



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° MLC 002- Rev. 5

PROCEDURES FOR MARITIME LABOUR CONVENTION CERTIFICATION

TO: RECOGNIZED ORGANIZATIONS (RO), FLAG STATE INSPECTORS, SHIP OWNERS, SHIPS' OPERATORS AND MANAGERS, MASTERS AND SEAFARERS

APPLICABLE TO: ALL SHIPS WHICH ARE SUBJECT TO MLC 2006 CERTIFICATION

EFFECTIVE AS FROM: 18th January 2017

16th January 2017

Maritime Labour Convention, 2006 (MLC 2006)

1. Introduction

1.1 On 9th November 2010, St. Vincent and the Grenadines (SVG) deposited its ratification of the MLC, 2006 with the International Labour Office (ILO), making it the eleventh (11th) maritime country to ratify.

1.2 St Vincent and The Grenadines is in the process of promulgating regulations to give effect to the MLC 2006 (St Vincent and The Grenadines' Implementing Regulations). The regulations (annexed to this circular) are under final review and little change, if any, to the legislation is anticipated. Changes, if any, will be communicated at the earliest opportunity.

1.3 ROs, and inspectors authorized by this Administration **may proceed with inspection** of St. Vincent and The Grenadines' ships based on these regulations, DMLC Part I and the DMLC Part II.

1.4 A provisional copy of a Declaration of Maritime Labour Compliance – Part I, (DMLC Part I), annexed to this Circular, is available to assist shipowners/managers and seafarers in preparing for MLC 2006 compliance and certification.

2. Application

2.1 Ships

2.1.1 The MLC 2006 applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities other than:

2.1.1.1 Ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

- 2.1.1.2 Ships engaged in fishing or similar pursuits;
- 2.1.1.3 Ships of traditional build such as dhows and junks; and,
- 2.1.1.4 Warships or naval auxiliaries.

2.1.2 Commercial activity is considered to be any maritime activity undertaken for the purpose of generating revenue.

2.1.3 St Vincent and The Grenadines Maritime Administration, (the Administration), shall determine the waters of St. Vincent and The Grenadines which are within or closely adjacent to sheltered waters or areas where port regulations apply.

2.2 Exceptions and Exclusions

2.2.1 The Administration may, after consultation with shipowners' and seafarers' organizations concerned, determine that all or any of the requirements of the Code which forms part of the MLC 2006 shall not apply to ships of less than 200 gross tonnage (GT) not engaged on international voyages and communicate such exceptions and exclusions to the Director-General of the ILO and to other interested parties.

2.3 Seafarers

2.3.1 The MLC 2006 applies to all seafarers.

2.3.1.1 A Seafarer is any person who is employed or engaged or works in any capacity on-board a ship to which the MLC, 2006 applies.

2.3.1.2 In accordance with Resolution VII adopted 22nd February 2006, by the 94th (Maritime) Session of the International Labour Conference, held in Geneva, the term "seafarer" means the Master and everyone working on-board including shopkeepers, resident entertainers, hairdressers and similar persons.

2.3.2 Persons whose work is not part of the routine business of the ship and whose principal place of business is ashore are **NOT** considered as seafarers. The following categories of persons are therefore not considered as seafarers:

2.3.2.1 scientists, researchers, divers, specialist off-shore technicians, etc. whose work is not part of the routine operation of the ship;

2.3.2.2 harbour pilots, inspectors, surveyors, auditors, superintendent who although trained and qualified in maritime skills and perform key specialist functions, their work is not part of the routine operation of the ship;

2.3.2.3 guest entertainers, repair technicians, port workers whose work is occasional and short term with their principal place of employment being ashore; and

2.3.4 non-marine personnel, employed under outsourced service agreements, the terms of which determine the conditions under which the service provider will supply the necessary personnel;

2.3.3 In doubt as to whether any categories of persons should be regarded as seafarers, the matter will be determined by the Administration, after consultation with the shipowners' and seafarers' organizations concerned.

3. Exemptions

3.1 The MLC 2006 allows very limited options for exemption from Title 3 (Accommodation, Recreational Facilities, Food, Catering and Water).

3.2 Exemptions may only be agreed in consultation with the seafarers' and shipowners' organizations concerned or through the Special Tripartite Committee at the ILO.

3.3 The Administration strongly recommends to shipowners to strive for full compliance where possible without relying on exemptions since both processes (consultation with the seafarers' and shipowners' organizations concerned or through the Special Tripartite Committee at the ILO) are expected to be lengthy.

3.4 For ships of less than 200 GT, shipowners may seek to obtain an exemption from the requirements for accommodation, (as provided in paragraph 20 of Standard A3.1), where it is reasonable to do so, taking into account the size of the ship and the number of persons on-board. Such requests for exemptions should be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.

3.5 Any shipowner who wishes to obtain an exemption, should submit an application to the Administration for consideration well in advance of the application for the issue of the ships' DMLC Part I.

4. Recognized Organizations and Inspectors

4.1 The Administration are to the extent outlined at paragraph 4.2, has delegated inspection and certification functions under the MLC, 2006 to the following Recognized Organizations (ROs):

- American Bureau of Shipping (ABS)
- Bureau Veritas (BV)
- China Classification Society (CCS)
- Croatian Register of Shipping (CRS)
- Det Norske Veritas (DNV)
- Germanischer Lloyd (GL)
- Indian Register of Shipping (IRS)
- International Naval Surveys Bureau (INSB)
- Hellenic Register of Shipping (HRS)
- Korean Register of Shipping (KR)
- Lloyds Register (LR)
- Nippon Kaiji Kyokai (NKK)
- Polski Rejestr Statkow (PRS)
- Registro Italiano Navale (RINA)
- Russian Maritime Register of Shipping (RS)

4.2 The inspection and certification functions to be carried out by ROs include the following:

- 4.2.1 Approval of Plans and Drawings in respect of the Title 3 of MLC 2006;
- 4.2.2 Approval of Declaration of Maritime Labour Compliance Part II;
- 4.2.3 Interim inspection and issuance of Certificate;
- 4.2.4 Initial inspection and issue of a Short Term Certificate;
- 4.2.5 Intermediate inspection and endorsement of Certificate;
- 4.2.6 Renewal inspection and issue of a Short Term Certificate;
- 4.2.7 Withdrawal of a Certificate;

- 4.2.8 Require the rectification of deficiencies found during the inspections;
- 4.2.9 Inspections at the request of a port State for the rectification of the deficiencies found during a Port State Control (PSC) inspection; and
- 4.2.10 Investigate complaints if specifically authorized by the Administration. Responsibility for the resolution of a complaint remains with SVG.

4.3. The Administration may, on a case by case basis, authorize inspectors who are qualified, (possess the training and competence outlined in Standard 5.1.4), to discharge any or all of the functions at 4.2 and to undertake related activities outlined in this Circular.

5. Inspection and Certification

5.1 General Requirements

- 5.1.1 MLC 2006 requires all ships of 500 GT or more to carry a Maritime Labour Certificate (ML Certificate). It is not mandatory for vessel of less than 500 GT to have a Certificate on-board but, such a certificate can be issued on a voluntary basis if requested.
- 5.1.2 Whether certificated or not, all ships trading internationally should comply with the MLC 2006 when it enters into force.
- 5.1.3 The Administration recommends that shipowners/managers of vessels of less than 500 GT should apply voluntarily for a Certificate of Compliance in order to reduce possible problems with PSC. However these vessels are subject to inspections and a RO should provide the relevant report on-board.
- 5.1.4 The Administration strongly recommends to shipowners/managers to apply for MLC 2006 certification as soon as possible. All ships should be inspected and certified, as applicable, by 20th August 2013, in respect of the MLC 2006.
- 5.1.5 As part of the certification process, it will be verified that the conditions for seafarers on ships relating to working and living conditions as set out in the DMLC, where applicable, are being followed and that the requirements of MLC 2006 are met.
- 5.1.6 The scope of inspection for initial, interim or renewal of the Maritime Labour Certificate should include the fourteen (14) items referred to in Appendix A5-1 of MLC 2006.
- 5.1.7 The ILO *Guidelines for Flag State Inspections* expand upon the requirements for inspection to include in addition to the fourteen (14) items:
 - 5.1.7.1 Entitlement to Leave (Regulation 2.4)
 - 5.1.7.2 Repatriation (Regulation 2.5)
 - 5.1.7.3 Shipowners' Liability (Regulation 4.2)
 - 5.1.7.4 Social Security (Regulation 4.5)
 - 5.1.7.5 General Principles – Certification (Standard A5.1.1)
- 5.1.8 As with surveys for other statutory certificates, shipowners should contact their Classification Society for MLC 2006 inspections.
- 5.1.9 After conducting an MLC 2006 inspection of any SVG ship, the RO shall provide an inspection report to the Administration, whether the ship is certificated or not.

5.2 Accommodations and On-board Recreational Facilities

5.2.1 New Ships

5.2.1.1 Accommodation and on-board recreational facilities of new ships, other than pleasure vessels, including pleasure yachts with limited charter allowance, shall meet the provisions set out in Paragraphs 6 to 17 of Standard 3.1 and Part B3.1 of MLC 2006. Variations may be allowed in the interests of seafarers having differing and distinctive religious and social practices.

5.2.2 Existing Ships

5.2.2.1 Existing ships are defined as ships whose keel laying dates are before 20th August 2013, the date on which the MLC 2006 enters into force.

5.2.2.2 Existing ships should be inspected by ROs or Inspectors to ensure that the accommodation and recreational facilities are clean and maintained in condition which promotes seafarers health and well-being.

5.2.2.3 Existing ships are required to comply with the accommodation and recreational facilities in ILO Conventions C92 and C133 (as recommended in the ILO "Guidelines for Flag State Inspections under the MLC, 2006" – ILO ISNB 987-92-2-121741-1. Those Guidelines provide, at Paragraph 2 of Regulation 3.1, that ships that were in existence before entry into force of the MLC, 2006 will be inspected in connection with seafarers' accommodation and recreational facilities to verify that the ship provides and maintains decent accommodation and recreational facilities for seafarers working or living on-board, or both, consistent with promoting the seafarers' health and well-being in accordance with national legislation).

5.2.2.4 ROs and Inspectors conducting initial inspection of SVG ships should complete annexed checklist for accommodation of existing ships. This document should be retained on-board as long as the ship remains registered with SVG.

5.2.2.5 Any alteration other than substantial alteration of accommodation and recreational facilities of existing ships should be carried out in accordance with ILO Conventions C92 and C133.

5.2.2.6 Any substantial alteration of accommodation and recreational facilities of existing ships should be carried out in accordance with the MLC 2006.

5.3 Procedure for Shipowners/Managers to obtain MLC 2006 Certification (Initial Inspection)

5.3.1 Shipowners/managers should conduct a gap analysis of the ship and Company policy against the SVG Implementing Regulations (including the DMLC Part I).

5.3.2 Any areas of concern raised from the gap analysis should be discussed with the relevant RO or Inspector.

5.3.3 Shipowners/managers should have documented procedures to comply with the requirements of the MLC 2006. The Master should be familiar with the requirements of the MLC 2006 and the responsibilities for its implementation.

- 5.3.4 Shipowners/managers should make a formal request to the Administration for the issue of a ship's specific DMLC Part I.
- 5.3.5 An additional fee may be required for the review of any requested exemption or equivalency.
- 5.3.6 DMLC Part I will be issued by the Administration with a copy to the RO. A PDF copy will be e-mailed to the shipowner and the original will be couriered to the shipowner's attention. The DMLC Part I will include, exemptions and/or equivalences authorized by the Administration, **if any**. (Please refer to Paragraph 3 - Exemptions).
- 5.3.7 In order to prepare the vessel for an initial MLC 2006 inspection the shipowners/managers should complete the DMLC Part II which is available on the Administration's website. The RO or inspector may be consulted for general guidelines. In completing the DMLC Part II shipowners should be guided by the sample in Appendix B5-1 to the MLC 2006.
- 5.3.8 DMLC Part II prepared by the shipowners/managers should be submitted together with the ship's specific DMLC Part I to the RO for review and acceptance of DMLC Part II.
- 5.3.9 Upon review of both DMLC Part I and DMLC Part II and acceptance of DMLC Part II, the ship's initial MLC 2006 inspection should be agreed with a RO. (Please note that review and acceptance of DMLC Part II may also be carried out on-board during an initial MLC 2006 inspection). The Administration strongly recommends that shipowners/managers submit the DMLC Part II to the RO in a timely manner to allow ample time for rectification of discrepancies, if any.
- 5.3.10 Upon satisfactory initial inspection, the RO should issue a Short Term ML Certificate valid for up to five (5) months and approve the DMLC Part II. Originals of DMLC Part I (issued by the Administration) and the DMLC part II (completed by the shipowners/managers and approved by the RO) should be kept on-board together with the Short Term ML Certificate (issued by the RO).
- 5.3.11 The RO should forward as soon as possible a copy of the Short Term ML Certificate, DMLC Part I, DMLC Part II and inspection report/inspection log to the Administration.
- 5.3.12 Shipowners/managers should apply to the Administration for the issue of a Full Term ML Certificate. The application should be submitted to the Administration within three (3) months of the date of the initial inspection.
- 5.3.13 Upon receipt of the documentation and application indicated at 5.3.11 and 5.3.12 respectively (above), the Administration will issue a Full Term ML Certificate valid for five (5) years from the date of the initial inspection. The originals of the Full Term ML Certificate, DMLC Part I and DMLC Part 2 (approved by an RO) should be kept on-board.
- 5.3.14 All SVG ships to which the MLC 2006 applies should have Short Term or Full Term ML Certificates on-board by 20th August 2013.
- 5.3.15 The application forms for the issue of a ship specific DMLC Part I and for Full Term ML Certificate as well as the general DMLC Part I are available on the Administration's website.

