



COMDTPUB PXXXXX  
NVIC New-13

NAVIGATION AND VESSEL INSPECTION CIRCULAR (NVIC) NO. NEW-13

Subj: GUIDANCE IMPLEMENTING THE MARITIME LABOUR CONVENTION, 2006

Ref: (a) Maritime Labour Convention, 2006  
(b) Information and Life Cycle Management Manual, COMDTINST M5212.12 (series)

1. PURPOSE. This NVIC is intended to provide guidance for Coast Guard marine inspectors, Recognized Class Societies (RCS), and U.S. vessels owners/operators for meeting the provisions of the Maritime Labour Convention, 2006 (MLC). Through this NVIC the Coast Guard is establishing a voluntary inspection program for vessel owners/operators who wish to document compliance with the requirements of the MLC. U.S. commercial vessels that operate on international routes are encouraged to participate. Fishing vessels, vessels of novel design, warships, and naval auxiliary vessels are exempted from the Convention.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, chiefs of headquarters staff elements, and participating personnel shall ensure that the provisions of this circular are followed. Internet release is authorized.
3. DIRECTIVES AFFECTED. None
4. BACKGROUND. The 94th (Maritime) Session of the International Labour Conference (ILC) (Geneva, February 2006) adopted the MLC, an important new international agreement that consolidates almost all of the 70 existing International Labour Office (ILO) maritime labour instruments in a single modern, globally applicable, legal instrument. The MLC establishes comprehensive minimum requirements for working conditions of seafarers including, among other things, conditions of employment, hours of work and rest, accommodations, recreational facilities, food and catering, health protection, medical care, welfare, and social security protection. It combines rights and principles with specific standards and detailed guidance as to how to implement these standards at the national level. The Convention is comprised of three different but related parts: the Articles, the Regulations, and the Code. The Articles and

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Regulations set out the core rights and principles and the basic obligations of members ratifying the Convention. The Code contains the details for the implementation of the Regulations. The Code is comprised of Part A (mandatory standards) and Part B (non-mandatory guidelines).

5. DISCUSSION.

- a. The MLC will enter into force on 20 August 2013. It requires certain ships that engage on international voyages to maintain a valid Maritime Labour Convention certificate issued by its flag administration. As of the effective date of this NVIC, the U.S. has not ratified the MLC. Until such time that the U.S. ratifies the MLC, the Coast Guard will not mandate enforcement of its requirements on U.S. vessels or upon foreign vessels while in the Navigable Waters of the United States. However, Article V, paragraph 7, of the Convention contains a “no more favorable treatment clause” which requires ratifying governments to impose Convention requirements even on vessels from a non-ratifying government when calling on their ports. As a result, U.S. vessels not in compliance with the MLC may be at risk for Port State Control actions, including detention, when operating in a port of a ratifying nation. The MLC page on the ILO’s website provides a comprehensive source of information about the convention and it contains a complete list of ratifying countries, inspection guidelines, relevant news concerning the Convention and electronic copies of the Convention for free download. The MLC page can be found under the “Labour Standards” tab on the ILO’s main website ([www.ILO.org](http://www.ILO.org)). Vessel owners/operators should review the ILO’s list of ratifying nations to determine if they may be impacted during a foreign voyage.
- b. The MLC requires owner/operators of ships greater than 500 gross tons (ITC) to certify that the working and living conditions onboard the vessel are in keeping with the Convention and to maintain compliance certificates. The Coast Guard intends to issue a Statement of Voluntary Compliance, Maritime Labour Convention (SOVC-MLC) certificate to vessels demonstrating compliance with the MLC. The owner/operator of an applicable U.S. vessel, while not compelled to obtain a SOVC-MLC, may obtain one.
- c. Through the promulgation of this NVIC, the Coast Guard is authorizing Recognized Class Societies (RCS) to conduct MLC compliance inspections and issue SOVCs at the request of vessel owners/operators. RCS have the training and resources available to carry out inspections consistent with the MLC. The Coast Guard does not intend to conduct voluntary MLC inspections for vessels that are classed and can obtain this inspection from their respective RCS. Vessel owners/operators should contact their RCS to schedule a MLC compliance inspection. RCS’s should use the guidance outlined in Enclosure (1) when conducting compliance inspections. For inspections conducted by the Coast Guard, Sector Commanders/Officers in Charge, Marine Inspection (OCMIs) shall direct their staffs to use the guidance in Enclosure (1) when conducting voluntary inspections on applicable U.S. vessels for the issuance of a SOVC-MLC.
- d. Foreign Port State Authorities are not obligated to accept the SOVC-MLC as proof of compliance. By the issuance of a SOVC-MLC, the vessel will be recognized as being “certified” to the standards of the MLC. U.S. vessels not able to demonstrate compliance with the MLC may be subject to Port State Control actions when engaged on international voyages to countries that have ratified the MLC. To better manage inspection resources,

OCMIs should focus initial inspections on vessels that routinely operate in the ports of ratifying nations.

e. Specific vessel applicability:

- (1) Vessels over 500 Gross Tons on International Voyages. U.S. commercial vessels of 500 gross tons (ITC) and above engaging on international voyages may be “certified” and demonstrate compliance with the MLC through possession of a SOVC-MLC in keeping with Regulation 5.1.3 of the MLC, 2006.
- (2) Vessels under 500 Gross Tons on International Voyages. According to the MLC, U.S. commercial vessels, including uninspected commercial vessels, less than 500 gross tons (ITC) engaging on international voyages to ports of MLC ratifying nations will be required to meet the same MLC requirements as those greater than 500 gross tons (ITC). The Convention does not require these vessels to be issued compliance certificates, however, it is recommended these vessels voluntarily comply with the MLC and develop their own Declaration of Maritime Labour Compliance. See Enclosure (1) for further details.
- (3) U.S. ships which navigate exclusively on the Great Lakes and the inland waters of the Juan de Fuca Strait are exempted from the MLC. The U.S. has defined these areas as inland waters. Ships exclusively operating on inland waters are exempted from the provisions of the MLC based on the definition of a ship in Article II (1)(i) of the Convention.
- (4) Vessels that do not operate in ports of MLC ratifying nations are not required to be in compliance with the Convention. If those owners would like to obtain an SOVC, it is recommended that they request the MLC inspection as part of their normal inspection for certification.
- (5) The USCG is partnering with Transport Canada to develop a Memorandum of Understanding that would allow for the recognition of each country’s national laws/regulations as providing substantial compliance with the provisions of the MLC. This would allow vessels less than 500 gross tons (ITC) operating between ports in the U.S. and Canada to not be required a MLC inspection, not prepare and maintain a declaration, or be issued voluntary compliance certificates to demonstrate compliance with the MLC.

f. The MLC contains fourteen areas that are subject to a mandatory compliance for “certification” and the issuance of compliance certificates. The specific sections of the MLC that must be inspected for compliance prior to MLC certification are:

- (1) Minimum age (Regulation 1.1)
- (2) Medical certification (Regulation 1.2)
- (3) Qualifications of seafarers (Regulation 1.3)
- (4) Use of any licensed or certified or regulated private recruitment and placement services (Regulation 1.4)
- (5) Seafarers’ employment agreements (Regulation 2.1)

- (6) Payment of wages (Regulation 2.2)
- (7) Hours of work and rest (Regulation 2.3)
- (8) Manning levels for the ship (Regulation 2.7)
- (9) Accommodation (Regulation 3.1)
- (10) On-board recreation facilities (Regulation 3.1)
- (11) Food and catering (Regulation 3.2)
- (12) On-board medical care (Regulation 4.1)
- (13) Health and safety and accident prevention (Regulation 4.3)
- (14) On-board complaint procedures (Regulation 5.1.5)

g. The possession of a SOVC-MLC (Enclosure (2)) provides proof the vessel is in compliance with the MLC. The format of the SOVC-MLC certificate shall remain consistent with the sample MLC certificate provided in the Code and will be supplemented with a SOVC, Declaration of Maritime Labour Compliance (DMLC). The SOVC-DMLC is a unique two-part form that must be completed by the Coast Guard or RCS and the vessel owner/operator. Once issued, the SOVC-MLC and DMLC are required, by the MLC, to be posted on the vessel in a conspicuous place available to the seafarers.

(1) The SOVC-DMLC Part I (Enclosure (3)) is prepared by the Coast Guard or RCS and references current U.S. laws/regulations to the relevant mandatory areas of compliance in the convention. The Coast Guard does not currently have laws/regulations that mirror the MLC standards for health and safety and accident prevention (Regulation 4.3) and the on-board complaint procedures (Regulation 5.1.5). For these areas, the Coast Guards or RCS will recognize the applicable standards as published in the MLC. RCS should utilize the laws/regulations described on the Coast Guard's SOVC-DMLC Part I when preparing the voluntary compliance certificates.

(2) The SOVC-DMLC Part II (Enclosure (4)) is to be prepared by the vessel's owner/operator. It should document the measures they have put in place to ensure continuous improvement and ongoing compliance. As described above, for those areas where there are no U.S. laws/regulations, ship-owners should put in place measures that conform to the applicable standards as outlined in the MLC. The format should follow the DMLC–Part II provided in the Convention. A template for the SOVC-DMLC Part II is also available for free download on the Coast Guard's Homeport website under the Domestic Vessels/Domestic Vessel General tab. Once prepared, the Coast Guard or RCS will review the measures drawn up by the vessel's owner and following a successful inspection, endorse Part II of the SOVC-DMLC.

h. The guidance provided in Enclosure (1) summarizes each of the fourteen MLC regulations and provides guidance for marine inspectors and RCS when conducting inspections. A job aid (Enclosure (5)) has been prepared as a reference for marine inspectors, RCS, and ship-owners. It provides a more detailed breakdown of the Convention requirements.

