



**REPUBLIC OF  
THE MARSHALL ISLANDS**  
**MARITIME ADMINISTRATOR**

Marine Notice

No. 2-011-33

Rev. 1/16

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF  
MERCHANT SHIPS, YACHTS AND RECOGNIZED ORGANIZATIONS**

**SUBJECT: Maritime Labour Convention, 2006 Inspection and Certification Program**

- References:**
- (a) Maritime Labour Convention, 2006 ([MLC, 2006](#) or Convention)
  - (b) Resolution VII adopted by the 94<sup>th</sup> (Maritime) session of the International Labour Conference
  - (c) Guidelines for Flag State Inspections under the Maritime Labour Convention, 2006
  - (d) RMI Marine Notice [2-011-13](#), *International Safety Management Code*
  - (e) RMI Marine Guideline [2-11-15](#), *Organizations Acting on Behalf of the Republic of the Marshall Islands Maritime Administrator*

**PURPOSE:**

The Republic of the Marshall Islands (RMI) ratified the MLC, 2006 on 25 September 2007. This Notice establishes the RMI Maritime Administrator's (the "Administrator") Inspection and Certification Program to implement the MLC, 2006, which governs maritime labor conditions and sets minimum standards for the working and living conditions of seafarers aboard ships, as applicable. The Inspection and Certification Program authorizes certain Recognized Organizations (ROs), as established under separate written agreement, to carry out inspections and issue certificates under the MLC, 2006 on behalf of the Administrator, and provides supplementary details regarding the scope of this authorization not covered within the individual agreements.

This Notice provides the Administrator's policy on the application of the MLC, 2006 to the offshore sector, to yachts and persons excepted from the definition of seafarers. It also clarifies the Maritime Labour (ML) Certificate record keeping required by ROs. Please note that further modifications to this Notice should be expected as experience in implementing and enforcing the MLC, 2006 is gained.

This Notice supersedes Rev. 11/15 to reflect the incorporation of the new guidance document, Marine Guideline 2-11-15, on organizations acting on behalf of the Administrator.

## **APPLICABILITY:**

This Notice applies to all RMI flagged ships, yachts and their seafarers, to which the [MLC, 2006](#) applies in accordance with Article II of the MLC, 2006 as from its entry into force on 20 August 2013. Refer to Section [2.0, General Application of the MLC, 2006](#), below. Please also refer to the designated [webpage](#) on MLC, 2006, under Maritime Services, for RMI requirements on MLC, 2006 compliance.

Terms used in this Notice shall carry the same meaning as those defined in the Convention.

## **REQUIREMENTS:**

### **1.0 Background**

- 1.1 On 23 February 2006, the MLC, 2006 was adopted by the International Labour Organization (ILO) as a single international instrument setting forth a minimum set of requirements governing the working and living conditions for seafarers. The MLC, 2006 was drafted to compliment other international conventions on ship and crew safety, security and quality, competency and environmental protection – often referred to as the “fourth pillar” of international maritime regulation alongside the SOLAS, MARPOL, and STCW Conventions. It is also referred to as the “Bill of Rights” for seafarers.
- 1.2 The MLC, 2006 builds on the existing ILO Convention 147, and a consolidation of 70 ILO instruments, including 37 existing maritime ILO Conventions and 33 Recommendations.<sup>1</sup> The maritime labor standards embodied within these 70 ILO instruments have been amalgamated into the MLC, 2006 with the intention of updating standards where necessary, simplifying complex or overlapping provisions into a single instrument, streamlining amendment procedures, and establishing universal application and enforcement.
- 1.3 Some novel aspects of the MLC, 2006 relate to its structure and provisions established within its Articles. Firstly, the provisions of the MLC, 2006 must be given effect through national laws and regulations – mainly to allow a more effective implementation method by the flag State through flexibilities allowed in the MLC, 2006. Therefore, the flag State is primarily responsible for the enforcement of and compliance with the MLC, 2006. Also, the certification system of the MLC, 2006 is designed to be more in line with other international conventions developed under the International Maritime Organization (IMO). Lastly, the “no more favorable treatment” clause ensures that Member States establish a level playing field by treating all ships equally irrespective of whether or not the flag State of a ship has ratified the MLC, 2006.

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<sup>1</sup> The existing ILO Conventions on seafarers’ identity documents (C108, C185), seafarers’ pensions (C71) and minimum age (C15) were the only conventions not included in the MLC, 2006.

