

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 comprises three different, but related, parts: the Articles, the Regulations, and the Code. The Articles and the 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 comprises Part A (mandatory standards) and Part B (non-mandatory guidelines).

- b. The MLC provides a large measure of flexibility to ratifying countries as to how they will implement its provisions under Part A. The major areas of flexibility in the MLC include—
 - (1) Unless specified otherwise in the Convention, national implementation may be achieved through national laws or regulations, through collective bargaining agreements, or in practice;
 - (2) Implementation may also be achieved through measures that are considered “substantially equivalent,” provided the implementing country satisfies itself that the relevant legislation or other implementing measure achieves the general object and purpose of the pertinent provisions in the Convention;
 - (3) Part B is non-mandatory, but countries must give due consideration to the guidelines;
 - (4) In certain circumstances, the application of details in the Code may be relaxed for some smaller vessels; and
 - (5) While all vessels covered by the Convention must be inspected for compliance with its requirements, flag-State administrations are not required to certify and provide documentation for vessels less than 500 gross tonnage.

5. DISCUSSION.

- a. The MLC enters into force on 20 August 2013. It requires certain vessels flagged by ratifying countries that engage on international voyages to maintain a valid MLC certificate issued by the flag administration. As of the effective date of this NVIC, the United States has not ratified the MLC. Until such time that the United States ratifies the MLC, the Coast Guard will not mandate enforcement of its requirements for U.S. vessels or for foreign vessels while operating on the navigable waters of the United States. However, Article V, paragraph 7, of the Convention contains a “no more favorable treatment clause” that requires ratifying governments to impose Convention requirements on all vessels—even those from a non-ratifying government—when calling on their ports. As a result, U.S. vessels that cannot demonstrate compliance with the MLC may be at risk for Port State Control actions, including detention, when operating in the port of a ratifying nation. The MLC page on the ILO’s website provides a comprehensive source

of information about the Convention, including a complete list of ratifying countries, inspection guidelines (Guidelines for Flag State Inspections and for Port State Inspections), 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). Vessel owners or operators should review the ILO’s list of ratifying countries to determine if they may be impacted during a foreign voyage.

- b. The MLC requires owners/operators of vessels 500 gross tonnage or more as measured under the convention measurement system, hereafter "GT ITC," to demonstrate that the working and living conditions on board the vessel are in keeping with the Convention requirements, 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 U.S. laws and regulations or other measures conforming to the MLC requirements. The owner/operator of an applicable U.S. vessel, while not required to possess a SOVC-MLC, may obtain one.
- c. This NVIC contains a summary of applicable U.S. laws and regulations and other measures meeting the requirements of the Convention. Where the United States has satisfied itself that certain laws and regulations or other measures are conducive to the achievement of the general objective of the specific provision, this NVIC specifies where such substantial equivalency is used. This NVIC underwent a public comment period during which the Coast Guard received comments from concerned seafarers and owner or operator organizations.
- d. Through the promulgation of this NVIC, the Coast Guard is authorizing Recognized Classification Societies (RCS) to conduct MLC compliance inspections and issue SOVCs at the request of vessel owners/operators. The 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. The RCS should use the guidance outlined in Enclosure (1) when conducting compliance inspections. For inspections conducted by the Coast Guard, Officers in Charge, Marine Inspection (OCMIs) are required to 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.
- e. United States vessels that are unable 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. Through receipt of an SOVC-MLC, a vessel is recognized by the United States as being “certified” to the standards of the MLC. However, foreign Port State Authorities are not obligated to accept the SOVC-MLC as prima facie evidence of compliance. Owners or operators should ensure that they are able to demonstrate to PSC authorities the compliance measures they have put in place for their vessels. To better manage inspection resources, OCMIs should focus inspections on vessels that routinely operate in the ports of MLC-ratifying nations.

f. Specific vessel applicability:

- (1) Vessels 500 GT ITC or more engaged on international voyages. United States commercial vessels of 500 GT ITC or more that engage on international voyages may be “certified” and demonstrate compliance with the U.S. laws and regulations or other measures conforming to the MLC requirements through possession of a SOVC-MLC, in keeping with Regulation 5.1.3 of the Convention.
 - (2) Vessels less than 500 GT ITC engaged on international voyages. United States commercial vessels, including uninspected commercial vessels, less than 500 GT ITC that engage on international voyages to ports of MLC-ratifying nations may be required to also meet the U.S. laws and regulations or other measures conforming to the requirements of the MLC. The Convention does not require these vessels to be issued compliance certificates. However, it is recommended that these vessels voluntarily comply with the requirements of the MLC and develop their own Declaration of Maritime Labour Compliance (DMLC). See Enclosure (1) for further details.
 - (3) Vessels exclusively operating on the inland waters of the United States are exempted from the provisions of the MLC based on the definition of a vessel in Article II (1)(i) of the Convention. For the purpose of the MLC, the United States will also consider the Great Lakes and the waters east of the Juan de Fuca Strait as inland waters. Therefore, vessels navigating exclusively in these areas will be exempt from the requirements of the MLC.
 - (4) Until such time that the United States ratifies the MLC, vessels that do not operate in ports of MLC-ratifying nations are not required to be in compliance with the Convention. Owners/operators of these vessels who would like to obtain an SOVC should request an MLC inspection from an RCS as part of a regularly scheduled survey, or from the Coast Guard as part of their inspection for certification.
 - (5) The Coast Guard is partnering with Transport Canada to develop a Memorandum of Understanding (MOU) that would allow for the recognition of the national laws and regulations of each country as providing substantial compliance with the requirements of the MLC. Under the MOU, certain vessels operating exclusively between ports in the United States and Canada would not be required to undergo an MLC inspection or prepare and maintain a declaration, and would not be issued voluntary compliance certificates to demonstrate compliance with the MLC. See Enclosure (1) for further details.
- g. The MLC specifies 14 areas that are subject to a mandatory compliance for certification and the issuance of compliance certificates. The areas that must be inspected and certified as meeting the requirements of U.S. laws and regulations or other measures conforming to the MLC 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) Onboard recreation facilities (Regulation 3.1)
 - (11) Food and catering (Regulation 3.2)
 - (12) Onboard medical care (Regulation 4.1)
 - (13) Health and safety and accident prevention (Regulation 4.3)
 - (14) Onboard complaint procedures (Regulation 5.1.5)
- h. The possession of a SOVC-MLC (Enclosure (3)) provides prima facie evidence that the vessel is in compliance with the U.S. laws and regulations or other measures conforming to the Convention requirements. The format of the SOVC-MLC certificate is consistent with the sample MLC certificate provided in the Code and will be supplemented with a Statement of Voluntary Compliance, Declaration of Maritime Labour Compliance (SOVC-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. The MLC requires that, once issued, the SOVC-MLC and SOVC-DMLC must be posted on the vessel in a conspicuous place available to the seafarers. Each RCS should develop its own versions of the SOVC-MLC and Part I of the SOVC-DMLC. The following paragraphs provide additional details:
- (1) The SOVC-MLC is issued by the Coast Guard or an RCS.
 - (2) The SOVC-DMLC is a unique two-part form. Part I, form number CG-16450B, is prepared by the Coast Guard and references current U.S. laws, regulations, or other measures conforming to the Convention requirements. The RCS should develop their own version of the SOVC-DMLC Part I. The Coast Guard is authorizing the RCS to sign its own version of the SOVC-DMLC Part I on behalf of the United States. The information required in SOVC-DMLC Part I must conform to Enclosure (4). Any changes to the content of the SOVC-DMLC Part I must be approved by the Coast Guard. See Enclosure (1) for further details.
 - (3) The SOVC-DMLC Part II (Enclosure (5)) must be prepared by the vessel owner/operator. It should document the measures put in place to ensure continuous improvement and ongoing compliance with the requirements of the SOVC-DMLC Part I. The format should follow that of the SOVC-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 the SOVC-DMLC Part II is prepared,

the Coast Guard or RCS will review the measures drawn up by the vessel owner/operator and, following a successful inspection, endorse Part II of the SOVC-DMLC.