6. **DISCLAIMER.** This guidance is not a substitute for applicable legal requirements, nor is in itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with

these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the local Coast Guard, OCMI who is responsible for implementing this guidance.

7. QUESTIONS. Questions or concerns regarding this policy may be directed to Commandant (CG- CVC-1) at (202) 372-1224 or CG-CVC-1@uscg.mil.
8. RECORDS MANAGEMENT CONSIDERATIONS. This circular has been thoroughly reviewed during the directives clearing process, and it has been determined there are records scheduling requirements, in accordance with reference (b).
9. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations under the National Environmental Policy Act (NEPA) were examined in the development of this Instruction. This Instruction included preparation of guidance documents that implement, without substantive change, the applicable Commandant Instruction or other Federal agency regulations, procedures, manuals, and other guidance documents. It is categorically excluded from further NEPA analysis and documentation requirements under Categorical Exclusion (33) as published in COMDTINST M16475.1D, Figure 2-1. An Environmental Checklist and Categorical Exclusion Determination (CED) are not required.
10. FORMS/REPORTS. None

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- Enclosures:(1) MLC Inspection Guidelines for U.S. Commercial  
Vessels on International Voyages
- (2) SOVC-MLC
  - (3) SOVC-DMLC Part I
  - (4) SOVC-DMLC Part II Template
  - (5) MLC Inspection Job Aid
  - (6) Declaration Template
  - (7) SOVC-IMLC
  - (8) MLC Inspection Report

## **Maritime Labour Convention, 2006**

### **Inspection Guidelines for U.S. Commercial Vessels on International Voyages**

1. General:

- a. The MLC is intended to help achieve decent working/living conditions for all seafarers. The Convention sets out fundamental rights and principles with respect to their working and living conditions and the guidance in this enclosure will provide marine inspectors and ship-owners with a framework to achieve compliance.
- b. For applicable U.S. vessels that operate on international voyages, the Coast Guard will offer voluntary compliance inspections to the standards outlined in the MLC. Owners and operators who wish to demonstrate voluntary compliance should contact their local OCMI and request an inspection. MLC inspection guidance published by the International Labour Office (ILO) recognizes that while all requirements of the Code must be inspected, any inspection is a subjective process and marine inspectors should use their professional judgment and expertise when determining the depth for each item required to be inspected.
- c. Vessels demonstrating compliance with MLC will be issued a Statement of Voluntary Compliance, Maritime Labour Certificate (SOVC-MLC) and a Statement of Voluntary Compliance, Declaration of Maritime Labour Compliance (SOVC-DMLC). Vessels that are issued these certificates will be recognized by the United States as being voluntarily “certified” for compliance with the MLC. Foreign Port State Authorities are not obligated to accept the SOVC-MLC as proof of compliance. Therefore, vessels should be prepared for expanded port state control exams at any time when operating in the ports of a MLC ratifying nation. *Fishing vessels, warships and naval auxiliaries are exempted from the Convention.*
- d. Classification societies recognized by the Coast Guard (RCS) are authorized to conduct MLC inspections and issue statements of voluntary compliance at the request of a vessel owner/operator. RCS’s should use the guidance outlined in this enclosure when conducting compliance inspections and should utilize the statements describing U.S. laws/regulations listed on the Coast Guard’s SOVC-DMLC Part I when preparing their own Statements of voluntary compliance.

2. Vessel Applicability:

- a. Vessels over 500 Gross Tons (ITC) on International Voyages. U.S. commercial vessels of 500 gross tons (ITC) and above engaging on international voyages to ports of ratifying nations may be “certified” and demonstrate compliance with the MLC through possession of a SOVC-MLC and a SOVC-DMLC.

- b. Vessels under 500 Gross Tons (ITC) on International Voyages. According to the MLC, U.S. commercial vessels, including uninspected commercial vessels, less than 500 gross tons (ITC) engaging on international voyages to ports of MLC ratifying nations will be required to meet the same MLC requirements as those greater than 500 gross tons (ITC). The Convention does not require these vessels to be issued compliance certificates, however, it is recommended these vessels voluntarily comply with the MLC and develop their own Declaration of Maritime Labour Compliance. This Declaration should state the U.S. national requirements implementing the Convention and identify the measures adopted by the ship-owner to ensure compliance with the requirements on the vessel or vessels concerned. A template for this Declaration has been developed for use (Enclosure (6)) and can be found on the Coast Guard's Homeport website under the Domestic Vessels/Domestic Vessel General tab. Ship-owners may request a MLC inspection for the issuance of a statement of voluntary compliance certificate at their discretion. The guidance for vessels greater the 500 gross tons (ITC) shall be followed in those cases.
  - c. Because the MLC obliges ratifying nations to give no more favorable treatment to ships sailing under the flags of non-ratifying nations, vessels not required to be "certified" may be subject to a more detailed PSC exam when in a foreign port to demonstrate compliance. It is recommended an owner/operator request the ship be "certified" and have the SOVC-MLC and SOVC-DMLC issued. Voluntary compliance with the MLC is only necessary if the vessel operates in the ports of countries that have ratified the MLC. Ship-owners should check the ILO website for the most up to date list of ratifying nations.
  - d. The USCG is partnering with Transport Canada to develop a Memorandum of Understanding that would allow for the recognition of each country's national laws/regulations as providing substantial compliance with the provisions of the MLC. This would allow vessels less than 500 gross tons (ITC) operating between ports in the U.S. and Canada to not be required a MLC inspection, not prepare and maintain a declaration, or be issued voluntary compliance certificates to demonstrate compliance with the MLC.
  - e. U.S. ships of any tonnage which navigate exclusively on the Great Lakes and the inland waters of the Juan de Fuca Strait are exempted from the MLC. Vessels not engaging on international voyages to ports of countries that have ratified the Convention should not request MLC voluntary inspections for SOVC issuance. However, ship-owners should keep apprised of the countries that have ratified the MLC and plan accordingly.
3. Statements of Voluntary Compliance (SOVC):
- a. Vessels demonstrating compliance with the MLC will be issued a SOVC-MLC, Coast Guard form number CG-XXXX. The format of the SOVC-MLC shall

remain consistent with the MLC and be supplemented with a SOVC, Declaration of Maritime Labour Compliance (DMLC).

- b. The SOVC-DMLC is a unique two-part form. Part I, form number CG-XXXXA, is prepared by the Coast Guard or RCS and references current U.S. laws/regulations against the relevant mandatory areas of compliance in the convention. The Coast Guard does not currently have laws/regulations that mirror the MLC standards for the areas of health and safety and accident prevention (Regulation 4.3) and on-board complaint procedures (Regulation 5.1.5). For these areas, the Coast Guards or RCS will recognize the applicable standards as published in the MLC.
- c. Part II is a document prepared by the vessel's owner/operator and outlines the measures they have put in place to ensure continuous improvement and ongoing compliance. The format for Part II can vary depending on how the owner/operator decides to document their compliance measures. For the areas identified where there are no U.S. laws/regulations, the owner/operator should put in place measures that conform to the applicable standards as outlined in the MLC. The Coast Guard or RCS should review the measures drawn up by the vessel owner/operator. Following a successful inspection of the vessel for compliance with the MLC, the Coast Guard or RCS will endorse Part II. Once endorsed, Part II of the SOVC-DMLC will not expire provided there are no changes to the compliance measures. A template of the SOVC-DMLC Part II is provided (Enclosure (4)) and it's also available for free download on the Coast Guard's Homeport website under the Domestic Vessels-Domestic Vessel General tab.
- d. The Interim SOVC, Maritime Labour Certificate (SOVC-IMLC) (CG-XXXXB) (Enclosure (7)) may be issued to:
  - (1) New ships during their initial inspection for MLC certification;
  - (2) A ship that changes flag; or
  - (3) When a ship owner assumes responsibility for the operation of a ship which is new to that ship-owner.
- e. Voluntary compliance certificates shall be valid for a period of 5 years and subject to an intermediate inspection between the second and third anniversary date of the certificate. Appropriate endorsements by the Coast Guard or RCS will be made to the certificates. It is recommended that certificates issued for the first time have their expiration dates harmonized with the current COI expiration and/or class certificates.
- f. Any certificate issued for compliance under the MLC ceases to be valid under the following circumstances<sup>1</sup>:
  - (1) The relevant inspections were not completed within the authorized time limits.

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<sup>1</sup> *Once certificates expire or become invalid, new certificates shall only be issued following a new inspection under the provisions of the Code.*



## Enclosure (1) to NVIC New-13

- (2) A certificate is not properly endorsed.
- (3) There is a change to the vessel's owner/operator
- (4) When substantial modifications have been made to the vessel affecting the structure or equipment detailed in Title 3 of the Code.
- (5) The ship-owner no longer wishes to comply with the MLC.

### 4. Certification for compliance with the Maritime Labour Convention:

- a. An inspection conducted under the Maritime Labour Convention can be broken down into two distinct areas. The first area concentrates on physical items such as the seafarers' accommodations and galley conditions, while the second focuses on other elements of work conditions such as the payment of wages, seafarer employment agreements, minimum age, medical certification, and hours of work or rest. In order to complete a proper inspection, the marine inspector or surveyor will have to conduct document reviews, employ visual observations, and conduct private interviews with seafarers. The MLC defines a seafarer as any person who is employed or works in any capacity on board a ship.
- b. For ship-owners wishing to have their vessels "certified" and issued a SOVC-MLC, the first step should be to document their measures for compliance in each of the fourteen areas that must be inspected as noted in Appendix A5-I of the MLC and prepare the SOVC-DMLC Part II for Coast Guard or RCS review. Coast Guard marine inspector or RCS surveyors will review Part II and conduct an inspection for compliance. Once an initial MLC compliance inspection has been completed, vessels will demonstrate ongoing compliance through regular Coast Guard or RCS inspection intervals. The guidance provided below outlines the minimum requirements for ship-owners to demonstrate compliance with the MLC.
- c. The MLC regulations and guidance outlined below provide marine inspectors "baseline guidance" for conducting an inspection under MLC. Marine inspectors and surveyors should refer to the MLC for detailed requirements when expanding an inspection based on deficiencies found using "baseline guidance".