## **2.0 Application of the MLC, 2006**

- 2.1 The [MLC, 2006](#) applies to all ships, irrespective of tonnage, whether publicly or privately owned, which are “ordinarily engaged in commercial activity.” The Administrator considers “commercial activity” to be any endeavor undertaken for the primary purpose of generating revenue which includes, but is not limited to, activities such as commerce/trade, chartering, towing, salvage, offshore supply/support, entertainment, marketing, research, accommodation, transit, etc.
- 2.2 The RMI does not have laws or regulations which extend the application of the MLC, 2006 to registered ships engaged in fishing or in similar pursuits, ships of traditional build (such as dhows and junks), or ships which navigate exclusively in inland waters, waters within or closely adjacent to sheltered waters, or areas where port regulations apply.
- 2.3 All ships of 500 gross tons or more to which the MLC, 2006 applies, engaged in international voyages or operating from a port, or between ports, in another country must be certified for compliance with the 14 areas of the MLC, 2006 which are subject to mandatory inspection. The working and living conditions of seafarers must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.3, paragraph 1. The 14 areas are set out in Appendix A5-I of the MLC, 2006. Further details regarding certification are provided in section [8.0](#) of this Notice below.
- 2.4 The Administrator considers units engaged in exploration, exploitation, and/or processing of sea-bed mineral resources, including production, storage and offloading, maintenance, construction or accommodation units, when on location for the purpose of conducting or supporting operations subject to the jurisdiction of a host coastal State, to be installations and not ships. Units flagged and certified in accordance with the RMI Mobile Offshore Drilling Unit Standards ([MI-293](#)) and/or other relevant applicable national laws and regulatory requirements where the subject matter is dealt with differently are considered to substantially meet the requirements of the MLC, 2006 and thus are not subject to certification under the Convention in these circumstances.
- These units also are deemed to be substantially compliant with MLC, 2006 when underway for purposes of relocation or drydocking, and therefore are not subject to certification in these circumstances. Unit operators are encouraged, however, to voluntarily seek inspection and certification under the provisions of the Convention, to the extent practicable, in accordance with procedures established by the Administrator under section [8.0](#) of this Notice below.
- 2.5 The Administrator has determined that commercial yachts, that is, yachts ordinarily engaged in chartering, regardless of tonnage shall be considered ships for the purpose of applying the requirements of the MLC, 2006. Private yachts of any size not ordinarily engaged in commercial activities such as chartering, shall not be considered ships for the purpose of applying the requirements of the MLC, 2006.

- 2.6 All ships to which the [MLC, 2006](#) applies, but which are not required to be certified (those under 500 gross tons; not engaged in international voyages; not operating from a port, or between ports, in another country; or considered to be installations and not ships), shall still be subject to full inspection against the same requirements as for certified ships to the extent reasonable and practical. Further details with regard to the identification of inspection requirements, and record keeping for such non-certified vessels are provided in sections [9.0](#) and [13.0](#) of this Notice below.
- 2.7 A copy of the MLC, 2006 shall be maintained on board the ship and made available to all seafarers.

### **3.0 Shipowner**

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, by written agreement, to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. The Administrator considers this organization or person to be the certified ISM Code Company.

### **4.0 Seafarers**

- 4.1 The MLC, 2006 applies to all seafarers, including the Master, on all ships to which the MLC, 2006 applies. For this purpose, as defined in Article II, paragraph 1(f) of the MLC, 2006, a “seafarer means any person who is employed or engaged or works in any capacity on board a ship to which the MLC, 2006 applies.”
- 4.2 The MLC, 2006 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 MLC, 2006 should be regarded as seafarers for the purposes of the MLC, 2006.
- 4.3 In considering how to resolve such doubts, the Administrator, in consultation with the shipowners’ and seafarers’ organizations, will take into account information as provided under Resolution VII adopted by 94<sup>th</sup> (Maritime) session of the International Labour Conference.
- 4.4 Thus, in accordance with Resolution VII, the Administrator considers any person engaged or working in any capacity on board a ship and whose normal place of work is on board for the business of that ship who is **contractually** provided with social protections by either the shipowner/operator or third party that are equivalent to or are greater than those required by the MLC, 2006 to have been provided with social protections that substantially meet the Convention requirements. In all cases, the burden of proof shall rest with the shipowner/operator who shall show through documentation during the inspection process that these requirements have been met. (See [Annex III](#) of this Notice)

4.5 Notwithstanding, the Administrator shall make determinations under Resolution VII on a ship-by-ship basis. Therefore, shipowners seeking such exclusions must follow the procedures outlined in section [6.0](#) below, paying particular attention to Step 2 – contacting the Administrator at an early stage and prior to issuance of a [Declaration of Maritime Labour Compliance \(DMLC\) Part I](#).

## **5.0 Recognized Organizations (ROs)**

5.1 The Administrator has delegated, under a separate written agreement, its inspection and certification functions under the [MLC, 2006](#). The Classification Societies and Appointed Representatives (the “ROs”) to which the Administrator has delegated such functions are provided in Marine Guideline [2-11-15](#).

5.2 Shipowners and yacht owners may choose from the list of ROs as provided in the aforementioned Marine Guideline to conduct review, inspection and issuance of the ML Certificate.

5.2.1 By way of guidance, the chosen entity should be part of the RO currently certifying the ship under the International Safety Management (ISM) Code so that the audits, inspections and certification of both may be harmonized.

5.3 Once an RO is chosen, the Administrator will expect the ship or yacht owner to maintain continuity in the process by having the RO perform the entire review, approval, inspection and certification of the vessel’s compliance with the MLC, 2006. Any deviation from this will require prior Administrator approval.

## **6.0 Procedure for Shipowner to Obtain Certification**

### **6.1 Newbuildings**

6.1.1 The following are the step-by-step procedures for obtaining certification under the MLC, 2006. To ensure that the vessel is compliant with ILO industry standards and/or MLC, 2006 requirements, it is important that the Administrator receive all pertinent information

**Step 1:** Perform a gap analysis of ship and Company policies against the RMI National provisions, outlined in the pro forma DMLC Part I available in Annex I of this Marine Notice.

