

## CIRCULAR LETTER

Piraeus, 22 August 2016

### **Subject: Paris MoU - Concentrated Inspection Campaign (CIC) on MLC**

The **Paris MoU** on Port State Control (PSC) has announced a CIC applicable to all ships on Maritime Labour Convention (MLC) requirements, which will take place from 1 September to 30 November 2016. The purpose of the CIC is to improve the maritime labour conditions at sea and to verify compliance of ships with the requirements of MLC 2006 and to enhance the overall knowledge of PSCOs in the Paris MoU's region on this new regulation.

The Maritime Labour Convention (MLC 2006) came into force on 20 August 2013 and is a "relevant instrument" in the Paris MoU.

The type of inspection to be performed is determined in accordance with Paris MoU procedures and the CIC is performed complementary to the inspection. The fact that a CIC is performed by itself does not change the type of the PSC inspection.

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.

This guidance has been prepared to assist preparation for the CIC inspection and includes the "standard questionnaire" for use by PSCOs which includes 12 specific "Yes/No" questions. Answers under the "No" column may lead to a deficiency being issued by the PSCO. Questions marked with an asterisk (\*) are considered to be particularly important and may lead to a detention. **Explanations regarding each one of the questions are provided in Annex I. Annex II includes additional preparatory measures to ensure compliance with MLC requirements.**

#### **Relevant International Regulations**

- MLC 2006
- STCW 2010

#### **ILO Recommendations and Guidance**

- ILO Guidelines for Port State Control Officers.



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

<b>Ship's name</b>	
<b>IMO Nr</b>	
<b>Date of inspection</b>	

<b>N°</b>	<b>QUESTIONS</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
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 onboard? 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 onboard 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 onboard 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 onboard 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 (occur more than 1 time), the ship may be considered for detention.*

## ANNEX I

### QUESTIONNAIRE GUIDANCE

#### **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)**

The employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety. The types of such work shall be determined by the national laws or regulations or by the competent authority, after consultation with the shipowners' and seafarers' organizations concerned, in accordance with relevant international standards.

Night work of seafarers under the age of 18 shall be prohibited<sup>1</sup>. For the purpose of this standard, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. (def. code 18102)

No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook, (def. code 18325).

The PSCO should check that:

- either anyone onboard was 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 identification card or a seamen's book 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;
- Recent accident reports and safety committee reports to determine whether seafarers under the age of 18 were involved;
- Information on types of work onboard that have been identified as likely to jeopardize the safety of seafarers under the age of 18;
- Limit age information contain in DMLC (part I and II) for vessels flying a ratifying flag;

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<sup>1</sup> An exception to strict compliance with the night work restriction may be made by the competent authority when the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and the authority determines that the work will not be detrimental to their health or well-being. The exemption might be as well a single authorisation to a young seafarer or part of national legislation according to DMLC part.



## 2. Are all seafarers holding valid certificate(s) attesting medical fitness?

### Standard A 1.2. para. 1 (def. code 18103)

Seafarers shall not work on a ship unless they are certified as medically fit to perform their duties. A medical certificate issued in accordance with the requirements of STCW shall be accepted by the competent authority, for the purpose of Regulation 1.2 of MLC, 2006. A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by STCW, shall similarly be accepted.

The medical certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate.

Each medical certificate shall state in particular that:

- the hearing and sight of the seafarer concerned, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and
- the seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other person onboard (Standard A1.2, paragraph 6).

For seafarers working on ships ordinarily engaged on international voyages the certificate must be provided in English (Standard A1.2, paragraph 10).

The period of validity for a certificate is determined under national law in accordance with the following:

- two-year maximum for medical certificates except for seafarers under 18; then it is one year;
- six-year maximum for a colour vision certificate (Standard A1.2, paragraph 7).

#### The PSCO should check that:

- The crew list is in compliance with the actual seafarers present onboard;
- 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 appropriate;
- The medical certificates were valid for a maximum period of two years<sup>2</sup> (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 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;

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<sup>2</sup> 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 (3) months; and  
(b) the seafarer concerned is in possession of an expired medical certificate of recent date.

