the SEA is either not on board or, if on board, not in English on a ship that engages in international voyages.
- Standard form SEA is not in English.
- The SEA contains clauses that violate seafarers' rights.

Regulation 2.2 – Wages

(Appendix A5-III – Payment of wages)

Basic requirements

- Seafarers must be paid at no greater than monthly intervals and in full for their work in accordance with their employment agreements (Regulation 2.2, paragraph 1; Standard A2.2, paragraph 1).
- Seafarers are entitled to an account each month indicating their monthly wage and any authorized deductions such as allotments (Standard A2.2, paragraphs 2, 3 and 4).
- No unauthorized deductions, such as payments for travel to or from the ship (Regulation 2.2, paragraph 1).
- Charges for remittances/allotment* transmission services must be reasonable and exchange rates in accordance with national requirements (Standard A2.2, paragraph 5).

* An allotment is an arrangement whereby a proportion of seafarers' earnings are regularly remitted, on their request, to their families or

Guidelines for port State control officers under the MLC, 2006

dependants or legal beneficiaries whilst the seafarers are at sea (Standard A2.2, paragraphs 3 and 4).

Sources of information

- The SEA and documentation, such as the payroll records to confirm that wages are being paid at intervals no greater than one month as specified in their SEA or relevant collective agreements.
- Relevant documents showing service charges and exchange rates applied to any remittances made to the seafarers' families or dependants or legal beneficiaries at their request.
- Relevant documents to confirm the payment of wages including the requirement that a monthly account (such as a wage slip) is provided to the seafarers. Copies of individual accounts should be available to PSCOs at their request.
- Interviews, in private, with seafarers to confirm compliance with requirements on the payment of wages.

Examples of deficiencies

- A seafarer is not paid regularly (at least monthly) and in full in accordance with the SEA or collective bargaining agreement.
- A seafarer is not given a monthly account (such as a wage slip) of wages.
- Allotments are not being paid or are not being paid in accordance with the seafarer's instructions.
- Charge for converting and transmitting currencies is not in line with national requirements.
- More than one set of wage accounts is in use.

More detailed inspection of maritime labour conditions on ships

Regulation 2.3 – Hours of work and hours of rest (Appendix A5-III – Hours of work or rest)

Basic requirements

- The minimum hours of rest* must not be less than ten hours in any 24-hour period, and 77 hours in any seven-day period, if the relevant national law relates to hours of rest, or, if the relevant national law relates to hours of work, the maximum hours of work** must not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period (Standard A2.3, paragraph 5, as implemented in national standards).***
- Hours of rest may be divided into no more than two periods, one of which must be at least six hours; the interval between consecutive periods of rest must not exceed 14 hours (Standard A2.3, paragraph 6, as implemented in the national standards).***
- Account must be taken of the danger posed by the fatigue of seafarers (Standard A2.3, paragraph 4).

* Hours of rest means time outside hours of work; this term does not include short breaks (Standard A2.3, paragraph 1(b)).

** Hours of work means time during which seafarers are required to do work on account of the ship (Standard A2.3, paragraph 1(a)).

*** With respect to the national standards implementing Standard A2.3:

Standard A2.3, paragraph 3, provides that “Each Member acknowledges that the normal working hours’ standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers’ normal working hours on a basis no less favourable than this standard.”

Standard A2.3, paragraph 7, provides that “Musters, firefighting and lifeboat drills, and drills prescribed by national laws and regulations and by

Guidelines for port State control officers under the MLC, 2006

international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.”

Standard A2.3, paragraph 8, provides that “When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.”

Standard A2.3, paragraph 13, provides that “Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.”