5.4 Procedure for Shipowners/Managers to Obtain Interim ML Certificate

- 5.4.1 An Interim ML Certificate may be issued as follows:
 - 5.4.1.1 to new ships on delivery;
 - 5.4.1.2 when a ship changes flag; or
 - 5.4.1.3 when a shipowner assumes responsibility for the operation of a new ship.
- 5.4.2 An Interim Maritime Labour Certificate may be issued by an RO for a period not exceeding six (6) months. Interim certificates will not be extended or reissued.
- 5.4.3 The shipowner/manager should conduct a gap analysis of the ship and Company policy against the SVG Implementing Regulations (including the DMLC Part I).
- 5.4.4 Any area(s) of concern raised from the gap analysis should be discussed with the relevant RO or inspector.
- 5.4.5 The shipowner/manager should have adequate procedures to comply with the requirements of the MLC 2006. The Master should be familiar with the requirements of the MLC 2006 and be responsible for its implementation on-board.
- 5.4.6 The shipowner/manager should apply to the Administration for the issue of a ship's specific DMLC Part I.
- 5.4.7 The shipowner/manager should arrange for an interim MLC 2006 inspection of the vessel to be carried out by an RO. DMLC Part II is not required for interim ML inspection/certification.
- 5.4.8 Upon a satisfactory interim MLC 2006 inspection, the RO should issue an Interim ML Certificate valid for six (6) months. No further Interim ML Certificate will be issued.
- 5.4.9 The RO should forward as soon as possible a copy of the Interim ML Certificate and inspection report/inspection log to the Administration.

5.5 Intermediate Inspection and Endorsement of the ML Certificate

- 5.5.1 The validity of the ML Certificate will be subject to the intermediate inspection. The scope and depth of the intermediate inspection should be equal to an inspection for the renewal of the ML Certificate.
- 5.5.2 If only one intermediate inspection is carried out and the period of validity of the certificate is five years, it should take place between the second and third anniversary dates of the certificate.
- 5.5.3 The ML Certificate should be endorsed by the RO, after a satisfactory intermediate inspection.
- 5.5.4 The RO should submit to the Administration a copy of the endorsed ML Certificate and intermediate Inspection Report no later than thirty (30) days after completion of the intermediate inspection.

- 5.5.5 The ML Certificate will cease to be valid if the intermediate inspection is not carried out as required, (i.e. between the second and third anniversary date of the ML Certificate).

5.6 Renewal Inspection and Renewal of the ML Certificate

- 5.6.1 All national requirements (as per initial inspection) implementing the MLC 2006 need to be verified during a ML Certificate renewal inspection.
- 5.6.2 When the renewal inspection has been satisfactorily completed by the RO within three (3) months before the expiry date of the existing ML Certificate, a Short Term ML Certificate valid for five (5) months should be issued by the RO.
- 5.6.3 At the request of shipowner's and upon receipt of the report of renewal inspection and a Short Term ML Certificate from the RO, the Administration will issue a new Full Term ML Certificate. This certificate will be valid for a period of five (5) years from the date of expiry of the existing ML Certificate.
- 5.6.4 Shipowners/Managers should apply to the Administration for the issue of a new Full Term ML Certificate. The application should be submitted to the Administration within three (3) months from the date of the renewal inspection.
- 5.6.5 When the renewal inspection is satisfactorily completed more than three (3) months before the expiry date of the existing ML Certificate, the new ML Certificate will be valid for a period not exceeding five (5) years, from the date of completion of the renewal inspection.
- 5.6.6 When a ship which it is to be verified is not in port at the time when its Certificate expires, the Administration may extend the period of validity of the Certificate, but this extension will only be granted for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified. No Certificate will be extended more than three (3) months for this purpose. Documented evidence from the Administration granting this request should be reviewed by the RO prior endorsing the extension.
- 5.6.7 When the renewal inspection is satisfactorily completed after the expiry date of the existing Certificate, the new Certificate will be valid from the date of the completion of the renewal inspection to a date not exceeding five (5) years from the date of expiry of the existing certificate.

5.7 Cessation (Invalidation) of Certificates

- 5.7.1 A ML Certificate and a DMLC will cease to be valid if any of the following situations arises:
- 5.7.1.1 Required inspections as stated above are not carried out;
 - 5.7.1.2 ML Certificate is not endorsed at the intermediate inspection;
 - 5.7.1.3 When the shipowner/manager is no longer responsible for the operation of the ship;
 - 5.7.1.4 A ship changes flag;
 - 5.7.1.5 Substantial modifications made to the structure or equipment; or
 - 5.7.1.6 Amendments to national laws or regulations or other measures implementing the MLC 2006 are not taken into account.

5.8 ML Certificate and DMLC withdrawal

The ML Certificate and the DMLC will be withdrawn by the Administration or the RO if there is evidence of serious or frequent deficiencies and the required corrective action has not been taken.

5.9 Change of Flag

To support the timely re-certification when a ship changes flag, (see 5.7.1.3 above), the Administration undertakes to implement the guidelines in the MLC 2006 concerning transmission of ML Certificate, DMLC and relevant inspection reports, B5.1.3.6 of which provides:

When a ship changes flag ... and where both States concerned have ratified this Convention, the Member whose flag the ship was formerly entitled to fly should, as soon as possible, transmit to the competent authority of the other Member copies of the maritime labour certificate and the declaration of maritime labour compliance carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports if the competent authority so requests within three months after the change of flag has taken place.

5.10 Significance of the DMLC Parts I and II

The DMLC Parts I and II are of critical importance. Part I states the requirements of national law. Part II states the measures that the shipowner has adopted on-board to actually give effect to the law. It is effectively these two documents that will form the inspection standard for the issue of a Maritime Labour Certificate or for any Port State Control or other inspection.

6. On-board Complaint Procedures

- 6.1 It is a mandatory requirement for shipowners to establish on-board procedures for the fair, effective and prompt handling of the seafarers' complaints alleging breaches of the requirements of MLC 2006, including seafarers' rights, in accordance with the national requirements and the requirements of MLC 2006.
- 6.2 It is also mandatory for shipowners to ensure that each seafarer is provided with:
 - 6.2.1 A copy of the complaint procedures;
 - 6.2.2 The shipowner's contact details or the contact details of the shipowner's representative ashore who is responsible for handling and solving the complaints;
 - 6.2.3 The contact details for SVG's point of contact for receipt of complaints. (See paragraph 8.2); and,
 - 6.2.4 The contact details for the Competent Authority in the seafarer's country of residence.
- 6.3 The procedures should be designed to resolve complaints at the lowest possible level but should not prevent a seafarer from making a complaint directly to the Master, to the shipowner, to the Administration or to the Competent Authority for the MLC 2006 in the seafarer's country of residence, if the seafarer considers it necessary.
- 6.4 The complaint system should include safeguards against victimization.

6.5 The complaints system should at least ensure that:

- 6.5.1 The complainant seafarer briefly describes his/her complaint.
- 6.5.2 The complainant seafarer should submit his/her complaint in writing within seven (7) days of the occurrence, or according to the circumstances, following the hierarchy below:
 - Superior Officer
 - Head of Department
 - Master
- 6.5.3 Each of the indicated rank has a further seven (7) days to solve the complaint.
- 6.5.4 If the Master is unable to solve the complaint, the seafarer will have ten (10) days to bring it through the Master to the shipowner, or if the complaint is to the prejudice of the Master, then directly to the shipowner or his representative ashore.
- 6.5.5 The shipowner or his representative ashore and the seafarer concerned will have a period of thirty (30) days to solve the complaint.
- 6.5.6 If after thirty (30) days, the complaint has not been solved, then either party will have a further thirty (30) days to bring the matter to the Administration.

6.6 Seafarers making a complaint may be accompanied or represented during the complaint procedure. Each seafarer should be provided with the name of a person on-board who can provide impartial advice on a complaint on a confidential basis.

6.7 As a substantial equivalent, the Administration accepts that the identity of a position on-board may be substituted for the name of a person.

7. Financial Security

7.1 The amendments to the Maritime Labour Convention 2006 will be effective as from 18th January 2017. After this date, ships that are subject to the MLC will be requested to display certificates issued by an insurer or other financial security provider confirming that insurance or other financial security is in place for liabilities in respect of:

- outstanding wages and repatriation of seafarers together with incidental costs and expenses in accordance with MLC Regulation 2.5, Standard A2.5.2 and Guideline B2.5; and
- compensation for death or long-term disability in accordance with Regulation 4.2., Standard A4.2. and Guideline B4.2.

Please refer to Circular MLC 008.

8. Administration Contact

8.1 In accordance with the Regulation 5.1.5 of the MLC 2006 seafarers should be provided with a copy of the on-board complaints procedures which include contact details of the competent authority.

8.2 SVG's point of contact for receipt and resolution of seafarer complaints (paragraph 6.2.3) is:

| The Registrar of Seafarers | |
|---|--|
| C/o Commissioner for Maritime Affairs 8, Av de Frontenex 1207 Geneva Switzerland Tel: +41 (0) 22 707 63 00 Fax: +41 (0) 22 707 63 49 Email: technical@svg-marad.com | First Floor, Cruise Ship Terminal Upper Bay Street, Kingstown Saint Vincent and the Grenadines Tel: +1 784 456 1378 Fax: +1 784 451 2445 Email: svgmarad@gmail.com |

Annexes to this Circular:

- DMLC Part I
- Application for the issue, change or renewal of a ML Certificate
- Checklist for accommodation of existing ships
- Model of on-board complaint handling procedures
- Ship master's Report Form (Model)
- DMLC Part II
- ML Certificate
- Application for the issue or change of a DMLC Part I
- The Shipping (Maritime Labour Convention, 2006) Regulations, 2013.
- Revision History



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

APPLICATION FOR THE ISSUE, CHANGE OR RENEWAL OF A MARITIME LABOUR (ML) CERTIFICATE

| Name of Vessel | Type of vessel | Official Number | Gross Tonnage | IMO Number |
|----------------|----------------|-----------------|---------------|------------|
| | | | | |

| Application for the issue of a ML Certificate due to the following: | |
|---|--------------------------|
| 1. Initial Inspection | <input type="checkbox"/> |
| 2. Renewal Inspection | <input type="checkbox"/> |
| 3. Change of Company's name | <input type="checkbox"/> |
| 4. Change of Company's address | <input type="checkbox"/> |
| 5. Change of Ship's name | <input type="checkbox"/> |
| 6. Alignment with the SMC and ISSC if the same RO is involved | |
| 7. Other (please specify) | |

A copy of the following documents **should be submitted** by e-mail, fax or post together with this Application Form:

| Issue of a ML Certificate due to items 1 and 2 | | |
|---|---------------------------------|-------------------------------|
| Short Term ML Certificate or Full Term ML Certificate, DMLC part I and DMLC part II | Date of issue (ML Certificate): | Expiry date (ML Certificate): |
| Initial or Renewal Inspection Report | Date of Inspection: | |
| Crew list including seafarers' gender | | |

| Issue of a ML Certificate due to items 3, 4 | | | |
|---|----------------|--------------|-----------|
| Document of Compliance (ISM) | Date of issue: | Expiry date: | Endorsed: |
| Existing Full Term ML Certificate, DMLC part I and DMLC part II | Date of issue: | Expiry date: | |
| Confirmation from the RO that issued a Document of Compliance that the Company's overall organization and key staff remain the same | | | |
| | | | |
| Issue of a ML Certificate due to item 5 | | | |
| Written request from the Owner | | | |

| Issue of a ML Certificate due to item 6 | | |
|--|---------------------------------|-------------------------------|
| Full Term ML Certificate, DMLC part I and DMLC part II | Date of issue (ML Certificate): | Expiry date (ML Certificate): |
| Full Term SMC | Date of issue: | Expiry date: |
| Full Term ISSC | Date of issue: | Expiry date: |

Place and Date:

Signed on behalf of Company/Owner

Print Full Name and position:



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

APPLICATION FOR THE ISSUE OR CHANGE OF A DECLARATION OF MARITIME LABOUR COMPLIANCE (DMLC) PART I

| | | |
|-----|--|--|
| 1.1 | Name of Vessel | |
| 1.2 | Official Number | |
| 1.3 | IMO Number | |
| 1.4 | Gross Tonnage | |
| 1.5 | Ship's Type | |
| 1.6 | Date of keel laid | |
| 1.7 | Shipowner * (name and address) | |

Point 2 should be completed when a Shipowner responsible for MLC is not the Registered Owner**:

The entity indicated in point 1.7 above has assumed the responsibility for the operation of the following ship from the **Registered Owner** and, 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 Shipowner.

| | | |
|---|----------------|---|
| 2 | Place and Date | Signed on behalf of Registered Owner** |
| | | Print full name and position: |

| | | |
|------|--|--------------------------|
| 3 | Application for the issue of a DMLC Part I due to the following: | |
| 3.1. | Interim Inspection | <input type="checkbox"/> |
| 3.2. | Initial Inspection | <input type="checkbox"/> |
| 3.3. | Change of Ship's name, type, gross tonnage, equivalency or exemption*** | <input type="checkbox"/> |
| 3.4. | Change of Shipowner's name or address | <input type="checkbox"/> |
| 3.5. | Substantial changes to the ship's structure or equipment | <input type="checkbox"/> |
| 3.6. | MLC Amendments | <input type="checkbox"/> |

| | |
|---|---|
| 4 | Application for Substantial Equivalencies under Article VI, paragraphs 3 and 4, of the MLC 2006 Please indicate the reason(s) and justification(s) for requesting a Substantial Equivalency (additional sheet(s) may be annexed): |
|---|---|

| | |
|---|---|
| 5 | Application for Exemptions under Title 3 of the MLC 2006 Please indicate the reason(s) and justification(s) for requesting an Exemption (additional sheet(s) may be annexed): |
|---|---|

Please specify the mailing address where the DMLC Part I will be forwarded

| | |
|---|--|
| 6 | (if DHL courier is requested, in addition to the address, please specify PIC and phone number) |
|---|--|

| | | |
|---|----------------|---------------------------------------|
| 7 | Place and Date | Signed on behalf of Shipowner* |
| | | Print full name and position: |

Note: * 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 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 shipowner. For vessels to which ISM Code applies it should be the "Company" in accordance with paragraph 1.1.2 of the ISM Code.

**Registered Owner as indicated in the Certificate of Registry and the Continuous Synopsis Record (if any).

***Delete as appropriate



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CHECKLIST FOR ACCOMMODATION OF EXISTING SHIPS*

(in compliance with the provisions of Standard 3.1 of the Maritime Labour Convention, 2006)

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| Name of vessel | |
| Port of Registry | Kingstown |
| Official No. | |
| IMO No. | |
| Call Sign | |
| Date of keel laid | |

Code letters

Yes
 - No
 NA Not Applicable

Ships up to 1000 gross tonnage/gross registered ton (GRT)

1. There should be no direct openings into sleeping rooms from the spaces mentioned below. Requirement fulfilled from
 - 1.1 cargo spaces?
 - 1.2 machinery spaces?
 - 1.3 galleys?
 - 1.4 lamp rooms?
 - 1.5 paint rooms?
 - 1.6 engine, deck and other bulk store rooms?
 - 1.7 drying rooms, communal wash places or water closets?
2. Are the bulkheads separating the above spaces from sleeping rooms
 - 2.1 constructed of steel (or other approved material)?
 - 2.2 watertight and gastight?
3. Are external bulkheads of sleeping rooms and mess rooms insulated?
4. Are machinery casings and all boundary bulkheads of galleys and spaces in which heat is produced adjoining accommodation or passageways insulated?
5. Have steam and/or hot water service pipes been provided with protection from heat effect?
6. Are internal bulkheads not likely to harbour vermin?

* Ship built before 20th August 2013. The checklist is based on the provisions of the ILO Conventions 92 and 133 as follows:

- ILO C92: Art. 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.9, 6.11, 6.13, 7.1, 7.3, 7.4, 8.1.2.3, 10.1, 10.11, 10.12, 10.13, 10.14, 10.15, 10.17, 10.18, 10.19, 10.20, 10.24, 10.22, 10.23, 10.25, 10.26, 1.27, 11.2, 11.3, 11.10, 13.2, 13.8, 13.11, 14.1, 14.2, 14.5, 14.7, 15.1, 15.2, 15.3, 15.4 & 16.3.
- ILO C133: Art. 5.1, 5.2, 5.3.a, 5.3.b.i, 5.3.b.ii-iii-iv, 5.3.5, 5.3.6, 5.3.8, 5.3.10, 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 9.1.b, 9.2, 10, 11.1, 11.2, 11.3 & 11.4

7. Are the following rooms in the crew accommodation spaces insulated to prevent condensation or overheating
- 7.1 sleeping rooms?
 - 7.2 mess rooms?
 - 7.3 recreation rooms
 - 7.4 alley-ways?
8. Are main steam and exhaust pipes passing through alley-ways leading to crew accommodations?
If yes: are they insulated and encased?
9. Can inside panelling or sheeting be easily kept clean?
(Is tongued or grooved boarding likely to harbour vermin used)
10. Can wall surface and deck heads in sleeping rooms and mess rooms be easily kept clean?
If painted, light in colour?
11. Is the surface of the decks in all crew accommodations impervious to damp?
and can be easily kept clean?
12. Has adequate drainage been provided?
13. Are sleeping rooms and mess rooms ventilated?
14. Has the ships if regularly engaged on voyages in the tropics and the Persian Gulf, been provided with both mechanical means of ventilation and electric fans? (Provided that one only of these means needs to be adopted in spaces where this ensures satisfactory ventilation.)
15. Has the ship, if engaged outside the tropics, been equipped with either
- 15.1 mechanical means of ventilation?
 - 15.2 or electric fans?
16. Has an adequate system of heating by means of steam, hot water, warm air or electricity been provided?
(not required for ships engaged exclusively in the tropics and Persian Gulf)
17. Are the sleeping rooms situated above the load line amidships or aft? (but in no case forward of the collision bulkhead and in passenger ships not immediately beneath working alley-ways)
18. Has the maximum number of persons to be accommodated in any sleeping room been marked indelibly and legibly in the rooms where it can conveniently be seen?
19. Has one individual berth been provided for each crew member?
20. Berths shall not be placed side by side, fulfilled?
21. Berths shall not be arranged in tiers more than two, fulfilled?
22. Has the lower berths in a double tier been placed not less than 30 cm above the floor?
23. Is the material of the framework of the berths hard, smooth and not likely to corrode or to harbour vermin?
24. Are tubular frames of berths completely sealed and without perforations?
25. Has each berth been fitted with a spring bottom or a spring mattress?
and a mattress not likely to harbour vermin?

26. Has a dust-proof material been fitted beneath the spring bottom of the upper berth if one is placed over another?
27. Has each sleeping room been provided with the following furniture of smooth, hard material not liable to warp or corrode
- 27.1 clothes locker for each occupant not less than 152 cm in height and 1930 cm² cross sectional area fitted with shelf and hasp for a padlock?
- 27.2 desk or table of fixed, drop-leaf or slide-out type?
- 27.3 comfortable seating accommodation?
- 27.4 drawer or equivalent space for each occupant not less than 0.056 m³?
- 27.5 curtains for the sidelights?
- 27.6 mirror?
- 27.7 small cabinets for toilet requisites?
- 27.8 book rack?
- 27.9 sufficient coat hooks?
28. Have separate mess room accommodations (which have no direct neighbouring with the sleeping rooms) been provided on board ships of less than 1000 GRT for:
- 28.1 master and officers?
- 28.2 petty officers and other ratings?
- on board ships of 1000 GRT and over for:
- 28.3 master and officers?
- 28.4 deck department petty officers and other ratings?
- 28.5 engine department petty officers and other ratings?
- 28.6 is there only one mess (with no direct neighbouring to the sleeping rooms) available on board?
29. Have tables and seats been made of damp-resisting material, without cracks and capable of being easily cleaned?
30. Have following minimum number of separate water closets been provided:
- 30.1 in ships of under 800 GRT = three?
- 30.2 in ships of 800-3000 GRT = four?
- 30.3 in ships of 3000 GRT or over = six?
31. Have all water closets ventilation to the open air independently of any other part of the accommodation?
32. Do sanitary accommodations intended for the use of more than one person comply with the following requirements:
- 32.1 are floors of durable material, capable of being easily cleaned and to be properly drained And impervious to damp?
- 32.2 are the bulkheads of steel or some other equivalent material and at least watertight 23cm above the level of the deck?
- 32.3 are the accommodations sufficiently lighted, heated and ventilated?
- 32.4 have water closets been situated convenient to, but separated from sleeping rooms and washrooms without direct access from the sleeping rooms?
- (except where a water closet is located in a compartment between two sleeping rooms for not more than four persons)

33. Have separate hospital accommodations been provided in ships carrying a crew of fifteen or more and engaged in a voyage of more than three days duration?
34. Have hospital accommodations been suitable situated, such as to be easily accessible?
35. Have water closet accommodations been provided for the exclusive use of occupants of the hospital?
36. Has an approved medicine chest been provided with readily understandable instructions on a ship with no doctor?
37. Have sufficiently ventilated accommodations convenient to the sleeping rooms been provided for hanging oilskins outside?
38. Has one room been provided and equipped for use as an office (applicable for ships over 3000 GRT) for:
- 38.1 the deck department?
- 38.2 engine department?
39. Have provisions been made to protect the crews' quarters against mosquitoes by fitting of suitable screens to side scuttles, ventilators and doors to the open deck? (required for ships regularly trading to mosquito-infested ports)
40. Are ships trading regularly to or in the tropics and the Persian Gulf equipped with awnings for use over exposed decks above crew accommodations and over recreation deck spaces?
41. Have separate and appropriate sleeping and living accommodations been provided on ships on which the crew (in any department) are persons of widely different national habits and customs? (The competent authority may modify the requirements laid down in the foregoing articles in this case.)

REMARKS (please describe in details all items coded with " - ". Add separate sheet if necessary)

Place and Date

Signature of MLC Inspector

Ships equal or greater than 1000 GRT

- 1. Are the floor areas¹ per person of sleeping rooms intended for ratings not less than
 - 1.1 3.75 m² in ships of 1000-3000 GRT?
 - 1.2 4.25 m² in ships of 3000-10000 GRT?
 - 1.3 4.75 m² in ships of 10000 GRT or over?Of sleeping rooms intended for two ² ratings
 - 1.4 2.75 m² in ships of 1000-3000 GRT?
 - 1.5 3.25 m² in ships of 3000-10000 GRT?
 - 1.6 3.75 m² in ships of 10000 GRT or over?Of sleeping rooms intended for ratings in passenger ships
 - 1.7 2.35 m² in ships of 1000-3000 GRT?
 - 1.8 3.75 m² in ships of 3000 GRT or over?
 - 1.9 3.00 m² in ships of 3000 GRT or over in rooms accommodating two, three or four ² persons?
- 2. Is the number of petty officers occupying sleeping rooms not exceeding one or two persons per room?
- 3. Are the floor areas per persons of sleeping rooms for officers, where no private sitting rooms or day room is provided, not less than
 - 3.1 6.50 m² in ships of less than 3000 GRT?
 - 3.2 7.50 m² in ships of 3000 GRT or over?
- 4. Have the chief navigation officer and the chief engineer in addition to their sleeping room an adjoining sitting room or day room, where practicable in ships of 3000 GRT or over?
- 5. Are the minimum inside dimensions of a berth 198 cm x 80 cm?
- 6. Is the floor area of mess rooms for officers and for ratings not less than one (1) m² per person of seating capacity?
- 7. Are the mess rooms equipped with tables and seats sufficient to accommodate a greater number of crew ²?
- 8. Are there available on board
 - 8.1 a refrigerator of sufficient capacity for number of persons using the mess room/rooms?
 - 8.2 facilities for hot beverages?
 - 8.3 cool water facilities?
- 9. Have recreation accommodations been provided for
 - 9.1 officers?
 - 9.2 ratings?Where this is not provided separately from the mess rooms the latter should be planned, furnished and equipped to give recreational facilities.
- 10. Do the furnishings for recreation accommodation include a book case and facilities for reading, writing?
- 11. Has there been provided a smoking room or library room in which films or television may be shown and a hobby room aboard ships of 8000 GRT or over?

¹ Space occupied by berths and lockers, chests of drawers shall be included in the measurement of the floor area.
² maximum permissible number

12. Is at least one water closet and one tub and/or shower bath provided for every six persons
- 12.1 for officers?
 - 12.2 for ratings?
 - 12.3 for women
13. Are there separate private bathrooms fitted with water closet, tub and/or shower bath, wash basin with hot and cold running fresh water attached to the individual sleeping rooms
- 13.1 for at least five officers in ships of 5000-15000 GRT?
 - 13.2 for all other officers in ships of 10000-15000 GRT private or inter-communicating bathrooms?
 - 13.3 for or all officers in ships of 15000 GRT or over? (wash basin may be situated in the sleeping room)
14. Are there bathrooms fitted as above (item 13) for every two ratings between adjoining sleeping rooms or opposite the entrance in ships of 25000 GRT or over?
15. Has each sleeping room for officers or ratings been provided with a wash basin having hot and cold running fresh water except if such wash basin is situated in a bathroom (item 13 and 14)?
16. Are facilities (washing machines, drying machines or heated and ventilated drying rooms, irons and ironing boards or their equivalent) provided for washing, drying and ironing clothes for
- 16.1 officers?
 - 16.2 ratings?
17. Are there water closet and wash basin with hot and cold running fresh water on ships of 1600 GRT or over
- 17.1 within easy access of the navigation bridge?
 - 17.2 within easy access of the machinery space if not fitted near the engine room control centre?
18. Are facilities for changing clothes provided on ships of 1600 GRT or over
- 18.1 located outside the machinery space but with easy access to it?
 - 18.2 fitted with individual clothes lockers, tubs and/or shower baths and wash basins with hot and cold running fresh water?
- (If no private sleeping rooms and private or semi-private bathrooms are provided for all engine department personnel.)
19. Is the minimum headroom in all crew accommodations not less than 198 cm?
20. Are the crew accommodations properly lighted?
21. Are mess rooms and sleeping rooms lighted by natural light?
- and have been provided with artificial light?
22. Has electric light been provided in crew accommodations?
- as well as emergency lighting?
23. Has an electric reading lamp been installed at the head of each berth in sleeping rooms?

REMARKS (please describe in details all items coded with " - ". Add separate sheet if necessary)

Place and Date

Signature of MLC Inspector



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

No: DMLC Part I/Off No/dd/mm/yy/M or G

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

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

**Issued under the authority of
St. Vincent and The Grenadines Department of Maritime Administration
(The Administration)**

With respect to the provisions of the Maritime Labour Convention, 2006, (the Convention), 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 where necessary;
- (c) the details of any substantial equivalencies under Article VI, Paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are referenced under the requirements concerned.

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| 1. | Minimum age (Regulation 1.1) <i>The Shipping Regulations, 2013, Reg. 6, Para 1</i> | |
| | .1 | <i>No person under the age of 16 shall be employed or engaged or work on-board a ship.</i> |
| | .2 | <i>Night means a period of 9 consecutive hours beginning no later than 21:00 and ending no earlier than 06:00.</i> |
| | .3 | <i>Persons under age of 18 may be engaged in night work where it is part of a recognised training programme.</i> |
| | .4 | <i>No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.</i> |
| | .5 | <i>Unless trained and certified, no person under the age of 18 shall be employed or engaged or work as per B 4.3.1, Para 2 and working with heat or fire (such as welding and flame-cutting), work in enclosed or confined spaces, work aloft and work outboard and other types of work as the Administration may determine after consultation.</i> |

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| 2. | Medical certification (Regulation 1.2) <i>The Shipping Regulations, 2013, Reg 6, Para 2</i> |
| .1 | <i>All seafarers shall be in possession of a medical certificate issued, in accordance with STCW 1978, as amended, by a medical practitioner authorised to issue such certificates in the country of issue, provided that country is a party to the MLC 2006 (hereafter called the Convention) or the STCW Convention.</i> |
| .2 | <i>Medical certificates shall comply with the standards in the STCW Convention and be issued following the procedures set out in the ILO/WHO Guidelines.</i> |

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| 3. | Qualification of seafarers (Regulation 1.3) <i>The Shipping Regulations, 2013, Reg. 6, Para 3</i> |
| .1 | <i>Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties and they have successfully completed training for personal safety on-board ship. Training and certification in accordance with the STCW Convention shall be accepted as meeting the requirements of this Paragraph.</i> |

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| 4. | Seafarers' employment agreements (Regulation 2.1) <i>The Shipping Regulations, 2013, Reg. 6, Para 5</i> |
| .1 | <i>Every seafarer shall have an employment agreement in accordance with the conditions set out in Standard A2.1 of the Convention. A Collective Bargain Agreement may form all or part of a seafarers' employment agreement (SEA).</i> |
| .2 | <i>Seafarers employment shall be recorded in a Saint Vincent and the Grenadines Seamen's Book.</i> |
| .3 | <i>The duration of the minimum notice periods for the SEA early termination to be given by seafarers and shipowners is seven (7) days. Seafarers may terminate an agreement at less than seven (7) days notice as follows:</i> |
| | .1 <i>on compassionate grounds;</i> |
| | .2 <i>if the ship is detained for 30 days or more in respect of mandatory international conventions;</i> |
| | .3 <i>if the ship is arrested for 30 days or more; or</i> |
| | .4 <i>if the ship is about to sail to a war zone to which the seafarer does not consent to go.</i> |
| .4 | <i>Shipowners may terminate the agreement at less than seven (7) days notice if:</i> |
| | .1 <i>the ship is sold or lost;</i> |
| | .2 <i>the seafarer is unable to continue to perform his duties due to illness or injury; or,</i> |
| | .3 <i>the seafarer is determined to be incompetent or guilty of a serious disciplinary offence.</i> |

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| 5. | Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) <i>The Shipping Regulations, 2013, Reg. 6, Para 4</i> |
| .1 | <i>Seafarer Recruitment and Placement Services (SRPS) in Saint Vincent and the Grenadines shall be licensed by the Administration.</i> |
| .2 | <i>Shipowner shall ensure that the SRPS has a document confirming compliance with the standard A1.4 of the Convention and authorization by a relevant party to the Convention to operate as a SRPS. The shipowner shall request from the SRPS and keep on record as evidence of compliance with this regulation a copy of the SRPS document of compliance and authorization.</i> |
| .3 | <i>Shipowners using SRPS in countries in which are not parties to the Convention shall ensure, as far as practicable, that those SRPS conform to the standards set out in Standard A1.4 of the Convention and shall have evidence of steps taken in this regard.</i> |

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| 6. | Hours of rest (Regulation 2.3) <i>The Shipping Regulations, 2013, Reg. 6, Para 7</i> |
| .1 | <i>Every seafarer shall receive the hours of rest specified in Standard A2.3 of the Convention. Hours of rest do not include short breaks of less than 1 hour.</i> |
| .2 | <i>A table of the shipboard working arrangements shall be posted in accordance with Standard A2.3 Paragraph 10 in the format published by the IMO/ILO.</i> |
| .3 | <i>Records of seafarers daily rest hours shall be maintained in the published IMO/ILO format. Every seafarer shall receive the hours of rest specified in Standard A2.3 of the Convention which shall be endorsed by the master or a person authorized by the master and by the seafarer. As a substantially equivalent measure the Administration accepts that the records may be in an electronic format provided that each seafarer: has access to it, can obtain a printed copy, and is able (as well as the Master) to endorse his/her record electronically and the records are in a format recognizably similar to the IMO/ILO format, protected against tampering and available readily to auditors, inspectors and PSC officers.</i> |
| .4 | <i>Mandatory drills and training shall be arranged so as to minimize the disturbance to hours of rest.</i> |
| .5 | <i>It is the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on-board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea, on condition that compensatory rest is provided on the conclusion of the situation,</i> |
| .6 | <i>Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution, or security duties may be exempted in part from the requirements of rest in Standard A2.3 provided that their rest hours conform to those set out in Chapter VIII of the STCW Convention, as amended.</i> |

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| 7. | Manning levels for the ship (Regulation 2.7) <i>The Shipping Regulations, 2013, Reg 6, Para 11</i> |
| .1 | <i>There shall be a sufficient number of seafarers on-board in accordance with the Minimum Safe Manning Document issued by the Administration.</i> |

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| 8. | Accommodation (Regulation 3.1) <i>The Shipping Regulations, 2013, Reg. 6, Para 12</i> |
| .1 | <i>Accommodation of new ships shall meet the provisions set out in Standard 3.1 Paragraphs 6 to 17 of the Convention and Part B3.1 of the Convention.</i> |
| .2 | <i>Variations may be allowed in the interests of seafarers having differing and distinctive religious and social practices.</i> |
| .3 | <i>Weekly inspections shall be carried out by or under the authority of the master in order to ensure that seafarers' accommodation facilities are clean, decently habitable and maintained in a good state of repair. The results of such inspections shall be recorded in the ship's deck log book.</i> |
| .4 | <i>Existing ship (whose keel laying date is before 20th August 2013) shall maintain a decent accommodation for seafarers working or living on-board, or both, consistent with promoting the seafarers' health and well-being. Any alteration other than substantial alteration of accommodation of existing ships shall be carried out in accordance with ILO Conventions C92 and C133. Any substantial alteration of accommodation of existing ships shall be carried out in accordance with the Convention. An attending Inspector should complete checklist for accommodation of existing ships on occasion of an initial inspection. The document should be retained on-board as long as the ship remains registered with Saint Vincent and the Grenadines.</i> |

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| 9. | On-board recreational facilities (Regulation 3.1) <i>The Shipping Regulations, 2013, Reg.6, Para 12</i> |
| .1 | <i>Recreational facilities must be provided and shall meet the provisions set out in Standard 3.1 Paragraphs 6 to 17 of the Convention and Part B3.1.11 of the Convention.</i> |
| .2 | <i>Existing ship shall provide and maintains a decent recreational facilities for seafarers working or living on-board, or both, consistent with promoting the seafarers' health and well-being. Any alteration other than substantial alteration of recreational facilities of existing ships shall be carried out in accordance with ILO Conventions C92 and C133. Any substantial alteration of recreational facilities of existing ships shall be carried out in accordance with the Convention.</i> |

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| 10. | Food and catering (Regulation 3.2) <i>The Shipping Regulations, 2013, Reg. 6, Para 13</i> | |
| | .1 | <i>Food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account differing cultural and religious backgrounds shall be provided at no charge to seafarers.</i> |
| | .2 | <i>If operating with a prescribed manning of 10 or more there shall carry a qualified ships cook on-board.</i> |
| | .3 | <i>A Cook is considered qualified either if:</i> |
| | .1 | <i>He/She is in possession of the certificate issued by an organization, approved or recognized by the Administration or, other State party to the Convention or the Certification of Ships Cooks Convention, 1946 (No.69);</i> |
| | .2 | <i>He/She shall have served at sea for 3 months as second cook/cook assistant or 5 years in the catering department as steward. In both cases he/she shall have received training in handling foods, storage of foods on-board ships and hygiene in the galley food preparation areas; or</i> |
| | .3 | <i>He/she possesses approved qualifications in cookery valid in a commercial cooking establishment.</i> |
| | .4 | <i>If operating with a prescribed manning of less than 10, a fully qualified cook is not required, provided that the person processing food is to be trained and instructed in areas including food and personal hygiene and handling and storage of food. The training should be documented.</i> |
| | .5 | <i>If the cook is temporarily not available through exceptional circumstances or has had to leave the ship, the Administration may issue a dispensation for up to one (1) month or until the next port where the cook can be replaced provided the person taking over the role has received instruction or training in handling food, storage of food, and hygiene.</i> |
| | .6 | <i>Weekly inspections are to be carried out with respect to supplies of food and drinking water, spaces and equipment used for the storage and handling of food and drinking water, galley and other equipment for the preparation and service of meals. Inspections and any deficiencies identified are to be recorded and deficiencies rectified promptly. Records of inspections are to be available for three (3) years.</i> |

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| 11. | Health and safety and accident prevention (Regulation 4.3) <i>The Shipping Regulations, 2013, Reg. 6, Para 16 and MLC 004</i> | |
| | .1 | <i>The shipowner shall ensure, so far as practicable, the health and safety of seafarers, that is to say:</i> |
| | .1 | <i>provide and maintain plant, machinery and equipment and systems of work that are safe and without risk to health;</i> |
| | .2 | <i>make arrangements for ensuring safety and absence of risk to health in connection with the use, handling, stowage and transport of articles and substances;</i> |
| | .3 | <i>provide the seafarers with information, instruction, training and supervision as is necessary to ensure the health and safety on-board; and,</i> |
| | .4 | <i>maintain all workplaces in a safe and risk free condition, and provide and maintain an environment on-board that is safe and without risk to health.</i> |
| | .2 | <i>The shipowner shall prepare and keep up to date, a written statement of his general policy with respect to health and safety on-board and the arrangements for carrying out the policy. Standards and practices are those set out in the ILO Code of Practice entitled Accident Prevention on-board Ship at Sea and in Port, 1996 or other guidance from the Administration. A copy of the said Code is to be carried on-board and shall be accessible to seafarers. If there are five (5) or more seafarers on-board a Safety and Health Committee shall be established which shall operate as set out in the Code.</i> |
| | .3 | <i>All accidents, injuries and diseases occurring on-board are to be reported to the Administration in accordance with requirements set by the Administration.</i> |
| | .4 | <i>The shipowner may not levy a charge for anything done in compliance with this section.</i> |

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| 12. | On-board medical care (Regulation 4.1) <i>The Shipping Regulations, 2013, Reg. 6, Para 14, Annex B and MLC 003</i> | |
| | .1 | <i>Seafarers shall have the right to visit a qualified medical doctor or dentist without delay in port of call, where practicable at no cost to them.</i> |
| | .2 | <i>Master and relevant onshore and on-board medical personnel shall use a standard medical report form as indicated by the Administration.</i> |
| | .3 | <i>Paragraph 4 of Standard A4.1 of the Convention shall apply and Guidance on Medical Care On-board Ship provided by the Administration from time to time regarding medical stores and medical training are mandatory.</i> |

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| 13. | On-board complaint procedures (Regulation 5.1.5) <i>The Shipping Regulations, 2013, Reg. 6, Para 19</i> | |
| | .1 | <i>The Shipowner shall provide complaints procedure which is available to all seafarers on-board designed to resolve complaints at the lowest possible level but which does not prevent a seafarer from making a complaint directly to the Master, the shipowner or his representative ashore, the Administration's point of contact ashore or competent authority in the seafarer's country of residence if the seafarer considers it necessary.</i> |
| | .2 | <i>The complainant seafarer shall submit his/her complaint in writing within seven (7) days of the occurrence, or according to the circumstances, following the below hierarchy:</i> |
| | .1 | <i>Superior Officer</i> |
| | .2 | <i>Head of Department</i> |
| | .3 | <i>Master</i> |
| | .3 | <i>Each of the indicated ranks has a further seven (7) days to solve the complaint.</i> |
| | .4 | <i>If the master is unable to resolve the complaint, the seafarer shall have 10 days to bring it through the master to the shipowner, or if the complaint may be to the prejudice of the master, then directly to the shipowner.</i> |
| | .5 | <i>The shipowner and the seafarer concerned shall have a period of 30 days there from to resolve the matter.</i> |
| | .6 | <i>If after thirty (30) days, the complaint has not been solved, then either party shall have a 30 days to bring the matter to the Administration through its point of contact.</i> |
| | .7 | <i>As a substantial equivalent the Administration accepts that the identity of a position on-board can be substituted for the name of a person.</i> |

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| 14. | Payment of wages (Regulation 2.2) <i>The Shipping Regulations, 2013, Reg. 6, Para 6</i> | |
| | .1 | <i>Payment of wages is to be at intervals not greater than one month (30 days).</i> |
| | .2 | <i>Specific definitions regarding wages are those in the Guidelines B2.2.1 and B2.2.2 of the Convention.</i> |
| | .3 | <i>Each seafarer is to receive a monthly statement of wages specifying wages, additional payments, rate of exchange (where payment is made in a currency different from that in the seafarer's employment agreement).</i> |
| | .4 | <i>Seafarers are to have means to transmit all or part of their earnings to beneficiaries.</i> |
| | .5 | <i>Any charge for the service under paragraph 4 above shall be reasonable in amount, and the rate of currency exchange, unless otherwise provided, shall be at the prevailing market rate or the official published rate and not unfavourable to the seafarer and shall comply with any other relevant requirements that may be established by law.</i> |
| | .6 | <i>The requirements of Guidelines B2.2.2, Paragraphs 1,2,3 and 4 of the Convention shall apply unless overwritten by a Collective Bargain Agreement.</i> |
| | .7 | <i>Normal hours for calculating basic pay shall be 48 hours per week and overtime shall be at not less than 1.25 times basic pay rate.</i> |

| | | |
|------------|--|--|
| 15. | Financial Security for Repatriation (Regulation 2.5) <i>The Shipping Regulations, 2013, Reg 9, Para (m) to (s)</i> | |
| | .1 | <i>The shipowner shall ensure that seafarers are covered by a financial security system for repatriation even in the event of abandonment. It should cover the following:</i> |
| | .1 | <i>Outstanding wages and other entitlements due from the shipowner to the seafarer in accordance with their seafarers' employment agreement and Collective Bargain Agreement, limited to four (4) months of any such outstanding wages and four (4) months of any such outstanding entitlements;</i> |
| | .2 | <i>All expenses reasonably incurred by the seafarer, including the cost of repatriation which shall cover travel by appropriate and expeditious means; and</i> |
| | .3 | <i>The essential needs of the seafarer which includes items such as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care, passage and transport of personal effects, and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival home.</i> |
| | 4. | <i>A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers. If there is more than one official security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.</i> |

| | | |
|------------|--|---|
| 16. | Financial Security relating to Shipowners' Liability (Regulation 4.2) <i>The Shipping Regulations, 2013, Reg 9, Para (h) to (p)</i> | |
| | .1 | <i>The shipowner shall ensure that seafarers are covered by a financial security system for contractual claims which refer to any claim relating to death or long-term disability of a seafarer due to an occupational injury, illness or hazard as set out in the seafarers' employment agreement and Collective Bargain Agreement.</i> |
| | .2 | <i>A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried out on board.</i> |

Substantial Equivalencies

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

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

No equivalencies have been granted.

Name: _____
Title: _____
Signature: _____
Place: _____
Date: _____
(Seal or stamp of the authority, as appropriate)

Exemptions

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

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

No exemptions have been granted.

Name: _____
Title: _____
Signature: _____
Place: _____
Date: _____
(Seal or stamp of the authority, as appropriate)



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

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

(State below the measures drawn up to ensure compliance with each of the items in Part I)

| | | |
|-----|--|--------------------------|
| 1. | Minimum age (Regulation 1.1) | <input type="checkbox"/> |
| | | |
| 2. | Medical certification (Regulation 1.2) | <input type="checkbox"/> |
| | | |
| 3. | Qualifications of seafarers (Regulation 1.3) | <input type="checkbox"/> |
| | | |
| 4. | Seafarers' employment agreements (Regulation 2.1) | <input type="checkbox"/> |
| | | |
| 5. | Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) | <input type="checkbox"/> |
| | | |
| 6. | Hours of work or rest (Regulation 2.3) | <input type="checkbox"/> |
| | | |
| 7. | Manning levels for the ship (Regulation 2.7) | <input type="checkbox"/> |
| | | |
| 8. | Accommodation (Regulation 3.1) | <input type="checkbox"/> |
| | | |
| 9. | On-board recreational facilities (Regulation 3.1) | <input type="checkbox"/> |
| | | |
| 10. | Food and catering (Regulation 3.2) | <input type="checkbox"/> |
| | | |
| 11. | Health and safety and accident prevention (Regulation 4.3) | <input type="checkbox"/> |
| | | |
| 12. | On-board medical care (Regulation 4.1) | <input type="checkbox"/> |
| | | |
| 13. | On-board complaint procedures (Regulation 5.1.5) | <input type="checkbox"/> |
| | | |
| 14. | Payment of wages (Regulation 2.2) | <input type="checkbox"/> |
| | | |
| 15. | Financial Security for Repatriation (Regulation 2.5) | <input type="checkbox"/> |
| | | |
| 16. | Financial Security relating to Shipowners' Liability (Regulation 4.2) | <input type="checkbox"/> |

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

Name of shipowner:¹

Company's address:
.....
.....
.....

Name of the authorized signatory:

Title:

Signature of the authorized signatory:
.....

Date:
(Seal or stamp of the shipowner¹)

The above measures have been reviewed by

.....
(insert name of competent authority or duly recognized organization or duly authorized inspector)

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

Name:

Title:

Address:
.....

Signature:
.....

Place:

Date:

(Seal or stamp of the authority, as appropriate)

¹ *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 shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

No:MLC 2006/Off No/dd/mm/yy/G or M

Maritime Labour Certificate

(Note: A Declaration of Maritime Labour Compliance should be attached to this Certificate)

**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
St Vincent and The Grenadines

Particulars of the ship

| | |
|--|-----------|
| Name of ship | |
| Distinctive number or letters | |
| Port of registry | KINGSTOWN |
| Date of registry | |
| Gross tonnage ¹ | |
| IMO number | |
| Type of ship | |
| Name and address of the shipowner ² | |

1 The gross tonnage for ships covered by the tonnage measurement interim scheme adopted by the IMO will be the gross tonnage which is included in the REMARKS column of the international tonnage certificate (1969).

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 shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention

This is to certify:

1. That the ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the above-mentioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is _____ subject to inspections in accordance valid until _____

With Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only if the Declaration of Maritime Labour Compliance Part I issued at _____ on _____ is attached.

Completion date of the inspection on which this Certificate is based _____ on _____

Issued at _____

Signature of the duly authorized official issuing the Certificate

(Seal or stamp of issuing authority, as appropriate)

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

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

Intermediate inspection: Signed:

(to be completed between the second and third anniversary dates) (Signature of authorized official)

Place:

Date:

(Seal or stamp of issuing authority, as appropriate)

Additional endorsements (if required)

This is to certify that the ship was subject to an additional inspection for the purpose of verifying that the she is still 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 issuing authority, as appropriate)

Additional inspection:
(if required)

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of issuing authority, as appropriate)

Additional inspection:
(if required)

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of issuing authority, as appropriate)



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

REVISION HISTORY

- Rev. 3 - date of the Circular inserted, Annex, DMLC Part I, 10. Food and Catering and Application for the issue of a Maritime Labour (ML) Certificate.
- Rev. 4 - date of the Circular inserted, Annex, Application for the issue or Change of a Declaration of Maritime Labour Compliance (DMLC) Part I
- Rev. 5 - date of the Circular inserted, Paragraph 7, Annex, Declaration of Maritime Labour Compliance – Part I, Declaration of Maritime Labour Compliance – Part II, Draft The Shipping (Maritime Labour Convention, 2006) Regulations, 2013.



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

MODEL OF ON-BOARD COMPLAINT HANDLING PROCEDURES

(in accordance with Regulation 5.1.5 of the Maritime Labour Convention, 2006)

| Name of Ship | IMO Number |
|--------------|------------|
| | |

CONTACT INFORMATION

1. Person(s) (name(s) **OR** rank(s)) on board the ship authorized to provide seafarers with confidential and impartial advice on a complaint, and otherwise assist in following the on-board complaint procedures:

1):

2):

2. Contact information of the person or persons ashore designated by the shipowner for handling on-board complaints:

Name:

Telephone number(s):

Fax number:

Email address:

3. Flag (Competent Authority/Maritime Administration) contact point:

| | The Registrar of Seafarers, St. Vincent and The Grenadines Maritime Administration | |
|------------------|---|--|
| Mailing address: | c/o Commissioner for Maritime Affairs 8, Av de Frontenex 1207 Geneva Switzerland | Cruise Ship Terminal, Upper Bay Street, Kingstown St. Vincent and The Grenadines |
| .3 Tel: | +41 (0) 22 707 63 00 | +1 784 456 1378 |
| .4 Fax | +41 (0) 22 707 63 49 | +1 784 451 2445 |
| .5 Email: | technical@svg-marad.com | svgmarad@gmail.com |

4. Competent Authority in the seafarers' country of residence:

Name:
Telephone number:
Fax number
Email address:

PROCEDURE

5. The procedure for handling on-board complaints is outlined below.

5.1 The complainant seafarer should briefly describe his/her complaint.

5.2 The complainant seafarer should submit his/her complaint in writing within seven (7) days of the occurrence, or according to the circumstances, following the hierarchy below:

- a) Superior Officer
- b) Head of Department
- c) Master

5.3 Each of the indicated ranks has a further seven (7) days to solve the complaint.

5.4 If the Master is unable to solve the complaint, the seafarer will have ten (10) days to bring it through the Master to the shipowner, or if the complaint is to the prejudice of the Master, then directly to the shipowner or the shipowner's designated representative ashore.

5.5 The shipowner and the seafarer concerned will have a period of thirty (30) days to solve the matter.

5.6 If after thirty (30) days, the complaint has not been solved, then either party (shipowner or seafarer) will have a further thirty (30) days to bring the matter to the Administration's point of contact (the Registrar of Seafarers).

5.7 NOTE THAT:

5.7.1 The complainant seafarer will not be victimized. (Victimizing a seafarer is an offence under the Laws of St Vincent and The Grenadines.)

5.7.2 Complainant seafarers have the right to be accompanied and to be represented by another seafarer of their choice on board the ship.

5.7.3 Complaints will be sought to be solved at the lowest level possible; and only when the matter cannot be solved to the satisfaction of both parties, will it be elevated to the next level.

5.7.4 A Complainant seafarer has the right to complain directly to the Master, the shipowner or his representative ashore, the Administration point of contact – (The Registrar of Seafarers) or to the competent authority in the seafarer's country of residence, where the seafarer considers it necessary.

5.7.5 If the complainant seafarer refers the complaint to the Master, the Master will handle the complaint personally and may seek the assistance of the person designated by the shipowner to handle complaints.

5.7.6 All complaints and decisions will be recorded and a copy provided to the complainant seafarer.



ANNEX A (Regulation 14 c)

ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

SHIP MASTER'S REPORT FORM*
(Model)

(in compliance with Regulation 4.1 of the Maritime Labour Convention, 2006)

| | |
|-----------------------|--|
| Date of report | |
|-----------------------|--|

Ship's identity and navigation status

| | |
|--------------|--|
| Name | |
| Owner | |

| |
|---|
| Name and address of on-shore agent |
| Position (latitude, longitude) at onset of illness |
| Destination and ETA (expected time of arrival) |

The patient and the medical problem

| |
|---|
| Surname and first name |
| Sex Male <input type="checkbox"/> Female <input type="checkbox"/> Date of birth (dd-mm-yyyy) |
| Nationality |
| Seafarer registration number (if any) or passport/seaman's book number |
| Shipboard job title |
| Hour and date when taken off work |
| Hour and date when returned to work |

Injury or Illness

| |
|--|
| Hour and date of injury or onset of illness |
| Hour and date of first examination or treatment |
| Location on ship where injury occurred |
| Circumstances of injury |
| Symptoms |
| Findings of physical examination |
| Findings of X-ray or laboratory test |
| Overall clinical impression before treatment |
| Treatment given on board |
| Overall clinical impression after treatment |

Telemedical consultation

| |
|---|
| Hour and date of initial contact |
| Mode of communication (radio, telephone, fax, other) |
| Surname and first name of telemedical consultant |
| Details of telemedical advice given |

* All relevant medical reports should be attached to this form

**THE SHIPPING (MARITIME LABOUR CONVENTION, 2006)
REGULATIONS, 2013.**

ARRANGEMENT

REGULATIONS

1. Citation
2. Interpretation
3. Application
4. Purpose of Regulations
5. Exception and Exclusions
6. Schedule to apply
7. General compliance duty
8. Carriage of documents
9. Detention
10. Penalties
11. Fraud, misuse of certificates, etc.
12. Offences in connection with inspections
13. Commencement

SAINT VINCENT AND THE GRENADINES
STATUTORY RULES AND ORDERS
2013 NO.

(GAZETTED, 2013

IN EXERCISE of the powers conferred upon him by Section 400(1)(ba) of the Shipping Act, Chapter 363 of the 2009 Edition of the Laws the Saint Vincent and the Grenadines, and all other powers, thereto enabling, the Minister to make the following Regulations:

1. Citation

(1) These Regulations may be cited as the Shipping (Maritime Labour Convention, 2006) Regulations 2013.

2. Interpretation

(1) In these Regulations, except where the context otherwise requires –

“Act” means the Shipping Act, Chapter 363 of the 2009 Edition of the Laws the Saint Vincent and the Grenadines, as amended;

“Administration” means the Department of Maritime Administration established pursuant to Section 393 of the Act;

“after consultation” means after consultation with the appropriate shipowners’ and seafarers’ organisations or, in case there are none, employers’ and workers’ organisations, concerned with the matter in question;

“Authorised officer”, for the purpose of inspections in ports in Saint Vincent and the Grenadines, means a surveyor or an inspector appointed under Section 356 of the Act;

“Convention” means the Maritime Labour Convention, 2006, adopted at Geneva on 23rd February 2006, and any amendments for the time being in force [for Saint Vincent and the Grenadines];

“Guideline” means a Guideline in Part B of the Code;

“Standard” means a Standard in Part A of the Code;

“the Code” means the part of the Convention which comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines) concerning implementation of the Regulations and any amendments to it for the time being in force [for Saint Vincent and the Grenadines];

“the STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended.

(2) Terms used in these Regulations which are also used in the Convention shall bear the meaning they have in the Convention.

(3) Any reference in these Regulations to a Code of Practice is a reference to that Code as for the time being in force.

(4) For the purposes of these Regulations and of the Convention, “Competent Authority” shall,

in reference to Saint Vincent and the Grenadines, be a reference to the Director, appointed under Section 356 of the Act.

3. Application

(1) (a) These regulations apply to all seafarers.

(b) In the event of doubt as to whether any categories of persons are to be regarded as seafarers, the question shall be determined by the Administration, after consultation.

(2) (a) These Regulations apply to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or similar pursuits. These Regulations do not apply to warships, naval auxiliaries or other ships owned or operated by the Government of Saint Vincent and the Grenadines on non-commercial service.

(b) In the event of doubt as to whether these Regulations apply to a ship or a particular category of ships, the question shall be determined by the Administration, after consultation.

(3) (a) These Regulations, except regulation 7(5), apply to Saint Vincent and the Grenadines ships wherever they are.

(b) Regulations 7(5) and 9 to 12 apply to ships which are not Saint Vincent and the Grenadines ships when in the waters of Saint Vincent and the Grenadines.

4. Purpose of Regulations

(1) It is the purpose of these Regulations to implement the Maritime Labour Convention, 2006, and ensure that every seafarer has the right to –

(a) a safe and secure workplace that complies with safety standards;

(b) fair terms of employment;

(c) decent working and living conditions on-board ship; and

(d) health protection, medical care, welfare measures and other forms of social protection.

5. Exceptions and exclusions

(1) The Administration may, after consultation, determine that all or any of the requirements of the Code shall not apply to ships of less than 200 gross tons not engaged on international voyages, in accordance with Article II. 6 of the Convention.

(2) The Administration shall determine the waters of Saint Vincent and the Grenadines which are within or closely adjacent to sheltered waters or areas where port regulations apply.

6. Schedule to apply

(1) The Schedule (column 2 of which implements the obligations in the Regulations and Code in the Convention, and contains ancillary provisions thereto) shall apply.

7. General compliance duty

(1) It shall be the duty of the shipowner and the master of a Saint Vincent and the Grenadines ship to comply with and ensure compliance with these Regulations.

(2) It shall be the duty of any person—

- (a) upon whom an obligation is imposed by these Regulations; or
- (b) to whom a direction is given in pursuance of these Regulations (whether under sub-paragraph (1) or otherwise),

to comply or ensure compliance with these Regulations, as the case may be.

(3) (a) Where any natural or legal person other than the shipowner or master has control of a matter to which sub-regulation (1) relates because he has responsibility for that aspect of the operation of the ship, then any duty imposed by sub-regulation (1) shall extend to the person who has control of that matter.

(b) It shall be the duty of the shipowner and master to take all reasonable steps to ensure that a person referred to in sub-paragraph (a) is aware of the duty imposed by that sub-regulation and is capable of performing it.

(4) (a) In complying with any requirement of these Regulations the person doing so shall take into account any relevant Guideline; and it shall be a defence to a charge of non-compliance with a requirement that the action taken was in accordance with a relevant provision of Part B Guidelines of the Code.

(b) Any question as to the meaning or extent of any requirement of the Schedule may be determined in accordance with a relevant Guideline.

(5) It shall be the duty of the shipowner and master of any ship which is not a Saint Vincent and the Grenadines ship, when in the waters of Saint Vincent and the Grenadines, to comply with the Convention in the manner determined by the national authority of the ship's flag state. In the case of ships flying the flag of a State which is not party to the Convention the shipowner and master shall ensure that the ships meet the standards laid down in the Convention.

8. Carriage of documents

(1) Every Saint Vincent and the Grenadines ship to which these Regulations apply shall carry a copy of the Convention and a copy of these Regulations which shall be available to all seafarers working on the ship.

9. Detention

(1) In any case where a ship does not comply with these Regulations, the ship shall be liable to be detained, provided that a ship shall not be unreasonably delayed or detained.

10. Penalties

(1) Where a person specified in sub-regulation (1), (2), (3) (a) or (5) of regulation 7 contravenes the respective sub-regulation that person is guilty of an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars, or to a term of imprisonment not exceeding six years, or to both such fine and term of imprisonment;

(2) In proceedings for an offence under sub-regulation (1), it shall be a defence for a shipowner or master to prove that he did not have control of the matter to which the offence relates because he did not have responsibility for that aspect of the operation of the ship and that regulation 7(3) (b) was complied with.

11. Fraud, misuse of certificates, etc.

(1) No person shall—

- (a) without valid authority intentionally alter a certificate or declaration issued for the purposes of the Convention or these Regulations;

- (b) falsely make a certificate or declaration referred to in the Convention;
- (c) knowingly or recklessly furnish false information in connection with any inspection required by the Convention;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate or declaration referred to in the Convention;
- (e) fail to surrender a certificate or declaration to be surrendered issued for the purposes of the Convention.

(2) A person who contravenes sub-regulation (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars, or to a term of imprisonment not exceeding six years, or to both such fine and term of imprisonment.

12. Offences in connection with inspections

- (1) Any person who—
- (a) obstructs any inspector or authorized officer in the exercise of his powers under the Schedule; or
 - (b) without reasonable excuse fails to comply with any requirement made by an inspector or authorized officer acting in exercise of his powers in the Schedule; or
 - (c) knowingly gives a false answer to any question put to him by an inspector or authorized officer acting in exercise of his powers in the Schedule,

is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars, or to a term of imprisonment not exceeding six months, or to both such fine and term of imprisonment.

13. Commencement

These Regulations shall enter into force on the 1st of April 2013.

SCHEDULE

Regulation 6

| Paragraph | National Requirement |
|--|--|
| Title 1 Minimum requirements for a seafarer to work on a ship | |
| 1 <i>Minimum age</i> | <p>(a) No person under the age of 16 shall be employed or engaged or work on-board a ship.</p> <p>(b) No seafarer under the age of 18 shall work at night except in accordance with paragraph (c) and 'night' means a period of at least nine hours starting no later than 2100 hours and ending no earlier than 0600 hours.</p> <p>(c) the Administration may permit exceptions from the prohibition on night work for young seafarers -</p> <ul style="list-style-type: none">(i) when the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or,(ii) when the specific nature of the duty or a recognised training programme requires that the seafarers covered by the exception perform duties at night and the Administration determines, after consultation, that the work will not be detrimental to their health or well-being. <p>(d) Except where the young person has been trained and certified as competent by an appropriate industry body in an area of work, a person under the age of 18 shall not be employed or engaged or work on-board a ship in the following types of work:-</p> <ul style="list-style-type: none">(i) work listed under Guideline B4.3.10 paragraph 2, (a-1) of the Convention,(ii) hot work, such as welding and flame-cutting;(iii) work in enclosed or confined spaces;(iv) work aloft;(v) work outboard;(vi) work as a ship's cook, or(vii) such other types of work as the Administration may at any time determine after consultation, is likely to jeopardise their health or safety. |

| | |
|--|--|
| <p>2</p> <p><i>Medical certification</i></p> | <p>(a) Every shipowner shall ensure that prior to beginning work on a ship, all seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.</p> <p>(b) A valid medical certificate is a certificate that is issued in accordance with Regulation I/9 of the STCW Convention, by a medical practitioner authorised to issue such certificates in the country of issue, provided that:-</p> <p>(i) the country in which the medical certificate is issued is a signatory to the Convention or the STCW Convention; and</p> <p>(ii) the form of the medical certificate is in compliance with the ILO/WHO Guidelines on Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers or any publication superseding it.</p> <p>(c) Standards A1.2 paragraphs 3 to 10 shall apply to medical examinations, medical certificates and the validity of certificates.</p> <p>(d) In cases where a seafarer's medical certificate has expired and it is impracticable to obtain another, the Administration may on application from the shipowner, permit the seafarer to sail for a period not exceeding 3 months beyond the date of expiry of the medical certificate.</p> <p>(e) A medical practitioner carrying out medical examinations and issuing certificates on behalf of the Saint Vincent and the Grenadines authority shall comply as a minimum with the following requirements:</p> <p>(i) be a licensed physician;</p> <p>(ii) be experienced in general and occupational medicine or maritime occupational medicine;</p> <p>(iii) have knowledge of the living and working conditions on-board ships, gained either through special instruction or through personal experience of seafaring;</p> <p>(iv) be familiar with the guidance contained in ILO/WHO publication Guidelines for Conducting Pre Sea and Periodic Medical Fitness examinations for Seafarers (ILO/WHO/D.2/1997) or any publication superseding it;</p> <p>(v) remain absolutely professionally independent from employers, workers and their representatives in exercising their medical judgement in terms of the medical examination procedures; and</p> <p>(vi) be familiar with the World Health Organization Publication, The International Medical Guide for Ships, or an equivalent medical guide for use on ships.</p> |
| <p>3</p> | <p>(a) Subject to paragraph (b) every seafarer employed in a Saint Vincent and the Grenadines ship in a position which is covered by the STCW Convention</p> |

| | |
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| <p><i>Training and qualification</i></p> | <p>shall be trained and certificated in accordance with the requirements of that Convention as appropriate to his role on-board.</p> <p>(b) Seafarers shall receive familiarisation training and instruction appropriate to their role before commencing work on-board.</p> |
| <p>4</p> <p><i>Recruitment and placement</i></p> | <p>(a) The operator of every private seafarer recruitment and placement service in Saint Vincent and the Grenadines, the primary purpose of which is the recruitment and placement of seafarers or which recruits and places a significant number of seafarers, shall ensure such a service is operated only in conformity with a licence issued by the Administration.</p> <p>(b) The Administration shall establish, modify or change such a system of licensing only after consultation. In the event of doubt as to whether this paragraph applies to a service, the question shall be determined by the Administration after consultation.</p> <p>(c) Paragraphs (a) and (b), to the extent determined by the Administration to be appropriate after consultation shall apply also to any recruitment and placement services operated by a seafarers' organisation in Saint Vincent and the Grenadines for the supply of seafarers who are nationals of Saint Vincent and the Grenadines to ships which fly its flag.</p> <p>(d) A service referred to in paragraph (c) is;</p> <p>(i) one which is operated pursuant to a collective bargaining agreement between that organisation and a shipowner;</p> <p>(ii) in relation to which both the seafarers' organisation and the shipowner are based in Saint Vincent and the Grenadines; and</p> <p>(iii) one in which the Administration has authorised the collective bargaining agreement permitting the operation of the recruitment and placement service.</p> <p>(e) The operator shall ensure that a service referred to in sub-paragraph (c) is operated in an orderly manner and shall put in place measures to protect and promote seafarers' employment measures comparable to the protection provided by sub-paragraph (g).</p> <p>(f) Any seafarer recruitment and placement service shall not;</p> <p>(i) use means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified; or</p> <p>(ii) require that fees or other charges for seafarer recruitment or placement or for providing employment to seafarers be borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner.</p> |
| | <p>(g) A seafarer recruitment and placement service in Saint Vincent and the</p> |

Grenadines shall:

- (i) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the Administration;
 - (ii) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
 - (iii) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;
 - (iv) make sure, as far as is practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
 - (v) examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint; and
 - (vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.
- (h) It shall be the duty of each shipowner to:
- (i) Ascertain that any seafarer recruitment and placement services which he uses for recruitment and placement of seafarers aboard any Saint Vincent and the Grenadines ship that are:
 - (1) based in States or territories in which the Convention applies is the holder of a valid licence, certificate, or other document, issued by the competent authority in such other States or territories to evidence compliance with Standard A.1.4 of the Code. The shipowner shall keep a copy of relevant documents as evidence of compliance;
 - (2) based in States and territories in which the Convention does not apply conform, as far as practicable, to the requirements set out in Standard A1.4. of the Code;
 - (ii) Request from the seafarer recruitment and placement services and keep in his possession a copy of the licence, certificate, or other document referred to in sub-paragraph (h)(i)(1); and,
 - (iii) Keep in his possession evidence to demonstrate he took adequate steps to verify compliance with Standard A.1.4 of the Code as required by sub-paragraph (h)(i)(2).

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| Title 2 – Conditions of employment | |
| <p>5</p> <p><i>Employment agreements</i></p> | <p>(a) The shipowner shall ensure that every seafarer has a seafarer's employment agreement that is agreed to and signed in accordance with the requirements in sub-paragraphs (a) to (e) of paragraph 1 of Standard A.2.1.</p> <p>(b) A collective bargaining agreement may form all or part of a seafarer's employment agreement provided that, if it does, a copy is available on-board in English.</p> <p>(c) A Saint Vincent and the Grenadines Seamen's Book shall be used as the record of employment on-board provided that no statement as to the quality of a seafarer's work or wages shall be included.</p> <p>(d) Every seafarer's employment agreement shall contain the particulars set out in sub-paragraphs (a) to (j) of paragraph 4 of Standard A.2.1.</p> <p>(e) In lieu of "birthplace" specified in sub-paragraph (a) of paragraph 4 of Standard A.2.1 the agreement may contain nationality as a substantially equivalent measure in accordance with Article VI of the Convention.</p> <p>(f) The duration of the minimum notice periods to be given by seafarers and shipowners on ships for the early termination of a seafarer's employment agreement shall be seven days.</p> <p>(g) A seafarer shall be entitled to terminate an employment agreement without notice and without penalty and in accordance with any collective bargaining agreement that is in place:</p> <ul style="list-style-type: none"> (i) on compassionate grounds where there has occurred the death or serious illness of a spouse, a partner or a child, or the death or serious illness of a parent in the case of a single seafarer; (ii) if the ship is detained for non-compliance with any of the provisions of the Convention, the SOLAS Convention or the Loadline Convention and has remained so detained for a period of 30 days; (iii) If the ship in which he is serving is arrested and remains under arrest for a period of 30 days; or (iv) If the vessel in which he is serving is about to sail into a warlike area as defined by the ship's insurers and to which the seafarer does not consent to go. <p>(h) A shipowner may terminate a seafarer's employment agreement without notice, or on less than 7 days notice, on any occasion when;</p> <ul style="list-style-type: none"> (i) the ship is sold, (ii) the ship is lost, (iii) the seafarer is unable to continue to perform his duties on-board as a result of injury or illness; or (iv) it is established through an agreed disciplinary process that the |

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| | seafarer is incompetent or has been involved in serious misconduct. |
| 6 <i>Payment of wages</i> | <p>(a) Definitions associated with wages and the calculation and payment of wages in these regulations shall be in accordance with the definitions and principles set out in Guideline B.2.2.1 and B.2.2.2 of the Convention.</p> <p>(b) Payments of wages due to seafarers shall be made at no greater than monthly intervals and in accordance with the seafarer's employment agreement and with any collective bargaining agreements, and</p> <p>(c) Seafarers shall be given a monthly account of the payments due and the amounts paid and the account shall specify at least;</p> <p>(i) wages,</p> <p>(ii) additional payments, and</p> <p>(iii) the rate of exchange used where the payment has been made in a currency or at a rate different from the one agreed to.</p> <p>(d) Seafarers shall be provided with a means to transmit all or part of their earnings to their families or dependents or legal beneficiaries. Such means shall include the measures referred to in paragraph 4 of Standard A2.2.</p> <p>(e) The rate of currency exchange associated with the measures to transmit wages in sub-paragraph (d) shall be the rate set and published internationally for currency transactions on the day of transmission and any charges for the service shall be reasonable and shall not include any charges in excess of those charged by the banks making the transactions.</p> <p>(f) For the purposes of the calculation of wages and payment of wages the requirements in Guideline B.2.2.2 paragraphs 1, 2, 3 and 4 shall apply and unless provided otherwise in an applicable collective bargaining agreement;</p> <p>(i) the normal hours per week for calculating basic pay shall be 48, and</p> <p>(ii) overtime shall be at a rate not less than 1.25 times basic pay.</p> <p>(g) Wages and principles governing their calculation established pursuant to the provisions of the Act prior to entry into force of these Regulations shall continue to apply to the extent applicable.</p> <p>(h) The Minister may publish a minimum wages list scales applicable to seafarers working aboard Saint Vincent and the Grenadines ships on the advice from the Administration, after consultation.</p> |
| 7 <i>Hours of rest</i> | <p>(a) Hours of rest means time outside hours when the seafarers are required to do work on account of the ship and does not include short breaks of less than one hour.</p> <p>(b) Except as provided in sub-paragraph (i), every seafarer shall be entitled to minimum hours of rest of not less than;</p> <p>(i) ten hours in any 24-hour period; and</p> <p>(ii) 77 hours in any seven-day period.</p> <p>(c) Hours of rest may be divided into no more than two periods, one of</p> |

which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

- (d) Time when a seafarer is on call may be regarded as rest time provided that he is not called to work during that time and if he is called to work during the time on call he shall be provided with adequate compensatory rest.
- (e) Musters, lifeboat drills, security drills and other drills and training exercises required by Saint Vincent and the Grenadines laws and by the applicable maritime conventions shall be arranged in such a manner as to minimise the disturbance to hours of rest and to avoid fatigue.
- (f) The requirements in sub-paragraphs (b) and (c) need not be complied with in a case of emergency or other overriding operational condition provided that on conclusion of the situation the seafarers involved receive suitable compensatory rest so that fatigue is avoided.
- (g) The Administration may, after consultation, agree and approve a collective bargaining agreement that varies from the standards in paragraphs (b) and (c) to allow for more frequent or longer leave periods, or the grant of compensatory leave for seafarers working on-board ships on short voyages provided that the agreement follows the intent of the standard.
- (h) Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution, or security duties may be exempted from the requirements of sub- paragraph (c) provided that:
 - (i) they receive not less than 70 hours rest in any 7 day period,
 - (ii) any exception shall not persist for more than two consecutive weeks, and
 - (iii) the period between any two periods of exception is not less than the period of exception.
- (i) Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution, or security duties may exceptionally have the hours of rest in sub-paragraph (b) divided into more than two periods, but no more than 3 periods, provided that:
 - (i) one period is at least 6 hours in length and the other two are not less than 1 hour,
 - (ii) the intervals between consecutive periods of rest are not more than 14 hours, and
 - (iii) any exception under this paragraph does not extend beyond two 24 hour periods in any 7 day period.

- (j) Nothing in sub-paragraphs (b), (c), (h), or (i) shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on-board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea and the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.
- (k) A table of the shipboard working arrangements shall be posted in accordance with Standard A2.3 paragraph 10. The table shall be in English and in the working language of the ship where that language is not English, and in the format published by the IMO/ ILO in the Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest or in a format recognisably similar.
- (l) Records of seafarers' daily hours of rest shall be maintained and copies kept on-board for a period of 3 years. The records shall be in the format published by the IMO/ ILO in the Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest or in a format recognisably similar.
- (m) Each seafarer shall receive a copy of the records pertaining to him which shall be endorsed by the master, or a person authorised by the master, and by the seafarer.
- (n) Records in electronic format may be accepted as meeting the requirements in sub-paragraphs (l) and (m) provided that:
- (i) each seafarer has ready access to his records,
 - (ii) each seafarer can obtain a printed copy at any reasonable time,
 - (iii) the records are electronically endorsed by the seafarer and the master or a person authorised,
 - (iv) the records, once endorsed, are protected against tampering and are accessible to Port State Control officers and to Saint Vincent and the Grenadines inspectors and authorized officers,
 - (v) the records are available on-board for a period of at least 3 years, and
 - (vi) the records are in a format recognisably similar to the format in

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| | the IMO/ILO Guidelines. |
| 8 <i>Leave</i> | <p>(a) Seafarers on ships shall be entitled to paid annual leave amounting to a minimum of 2.5 calendar days per month of employment paid at the seafarer's normal basic rate of pay or the rate specified in any collective bargaining agreement where that is higher.</p> <p>(b) Justified absences from work, periods off work due to illness or injury arising from work on-board, and attendance at approved maritime training courses shall not be considered annual leave. Temporary shore leave granted to a seafarer and Saint Vincent and the Grenadines public holidays shall not be counted as part of leave with pay.</p> <p>(c) Any agreement to forgo the minimum annual leave with pay is prohibited.</p> <p>(d) Seafarers shall be granted shore leave whenever possible and where the operational requirements of their position on-board permits it and shore leave shall not be counted against the requirement of annual leave.</p> |
| 9 <i>Repatriation</i> | <p>(a) Every ship subject to these Regulations shall have financial security which covers the cost of repatriation of seafarers in accordance with these Regulations.</p> <p>(b) Seafarers are entitled to repatriation at no cost to themselves:-</p> <p>(i) when the seafarer's employment agreement expires while the seafarer is abroad,</p> <p>(ii) when the seafarer's employment agreement is terminated by the employer in accordance with its terms,</p> <p>(iii) when the seafarer's employment agreement is terminated by the seafarer for justified reasons,</p> <p>(iv) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel,</p> <p>(v) in the event of shipwreck,</p> <p>(vi) in the event of the shipowner not being able to continue to fulfill his legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason, and</p> <p>(vii) in the event of a ship being bound for a war zone, as defined by national laws or regulations or seafarers' employment agreements, to which the seafarer does not consent to go.</p> <p>(c) The maximum duration of service periods on-board following which a</p> |

seafarer is entitled to repatriation in accordance with sub-paragraph (b)(iii) shall be specified in his employment agreement, but in every case shall not exceed 12 months.

- (d) The costs to be borne by a shipowner for repatriation under sub-paragraph (b) shall include the following;
 - (i) passage to the repatriation destination,
 - (ii) accommodation and food from the moment the seafarer leaves the ship until he reaches the repatriation destination,
 - (iii) pay and allowances from the moment the seafarer leaves the ship until he reaches the repatriation destination,
 - (iv) transportation of 30 kg of the seafarer's personal luggage to the repatriation destination; and
 - (v) medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.
- (e) The repatriation destination shall be the place where the seafarer was recruited unless the employment agreement specifies otherwise or the seafarer and the shipowner agree an alternative and the mode of transport to that destination shall normally be by air.
- (f) Seafarers shall not be required to make any contribution towards the cost of repatriation at the commencement of, or in advance of, their employment and the costs of repatriation shall not be recovered from a seafarer's wages or other entitlements except in a case where the seafarer is found to have been in serious default of his employment obligations.
- (g) Nothing in these Regulations shall prejudice the right of a shipowner to recover the cost of repatriation under third party contractual arrangements.
- (h) If a shipowner fails to make arrangements for, or to meet the cost of repatriation of seafarers serving in a Saint Vincent and the Grenadines ship who are entitled to be repatriated -
 - (i) The Administration shall arrange for the repatriation of the seafarers involved; and
 - (ii) Costs incurred by the Administration in meeting this obligation shall be recoverable from the shipowner;
- (i) The expense of repatriation shall in no case be a charge upon seafarers except as provided in sub-paragraph (f).
- (j) The right of repatriation in accordance with these regulations shall not be refused because of the financial circumstances of a shipowner or because of a shipowner's inability or unwillingness to replace a seafarer.
- (k) If the Administration has repatriated a seafarer pursuant to sub-paragraph (h), and costs incurred have not been recovered, it may arrest the ship until such costs are reimbursed, subject to any provisions in the Act relating to arrest of ships.
- (l) Where the details of requirements governing repatriation are not set out exactly in the seafarer's employment agreement, each seafarer shall

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| | <p>have access at any time and in an appropriate language, to the Saint Vincent and the Grenadines provisions in these Regulations.</p> <p>(m) Every ship subject to these regulations shall be in possession of a financial security system to assist seafarers in the event of their abandonment. The financial security system shall meet requirements of the Standard A2.5.2. The financial security system shall provide direct access, sufficient coverage and expedited financial assistance, in accordance with Standard A2.5.2 to any abandoned seafarer.</p> <p>The financial security system may be in the form of a social security scheme or insurance or a national fund or other similar arrangements.</p> <p>(n) A seafarer shall be deemed to have been abandoned as stipulated in Standard A2.5.2.2 and Standard A2.5.2.5.</p> <p>(o) Each vessel to which paragraph 1 or 2 of Regulation 5.1.3 apply shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.</p> <p>(p) The certificate or other documentary evidence of financial security shall contain the information required by Standard A.2.5.2.7. It shall be in English or accompanied by an English translation.</p> <p>(r) Assistance provided by the financial security system shall be in accordance with A.2.5.2 paragraphs 8 to 13.</p> <p>(s) Any amounts payable under this regulation can be offset against amounts received from other sources arising from any rights, claims or remedies that may be the subject of compensation under the present Standard.</p> |
| <p>10 <i>Seafarer's compensation</i></p> | <p>(a) In the case of loss or foundering of a ship, the shipowner shall indemnify each of the seafarers on-board against the unemployment caused by the loss, at the basic rate of the wages he would have earned up to a maximum of two months wages.</p> <p>(b) Nothing in sub-paragraph (a) shall prejudice any other rights a seafarer</p> |

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| | may have for losses or injuries arising from a ship's loss or foundering. |
| 11 <i>Manning</i> | <p>(a) All ships shall have a sufficient number of seafarers on-board in the appropriate positions to ensure that they are operated safely, efficiently and with due regard to security under all conditions.</p> <p>(b) A ship shall be deemed to be manned by a crew that is adequate, in terms of size and qualifications when it is manned in accordance with the Safe Manning Document issued by the Administration.</p> |
| Title 3 – Accommodation, recreational facilities, food and catering | |
| 12 <i>Accommodation</i> | <p>(a) Ships shall, subject to sub-paragraph (f), meet such standards to ensure that any accommodation for seafarers, working or living on-board is safe and decent.</p> <p>(b) The general standards for on-board accommodation and recreational facilities in ships for which the keels are laid, or which are at a similar stage of construction, on or after the date on which the Convention comes into force shall be as a minimum in accordance with Standard A3.1 paragraphs 6 to 17 of the Convention.</p> <p>(c) Ships constructed before the date on which the Convention enters into force shall maintain decent accommodation and on-board recreational facilities for seafarers and other persons working or living on-board. An attending Inspector should complete checklist for accommodation of existing ships on occasion of an initial inspection. The document should be retained on-board as long as the ship remains registered with Saint Vincent and the Grenadines. Any alteration other than substantial alteration of accommodation of existing ships shall be carried out in accordance with ILO Conventions C92 and C133. Any substantial alteration of accommodation of existing ships shall be carried out in accordance with the Convention.</p> <p>(d) Ships to which sub-paragraph (b) applies shall comply with the Guidelines in Part B.3.1 of the Convention as the national standards in so far as giving effect to the standards in A.3.1 paragraphs 6 to 17 are concerned and with any guidance that is issued by the Administration from time to time on the interpretation of those Guidelines and the technical standards required.</p> <p>(e) On any occasion when a ship is first registered or when the seafarer's accommodation is substantially altered an inspection of the accommodation and facilities provided for seafarers shall be carried out by the Administration or by a Recognised Organisation or by an inspector on behalf of Administration to verify compliance with the standards in these regulations.</p> <p>(f) In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the Administration may, after consultation, permit fairly applied variations in respect of sub-paragraphs (b) and (c).</p> |

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| | <p>(g) The Administration may, after consultation, exempt ships of less than 200 gross tons from the requirements in sub-paragraphs (b) and (c), in accordance with Standard A3.1 paragraph 20 but shall only do so in particular circumstances in which such exemption can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.</p> <p>(h) Every master of a Saint Vincent and the Grenadines ship shall ensure that weekly inspections, are made of the accommodation provided for seafarers to verify that it remains clean, decently habitable, and maintained in a good state of repair. Defects that are discovered during an inspection shall be rectified promptly and the results of each inspection, including any defects that are found, shall be recorded in the ship's deck log book and the records of inspections shall be retained on-board for at least 3 years and available for inspection to any inspector.</p> |
| <p>13 <i>Food and catering</i></p> | <p>(a) Ships shall carry on-board and serve food and drinking water, having regard to the number of seafarers on-board and the duration of the voyage, of appropriate quality, nutritional value, variety and quantity that adequately covers the requirements of the ship and takes into account differing cultural and religious backgrounds.</p> <p>(b) Food and drinking water provided to seafarers during their engagement on-board shall be at no charge to the seafarers.</p> <p>(c) Shipowners shall ensure that the organisation of the catering department and the equipment provided is such that adequate, varied, and nutritious meals are prepared and served in hygienic conditions.</p> <p>(d) Ship's operating with a manning level of 10 persons or more shall carry a competent and qualified ships cook.</p> <p>(e) A cook shall be qualified if he is 18 years of age or more and he:</p> <ul style="list-style-type: none"> (i) Is the holder of a valid certificate issued by; <ul style="list-style-type: none"> (1) an organization approved or recognized by the Administration; (2) a State which is party to the Convention or to the Certification of Ships Cooks Convention, 1946 (No.69); (ii) shall have served at sea for 3 months as second cook/cook assistant or 5 years in the catering department as steward. In both cases he/she shall have received training in handling foods, storage of foods on-board ships and hygiene in the galley food preparation areas; or (iii) possesses approved qualifications in cookery valid in a commercial cooking establishment. <p>(f) Approved in sub-paragraph (e)(iii) means approved by the Administration or by the competent authority of another State party to the Convention.</p> <p>(g) On a ship operating with a prescribed manning of less than ten and which does not carry a cook the shipowner shall ensure that anyone processing food in the galley is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on-board ship.</p> <p>(h) In any case where due to exceptional circumstances a qualified cook is not available, or has been required to leave a ship in which a qualified</p> |

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| | <p>cook is required, the Administration may issue a dispensation permitting another person to serve as cook for a period not exceeding one month or until the next suitable port whichever occurs first provided that the person taking on the role of cook has received instruction or training in food and personal hygiene and the handling and storage of food on-board.</p> <p>(i) The master of every Saint Vincent and the Grenadines ship shall ensure that weekly inspections are carried out of:</p> <p>(i) supplies of food and drinking water,</p> <p>(ii) spaces and equipment used for the storage and handling of food and drinking water, and</p> <p>(iii) galleys and other equipment for the preparation and service of meals.</p> <p>(j) Defects that are discovered during an inspection shall be rectified promptly and the results of each inspection, including any defects that are found, shall be recorded and the records of inspections shall be retained on-board for at least 3 years and available for inspection to any inspector.</p> |
| <p>Title 4 – Health protection, medical care, welfare and social security protection</p> | |
| <p>14</p> <p><i>Medical care on-board ship and ashore</i></p> | <p>(a) Every seafarer in a Saint Vincent and the Grenadines ship shall be provided, wherever practical and where necessary, with an opportunity to visit a doctor or a dentist without delay in any port of call.</p> <p>(b) Medical care, necessary dental care and health protection services provided to seafarers on-board, or in a foreign port shall, be provided at no cost to the seafarers.</p> <p>(c) Whenever it is necessary for a ship to arrange medical treatment for seafarers ashore the ship's master shall use the medical report form contained at Annex A to facilitate the treatment of the seafarers and such records, when completed, shall remain confidential.</p> <p>(d) Ships shall comply with Standard A4.1, paragraph 4, sub- paragraphs (a) to (c).</p> <p>(e) The matters prescribed in the Annex B to this Schedule are mandatory.</p> |
| <p>15</p> <p><i>Shipowners' liability</i></p> | <p>(a) Shipowners shall meet the standards set out in Standard A4.2.1, paragraph 1, sub-paragraphs (a)-(d).</p> <p>(b) The liability of the shipowner under Standard A4.2.1.2 for the expense of medical care and board and lodging is limited to a period of 16 weeks from the day of the injury or the commencement of the sickness, and may cease if and when the seafarer is in a position to claim medical benefits under any scheme of compulsory sickness insurance, compulsory accident insurance, or workers compensation for accidents.</p> <p>(c) Where the sickness or injury results in incapacity for work the shipowner shall be liable:</p> |

- (i) to pay full wages as long as the sick or injured seafarers remain on-board or until the seafarers have been repatriated in accordance with these Regulations; and
 - (ii) to pay wages at the seafarer's basic rate of pay or at the rate specified in any applicable collective bargaining agreement from the time when the seafarers are repatriated or landed until their recovery or until they are entitled to cash benefits under the laws of Saint Vincent and the Grenadines if earlier.
- (d) The shipowner shall not be liable to pay wages under sub-paragraph (b) in respect of a seafarer no longer on-board for a period longer than 16 weeks from the day of the injury or the commencement of the sickness.
- (e) The shipowner is not liable under sub-paragraphs (b) or (c) in respect of:
- (i) injuries incurred otherwise than in the service of the ship;
 - (ii) injury or sickness due to the wilful misconduct of the sick, injured or deceased seafarer; and
 - (iii) sickness or infirmity intentionally concealed when the engagement is entered into.
- (f) The shipowner is not liable for the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by any public authority.
- (g) Shipowners shall take measures for safeguarding property left on-board by sick, injured or deceased seafarers and shall be liable for the reasonable costs of returning it to them or to their next of kin.
- (h) Shipowners shall provide system of financial security required by Standard A4.2.1(b) for contractual claims, as defined in Standard A4.2.2 in accordance with Standard A4.2.1.8 paragraphs (a) to (e). The term "contractual claim" means any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard of seafarers as set out in these regulations, the seafarers' employment agreement or collective agreement.
- (i) The seafarer shall receive prior notification if a shipowner's financial security is to be cancelled or terminated.
- (j) This Administration shall be notified by the provider of the financial security if a shipowner's financial security is to be cancelled or terminated.
- (k) Every ship subject to these Regulations shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers.

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| | <p>Where more than one financial security provider provides over, the document provided by each provider shall be carried on board.</p> <p>(l) The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to this Administration.</p> <p>(m) The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.</p> <p>(n) The certificate or other documentary evidence of financial security shall contain the information required by Standard A.4.2.1.14. It shall be in English or accompanied by an English translation.</p> <p>(o) The system of financial security, as provided for in Standard A4.2.1, paragraph 1(b), may also be in the form of a social security scheme or insurance or fund or other similar arrangements. Its form shall comply with paragraph (n) of this Regulation.</p> |
| <p>16 <i>Health and safety protection</i></p> | <p>(a) Every shipowner shall put in place measures intended to ensure the health and safety of seafarers and the provision of a working environment on-board any ship for which they are responsible in which the occupational health of seafarers is protected and which is safe, clean and hygienic.</p> <p>(b) Without prejudice to the generality of the shipowner's duty under subparagraph (a), the matters to which that duty extends shall include in particular and so far as is practicable –</p> <ul style="list-style-type: none"> (i) the provision and maintenance of plant, machinery and equipment, and systems of work that are safe and without risk to health; (ii) arrangements for ensuring safety and absence of risk to health in connection with the use, handling, stowage and transport of articles and substances; (iii) the provision to the seafarers of such information, instruction, training and supervision as is necessary to ensure the health and safety of persons aboard ship; (iv) the maintenance of all places of work in the ship in a condition that is safe and without risk to health; and, (v) the provision and maintenance of an environment aboard ship that is safe and without risk to health. <p>(c) It shall be the duty of every shipowner to prepare and, as often as may be appropriate, revise a written statement of his general policy with respect</p> |

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| | <p>to the health and safety aboard ship and the arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of seafarers.</p> <p>(d) For ships registered in Saint Vincent and the Grenadines the standards and practices required for occupational health, risk analysis, safe working practices and measures to reduce the risk of exposure to harmful levels of ambient factors and chemicals and the risk of injury or disease shall be those set out in:-</p> <p>(i) The ILO Code – Accident prevention on-board ships at sea and in port 1996, and</p> <p>(ii) Such other guidance as the Administration may publish from time to time.</p> <p>(e) Every Saint Vincent and the Grenadines ship shall carry on-board an up to date copy of the ILO Code – Accident Prevention on-board Ships at Sea and in Port which may be in paper or electronic format provided that all the seafarers have access at any time to its content appropriate to their roles on-board.</p> <p>(f) No shipowner shall levy or permit to be levied on any seafarer any charge in respect of anything done in pursuance of sub-paragraphs (b) or (d).</p> <p>(g) All accidents, injuries and diseases occurring on-board any Saint Vincent and the Grenadines ship shall be reported to the Administration at the earliest possible opportunity following the occurrence in accordance with requirements published by the Administration.</p> <p>(h) In every Saint Vincent and the Grenadines ship in which there are five or more seafarers the shipowner shall arrange for a Safety Committee to be established. The Safety Committee shall include representatives from all departments on-board.</p> |
| <p>Title 5 – Compliance and enforcement</p> | |
| <p>17 <i>Recognised organisations</i></p> | <p>(a) The Classification Societies, members of the International Association of Classification Societies (IACS), which are recognised by the Administration and with which there is in place an agreement and provided that the Administration has satisfied itself as to their capability as required by Regulation 5.1.2 of the Convention, are recognised by the Administration as recognised organisations for the conduct of inspections and the issue of certification in accordance with these regulations.</p> <p>(b) The Administration may from time to time authorise other recognised organisations and enter into an agreement with them.</p> <p>(c) The recognised organisations referred to in sub-paragraphs (a) and (b) shall have the authority defined in the agreement between them and the Administration and shall, in particular, have power to require the rectification of deficiencies that its surveyors identify in seafarer’s</p> |

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| | <p>working and living conditions and to carry out inspections in this regard at the request of Port State Control.</p> |
| <p>18 <i>Certification</i></p> | <p>(a) Except as provided in sub-paragraph (b), every Saint Vincent and the Grenadines ship of 500 GT or over engaged in international voyages or operating from a port, or between ports, in another country shall carry:</p> <ul style="list-style-type: none"> (i) A valid Maritime Labour Certificate conforming to the model set out in the Convention, and (ii) A Declaration of Maritime Labour Compliance conforming to the model set out in the Convention. <p>(b) An Interim Maritime Labour Certificate valid for not more than 6 months may be issued to a ship in accordance with Standard A5.1.3 when:</p> <ul style="list-style-type: none"> (i) it is a new ship on its delivery, (ii) it is a ship that has changed from another flag to the Saint Vincent and the Grenadines flag, or (iii) a shipowner assumes responsibility for the operation of the ship when the ship is new to him. <p>(c) A vessel of less than 500 GT need not carry a Maritime Labour Certificate and Declaration of Maritime Labour Compliance but may elect to do so.</p> <p>(d) A Maritime Labour Certificate and Declaration of Maritime Labour Compliance issued in accordance with these Regulations shall cease to be valid:</p> <ul style="list-style-type: none"> (i) If any of the inspections are not completed within the periods specified in the Convention, (ii) If the certificate is not endorsed in accordance with the Convention, (iii) If the ship changes flag to another flag, (iv) When a shipowner ceases to have the responsibility for the operation of the ship, or (v) When substantial changes are made to the structure or equipment covered by Title 3 of the Convention. <p>(e) The Administration or a recognised organisation on its behalf may withdraw a Maritime Labour Certificate from any Saint Vincent and the Grenadines ship, taking into account the seriousness or the frequency of any deficiencies if there is evidence that the ship concerned does not comply with the requirements of the Convention and these Regulations and any required corrective action has not been taken.</p> <p>(f) Without prejudice to Part XVIII of the Act (Enforcement Officers and Powers), the appointment of inspectors for the verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed, and that the requirements of the Convention are met, and the</p> |

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| | <p>conduct of such inspections, shall be in accordance with Standard A5.1.4</p> <p>(g) The Administration may authorize an inspector referred to in sub-paragraph (f) to require the rectification of deficiencies identified in seafarer's working and living conditions and to carry out inspections in this regard at the request of Port State Control.</p> <p>(h) Nothing in paragraph 7(c) of Standard A5.14 shall affect any right of appeal to the High Court against administrative action.</p> <p>(i) If the shipowner proves that there was not reasonable and probable cause for action taken by an inspector, the Minister shall pay him compensation for loss or damage caused by the action.</p> |
| <p>19 <i>Complaints</i></p> | <p>(a) No person shall victimise any seafarer for filing a complaint and victimisation shall be an offence subject to the penalties specified in Regulation 10 of these regulations.</p> <p>(b) Every shipowner shall develop a formal complaints procedure that is available to all the seafarers on-board ships for which he is responsible. The procedure shall;</p> <p>(i) seek to resolve complaints at the lowest level possible but shall not prevent a seafarer from making a complaint directly to the ship's master , shipowner, the Administration or to the competent authority in the seafarer's country of residence, where the seafarer considers it necessary or appropriate,</p> <p>(ii) provide for the seafarer making a complaint to have the right to be accompanied or represented during the procedure,</p> <p>(iii) include safeguards against victimisation of any seafarer making a complaint where victimisation includes any adverse action taken against a seafarer by any person following a complaint which is not malicious or vexatious.</p> <p>(c) Notwithstanding the general standards in sub-paragraph (b) a complaints procedure shall ensure that:</p> <p>(i) Complaints are addressed to the head of the department in which the seafarer works or to his superior officer,</p> <p>(ii) Resolution is attempted by the head of department or the superior officer within seven days,</p> <p>(iii) When resolution by the head of department or the superior officer is not successful the seafarer can take the matter to the master who shall deal with it within a period of seven days,</p> <p>(iv) Any seafarer making a complaint is allowed to be accompanied and to be represented by another seafarer of their choice on-board the ship,</p> <p>(v) All complaints and the decisions made are recorded and a copy of</p> |

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| | <p>the record is made available to the seafarer concerned,</p> <ul style="list-style-type: none"> (vi) When a complaint cannot be resolved on-board the seafarer then has ten days to refer to the shipowner or his representative ashore, through the Master, who shall resolve the matter within thirty days, (vii) the shipowner or his representative and the seafarer shall have a period of thirty days to resolve the matter, (viii) if thereafter the matter is not resolved, either party may within thirty days bring the matter to the Administration for resolution. <p>(d) Every seafarer shall be provided with a copy of the on-board complaints procedure put in place by the shipowner and with the Administration's contact information and contact information for the maritime authorities in the seafarer's country of residence.</p> <p>(e) Every seafarer shall be provided, in addition to the complaints procedure, with the name of the person or persons on-board who can, on a confidential basis, provide them with impartial advice on a complaint or otherwise assist them.</p> <p>(f) In accordance with Article VI of the Convention the Administration accepts as a substantial equivalent, provision of the identity of a position on-board as meeting the requirements of sub-paragraph (e).</p> |
| <p>20 <i>Port state control</i></p> | <ul style="list-style-type: none"> (a) Every ship which is not a Saint Vincent and the Grenadines ship calling, in the normal course of its business or for operational reasons, in a port in Saint Vincent and the Grenadines may be the subject of inspection for the purpose of reviewing compliance with the requirements of the Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship. (b) Inspections under sub-paragraph (a) shall be carried out by authorised officers. The conduct of such inspections, including action taken as a result of them, shall be in accordance with Standard A5.2.1, paragraphs 1 to 6. (c) If the shipowner proves that the ship was unduly delayed or detained as a result of an inspection under sub-paragraph (a) the Minister shall pay him compensation for loss or damage caused by the action. (d) Seafarers in a Saint Vincent and the Grenadines ship in any port and seafarers on Saint Vincent and the Grenadines ships and other ships calling at a port in Saint Vincent and the Grenadines who allege a breach of the requirements of the Convention (including seafarers' rights) have the right to report such a complaint in order to facilitate a prompt and practical means of redress. (e) Such reports shall be made to an authorised officer at the port where the ship is located. (f) When such a complaint is made by seafarers on a ship in a port in Saint |

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| | <p>Vincent and the Grenadines the authorised officer shall be the Administration and the investigation and inspection shall be in accordance with the requirements in Standard A.5.2.</p> |
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Annex B

Paragraph 14(e)

Medical care on-board ship

Medical stores

1. Ships shall continue to comply with guidance issued by the Administration from time to time concerning medical stores to be carried aboard ship.

Medical training

2. With regard to the level of medical training to be provided on-board ships that are not required to carry a medical doctor:

(a) ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours shall have at least one designated seafarer with the approved medical first-aid training required by STCW Convention which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on-board a ship and to make use of medical advice by radio or satellite communication; and

(b) all other ships shall have at least one designated seafarer with approved training in medical care required by STCW Convention, including practical training and training in life- saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on-board.

3. The training referred to in paragraph 2 of this Annex shall be based on the contents of the most recent editions of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance - An International Maritime Training Guide, and the medical section of the International Code of Signals.

4. Persons referred to in paragraph 2 of this Annex and such other seafarers as may be required by the Administration shall undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.