**3. Have all seafarers successfully completed their training for personal safety onboard?  
Regulation A 1.3. para. 2  
(def. code 01219)**

Seafarers must be trained or certified<sup>3</sup> as competent or otherwise qualified to perform their duties in accordance with Flag State requirements.

Seafarers must have successfully completed training for personal safety onboard ship.

The PSCO should check that:

- All seafarers have been completed their training for personal safety onboard.

Possible sources of information:

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

**4. Seafarers' employment agreement:**

**4.1 Do all seafarers have a seafarers' employment agreement?  
Standards A 2.1. para. 1 (a)  
(def. code 01220)**

All seafarers must have a seafarers' employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner's representative (or, where they are not employees, other evidence of contractual or similar arrangements).

Readable copy of SEA should be accepted by the PSCO.

If all seafarers have a SEA signed by both the seafarer and the shipowner or shipowner's representative, the questions 4.1 should be answered as "YES".

If one or more seafarers do not have an original or a copy of their SEA, signed by both the seafarer and the shipowner or shipowner's representative, the questions 4.1 should be answered as "NO" and the nature of defect of the deficiency should be "missing".

**4.2 Are the seafarers' employment agreements in compliance with minimum standard required by MLC?  
Standards A 2.1. para 4  
(def. code 01220)**

Standards A 2.1, paragraph 4, lays out the matters that are to be included in all seafarers' employment agreements.

However, a collective bargaining agreement can form all or part of the SEA. When it does, the agreement must be onboard the ship with the relevant portions of the collective bargaining agreement in English (Standard A2.1, paragraph 2, letter b).

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<sup>3</sup> Training and certification in accordance with the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.

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.

If the examined SEA contain, at a minimum, the matters set out in Standard A2.1, paragraph 4(a)–(k) of the MLC, 2006 (see above), the questions 4.2 should be answered as "YES".

If the examined SEA not contain, at a minimum, the matters set out in Standard A2.1, paragraph 4(a)–(k) of the MLC, 2006, the questions 4.2 should be answered as "NO" and the nature of defect of the deficiency should be "Invalid", "Entries missing", "Not properly filled" or "Incorrect language" as appropriate.

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 shipowner's representative and, at a minimum, contain the matters set out in Standard A2.1, paragraph 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 seafarers' agreement and relevant parts of any applicable collective bargaining agreement are not in English, a translation in English should also be available onboard.

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 minimum, a standard form of the SEA (in English) for the ship;

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

**Standard A 1.4.paragraph 2 and standard A.1.4, paragraph 9  
(def. code 18104)**

Private seafarer recruitment and placement services based in the territory of a State party to the MLC, 2006 shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation (Standard A 1.4, paragraph 2).

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).

In other words, private seafarer recruitment and placement services used by ships flying the flag of a Party to the MLC, 2006 shall meet the requirements of the Convention, whether the private seafarer recruitment and placement service concerned is based in a State party to the Convention or not.

Use of any licensed or certified or regulated private recruitment and placement service is part of appendix A5-III of the MLC, 2006 concerning general areas that are subject to a detailed inspection by an authorized officer in a port of a Member carrying out a port State inspection pursuant to Standard A5.2.1. Although the CIC is not a more detailed inspection the inclusion of this item in the appendix mentioned indicates, that the Master/Shipowner should be able to in a simple way to clarify the situation and answer questions concerning private recruitment and placement service.

Licensed or certified or regulated means that the private seafarer recruitment and placement service has a license, a certificate or the State in which the service is based has issued laws or other provisions regulating the operation of such services.

**Ships using a private seafarer recruitment and placement service based in State that is a party to the MLC, 2006**

Since private seafarer recruitment and placement services situated in a State party to the MLC, 2006 can be operated only in conformity with a standardized system of licensing or certification or other form of regulation it would an easy task for the Master of the ship to clarify the situation. However, if it is not possible, the questions should be answered as "NO".

**Ships using a private seafarer recruitment and placement service not based in a State that is a party to the MLC, 2006**

The Master of the ship should clarify, how the shipowner has ensured that those services meet the requirements of this Standard. If it is not possible, the questions should be answered as "NO".