Sources of information

- An approved standardized table of shipboard working arrangements setting out the national requirements for maximum hours of work or the minimum hours of rest and the schedule for service at sea and in port, which should be posted in an easily accessible place on the ship (the table of working arrangements or schedule in the working language or languages of the ship and in English).
- Documents (the SEA or the relevant collective agreement and other documents, such as the bridge and engine room log-books, that can also be checked) to confirm compliance with the basic requirements concerning minimum hours of rest or maximum hours of work.
- A table of working arrangements or schedule in the working language or languages of the ship and in English.
- Up to date records of work or rest, as required under national standards, for each seafarer serving on the ship.
- Cases of seafarer fatigue, possibly indicated by hours of work that are consistently at the upper limits and by other contributory factors, such as disrupted rest periods; or cases of seafarers

More detailed inspection of maritime labour conditions on ships

showing symptoms such as lack of concentration, irrelevant and inconsistent replies to questions, yawning and slow reaction times.

Examples of deficiencies

- A seafarer's work schedule does not conform to the applicable standards.
- Table of working arrangements is not posted or does not contain required information.
- Table of working arrangements is not in English and the working language(s) of the ship.
- Records of work or rest are not available or are not maintained.
- Evidence of exceeding the limits of work and no record of suspension of the schedule, in accordance with Standard A2.3, paragraph 14, have been noted in a logbook or other document.

Regulation 2.7 – Manning levels

(Appendix A5-III – Manning levels for the ship)

Basic requirements

- Ships must have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about fatigue and the particular nature and conditions of voyage (Regulation 2.7).
- Ships as a minimum must comply with the manning levels as stated in the SMD or equivalent issued by the competent authority (Standard A2.7, paragraph 1).

Sources of information

- SMD or applicable equivalent.

Guidelines for port State control officers under the MLC, 2006

- Crew list to ascertain number, category (such as cooks and those responsible for food preparation and those who are responsible for medical care) and qualifications of seafarers working on board.
- On-board table of working arrangements to confirm that safe manning requirements are being implemented.
- Interviews, in private, with seafarers to confirm that requirements are met.

Examples of deficiencies

- Numbers and/or categories of seafarers working on board do not comply with at least the minimum specified in the SMD.
- No SMD or equivalent on board.

Regulation 3.1 – Accommodation and recreational facilities (Appendix A5-III – Accommodation) (Appendix A5-III – On-board recreational facilities)

Basic requirements

- Ships must be in compliance with the minimum standards established by the MLC, 2006, providing and maintaining decent accommodation and recreational facilities for seafarers working or living on ships, or both, consistent with promoting seafarers' health and well-being (Regulation 3.1, paragraph 1).
- Seafarer accommodation must be safe and decent and must meet national requirements implementing the MLC, 2006 (Standard A3.1, paragraph 1).
- Frequent inspections of seafarer accommodation areas are carried out by the master or a designate (Standard A3.1, paragraph 18) and are recorded and the records are available for review.

More detailed inspection of maritime labour conditions on ships

Note: For ships that were in existence before entry into force of the MLC, 2006, for the flag State: These ships may still be inspected in connection with seafarers' accommodation and recreational facilities to verify that the ship:

- meets the standards set out in ILO Conventions Nos 92, 133 or 147 (if applicable in the flag State) (Regulation 3.1, paragraph 2); and/or
- provides and maintains decent accommodation and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being (Regulation 3.1, paragraph 1).

Sources of information

- The construction plan of the ship showing dimensions and identifying the use to be made of each room or other area.
- The crew list for a comparison with the number of sleeping rooms and berths.
- Visual observation of seafarers' on-board accommodation and recreational facilities with particular attention paid to the following requirements in the MLC, 2006:
 - general requirements (Standard A3.1, paragraph 6);
 - the size of rooms and other accommodation spaces (Standard A3.1, paragraphs 9 and 10);
 - heating and ventilation (Standard A3.1 paragraph 7);
 - noise and vibration and other ambient factors (Standard A3.1, paragraph 6(h));
 - sanitary and related facilities (Standard A3.1, paragraphs 11 and 13);
 - lighting (Standard A3.1, paragraph 8);
 - hospital accommodation (Standard A3.1, paragraph 12);
 - recreational facilities (Standard A3.1, paragraphs 14 and 17);

Guidelines for port State control officers under the MLC, 2006

- occupational safety and health and accident prevention requirements on ships, in light of the specific needs of seafarers who both live and work on ships (Standard A3.1, paragraphs 2(a) and 6(h)).
- The on-board records to confirm that frequent inspections are carried out by or under the authority of the ship's master as well as for ships that carry a Maritime Labour Certificate, the DMLC Part II to check that other inspections or actions provided for in the shipowners' approved measures have been carried out.
- Evidence that measures are being taken on the ship to monitor noise and vibration levels in seafarers' working and living areas.

