

A Happy New Year to all our readers for 2010.

Welcome to Newsletter No. 2 which will be in a slightly different format as it will concentrate on the end product of MLC certification. While it is strange to jump straight to the final outcome without much explanation of what needs to be done to achieve certification it does tie in neatly with the 14 points that were mentioned in the first newsletter.

### **Who needs a certificate?**

Ships of 500 gt and over engaged in international voyages must have one and ships under 500 gt may be issued with one on request of the shipowner. This doesn't mean that ships or commercial yachts under 500gt escape as all ships of 200gt or over will be inspected for compliance but do not require a certificate.

### **What is the validity?**

The certification period has the same requirement as the ISM and ISPS Code with a 5 year validity and an intermediate inspection between the 2<sup>nd</sup> and 3<sup>rd</sup> anniversary date.

### **Format of the certificate.**

The certification comes as two documents, a maritime labour certificate (with the unfortunate abbreviation of the MLC) and the declaration of maritime labour compliance (the DMLC). We have drawn up model versions of both of these certificates as part of the newsletter though we will concentrate on the content of the DMLC as this includes a part 1 and a part 2, with part 2 requiring information from the shipowner.

# MLC Update

Form??? date

Certificate Number ??????



## Maritime Labour Certificate

*(In duplicate)*  
*(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)*

Issued under the provisions of Article V and Title 5 of the  
Maritime Labour Convention, 2006  
*(referred to below as "the Convention")*

Issued under the authority of the Government of the Isle of Man  
by the Isle of Man Ship Registry, Department of Trade & Industry, Peregrine House, Peel Road,  
Douglas, Isle of Man, IM1 5EH, British Isles.

### Particulars of the ship

Name of the ship.....  
Distinctive number or letters.....  
Port of registry.....  
Date of registry.....  
Gross tonnage.....  
IMO number.....  
Type of ship.....  
Name and address of the shipowner\*.....  
.....  
.....

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.
2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until.....subject to inspections in accordance with  
Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued  
at (Douglas or .....survey location) on ..... is attached.

Completion date of the inspection on which this Certificate is based was.....

Issued at ..... On .....

.....(NAME OF OFFICIAL)

(Signature of the duly authorized official issuing the Certificate)

Official Stamp

*\*Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.*

This is the format of the first page of the Maritime Labour Certificate and it has the same requirements and information as the SMC and ISSC certificates. (The layout may change when we produce them electronically within MAVIS). The second page that isn't shown contains the intermediate verification date and any additional inspections that may have been carried out.

# MLC Update

Form??? date

Certificate Number ??????



## Maritime Labour Convention, 2006

### Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of the Isle of Man Ship Registry

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage

is maintained in accordance with standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- the provision of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> *(strike out the statement which is not applicable);*
- any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)	Minimum age required by Young Persons Regulations 200X Prohibits employment of persons under 16 and defines hazardous work and prohibit employment of those under 18 from such work, except in limited circumstances. Merchant Shipping (Hours of Work) Regulations xxxx (as amended) restrict night work for under 18s and defines night period.
2. Medical certification (Regulation 1.2)	Merchant Shipping (Medical Examination) Regulations xxxx and Manx Shipping Notices require seafarers to have a recognized medical fitness certificate, valid for no more than 2 years.
3. Qualifications of seafarers (Regulation 1.3)	Merchant Shipping (manning and Training) Regulations xxxx and MSNs set training requirements in accordance with STCW 78 (as amended).
4. Seafarers' employment agreements (Regulation 2.1)	Merchant Shipping Act xxxxxx (as amended) and Merchant Shipping (Seafarer's Employment Agreement) Regulations 200X require all seafarers to have a Seafarer's Employment Agreement.
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)	Merchant Shipping (Seafarers Employment Agencies) Regulations XXXX regulates the operation of private recruitment and placement services within the Isle of Man. Agencies are subject to inspection and there is a procedure for investigating complaints.

# MLC Update

Form??? date

Certificate Number ??????