6. DISCLAIMER. The guidance in this NVIC is not a substitute for applicable legal requirements, nor is it, in itself, a regulation. It neither imposes nor intends to 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 may use an alternative approach for complying with the MLC if you determine that the approach will satisfy the requirements of the applicable provisions within the Convention, although this will not exempt you from complying with applicable United States law 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 NVIC has been thoroughly reviewed during the directives clearing process, and it has been determined that 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 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) Definitions
(3) SOVC-MLC

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- (4) SOVC-DMLC Part I
- (5) SOVC-DMLC Part II Template
- (6) Owner/Operator Declaration of Maritime Labour Compliance
- (7) SOVC-IMLC
- (8) Hazardous work and consideration on Health and Safety Issues for Seafarers under the age of 18
- (9) Guidelines for Ships Cook Competency
- (10) Guidelines for On Board Complaints Procedures
- (11) USCG 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 owners/operators with a framework to achieve compliance.
- b. This NVIC contains a breakdown of U.S. laws and regulations and other measures conforming to the Convention requirements. As provided by the Convention the NVIC specifies where substantial equivalency is used to comply with the particular provisions, on the basis that the U. S. has satisfied itself that the implementing laws and regulations or other measures are conducive to the full achievement of the general objective of the specific provision.
- c. As previously stated, the Coast Guard does not intend to conduct voluntary MLC inspections for vessels that are classed and can obtain this inspection from their RCS. For those other U.S. vessels over 500 GT ITC that operate on international voyages, the Coast Guard will offer voluntary compliance inspections to the U.S. laws and regulations and other measures conforming to the MLC requirements. Those owners/operators who wish to demonstrate voluntary compliance should contact their local OCMI and request an inspection. MLC inspection guidance published by the International Labour Organization (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.
- d. Vessels demonstrating compliance with the U.S. laws and regulations or other measures conforming to the MLC requirements 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 U.S. as being voluntarily “certified” for compliance with the U.S. laws and regulations or other measures conforming to the MLC requirements. Foreign Port State Authorities are not obligated to accept the SOVC-MLC as prima facie evidence 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.
- e. Recognized Classification Societies (RCS) that are authorized to issue international convention certificates on behalf of the Coast Guard are authorized to conduct MLC inspections and issue statements of voluntary compliance at the request of an owner/operator. RCS should use the guidance outlined in this enclosure when conducting compliance inspections and should utilize the statements describing U.S. laws and regulations or other measures listed on the Coast Guard’s SOVC-DMLC Part I when preparing their own Statements of Voluntary Compliance.

f. In cases where a U.S. flag vessel is detained for non-compliance with MLC related items, the owner/operator should make notification to the Coast Guard in a similar fashion to notifications made now when detained under a Convention promulgated by the International Maritime Organization. Copies of the foreign Port State Control inspection forms (the Form A and Form B) should be e-mailed to the Coast Guard's Office of Commercial Vessel Compliance at CGCVC@uscg.mil. If applicable, notification should also be made to the issuing RCS and they should be engaged to assist in rectifying the deficiency. It is also expected the Coast Guard would receive notification from the detaining port state in accordance with the MLC guidelines. In all cases, the Coast Guard's Office of Commercial Vessel Compliance will act in a coordinating role during the process to ensure the release of the vessel in an expeditious manner.

2. Definitions: Enclosure (2) to this NVIC includes the definitions of seafarer, vessel and shipowner for the purpose of the MLC. Although this NVIC is only applicable to vessels on international trade we determined it would be useful to provide information on some of the broader definitions used in the MLC as agreed during the process of consultation with the seafarers and owners/operators' organizations. Information on documentation of determinations of seafarer status are provided in Enclosure 2 of this NVIC.

3. Vessel Applicability:

a. Vessels over 500 GT ITC on International Voyage: U.S. commercial vessels of 500 GT ITC and above engaging on international voyages to ports of ratifying nations may be "certified" and demonstrate compliance with the U.S. laws and regulations or other measures conforming to the MLC requirements through possession of a SOVC-MLC and a SOVC-DMLC.

b. Vessels under 500 GT ITC on International Voyages: U.S. commercial vessels, including uninspected commercial vessels, less than 500 GT ITC engaging on international voyages to ports of MLC ratifying nations may also be required by PSC authorities to meet U.S. laws and regulations or other measures conforming to the MLC requirements. The Convention does not require these vessels to be issued compliance certificates but it does require them to be in compliance with the MLC standards. To better facilitate a PSC exam, it's recommended these vessels voluntarily develop their own Declaration of Maritime Labour Compliance (self declaration). This Declaration should state the U.S. national requirements implementing the Convention and identify the measures adopted by the vessel 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.

(1) Vessel owners may also request a MLC inspection for the issuance of a statement of voluntary compliance certificate at their discretion through a RCS. The guidance for vessels greater than 500 GT ITC shall be followed in those cases.

- (2) At the request of an owner/operator, a Coast Guard inspector may verify a vessel's compliance measures as documented on their self declaration form and issue a MLC inspection report to the vessel. For vessels that have undergone a COI or Annual inspection within six months, an additional MLC inspection of the vessel need not take place. The OCMI may issue a MLC inspection report to the vessel based on an adequate review of the owners/operators compliance measures as documented on the Declaration form.
 - c. 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, owners/operators should keep apprised of the countries that have ratified the MLC and plan accordingly.
 - d. Vessels exclusively operating on the inland waters of the United States are exempted from the provisions of the MLC based on the definition of a vessel in Article II (1)(i) of the Convention. For the purpose of the MLC, the U.S. and Canada will also consider the Great Lakes and the waters east of the Juan de Fuca Strait as inland waters. Vessels navigating exclusively in these waters will be exempt from the MLC.
 - e. The Coast Guard is partnering with Transport Canada to develop a Memorandum of Understanding (MOU) that would allow for the recognition of each country's national laws and regulations as providing substantial compliance with the provisions of the MLC. Vessels less than 500 GT ITC operating exclusively between ports in the U.S. and Canada will be recognized as complying with the MLC standards if they maintain a valid Certificate of Inspection or Uninspected Towing Vessel Safety Examination decal, no additional MLC inspections will be required.
3. Statements of Voluntary Compliance (SOVC):
- a. Vessels demonstrating compliance with the MLC will be issued a SOVC-MLC by the Coast Guard or the RCS. The format of the SOVC-MLC shall remain consistent with the MLC and be supplemented with a SOVC, Declaration of Maritime Labour Compliance (DMLC). The SOVC-MLC can be found under Coast Guard form number CG-16450 (Enclosure (3)). Voluntary compliance certificates issued by an RCS should follow the format of this form.
 - b. The SOVC-DMLC is a unique two-part form. Part I, form number CG-16450B, is prepared by the Coast Guard and references current U.S. laws, regulations or other measures conforming to the Convention requirements. The RCS should develop their own version of the SOVC-DMLC Part I. The Coast Guard is authorizing the RCS to sign their SOVC-DMLC Part I's on behalf of the United States. The information required in SOVC-DMLC Part I must conform to Enclosure (4). Any changes to the content of the SOVC-DMLC Part I must be approved by the Coast Guard.
- (1) The Coast Guard does not intend to grant exemptions requests unless extenuating circumstances can be demonstrated by the owner/operator. The Coast Guard will evaluate those requests on a case by case basis. Owners/operators shall submit any

exemption requests to Commandant, Commercial Vessel Compliance (CG-CVC-1) via the local OCMI or RCS. The OCMI or RCS shall forward the request to Commandant, CG-CVC-1 and provide their recommendation. The OCMI or RCS can forward the request via e-mail to cg-cvc-1@uscg.mil. Please ensure the owner/operator has provided a proper address and point of contact for the reply.

- (2) A decision letter will be sent to the owner/operator with a copy for the OCMI or RCS. If approved, the OCMI or RCS shall state on the SOCV-DMLC Part I that an exemption has been granted by the Coast Guard for the specific requirement and reference the Coast Guard's approval letter. Owners/operators should keep a copy of the letter with the SOVC-MLC.
- c. The SOVC-DMLC 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 with Part I. The format for Part II can vary depending on how the owner/operator decides to document their compliance measures. Following a successful inspection of the vessel for compliance with Part I, the Coast Guard or RCS will endorse Part II. A template of the SOVC-DMLC Part II is provided (Enclosure (5)) 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-16450B) (Enclosure (7)) may be issued to:
 - (1) New vessels during their initial inspection for MLC certification;
 - (2) A vessel that changes flag; or
 - (3) When an owner/operator assumes responsibility for the operation of a vessel which is new to that owner/operator.
 - 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 circumstances¹:
 - (1) The relevant inspections were not completed within the specified time limits.
 - (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 Regulation 3.1 of the Code.
 - (5) The owner/operator no longer wishes to comply with the MLC.

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

4. Certification in accordance 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.
- b. For owners/operators wishing to have their vessels "certified" and issued a SOVC-MLC, the first step should be to document their measures in compliance with the SOVC-DMLC Part I for 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 with the SOVC-DMLC Part I. Once an initial MLC compliance inspection has been completed, vessels will demonstrate ongoing compliance through regular Coast Guard or RCS inspections at specified intervals. The guidance provided below outlines the minimum requirements for owners/operators to demonstrate compliance with the MLC.

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 owner/operator 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 verifying U.S. requirements that meet the provisions of the MLC.

(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 for seafarers under the age of 18 is prohibited. An exception to the night work restriction is allowed if it would impair seafarer training.

(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. Refer to Enclosure (8) to this NVIC for a list of hazardous activities that are likely to jeopardize young seafarer's health and safety. Exemptions from the night work restrictions are allowed in the case of training programs approved by the Coast Guard in accordance with 46 CFR Subchapter B.

(b) Owners/operators should:

- [1] Maintain documentation that includes dates of birth of each seafarer noted. Individual identity documents, such as passports, should be readily accessible.
- [2] Any seafarer under the age of 18 should receive at the time of engagement, a list of the potentially hazardous activities that they should not perform while engaged with the vessel. They should be advised who to contact within the vessel in case of any doubts. They should also be advised against working at night² unless the seafarer is engaged in a training program approved by the Coast Guard in accordance with 46 CFR Subchapter B. Training programs meeting this provision include maritime academies regulated by 46 CFR Part 310.
- [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.