### 5. Inspection Process:

- a. The fourteen areas requiring inspection under the MLC for issuance of certificates are listed below. Compliance with the Convention requirements by the ship-owner is voluntary. Since the U.S. has not ratified the MLC and established regulations to enforce it, marine inspectors have no legal authority to cite the Convention to compel compliance. References to applicable U.S. laws and regulations are listed to assist marine inspectors when enforcing U.S. requirements that are mirrored in the MLC. Enclosure (5) provides a job aid that outlines the more specific requirements of the Convention. Strict adherence to the job aid is not necessary to establish substantial compliance for the issuance of the voluntary compliance certificates.

(1) Minimum age (Regulation 1.1): No persons below the age of 16 shall be employed or engage in work aboard a vessel. Seafarers under the age of 18 shall not engage in work that is likely to jeopardize their health or safety. Night-work<sup>2</sup> for seafarers under the age of 18 is prohibited.

(a) U.S. national requirements/legislation: 29 CFR §570.2 requires that 16 years is the minimum age for most non agricultural work. This regulation is the basis of the minimum age requirements on all U.S. vessels.

(b) Ship-owners should:

[1] Maintain documentation that includes dates of birth of each seafarer noted. Individual identity documents, such as passports, should be readily accessible.

[2] Those 18 and below should be highlighted. Each such seafarer should receive at the time of engagement, a list of the potentially hazardous activities and instructions that they should not be performing any of those. They should be advised that if they have any doubts, they should consult the concerned officer. They should also be advised against working at night<sup>2</sup>.

[3] If applicable, the company's safety management system (SMS) should include: 1) a policy applicable to seafarers under the age of 18 regarding night work; and 2) identify the different types of potentially hazardous work aboard the vessel and note why they are considered as such. All precautions to mitigate risk should be noted. Supervisory staff should be advised about the need to adhere to these work limitations.

[4] Any deviation from these instructions should be logged.

(c) Inspectors should:

[1] Check the crew list, or passports or other official documents confirming the crewmember's birth dates.

[2] Review work schedules for crewmembers under the age of 18 to determine their hours and nature of work.

[3] Check to see the types of work that are likely to jeopardize the safety of crewmembers under the age of 18 have been identified.

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<sup>2</sup> Night is recognized as a period of at least 9 hours starting no later than midnight and ending no earlier than 0500. Exemptions in the case of training programs (approved by the Coast Guard) may be authorized by the Commandant, U.S. Coast Guard. ("Night" is not currently defined in U.S. regulations.)

[4] If needed, confirm information through private interviews with one or more crewmembers.

(2) Medical certificates (Regulation 1.2): Seafarers may not work on a vessel unless they are certified as medically fit to perform their duties. For seafarers working on vessels which engage in international voyages, the certificate must be provided in English. All certificates must be valid and issued by a qualified medical practitioner.

(a) U.S. national requirements/legislation: 46 CFR §10.215 defines the medical and physical requirements to qualify for a Merchant Mariner Certificate (MMC). All mariners serving in vessels to which STCW applies must hold a valid medical certificate which is valid for 5 years and part of the MMC issuance<sup>3</sup>.

(b) Ship-owners should: Ensure that all seafarers to which the STCW applies hold a valid MMC. A valid MMC constitutes the proof of a valid medical certificate. Seafarers who do not hold a valid MMC must have a valid medical certificate attesting that they are medically fit to perform their respective shipboard duties.

(c) Inspectors should:

[1] Check for valid MMCs or medical certificates/reports stating the crewmembers are fit for service aboard the vessel

[2] Ensure all medical certificates/reports are issued by a medical practitioner.

[3] Check to ensure crewmembers currently hold a valid Merchant Mariner Credential.

(3) Training and qualifications (Regulation 1.3): Seafarers must be trained or certified as competent or otherwise qualified to perform their duties. They must also have completed training for personal safety on board the vessel.

(a) U.S. national requirements/legislation: U.S. law for the issuance of credentials for both officers and ratings may be found in 46 USC Chapters 71 and 73 respectively. Additionally, 46 USC Chapters 83 and 87 preclude the hiring of individuals aboard vessels without the appropriate credentials authorizing service in the capacity in which the individual is to be engaged

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<sup>3</sup> The Coast Guard is planning to issue a 2-year medical certificate in compliance with the STCW 2010 amendments as soon as the regulations are published. Full compliance with a 2-year medical certificate is expected by 1 January 2017 in accordance with the 2010 amendments to the STCW Convention.

or employed. In addition, 46 CFR §15.405 and §15.1105 requires individuals be both familiar with the vessel's equipment and characteristics and have appropriate training.

(b) Ship-owners should:

- [1] Ensure that all seafarers have the required training and qualifications for the positions they will occupy aboard ship.
- [2] Ensure the master maintains a crew list with details about all seafarer's qualifications, and the positions they will occupy.
- [3] Ensure that procedures are in place for the maintenance of merchant mariners' records in accordance with 46 CFR §15.1107.

(c) Inspectors should:

- [1] Check the Certificate of Inspection or the minimum safe manning document to ensure crewmembers hold a valid Merchant Mariner Credential with the appropriate endorsement for their position on the vessel.
- [2] Check the vessel's log for any training that has been conducted and review a copy of the appropriate training materials that are available to the crew.
- [3] Confirm through private interviews, that the appropriate training is being conducted.

(4) Recruitment and Placement (Regulation 1.4): All seafarers shall have access to a fair and accountable employment placement service to find employment. Use of this service should be at no direct cost to the seafarer. Any employment service used by a seafarer shall conform to Standard A1.4 of the Code.

(a) U.S. national requirements/legislation: There are no U.S. laws, regulations or practices that exist to compel recruitment and placement services to conform to the standards of the Code. However, 46 USC §10314 and §10505 specifies that a person may not receive remuneration for providing seaman with employment. The United States union hiring halls are operated in compliance with the applicable US and state laws for which they operate under.

(b) Ship-owners should:

- [1] Maintain a record as to the manner in which the crew was hired. It should be documented through personal interviews that the seafarer has not paid any money to obtain employment. If possible, an acknowledgement of this should be obtained and kept on file.
- [2] Determine the recruitment process of any non U.S. citizens employed on board their vessels and ensure the seafarer has not paid any fees to procure employment. A record of this documentation should be provided for the Master's records.
- [3] Ship-owners hiring seafarers directly should self-certify via a letter that they are not using any external recruitment agencies.

(c) Inspectors should:

- [1] Determine if the company has established any internal recruitment, placement, or hiring programs.
- [2] Determine if the company is using external recruitment, placement, or hiring programs.
- [3] Interview crewmembers to determine they have not paid a fee or other charge to a recruitment and placement service for employment services.

(5) Seafarers' Employment Agreements (SEA) (Regulation 2.1): All seafarers must have a copy of their SEA/shipping articles signed by both the seafarer and the owner/operators representative. The SEA/shipping articles must, at a minimum, contain the items listed in Standard 2.1, paragraph 4(a)-(k) of the MLC. The seafarers must also be provided with a copy of their employment record aboard the vessel upon their request. If a collective bargaining agreement is part of any SEA/shipping articles, a copy of the collective bargaining agreement shall be kept aboard the vessel.

(a) U.S. national requirements/legislation: 46 USC §10302 (Shipping Articles Agreements) requires that for all international voyages, ship-owners make a shipping agreement in writing with each seaman before the seaman commences employment. The minimum requirements contained in the shipping agreement are in keeping with those outlined in regulation 2.1 of the MLC.

(b) Ship-owners should:

[1] Ensure that all seafarers sign a shipping/employment agreement. The agreement should contain the items listed in regulation 2.1 of the MLC. The seafarers should be given an opportunity to examine and seek advice on the agreement before signing. Any questions concerning the agreement should be clarified prior to their signing.

[2] Ship-owners who operate their vessel with seafarers subject to a collective bargaining agreement, should ensure that there is a copy of the collective bargaining agreement on board the vessel.

(c) Inspectors should:

[1] Check a copy of any shipping articles agreements and any other applicable collective bargaining agreements. Determine if these records (or copies) are maintained on the vessel prior to conducting the inspection. If these records are not maintained on the vessel, request copies of the records are made available prior to issuing the MLC.

[2] Interview various members of the crew to confirm they have entered into a shipping agreement and they have been given the opportunity to review and discuss the content of the articles.

(6) Payment of Wages (Regulation 2.2): Seafarers must be paid at no greater than monthly intervals and in full for their work in accordance with their employment agreements. They are entitled to a statement each month indicating their monthly wage and any authorized deductions such as allotments. No unauthorized deductions, such as payment for travel to or from the vessel.

(a) U.S. national requirements/legislation: U.S. statute establishes the seamen's entitlement to wages – payment at the beginning of the voyage and at the end of the voyage, penalties for non-compliance. 46 USC §10310, §10312, & §10313. 46 U.S.C. §10315 (Allotments) establishes the measures for allotments.

(b) Ship-owners should:

[1] Ensure that master can provide proof of payment (i.e. payroll records or company letter).

[2] Ensure that a monthly salary statement is provided to the seafarer.

[3] Ensure seafarers are offered the option to allocate all or part of their earnings to their families or dependants or legal beneficiaries at regular intervals. Ensure that the master can provide proof of this service (i.e. bank transfer, etc.).

(c) Inspectors should:

[1] Check any employment agreements/union contracts and or payroll records to confirm wages are being paid at intervals no greater than one month.