**Ships not using a private seafarer recruitment and placement service**

If the shipowner is not using a private seafarers' recruitment and placement service, the box "N/A" shall be ticked off for question 5.

The PSCO should check that:

- Whether the ship flies a flag of a State party to the Convention
- Whether the ship uses a private seafarer recruitment and placement service
- Where a shipowner has used a private seafarer recruitment and placement service, whether such service was licensed or certified or regulated 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 the MLC requirements or an RO audit of a recruitment and placement service based in a country that has not ratified the MLC, 2006.

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

**Standard A 3.1. para. 18  
(def. code 18328)**

Frequent inspections have to be carried out onboard ships, by or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair.

The results of each such inspection shall be recorded and be available for review.

The PSCO should check that:

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

Possible sources of information:

- The onboard records to confirm that frequent inspections are carried out by or under the authority of the ship's master;
- The crew list for a comparison with the number of sleeping rooms and berths;



**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)**

Frequent documented inspections have to be carried out onboard ships, 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.

The PSCO should check that:

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

Sources of information:

- Onboard 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 ship safety committee been established onboard regarding ships on which there are five or more seafarers?**

**Standard A 4.3. para. 2d  
(def. code 18430)**

A ship safety committee shall be established onboard ships with five or more seafarers.

The PSCO should check that:

- Whether there five or more seafarers onboard
- Whether a ship safety committee has been established onboard.

Possible sources of information:

- Relevant documents, such as the onboard 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 A 4.3. para. 2d is transformed in national laws and relevant parts of DMLC part II explaining how Standard A 4.3. para. 2d is applied by the Company and the ship concerned.

**9. For a ship not being required to carry a medical doctor, is there onboard 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)**

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

Onboard ships which do not carry a medical doctor shall be required either

- at least one seafarer onboard who is in charge of medical care and administering medicine as part of their regular duties

or

- at least one seafarer onboard competent to provide medical first aid.

Seafarers in charge of medical care onboard shall have completed training in medical care that meets the requirements of STCW, 1978, as amended (Regulation VI/4).

Seafarers designated to provide medical first aid shall have completed training in medical first aid that meets the requirements of STCW.

Where training in medical first aid or medical care is not included in the qualifications for the STCW certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care (STCW Regulation VI/4, paragraph 3).

However, STCW certificates of competency issued in accordance with regulations II/1, II/2, II/3, III/1, III/2, III/3, III/6 and VII/2 include the proficiency requirements in "medical first aid". Therefore, holders of mentioned certificates of competency are not required to carry Certificates of Proficiency indicating that the holder has attended a course of training in medical first aid (STCW Table B-I/2, Note 5).

The PSCO should check that:

- Whether the ship is required to carry a medical doctor
- For ships not being required to carry a medical doctor, whether there is onboard at least one seafarer in charge of medical care or designated to provide medical first aid
- Whether 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 onboard (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 onboard complaint procedures applicable on the ship?**

**Standard A 5.1.5 para.4**  
**(def. code 01330)**

All ships shall have onboard procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC, 2006.

The onboard complaint procedures may be used by seafarers to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of the MLC, 2006 (including seafarers' rights). Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities.

All seafarers shall be provided with a copy of the onboard complaint procedures applicable on the ship. This shall include contact information for the competent authority in the flag State and, where different, in the seafarers' country of residence, and the name of a person or persons onboard the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them onboard the ship.

The PSCO should check that:

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

Possible sources of information:

- The onboard complaint procedures applicable on the ship.
- Information from the Master regarding the onboard procedure in accordance with DMLC part 2 assuring that all seafarers have been provided with a copy of the onboard complaint procedures applicable on the ship.
- Any document outlining the onboard 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**  
**(def. code 18203)**

All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements. Payments due to seafarers shall be made at no greater than monthly intervals and in accordance with any applicable collective agreement.