6. Hours of work or rest (Regulation 2.3)	Merchant Shipping (Hours of Work) Regulations XXXX as amended provide for minimum rest of at least 10 hours in any 24 hour period and 77 hours in any 7 day period. MSN XX sets out the detailed requirements, including requirements to display a schedule of hours and for the format of hours of work records.
7. Manning levels for the ship (Regulation 2.7)	Merchant Shipping (Manning and Training) Regulations 1998 require safe manning documents for all ships over 500 GT.
8. Accommodation (Regulation 3.1)	Merchant Shipping (Crew Accommodation) Regulations XXXX set standards for existing ships. MS (Crew Accom) Regs XXXX set out the requirements for ships built after .....
9. On-board recreational facilities (Regulation 3.1)	Merchant Shipping (Crew Accommodation) Regulations XXXX set standards for existing ships. MS (Crew Accom) Regs xxxx and MSN xxx set out the requirements for ships built after .....
10. Food and catering (Regulation 3.2)	Merchant Shipping (Food and Water) Regulations XXXX (as amended) set standards for food and water. Merchant Shipping (Crew Accommodation) Regulations XXXX cover galley requirements for existing ships. MS (Crew Accom) Regs xxxx set out the requirements for ships built after .....
11. Health and safety and accident prevention (Regulation 4.3)	Merchant Shipping (Safety Officials) Regulations xxxx place responsibilities on the employer to provide a safe working environment, and require appointment of Safety Officers. Related Health and Safety Regulations cover specific substance and/or work practices etc. Merchant Shipping (International Safety Management) (ISM) Code Regulations 1998 require management systems that promote a safe working environment. Guidance is given in associated MSN xxxxx and in the Code of Safe Working Practices for Merchant Seamen. Reporting of occupational accidents is required by the MS (Accident Reporting and Investigation) Regulations xxxxxx
12. On-board medical care (Regulation 4.1)	Merchant Shipping Act xxxxxxxx requires the cost of medical and dental treatment for seafarers to be borne by the employer. Merchant Shipping (Manning and Training) Regulations set standards for medical training in line with STCW 78 (as amended) Merchant Shipping (Medical Stores) Regulations XXXX set the requirements for medical stores to be carried on seagoing ships.
13. On-board complaint procedures (Regulation 5.1.5)	MS (Survey and Inspection) Regulations xxxx require a procedure for on board investigation of complaints.
14. Payment of wages (Regulation 2.2)	Merchant Shipping Act xxxxxxxx set requirements for payment of wages. Further details are contained in the Merchant Shipping (Wages) Regulations 200X

Name: .....

Title: .....

Signature: .....

Place .....

Date: .....

Official Stamp

This is the format of the DMLC Part 1 and it is the section that we will complete. The column on the left contains the 14 areas within MLC that are liable for inspection and the column on the right is the legislation that we will have in place to implement the 14 areas. This is currently shown in red and is only inserted to demonstrate what a completed Part I may look like though when the legislation is in place the Part I will not change unless there is a change in the legislation.

Form??? date

Certificate Number ??????

## Declaration of Maritime Labour Compliance Part II

*Measures adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1.	<u>Minimum age (Regulation 1.1)</u>	<input type="checkbox"/>
2.	<u>Medical certification (Regulation 1.2)</u>	<input type="checkbox"/>
3.	<u>Qualifications of seafarers (Regulation 1.3)</u>	<input type="checkbox"/>
4.	<u>Seafarers' employment agreements (Regulation 2.1)</u>	<input type="checkbox"/>
5.	<u>Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)</u>	<input type="checkbox"/>
6.	<u>Hours of work or rest (Regulation 2.3)</u>	<input type="checkbox"/>
7.	<u>Manning levels for the ship (Regulation 2.7)</u>	<input type="checkbox"/>
8.	<u>Accommodation (Regulation 3.1)</u>	<input type="checkbox"/>
9.	<u>On-board recreational facilities (Regulation 3.1)</u>	<input type="checkbox"/>
10.	<u>Food and catering (Regulation 3.2)</u>	<input type="checkbox"/>
11.	<u>Health and safety and accident prevention (Regulation 4.3)</u>	<input type="checkbox"/>
12.	<u>On-board medical care (Regulation 4.1)</u>	<input type="checkbox"/>
13.	<u>On-board complaint procedures (Regulation 5.1.5)</u>	<input type="checkbox"/>
No 14.- Payment of Wages (Reg 2.2)		

This is the DMLC Part II that is completed by the shipowner to show the measures that they have in place to comply with the 14 areas.

When MLC first came out this was the area that worried people most and stories circulated that to do this the certificate would be 40 or more pages long. WRONG. In MLC guideline B 5.1.3.2 it states that part II may make reference to other documents that contain the policies and procedures that the shipowner has in place to comply with this area. Therefore for No. 11 Health and safety and accident prevention it could refer to *Section X of the SMS* and for No.6 Hours of work or rest could refer to *the SMS or maybe a Personnel Manual*.

There will be areas that will need more detail in the DMLC Part II but there are benefits in being able to refer to the procedures within other documents, namely keeping the DMLC as small as necessary and also changes can be made to the other documents without having to send the changes to us to update the DMLC Part II.

The procedures and policies in the DMLC Part II are going to be the areas that will be inspected by Isle of Man surveyors during the initial inspection before the certificate is issued so your ships and yachts will need to be able to demonstrate how these areas are used onboard to implement MLC. ( We will be coming back to how the inspections will be carried out on a regular basis in future newsletters.)

## **Constructing a DMLC Part II**

The DMLC Part II needs to be completed by the shipowner, this will then need to be sent to us to input the information into the certificate. The certificate then needs to be signed by the shipowner and the IOM Ship Registry after printing. We therefore need to devise a method to make this as simple as possible. To use a form similar to the one used to gather information for a Continuous Synopsis Record is one possibility and we would gladly consider any suggestions that you may have to make the process simple and efficient.

## **Interim MLC**

Finally a few words on the interim certificate. This will be required for new buildings on delivery and for ships that may be new to your fleet or new to the Isle of Man Ship Registry. The good news is that there is no need for a DMLC until the full term certificate is issued after initial inspection.

The interim is valid for 6 months (same as ISM and ISPS) but there is one key difference in that there is no ability to extend an interim MLC unlike the other interims.