



# MGN 490 (M) Amendment 1

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## MARITIME LABOUR CONVENTION: Application to small vessels of less than 200GT that are ordinarily engaged in commercial activities.

**Notice to all workboat owners, operators and managers, seafarers, designers, builders and surveyors**

*This amendment updates and replaces the information contained in MGN 490 (M) previously published in August 2013.*

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### Summary:

This note provides guidance on the application of the Maritime Labour Convention, 2006 to small vessels<sup>1</sup> under 200GT, including:

- Information on what vessels the MLC applies to and how it applies;
- The substantially equivalent accommodation standards agreed by the UK Tripartite Working Group for UK vessels under 200GT; and
- The procedures for having vessels inspected and certified.

## 1. Introduction

1.1 The Maritime Labour Convention, 2006 (MLC) came into force internationally on the 20<sup>th</sup> August 2013. The MLC consolidates and updates over 60 maritime labour instruments adopted by the International Labour Organization (ILO), introduces some new standards, as well as consolidating and updating existing requirements. The MLC applies standards to vessels which have not previously been covered by international convention. The MLC provides a comprehensive set of global maritime standards for all seafarers on vessels to which the MLC applies.

1.2 The MLC applies to all seafarers, meaning any persons who are employed or engaged in or work in any capacity on-board vessels covered by the MLC, whose normal place of work is on a ship. This includes all ships ordinarily engaged in commercial activities, other than vessels which navigate exclusively in inland waters or sheltered waters or areas where port regulations apply.

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<sup>1</sup> For the purposes of this Note and MLC interpretation, "vessel" has the same meaning as "ship". A ship is defined in §.313 of the Merchant Shipping Act 1995 (Ch.21).



1.3 The MLC will be fully in force for UK vessels from 7<sup>th</sup> August 2014, a year after the date the UK ratified the Convention.

1.4 Provision is made in the MLC for “substantial equivalence” where it is not possible to comply with the standards. The UK government, along with shipowner and seafarer representatives in a tripartite working group has developed accommodation standards for vessels of less than 200GT which are substantially equivalent to the accommodation standards in the MLC. This guidance describes those equivalent arrangements and how the vessel may be inspected and certificated to demonstrate compliance with all requirements of the MLC.

1.5 The shipowner<sup>2</sup> is legally responsible for ensuring that all provisions of the MLC are complied with. This responsibility is transposed into UK law. However the seafarer also has responsibility to comply with the relevant conditions of the MLC.

1.6 The Maritime and Coastguard Agency (MCA) recognises that the implementation of the MLC for small vessels will require operators to make changes to their operating procedures which may take time to implement. There may be some unforeseen circumstances which will require further consideration and clarification from MCA on the appropriate policy. However, when a UK shipowner wishes to operate their ship in a country other than the UK, it is their responsibility to ensure that the ship is compliant with the MLC.

## **2. Application of the Maritime Labour Convention, 2006.**

2.1 The UK has interpreted “all ships ordinarily engaged in commercial activities” to mean all vessels that are not pleasure vessels<sup>3</sup>. This includes small commercial vessels certified under the MCA’s Small Commercial Vessel Codes of Practice<sup>4</sup> and any other small vessel

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<sup>2</sup> In the UK “Shipowner” means –

(a) in relation to a ship which has a valid Maritime Labour Certificate, the person identified as the shipowner on that Certificate.  
(b) in relation to any other ship, the owner of the ship or, if different, any other organisation or person such as the manager, or the bareboat charterer, that has assumed the responsibility for the ship from the owner.

<sup>3</sup> “pleasure vessel” means-

(a) any vessel which at the time it is being used is:

(i)

(aa) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on-board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

where in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner, and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

<sup>4</sup> The Safety of Small Commercial Motor Vessels - A Code of Practice;  
The Safety of Small Commercial Sailing Vessels - A Code of Practice;  
The Code of Practice for the Safety of Small Workboats & Pilot Boats;  
The Code of Practice for the Safety of the Small Vessels in Commercial Use for Sport or Pleasure Operating from a Nominated Departure Point (NDP); and  
The equivalent provisions provided by the Annex to MGN 280 (M) – Small Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats – Alternative Construction Standards.



that is not a registered fishing vessel, pleasure vessel, ship of traditional build, warship, or naval auxiliary (see paragraph 3.1).