(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.
- [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:

- [1] 46 CFR 10.215 defines the medical and physical requirements to qualify for a Merchant Mariner Certificate (MMC). All U.S. seafarers 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.

² Night is recognized as a period of at least 9 hours starting no later than midnight and ending no earlier than 0500. ("Night" is not currently defined in U.S. regulations.)

[2] 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.

[3] Non-U.S. seafarers must hold a valid medical certificate with a maximum validity of two years, issued by a medical practitioner authorized by the Administration from the country of origin.

(b) Owners/operators should: Ensure that all U.S. 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 seafarers are fit for service aboard the vessel

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

[3] Check to ensure U.S. seafarers currently hold a valid Merchant Mariner Credential. For those limited circumstances where non-U.S. seafarers are working aboard U.S.-flagged vessels pursuant to 46 USC 8103(b)(3), check to insure they hold a valid medical certificate (such as an STCW medical certificate) issued in accordance with the relevant administration.

[4] Check to ensure non-U.S. seafarers currently hold a valid medical certificate.

(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:

[1] 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 or employed.

[2] U.S. regulations in 46 CFR 15.1103 requires that on board a seagoing vessel operating beyond the Boundary line, no person may employ or engage any person to serve without an STCW endorsement, where such a credential is required. Seafarers serving on board uninspected passenger vessels as defined

in 46 USC 2101(42) are exempted from meeting the STCW requirements in accordance with 46 CFR 11.202.

[3] 46 CFR 15.405 and 15.1105 requires individuals be both familiar with the vessel's arrangement, equipment, procedures and characteristics relevant to his or her routine or emergency duties. In addition, 46 CFR 15.1105 requires that: 1) all persons prior to being assigned shipboard duties receive familiarization and/or basic-safety training, as appropriate; and 2) persons serving as part of the crew complement or who is assigned a responsibility on the muster list must receive basic safety training in accordance with STCW Regulation VI/1.

[4] 46 USC 8103(3) and 46 CFR 15.720 authorizes the use of non-U.S. citizens on board Offshore Supply Vessels (OSVs) operating from a foreign port and Mobile Offshore Drilling Units (MODUs) operating beyond the water above the U.S. Outer Continental Shelf, provided the non-U.S. seafarer holds a credential equivalent in experience, training and other qualifications to the U.S. credential required for the position.

(b) Substantial equivalency: For personnel that are not required to be credentialed, accepted industry training or evidence of company training may be accepted as being substantially equivalent with the MLC training and certification requirements.

(c) Owners/operators should:

[1] Ensure that all seafarers, credentialed or non-credentialed have the required training and qualifications, including personal safety training, for the positions they will occupy aboard the vessel.

[2] Ensure the master maintains a roster of these seafarers.

[3] Ensure that procedures are in place for the maintenance of merchant seafarers' records in accordance with 46 CFR 15.1107.

(d) Inspectors should:

[1] Check the Certificate of Inspection (COI)³ 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. For OSVs authorized to use non-U.S. citizens, ensure that the seafarer holds a credential equivalent in experience, training and other qualifications to the U.S. credential required for the position. For personnel that are not required to be

³ A COI is issued to a U.S. vessel by the Coast Guard following the completion of an inspection for certification. It describes the vessel, the route the vessel may travel, the minimum manning requirements, all applicable safety equipment, and lists the total number of passengers that may be carried. For ships on international voyages, the COI fulfills the SOLAS requirements for a Safe Manning Document.

credentialed, ensure that the person has sufficient training and qualifications (such as industry training or company training) to perform his or her duties and understand their responsibilities.

[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:

[1] 46 USC 10314 and 10505 specifies that a person may not receive remuneration for providing seaman with employment. Additionally, a seaman's wages may not be garnished with respect to his engagement on board the vessel.

[2] U.S. union hiring halls are funded and maintained through collective bargaining agreements regulated by Federal Law (Taft-Hartley Act) and meet the applicable requirements of the MLC as specified in Standard 1.4, paragraph 3 that recognizes collective bargaining agreements as complying with the intent of Regulation 1.4.

(b) Owners/operators should:

[1] Owners/operators may use external recruitment agencies to source mariner; but in all cases, the seafarer may not be charged either directly or indirectly for the recruitment service.

[2] Owners/operators using recruitment and placement agencies from ratifying countries must ensure that the recruitment agency is licensed/certified in accordance with Regulation 1.4 of the Convention by the country the agency is based.

[3] Owners/operators using recruitment and placement agencies from non-ratifying countries must ensure that the recruitment agency meets intent of the provisions in Regulation 1.4; and in all cases is not charging the seafarer for employment.

[4] Maintain a record as to the manner in which the seafarer (U.S. and non-U.S. citizens) 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. A record of this documentation should be provided for the master's records.

- [5] Owners/Operators hiring seafarers directly should self-certify via a letter or other documentation 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 charges 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 owners/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:

- [1] 46 USC 10301 and 10302, and 46 CFR 14.201 specify when articles are required and notes that for all foreign voyages, vessel owners/operators make a shipping agreement in writing with each seaman before the seaman commences employment. Coast Guard NVIC 1-86 establishes the procedures for the shipment and discharge of seamen aboard U.S. flag vessels. 46 CFR 14.207 specifies that the content and form of shipping articles must conform to form CG-705A. NVIC 1-86 specifies that any other form complying with the requirements of the U.S. statutes noted above may be utilized. The minimum requirements contained in the shipping agreement are in keeping with those outlined in Regulation 2.1 of the MLC.
- [2] 46 U.S.C. 10311 and 46 CFR 14.307 require that the master or individual in charge of a vessel provide seafarers a Certificate of Discharge documenting sailing dates and capacities. The certificate must be signed by both the master or individual in charge and the seafarer. Such certificates may not contain a reference about the character or ability of the seafarer.
- [3] In addition, 46 U.S.C. 7302 and 46 CFR 14.305 specify that seamen may obtain a Continuous Discharge Book that documents sailing dates and capacities. Proper entries to the book must be made by the master.

(b) Substantial equivalency: Contractual agreements between the seafarer and the owner/operator or third party should be accepted for non-traditional seafarer personnel provided it includes the minimum requirements specified NVIC 1-86, as appropriate as being substantially equivalent to the MLC employment agreement provisions.

(c) Owners/operators should:

- [1] Maintain a shipping/employment agreement for all seafarers on board.
- [2] Ensure that all seafarers sign a shipping/employment agreement. The agreement should conform to the content of form CG-705A. Any other form complying with the requirements of the U.S. statutes noted above may be utilized. 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.
- [3] Vessel owners/operators 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.
- [4] Vessel owners/operators should also ensure seafarers receive copies of the agreement.
- [5] Contractual agreements between the seafarer and the vessel owner/operator representatives/charterer or third party should be accepted for non-traditional seafarer personnel provided it includes the information specified in form CG-705A.⁴
- [6] Vessel owners/operators should ensure that seafarers are given Certificates of Discharge documenting the sailing dates and capacity. Documentation may also be accomplished through a continuous discharge book. Such documentation may not contain a reference about the character or ability of the seafarer.

(d) 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.

⁴ For seafarers who do not have a direct relationship with the owner/operator, the DMLC Part II must identify the charterer and/or third party company assuming responsibility for the individual MLC compliance, and the procedures the owner/operator has agreed the employer will put in place to demonstrate MLC compliance. This arrangement does not eliminate the overall responsibility for MLC compliance.

[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. There shall be 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 for work performed, payment at the beginning of the voyage and at the end of the voyage, and penalties for non-compliance; 46 USC 10310, 10312, 10313, and 10314. 46 U.S.C. 10315 (Allotments) establishes the measures for allotments. Collective bargaining agreements also specify payment intervals and conditions of payments.

(b) Owners/operators should:

[1] Ensure that master can provide proof of payment (i.e. payroll records or company letter) at monthly intervals. Payments made in accordance with collective bargaining agreements, and payments made at intervals of less than 30 days are acceptable.

[2] Ensure that a monthly salary statement is provided to the seafarer in an electronic or paper format.

[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, collective bargaining agreements or other documentation 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 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 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.

(b) Substantial Equivalency: The Coast Guard published a guidance document CG-CVC Policy Letter 12-05 in compliance with the STCW 2010 amendments to the hours of rest. These requirements are substantially equivalent with the MLC standards contained in Regulation 2.3. Policy letter includes recording hours of rest.

(c) Owners/operators 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.

[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.

(d) 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 vessels 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 Part 15 requires that all vessels operating beyond the boundary line must meet the STCW certification and watchkeeping requirements.
- [2] 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.
- [3] 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 gross tonnage as measured under the Regulatory Measurement System, hereafter (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 ratifying nation.

(b) Owners/operators 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, SMD or SML 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 vessels 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 vessels, 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 vessels.