**Step 2:** Any areas of concern are to be brought to the attention of the Administrator for evaluation by email at: [regulatoryaffairs@register-iri.com](mailto:regulatoryaffairs@register-iri.com). This includes any probable need for a determination of categories of persons to be excluded under the definition of “seafarer” in accordance with Resolution VII at Annex III hereunder, any substantial equivalencies, or any exemptions under Title 3, such as an exemption for the construction and equipment requirements. If it is determined by the gap analysis performed in Step 1 above that exemptions need to be required, provide the following information:

- Date of Keel Laying: This date is essential in order to determine the regulations and requirements against which the vessel will be compared.
- An electronic (PDF) copy of the General Arrangement (GA) plan for review.
- An electronic (PDF) copy of an Accommodations Furnishings Plan (or equivalent documentation), showing all furnishings and miscellaneous outfit provided for the personal use of each occupant, as well as:
  - Minimum headroom in each space;
  - Overall dimensions and total floor area of each sleeping room;
  - Dimensions of clear floor area, not covered by furniture (for yachts only);
  - Berth dimensions; and
  - Volume of lockers and/or storage spaces.
- Is the mess room sufficient for the number of persons likely to use it at any one time?
- Room assignments if not already shown on the GA or Accommodations Furnishings Plan.
- Any other relevant information that may have been issued by the Classification Society or other entities (shipyard, nautical architects, etc.).

**Step 3:** A formal request for issuance of the DMLC Part I is to be prepared and sent to the Administrator by email at [regulatoryaffairs@register-iri.com](mailto:regulatoryaffairs@register-iri.com) detailing the following information for each vessel:

- Vessel name;
- IMO number;
- Gross Tonnage (GT) from the International Tonnage Certificate (ITC) or an Attestation of Tonnage from the RO; and
- The information contained in Step 2 above for determining exemptions, if applicable<sup>2</sup>.

**Step 4:** The Administrator will then issue the DMLC Part I as a PDF copy by email to the requestor, sending the original by courier to the requestor's designated addressee.

**Step 5:** Upon issuance of the DMLC Part I, the [DMLC Part II](#) is to be prepared by the shipowner (in consultation with the selected RO) and submitted for certification by the RO or AR.

**Step 6:** Upon completion of the DMLC (Part I and Part II) and issuance to the shipowner, the vessel inspection process for issuance of the ML Certificate is to be arranged between the shipowner and the RO which may include any preparatory documentation review ashore prior to the onboard inspection.

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<sup>2</sup> Please note that in some cases, the Administrator may request the information listed in Step 2 above even if no request for exemptions has been made.

- 6.1.2 The Administrator has found that if an ITC or an Attestation of Tonnage has not yet been issued, an estimation of the GT seldom matches the GT shown on the above mentioned documentation. This leads to the DMLC Part I having to be re-issued to correct the error.

The Administrator understands that vessels need the DMLC Part I for the inspection process, so, if the ITC or Attestation has not been issued to the vessel, only an electronic (PDF) copy of the DMLC Part I will be issued by the Administrator with “To Be Determined (TBD)” in the Gross Tonnage section. This will allow the RO to note whether or not any substantial equivalencies and/or exemptions have been granted.

Once the ITC or Attestation for the vessel has been issued, the ship operator is requested to send an electronic (PDF) copy to [Regulatoryaffairs@register-iri.com](mailto:Regulatoryaffairs@register-iri.com) so that the original DMLC Part I may be issued with the correct GT and couriered out to be placed on board.

## 6.2 Existing Vessels – Change of Flag

- 6.2.1 To ensure that the vessel is compliant with ILO Convention No. 92 and/or No. 133 standards or [MLC, 2006](#) requirements, it is important that the Administrator receive all pertinent information. To facilitate this process, the following information is required for the issuance of the DMLC Part I:

- Vessel name;
- IMO number;
- Gross tonnage;
- An electronic (PDF) copy of the previously issued DMLC Part I;
- An electronic (PDF) copy of any certificates or statements of compliance in accordance with ILO Convention Nos. 92 and 133, which may have been issued on behalf of the previous flag State.
- Since the vessel is not within the RMI LRIT system, the current location of the vessel, or position if at sea (latitude and longitude), at the time of request.

## 7.0 Inspections

### 7.1 General

- 7.1.1 All inspections shall be carried out in accordance with the ILO document, *Guidelines for Flag State Inspections under the Maritime Labour Convention, 2006*.
- 7.1.2 When an inspection is conducted or when measures are taken under the MLC, 2006, the RO, or other authorized inspector, shall make all reasonable efforts to avoid a ship being unreasonably detained or delayed.
- 7.1.3 An inspector is authorized to carry out any examination, test or inquiry considered necessary to determine that the standards of the MLC, 2006 are being strictly observed.

7.1.4 All persons inspecting under the MLC, 2006 shall have appropriate knowledge of ship operations, including:

- Minimum requirements for seafarers to work on a ship;
- Conditions of employment;
- Accommodation;
- Recreational facilities;
- Food and catering;
- Accident prevention;
- Health protection;
- Medical care; and
- Welfare and social security protection.

## 7.2 Initial Inspections

7.2.1 Initial inspections shall be conducted to ensure full compliance with RMI national requirements implementing the [MLC, 2006](#) as outlined in the DMLC Part I. Ships shall undergo an initial inspection and receive a valid ML Certificate as specified under the APPLICABILITY section at the beginning of this Notice.

7.2.2 To verify that RMI national requirements are being complied with and that the shipowner's measures have been correctly implemented and are being followed, an inspector shall obtain supporting objective evidence by:

- .1 inspecting the relevant areas of the ship;
- .2 examining further documentation such as passports or other official documents, medical certificates, training records, crew lists and payroll records, seafarer employment agreements, safe manning documents and work and rest schedules; and
- .3 interviewing, in private, a representative number of seafarers, taking account of the need to preserve confidentiality and of the seafarers' work and rest schedules.