[2] Conduct private interviews with crewmembers to confirm their payment of wages are in compliance with the Code.

(7) Hours of Work and Hours of Rest (Regulation 2.3): The MLC standard for work and rest hours are in line with U.S. regulations found in 46 CFR §15.1111. The minimum hours of rest shall not be less than ten hours in any 24-hour period; and 77 hours in any seven-day period. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours. Shipboard drills shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

(a) U.S. national requirements/legislation: The MLC standard for work and rest hours are in line with U.S. regulations found in 46 CFR §15.1111. The Coast Guard published a guidance document in compliance with the STCW 2010 amendments to the hours of rest. These requirements are fully in line with the MLC standards contained in regulation 2.3.

(b) Ship-owners should:

[1] Incorporate an effective system for documenting seafarers' hours of rest. Owners/operators are encouraged to utilize the "Model Format for Records of Hours of Work or Hours of Rest of Seafarers" developed by the ILO and the IMO. The records can be documented in the vessel logbook. Each record should be endorsed by the master or authorized person and the seafarer. A copy should be made available to the seafarer. It is recommended that records be retained onboard for each seafarer during their full time onboard or for 12 months, whichever is longer.

[2] Ensure that any deviation from the hours of rest, and any compensatory time are documented.

[3] Ensure that work arrangements/watch schedules are posted.

(c) Inspectors should:

[1] Check logs against watch/work schedules to confirm compliance with minimum hours of rest.

[2] Check to ensure that any deviations due to emergencies, and any compensatory times are also being logged.

[3] Conduct interviews with random crewmembers to determine if work hours and rest periods are in line with U.S. regulations.

(8) Manning Levels (Regulation 2.7): All ships must have a sufficient number of seafarers employed on board to ensure the vessel can be operated safely, efficiently, and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature of the voyage. It is the responsibility of the owner/operator to ensure that each vessel within their management complies with the manning, certification, and watchkeeping requirements in accordance with the applicable statutes and regulations. Violations of the manning, watchkeeping, and certification regulations may result in enforcement action.

(a) U.S. national requirements/legislation:

[1] 46 CFR §15.103 outlines the requirements for a vessel to be properly manned with a minimum number of officers and rated crew. Vessels required to be inspected under 46 USC §3301 are required to be manned with the minimum complement as stated on their Certificate of Inspection (COI) per the requirements of 46 CFR §15.501.

[2] Under Article 1 of the Officer's Competency Certificates Convention (OCCC) 1936, national laws or regulations may grant exceptions or exemptions with respect to vessels of less than 200 GRT. The U.S. invoked this clause and granted a general exception for all vessels of less than 200 GRT (GT ITC if GRT not assigned) navigating beyond the Boundary Lines (see 46 USC §8304(b)(4) and 46 CFR §15.701(a)), including vessels engaged on international voyages. However, as amended, Article II.6 of the MLC specifies that such a determination may only be made with respect to vessels of less than 200 GT ITC (GRT if GT ITC not assigned) not engaged in international voyages. Accordingly, an individual in charge of the navigation or maneuvering, as well as an individual engaged or employed to perform the duties of chief engineer, on a mechanically propelled, uninspected, seagoing, documented vessel of less than 200 GT ITC (GRT if GT ITC not assigned) should hold an appropriately endorsed license or Merchant Mariner Credential authorizing service in such a capacity, when engaged on a voyage to a MLC member nation.



(b) Ship-owners should:

- [1] For Coast Guard inspected vessels; ensure their vessel is manned in accordance with their COI.
- [2] Keep in mind that U.S. vessels will be subject to the control verification provisions of the subject convention when engaged upon voyages to a MLC ratifying nation and should provide due observance to the relevant provisions of the MLC. Certain uninspected vessels that engage on international voyages are required a Safe Manning Document (SMD) in accordance with SOLAS Chapter V/14. Those uninspected vessels which are not subject to the specific requirements of SOLAS Chapter V/14, are encouraged to request a permissive SMD or Letter (SML) via the cognizant Coast Guard OCMI to document flag-state approval of manning levels when engaged on international voyages. The SMD/SML provides objective evidence to port-state authorities that the subject vessel meets the minimum safe manning requirements as determined by the flag-state.

(c) Inspectors should:

- [1] Check the Certificate of Inspection, Safe manning document or Safe Manning Letter and compare it to the crew list.
- [2] Check the crew list to determine the number, category, and qualifications of the seafarers working on board.

(9) Accommodations (Regulation 3.1): The requirements of the Code in Title 3 (i.e., Standard A3.1, with due consideration of Guideline B3.1) that relate to construction or equipment (which essentially means fixtures) will not apply to ships constructed before the MLC, 2006 enters into force for the flag State concerned (i.e., 12 months after its ratification is registered in the case of the USA). Instead, the provisions relating to construction and equipment that are contained in ILO Conventions 133 and 92 will continue to apply to those ships, to the extent that they were already applicable in the flag State concerned, particularly because one or both Conventions had been ratified by that State or had become applicable by that State's ratification of Convention No. 147. To the extent that the MLC requirements do not relate to equipment or construction, Standard A3.1 (and the Guidelines) would apply to both existing and new ships.

(a) U.S. national requirements/legislation: The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Cruise Convention) as one of the appended Conventions. The following U.S. regulations prescribe the requirements for officer and crew accommodations: 46 CFR

§32.40-1 (tank vessel), §72.20-1 (passenger vessel), §92.20-1 (cargo vessels), §108.201 (mobile offshore drilling units), and §127.280 (offshore supply vessels).

(b) Ship-owners should:

[1] Continue to ensure their vessels meet the requirements of current U.S. regulations and the ILO 147 standards.

[2] Ensure frequent inspections of accommodation spaces are carried out and recorded by the vessel's master. Records of these inspections should be made available for review.

(c) Inspectors should: Ensure that all vessels meet the requirements of current U.S. regulations and the ILO 147 standards.

(10) Recreational facilities (Regulation 3.1): As with the requirements for accommodations, vessels must be in compliance with the minimum standards by providing and maintaining sufficient recreational facilities, to include mess rooms and laundry facilities, for seafarers. Inspections of recreational facility should also be carried out and recorded by the vessel's master. Records of these inspections should be made available for review.

(a) U.S. national requirements/legislation: The following U.S. regulations prescribe the requirements for recreational facilities aboard U.S. vessels: 46 CFR §32.40-40 (tank vessels), §72.20-40 (passenger vessels), §92.20-40 (cargo vessels), and §108.211 (mobile offshore drilling units).

(b) Ship-owners should: Continue to ensure their vessels meet the requirements of current U.S. regulations and the ILO 147 standards.

(c) Inspectors should: Ensure that all vessels meet the requirements of current U.S. regulations and the ILO 147 standards

(11) Food and Catering (Regulation 3.2): Food and drinking water must be of appropriate quality, nutritional value and quantity that adequately covers the requirements of the vessel's crew and takes into account their differing culture and religious backgrounds. Food is to be provided free of charge to seafarers during the period of engagement. Vessels with a prescribed manning of less than 10 may not be required to carry a qualified cook. Seafarers employed as ship's cooks with responsibility for preparing food must be trained and qualified for their positions. Frequent and documented inspections of food, water and catering facilities must be carried out by the master.

Enclosure (1) to NVIC New-13

(a) U.S. national requirements/legislation: 46 USC §10303 requires that a seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

(b) Ship-owners should:

- [1] Ensure that mess rooms and pantries are frequently inspected for their cleanliness and hygienic state. All records of inspections should be maintained.
- [2] Ensure all food and drinking water supplies are suitable in respect to quantity, quality, nutritional value, and variety considering the number of seafarers on board, their religious requirements and cultural practices, as they pertain to food, and the duration and nature of the voyage.
- [3] Document training or instruction of personnel with responsibility for preparing food. Nobody below the age of 18 should be permitted to act as a cook.
- [4] If the manning of the ship is less than ten, ensure anyone processing food in the galley be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship (a fully qualified cook is not required).

(c) Inspectors should:

- [1] Check documents to confirm that the vessel's cook (s) are 18 years or older and that they are trained and competent for their position.
- [2] Check on-board records to confirm that frequent and documented inspections are made of food and drinking water supplies, spaces used for handling and storage of food, and galleys and other equipment used in the preparation and service of meals.
- [3] Visually inspect galleys and store rooms to check that they are hygienic, fit for purpose and contain appropriate quantities of stores for the intended voyage.
- [4] Interview, in private, random crewmembers to determine they are provided with food and drinking water that are of appropriate quality and quantity.

(12) Medical care on board ship and ashore (Regulation 4.1): Seafarers must be covered by adequate measures for the protection of their health and have access to prompt and adequate medical care, including dental care, while working on-board the vessel. Health protection and care are to be provided at no cost to the seafarer. Ship-owners are to allow seafarers the right to visit a qualified medical doctor or dentist without delay in port calls, where practicable.

(a) U.S. national requirements/legislation:

[1] 46 USC §11102 require vessels on the following voyages to carry a medicine chest for the care of sick and injured seamen: (a) from a port in the U.S. to a foreign port (except Canada); and (b) a vessel 75 GT on a voyage between a port in the U.S. on the Atlantic and Pacific ocean.

[2] 46 CFR Part 12.13 requires that persons designated to provide medical first aid on board or to take charge of medical care on board ship are trained, as appropriate and hold a MMC with the appropriate endorsement. Collective bargaining agreements include provisions for medical care on board ship and ashore. Unionized seafarers receive preventive measures.

[3] Responsibility for the sick and injured seamen rests with the ship-owners in accordance with the traditional common law admiralty remedy of maintenance and cure. Cure benefits provide for payment of reasonable and necessary medical care for a seaman's recovery. Cure includes first aid and emergency treatment, transportation to medical facilities, treatment at clinics and hospitals, diagnostic tests, medication, physical therapy, specialists, surgery, rehabilitation and all other reasonable and necessary medical needs.