Seafarers shall be 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. Allotments<sup>4</sup> shall be paid in accordance with

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<sup>4</sup> An allotment is an arrangement whereby a proportion of seafarers' earnings are regularly remitted, on their request, to their families or dependants or legal beneficiaries whilst the seafarers are at sea.

the seafarer's instructions and charge for converting and transmitting currencies shall be in line with national requirements. (def. code 18205)

Only one monthly account of wages shall be in use.

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?**

Regarding the questionnaire, if the box "No" is ticked off for questions marked with an "\*\*", the deficiency found should be considered as serious breach of the requirements of MLC and 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 (occur more than 1 time), the deficiencies found should be considered as a repeated breach of the requirements of MLC and the ship may be considered for detention.

If a ship as detained as a result of deficiencies found from the item listed in the questionnaire, PSCO's should respond "Yes" to question 12.

## ANNEX II

### HOW TO BE PREPARED IN CASE OF A PSC INSPECTION UNDER MLC 2006

When entering a port, the vessel must be in full compliance with MLC requirements. Furthermore, and in accordance with the “**no more favourable treatment**” provision under MLC 2006, Article V, enforcement will be applied to all ships **regardless of whether their Flag State has ratified MLC**.

A valid MLC and DMLC (Part I and II) should be accepted by PSCOs as evidence of compliance with the requirements of MLC (Regulation 5.2.1 paragraph 2).

PSCOs will undertake a “**more detailed MLC inspection**” when:

- the required documents are not produced or maintained or are falsely maintained;
- there are **clear grounds** for believing that the working and living conditions on the ship do not conform to the requirements of MLC;
- there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with MLC;
- there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of MLC;
- ship’s documentation shows that previously reported deficiencies have not been rectified or completed or **the ship flies the flag of a State that has not ratified the MLC**;
- the working and living conditions onboard believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers; or when
- the PSCO has grounds to believe that any deficiencies constitute a serious breach of the requirements of MLC (including seafarers’ rights).

This means that lack of MLC certification may result in “**a more detailed MLC inspection**”.

#### 1. What kind of deficiency may warrant a detention?

In case, following an inspection, the PSCO finds that the ship does not comply with the requirements of MLC and:

- the conditions onboard are clearly hazardous to the safety, health or security of seafarers; or
- the deficiency constitutes a serious or repeated breach of the requirements of MLC including seafarers’ rights;

this could lead to a detention.

**Appendix 3** contains a non-exhaustive list of deficiencies which may warrant detention.

## 2. How can you reduce the risk of Port State Control detentions?

It is strongly recommended to include items of **Appendices 1 and 2** or similar checklists as part of your checks.

**Appendix 1** contains a quick self-evaluation checklist regarding the Documents and Records to be carried onboard which may be asked for during an MLC inspection.

**Appendix 2** contains a quick self-evaluation checklist for preparing the vessel for a potential MLC inspection.

## 3. How will the ship be released in the event of a detention?

In case of detainable deficiencies, the ship may be released when either these have been rectified to the satisfaction of the PSCO, or the PSCO has accepted a **Rectification Action Plan (RAP)** and is satisfied that the plan will be implemented in an expeditious manner and within an appropriate time schedule (MLC Std A.5.2.2, para. 6).

When deciding whether or not to accept a RAP the following elements shall be considered by the PSCO:

- the length and nature of the intended voyage or service;
- the nature of the hazard to seafarers' safety, health or security;
- the seriousness of the breach of the requirements of MLC (including seafarers' rights);
- any previous history of deficiencies or repeated deficiencies;
- whether or not the appropriate work or rest periods for seafarers are being observed;
- the safe manning requirements of the Flag State; and
- the number and nature of deficiencies found during the particular inspection.

The RAP should specify the actions required and agreed time frame within which the prescribed items will be rectified. It should then be submitted to the Flag State or RO for formal acceptance. This should occur before the action plan is proposed to the PSCO, but within the prescribed deadline decided by PSCOs.

The RAP should contain a commitment by the Master and Company to facilitate the inspection of the ship by PSCOs in the next port(s) of call in order to verify that the RAP has been properly implemented. The RAP must be attached to the report of inspection.