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

- [1] The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Crews (Revised) Convention) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that the U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the U.S. did not ratify, including Accommodations of Crews Convention, 1970 (No. 133) and Accommodation of Crews Convention (Revised), 1949 (No. 92). The U.S. satisfied itself that the general goals of the instrument of Convention 133 are respected. No specific legislation/regulations were implemented to bring the U.S. into conformity with the general goals of Convention 133. See COMDTINST 16711.12A for additional information.
- [2] US shipping laws and regulations that apply to vessels registered in the US territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seamen is provided in the following shipping laws: 46 U.S.C. Subtitle II, Chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to more than 100 GRT).
- [3] Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel. These subchapters are:

46 CFR 24-28 Subchapter C (uninspected towing vessels, 6 & 12 passengers)
46 CFR 30-39 Subchapter D (tank vessels)
46 CFR 70-89 Subchapter H (passenger vessels)
46 CFR 90-105 Subchapter I (cargo & miscellaneous vessels)
46 CFR 107-109 Subchapter I-A (MODUs)
46 CFR 114-124 Subchapter K (small passenger vessels under 100 GT carrying more than 150 passengers, or more than 49 overnight)
46 CFR 125-139 Subchapter L (OSVs)
46 CFR 175-187 Subchapter T (Small passenger vessels under 100 GT carrying less than 49 passengers overnight)

These regulations are substantially equivalent to the applicable requirements of ILO 147, ILO 133 and ILO 92.

[4] Vessels built prior to the entry into force date of C147 to the U.S. must also comply with the applicable regulations under item 3 above.

(b) Owners/operators should:

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

[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. The COI is proof that the vessel was built and inspected to applicable regulations.

(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:

[1] The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Crews (Revised) Convention) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that the U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the U.S. did not ratify, including Accommodations of Crews Convention, 1970 (No. 133) and Accommodation of Crews Convention (Revised), 1949 (No. 92). The U.S. satisfied itself that the general goals of

the instrument of Convention 133 are respected. No specific legislation/regulations were implemented to bring the U.S. into conformity with the general goals of Convention 133. See COMDTINST 16711.12A for additional information.

[2] US shipping laws and regulations that apply to vessels registered in the US territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seamen is provided in the following shipping laws: 46 U.S.C. Subtitle II, Chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to more than 100 GRT).

[3] Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel. These regulations are substantially equivalent to the applicable requirements of ILO 147, ILO 133 and ILO 92.

[4] Vessels built prior to the entry into force date of C147 to the U.S. must also comply with the applicable regulations under item 3 above.

(b) Owners/operators should: Continue to ensure their vessels meet the requirements of current U.S. regulations.

(c) Inspectors should: Ensure that all vessels meet the requirements of current U.S. regulations. The COI is proof that the vessel was built and inspected to applicable regulations.

(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.

(a) U.S. national requirements/legislation: 46 USC 10303 requires that a seaman shall be served at least 3 meals a day, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances. Refer to Enclosure (9) to this NVIC for guidelines for a ship's cook competency.

(b) Owners/operators 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 knowledge through training or equivalent job experience of personnel with responsibility for preparing food. Nobody below the age of 18 should be permitted to work as a cook.
- [4] If the manning of the vessel 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 vessel (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 have the knowledge through training or equivalent job experience 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 their 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 vessel 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. Vessel owners/operators are to allow seafarers the right to visit a qualified medical doctor or dentist without delay in port calls, where practicable. Members shall adopt regulations establishing requirements for on-board hospital and medical care facilities and equipment on ships.

(a) U.S. national requirements/legislation⁵:

⁵ Requirements relating to the size and construction of hospital spaces are contained in the U.S. national requirements/legislation section for Accommodations.

- [1] 46 USC 11101 states that a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required). Additionally, specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel.
- [2] 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.
- [3] 46 CFR 12.13 requires that persons designated to provide medical first aid on board or to take charge of medical care on board vessel are trained, as appropriate and hold a MMC with the appropriate endorsement.
- [4] Collective bargaining agreements define medical benefits and eligibility on board vessel and ashore. Unionized seafarers receive preventive measures.
- [5] Responsibility for the sick and injured seamen rests with the vessel owners/operators in accordance with the general maritime law remedy of Maintenance and Cure. Maintenance and Cure provides for medical coverage for seafarers while in the service of a vessel (including shore leave). Cure benefits provide for payment of reasonable and necessary medical care until the seaman has reached a level of maximum cure. 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.

(b) Owners/operators should:

- [1] Ensure that seafarers, while in the service of the vessel, 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
- [2] Provide seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.
- [3] Ensure that medical care facilities, such as a medicine chest, medical equipment, medical guide, and hospital space are provided in accordance with U.S. laws and regulations cited above.

- [4] Carry a qualified medical doctor on board if the vessel carries 100 or more persons and is ordinarily engaged on international voyages for more than three days. Ensure that personnel providing medical first aid or medical care on board are properly credentialed. For those vessels that are engaged in extended voyages involving ready access to shore side medical facilities and care, demonstration of such ability to render medical aid should be made in lieu of an onboard medical doctor.
- [5] 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. A list of radio/satellite contacts for advice should be readily available.

(c) Inspectors should:

- [1] Check any relevant documents, such as union agreements, to confirm medical care and services are provided free of charge while in the service of the vessel.
- [2] Visually observe conditions to confirm the vessel is equipped with sufficient medical supplies including a “medical chest”, hospital space (where applicable), and a “medical guide” book.
- [3] 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:

- [1] The Occupational Safety and Health Act, 29 USC Chapter 15, was enacted to ensure sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions.
- [2] 46 USC Chapter 32 and 33 CFR part 96 require establishment of safety management systems on board vessels which involve procedures for responding to emergencies, protection of the environment, reporting of incidents, and addressing nonconformities. Internal audits and management reviews of the onboard system must be maintained.

- [3] Company and/or industry-wide management systems, such as the Responsible Carrier Program, which involve procedures for responding to emergencies, protection of the environment, reporting of incidents and addressing nonconformities are acceptable industry practices meeting this MLC requirement.

(b) Owners/operators should:

- [1] Ensure that seafarers are advised about occupational health issues and all necessary precautions are taken to minimize any adverse affects.
- [2] Adopt reasonable precautions to prevent occupational accidents, injuries and diseases on board vessel, 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 vessels.
- [3] Adopt on-board programs such as a vessel safety committee for the prevention of occupational accidents, injuries and diseases, and for continuous improvement in occupational safety and health protection.
- [4] Adopt procedures for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.
- [5] Ensure that there is adequate personal protective equipment (PPE) available for all shipboard activities.

(c) Inspectors should:

- [1] Check any relevant documents maintained on the vessel such as accident reports, safety evaluations conducted on behalf of the vessel 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 PPE 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. However, many Collective Bargaining Agreements include procedures for seafarers to voice complaints on board vessel. With respect to safety concerns, the Coast Guard, in agreement with the Occupational Health and Safety Administration (OSHA) has authority to protect seafarers from retaliation for filing safety complaints pursuant to 46 USC 2114. Pursuant to its responsibility as a Party to ILO 147, the Coast Guard will investigate complaints related to alleged violations of that convention. The Coast Guard or RCS will verify compliance against the applicable standards as published in the MLC. Refer to Enclosure (10) to this NVIC on complaints procedures.

(b) Vessel owners/operators 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 vessel.

(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.

6. Deficiencies:

- a. The MLC allows marine inspectors to exercise their professional judgment when identifying deficiencies. The vessel owner will determine the appropriate action for compliance and/or correction of deficiency and submit it to the inspector for approval. It's the responsibility of the marine inspector to determine whether or not a vessel should be issued a SOVC-MLC before outstanding deficiencies are cleared.
 - b. Any discrepancies identified by Coast Guard inspectors that relate to current U.S. laws/regulations shall be documented on the CG-835 form and issued to the master or vessel representative to take corrective action. It's the responsibility of the marine inspector to determine an appropriate length of time for a deficiency to be resolved or if a SOVC-MLC should be issued with any outstanding deficiencies involving U.S. vessel inspection laws/regulations.
 - c. Deficiencies involving MLC standards where no corresponding U.S. law/regulation applies or laws/regulations that fall under the jurisdiction of another U.S. governmental agency, should be noted as a work-list item for the master or vessel representative to take corrective action on prior to the issuance of the SOVC-MLC.
 - d. For RCSs, deficiencies should be issued and documented in accordance with the current organizational guidelines prescribed by the respective RCS.
 - e. Even though compliance with the MLC is voluntary for U.S. flagged vessels, marine inspectors must certify that the vessel is in compliance with the U.S. laws and regulations or other measures conforming to the MLC requirements before issuing it a SOVC-MLC.
7. Appeals: A vessel owner/operator, master, or vessel representative may appeal any deficiencies to the Coast Guard 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 conducted by the Coast Guard, the marine inspector shall issue to the master or vessel representative a U.S. Coast Guard MLC Inspection report (CG-16450C) (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 SOVC-MLC certificate and inspection report shall be scanned and attached into the vessel's list of documents.

Enclosure (1) to NVIC New-13

- c. At the conclusion of a MLC inspection conducted by a RCS, the surveyor should document the inspection using the forms and procedures outlined in their respective organizational guidelines.