[4] The individual requirements for the various types of vessels in 46 CFR requires that vessels which in the ordinary course of its trade makes voyages of more than 3 days duration between ports and which carries a crew of 12 or more, must be provided with a hospital space (not applicable to small passenger vessels and OSVs).

(b) Ship-owners should:

[1] Ensure that there is adequate personal protective equipment (ppe) available for all shipboard activities.

[2] Ensure that seafarers are advised about occupational health issues and all necessary precautions are taken to minimize any adverse affects

Enclosure (1) to NVIC New-13

- [3] Ensure that seafarers are given health protection and medical care, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise
- [4] Provide seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.
- [5] Ensure the seafarer is provided all medical health benefits, inclusive of eye and dental care at no cost or at a greatly reduced insurance.
- [6] Implement use of a medical report form (paper or electronic) to collect seafarer health data to facilitate the treatment of seafarers (this data should be kept confidential)
- [7] Ensure that medical care facilities, such as a medicine chest, medical equipment, medical guide, and hospital space are provided in accordance with US laws and regulations.
- [8] Carry a qualified medical doctor on board if the vessel carries 100 or more persons and is underway for more than three days. Ensure that personnel providing medical first aid or medical care on board are properly credentialed.
- [9] Ensure medical advice, including specialist advice, is available to them 24 hours a day, by radio or satellite communication while at sea and at no cost to the seafarer.

(c) Inspectors should:

- [1] Check any relevant documents, such as union agreements, to confirm medical care and services are provided free of charge.
- [2] Visually observe conditions to confirm the vessel is equipped with sufficient medical supplies including a “medical chest”, hospital space and a “medical guide” book.
- [3] Check to see that medical report forms are carried on-board the vessel.
- [4] Check that procedures are in place for radio or satellite communication for medical assistance.

(13) Health and Safety Protection and Accident Prevention (Regulation 4.3): The working, living, and training environment on vessels must be safe and hygienic to ensure the seafarers' work environment promotes occupational safety and health. Vessels must have an occupational safety and health program to prevent diseases and accidental injuries.

(a) U.S. national requirements/legislation: There are no U.S. laws or regulations that mirror the requirements of regulation 4.3 of the MLC. The Coast Guard will verify compliance against the applicable standards as published in the MLC.

(b) Ship-owners should:

[1] Adopt reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships.

[2] Adopt on-board programs for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; and

[3] Adopt procedures for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.

(c) Inspectors should:

[1] Check any relevant documents maintained on the vessel such as accident reports, safety evaluations conducted on behalf of the ship-owner, and any risk evaluations that may have been prepared.

[2] Check for any documents evidencing membership and meetings of the vessel's safety committee.

[3] Check documents related to the vessel's occupational health and safety program to ensure the program is available and familiar to all seafarers on board the vessel.

[4] Check that an accident investigation and reporting system is in place.

[5] Ensure there is enough protective equipment available for each seafarer.

[6] Interview random crewmembers to confirm on-board occupational health and safety programs are in place and in use.

(14) On-board Complaint Procedures (Regulation 5.1.5): Vessels must have on-board procedures for the fair, effective, and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC. All seafarers must be provided with a copy of the on-board complaint procedures applicable to the vessel. Retaliation of seafarers for filing complaints under the MLC is prohibited.

(a) U.S. national requirements/legislation: There are no U.S. laws or regulations that mirror the requirements of regulation 5.1.5 of the MLC. The Coast Guard will verify compliance against the applicable standards as published in the MLC.

(b) Ship-owners should:

[1] Establish procedures on-board to register any seafarer complaints regarding a breach of the requirements of this Convention.

[2] Ensure the on-board complaint procedures includes the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints.

[3] Ensure all seafarers are provided with a copy of the on-board complaint procedures applicable on the ship.

(c) Inspectors should:

[1] Check any relevant documents outlining the on-board complaint procedures to confirm that the procedures are functioning on the vessel and seafarers are provided with or have access to the procedures.

[2] Confirm the on-board complaint procedures allow seafarers to make complaints directly to the master or an external authority.

[3] Interview crewmembers to confirm they are familiar with the complaint process and there is no retaliation for crewmembers who follow the procedures.

- b. The provisions of the MLC apply to all seafarers who work on board a vessel, not just the officers and crewmembers. Ship-owners who employ 3<sup>rd</sup> party contractors on board their vessels may require the contracted party to provide documentation demonstrating their compliance to any applicable portions of the MLC.
6. Deficiencies: The MLC allows the marine inspector to exercise their professional judgment when identifying deficiencies and determining the appropriate action for compliance. Any discrepancies identified shall be documented on the CG-835 form and issued to the master of vessel representative. It's the responsibility of the marine inspector to determine an appropriate length of time for a deficiency to be resolved and whether or not a vessel should be issued a SOVC, MLC before outstanding deficiencies are cleared. It's important to remember that even though compliance with the MLC is voluntary for U.S. flagged vessels, by issuing the SOVC, MLC, you are certifying the vessel has substantially met the requirements of the Code.
7. Appeals: A ship-owner, master, or vessel representative may appeal any deficiencies issued by the attending marine inspector in accordance with the procedures outlined in 46 CFR § 1.03.
8. Documenting the Inspection:
  - a. At the conclusion of a MLC inspection the marine inspector shall issue to the master or vessel representative a USCG MLC Inspection report (CG-XXXX) (Enclosure (8)). This report form has been created to meet the requirements of Standard A5.1.4, paragraph 12 of the Code. Copies of any CG-835 forms documenting deficiencies shall be attached to the inspection report.
  - b. When the MLC inspection is conducted as part of a COI or annual re-inspection, a notation stating applicable portions of the MLC were examined along with any notable details of the inspection shall be made within the activity's narrative. If the MLC inspection is conducted as a standalone inspection for issuance of a certificate, it should be documented as an "ILO-147 Exam" under the "Vessel Inspection/PSC" sub activity type. ILO-147 Exam shall be used until a MLC Exam sub activity is added in MISLE. Adequate details documenting the inspection shall be noted in the activity's narrative. Once issued, a copy of the MLC certificate and inspection report shall be scanned and attached into the vessel's list of documents.



# MARITIME LABOUR CERTIFICATE

(Statement of Voluntary Compliance)

(This certificate shall be supplemented by a Declaration of Maritime Labour Compliance)

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



THE UNITED STATES OF AMERICA

By the

United States Coast Guard

Particulars of the ship:

Name of Ship .....

Distinctive numbers or letters .....

Registry .....

Date of registry .....

Gross tonnage<sup>1</sup> .....

IMO number .....

Type of ship .....

Name and address of ship-owner<sup>2</sup> .....

.....

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1 For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II (1) (c) of the Convention.

2 *Ship-owner* 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 ship-owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship-owner. See Article II (1)(j) of the Convention.

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 ..... on ..... is attached.

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

Issued at .....  
(Place of issue of Certificate)



.....  
(Date of issue)

.....  
(Signature of authorized official issuing the Certificate)

*Endorsements for mandatory intermediate inspection and, if required, any additional inspection*

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working conditions specified in Appendix A5-I of the Convention were found to correspond to the above mentioned country's national requirements implementing the Convention.

Intermediate inspection  
(To be completed between the second  
And third anniversary dates)

Signed .....  
(Signature of authorized official)

Place .....

Date .....  
(Seal or stamp of the authority, as appropriate)

*Additional endorsements (if required)*

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Additional inspection  
(if required)

Signed .....  
(Signature of authorized official)

Place .....

Date .....  
(Seal or stamp of the authority, as appropriate)

Additional inspection  
(if required)

Signed .....  
(Signature of authorized official)

Place .....

Date .....  
(Seal or stamp of the authority, as appropriate)

Additional inspection  
(if required)

Signed .....  
(Signature of authorized official)

Place .....

Date .....  
(Seal or stamp of the authority, as appropriate)

# DECLARATION OF MARITIME LABOUR COMPLIANCE - PART I

## (Statement of Voluntary Compliance)

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

Issued under the authority of the Government of:

THE UNITED STATES OF AMERICA

By the

United States Coast Guard



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:

- (a) The provisions of the Maritime Labour Convention 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 are provided where necessary;
- (c) The details of any substantial equivalencies under Article VI, paragraphs 3 and 4, under the corresponding national requirement listed 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 also referenced under the requirements concerned.

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

29 Code of Federal Regulations (CFR) §570.2 requires that 16 years is the minimum age for most non agricultural work. This regulation is the basis of the minimum age requirements on all U.S. vessels.

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

46 CFR §10.215 defines the medical and physical requirements to qualify for a Merchant Mariner Certificate (MMC). A valid MMC is proof that the mariner met the medical requirements. All mariners serving in vessels to which STCW applies must meet the medical requirements.

### 3. Qualifications of seafarers (Regulation 1.3):

U.S. law for the issuance of credentials for both officers and ratings may be found in 46 United States Code (USC) Chapters 71 and 73 respectively. 46 USC Chapters 83 and 87 require that any individual employed aboard vessels be appropriately credentialed, authorizing service in the capacity in which the individual is to be engaged or employed. In addition, 46 CFR §15.405 and §15.1105 requires individuals be both familiar with the vessel's equipment and characteristics and have appropriate training.

## **DECLARATION OF MARITIME LABOUR COMPLIANCE - PART I** **(Statement of Voluntary Compliance) (continued)**

**4. Use of any licensed or certified or regulated private recruitment and placement services (Regulation 1.4):**

46 USC 10314 and 10505 specifies that a person may not receive remuneration for providing seaman with employment. The United States union hiring halls are operated in compliance with the applicable US and state laws.