## 7.3 Intermediate Inspections

7.3.1 Intermediate inspections shall be conducted to ensure continuing compliance with RMI national requirements implementing the MLC, 2006. An intermediate inspection shall be conducted between the second and third anniversary dates<sup>3</sup> of the ML Certificate.

7.3.2 The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the ML Certificate.

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<sup>3</sup> Anniversary date means the day and month of each year which will correspond to the date of expiry of the ML Certificate.



7.3.3 The ML Certificate shall be endorsed by the RO following satisfactory intermediate inspection.

#### 7.4 **Renewal Inspections**

7.4.1 Renewal inspections shall encompass inspections for all requirements (as per initial inspection) and be completed as follows:

7.4.2 When the renewal inspection is completed within three (3) months before the expiry of the existing ML Certificate, the new ML Certificate shall be valid for a period not exceeding five (5) years from the date of expiry of the existing ML Certificate.

7.4.3 When the renewal inspection is completed more than three (3) months before the expiry date of the existing ML Certificate, the new ML Certificate shall be valid for a period not exceeding five (5) years starting from the date of completion of the renewal inspection.

### 8.0 **Certification**

#### 8.1 **ML Certificate**

8.1.1 The ML Certificate, issued by the relevant RO attests that seafarer working and living conditions aboard a ship meet all RMI laws and regulations that govern the implementation of the [MLC, 2006](#).

8.1.2 An RO shall issue or renew an ML Certificate to a ship after completion of a satisfactory inspection of RMI national requirements for the 14 areas listed as follows for implementing the MLC, 2006 in the manner as detailed in the DMLC.

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

8.1.3 An ML Certificate endorsed by the RO must have attached to it a DMLC as well as any record of inspection as detailed in section [8.2](#), below.

## 8.2 DMLC

8.2.1 This document outlines the national laws or provisions that give effect to the 14 areas of the MLC, 2006 that are subject to inspection for certification and the measures put in place by the ship owner/operator to ensure compliance with these inspection items.

8.2.2 The DMLC consists of two (2) parts (see [Annexes I](#) and [II](#) of this Notice):

- .1 **Part I:** the statement drawn up and signed by the Administrator that references or describes RMI national laws, regulations or provisions with respect to the 14 areas of the MLC, 2006 that are subject to inspection for certification. The DMLC Part I also records any flexibility, substantial equivalencies or exemptions which may be applied to the ship after consultation with the relevant seafarers' organization and the shipowner.
- .2 **Part II:** the statement drawn up by the ship owner/operator identifying the measures adopted to ensure ongoing compliance with RMI national requirements detailed in the DMLC Part I, and enabling continuous improvement between inspections. It should indicate:
  - when ongoing compliance shall be verified;
  - persons responsible for verification;
  - records to be taken;
  - procedures to be followed when non-compliance is noted;
  - to ensure ongoing compliance, the DMLC Part II also should include general international requirements concerning advances in technology and scientific findings concerning the workplace; and
  - shall be signed by an authorized official of the ISM Code Company.

8.2.3 Concerning the signing of the DMLC Part II by the ISM Code Company:

- .1 The Administrator recognizes, and it must be understood, that ROs typically do not have a contractual relationship with the registered shipowner where the registered shipowner is not an ISM Code certified entity operating the ship. For inspection and certification purposes, therefore, the Administrator expects the RO in every instance to look to the ISM Code Company which has assumed responsibility for the operation of the ship from the shipowner to stand in not only for itself but also for and on behalf of the shipowner as its agent when there are shared responsibilities between the parties within a Shipmanagement contract. It is the Company's Safety Management System for which the RO has issued a Document of Compliance (DOC) that governs a ship's operational management and control. See Section [3.0](#) above; reference (d), MN [2-011-13](#); and Section [12.0](#) below, ISM Code.
- .2 This applies to the signing of the DMLC Part II. The Convention recognizes that documents may be signed by a party on behalf of the shipowner and simply requires that such party is able to produce documentation showing that it is authorized to represent the shipowner. The relevant documentation in this case would be either the shipmanagement contract or a Power of Attorney clearly stating the authority of the Company to sign the

DMLC Part II “as agent for and on behalf of the shipowner in accordance with the terms and conditions provided in that certain Shipmanagement contract dated ‘ \_\_\_ ’.”

8.2.4 The DMLC Part II shall be certified compliant by the relevant RO as the case may be, prior to issuance of the MLC to the shipowner.

### 8.3 **Interim ML Certificate (IMLC)**

8.3.1 An IMLC may be issued:

- .1 to new ships on delivery;
- .2 when a ship changes flag; or
- .3 when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

8.3.2 An IMLC may only be issued following verification that:

- .1 the ship has been inspected, as far as reasonable and practicable, for items listed in section [8.1.2](#), above;
- .2 the shipowner has demonstrated to the RO that the ship has adequate procedures to comply with the [MLC, 2006](#);
- .3 the Master is familiar with the MLC, 2006 and the responsibilities for implementation; and
- .4 relevant information has been submitted to the RO to produce a DMLC.
- .5 A DMLC need not be issued for the period of validity of the IMLC.

8.3.3 An IMLC must be endorsed by the RO.

### 8.4 **Certificate Formats**

8.4.1 The ROs shall develop templates for the ML Certificate and IMLC which conform to the model prescribed by the MLC, 2006.<sup>4</sup>

8.4.2 The RO shall submit certificates issued and supporting inspection reports to the Administrator for its records.

8.4.3 A copy of these documents must be posted in a conspicuous place on board the ship to be available to the seafarers onboard.