DEFINITIONS

1. Background. The intent of the MLC 2006 is to ensure that all seafarers have the right to decent working and living conditions. It is intended that the below definitions and will assist in explaining the application of the MLC 2006 to U.S. vessels operating in international trade.
2. Seafarer.
 - a. MLC Definition.
 - (1) The definition of seafarer contained in Article II states that a *seafarer* means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies.
 - (2) To clarify the definition of seafarer, the International Labor Conference at its 94th (Maritime Session) adopted guidance for governments. ILO Conference Resolution VII, *Concerning information on Occupational Groups* (Resolution VII), identified criteria that should be considered when determining whether certain personnel should be counted as seafarers for the purpose of the MLC 2006.
 - b. U.S. Interpretation and Application.
 - (1) 46 USC 10101 provides a definition of “seaman” as “an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel.” This is in Part G of Title 46 and relates to the welfare of seaman. This definition is consistent with the MLC definition. However, as above, care must be taken not to read the clause “in any capacity” too literally. With respect to a vessel’s liability to a seaman, U.S. Courts significantly narrowed this definition. The definition of seaman, as it applies to the MLC, should take into account the criteria of Conference Resolution VII to consider who may be excluded. There are persons working on board U.S. vessels that meet one or more of the criteria specified in that Resolution and therefore, would not be considered seafarers for the purpose of MLC application. The ILO criteria to consider when making a determination of seaman status, is as follows:
 - (a) the duration of the stay on board of the persons concerned;
 - (b) the frequency of periods of work spent on board;
 - (c) the location of the person’s principal place of work;
 - (d) the purpose of the person’s work on board;

- (e) the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.
- (2) For the purpose of this NVIC, the following definition for *seafarer* should apply:
Except as otherwise provided below, *seafarer*, for the purpose of application of the MLC 2006, means an individual, including the master, engaged or employed in any capacity on board a vessel. This definition of *seafarer* will generally not apply to:
- (a) the owner of the vessel or a person (except the master) representing the owner;
 - (b) law enforcement personnel, in their capacity as law enforcement personnel, such as government, military or civilian security personnel;
 - (c) persons temporarily employed on the vessel in port and whose principal place of work is ashore, such as inspectors, surveyors, port workers or superintendents;
 - (d) persons who are working on a seagoing vessel on an occasional and short-term basis. This may include pilots, fitters, guest instructors, entertainers, shipyard personnel, or repair technicians;
 - (e) U.S. citizens who perform special work on board the vessel that, as addressed in Resolution VII, does not support the routine business of the vessel or provide services for persons carried on board, such as scientific personnel, researchers, specialist offshore technician, salvage personnel, cable-laying personnel, seismic personnel, divers, pipe-laying personnel, industrial personnel, offshore workers, or crane operating personnel; or
 - (f) persons who are considered exempt from the provisions of Title 46, United States Code , relating to the welfare of seamen, such as scientific personnel working aboard oceanographic research vessels and sailing school instructors or sailing school students on board sailing school vessels.
- (3) Solely with respect to non-U.S. citizens who perform special work on board the vessel that, as addressed in Resolution VII, does not support the routine business of the vessel or provide services for persons carried on board, if it can be demonstrated that a person's shore side legal and social system provides protections that are comparable to that provided by MLC 2006, such a person may be considered excluded from the definition of a seafarer. This may include workers that are employed by third parties. Such persons may include scientific personnel, researchers, specialist offshore technicians, salvage personnel, cable-laying personnel, seismic personnel, divers, pipe-laying personnel, industrial personnel, offshore workers, or crane operating personnel. The shipowner should be prepared to demonstrate that these persons are provided comparable protections to justify their exclusion.

- (4) Determinations seafarer status should not be based solely upon a person's job title.
- (5) Determinations of seafarer status may be annotated in the DMLC Part 2 for the particular vessel, including the criteria and rationale for any personnel excluded. In the event of doubt as to whether as to whether a person is a seafarer for the purpose of the MLC, the question should be raised to the Coast Guard. The Coast Guard will consult with the seafarer and shipowner organizations where appropriate. Because the United States is not currently a party to MLC 2006, when undergoing a foreign Port State Control inspection, the burden of establishing the status of personnel on board the vessel will ultimately rest with the shipowner.

3. Ship.

a. MLC Definition

- (1) Article II of the Convention contains the definition for ship and the applicability of the Convention. It states:
 - (a) "ship means a ship other than one which navigates exclusively in inland waters or areas where port regulations apply"
 - (b) "...this Convention applies to all ships whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries."

b. U.S. Interpretation and Application.

- (1) The United States does not generally use the word "ship," instead using the term "vessel," modified by "motor," "steam," "passenger," etc. Definitions abound in both statute and regulations for different modes of self-propelled vessels, however, for the purpose of this NVIC, a *ship* is considered to be a self-propelled commercial vessel, including MODUs, engaging on international voyages to ports of ratifying nations. Refer to the Applicability section in Enclosure 2 for additional information.
- (2) Except as otherwise provided below, ship, for the purpose of application of the MLC 2006 and this NVIC, means a self-propelled vessel in commercial service that operates beyond the Boundary Line established by 46 CFR Part 7. This definition does not apply to:

- (a) Fishing vessels as defined in 46 U.S.C. 2101(11)(a);
 - (b) fishing vessels used as fish-tender vessels, as defined in 46 U.S.C. 2101(11)(c), of not more than 500 GT;
 - (c) vessels that navigate exclusively on the Great Lakes or on the inland waters of the U.S. in the Strait of Juan de Fuca inside passage;
 - (d) fish processing vessels, as defined in 46 U.S.C. 2101(11)(b), of not more than 5000 GT;
 - (e) vessels less than 200 GRT/GT operating inside the boundary line, on domestic voyages off the coast of the United States and its territories;
 - (f) barges as defined in 46 U.S.C. 102 and non-self-propelled MODUs;
 - (g) nautical school vessels, as defined in 46 U.S.C. 2101(17); and oceanographic research vessels, as defined in 46 U.S.C. 2101(18); and
 - (h) traditional build ships (junks dhows).
- (3) 46 USC 2101 provides a definition for “commercial service” as “including any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.” This definition is consistent with the MLC definition.
- (4) The interpretation of “navigate” is that the vessel must be able to manage or control its course under its own power therefore; the Convention should apply only to self-propelled vessels. This interpretation is consistent with the intent and scope of the MLC and with the application of the STCW Convention and the ILO Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).
- (5) The exclusions provided in paragraph (3) above are consistent with those noted in Article II, paragraphs 1 and 4 of the Convention. Under U.S. laws and regulation, however, seafarers working on board vessels excluded from the application of the Convention are provided with protections substantially equivalent to those required by the Convention.

4. Shipowner.

- a. MLC Definition. Article II of the Convention contains the following definition of “shipowner”: Shipowner means the owner of a ship or any other organization or person such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has

agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the owner.

b. U.S. Interpretation and Application.

(1) “Shipowner” is not specifically defined in United States statute or regulations. For the purpose of application of the MLC 2006 and this NVIC, the definition of “shipowner” is as follows:

- (a) The owner of a vessel to which the Convention applies, or
- (b) any other person that has assumed the responsibility for the operation of a vessel from the owner; and agreed to assume with respect to the vessel responsibility for complying with all the requirements of the Convention. This would include the operator.

(2) The MLC 2006 covers a diverse group of issues that impose different requirements on the shipowners. To ensure and facilitate compliance with these requirements imposed on the shipowner it is necessary to ensure that the company documents the responsibility, authority, and interaction of all personnel who manage the compliance with the MLC requirements. This definition is consistent with the definition for the implementing requirements for the ISM and ISPS Codes.

MARITIME LABOUR CERTIFICATE

(Statement of Voluntary Compliance)

(This certificate shall have a Declaration of Maritime Labour Compliance attached)

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

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of shipowner²

.....

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 *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on 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.

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 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. Refer to Enclosure (8) of Coast Guard Navigation and Vessel Circular (NVIC) 02-13 for a list of hazardous activities that are likely to jeopardize young seafarer's health and safety. Exemptions from the night work restrictions are allowed in the case of training programs approved by the Coast Guard in accordance with 46 CFR Subchapter B.

2. Medical certification (Regulation 1.2):

46 CFR 10.215 defines the medical and physical requirements to qualify for a Merchant Mariner Certificate (MMC). All U.S. seafarers 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. 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. Non-U.S. seafarers must hold a valid medical certificate issued by a medical practitioner authorized by the Administration from the country of origin.

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

3. Qualifications of seafarers (Regulation 1.3): (Substantial Equivalency Noted)

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 or employed.

U.S. regulations in 46 CFR 15.1103 requires that on board a seagoing vessel operating beyond the Boundary line, no person may employ or engage any person to serve without an STCW endorsement, where such a credential is required. Seafarers serving on board uninspected passenger vessels as defined in 46 USC 2101(42) are exempted from meeting the STCW requirements in accordance with 46 CFR 11.202.