**5. Seafarers' employment agreements (Regulation 2.1):**

46 U.S.C. §10302 (Shipping Articles Agreements) requires that for all international voyages, ship-owners make a shipping agreement in writing with each seaman before the seaman commences employment. The minimum requirements contained in the shipping agreement are in keeping with those outlined in regulation 2.1 of the MLC.

**6. Payment of wages (Regulation 2.2):**

U.S. statute establishes the seamen's entitlement to wages – payment at the beginning of the voyage and at the end of the voyage, penalties for non-compliance. 46 U.S.C. §10310, §10312, & §10313. 46 U.S.C. §10315 (Allotments) establishes the measures for allotments.

**7. Hours of work or rest (Regulation 2.3):**

The United States will comply with MLC 2006 by establishing minimum hours of rest. The U.S. standards for work and rest hours are contained in 46 CFR §15.1111. The Coast Guard published a guidance document in compliance with the STCW 2010 amendments to the hours of rest which are fully in line with the MLC standards contained in regulation 2.3.

**8. Manning levels for the ship (Regulation 2.7):**

Vessels required to be inspected under 46 U.S.C. 3301 are required to be manned with the minimum complement as stated on their Certificate of Inspection (COI) per the requirements of 46 CFR §15.501.46 CFR §15.103 outlines the requirements for a vessel to be properly manned with a minimum number of officers and rated crew.

**9. Accommodation (Regulation 3.1):**

U.S. is a party to ILO Convention 147 which includes Convention 92 (Accommodations of Crews) as one of the appended Conventions. The following U.S. regulations prescribe the requirements for officer and crew accommodations: 46 CFR §32.40-1 (tank vessel), §72.20-1 (passenger vessel), §92.20-1 (cargo vessels), §108.201 (mobile offshore drilling units), and §127.280 (offshore supply vessels).

**NOTE:** The requirements of the Code in Title 3 (i.e., Standard A3.1.) that relate to construction or equipment (which essentially means fixtures) will not apply to ships constructed before the MLC, 2006 enters into force for the flag State concerned (i.e., 12 months after its ratification is registered in the case of the US). Instead, the provisions relating to construction and equipment that are contained in Conventions Nos. 133 and 92 will continue to apply to those ships, to the extent that they were already applicable in the flag State concerned, particularly because one or both Conventions had been ratified by that State or had become applicable by that States ratification of Convention No. 147. To the extent that the MLC, 2006 requirements do not relate to equipment or construction, Standard A3.1 would apply to both existing and new ships.

## **DECLARATION OF MARITIME LABOUR COMPLIANCE - PART I** **(Statement of Voluntary Compliance) (continued)**

### **10. On-board recreational facilities (Regulation 3.1):**

The following U.S. regulations prescribe the requirements for recreational facilities aboard U.S. vessels: 46 CFR §32.40-40 (tank vessels), §72.20-40 (passenger vessels), §92.20-40 (cargo vessels), and §108.211 (mobile offshore drilling units).

**NOTE:** The requirements of the Code in Title 3 (i.e., Standard A3.1.) that relate to construction or equipment (which essentially means fixtures) will not apply to ships constructed before the MLC, 2006 enters into force for the flag State concerned (i.e., 12 months after its ratification is registered in the case of the US). Instead, the provisions relating to construction and equipment that are contained in Conventions Nos. 133 and 92 will continue to apply to those ships, to the extent that they were already applicable in the flag State concerned, particularly because one or both Conventions had been ratified by that State or had become applicable by that State's ratification of Convention No. 147. To the extent that the MLC, 2006 requirements do not relate to equipment or construction, Standard A3.1 would apply to both existing and new ships.

### **11. Food and catering (Regulation 3.2):**

46 USC §10303 requires that a seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

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

46 USC 11102 requires vessels on the following voyages to carry a medicine chest for the care of sick and injured seamen: (a) from a port in the U.S. to a foreign port (except Canada); and (b) a vessel 75 GT on a voyage between a port in the U.S. on the Atlantic and Pacific ocean. 46 CFR Part 12.13 requires that persons designated to provide medical first aid on board or to take charge of medical care on board ship are trained, as appropriate and hold a MMC with the appropriate endorsement. Vessels which in the ordinary course of its trade makes voyages of more than 3 days duration between ports and which carries a crew of 12 or more, must be provided with a hospital space (not applicable to small passenger vessels and OSVs). Responsibility for the sick and injured seamen rests with the ship-owners in accordance with the traditional common law admiralty remedy of maintenance and cure.

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

There are no U.S. laws or regulations that mirror the requirements of regulation 4.3 of the MLC. The Coast Guard will verify compliance against the applicable standards as published in the MLC.

### **14. On-board complaint procedures (Regulation 5.1.5):**

There are no U.S. laws or regulations that mirror the requirements of regulation 5.1.5 of the MLC. The Coast Guard will verify compliance against the applicable standards as published in the MLC.

## DECLARATION OF MARITIME LABOUR COMPLIANCE - PART I (Statement of Voluntary Compliance) (continued)



Name: .....  
Title: .....  
Signature: .....  
Place: .....  
Date: .....

### Substantial Equivalencies

*The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted.*

.....  
.....  
.....  
.....



Name: .....  
Title: .....  
Signature: .....  
Place: .....  
Date: .....

### Exemptions

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

.....  
.....  
.....  
.....



Name: .....  
Title: .....  
Signature: .....  
Place: .....  
Date: .....

## DECLARATION OF MARITIME LABOUR COMPLIANCE - PART II (Statement of Voluntary Compliance)

### *Measures adopted to ensure ongoing compliance between inspections*

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

*(Specific measures for each of the 14 requirements are to be clearly drafted by the ship-owner to ensure flag state and port state inspectors are easily able to check the requirements are being properly implemented. It's recommended that ship-owner make reference more comprehensive documentation covering policies or procedures in the appropriate sections. See below entries for "Minimum age and "Medical certification" below as examples.)*

- 1. Minimum age (Regulation 1.1)  
*Example: The date of birth of each seafarer is noted against his/her name on the vessel's crew list. The list is checked at the beginning of each voyage by the master or officer acting on his behalf. Any seafarer under the age of 18 receives, at the time of engagement a letter prohibiting him/her from performing night work or work listed as hazardous. A copy of the letter with the seafarer's signature acknowledging receipt is kept by the master.*
- 2. Medical certification (Regulation 1.2)  
*Example: The medical certificates/records are kept in strict confidence by the ship's master. In any case of possible doubt as to whether the seafarer is medically fit for a particular function or functions, the master or company representative consults with the seafarer's doctor and records a summary of the doctors conclusions as well as the doctor's name and phone number.*
- 3. Qualifications of seafarers (Regulation 1.3)
- 4. Use of any licensed or certified or regulated private recruitment and placement services (Regulation 1.4)
- 5. Seafarers' employment agreements (Regulation 2.1)
- 6. Payment of wages (Regulation 2.2)
- 7. Hours of work or rest (Regulation 2.3)
- 8. Manning levels for the ship (Regulation 2.7)
- 9. Accommodation (Regulation 3.1)



**DECLARATION OF MARITIME LABOUR COMPLIANCE - PART II  
(Statement of Voluntary Compliance) (continued)**

- 10. On-board recreational facilities (Regulation 3.1)
  
- 11. Food and catering (Regulation 3.2)
  
- 12. On-board medical care (Regulation 4.1)
  
- 13. Health and safety and accident prevention (Regulation) 4.3)
  
- 14. On-board complaint procedures (Regulation 5.1.5)

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 ship-owner: .....

Company address: .....

.....

.....

Title: .....

Signature: .....

Date: .....

*(Stamp or seal of the ship-owner)*

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 Standard 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 authority as appropriate)*



## Maritime Labour Convention 2006 Job Aid

	<b>General principles</b>	<b>Y/N</b>
<b>1</b>	Is a copy of the MLC 2006 available on board?	
	<b>Regulation 1.1 – Minimum age</b>	
<b>2</b>	Are all the seafarers' over the age of 16?	
<b>3</b>	Are any seafarers' under the age of 18 carrying out work or being employed in situations which is likely to jeopardize their health or safety?	
<b>4</b>	Are any seafarers' under the age of 18 employed in night work (except where an exemption has been granted with respect to training courses)?	
	<b>Regulation 1.2 – Medical certificate</b>	
<b>5</b>	Does the seafarer's medical certificate contain the following information:	
<b>6</b>	Name (last, first, middle)	
<b>7</b>	Date of birth	
<b>8</b>	Gender	
<b>9</b>	Position/occupation: (deck, engineer, other) Other to be specified	
<b>10</b>	Passport number/discharge book number	
<b>11</b>	Declaration by the medical practitioner that the seafarer is fit to undertake the duties associated with their position/occupation and is not suffering from any medical condition that would be either aggravated by sea service, render the seafarer unfit or endanger the health of others	
<b>12</b>	Use of visual aids	
<b>13</b>	Fit/unfit for lookout duties	
<b>14</b>	Any limitations/restrictions on fitness which should be specified	
<b>15</b>	Date of examination	
<b>16</b>	Expiry date of certificate	
<b>17</b>	Official stamp of the recognized medical practitioner (including name)	
<b>18</b>	Signature of recognized medical practitioner	
<b>19</b>	Signature of examinee/seafarer	
	<b>Regulation 1.3 – Training and qualifications</b>	
<b>20</b>	Are seafarers trained or certified to perform their duties?	
<b>21</b>	Is there evidence available to confirm that seafarers have completed training for personal safety on board ship?	

<b>Regulation 1.4 – Recruitment and placement</b>		
<b>22</b>	Are private seafarer recruitment and placement service being used?	
<b>23</b>	Are seafarers being charged for recruitment and placement services?	
<b>24</b>	Is there evidence to confirm that recruitment and placement services based in States not party to the MLC 2006 are (where practicable) operated consistently with the MLC?	
<b>Regulation 2.1 – Seafarers’ employment agreements (SEA)</b>		<b>Y/N</b>
<b>25</b>	Does the seafarers’ employment agreement contain the following information:	
<b>26</b>	Full name	
<b>27</b>	Date of birth or age	
<b>28</b>	Birthplace	
<b>29</b>	Ship owners name and address	
<b>30</b>	The place where and date when the SEA is entered into	
<b>31</b>	The capacity in which the seafarer is to be employed	
<b>32</b>	The amount of the seafarer’s wages or if applicable the formula used to calculate wages?	
<b>33</b>	The amount of paid annual leave (at least 2.5days/month) or if applicable, the formula used for calculating it	
<b>34</b>	The termination of the agreement and the conditions thereof, including: <ul style="list-style-type: none"> <li>(a) If the agreement is for an indefinite period, the conditions entitling either party to terminate it, as well as required notice period which shall not be less for the ship-owner or the seafarer.</li> <li>(b) If the agreement is for a definite period, the date fixed for its expiry.</li> <li>(c) If the agreement is for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged.</li> </ul>	
<b>35</b>	The health and social security protection benefits to be provided to the seafarer by the ship owner	
<b>36</b>	The seafarer’s entitlement to repatriation	
<b>37</b>	Reference to the collective bargaining agreement, if applicable	

<b>Regulation 2.2 – Wages</b>		<b>Y/N</b>
<b>38</b>	Are the crew covered by a collective bargaining agreement (CBA)?	
<b>39</b>	Are the terms and conditions of the CBA with respect to hours of work and remuneration written in the SEAs.	
<b>40</b>	Are all elements of the employment contract (basic wages, leave pay, allowances, overtime etc.) reflected in the seafarer’s wage account	
<b>41</b>	Do the hours of work recorded in the wage account correspond with crew overtime records and/or hours of work and rest?	
<b>42</b>	Do the times of entering/leaving port, maneuvering, making fast/letting go, and loading/discharging correspond with recorded working hours of the crewmembers concerned?	
<b>43</b>	Are there only one set of wage accounts in use?	
<b>44</b>	Can the validity of large cash advances or allotments that are shown on wage accounts be substantiated?	
<b>45</b>	If large cash advances are shown as being paid at sea can it be established when and by whom was the money delivered to the ship?	
<b>46</b>	Was this money delivered to the ship by the agent and paid to the master? If so check masters general account for copy of receipt.	
<b>47</b>	Has the seafarer authorized the master/owner to make the allotment? If so ask to see any such authorization or allotment device.	
<b>Regulation 2.3 – Hours or work and rest</b>		<b>Y/N</b>
<b>48</b>	Is there a standardized table of shipboard arrangements for hours of work and rest posted up in an easily accessible place?	
<b>49</b>	Are the minimum hours of work and rest as stated in the MLC 2006 being adhered to?	
<b>50</b>	Are the date records of hours of work and rest available for each seafarer available?	
<b>Regulation 2.7 - Manning levels</b>		<b>Y/N</b>
<b>51</b>	Is the ship manned in accordance with the COI/Safe Manning Document?	
<b>Regulation 3.1 – Accommodation and recreational facilities</b>		
<b>52</b>	This section is applicable for vessels constructed one year after U.S. Ratification of the MLC. ILO 147 and current U.S. Regulations should be applied for these sections until then.	

<b>Regulation 3.2 – Food and catering</b>		

	<b>Galleys</b>	<b>Y/N</b>
<b>53</b>	Does the design and layout of the galley permit good hygiene practices including protection against contamination?	
<b>54</b>	Are the surfaces of the decks, bulkheads, deckheads and doors constructed from impervious, non-absorbent, washable and non-toxic materials thus preventing the accumulation of dirt, reduce condensation, the growth of undesirable mold and the shedding of particles?	
<b>55</b>	Has a suitable natural or mechanical ventilation system been provided and constructed to permit easy maintenance including access to filters?	
<b>56</b>	Is the ambient temperature in the galley acceptable?	
<b>57</b>	Does the galley have adequate natural or artificial lighting?	
<b>58</b>	Are the drainage facilities adequate and designed/constructed to prevent contamination?	
<b>59</b>	Is there adequate supply of hot and cold water available in the galley for washing food?	
<b>60</b>	Are the work surfaces (including the surfaces of galley equipment, and uptake grease filters) maintained in good condition and are they easy to clean and disinfect?	
<b>61</b>	Are adequate facilities provided for the cleaning, disinfecting and storage of utensils and equipment?	
	<b>Food storage arrangements</b>	<b>Y/N</b>
<b>62</b>	Are there a sufficient number of temperature controlled food storage and handling rooms for the number of persons on board and the duration of the voyage?	
<b>63</b>	Are the temperatures of the deep freezers and dry provision rooms maintained in accordance with national legislation?	
<b>64</b>	The cold store rooms should be insulated and ventilated in order to maintain the correct temperatures.	
<b>65</b>	Are the cold store room doors operable from both sides?	
<b>66</b>	Are the cold store rooms fitted with man trap alarms?	
	<b>Food preparation and supply</b>	<b>Y/N</b>
<b>67</b>	Is the condition of the food satisfactory?	
<b>68</b>	Is the food being correctly stored with respect to stock rotation, segregations and spillages?	
<b>69</b>	Is the food being defrosted in cool clean conditions?	
<b>70</b>	Is the hot and cold holding arrangements in accordance with national legislation?	
<b>71</b>	Is the meal preparation to serving times satisfactory?	
<b>72</b>	Is the variety of the food provided satisfactory?	
	<b>Domestic fresh water supplies</b>	<b>Y/N</b>

73	Is the hot water stored and delivered at the taps at a temperature in accordance with national legislation?	
74	Are records available to confirm that the fresh water storage tanks have been cleaned and disinfected within the last 12 months?	
75	Are records available to confirm that shower heads (where fitted) are cleaned and disinfected?	
76	Are the fresh water loading hoses capped and stored correctly?	
77	Are records available to confirm that the fresh water loading hoses are being regularly disinfected?	
	<b>Hygiene</b>	<b>Y/N</b>
78	Are there adequate facilities for hand washing and drying?	
79	Are there sufficient cleaning agents available?	
80	Are the chemical cleaning agents being stored correctly?	
81	Are there sufficient cleaning cloths available and being stored correctly?	
82	Are separate chopping boards being used for different foods to prevent cross contamination?	
83	Are the arrangements for disposing of food waste in accordance with MARPOL?	
84	Are there any signs of vermin or pests being present in food areas?	
	<b>Catering staff</b>	<b>Y/N</b>
85	Are the catering staff wearing clean and suitable personal protective clothing?	
86	Is personal protective clothing available for use (and is being used) with chemical cleaning agents?	
87	Are the training records of the ship's cook and other catering staff available?	
88	Is the catering staff's knowledge of food safety satisfactory?	
	<b>Regulation 4.1 – Medical care on board ship and ashore</b>	<b>Y/N</b>
89	Are seafarers adequately covered for protection of their health?	
90	Do seafarers have prompt access to adequate medical care including essential dental care?	
91	Is health protection and care provided free of charge?	
92	Are seafarers permitted by the ship-owner to visit a qualified medical doctor or dentist in a port (where practicable) without delay	
	<b>Regulation 4.3 – Health &amp; safety protection &amp; accident prevention</b>	<b>Y/N</b>
93	Is the ship being maintained in a clean and dry condition?	
94	Is the safe access/egress satisfactory?	
95	Are any openings in the decks etc. guarded or covered?	
96	Is personal protective equipment in good order and being maintained correctly?	

Enclosure (5) to NVIC New-13

97	Is personal protective equipment being used correctly?	
98	Are machinery guards correctly secured in place?	
99	Do machinery emergency stop devices function properly?	
100	Are seafarers aware of the risks posed by enclosed/confined spaces and the procedures required to enter them?	
101	Are suitable and sufficient risk assessments available?	
102	Are seafarers aware of the guidelines pertaining to the management of occupational health and safety?	
103	Have the risks posed to young person's been addressed?	
104	Is the shipboard safety committee (where required by national legislation) functioning correctly?	
105	Are safety inspections being carried out correctly?	
106	Are the issues raised by the safety committee and safety inspections being addressed in a timely manner?	
107	Are the shipboard safety officer and the safety representatives aware of their roles and responsibilities?	
108	Are occupational accidents and diseases being investigated and reported in accordance with national legislation?	
	<b>Regulation 5.1.5 – On-board complaint procedures</b>	<b>Y/N</b>
109	Is there a system in place for handling seafarer's complaints alleging breaches of the MLC 2006?	
110	Are seafarers given a copy of the complaint procedures?	
111	Are seafarers who make complaints being victimized?	

## DECLARATION OF MARITIME LABOUR COMPLIANCE (Statement of Voluntary Compliance)

This certification to the requirements of the Maritime Labour Convention, 2006 has been prepared by

\_\_\_\_\_  
(Owner/operator)

This Declaration is subject to verification at all U.S. Coast Guard Inspections

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

Name of Ship	Official Number	Gross Tonnage

Is maintained in accordance with Standard A5.1.3 of the Convention and

On behalf of the abovementioned owner/operator:

- (a) The national requirements of the United States are contained in the national provisions referenced below and;
- (b) Ongoing measures have been drawn up by the ship-owner to ensure ongoing compliance with the Convention.

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

U.S. National Requirements: 29 Code of Federal Regulations (CFR) §570.2 requires that 16 years is the minimum age for most non agricultural work. This regulation is the basis of the minimum age requirements on all U.S. vessels.