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<sup>4</sup> A complete DMLC consists of two parts: 1) DMLC Part 1, which is drawn up by the Administrator; and 2) DMLC Part II, which is drawn up by the shipowner/operator and certified by the RO. Both of these Parts must be supplied to the RO so that they can be combined for issuance of the DMLC (containing Parts I & II), in conjunction with issuance of the ML Certificate to which the DMLC must be attached.

8.4.4 If the DMLC and ML Certificate are not in English, an English-language translation of these documents must accompany the originals for a ship engaged in an international voyage.

## **9.0 Non-Certified Ships**

9.1 All ships to which the MLC, 2006 applies, regardless of whether they are required to carry an ML Certificate, shall comply with RMI national laws and provisions specified in the DMLC Part I, and shall be subject to inspection by the Administrator verifying that this requirement is met. Such ships may request voluntary certification subject to the satisfactory completion of all requirements necessary for certification. This will simplify matters involving port State control inspections.

9.2 Any other ship to which the MLC, 2006 does not apply, may request voluntary certification subject to the satisfactory completion of all reasonable and practical requirements necessary for certification.

## **10.0 Certificate Validity**

### **10.1 ML Certificate**

An ML Certificate shall be issued for a period which shall not exceed five (5) years and which validity will be subject to an intermediate inspection. If only one intermediate inspection is carried out and the period of validity is five (5) years, it shall take place between the second and third anniversary dates of the ML Certificate.

### **10.2 IMLC**

An IMLC may be issued for a period not to exceed six (6) months. An inspection in accordance with section [8.1.2](#), above shall be carried out after at least two (2) months of satisfactory implementation onboard and before the expiry of the IMLC. No further IMLC may be issued following this initial six (6) months.

### **10.3 Causes for Invalidation**

An ML Certificate or IMLC shall cease to be valid in any of the following cases:

- .1 the relevant inspections are not completed within the specified time periods;
- .2 the ML Certificate is not endorsed by the RO;
- .3 when a ship changes flag;
- .4 when a shipowner ceases to assume the responsibility for the operation of a ship; and
- .5 when substantial changes have been made to the structure or equipment covered in Title 3 of the [MLC, 2006](#), “*Accommodation, Recreational Facilities, Food and Catering.*”

## 10.4 **Grandfathering**

ML Statements of Compliance issued during the period prior to 20 August 2012 shall be convertible to full ML Certificates. The ML Certificates should retain the original expiration date and inspection cycle unless, in accordance with subsection [5.4](#) above, the shipowner wishes to harmonize MLC, 2006 inspections with ISM Code audits.

## 11.0 **Deficiencies and Certificate Withdrawal**

- 11.1 An RO, or other authorized inspector, shall require the rectification of deficiencies in seafarers' working and living conditions that have been identified as the result of an inspection and shall carry out inspections in this regard at the request of a port State control authority. Where there are grounds to believe that deficiencies constitute a serious breach of the MLC, 2006 (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, an inspector shall, with the authorization of the Administrator, prohibit a ship from leaving port until necessary corrective actions are taken.
- 11.2 An ML Certificate or IMLC shall be withdrawn by the Administrator, or RO with the authorization of the Administrator, if there is evidence that a ship does not fully comply with the requirements of the [MLC, 2006](#) and that the required corrective actions have not been taken. When considering the withdrawal of an ML Certificate, the seriousness and frequency of the deficiencies shall be considered.
- 11.3 Where there is no clear breach of the requirements that endangers the safety, health or security of the seafarers and where there is no prior history of similar breaches, an RO shall have the discretion to give advice and ensure that action is taken to remedy the deficiencies found instead of instituting or recommending withdrawal of an ML Certificate.
- 11.4 If the Administrator receives a complaint that is not manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of the MLC, 2006 or that there are serious deficiencies in the implementation of measures set out in the DMMLC, the Administrator, or RO with the authorization of the Administrator, shall undertake to investigate the matter and ensure that action is taken to remedy the deficiencies found.

## 12.0 **ISM Code**

- 12.1 The Administrator considers elements of the MLC, 2006 to be an extension of the ISM Code and an essential part of meeting the Code's objectives of maintaining compliance with international conventions through the Company's Safety Management System.
- 12.2 Failure of an applicable RMI flagged vessel to comply with the MLC, 2006 may be considered a non-conformity as defined in the ISM Code, resulting in the possible withdrawal of the vessel's Safety Management Certificate (SMC) and also possibly the Company's DOC.
- 12.3 In the event of certification withdrawal, reinstatement of certification shall not occur until the

vessel's RO and, if the situation warrants, the competent authority of the Member State under whose jurisdiction the vessel is located are able to advise the Administrator that they are satisfied with the Company and vessel's compliance with the MLC, 2006.

### **13.0 Record Keeping**

#### **13.1 ML Certificates**

ROs shall maintain publicly available records of ML Certificates issued and provide the Administrator with an electronic file copy in the form of a scanned PDF of each ML Certificate issued.

#### **13.2 Inspection Reports**

RO inspectors shall submit a report of each inspection to the Administrator. The RO shall supply one copy of the report in English, and, if necessary, one in the working language of the ship to the master of the ship. The ship's master shall post a copy set on the ship's notice board for the crew.