The RAP should be properly implemented and carried out within the agreed time frame; if not, the ship may be subject to detention in the next port(s).

## APPENDIX 1

**Table of Documents and Records to be Carried Onboard Ships  
(in English language)**

No.	(Sample) Documents to be ready for MLC inspection	Brief Description	Ref.
1.	Maritime Labour Certificate (MLC)	A certificate certifying that the working and living conditions of seafarers on the ship have been inspected and meet the requirements of the Flag State implementing the Convention, shall be carried on the ship and a copy posted in a conspicuous place available to seafarers.	Std A5.1.3
2.	Declaration of Maritime Labour Compliance (DMLC) Part I	It shall be drawn up by the Competent Authority of the Flag State; it contains references to the relevant requirements of the Flag State implementing the Convention, including equivalences to and exemptions from relevant requirements.	Std A5.1.3
3.	Declaration of Maritime Labour Compliance (DMLC) Part II	It shall be drawn up by the Company and identify the measures adopted to ensure ongoing compliance with the requirements of the Flag State.	Std A5.1.3
4.	Review Report of the DMLC Part II	If available.	Std A5.1.3
5.	CSR and Certificate of Registry	The Continuous Synopsis Records and the Certificate of Registry to be available.	
6.	Safe Manning Certificate	Every ship shall be manned by a crew in accordance with the Minimum Safe Manning Certificate issued by the Competent Authority of the Flag State.	Std A2.7
7.	Crew List	A list outlining names, positions, nationalities, birthdates, birthplaces and ID Nos of all seafarers onboard (IMO crew list can be used).	Std A1.1
8.	Evidence of onboard work related programs (for <18 years)	If seafarers under 18 years of age are onboard.	Std A1.1
9.	Seaman's Book / Passport	In order to verify seafarers' age.	Std A1.1
10.	Medical Certificates	A certificate issued by a duly qualified medical practitioner to reflect health condition of seafarer.	Std A1.2



No.	(Sample) Documents to be ready for MLC inspection	Brief Description	Ref.
11.	Medical Certification of colour vision (where applicable)	A certificate reflecting seafarer's capacity to distinguish between colours.	Std A1.2
12.	List of qualified medical practitioners	List of qualified medical practitioners in the labour supplying countries.	Std A1.2
13.	Seafarers' Competency Certificate (CoC) / Flag Endorsements / Tanker familiarization / Watch keeping certificates / Advanced – Basic training	A competency certificate issued to seafarers on completion of satisfactory training in accordance with STCW.	Std A1.3
14.	Certificate of qualification of seafarer onboard who is in charge of medical care or competent to provide medical first aid	Persons in charge of medical care or providing first aid onboard who are not medical doctors shall have satisfactorily completed training required by STCW.	Std A4.1
15.	Licenses or certificates or similar authorizations for private recruitment and placement services (where applicable)	Evidence of Manning Agents compliance with MLC requirements (License / Certificate / Audit Report).	Std A1.4
16.	Authorization to Manning Agent	If the Manning Agent signs the SEAs on behalf of the Company then evidence of the authorization should be onboard (e.g. Manning Agency Agreement, Power of Attorney, etc.).	Std A1.4
17.	Seafarers' Employment Agreements (SEAs)	A written agreement with regard to period and terms of employment (including the flag requirements) signed by both the seafarer and the Company or a representative of the Company. All seafarers shall have a signed original of their EA onboard.	Std A2.1
18.	Copies of applicable CBAs	Where a Collective Bargaining Agreement (CBA) forms all or part of a SEA, a copy of that CBA shall be available onboard. The portions of CBA that are subject to a Port State inspection shall be available in English Language.	Std A2.1
19.	Records of Employment / SIRB	Seafarers shall be given a document containing a record of their employment onboard the ship.	Std A2.1
20.	Monthly account of payments of seafarers	Seafarers shall be given a monthly account of the payments due and the amounts paid (statements of accounts, payroll records).	Std A2.2