Ship-owners Measures for Compliance: *Example: The date of birth of each seafarer is noted against his/her name on the vessel's crew list. The list is checked at the beginning of each voyage by the master or officer acting on his behalf. Any seafarer under the age of 18 receives, at the time of engagement a letter prohibiting him/her from performing night work or work listed as hazardous. A copy of the letter with the seafarer's signature acknowledging receipt is kept by the master.*

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

U.S. National Requirements: 46 CFR §10.215 defines the medical and physical requirements to qualify for a Merchant Mariner Certificate (MMC). A valid MMC is proof that the mariner met the medical requirements. All mariners serving in vessels to which STCW applies must meet the medical requirements.

Ship-owners Measures for Compliance: *Example: The medical certificates/records are kept in strict confidence by the ship's master. In any case of possible doubt as to whether the seafarer is medically fit for a particular function or functions, the master or company representative consults with the seafarer's doctor and records a summary of the doctors conclusions as well as the doctor's name and phone number.*

### 3. Qualifications of seafarers (Regulation 1.3):

U.S. National Requirements: U.S. law for the issuance of credentials for both officers and ratings may be found in 46 United States Code (USC) Chapters 71 and 73 respectively. 46 USC Chapters 83 and 87 require that any individual employed aboard vessels be appropriately credentialed, authorizing service in the capacity in which the individual is to be engaged or employed. In addition, 46 CFR §15.405 and §15.1105 requires individuals be both familiar with the vessel's equipment and characteristics and have appropriate training.

Ship-owners Measures for Compliance:



## **DECLARATION OF MARITIME LABOUR COMPLIANCE** (Statement of Voluntary Compliance) **(continued)**

### **4. Use of any licensed or certified or regulated private recruitment and placement services (Regulation 1.4):**

U.S. National Requirements: 46 USC 10314 and 10505 specifies that a person may not receive remuneration for providing seaman with employment. The United States union hiring halls are operated in compliance with the applicable US and state laws.

Ship-owners Measures for Compliance:

### **5. Seafarers' employment agreements (Regulation 2.1):**

U.S. National Requirements: 46 U.S.C. §10302 (Shipping Articles Agreements) requires that for all international voyages, ship-owners make a shipping agreement in writing with each seaman before the seaman commences employment. The minimum requirements contained in the shipping agreement are in keeping with those outlined in regulation 2.1 of the MLC.

Ship-owners Measures for Compliance:

### **6. Payment of wages (Regulation 2.2):**

U.S. National Requirements: U.S. statute establishes the seamen's entitlement to wages – payment at the beginning of the voyage and at the end of the voyage, penalties for non-compliance. 46 U.S.C. §10310, §10312, & §10313. 46 U.S.C. §10315 (Allotments) establishes the measures for allotments.

Ship-owners Measures for Compliance:

### **7. Hours of work or rest (Regulation 2.3):**

U.S. National Requirements: The United States will comply with MLC 2006 by establishing minimum hours of rest. The U.S. standards for work and rest hours are contained in 46 CFR §15.1111. The Coast Guard published a guidance document in compliance with the STCW 2010 amendments to the hours of rest which are fully in line with the MLC standards contained in regulation 2.3.

Ship-owners Measures for Compliance:

### **8. Manning levels for the ship (Regulation 2.7):**

Vessels required to be inspected under 46 U.S.C. 3301 are required to be manned with the minimum complement as stated on their Certificate of Inspection (COI) per the requirements of 46 CFR §15.501.46 CFR §15.103 outlines the requirements for a vessel to be properly manned with a minimum number of officers and rated crew.

Ship-owners Measures for Compliance:

## **DECLARATION OF MARITIME LABOUR COMPLIANCE** (Statement of Voluntary Compliance) **(continued)**

### **9. Accommodation (Regulation 3.1):**

U.S. National Requirements: U.S. is a party to ILO Convention 147 which includes Convention 92 (Accommodations of Crews) as one of the appended Conventions. The following U.S. regulations prescribe the requirements for officer and crew accommodations: 46 CFR §32.40-1 (tank vessel), §72.20-1 (passenger vessel), §92.20-1 (cargo vessels), §108.201 (mobile offshore drilling units), and §127.280 (offshore supply vessels).

**NOTE:** The requirements of the Code in Title 3 (i.e., Standard A3.1,) that relate to construction or equipment (which essentially means fixtures) will not apply to ships constructed before the MLC, 2006 enters into force for the flag State concerned (i.e., 12 months after its ratification is registered in the case of the US). Instead, the provisions relating to construction and equipment that are contained in Conventions Nos. 133 and 92 will continue to apply to those ships, to the extent that they were already applicable in the flag State concerned, particularly because one or both Conventions had been ratified by that State or had become applicable by that States ratification of Convention No. 147. To the extent that the MLC, 2006 requirements do not relate to equipment or construction, Standard A3.1 would apply to both existing and new ships.

Ship-owners Measures for Compliance:

### **10. On-board recreational facilities (Regulation 3.1):**

U.S. National Requirements: The following U.S. regulations prescribe the requirements for recreational facilities aboard U.S. vessels: 46 CFR §32.40-40 (tank vessels), §72.20-40 (passenger vessels), §92.20-40 (cargo vessels), and §108.211 (mobile offshore drilling units).

**NOTE:** The requirements of the Code in Title 3 (i.e., Standard A3.1,) that relate to construction or equipment (which essentially means fixtures) will not apply to ships constructed before the MLC, 2006 enters into force for the flag State concerned (i.e., 12 months after its ratification is registered in the case of the US). Instead, the provisions relating to construction and equipment that are contained in Conventions Nos. 133 and 92 will continue to apply to those ships, to the extent that they were already applicable in the flag State concerned, particularly because one or both Conventions had been ratified by that State or had become applicable by that States ratification of Convention No. 147. To the extent that the MLC, 2006 requirements do not relate to equipment or construction, Standard A3.1 would apply to both existing and new ships.

Ship-owners Measures for Compliance:

### **11. Food and catering (Regulation 3.2):**

U.S. National Requirements: 46 USC §10303 requires that a seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

Ship-owners Measures for Compliance:

**DECLARATION OF MARITIME LABOUR COMPLIANCE**  
**(Statement of Voluntary Compliance) (continued)**

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

U.S. National Requirements: 46 USC 11102 requires vessels on the following voyages to carry a medicine chest for the care of sick and injured seamen: (a) from a port in the U.S. to a foreign port (except Canada); and (b) a vessel 75 GT on a voyage between a port in the U.S. on the Atlantic and Pacific ocean. 46 CFR Part 12.13 requires that persons designated to provide medical first aid on board or to take charge of medical care on board ship are trained, as appropriate and hold a MMC with the appropriate endorsement. Vessels which in the ordinary course of its trade makes voyages of more than 3 days duration between ports and which carries a crew of 12 or more, must be provided with a hospital space (not applicable to small passenger vessels and OSVs). Responsibility for the sick and injured seamen rests with the ship-owners in accordance with the traditional common law admiralty remedy of maintenance and cure.

Ship-owners Measures for Compliance:

**13. Health and safety and accident prevention (Regulation 4.3):**

U.S. National Requirements: There are no U.S. laws or regulations that mirror the requirements of regulation 4.3 of the MLC. The Coast Guard verifies compliance against the applicable standards as published in the MLC.

Ship-owners Measures for Compliance:

**14. On-board complaint procedures (Regulation 5.1.5):**

U.S. National Requirements: There are no U.S. laws or regulations that mirror the requirements of regulation 5.1.5 of the MLC. The Coast Guard verifies compliance against the applicable standards as published in the MLC.

Ship-owners Measures for Compliance:

I hereby certify that the above measures have been drawn up to ensure ongoing compliance with the U.S. national requirements listed above.

Name of ship-owner: .....

Company address: .....

.....

.....

Title: .....

Signature: .....

Date: .....

*(Stamp or seal of the ship-owner)*

# INTERIM MARITIME LABOUR CERTIFICATE (Statement of Voluntary Compliance)

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



THE UNITED STATES OF AMERICA

By the

United States Coast Guard

Particulars of the ship:

Name of Ship .....

Distinctive numbers or letters .....

Registry .....

Date of registry .....

Gross tonnage<sup>1</sup> .....

IMO number .....

Type of ship .....

Name and address of ship-owner<sup>2</sup> .....

This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) This ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) The ship-owner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) The master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) Relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

1 For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II (1) (c) of the Convention.

2 *Ship-owner* 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 ship-owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship-owner. See Article II (1)(j) of the Convention.

Enclosure (7) to NVIC New-13

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

Completion date of the inspection referred to under (a) above was.....

Issued at .....  
*(Place of issue of Certificate)*

.....  
(Date of issue)

.....  
(Signature of authorized official issuing the Certificate)



## United States Coast Guard Maritime Labour Convention, 2006 Inspection Report

*(This report is provided to document inspection results as required by Standard A5.1.4, paragraph 12 of the Maritime Labour Convention, 2006)*

*Particulars of the ship:*

*Name of Ship:*.....

*Official Number:*.....

*IMO Number:*.....

*Date of Inspection:*.....

This report is provide to ensure that:

- (a) This ship has been inspected, as far as reasonable and practicable, to all applicable U.S. regulations and standards outlined in the Convention.
- (b) The ship-owner has demonstrated to the U.S. Coast Guard that the ship has adequate procedures to comply with the Convention;
- (c) The master is familiar with the requirements of the Convention and the responsibilities for implementation;
- (d) Any discrepancies identified during the inspection are documented on Coast Guard form CG-835 and attached to this report; and
- (e) As a result of this inspection, a Statement of Voluntary Compliance, Maritime Labour Certificate has been issued.

Deficiencies issued:     No     Yes *(If yes see attached form CG-835)*

Copy provided to: \_\_\_\_\_  
(printed name of Master/Vessel representative)

\_\_\_\_\_  
(Signature)

Coast Guard Marine Inspector: \_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(Signature)

Issuing Unit Name and Address:

