



**MARITIME AND PORT AUTHORITY OF SINGAPORE
SHIPPING CIRCULAR TO SHIPOWNERS
NO. 14 OF 2013**

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Applicable to: Shipowners, shipmanagers, operators, masters and crew of Singapore-registered ships, classification societies and the general shipping community.

**MARITIME LABOUR CONVENTION 2006 – APPLICATION TO MODU CODE
CERTIFIED SHIPS AS WELL AS PERSONS ON BOARD**

1. Singapore is a party to the Maritime Labour Convention 2006 (MLC), which will come into force on 20 August 2013. The MLC applies to all ships registered with the Singapore Registry of Ships (SRS) ordinarily engaged in commercial activities.
2. This Circular provides updates on the application of the MLC to Singapore ships, as well as persons on board Singapore ships.

Application of the MLC to IMO's MODU Code certified ships

3. The MLC Tripartite Working Group¹ (TWG) had earlier agreed that the MLC would not apply to Mobile Offshore Drilling Units (MODUs) as defined in the International Maritime Organisation (IMO) MODU Code². The TWG has further clarified that the MLC will not apply to Singapore ships which comply with the International Maritime Organization (IMO) MODU Code and hold a MODU Safety Certificate. MPA will be adopting this position, and this would subsequently be reflected in our national legislation.

¹ Chaired by the MPA and comprising the tripartite partners - the Singapore Maritime Officers Union (SMOU), Singapore Organisation of Seamen (SOS), the Singapore Shipping Association (SSA) and the Singapore Maritime Employers Federation (SMEF).

² MPA Shipping Circular No. 08 of 2013.

Application of the MLC to persons on board Singapore ships

4. Taking into account International Labour Organisation (ILO) Resolution VII, the TWG has agreed that the following categories of persons working on board Singapore ships should not be regarded as seafarers for the purposes of application of the MLC.

- a. Harbour pilots
- b. Port workers
- c. Persons temporarily employed on the ship in port
- d. Guest entertainers
- e. Surveyors
- f. Ship inspectors
- g. Superintendents
- h. Scientists
- i. Researchers
- j. Divers
- k. Repair technicians
- l. Specialist offshore technicians

In addition, privately contracted security personnel should also not be regarded as seafarers for the purposes of application of the MLC.

5. If there are categories of persons for which doubt may exist, the question will be determined taking into account the guidance in ILO Resolution VII (please see **Annex A**).

6. MPA will be adopting the above position on the application of the MLC to persons on board Singapore ships, and this would subsequently be reflected in our national legislation. In case of doubt whether the MLC will apply to a category of persons on board a Singapore ship, a company should approach the Seafarers Management Department (MMO_mpa@mpa.gov.sg) in MPA for assistance and confirmation.

Application of the MLC to Singapore ships navigating exclusively within the Singapore Port Limits

7. The MLC will not apply to a Singapore ship which navigates exclusively within the Singapore Port Limits. After the MLC comes into force, such ships will not be granted port clearance to leave Singapore Port Limits.

Guidance on updating of Declaration of Maritime Labour Compliance (DMLC) Part II and Statement of Compliance (SOC)

8. Singapore ships may have already obtained a Statement of Compliance (SOC) based on the provisional list of requirements of the Declaration of Maritime Labour Compliance (DMLC) Part I provided in MPA Shipping Circular No. 18 of 2012. For these ships, if the existing DMLC Part II is sufficient to demonstrate compliance with

the requirements of the transitional ship-specific DMLC Part I, there is no further need to replace the existing DMLC Part II and the existing SOC.

9. Shipowners may still replace their existing DMLC Part II and existing SOC on a voluntary basis.

10. Any queries regarding this circular should be directed to:

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**Resolutions adopted by
the International Labour Conference
at its 94th (Maritime) Session**

(Geneva, February 2006)

VII

Resolution concerning information on occupational groups¹

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting that many of the maritime instruments consolidated within the Maritime Labour Convention contained different definitions of the term “seafarer”,

Considering the need for clarity over the issue of the definition in the Convention,

Recognizing that situations may arise in which a Member may have doubts as to whether or not certain categories of persons who undertake periods of work on board a ship should be regarded as seafarers for the purpose of the Convention,

Recognizing also that there is need for clarification on this subject to help to provide uniformity in the application in the rights and obligations provided by the Convention,

Noting that Article II, paragraph 1(f), of the Convention provides that:

“*Seafarer* means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies”,

Noting also that Article II, paragraph 3, provides that:

“In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners’ and seafarers’ organizations concerned with this question”;

¹ Adopted on 22 February 2006.

Decides that the International Labour Organization should seek to ensure uniform implementation of the Convention and invites member States to maintain the intent of Article II, paragraph 1(f), through the application of Annex 1.

Annex

Maritime Labour Convention, 2006

Information on occupational groups

General

The Convention recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the Convention should be regarded as seafarers for the purpose of the Convention.

This Annex has therefore been adopted by the General Conference of the International Labour Organization to assist administrations in resolving any difficulties that might arise.

There are persons who principally work onshore, but who occasionally spend a short period working on a ship. These may not be seafarers. There are persons who regularly spend a short period on a ship. These may be seafarers. In both cases, their work may or may not be directly concerned with the routine business of the ship.

Persons who might not be determined to be seafarers include harbour pilots and portworkers, as well as certain specialist staff such as guest entertainers, ship inspectors, superintendents and repair technicians.

Persons who regularly spend more than short periods aboard, even where they perform tasks that are not normally regarded as maritime tasks, may still be regarded as seafarers for the purpose of this Convention regardless of their position on board. For example, repair and maintenance squads and specialist ship staff engaged to work at sea on particular ships may well be regarded as seafarers and entitled to be covered by the rights and obligations provided for in this Convention.

The Convention provides seafarers with significant rights and benefits covering their working and living conditions that might not always be available to them in their home countries. Therefore, in resolving doubts about whether particular persons are seafarers, account should also be taken of the extent to which their national legal and social system provides protection for their labour standards comparable to that provided for under the Convention.

Categories

An administration may have doubts about designating a particular category of persons working on board as a seafarer under Article II, paragraph 1(f), because:

- (i) the nature of their work is not part of the routine business of the ship (for example, scientists, researchers, divers, specialist offshore technicians, etc.);
- (ii) although trained and qualified in maritime skills, the persons concerned perform key specialist functions that are not part of the routine business of the ship (for example, harbour pilots, inspectors or superintendents);
- (iii) the work they perform is occasional and short term, with their principal place of employment being onshore (for example, guest entertainers, repair technicians, surveyors or portworkers).

A person or category of persons should not automatically be excluded from the definition of seafarers solely on account of falling within one or more of the categories listed above. These lists are simply illustrative of situations where doubts may arise.

Special factors in the situation may lead the administration to determine when a person is or is not a seafarer.

Criteria

In considering how to resolve such doubts, the following issues should be considered:

- (i) the duration of the stay on board of the persons concerned;
- (ii) the frequency of periods of work spent on board;
- (iii) the location of the person's principal place of work;
- (iv) the purpose of the person's work on board;
- (v) the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.