#### **13.3 Inspection Records**

A record of inspections shall be kept by the Master with any significant deficiencies found during the inspection noted and their date of remedy recorded. This record, if not in English, shall be accompanied by an English-language translation and appended to the DMLC so that it is available to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

#### **13.4 Investigation Report**

In the case of an investigation pursuant to a major incident, an RO or other authorized inspector shall submit a report to the Administrator as soon as practicable, but not later than one (1) month following the conclusion of the investigation.

#### **13.5 Change of Flag after 20 August 2012**

If a ship leaves the RMI flag and the gaining flag State concerned has ratified the [MLC, 2006](#), the RO on behalf of and upon notification of the Administrator, shall transmit to the competent authority of the other Member copies of the ML Certificate and DMLC carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports if the gaining flag State competent authority requests them within three (3) months after the change of flag has taken place. Likewise, for a ship entering the RMI flag, the Administrator will expect the same information to be provided to it when requested of the previous flag State.

#### **13.6 Annual Report**

- 13.6.1 The Administrator shall maintain records of inspections and shall publish an annual report on inspection activities in accordance with Standard A5.1.4.13 of the MLC, 2006 within a reasonable time, not exceeding six (6) months after the end of the calendar year. The Annual Report shall contain:
- .1 A list of relevant laws and regulations, as amended, relevant to seafarers' working and living conditions;
  - .2 Details of the Administrator's system of inspection;
  - .3 Statistics of ships subject to inspection;
  - .4 Statistics on seafarers subject to national laws and regulations;
  - .5 Statistics and information on violations of legislation, penalties imposed and cases of MLC, 2006 detention of ships; and
  - .6 Statistics on reported occupational injuries and diseases affecting seafarers.
- 13.6.2 ROs shall assist the Administrator in meeting this requirement by providing statistics on inspections and other information required to produce this Annual Report in accordance with [RMI Technical Circular 19](#), as amended.

#### **14.0 Seafarer Complaints**

- 14.1 Each shipowner shall provide for on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the [MLC, 2006](#), including seafarers' rights.
- 14.2 Reference shall be made to Marine Notice [7-053-1](#), *On-Board Complaint Procedures*.

#### **15.0 Confidentiality**

- 15.1 All inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.



## REPUBLIC OF THE MARSHALL ISLANDS

### OFFICE OF THE MARITIME ADMINISTRATOR

#### 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 Government of the Republic of the Marshall Islands (RMI)

With respect to the provisions of the [Maritime Labour Convention, 2006](#) (“MLC, 2006” or also referred to below as “the Convention”) and RMI Marine Notice 2-011-33, the following referenced ship:

Name of Ship	IMO Number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention and RMI National laws and regulations.

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

- (a) the provisions of the MLC, 2006 are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions where they differ from the MLC, 2006 are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are referenced under the requirements concerned.



## **1. Minimum age (Regulation 1.1)**

- **Maritime Act, 1990, as amended ([MI-107](#)) §826 – Minimum age at sea.**
- **Maritime Regulations ([MI-108](#)) §7.49 – Minimum Age.**
  - For the purposes of this requirement, “night” is defined as the period starting at 20:00 hrs and ending at 06:00 hrs.
  - Seafarers under the age of 18 shall be prohibited from engaging in employment or work which is considered “hazardous” as determined by the shipowner/operator in accordance with relevant international standards.
- **Marine Notice [7-049-1](#) - Hazardous Work and Consideration of Health and Safety Issues for Seafarers under the Age of 18.**
  - Addresses and provides criteria and the international standards for the determination of “hazardous” employment or work with regard to seafarers under the age of 18.

## **2. Medical certification (Regulation 1.2)**

- **Maritime Act, 1990, as amended (MI-107) §825 – Required documents for seafarers.**
- **Maritime Regulations (MI-108) §7.47.4 – Medical Certificates.**
  - Each seafarer employed on board a vessel registered under the Maritime Act shall be in possession of a physical examination certificate in the official form required by the Republic of the Marshall Islands, the STCW Convention 1978, as amended, or by another State Party to the ILO Convention Concerning the Medical Examination of Seafarers, attesting to the holder’s medical fitness for duty.
  - The certificate must be signed by a medical practitioner licensed in the place of examination.
  - Medical information required to be recorded on the medical certificate and the duration of validity of the certificate is the same as referred to in the Convention.
  - Provisions for urgent cases are the same as referred to in the Convention except that the term “expired medical certificate of recent date” is defined as a medical certificate which is expired for a period not greater than 6 months.
- **Marine Guideline [7-47-1](#) - Guidance on Medical Exams and Certificates for Seafarers.**
  - Contains model medical exam form for the physical examination and the required Physical Exam Certificate (Form MI-105M) that must be submitted to the Office of the Maritime Administrator.

## **3. Qualification of seafarers (Regulation 1.3)**

- **Maritime Act, 1990, as amended (MI-107) §825 – Required documents for seafarers.**
- **Maritime Regulations (MI-108) §7.47.1 – Training and Qualifications.**
  - Requirements for merchant marine personnel certification (MI-118), established pursuant to Marshall Islands Maritime Act 1990, Chapter 1, Section 109 and Marshall Islands Maritime Regulation Section 1.04, comply fully with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

## **4. Seafarers’ employment agreements (Regulation 2.1)**

- **Maritime Act, 1990, as amended ([MI-107](#)) §830 – Grounds for discharge.**
- **Maritime Act, 1990, as amended (MI-107) §853 – Contracts for seafaring labor.**

- **Maritime Regulations ([MI-108](#)) §7.45.1 – Seafarer Employment Agreements.**
- **Maritime Regulations (MI-108) §7.47.3 – Seafarer’s Identification and Record Books.**
- **Maritime Regulations (MI-108) §7.48 – Certificates of Service.**
  - Records of employment are recorded in seafarer’s identification and record books. Seafarers not required to possess a seafarer identification and record book are issued certificates of service, the provisions of which are the same as referred to in the Convention.