46 CFR 15.405 and 15.1105 requires individuals be both familiar with the vessel's arrangement, equipment, procedures and characteristics relevant to his or her routine or emergency duties. In addition, 46 CFR 15.1105 requires that: 1) all persons prior to being assigned shipboard duties receive familiarization and/or basic-safety training, as appropriate; and 2) persons serving as part of the crew complement or who is assigned a responsibility on the muster list must receive basic safety training in accordance with STCW Regulation VI/1.

46 USC 8103(3) and 46 CFR 15.720 authorizes the use of non-U.S. citizens on board Offshore Supply Vessels (OSVs) operating from a foreign port and Mobile Offshore Drilling Units (MODUs) operating beyond the water above the U.S. Outer Continental Shelf, provided the non-U.S. seafarer holds a credential equivalent in experience, training and other qualifications to the U.S. credential required for the position.

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. Additionally a seaman's wages may not be garnished with respect to his engagement on board the vessel. U.S. union hiring halls are funded and maintained through collective bargaining agreements regulated by Federal Law (Taft-Hartley Act) and meet the applicable requirements of the MLC as specified in Standard 1.4, paragraph 3 that recognizes collective bargaining agreements as complying with the intent of Regulation 1.4.

5. Seafarers' employment agreements (Regulation 2.1): (Substantial Equivalency Noted)

46 USC 10301 and 10302, and 46 CFR 14.201 specify when articles are required and notes that for all foreign voyages, shipowners make a shipping agreement in writing with each seaman before the seaman commences employment. Coast Guard Navigation and Vessel Circular (NVIC) 1-86 establishes the procedures for the shipment and discharge of seamen aboard U.S. flag vessels. 46 CFR 14.207 specifies that the content and form of shipping articles must conform to form CG-705A. NVIC 1-86 specifies that any other form complying with the requirements of the U.S. statutes noted above may be utilized. The minimum requirements contained in the shipping agreement are in keeping with those outlined in Regulation 2.1 of the MLC.

46 U.S.C. 10311 and 46 CFR 14.307 require that the master or individual in charge of a vessel provide seafarers a Certificate of Discharge documenting sailing dates and capacities. The certificate must be signed by both the master or individual in charge and the seafarer. Such certificates may not contain a reference about the character or ability of the seafarer. In addition, 46 U.S.C. 7302 and 46 CFR 14.305 specify that seamen may obtain a Continuous Discharge Book that documents sailing dates and capacities. Proper entries to the book must be made by the master.

6. Payment of wages (Regulation 2.2):

U.S. statute establishes the seamen's entitlement to wages for work performed, payment at the beginning of the voyage and at the end of the voyage, and penalties for non-compliance; 46 USC 10310, 10312, 10313, and 10314. 46 U.S.C. 10315 (Allotments) establishes the measures for allotments. Collective bargaining agreements also specify payment intervals and conditions of payments.

DECLARATION OF MARITIME LABOUR COMPLIANCE - PART I

(Statement of Voluntary Compliance) (continued)

7. Hours of work or rest (Regulation 2.3): (Substantial Equivalency Noted)

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.

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

46 CFR Part 15 requires that all vessels operating beyond the boundary line must meet the STCW certification and watchkeeping requirements. 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.

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 gross tonnage as measured under the Regulatory Measurement System, hereafter (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 ratifying nation.

9. Accommodation (Regulation 3.1):

The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Crews (Revised) Convention) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that the U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the U.S. did not ratify, including Accommodations of Crews Convention, 1970 (No. 133) and Accommodation of Crews Convention (Revised), 1949 (No. 92). The U.S. satisfied itself that the general goals of the instrument of Convention 133 are respected. No specific legislation/regulations were implemented to bring the U.S. into conformity with the general goals of Convention 133. See COMDTINST 16711.12A for additional information. US shipping laws and regulations that apply to vessels registered in the US territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seamen is provided in the following shipping laws: 46 U.S.C. Subtitle II, Chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to more than 100 GRT).

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel. These subchapters are:

- 46 CFR 24-28 Subchapter C (uninspected towing vessels, 6 & 12 passengers)
- 46 CFR 30-39 Subchapter D (tank vessels)
- 46 CFR 70-89 Subchapter H (passenger vessels)
- 46 CFR 90-105 Subchapter I (cargo & miscellaneous vessels)
- 46 CFR 107-109 Subchapter I-A (MODUs)
- 46 CFR 114-124 Subchapter K (small passenger vessels under 100 GT carrying more than 150 passengers, or more than 49 overnight)
- 46 CFR 125-139 Subchapter L (OSVs)
- 46 CFR 175-187 Subchapter T (small passenger vessels under 100 GT carrying less than 49 passengers overnight)

These regulations are substantially equivalent to the applicable requirements of ILO 147, ILO 133 and ILO 92. Vessels built prior to the entry into force date of C147 to the U.S. must also comply with the applicable regulations above.

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

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

The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Crews (Revised) Convention) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that the U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the U.S. did not ratify, including Accommodations of Crews Convention, 1970 (No. 133) and Accommodation of Crews Convention (Revised), 1949 (No. 92). The U.S. satisfied itself that the general goals of the instrument of Convention 133 are respected. No specific legislation/regulations were implemented to bring the U.S. into conformity with the general goals of Convention 133. See COMDTINST 16711.12A for additional information. US shipping laws and regulations that apply to vessels registered in the US territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seamen is provided in the following shipping laws: 46 U.S.C. Subtitle II, Chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to more than 100 GRT).

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel. These regulations are substantially equivalent to the applicable requirements of ILO 147, ILO 133 and ILO 92. Vessels built prior to the entry into force date of C147 to the U.S. must also comply with the applicable regulations above.

11. Food and catering (Regulation 3.2):

46 USC 10303 requires that a seaman shall be served at least 3 meals a day, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances. Enclosure (9) of Coast Guard Navigation and Vessel Circular (NVIC) 02-13 establishes guidelines for a ship's cook's competency.

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

46 USC 11101 states that a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment, suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required). Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel.

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. 46 CFR 12.13 requires that persons designated to provide medical first aid on board or to take charge of medical care on board vessel are trained, as appropriate and hold a MMC with the appropriate endorsement.

Collective bargaining agreements define medical benefits and eligibility on board vessel and ashore. Unionized seafarers receive preventive measures. Responsibility for the sick and injured seamen rests with the vessel owners/operators in accordance with the general maritime law remedy of Maintenance and Cure. Maintenance and Cure provides for medical coverage for seafarers while in the service of a vessel (including shore leave). Cure benefits provide for payment of reasonable and necessary medical care until the seaman has reached a level of maximum cure. 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.

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

The Occupational Safety and Health Act, 29 USC Chapter 15, was enacted to ensure sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions.

46 USC Chapter 32 and 33 CFR Part 96 require establishment of safety management systems on board vessels which involve procedures for responding to emergencies, protection of the environment, reporting of incidents and addressing nonconformities. Internal audits and management reviews of the onboard system must be maintained.

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

Company and/or industry-wide management systems, such as the Responsible Carrier Program, which involve procedures for responding to emergencies, protection of the environment, reporting of incidents and addressing nonconformities are acceptable industry practices meeting this MLC requirement.

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. However, many Collective Bargaining Agreements include procedures for seafarers to voice complaints on board vessel. With respect to safety concerns, the Coast Guard, in agreement with the Occupational Health and Safety Administration (OSHA) has authority to protect seafarers from retaliation for filing safety complaints pursuant to 46 USC 2114. Pursuant to its responsibility as a Party to ILO 147, the Coast Guard will investigate complaints related to alleged violations of that convention. The Coast Guard or RCS will verify compliance against the applicable standards as published in the MLC. Enclosure (10) of Coast Guard Navigation and Vessel Circular (NVIC) 02-13 establishes guidelines for on board complaint procedures.



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.

1. Qualification of Seafarers: For personnel that are not required to be credentialed, accepted industry training or evidence of company training may be accepted as being substantially equivalent with the MLC training and certification requirements
2. Seafarers Employment Agreements: Contractual agreements between the seafarer and the owner/operator or third party should be accepted for non-traditional seafarer personnel provided it includes the minimum requirements specified in Coast Guard Navigation and Vessel Circular (NVIC) 1-86, as appropriate as being substantially equivalent to the MLC employment agreement provisions.
3. Hours of Work or Rest: The Coast Guard published a guidance document CG-CVC Policy Letter 12-05 in compliance with the STCW 2010 amendments to the hours of rest. These requirements are substantially equivalent with the MLC standards contained in regulation 2.3. Policy letter includes recording hours of rest.



Name:
 Title:
 Signature:
 Place:
 Date:

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

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 owner/operator, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed in the SOVC-DMLC Part I. Specific measures for each of the 14 requirements are to be clearly drafted to ensure flag state and port state inspectors are easily able to check the requirements are being properly implemented. It's recommended that owner/operator make reference more comprehensive documentation covering policies or procedures in the appropriate sections.)

- 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 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)

OWNER/OPERATOR DECLARATION OF MARITIME LABOUR COMPLIANCE

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

(Owner/operator)

This declaration by the owner/operator is subject to verification at all U.S. Coast Guard Inspections

Name of Ship	Official Number	Gross Tonnage

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 owner/operator to ensure ongoing compliance with the Convention.