Examples of deficiencies

- Location of sleeping rooms on the ship does not conform to national standards implementing the MLC, 2006.
- Number and/or size (including height) of sleeping rooms do not conform to national standards implementing the MLC, 2006.
- There is more than one seafarer per berth.
- Recreational facilities do not conform to national standards implementing the MLC, 2006.
- Heating, lighting or ventilation is inadequate or not functioning correctly.
- Fittings and fixtures within seafarer accommodation areas, including the hospital, mess rooms and recreational rooms, do not conform to national standards implementing the MLC, 2006.
- Separate sleeping rooms are not provided for males and females.

More detailed inspection of maritime labour conditions on ships

- Separate sanitation facilities are not provided for males and females.
- Sanitary facilities are inadequate or not functioning correctly.
- Hospital is being used to accommodate persons who are not sick.
- Seafarer accommodation or recreational facilities are not being maintained in a clean and tidy condition.
- Regular inspections of seafarer accommodation are not being carried out by the master or another designated person.
- Laundry facilities are inadequate or not functioning correctly.
- Exposure to hazardous levels of noise and vibration and other ambient factors and chemicals in the seafarer accommodation or recreational or catering facilities.

Regulation 3.2 – Food and catering (Appendix A5-III – Food and catering)

Basic requirements

- Food and drinking water must be of appropriate quality, nutritional value and quantity, taking into account the requirements of the ship and the differing cultural and religious backgrounds of seafarers on the ship (Regulation 3.2, paragraph 1).
- Food is to be provided free of charge to seafarers during the period of engagement (Regulation 3.2, paragraph 2).
- Seafarers employed as ship's cooks* with responsibility for preparing food must be trained and qualified for their positions (Standard A3.2, paragraph 3).
- Seafarers working as ships' cooks must not be under the age of 18 (Standard A3.2, paragraph 8).
- Frequent and documented inspections of food, water and catering facilities must be carried out by the master or a designate (Standard A3.2, paragraph 7).

Guidelines for port State control officers under the MLC, 2006

* “Ship’s cook” means a seafarer with responsibility for food preparation (Regulation 3.2, paragraph 3; Standard A3.2, paragraphs 3 and 4).

Sources of information

- Documents (see Regulation 1.1 on minimum age) to confirm that the ship’s cooks are 18 years old or older and that the ship’s cooks are trained, qualified and competent for their positions in accordance with national requirements. In cases where a fully qualified cook is not required, evidence that seafarers processing food in the galley are trained or instructed in food and personal hygiene and handling and storage of food on board ships.
- On-board records to confirm that frequent and documented inspections are made of:
 - supplies of food and drinking water;
 - spaces used for handling and storage of food;
 - galleys and other equipment used in the preparation and service of meals.
- Visual observation of catering facilities, including galleys and storerooms, to check that they are hygienic and fit for purpose.
- Evidence concerning how drinking water quality is monitored and the results of such monitoring.
- Menu plans together with visual observation of food supplies and storage areas to ensure that the food supplied is of an appropriate quality (for example, not out of date) and quantity and nutritional value and is varied in nature.
- Interviews, in private, with a representative number of seafarers to ensure that seafarers are not charged for food and are provided with drinking water and that food and drinking water are of appropriate quality and quantity.

More detailed inspection of maritime labour conditions on ships

Examples of deficiencies

- Food and drinking water are not of appropriate quality, nutritional value and quantity, for the seafarers on the ship.
- Seafarer is charged for food and/or is not provided with drinking water.
- Seafarer who has responsibility for preparing food is untrained or not instructed as required.
- Ship's cook is not trained and qualified.
- Ship's cook is under the age of 18.
- Frequent and documented inspections of the food or water, or of the preparation, storage or handling areas, are not being carried out.
- Catering facilities are not hygienic or are otherwise unfit for their purpose.

Regulation 4.1 – Medical care on board ship and ashore (Appendix A5-III – On-board medical care)

Basic requirements

- Seafarers must be covered by adequate measures for the protection of their health and have access to prompt and adequate medical care, including essential dental care, whilst working on board (Regulation 4.1, paragraph 1; Standard A4.1, paragraph 1).
- Health protection and care are to be provided at no cost to the seafarer, in accordance with national law and practice (Regulation 4.1, paragraph 2).
- Shipowners are to allow seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable (Standard A4.1, paragraph 1(c)).

Guidelines for port State control officers under the MLC, 2006

Note: Port States are required to ensure that seafarers on board ships in their territory who are in need of immediate medical care are given access to the port State's medical facilities on shore (Regulation 4.1, paragraph 3).

Sources of information

- Documents (such as the SEA) to confirm that, to the extent consistent with the flag State's law and practice, medical care and health protection services while seafarers are on board ship or landed in a foreign port are provided free of charge to seafarers (Standard A4.1, paragraph 1(d)).
- Documents (such as the SEA) to confirm that seafarers are given the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable (Standard A4.1, paragraph 1(c)).
- The DMLC Part II to check what provision the shipowner has made for access to medical facilities ashore.
- Records and equipment to confirm that general provisions on occupational health protection and medical care are being observed (Standard A4.1, paragraph 1(a)).
- Visual observation to confirm that the ship is equipped with sufficient medical supplies including a medicine chest and equipment, including either the most recent edition of the *International Medical Guide for Ships* or a medical guide as required by national laws and regulations.
- Documents (such as the SMD and crew list) to confirm that:
 - a qualified medical doctor is working on board (in the case of ships that carry 100 or more people and that are ordinarily engaged in voyages of more than three days' duration); or

More detailed inspection of maritime labour conditions on ships

- where ships are not required to carry a medical doctor, they have at least one seafarer on board (who is trained and qualified to the requirements of STCW) to be in charge of medical care or is competent to provide medical first aid as part of their regular duties.
- Evidence that medical report forms are carried on board the ship.
- Interviews, in private, with a representative number of seafarers to confirm that seafarers have access to medical care on board without charge and are given leave to obtain medical and dental care services when calling in a port, where practicable.
- Evidence that procedures are in place for radio or satellite communications for medical assistance.

Examples of deficiencies

- A seafarer working on the ship is denied, without justification, shore leave by the master and/or shipowner to go ashore for medical or dental care.
- A seafarer is not provided with appropriate health protection and medical care on board ship.
- Medical personnel, with appropriate qualifications, as required by national laws or regulations, are not on board.
- Medical chest or equipment does not meet national standards and/or no medical guide is on board.
- No medical report forms are on board.
- There is evidence that a seafarer is being charged for medical or dental care contrary to national law or practice.

Guidelines for port State control officers under the MLC, 2006

Regulation 4.3 – Health and safety protection and accident prevention (Appendix A5-III – Health and safety and accident prevention)

Basic requirements

- The working, living and training environment on ships must be safe and hygienic and conform to national laws and regulations and other measures for occupational safety and health protection and accident prevention on board ship. Reasonable precautions are to be taken on the ships to prevent occupational accidents, injuries and diseases including risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may result from the use of equipment and machinery on the ship (Standard A4.3, paragraph 1(b)).
- Ships must have an occupational safety and health policy and programme to prevent occupational accident injuries and diseases, with a particular concern for the safety and health of seafarers under the age of 18 (Standard A4.3, paragraphs 1(c) and 2(b)).
- A ship safety committee, that includes participation by the seafarer safety representative, is required (for ships with five or more seafarers) (Standard A4.3, paragraph 2(d)).
- Risk evaluation is required for on-board occupational safety and health management (taking into account relevant statistical data) (Standard A4.3, paragraph 8).

Sources of information

- Relevant documents, such as the on-board occupational accident reports, and the reports of risk evaluations undertaken for the management of occupational safety and health on the ship.

More detailed inspection of maritime labour conditions on ships

- Documents evidencing membership and meetings of the safety committee (e.g. records and minutes of the meetings, etc.) if the ship has more than five seafarers.
- Documents related to the ship's on-board ongoing occupational safety and health policy and programme, to confirm that:
 - it is available to seafarers;
 - it is consistent with national provisions;
 - it includes risk evaluation, training and instruction for seafarers;
 - it pays special attention to the health and safety of young seafarers;
 - adequate preventive measures are being taken;
 - appropriate personal protective equipment is being used and maintained correctly.
- Relevant occupational safety and health and accident prevention notices and official instructions with respect to particular hazards on the ship, which should be posted on the ship in a location that will bring it to the attention of seafarers (Standard A4.3, paragraph 7).
- Evidence that appropriate protective equipment is available for seafarers to use.
- Evidence that a reporting procedure for occupational accidents is in place.
- Interviews, in private, with a representative number of seafarers to confirm on-board occupational safety and health programmes and practices.
- Evidence that, with respect to health and safety protection and accident prevention, special consideration is given to any national requirements, if applicable, covering:

Guidelines for port State control officers under the MLC, 2006

- the structural features of the ship, including means of access and asbestos-related risks;
- machinery;
- the effects of the extremely low or high temperature of any surfaces with which seafarers may be in contact;
- the effects of noise in the workplace and in shipboard accommodation;
- the effects of vibration in the workplace and in shipboard accommodation;
- the effects of ambient factors (other than noise and vibration) in the workplace and in shipboard accommodation, including tobacco smoke;
- special safety measures on and below deck;
- loading and unloading equipment;
- fire prevention and firefighting;
- anchors, chains and lines;
- dangerous cargo and ballast;
- personal protective equipment for seafarers;
- work in enclosed spaces;
- physical and mental effects of fatigue;
- the effects of drug and alcohol dependency;
- HIV/AIDS protection and prevention;
- emergency and accident response.

Examples of deficiencies

- Conditions exist on board which may impair efforts to prevent accidents.
- No evidence of an on-board policy and/or programmes for the prevention of occupational accidents, injuries and diseases.

More detailed inspection of maritime labour conditions on ships

- No established or functioning ship's safety committee when there are five or more seafarers working on board.
- Personal protective equipment is in poor condition or being incorrectly used or not being used.
- Risk assessments are missing.
- Seafarers are unaware of the measures adopted by the management to provide OSH and to prevent accidents.
- Risks posed to young seafarers have not been addressed.
- Occupational accidents are not being investigated or reported in accordance with the ship's procedures.

Regulation 5.1.5 – On-board complaint procedures (Appendix A5-III – On-board complaint procedures)

Basic requirements

- Ships must have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC, 2006 (including seafarers' rights) (Regulation 5.1.5, paragraph 1).
- All seafarers must be provided with a copy of the on-board complaint procedures applicable on the ship (Standard A5.1.5, paragraph 4). This should be in the working language of the ship.
- Victimization of seafarers for filing complaints under the MLC, 2006, is prohibited (Regulation 5.1.5, paragraph 2).

Sources of information

- The document outlining the on-board complaint procedures to confirm that the procedures are functioning on the ship, particularly with respect to the right of representation, the required safeguards against victimization and the ability of seafarers to complain directly to the ship's master or to an external authority.

Guidelines for port State control officers under the MLC, 2006

- Interviews, in private, with a representative number of seafarers to confirm that they are given a copy of the on-board complaint procedures in the working language of the ship, that they are able to complain directly to the ship's master or an external authority and that there is no victimization.

Examples of deficiencies

- No document setting out the on-board complaint procedures.
- Ship's on-board complaint procedures are not operating.
- Victimization of a seafarer for making a complaint.
- Seafarer is not provided with a copy of the ship's on-board complaint procedures in the working language of the ship.