No.	(Sample) Documents to be ready for MLC inspection	Brief Description	Ref.
21.	Overtime Records	Records of overtime should be kept.	Std A2.2
22.	Table of shipboard working arrangements	The table shall contain for every position at least: the schedule of service at sea and service in port; and the maximum hours of work or the minimum hours of rest required by Flag State. The table shall be posted in an easily accessible place.	Std A2.3
23.	Work / Rest Hours' records	The seafarers shall receive a copy of the records of their daily hours of work or rest which shall be endorsed by the Master, or a person authorized by the Master, and by the seafarers.	Std A2.3
24.	Bridge and Engine Log Books / Oil Record Book / Musters, drills	Will be cross-checked for work / rest hours records verification.	Std A2.3
25.	Financial Security for repatriation	Evidence that financial security for repatriation has been provided by the Company, such as a P&I Club Certificate of Entry.	Std A2.5
26.	Crew accommodation certificate / statement of compliance (ILO Accommodation of Crews Convention No. 92 and/or 133)	Crew accommodation certificate / statement of compliance or other measure to ensure compliance with Flag requirements for crew accommodation.	Std A3.1
27.	Records of sanitary inspections of seafarer accommodation	Records of frequent sanitary inspections of accommodation areas (including galley) by the Master or a designated person.	Std A3.1
28.	Cooks qualifications and galley familiarization	Cooks certificates / competency and familiarization of catering staff.	Std A3.2
29.	Receipts of provisions / stores	Relevant records to be available	Std A3.2
30.	Store rooms temperature control records	Relevant records to be available	Std A3.2
31.	Menu plans	Review menu plans to ensure that the food supplied to seafarers is varied and nutritious in nature.	Std A3.2
32.	Potable / Drinking water quality control	e.g. FW tanks cleaned every 12 months, maintenance plan of FW tanks. Evidence of FW analysis.	Std A3.2
33.	Records of inspections of food and catering	Frequent documented inspections carried out by (or under the authority of) the Master, with respect to supplies of food, galley and all spaces and	Std A3.2



No.	(Sample) Documents to be ready for MLC inspection	Brief Description	Ref.
		equipment used for the storage and handling of food and drinking water.	
34.	Medical chest certificate	To be available	Std A4.1
35.	Medicines inventory	To be available	Std A4.1
36.	Medical Report forms	A medical report form as specified by the Competent Authority of the Flag State, for use by the ships' Masters and relevant onshore and onboard medical personnel.	Std A4.1
37.	Medical Log	To be available	Std A4.1
38.	List of Radio Stations for medical assistance	List of Radio Stations as well as procedures for medical advice to be available	Std A4.1
39.	Medicines for Dangerous Goods	If applicable.	Std A4.1
40.	Various Publications	International Medical Guide, Medical First Aid for use in accidents involving Dangerous Goods, International Code of Signals, Accident prevention onboard ship and shore, Ambient factors in the work place, Code of Safe Working Practices.	Std A4.1
41.	Records of inspections of medicine chest and medical equipment	Evidence that the medicine chest and its contents, as well as the medical equipment and medical guide have been properly maintained and inspected at regular intervals, not exceeding 12 months.	Std A4.1
42.	Financial security to assure compensation for injury, illness or death	The Company shall provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in Flag State's law, the SEA or CBA (such as a P&I Club Certificate of Entry).	Std A4.2
43.	Procedures with respect to property left by seafarers	Procedures for safeguarding property left onboard by sick, injured or deceased seafarers to be available.	Std A4.2
44.	Health & Hygiene, Safety Policies / procedures	Provisions regarding management of occupational safety, health and hygiene measures / programs to prevent occupational accidents, injuries and diseases.	Std A4.3



No.	(Sample) Documents to be ready for MLC inspection	Brief Description	Ref.
45.	Familiarization of all personnel with Health and Hygiene programs	Records of seafarers' familiarization on Health and Hygiene Programs.	Std A1.3
46.	Evidence for monitoring / control of noise / vibration / lighting	Measurement records (or alternatively risk assessments records) to be available.	Std A4.3
47.	Accidents / incidents / injuries / diseases investigation and reporting	Procedure for reporting occupational injuries, diseases and accidents. Records of accidents / incidents / injuries / diseases investigation and reporting.	Std A4.3
48.	Risk Assessments for Occupational Health and Safety issues	Check also relevant records of R.A.	Std A4.3
49.	Safety Meetings (monthly)	Membership and meetings of the safety committee (e.g. records and minutes of the meetings, etc.). Nomination of Safety Officer / Representatives.	Std A4.3
50.	Safety and accident prevention notices	Relevant occupational safety instructions are posted in a place easily accessible to seafarers; accident prevention notices are posted in hazardous areas.	Std A4.3
51.	Evidence of Social Security protection	Evidence that for seafarers covered by the social security system, the appropriate contributions are being made (must be specified in the SEA / CBA)	Std A4.5
52.	Onboard complaints procedure	All seafarers shall be provided with a copy of the onboard complaint procedure in the working language of the ship. Contact details should be available for the Flag State and the Competent Authority in the seafarer's country or residence.	Std A5.1.5
53.	MLC 2006	To be available	Std A5.1.1
54.	Records of significant deficiencies and rectification	Any significant deficiencies not complying with requirements of the Flag State to be recorded, together with the date when the deficiencies were found to have been remedied.	Std A5.1.3

## APPENDIX 2

### MLC Pre-Inspection Shipboard Checklist

No.	Topics to be checked and examples of deficiencies	Vessel Area
1.	<p><b>Seafarers' onboard accommodation and recreational facilities</b></p> <ul style="list-style-type: none"> <li>• The size of rooms &amp; other accommodation spaces (Standard A3.1, para. 9 &amp; 10);</li> <li>• Heating and ventilation (Standard A3.1 paragraph 7);</li> <li>• Noise and vibration and other ambient factors (Standard A3.1, paragraph 6(h));</li> <li>• Sanitary and related facilities (Standard A3.1, paragraphs 11 and 13);</li> <li>• Lighting (Standard A3.1, paragraph 8);</li> <li>• Hospital accommodation (Standard A3.1, paragraph 12);</li> <li>• Recreational facilities (Standard A3.1, paragraphs 14 and 17);</li> <li>• Occupational safety and health and accident prevention requirements (Standard A3.1, paragraphs 2(a) and 6(h))</li> </ul> <p style="text-align: center;"><b>Examples of deficiencies</b></p> <ul style="list-style-type: none"> <li>• Location of sleeping rooms does not conform to national standards.</li> <li>• Number and/or size (including height) of sleeping rooms do not conform to national standards.</li> <li>• There is more than one seafarer per berth.</li> <li>• Recreational facilities do not conform to national requirements.</li> <li>• Heating, lighting or ventilation is inadequate or not functioning correctly.</li> <li>• Fittings and fixtures within seafarer accommodation areas, including the hospital, mess rooms and recreational rooms, do not conform to national standards.</li> <li>• Separate sleeping rooms are not provided for males and females.</li> <li>• Separate sanitation facilities are not provided for males and females.</li> <li>• Sanitary facilities are inadequate or not functioning correctly.</li> <li>• Hospital is being used to accommodate persons who are not sick.</li> <li>• Accommodation or recreational facilities are not being maintained in a clean and tidy condition.</li> <li>• Laundry facilities are inadequate or not functioning correctly.</li> <li>• Exposure to hazardous levels of noise and vibration and other ambient factors and chemicals in the seafarer accommodation or recreational or catering facilities.</li> </ul>	Accommodation



No.	Topics to be checked and examples of deficiencies	Vessel Area
2.	<p style="text-align: center;"><b>Catering facilities, including galleys and storerooms</b></p> <ul style="list-style-type: none"> <li>• Evidence concerning how drinking water quality is monitored and the results of such monitoring.</li> <li>• 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), quantity and nutritional value and is varied in nature</li> <li>• Galleys and storerooms are hygienic and fit for purpose.</li> </ul> <p style="text-align: center;"><b>Examples of deficiencies</b></p> <ul style="list-style-type: none"> <li>• Food and drinking water are not of appropriate quality, nutritional value and quantity.</li> <li>• Seafarer is charged for food and/or is not provided with drinking water.</li> <li>• Catering facilities are not hygienic or are otherwise unfit for their purpose.</li> </ul>	Catering Facilities
3.	<p style="text-align: center;"><b>Medical supplies and facilities</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p style="text-align: center;"><b>Examples of deficiencies</b></p> <ul style="list-style-type: none"> <li>• No provision with appropriate health protection and medical care onboard ship.</li> <li>• Medical personnel with appropriate qualifications, as required by national laws or regulations, are not onboard.</li> <li>• Medical chest or equipment does not meet national standards and/or no Medical Guide is onboard.</li> </ul>	Medical Supplies and Facilities
4.	<p style="text-align: center;"><b>Safety and health and accident prevention precautions</b></p> <ul style="list-style-type: none"> <li>• Occupational safety, health and accident prevention notices and official instructions with respect to particular hazards on the ship, which should be posted in a location that will bring it to the attention of seafarers (Standard A4.3, paragraph 7).</li> <li>• Evidence that appropriate Personal Protective Equipment is available for seafarers to use.</li> </ul> <p style="text-align: center;"><b>Examples of deficiencies</b></p> <ul style="list-style-type: none"> <li>• Conditions onboard which may impair efforts to prevent accidents.</li> <li>• Personal Protective Equipment is in poor condition or being incorrectly used or not being used.</li> </ul>	All

### APPENDIX 3

The following non-exhaustive list contains examples of deficiencies (including seafarers' rights) which may justify the detention of the ship.

No.	Deficiencies	Ref.
1.	Confirmation that seafarers are trained and certified as competent (CoC), or otherwise qualified to perform their duties (in accordance with the mandatory instruments adopted by IMO, i.e. STCW) is missing.	Art IV para.1 Reg.1.3
2.	Persons under the age of 16 years working onboard	Art III para c Std A1.1 para. 1
3.	Seafarers under the age of 18 years are regularly working at night (except training program), or work likely to jeopardize their health or safety.	Art IV para. 3 Std A1.1 para. 2 and 4
4.	Insufficient manning, including that caused by the removal from the Safe Manning Certificate of under-age seafarers.	Regulation 2.7 and Standard A2.7
5.	Any deficiency constituting a violation of fundamental rights and principles or seafarers' employment and social rights.	Articles III and IV
6.	Any non-conformity that violates fundamental rights (for example, the attribution of substandard accommodation based on the race or gender or trade union activity of the seafarers concerned)	Articles III and IV
7.	Several seafarers not holding valid medical certificate(s) <u>repeatedly</u> .	Art IV para 4 Reg.1.2.1
8.	Seafarers onboard the same ship <u>repeatedly</u> not in possession of valid SEA or seafarers with SEA containing clauses contradictory to seafarers' rights.	Art IV para. 2 Reg.2.1 para 1 and 3 Std A.2.1 para. 1
9.	Evidence that maximum hours of work have been <u>repeatedly</u> exceeded or evidence that minimum hours of rest have <u>repeatedly</u> not been provided.	Art IV para. 3 Reg.2.3 & Std A.2.3 para.5 (a) or Reg.2.3 and Std A 2.3 para. 5 (b)
10.	Deficiencies which are clearly hazardous to seafarers' health in accommodation spaces including galley and sanitary facilities.	Art IV para 3 Std A3.1 para 11 and Std A 4.3
11.	Ventilation and/or air conditioning or heating is not working adequately.	Std A3.1, paragraph 7
12.	Quality and quantity of food and drinking water not sufficient for the intended voyage	Art IV para 3 Reg.3.2 and Std A 3.2 para 2
13.	Required medical guide <u>repeatedly</u> missing or medicine chest or medical equipment not onboard, not updated or out of date.	Art IV, para. 4 Std A4.1 para. 4 (a)
14.	Neither doctor, nor seafarer in charge of medical care or medical first aid onboard.	Art IV para.4 Std A4.1 para.4 (b) and (c)
15.	<u>Repeated</u> cases of delayed payment of wages for a long period.	Art IV para. 2 Std A2.2 para. 1 and 2