



Office of
Deputy Commissioner
of Maritime Affairs

THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

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Date: 15 August 2016

Marine Advisory: 10/2016

Subject: Paris MoU Concentrated Inspection Campaign of 2016 - Maritime Labour Convention

Dear Shipowner/Operator/Master;

At the 49th meeting of the Paris Memorandum of Understanding (Paris MoU) on Port State Control the committee agreed to conduct a Concentrated Inspection Campaign (CIC) this September through November on the Maritime Labour Convention of 2006.

It is possible that other Port State Control (PSC) regimes may introduce similar campaigns.

Attached is the CIC questionnaire developed by the Paris MOU. Also attached is related guidance developed by this Administration to assist Owners, Operators and Masters in preparing for the CIC and potential PSC boarding's.

As stated on the check list the ship may be considered for detention:

1. If "No" is recorded for questions marked with "**".
2. If "No" is recorded for questions marked with "***", and if the deficiency found is repeated.

If you have questions you may contact our Safety Department, in Vienna, Virginia, USA, by calling: +1-703-790-3434 and asking for the safety department, or by email to safety@liscr.com

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Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

Ship's name	
IMO Nr	
Date of inspection	

N°	QUESTIONS	YES	NO	N/A
1*	Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health? Standards A 1.1. para. 4			
2*	Are all seafarers holding valid certificate(s) attesting medical fitness? Standard A 1.2. para. 1			
3**	Have all seafarers successfully completed their training for personal safety on board? Regulation 1.3. para. 2			
4.1**	Do all seafarers have a copy of their seafarers' employment agreement? Standards A 2.1. para 1 (a)			
4.2**	Are the seafarers' employment agreements in compliance with minimum standard required by MLC? Standards A 2.1. para 4			
5	If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006? Standard A 1.4. para. 2 and para 9			
6	Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review? Standard A 3.1. para. 18			
7	Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented? Standard A 3.2 para. 7			
8	Has a ships safety committee been established on board regarding ships on which there are five or more seafarers? Standard A 4.3. para. 2d			
9*	For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW? Standard A.4.1. para. 4c			
10**	Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship ? Standard A 5.1.5 para.4			
11**	Have all seafarers received monthly accounts of their payments due and amounts paid? Standard A2.2, para. 2			
12	Was the ship detained as result of the CIC?			

Note: Questions 1 to 11 answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection.

*If the box "No" is ticked off for questions marked with an "**", the ship may be considered for detention.*

*If the box "No" is ticked off for questions marked with an "***", and if the deficiency found is repeated (occure more than 1 time), the ship may be considered for detention.*



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Guidance to Shipowners, Operators and Masters:

The following guidance is intended to assist Owners, Operators and Masters in preparing for the CIC and potential PSC boarding's relating to Maritime Labour Convention.

In all cases, the relevant Liberian Maritime Laws and Regulations, the declaration of maritime labour compliance, the marine notices and/or collective bargaining agreements implementing the MLC, 2006, should be viewed as the authoritative statement of the Administrations requirements implementing the provisions of MLC, 2006.

Question 1

Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health?

Marine Notice MLC-005 paragraph 3.3.4 provides the details of such work that is likely to jeopardize a young seafarer's health or safety.

Marine Notice MLC-005 paragraph 3.3.3(s) requires shipowners to ensure that if young seafarers engage in such work, then it shall be undertaken only under appropriate supervision and instruction.

Question 2

Are all seafarers holding valid certificate(s) attesting medical fitness?

Liberian Maritime Regulation 10.325(3) and Marine Notice RLM-118 paragraphs 5.2.6 and 5.3.3 require each person employed on board a Liberian vessel to be in possession of a physical examination certificate in the official form required by Liberia, or by another State Party to the International Convention Concerning the Medical Examination of Seafarers, and attesting the holder's medical fitness for duty to be performed and carried out at sea. The certificate, which must be in the English Language in addition to any other language versions, must be signed by a medical practitioner licensed in the place of examination and recognized by the competent authority in the place of examination and issued not more than two years previous to the date of signing of the Articles of Agreement in force, but shall be valid for no more than 2 years from the date of the examination. However, for seafarers under the age of 18, the maximum period of validity of the certificate shall be 1 year.

The Administration does not maintain a list of medical practitioners in other countries that it recognizes as duly qualified to provide a certificate for seafarers working on ships that fly its flag. The Administration will accept medical certificates issued by any duly qualified medical practitioners in other countries that have been recognized by the competent authority in that country for issuing seafarers medical certificates. The list of such “duly qualified medical practitioners recognized by the competent authority” should normally be available from the competent authority in labour-supplying State. The shipowner should request this information from the seafarers’ recruitment and placement service (SRPS) at that place. (Reference: Frequently Asked Question (FAQ) #15 on the LISCR website).

The shipowner may use the form prescribed in Annex II of the Marine Notice RLM-118 or **may use any other form**, provided that the certificate states in particular that the seafarer:

- a) has satisfactory hearing and sight, as well as colour vision where the nature of the work to be performed requires it;
- b) is medically fit to perform the duties they are to carry out; and
- c) is not suffering from any medical condition that is likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

(Ref: MLC Standard A1.2.6 and Frequently Asked Question (FAQ) #16 on the LISCR website:

Additionally, a medical certificate issued in accordance with the requirements of STCW’78, as amended, will also be accepted (MLC Standard A1.2.3 and Marine Notice MLC-002 paragraph 1.2.3).

Question 3

Have all seafarers successfully completed their training for personal safety on board?

Marine Notice MLC-002 paragraph 1.3.3 requires that seafarers successfully complete training for personal safety on board ship, such as that contained in Section A-VI/1 of the STCW Code, prior to commencing work on a ship. The training shall be documented in accordance with the Company’s Safety Management System and available for review.

STCW A-VI/1: Safety Familiarization Training

1 Before being assigned to shipboard duties, all persons employed or engaged on a seagoing ship, other than passengers, shall receive approved familiarization training in personal survival techniques or receive sufficient information and instruction, taking account of the guidance given in part B, to be able to:

- .1 communicate with other persons on board on elementary safety matters and understand safety information symbols, signs and alarm signals;
- .2 know what to do if:
 - .2.1 a person falls overboard,
 - .2.2 fire or smoke is detected, or
 - .2.3 the fire or abandon ship alarm is sounded;
- .3 identify muster and embarkation stations and emergency escape routes;

- .4 locate and don lifejackets;
- .5 raise the alarm and have basic knowledge of the use of portable fire extinguishers;
- .6 take immediate action upon encountering an accident or other medical emergency before seeking further medical assistance on board; and
- .7 close and open the fire, weathertight and watertight doors fitted in the particular ship other than those for hull openings.

Questions 4.1 & 4.2

Do all seafarers have a copy of their seafarers' employment agreement?

Are the seafarers' employment agreements in compliance with minimum standard required by MLC?

MLC Standard A2.1.1(c) and Marine Notice MLC-003 paragraph 3.1.2 require that the shipowner and the seafarer each have a signed original of the seafarers' employment agreement. However, MLC Standard A2.1.1(d) and Marine Notice MLC-003 paragraph 3.1.4 require that a copy of the seafarers' employment agreement (signed by both the shipowner and the seafarer) be easily available on board for review by PSC Officers.

A seafarers' employment agreement is a legally enforceable agreement setting out the terms and conditions for employment of a seafarer, and includes both the contract of employment and the articles of agreement and may incorporate any applicable collective bargaining agreement ("CBA"). Where a CBA forms all or part of the seafarers' employment agreement, a copy of the applicable CBA shall be available on board for seafarers to review their conditions of employment. For ships engaged in international voyages, where the language of the seafarers' employment agreement and any applicable CBA is not in English, then a copy of the standard form of the seafarers' employment agreement and those portions of the applicable CBA that are subject to a port state inspection, shall also be available in English.

(References: MLC Article II (1)(g), Regulation 2.1.1 and Standard A2.1.2; Marine Notice MLC-003 paragraphs 3.1.1, 3.1.4 and 3.1.6)

MLC Standard A2.1.4 and Marine Notice MLC-003 paragraph 3.1.11 require the seafarers' employment agreement to contain at least the following information:

- a) the seafarer's full name, date of birth or age, and birthplace;
- b) the shipowner's name and address;
- c) the place where and date when the seafarers' employment agreement is entered into;
- d) the capacity in which the seafarer is to be employed;
- e) the amount of the seafarer's wages or, where applicable, the formula used for calculating it;
- f) the amount of paid annual leave, or where applicable, the formula used for calculating it;
- g) the termination of the agreement and the conditions thereof, including:

1. if the agreement is for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period which shall not be less for the shipowner than for the seafarer;
 2. If the agreement is for a definite period, the date fixed for its expiry;
 3. If the agreement is for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged.
- h) The health, medical care and social security protection benefits to be provided to the seafarer by the shipowner, in accordance with MLC- 005, sections 3.1, 3.2 and 3.5.
- i) The seafarer's entitlement to repatriation in accordance with section 3.6.1 of Marine Notice MLC-003.
- j) Reference to the CBA, if applicable; and
- k) The number of hours of work for the corresponding wage and any additional allowances.

Where the shipowner is unable to implement any of the minimum provisions to be contained in the seafarers employment agreement, MLC Article VI(3) and Marine Notice MLC-003 paragraph 3.1.12 provide for measures in the declaration of maritime labour compliance (DMLC) Part I which are substantially equivalent to the minimum provisions, while ensuring that the shipowner implements these measures in the DMLC Part II.

Shipowners, Operators and Masters should be aware of any substantially equivalent provisions in the DMLC Part I.

Question 5

If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006?

1. For seafarers recruited by private recruitment and placement services (RPS) located in ratifying labour-supply States, It is the responsibility of the Competent Authority in that State to develop a system for regulating private RPS. The system may include licensing, certification or other form of regulation that confirms the RPS is operating in accordance with MLC. However, the Administration currently does not require this confirmation to be on board. A printout or link to a national website containing a list of licensed or certified RPS's may be sufficient (if available).
2. Liberian Maritime Regulation 10.327A requires shipowners who use private RPS that are based in countries or territories in which MLC-2006 does not apply to ensure that those services conform to the standards set out in MLC Standard A1.4. See also Marine Notice MLC-002 paragraph 1.4 which provides guidelines for auditing of those seafarers recruitment and placement services.

For a private RPS located in a State that has not ratified MLC the Administration requires:

- a) The RPS to be audited and certified by the Administration; or
- b) If the RPS has been previously audited by a Class Society that has been recognized by the Administration, the Administration will review the audit report records and procedures used by that Class Society to carry out the audit; or
- c) For a RPS which has been audited by an ISO certified Owner/Operator/Crew Manager, the Administration will review the audit report records and procedures used by that Owner/Operator's/Crew Manager to carry out the audit.

If the review required for b) and c) above is satisfactory, the Administration will issue a letter accepting such RPS to provide seafarers to serve on Liberian-registered Ships.

Documentary evidence of compliance with MLC Standard A1.4 should be available for review.

- 3. Shipowners that do their own recruitment and placement of seafarers based either locally or overseas are not required to be certified or licensed in accordance with standard A1.4 of the Convention. However, the Administration will verify compliance when reviewing the DMLC Part II.

Question 6

Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review?

Marine Notice MLC-004 paragraph 4.13 requires inspections of the seafarer's accommodation to be carried out by or under the authority of the Master to ensure that it is safe and clean, decently habitable and maintained in good state of repair at intervals of not more than one week. The results of the inspections shall be recorded on board and available for review.

Records of inspections of seafarers' accommodation and recreational facilities shall be retained on board the ship for a period of at least one year.

Question 7

Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented?

Liberian Maritime Regulation 10.315(3) and Marine Notice MLC-004 paragraph 5.7 require documented inspections at intervals of not more than one week to be carried on board ships, by or under the authority of the Master with respect to:

- a) supplies of food and potable water;
- b) all spaces and equipment used for the storage and handling of food and potable water; and
- c) galley and other equipment for the preparation and service of meals.

The results of the inspections shall be recorded on board and available for review. Records of inspections shall be retained on board the ship for a period of at least one year.

Question 8

Has a ships safety committee been established on board regarding ships on which there are five or more seafarers?

In respect to accident prevention for the management of occupational safety and health on board, Liberian Maritime Regulation 10.296(9) and Marine Notice MLC-005 paragraph 3.3 require the Master of each vessel with five or more seafarers to appoint from amongst the crew a safety representative and a safety and health committee responsible for accident prevention, and such representative or committee shall in addition to any other duties assigned by the Master ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code including the ILO code of practice entitled 'Accident prevention on board ship at sea and in port' or codes currently approved by the Office of the Deputy Commissioner are brought to the prompt attention of the Master.

Safety and health committee meetings shall be held at least once every month. Records documenting the effectiveness of the health & safety programme shall be kept for as long as necessary in light of their intended use.

Safety inspections shall be carried out at least once every three (3) months or more frequently if there have been substantial changes in the conditions of work.

Shipowners shall ensure that the issues raised by the health and safety committee and safety inspections are addressed in a timely manner.

Question 9

For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW?

Marine Notice MLC-005 paragraph 3.1 requires all ships carrying 100 or more persons and ordinarily engaged on international voyages of more than 3 days duration to carry a qualified medical doctor.

On ships which do not carry a medical doctor, there shall be at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid; such persons shall have completed the relevant training required by the STCW 1978, as amended.

STCW Regulation VI/4 sets out the mandatory minimum requirements relating to medical first aid and medical care, where:

Seafarers designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in section A-VI/4; paragraphs 1 – 3, of the STCW Code.

Seafarers designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in section A-VI/4; paragraphs 4 – 6, of the STCW Code.

It should be noted that Liberian endorsements (Certificates of Recognition) of seafarers National Certificates of Competency issued in accordance with STCW Regulations II/1, III/1, III/2, III/3, III/6 and VII/2 include the proficiency requirements in “medical first aid”.

It should be noted that Liberian endorsements (Certificates of Recognition) of seafarers National Certificates of Competency issued in accordance with STCW Regulations II/2 and II/3 include the proficiency requirements in ‘medical care’

Question 10

Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship?

Liberian Maritime Law Section 359 and Maritime Regulation 10.359 provide for Conciliation, Mediation and Arbitration of labor disputes, differences or grievances. On board complaint procedures is also contained in the publication on Familiarization, RLM-105A and Marine Notice MLC-006 paragraph 2.1.

Shipowners shall ensure that each ship has on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Convention, including seafarers’ rights.

A model format for on-board complaint handling procedures is provided in Annex I of Marine Notice MLC-006. The Administration may accept other forms of the on-board complaint handling procedures, provided the required information is included.

In addition to receiving a signed original of their seafarers’ employment agreement, each seafarer shall also receive a copy of the on-board complaint procedures applicable on the ship.

Question 11

Have all seafarers received monthly accounts of their payments due and amounts paid?

Liberian Maritime Regulation 10.327 incorporates MLC Standard A2.2 (2) requiring monthly accounting of payments.

Marine Notice MLC-003 paragraph 3.2 requires that seafarers shall be paid in full at no greater than monthly intervals in accordance with their employment agreements. Seafarers shall be given a monthly account of the payment due and the amounts paid, including wages, any additional payments and the rate of exchange used, if applicable.