



Maritime Circular No.15

To:

Ship – Owners / Managers / Operators, Registration Officers (RegOffs), Recognised Organisations (ROs), Flag State Inspectors (FSI), SLMARAD Departments (All)

Subject:

Maritime Labour Convention (MLC), 2006 Procedure

Date:

19th June 2023

References:

Maritime Labour Convention, 2006

Purpose

To provide guidelines on the inspection and certification of vessels flying the Sierra Leone flag with the requirements of the Maritime Labour Convention, 2006.

Application

1. Ships:

- a. The MLC, 2006 applies to all ships as so defined, whether publicly or privately owned, that are ordinary engaged in commercial activities except:
 - i. Ships engaged in fishing or in similar pursuits;
 - ii. Ships of traditional build such as dhows and junks;
 - iii. Warships or naval auxiliaries.
- b. Paragraph 5, Article II of the MLC, 2006 recognizes that there may be situations where there is a doubt as to whether it applies to a ship or particular category of ships. In the event of doubt, SLMARAD must be contacted to make a determination on the question.
- c. The following ships must be inspected and certified as been in compliance with the MLC, 2006 and carry a Maritime Labour Certificate and the Declaration of Maritime Labour Compliance Parts I and II:
 - i. Ships of 500 gross tonnage or above, engaged in international voyages;
 - ii. Ships of 500 gross tonnage and above, operating from a port, or between ports, in another country;
 - iii. Other ships, as may be voluntarily requested by a Shipowner.
- d. The requirements of Regulation 3.1 for accommodation and recreational facilities as well as the related Code apply only to ships constructed on or after 20th of August 2013. A ship is considered to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

2. Seafarers:

- a. The MLC, 2006 applies to all persons who are employed or are engaged or work in any capacity on board a ship to which the Convention applies.
- b. Paragraph 3 of Article II of the MLC, 2006 addresses the cases where it is not clear whether a worker or category of workers are considered as “seafarers” covered by the Convention. In the event of doubt, SLMARAD must be contacted to make a determination on the question. In order to determine whether a category of workers are to be regarded as “seafarers” covered by the Convention, the following factors will be taken into consideration by SLMARAD:
 - i. Duration on board of the persons concerned
 - ii. Frequency of periods of work spent on board
 - iii. Location of the person’s principal place of work
 - iv. Purpose of the person’s work on board
 - v. Protection provided to the person concerned with regard their labour and social conditions

3. Certification requirements

- a. Ships required to be inspected and certified for compliance with the MLC, 2006 (refer to paragraph 1.c, above) must carry and maintain on board a Maritime Labour Certificate as well as a Declaration of Maritime Labour Compliance (DMLC), Parts I and II.
- b. The DMLC Part I is drawn up by SLMARAD and includes the following information:
 - i. The list of matters to be inspected in accordance with the MLC, 2006 (i.e., the 16 areas listed in Appendix A5-I, refer to paragraph 4.a below);
 - ii. In each of those areas, the national requirements embodying the relevant provisions of the Convention;
 - iii. Ship-type specific requirements under national legislation;
 - iv. Record any substantially equivalent provisions; and
 - v. Clearly indicate any exemption granted by SLMARAD as provided in Title 3 of the MLC, 2006.
- c. The DMLC Part II is to be drawn up by the Shipowner (for the definition of Shipowner refer to paragraph 1(j) of Article II of the MLC, 2006) and certified by the duly authorized Recognized Organization (RO) (refer to paragraph 4.d below). The DMLC Part II must identify the measures adopted to ensure ongoing compliance, between inspections, with the national requirements, stated in the DMLC Part I, and the measures proposed to ensure that there is continuous improvement.
- d. Interim Maritime Labour Certificate:
 - i. An Interim Maritime Labour Certificate must be issued:
 - To new ships on delivery;
 - When a ship changes flag; or
 - When a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.

- ii. An Interim Maritime Labour Certificate may be issued for a period not exceeding six months by the Recognized Organization (refer to paragraph 4.d below) duly authorized for this purpose.
 - iii. A Declaration of Maritime Labour Compliance need not be issued for the period of validity of the Interim Certificate.
 - iv. An Interim Maritime Labour Certificate may be issued for a period not exceeding six months. No further Interim certificate(s) may be issued following the initial six months.
- e. Maritime Labour Certificate:
- i. A Maritime Labour Certificate must be issued to each ship following a successful initial inspection and verification by the RO (refer to paragraph 4.d below).
 - ii. The Maritime Labour Certificate must be issued by the duly authorized RO for a period which shall not exceed five years, upon successful inspection and verification of Sierra Leone requirements as outlined in the DMLC Part I implementing the provisions of the Convention regarding the working and living conditions of seafarers on the ship, including measures for ongoing compliance which are included in the declaration of maritime labour compliance.
 - iii. The validity of the Maritime Labour Certificate shall be subject to an intermediate inspection by the RO to ensure continuing compliance with the Administrations requirements implementing the provisions of the Convention, and it shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of the year which will correspond to the date of expiry of the Maritime Labour Certificate. The scope of the intermediate inspection shall be equal to an inspection for renewal of the certificate. The certificate shall be endorsed by the RO following satisfactory intermediate inspection.
 - iv. Notwithstanding paragraph 3.e.ii above, when the renewal inspection has been completed within three months before the expiry of the existing Maritime Labour Certificate, the new Maritime Labour Certificate must be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing certificate. In such a case the period of validity may exceed five (5) years.
 - v. When the renewal inspection is completed more than three (3) months before the expiry date of the existing Maritime Labour Certificate, the new Maritime Labour Certificate must be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.
- f. A Maritime Labour Certificate ceases to be valid:
- i. If the relevant inspections are not completed within the periods prescribed by the MLC, 2006;
 - ii. If the Certificate is not endorsed following an intermediate inspection;
 - iii. When a ship changes flag;
 - iv. When a Shipowner ceases to assume the responsibility for the operation of a ship; and

- v. When substantial changes have been made to the structure or equipment covered in Title 3 of the MLC, 2006.
- g. Under paragraphs 16 and 17 of Standard A5.1.3, a Maritime Labour Certificate must be withdrawn if there is evidence that the ship concerned does not comply with the requirements of MLC, 2006 and any required corrective action has not been taken.
- h. The existing Maritime Labour Statement of Compliance must be replaced with the Maritime Labour Certificate. The completion date of the inspection on which the Certificate is based as well as the validity date must be identical to the dates mentioned in the latest Maritime Labour Statement of Compliance.

4. Inspection requirements

- a. As per paragraph 1 of Standard A5.1.3, the 14 areas in the working and living conditions of seafarers that must be inspected and certified as complying with the national laws and regulations or other measures implementing the requirements of the MLC, 2006 is contained in Appendix A5-I to the Convention. These areas are:
 - i. Minimum age
 - ii. Medical certification
 - iii. Qualifications of seafarers
 - iv. Seafarers' employment agreements
 - v. Use of any licensed or certified or regulated private recruitment and placement service
 - vi. Hours of work or rest
 - vii. Manning levels for the ship
 - viii. Accommodation
 - ix. On-board recreational facilities
 - x. Food and catering
 - xi. Health and safety and accident prevention
 - xii. On-board medical care
 - xiii. On-board complaint procedures
 - xiv. Payment of wages
 - xv. Financial Security for repatriation
 - xvi. Financial Security relating to shipowner's liability
- b. During the interim Inspection:
 - i. The ship must be inspected, as far as reasonable and practicable, in the 16 areas (see paragraph 4.a, above);
 - ii. The Shipowner has demonstrated to the RO that the ship has adequate procedures to comply with the Convention;
 - iii. The master is familiar with the requirements of the Convention and the responsibilities for implementation; and
 - iv. Relevant information has been submitted to the RO to produce a declaration of maritime labour compliance.
- c. During Initial / Intermediate / Renewal Inspections:

- i. The 16 areas in the working and living conditions of seafarers must be inspected and certified as complying with the national laws and regulations or other measures implementing the requirements of the MLC, 2006 as contained in Appendix A5-I to the Convention (refer to paragraph 4.a, above);
 - ii. In addition to the above 16 areas, the vessel must also be inspected for the entitlement to leave (Regulation 2.4) Repatriation (Regulation 2.5), Shipowner's Liability (Regulation 4.2) and Social Security (Regulation 4.5) requirements of the MLC, 2006.
- d. SLMARAD has authorized the following Recognized Organizations (RO) to carry out inspections and issue certificate under the MLC, 2006:
- i. Alpha Ship Classification (CLASSAS)
 - ii. American Bureau of Shipping (ABS)
 - iii. Asian Shipping Classification Services (ASCS)
 - iv. Bureau Veritas (BV)
 - v. China Classification Society (CCS)
 - vi. Dromon Bureau of Shipping (DBS)
 - vii. Eastern Marine Service Co., Ltd (ClassEM)
 - viii. ForeSight Ship Classification (FSClass)
 - ix. International Naval Surveys Bureau (INSB)
 - x. Korean Register of Shipping (KRS)
 - xi. Lloyd's Register (LR)
 - xii. Maritime Lloyd (ML)
 - xiii. New United Marine Services LT (NUMS)
 - xiv. Overseas Marine Certification Service, Inc. (OMCS)
 - xv. Polski Rejestr Statkow S.A. (PRS)
 - xvi. RINA Services S.p.A (RINA)
 - xvii. Russian Maritime Register of Shipping (RMRS)
 - xviii. Sing Lloyd (SGL)
 - xix. Union Bureau of Shipping (UBS)
- e. The above mentioned ROs are authorized to:
- i. Issue an Interim Maritime Labour Certificate in accordance with the provisions of Article V and Title 5 of the MLC, 2006;
 - ii. Issue a Maritime Labour Certificate in accordance with the provisions of Article V and Title 5 of the MLC, 2006;
 - iii. Endorse the Maritime Labour Certificate, as applicable, in accordance with the provisions of Article V and Title 5 of the MLC, 2006;
 - iv. Endorse the Declaration of Maritime Labour Compliance Part II;
 - v. Request the rectification of deficiencies that have been identified in seafarers' working and living conditions on board.

5. The above will enter into effect as of 19th June 2023.

For additional information please contact SLMARAD at info@slmarad.com

Revision Status

Date	Revision	Comments - Changes
10/01/2017	0	Initial – Adopted

19/07/2017	1	Corrections to paragraphs 3b-i, 4a, 4b-i & 4c-i to be aligned with 2014 amendments of MLC,2006
29/08/2017	2	Updated the list of authorized ROs
01/08/2019	3	Updated the list of authorized ROs
18/03/2020	4	Updated the list of authorized ROs
30/12/2021	5	Updated the list of authorized ROs
06/12/2022	6	Updated the list of authorized ROs
08/12/2022	7	Updated the list of authorized ROs
19/06/2023	8	Corrections to paragraphs 1c,3,4d,4e