**5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)**

- **Maritime Regulations (MI-108) §7.45.2 – Recruitment and Placement Services.**
- **Marine Notice [7-045-1](#) - Demonstrating Compliance of Recruitment and Placement Services.**

**6. Hours of work or rest (Regulation 2.3)**

- **Maritime Act, 1990, as amended (MI-107) §842 – Working hours, rest hours and overtime.**
- **Maritime Regulations (MI-108) §7.51 – Hours of Work and Hours of Rest.**
  - Terminology used is the same as referred to in the Convention.
- **Marine Notice [7-051-2](#) – Minimum Hours of Rest.**
  - The Administration has established a minimum hours of rest standard for the regulation of Hours of Work and Hours of Rest.
  - Provides forms for the Table of Working Arrangements and for the Records of Hours of Rest.

**7. Manning levels for the ship (Regulation 2.7)**

- **Maritime Act, 1990, as amended (MI-107) §804 – Full complement required.**
- **Maritime Regulations (MI-108) §7.38 – Manning Requirements for Vessels Registered under the Maritime Act.**

**8. Accommodation (Regulation 3.1)**

- **Maritime Act, 1990, as amended (MI-107) §863 – Accommodations**
- **Maritime Regulations (MI-108) §7.44 – Accommodations, Recreational Facilities, Food, Water and Catering.**
- **Marine Notice [7-044-1](#) – Accommodations, Recreational Facilities, Food, Catering and Water (sections 1 – 13 and 16 – 18).**

**9. On-board recreational facilities (Regulation 3.1)**

- **Maritime Regulations ([MI-108](#)) §7.44 – Accommodations, Recreational Facilities, Food, Water and Catering.**

- **Marine Notice [7-044-1](#) – Accommodations, Recreational Facilities, Food, Catering and Water** (sections 1, 14, 16, 17 and 18).

## **10. Food and catering (Regulation 3.2)**

- **Maritime Regulations (MI-108) §7.38.5d – Manning Requirements for Vessels Registered under the Maritime Act / Responsibility of Shipowners/Operators.**
- **Maritime Regulations (MI-108) §7.44 – Accommodations, Recreational Facilities, Food, Water and Catering.**
- **Marine Notice 7-044-1 – Accommodations, Recreational Facilities, Food, Catering and Water** (sections 1, 15, 16 and 17).
- **Marine Guideline [7-44-1](#), Food Handling, Storage and Preparation**
  - Complements Marine Notice 7-044-1.

## **11. Health and safety and accident prevention (Regulation 4.3)**

- **Maritime Act, 1990, as amended ([MI-107](#)) §710 – Marine casualty investigations.**
- **Maritime Regulations (MI-108) §6.36 – Reports of Marine Casualties or Incidents.**
- **Maritime Regulations (MI-108) §7.41 – Master’s Duties and Responsibilities**
  - **.10 Accident Prevention.** The Master of each vessel shall appoint from amongst the crew a suitable person or a committee responsible for accident prevention, and such person or committee shall in addition to any other duties assigned by the Master hold safety meetings, conduct routine inspections and ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code or codes currently approved by the Administration are brought to the prompt attention of the Master.
- **Maritime Regulations (MI-108) §§7.43.1 and 7.43.2 – Health and Safety Protection and Accident Prevention.**
- **Marine Notice [2-011-13](#) – International Safety Management (ISM) Code.**
- **Marine Notice [7-049-1](#) – Hazardous Work and Consideration of Health and Safety Issues for Seafarers under the Age of 18.**
  - Addresses and provides criteria for the determination of ‘hazardous’ employment or work with regard to seafarers under the age of 18.
- **Marine Guideline [2-11-3](#) – Guidelines on the Basic Elements of a Shipboard Occupational Health and Safety Program.**

## **12. On-board medical care (Regulation 4.1)**

- **Maritime Regulations ([MI-108](#)) §7.42 – Medical Care of Officers and Crew.**
  - **.2 Hospital:** Vessels carrying 15 or more seafarers and engaged in a voyage of more than three (3) days’ duration shall provide separate hospital accommodation to be used exclusively for medical purposes and that will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention. Vessels engaged in coastal trade and capable of reaching qualified medical care and medical facilities within eight (8) hours may be exempted from this requirement.

- **.4 Standard of Competence for Medical First Aid/Medical Care:** Vessels which do not carry a medical doctor shall be required to have one (1) seafarer on board who is in charge of medical care and administering medicine as part of their regular duties and one (1) seafarer on board competent to provide medical first aid. A single individual may serve in both capacities, provided he/she is certified for the two (2) competencies.
- **Marine Notice [7-042-1](#), Medical Care On Board Ship and Ashore: Medical Chest, Recordkeeping and Responsibilities and Training for Medical Care.**

**13. On-board complaint procedures (Regulation 5.1.5)**

- **Maritime Act, 1990, as amended ([MI-107](#)) §861 – Conciliation, mediation and arbitration of labor disputes, differences or grievances.**
- **Maritime Regulations (MI-108) §7.53 – Conciliation, Mediation and Arbitration.**
- **Marine Notice [7-053-1](#), On Board Complaint Procedures**
  - Contains specifics regarding the development of the on board complaint procedures.