1. Minimum age (Regulation 1.1):

U.S. National Requirements: 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. Refer to Enclosure (8) of NVIC 02-13 for a list of hazardous activities that are likely to jeopardize young seafarer's health and safety. Exemptions from the night work restrictions are allowed in the case of training programs approved by the Coast Guard in accordance with 46 CFR Subchapter B.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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). All U.S. seafarers 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. 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. Non-U.S. seafarers must hold a valid medical certificate issued by a medical practitioner authorized by the Administration from the country of origin.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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 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 or employed.

U.S. regulations in 46 CFR 15.1103 requires that on board a seagoing vessel operating beyond the Boundary line, no person may employ or engage any person to serve without an STCW endorsement, where such a credential is required. Seafarers

serving on board uninspected passenger vessels as defined in 46 USC 2101(42) are exempted from meeting the STCW requirements in accordance with 46 CFR 11.202.

46 CFR 15.405 and 15.1105 requires individuals be both familiar with the vessel's arrangement, equipment, procedures and characteristics relevant to his or her routine or emergency duties. In addition, 46 CFR 15.1105 requires that: 1) all persons prior to being assigned shipboard duties receive familiarization and/or basic-safety training, as appropriate; and 2) persons serving as part of the crew complement or who is assigned a responsibility on the muster list must receive basic safety training in accordance with STCW Regulation VI/1.

46 USC 8103(3) and 46 CFR 15.720 authorizes the use of non-U.S. citizens on board Offshore Supply Vessels (OSVs) operating from a foreign port and Mobile Offshore Drilling Units operating beyond the water above the U.S. Outer Continental Shelf, provided the non-U.S. seafarer holds a credential equivalent in experience, training and other qualifications to the U.S. credential required for the position.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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. Additionally a seaman's wages may not be garnished with respect to his engagement on board the vessel. U.S. union hiring halls are funded and maintained through collective bargaining agreements regulated by Federal Law (Taft-Hartley Act) and meet the applicable requirements of the MLC as specified in Standard 1.4, paragraph 3 that recognizes collective bargaining agreements as complying with the intent of Regulation 1.4.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

5. Seafarers' employment agreements (Regulation 2.1):

U.S. National Requirements: 46 USC 10301 and 10302, and 46 CFR 14.201 specify when articles are required and notes that for all foreign voyages, shipowners make a shipping agreement in writing with each seaman before the seaman commences employment. Coast Guard NVIC 1-86 establishes the procedures for the shipment and discharge of seamen aboard U.S. flag vessels. 46 CFR 14.207 specifies that the content and form of shipping articles must conform to form CG-705A. NVIC 1-86 specifies that any other form complying with the requirements of the U.S. statutes noted above may be utilized. The minimum requirements contained in the shipping agreement are in keeping with those outlined in Regulation 2.1 of the MLC.

46 U.S.C. 10311 and 46 CFR 14.307 require that the master or individual in charge of a vessel provide seafarers a Certificate of Discharge documenting sailing dates and capacities. The certificate must be signed by both the master or individual in charge and the seafarer. Such certificates may not contain a reference about the character or ability of the seafarer. In addition, 46 U.S.C. 7302 and 46 CFR 14.305 specify that seamen may obtain a Continuous Discharge Book that documents sailing dates and capacities. Proper entries to the book must be made by the master.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

6. Payment of wages (Regulation 2.2):

U.S. National Requirements: U.S. statute establishes the seamen's entitlement to wages for work performed, payment at the beginning of the voyage and at the end of the voyage, and penalties for non-compliance; 46 USC 10310, 10312, 10313, and 10314. 46 U.S.C. 10315 (Allotments) establishes the measures for allotments. Collective bargaining agreements also specify payment intervals and conditions of payments.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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

U.S. National Requirements: 46 CFR Part 15 requires that all vessels operating beyond the boundary line must meet the STCW certification and watchkeeping requirements. 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.

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 gross tonnage as measured under the Regulatory Measurement System, hereafter (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 ratifying nation.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

9. Accommodation (Regulation 3.1):

U.S. National Requirements: The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Crews (Revised) Convention) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that the U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the U.S. did not ratify, including Accommodations of Crews Convention, 1970 (No. 133) and Accommodation of Crews Convention (Revised), 1949 (No. 92). The U.S. satisfied itself that the general goals of the instrument of Convention 133 are respected. No specific legislation/regulations were implemented to bring the U.S. into conformity with the general goals of Convention 133. See COMDTINST 16711.12A for additional information. US shipping laws and regulations that apply to vessels registered in the US territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seamen is provided in the following shipping laws: 46 U.S.C. Subtitle II, Chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to more than 100 GRT).

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel. These subchapters are:

- 46 CFR 24-28 Subchapter C (uninspected towing vessels, 6 & 12 passengers)
- 46 CFR 30-39 Subchapter D (tank vessels)
- 46 CFR 70-89 Subchapter H (passenger vessels)
- 46 CFR 90-105 Subchapter I (cargo & miscellaneous vessels)
- 46 CFR 107-109 Subchapter I-A (MODUs)
- 46 CFR 114-124 Subchapter K (small passenger vessels under 100 GT carrying more than 150 passengers, or more than 49 overnight)
- 46 CFR 125-139 Subchapter L (OSVs)

46 CFR 175-187 Subchapter T (small passenger vessels under 100 GT carrying less than 49 passengers overnight)

These regulations are substantially equivalent to the applicable requirements of ILO 147, ILO 133 and ILO 92. Vessels built prior to the entry into force date of C147 to the U.S. must also comply with the applicable regulations above.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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

U.S. National Requirements: The U.S. ratified Convention 147 which includes Convention 92 (Accommodations of Crews (Revised) Convention) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that the U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the U.S. did not ratify, including Accommodations of Crews Convention, 1970 (No. 133) and Accommodation of Crews Convention (Revised), 1949 (No. 92). The U.S. satisfied itself that the general goals of the instrument of Convention 133 are respected. No specific legislation/regulations were implemented to bring the U.S. into conformity with the general goals of Convention 133. See COMDTINST 16711.12A for additional information. US shipping laws and regulations that apply to vessels registered in the US territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seamen is provided in the following shipping laws: 46 U.S.C. Subtitle II, Chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to more than 100 GRT).

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel. These regulations are substantially equivalent to the applicable requirements of ILO 147, ILO 133 and ILO 92. Vessels built prior to the entry into force date of C147 to the U.S. must also comply with the applicable regulations above.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances. Enclosure (9) of NVIC 02-13 establishes guidelines for a ship's cook's competency.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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

U.S. National Requirements: 46 USC 11101 states that a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required). Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities), are found in various subchapters of the regulations based on the type of vessel.

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. 46 CFR 12.13 requires that persons designated to provide medical first aid on board or to take charge of medical care on board vessel are trained, as appropriate and hold a MMC with the appropriate endorsement.

Collective bargaining agreements define medical benefits and eligibility on board vessel and ashore. Unionized seafarers receive preventive measures. Responsibility for the sick and injured seamen rests with the vessel owners/operators in accordance with the general maritime law remedy of Maintenance and Cure. Maintenance and Cure provides for medical coverage for seafarers while in the service of a vessel (including shore leave). Cure benefits provide for payment of reasonable and necessary medical care until the seaman has reached a level of maximum cure. 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.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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

U.S. National Requirements: The Occupational Safety and Health Act, 29 USC Chapter 15, was enacted to ensure sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions.

46 USC Chapter 32 and 33 CFR part 96 require establishment of safety management systems on board vessels which involve procedures for responding to emergencies, protection of the environment, reporting of incidents and addressing nonconformities. Internal audits and management reviews of the onboard system must be maintained. Company and/or industry-wide management systems, such as the Responsible Carrier Program, which involve procedures for responding to emergencies, protection of the environment, reporting of incidents and addressing nonconformities are acceptable industry practices meeting this MLC requirement.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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. However, many Collective Bargaining Agreements include procedures for seafarers to voice complaints on board vessel. With respect to safety concerns, the Coast Guard, in agreement with the Occupational Health and Safety Administration (OSHA) has authority to protect seafarers from retaliation for filing safety complaints pursuant to 46 USC 2114. Pursuant to its responsibility as a Party to ILO 147, the Coast Guard will investigate complaints related to alleged violations of that convention. The Coast Guard or RCS will verify compliance against the applicable standards as published in the MLC. Enclosure (10) of NVIC 02-13 establishes guidelines for on board complaint procedures.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

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 tonnage¹

IMO number

Type of ship

Name and address of shipowner²

.....

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 shipowner 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 *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on 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.

INTERIM MARITIME LABOUR CERTIFICATE (Statement of Voluntary Compliance)

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)



Hazardous work and consideration on Health and Safety Issues for Seafarers under the age of 18

1. Purpose: The Maritime Labour Convention, 2006 (MLC, 2006) requires specific consideration in a ship's occupational safety and health policy program of the safety and health of seafarers under the age of 18. This notice identifies types of work considered hazardous because they present special risk of accident, may have a detrimental effect on a young seafarer's health or physical development, or require a special degree of maturity, experience or skill.
2. Applicability: These specific considerations apply to all seafarers under the age of 18 employed by shipowners aboard U.S. flag vessels to which the MLC applies.
3. MLC Requirement: The employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety. The types of such work shall be determined by national laws or regulations or by the competent authority, after consultation with the shipowners' and seafarers' organizations concerned, in accordance with relevant international standards.
4. U.S. Interpretation: Under U.S. law, the federal child labor provisions authorized by the Fair Labor Standard Act (FLSA), the general minimum age is 16 for employment (29 CFR 570.2). The FLSA is also known as the Child Labor Laws and were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. The Fair Labor Act contains provisions that protect persons under the age of 18 from working in certain hazardous occupations – upon approval by the Secretary of Labor. The Child Labor Laws are specifically applicable to seamen (29 CFR 783.24).
5. Vessel owners/operators should:
 - a. Maintain documentation that includes dates of birth of each seafarer noted. Individual identity documents, such as passports, should be readily accessible.
 - b. Any seafarer under the age of 18 should receive at the time of engagement, a list of the potentially hazardous activities that they should not perform while engaged with the vessel. They should be advised who to contact within the vessel in case of any doubts. They should also be advised against working at night¹ unless the seafarer is engaged in a training program approved by the Coast Guard in accordance with 46 CFR Subchapter B. Training programs meeting this provision include maritime academies regulated by 46 CFR 310.
 - c. If applicable, the company's safety management system (SMS) should 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.

¹ Night is recognized as a period of at least 9 hours starting no later than midnight and ending no earlier than 0500. ("Night" is not currently defined in U.S. regulations.)

6. Hazardous Activities. The following is a non-inclusive list of potentially hazardous activities that may jeopardize the health and well-being of seafarers under the age of 18:
- a. The lifting, moving or carrying of heavy loads or objects;
 - b. Entry into boilers, tanks and cofferdams;
 - c. Exposure to harmful noise and vibration levels;
 - d. Operating hoisting and other power machinery and tools, or acting as signalers to operators of such equipment;
 - e. Handling mooring or tow lines or anchoring equipment;
 - f. Rigging;
 - g. Work aloft or on deck in heavy weather;
 - h. Night watch duties;
 - i. Servicing of electrical equipment;
 - j. Exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations; when making a determination of which activities are hazardous, a owner/operator also should consider hazardous materials codes on a vessel-specific basis, as applicable;
 - k. The cleaning of catering machinery; and
 - l. The handling or taking charge of ship's boats.

Guidelines for Ships Cook Competency

1. Purpose: The Maritime Labour Convention, 2006 (MLC, 2006) requires that personnel with food preparation are trained and qualified for their position on board ship.
2. Applicability: These specific considerations apply to all seafarers employed by owners/operators as ships' cooks with responsibility for food preparation, aboard U.S. flag vessels to which the MLC applies.
 - a. MLC requirement: Seafarers employed as ships' cooks with responsibility for food preparation must be trained and qualified for their position on board ship. The training should cover practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.
 - b. U.S. Interpretation: 46 USC 10303 requires that a seaman shall be served at least 3 meals a day, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances. Based on these requirements, a qualified and trained cook is recommended to be aboard a vessel and the minimum standard of competence and skills for this position is highlighted below
3. Vessel owners/operators should:
 - a. Document knowledge through training or equivalent job experience of personnel with responsibility for preparing food. Nobody below the age of 18 should be permitted to work as a cook.
 - b. If the manning of the vessel 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 vessel (a fully qualified cook is not required).
 - c. Seafarers employed as ships' cooks with responsibility for food preparation should have the knowledge through training or equivalent job experience on the following competencies as appropriate:
 - (1) Manage a nutritious food service that includes, but is not limited to;
 - (a) Understanding the importance of a balanced diet and the differing protein, fat, liquid and carbohydrate requirements, as per the food pyramid.
 - (b) Knowledge of galley and food service management.
 - (c) Establishing and managing food cost budgets.
 - (d) Managing food quantities and qualities on a per voyage basis.
 - (e) Planning menus using varied food groups.
 - (f) Be aware of need for planning menus based on weather and work requirements (cold weather will need more calories; hot weather may need more salt).
 - (g) Have knowledge of international food availability.
 - (h) Be aware of religious and cultural practices of food preparation.

- (2) Understand employee food safety training.
- (3) Identify protective clothing and equipment.
- (4) Use safe working practices.
 - (a) Knowledge and ability to follow accepted safety procedures, safe working habits, safe operation of food processing equipment in accordance with manufacturer, company, national and international safety standards.
 - (b) Recognize potential safety hazards and take appropriate corrective action.
 - (c) Knowledge of allergens and their effects on individuals.
 - (d) Administer first aid for cuts, burns and allergies in the Galley, CPR, and Heimlich maneuver for choking, etc.
 - (e) Preparation and service of food during foul weather conditions.
- (5) Observe proper sanitation procedures.
 - (a) Understand the necessity for enforcement of personnel hygiene and dangers of not conforming to sanitation procedures.
 - (b) Knowledge of the safe food preparation and service to mitigate the effects of micro-organisms, contamination and food-borne illnesses.
 - (c) Knowledge and ability to maintain food waste disposal areas.
- (6) Cook a variety of products in a safe and tasty manner.
 - (a) Knowledge and ability to select correct equipment and tools for preparation of different food products.
 - (b) Knowledge of selection and preparation of vegetables and fruits.
 - (c) Knowledge and ability to prepare stocks and soups.
 - (d) Knowledge and ability to prepare sauces and salads.
 - (e) Knowledge and ability to prepare baked products.
 - (f) Knowledge and ability to prepare hot and cold sandwiches.
 - (g) Knowledge and ability to prepare variety of meats.

Guidelines for On board complaints Procedures

1. Purpose: This Guideline is intended to provide key elements of an onboard complaint procedure conforming to the MLC, 2006 requirements.
2. Applicability: These specific considerations apply to all U.S. flag vessels to which the MLC applies.
 - a. MLC Requirement: Vessels must have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC, 2006. All seafarers must be provided with a copy of the on-board complaint procedures applicable on the ship. Victimization of seafarers for filing complaints under the MLC, 2006 is prohibited.
 - b. U.S. Interpretation: There are no U.S. laws or regulations that mirror the requirements of regulation 5.1.5 of the MLC. However, many Collective Bargaining Agreements include procedures for seafarers to voice complaints on board vessel. With respect to safety concerns, the Coast Guard, in agreement with the Occupational Health and Safety Administration (OSHA) has authority to protect seafarers from retaliation for filing safety complaints pursuant to 46 USC 2114. Pursuant to its responsibility as a Party to ILO 147, the Coast Guard will investigate complaints related to alleged violations of that convention. The Coast Guard or RCS will verify compliance against the applicable standards as published in the MLC.
3. Vessel owners/operators should:
 - a. Establish procedures on-board to register any seafarer complaints regarding a breach of the requirements of this Convention.
 - b. 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.
 - c. Ensure all seafarers are provided with a copy of the on-board complaint procedures applicable on the vessel.
4. On Board Complaints Procedure:
 - a. Notwithstanding procedures listed in an individual seafarer's contract of employment or collective bargaining agreement, the company should establish on-board complaint procedures. The onboard complaint procedures should include the key elements highlighted below.
 - (1) The complaints procedures should include the contact information for the designated company person who will handle complaints and the contact information for the Coast Guard. In cases, where the seafarer is a foreign national, the complaints procedure

should include the contact information for the competent authority of the seafarer's country of residence.

- (2) Establish the hierarchy for the resolution of on-board complaints. Any seafarer with a complaint should have the ability to have the matter addressed by bringing it to the attention of the proper authority on board. The hierarchy may include: Immediate Supervisor/superior officer, Head of Department, Master, Company person.
 - (3) Complaints should be sought to be resolved at the lowest level possible; and only when the matter cannot be resolved to the satisfaction of both parties, should it be elevated to the next level. If the complaint cannot be resolved on board, the matter should be referred ashore to the designated company person.
 - (4) Notwithstanding, in all cases, seafarers should have the right to complain directly to the master, the designated company person, or to the Coast Guard.
 - (5) The complaints procedures should establish the appropriate time limit appropriate to the resolution of the complaint at all levels of the hierarchy.
 - (6) The complaints procedures should include information on the person or persons on board the vessel, who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.
 - (7) The complaints procedure should include the right of the seafarer to be accompanied or represented during the complaints procedure.
 - (8) The complaints procedure should establish the actions to be taken by the personnel involved during the investigation and resolution of the complaint at all levels of the hierarchy.
 - (9) The complaints procedure should include record keeping provisions for all relevant material related to the complaints.
- b. All seafarers should be provided with a copy of the on-board complaint procedures applicable to the vessel.

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 *(see attached)*

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

(Signature)

Coast Guard Marine Inspector: _____
(printed name)

(Signature)

Issuing Unit Name and Address:

