



MLC
Technical Notice

No. **4/2016**

DATED: 29.07.2016

SUBJECT:
**PARIS MOU
CONCENTRATED INSPECTION
CAMPAIGN (CIC) ON MLC, 2006**

PARIS MOU CONCENTRATED INSPECTION CAMPAIGN (CIC) ON MLC, 2006

From **01.09.2016** to **30.11.2016**

After the MLC came into force in 2006, in 2013, PARIS MOU decided on carrying out a CIC in 2016 to **verify compliance** with the convention. This inspection campaign will be held for three months, commencing from **1 September 2016 and ending on 30 November 2016**.

As **ships from non-ratifying States should not receive any more favourable treatment** than ships from States that have ratified the convention, this CIC will be undertaken once on every individual ship eligible for inspection during the period of the campaign.

These inspections will be carried out at **ports of the Paris MoU** member States for which the convention is in force.

Port State Control Officers (PSCOs) will use a **list of 12 selected questions** to establish that all seafarers living and working condition in compliances with minimum standard required by convention.

When **deficiencies are found**, actions by the Port State may vary from **recording** a deficiencies and instructing the master to **rectify** it within a certain period to **detaining** the ship until serious deficiencies have been rectified.

The following **CIC guidance** is provided to assist in checking for compliance of MLC, 2006, during the Campaign.

1. Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health?

(Standards A1.1 para.4)

The PSCO should check that:

- either anyone on board were **less than 18** years old
- for young crew member under the age of 18, PSCO attention must be given to their planning table and **working conditions** as so far as **night work is prohibited** for them

Possible sources of information:

- A crew list, a **passport**, an ID card or a seamen's book confirming seafarers' birth dates
- **Work schedule** with respect to seafarers under the age of 18 determine **hours and nature** of work
- Recent **accident reports** and safety committee reports to determine whether seafarers under the age of 18 were involved
- Information on **types of work** on board that have been **identified** as likely to jeopardize the safety of seafarers under the age of 18
- **Tasks determined by the flag** state as likely to jeopardized health or safety of seafarers under 18 as contained in DMLC (Part I and Part II) for vessels flying a ratifying flag

2. Are all seafarers holding valid certificates attesting medical fitness?

(Standard A1.2 para.1)

The PSCO should check that:

- The crew list is in compliance with the actual seafarers present on board
- **All** crew members hold a **valid medical certificate** attesting that they are medically fit to perform the duties they are to carry out at sea
- The **valid colour vision** certificates, where **applicable**
- The medical certificates were valid for a **maximum of two years** (unless the seafarers under the age of 18 required a certificate for maximum one year). A certificate of colour vision shall be valid for a maximum of six years
- The medical certificates for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in **English**

Possible sources of information:

- The crew list
- The **medical certificates**
- **Colour vision certificates**, where appropriate
- The **authorization or permit** (subject to a max 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

3. Have all seafarers successfully completed their training for personal safety on board?

(Regulation 1.3 para.2)

The PSCO should check that:

- All seafarers have been **completed their training** for personal safety on board

Possible sources of information:

- The crew list
- Documentary evidence (**training records**) confirming that seafarers have successfully completed training for personal safety on board
- Appropriate material that is available to the crew

4. Seafarers' Employment Agreement (SEA):

4.1 Do all seafarers have a SEA?

(Standard A 2.1 para 1(a))

4.2 Are the SEAs in compliance with min standard required by MLC?

(Standards A 2.1 para. 4)

The **SEA shall in all cases contain the following particulars** (Standard A2.1, paragraph 4(a)–(k) of the MLC):

- the seafarer's full name, date of birth or age, and birthplace;
- the shipowner's name and address;
- the place where and date when the seafarers' employment agreement is entered into;
- the capacity in which the seafarer is to be employed;
- the amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- the amount of paid annual leave or, where applicable, the formula used for calculating it;
- the termination of the agreement and the conditions thereof, including:
- 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;
- if the agreement has been made for a definite period, the date fixed for its expiry; and
- 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 discharged;
- the health and social security protection benefits to be provided to the seafarer by the shipowner;
- the seafarer's entitlement to repatriation;
- reference to the collective bargaining agreement, if applicable; and
- any other particulars which national law may require.

Concerning questions 4.1 and 4.2, the PSCO should check that:

- **All seafarers** have an original or a copy of their **SEA**
- SEA are **signed by both** the seafarer and the shipowner or shipowners's representative and at a min, contain the matters set out in Standard A2.1, para. 4(a)-

(k) of the MLC, 2006, within the scope of the CIC, THE PSCO should examine a representative number of SEA

- Where the language of the SEA and relevant parts of any applicable collective bargaining agreement are not in English, a **translation in English** should also be available on board

Possible sources of information:

- The crew list
- An original or a copy of the **SEA** (or other evidence of contractual or similar arrangements) and any applicable collective bargaining agreements for seafarers and, at a min, a standard form of the SEA (in English) for the ship
- The DMLC Part I and II

5. If private recruitment and placement service (manning agencies) has been used, does it meet the requirements of the MLC, 2006?

(Standard A1.4 PARA.2 and Standard A1.4, para.9)

Ships **not using** a private recruitment and placement service: If the shipowner is not using such a service then the **question is not applicable**.

The PSCO should check that:

- Does the ship fly a flag of a state party to the Convention?
- Does the ship use a private recruitment and placement service?
- Does the shipowner use a private recruitment and placement service operating in a State for which the MLC, 2006 is in force? If a shipowner has used a private recruitment and placement **service from a State that has not ratified the MLC, 2006**, is there documentation available to indicate that the shipowner has ensured, as far as practicable, that the service or **agency is operated in accordance with the MLC, 2006?**

Possible sources of information:

- National **web sites** of the competent authority **regarding the licensing** or regulation of seafarer recruitment and placement services (manning agencies)
- **Documentation** or other information allowed the inspector to ascertain the following:
 - **Direct** engagement seafarers were recruited and engaged by the shipowner
 - Recruited through a **public service**
 - Seafarers were engaged through a public seafarer recruitment and placement service in either the flag state or in another state to **which the MLC, 2006, applies**
- 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 MLC requirements or an RO audit** of a recruitment and placement service based in a country that has not ratified the MLC, 2006
- The DMLC Parts I and II

6. Are records of inspections of seafarer accommodation carried out by the master (or another designated person) available for review?

(Standard A3.1 para.18)

The PSCO should check that:

- **Inspections** of accommodation are being **carried out** by the master or another designated person and are **recorded**

Possible sources of information:

- The on board **records** to confirm that frequent inspections are carried out by or under the authority of the master
- The crew list for a comparison with the **number of sleeping rooms and berths**
- The DMLC Parts I and II

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 for the preparation and service of meals documented?

(Standard A3.2 para.7)

The PSCO should check that:

- Frequent and **documented inspections** of the food and water, or of the preparation, storage or handling areas, are being carried out

Possible sources of information:

- The DMLC Part I and II
- 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 and drinking water
 - **galleys** and other equipment used in the preparation and service of meals

8. Has a ships safety committee been established on board regarding ships on which there are five or more seafarers?

(Standard A4.3 para.2d)

A ship safety committee, shall be established on board ships with five or more seafarers.

The PSCO should check that:

- Are there **five or more seafarers** on board?
- A ship **safety committee has been established** on board?

Possible 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
- Documents specifying the authority of the ship's seafarers appointed or elected as **safety representatives** to participate in meetings of the ship's safety committee
- 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
- Relevant parts of DMLC Part I reflecting how Standard A4.3 para. 2d is transformed in national laws and relevant parts of DMLC Part II explaining how Standard A4.3 para. 2d is applied by the shipowner and the ship concerned.

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)

A qualified medical doctor responsible for providing medical care is required on board ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration.

The PSCO should check that:

- The ship is not required to carry a medical doctor;
- For ship not being required to carry a medical doctor, there is on board at **least one seafarer in charge of medical care** or designated to provide medical first aid;
- The seafarer in charge of medical care or designated to provide medical first aid has completed the relevant **training according to STCW Regulation VI/4**.

Possible sources of information:

- Documents (such as the SMD and crew list) to confirm that 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.

- **STCW certificate of competency** issued in accordance with regulations II/1, II/2, II/3, III/1, III/2, III/3, III/6 or VII/2.
- STCW certificate of proficiency indicating that the holder has attended a course of training in medical care in accordance with STCW Regulation VI/4, paragraph 3.
- STCW certificate of proficiency indicating that the holder has attended a course of training in medical first aid in accordance with STCW Regulation VI/4, paragraph 3.

10. Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship?

(Standard A 5.1.5 para.4)

The PSCO should check that:

- There is an **on board complaint procedure**;
- A **copy** of the on-board complaint procedures applicable on the ship **has been provided to all seafarers**;

Possible sources of information:

- The on-board complaint procedures applicable on the ship;
- Information from the Master regarding the on-board procedure in accordance with DMLC part II assuring that **all seafarers have been provided with a copy** of the on-board complaint procedures applicable on the ship.
- Any 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;

11. Have all seafarers received monthly accounts of their payments due and amounts paid?

(Standard A2.2, para. 2)

The PSCO should check that:

- Seafarer(s) has been given a **monthly account** of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to;

Possible 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 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.

12. Has the ship detained as a result of the CIC?

Attachment:

PARISMOU - Questionnaire for the CIC on Maritime Labour Convention, 2006

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 (def code 18101)			
2*	Are all seafarers holding valid certificate(s) attesting medical fitness? Standard A 1.2. para. 1 (def code 18103)			
3**	Have all seafarers successfully completed their training for personal safety on board? Regulation 1.3. para. 2 (def code 01219)			
4.1**	Do all seafarers have a copy of their seafarers' employment agreement? Standards A 2.1. para 1 (a) (def code 01220)			
4.2**	Are the seafarers' employment agreements in compliance with minimum standard required by MLC? Standards A 2.1. para 4 (def code 01220)			
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 (def code 18104)			
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 (def code 18328)			
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 (def code 18320)			
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 (def code 18430)			
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 (def code 18404)			
10**	Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship ? Standard A 5.1.5 para.4 (def code 01330)			
11**	Have all seafarers received monthly accounts of their payments due and amounts paid? Standard A2.2, para. 2 (def code 18203)			
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.*