**14. Payment of wages (Regulation 2.2)**

- **Maritime Act, 1990, as amended (MI-107) §827 – Payment of wages.**
- **Maritime Regulations (MI-108) §7.51.4 – Payment of Wages.**
- **Marine Notice [7-051-1](#), Payment of Wages – Account.**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal or stamp of the authority, as appropriate)

## Substantial Equivalencies

*(NOTE: Strike out the statement which is not applicable)*

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted *(insert description if applicable)*:

---

---

No equivalency has been granted.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal or stamp of the authority, as appropriate)

## Exemptions

*(NOTE: Strike out the statement which is not applicable)*

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

---

---

No exemption has been granted.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal or stamp of the authority, as appropriate)

**ANNEX II – DECLARATION OF MARITIME LABOUR COMPLIANCE – PART II**

**Maritime Labour Convention, 2006**

**Declaration of Maritime Labour Compliance – Part II**

*Measures adopted to ensure ongoing compliance between inspections*

<b>Name of Ship</b>	<b>IMO Number</b>	<b>Gross tonnage</b>

With respect to the above ship, 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. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Seafarers' employment agreements (Regulation 2.1)
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
6. Hours of work or rest (Regulation 2.3)
7. Manning levels for the ship (Regulation 2.7)
8. Accommodation (Regulation 3.1)
9. On-board recreational facilities (Regulation 3.1)
10. Food and catering (Regulation 3.2)
11. Health and safety and accident prevention (Regulation 4.3)
12. On-board medical care (Regulation 4.1)
13. On-board complaint procedures (Regulation 5.1.5)
14. Payment of wages (Regulation 2.2)

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of  Shipowner<sup>1</sup> /  Company<sup>2</sup>:

For  Itself /  and as Agent for and on behalf of Shipowner<sup>2</sup>

Shipowner address<sup>2</sup>:

Company address<sup>2</sup>:

Name of the authorized signatory:

Title:

Signature of the authorized signatory: \_\_\_\_\_

Date:

(Seal or stamp of the shipowner/Company<sup>1,2</sup>)

The above measures have been reviewed by \_\_\_\_\_  
*(insert name of competent authority or duly recognized organization)*

and, following inspection of the ship, have been determined as meeting the purposes set out under Standards A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

Signature: \_\_\_\_\_

Place:

Date:

(Seal or stamp of the authority, as appropriate)

<sup>1</sup> *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer (Company), 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.

<sup>2</sup> Check box(es) as appropriate.

**ANNEX III – MLC, 2006 RESOLUTION VII – OCCUPATIONAL GROUPS**  
(Resolution adopted on 22 February 2006)

**7. RESOLUTION CONCERNING INFORMATION ON OCCUPATIONAL GROUPS**

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;"

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 II.



## **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.

**\*\*\*End\*\*\***

### **Administrator's Criteria**

While the Administrator reviews every situation individually when issuing a DMLC Part I, to better understand how Resolution VII is applied in practice, the following questions (addressing duration, frequency, location, purpose and protections) should be considered.

- **Is the normal place of work on board the ship?** If not, then these persons would not be considered seafarers. Such persons would be considered supernumeraries.
- **Is the person's principle place of employment ashore and not part of the routine business of the ship?** If so, then these persons would not be considered seafarers.
- **Is the person's work aboard the vessel on an occasional and short-term basis?** If so, these persons would not be considered seafarers.
- **Is the person contractually provided with social protections that are equal to or greater than those required by MLC for seafarers?** If yes, then these persons would be deemed by the Administrator as having substantially equivalent protections.

### **Administrator's Determinations**

- Privately Contracted Armed Security Personnel (PCASPs) are considered supernumeraries by the Administrator. However, all guidelines for the engagement of PCASP must be followed and suitable accommodations provided.
- Other supernumeraries not considered seafarers shall include harbour pilots; North Sea/Canal pilots; Amazon River pilots; short sail attendance of service engineer and repair technicians; ship inspectors; auditors; superintendents; as well as specialist staff such as scientists, researchers, guest entertainers, and lecturers.
- Riding gang members, tank cleaning crews and port workers are not considered seafarers. This would include someone who is not a documented seafarer and who does not perform watchstanding, automated engine room duty watch, or personnel safety functions; or cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel); does not serve as part of the crew complement; and is not a member of the catering/mess crew.

- Cadets are seafarers for which suitable accommodation onboard ships shall be made available while undergoing mandatory shipboard training. Cadets enrolled in a National or other training program that requires onboard experience may hold a training agreement in lieu of a seafarers employment agreement, so long as the training agreement provides contractual arrangements to ensure that a cadet has the substantially equivalent information and protections as afforded by a seafarers' employment agreement.
- Cruise ship personnel such as hotel staff, restaurant and galley staff, shopkeepers, resident entertainers, spa personnel, hairdressers, casino operators and others who are directly employed by the cruise operator or are employed by an outsourced franchise company are seafarers.
- Personnel under the employ or contract of the charterer of a yacht are not considered seafarers and shall be the responsibility of the charterer. Nevertheless, such personnel must not be brought on board unless suitable accommodation and safety equipment can be provided.
- Industrial personnel engaged on vessels doing pipe laying, cables laying, ROV, surveys, subsea operations with construction crews; ranks such as riggers, riggers foreman, offshore construction managers, surveyors, divers, technicians, medics etc. who are working onboard the vessel for extended periods as part of the normal working complement, while not considered seafarers, and whether employed by the vessel operator or not, will be expected to have at least the same level of social protection as the marine crew.

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