2.2 The MLC does not apply to vessels navigating exclusively within inland or sheltered waters or areas where port regulations apply. The UK interpretation of this is that the MLC does not apply to United Kingdom ships<sup>5</sup> operating on domestic voyages within 60 miles of a UK safe haven. A domestic voyage for a UK ship is a voyage that starts and finishes in the UK without the vessel going to a port in another State. However, where earlier UK legislation covering some requirements of the MLC applied to all seagoing ships regardless of their area of operation, the new legislation will continue to apply.

2.3 The MLC will apply to all United Kingdom ships on international voyages, and to United Kingdom ships which operate on a voyage from a State other than the UK, and return to that same state without visiting any other State. The MLC will also apply to United Kingdom ships on domestic voyages which proceed further than 60 miles from a UK safe haven<sup>6</sup>. Any UK vessel to which the MLC applies in the waters of a State for which the MLC is in force will need to comply with the MLC. Furthermore, any UK vessel to which the MLC applies, operating in the waters of a State that has ratified the MLC, will receive no more favourable treatment than a vessel flying the flag of that State under Article V(7) of the MLC.

2.4 Non-UK vessels to which the MLC applies, operating around the UK, including those that do not make other international voyages will be required to comply with the MLC.

2.5 See Table 1 below which illustrates which vessels the MLC applies to.

### **3. Vessels which are not covered by the MLC**

3.1 The MLC does not apply to registered fishing vessels, pleasure vessels, ships of traditional build<sup>7</sup>, warships, or naval auxiliaries. However, for the application of individual provisions, see the relevant statutory instrument and supporting guidance.

3.2 Owners and operators of vessels not covered by the MLC should be aware that the UK legislation covering all of the requirements of the MLC has been updated which may place revised duties on them. Merchant Shipping Notices (MSN) and Marine Guidance Notes (MGN) have been issued to accompany legislative changes.

3.3 Small vessels that are used solely on bareboat charter, where there are not seafarers onboard, being used for the sport or pleasure of the charterer(s), are not considered by the UK to be covered by the MLC.

3.4 See Table 1 below which illustrates which vessels the MLC applies to.

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<sup>5</sup> "United Kingdom ship" means a ship which is—

- (a) a United Kingdom ship within the meaning of section 85(2) of the Act,
  - (b) a Government ship within the meaning of section 308(4) of the Act which is ordinarily engaged in commercial maritime operations, or
- a hovercraft registered under the Hovercraft Act 1968<sup>(5)</sup>

<sup>6</sup> "Safe haven" means a harbour or shelter of any kind which affords safe entry and protection from the force of weather.

<sup>7</sup> This means built using traditional construction techniques that were common when that style of vessel was first built. It does not mean a traditional style ship built using modern construction techniques. The purpose of this clause in the MLC is to preserve traditional ship building techniques.



**Table 1 – Application of the MLC**

	Pleasure vessel	Small Commercial Vessel (Coded)	Small Commercial Vessel (non-coded)	Small commercial vessel used solely on bareboat charter <sup>8</sup>	Large Commercial Yacht (<200GT)	Registered Fishing Vessel	Traditional Ship	Warship	Naval auxiliary
UK Inland Waters	x	x	x	x	x	x	x	x	x
UK vessel on a domestic voyage no more than 60 miles from a UK safe haven	x	x	x	x	x	x	x	x	x
UK vessel on a domestic voyage operating more than 60 miles from a UK safe haven	x	✓	✓	x	✓	x	x	x	x
UK vessel on an international voyage	x	✓	✓	x	✓	x	x	x	x
Non-UK vessel operating in the UK	x	✓	✓	x	✓	x	x	x	x

✓ – The MLC applies in these circumstances

x – The MLC does not apply in these circumstances

For the purposes of this table “small” means <24m load line length, or <150grt if the vessel was built before 21 July 1968. “Large” means ≥24 metres load line length, or ≥150grt if the vessel was built before 21 July 1968.

#### **4. MLC 2006 Standards**

4.1 The MLC covers a wide range of standards for the protection and welfare of seafarers. The UK has made provision for substantially equivalent accommodation standards for small vessels (see section 5 below), but other requirements of the MLC apply as they would to all other ships.

4.2 To transpose the MLC into UK national law the UK has revised and made a number of statutory instruments which have been consulted upon publicly. Additional guidance on the application of the legislation has also been published. A full list of the standards covered by the MLC is included as Annex 2 to this guidance.

#### **5. Substantially equivalent accommodation standards**

5.1 Article VI (3) of the MLC allows a Member State to implement through provisions in its laws and regulations or other measures which are substantially equivalent to the provisions of Part A of the MLC. The UK government has consulted shipowners and seafarer’s

<sup>8</sup> Bareboat charter in this case means vessels that are used solely on bareboat charter, where there are not paid crew onboard, being used for the sport or pleasure of the charterer(s).



representatives and developed substantially equivalent standards for the accommodation on new<sup>9</sup> vessels which are less than 200GT.

- 5.2 It was recognised at an early stage that the accommodation standards in the MLC would be difficult to apply to small vessels. Therefore the UK government worked closely with vessel designers, builders, and seafarers to develop pragmatic standards for small vessels to comply with. These substantially equivalent standards are published as Annex 1 to this guidance. These standards only apply to vessels constructed on or after 20 August 2013. New<sup>9</sup> United Kingdom vessels to which the MLC applies must either fully comply with the requirements of Part 7 of the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations, 2014 (S.I. 2014/1613) and MSN 1844(M) or the substantially equivalent standards published in Annex 1 to this guidance. ‘Cherry-picking’ of standards from each shall not be permitted because they each form a package of measures.
- 5.3 Vessels constructed of fibre reinforced plastic, or similar materials, will be considered to be at a similar stage of construction to having their keel laid if they have had more than 5% of the hull resin and reinforcement laid.
- 5.4 Existing<sup>9</sup> vessels will not be required to comply with the accommodation standards in the MLC, or the substantial equivalence, subject to them complying with standards which applied before that date, unless they are substantially reconstructed or altered.
- 5.5 MLC Standard A3.1.20 allows Members to exempt ships under 200GT from some requirements of the MLC. This includes the requirements for air conditioning, minimum cabin sizes, wash basins in sleeping rooms and laundry facilities on-board. The UK has adopted this exemption for ships under 200GT.

## **6. Inspection of small vessels**

### **Procedures**

#### **6.1 Flag State Inspection**

- 6.1.1 MCA has authorised its recognised Small Commercial Vessel Certifying Authorities to carry out the required MLC inspections on vessels that they certify under the UK small commercial vessel codes of practice as part of their normal survey regime.
- 6.1.2 Owners of other small vessels <200GT, to which the MLC will apply, will need to contact the MCA to arrange to have an inspection undertaken on their vessel. Owners of Large Commercial Yachts should contact Ensign – Large Yacht Services to have their vessel inspected.
- 6.1.3 The MLC requires each vessel to be inspected at least every 36 months. This fits with the renewal/intermediate survey regime applied to all small commercial vessels certified under the UK small commercial vessel codes of practice, so it is anticipated that such a small commercial vessel will receive an inspection at each initial/renewal and intermediate survey.

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<sup>9</sup> To demonstrate compliance with the MLC in other States, the UK recommends that shipowners consider a new vessel to be those vessels with their keels laid, or are at a similar stage of construction, on or after the 20<sup>th</sup> August 2013, as their national law may make that the date for commencement of standards in compliance with the MLC. For the same reason, the UK recommends that shipowners consider an existing vessel to be those vessels with their keels laid, or are at a similar stage of construction, before the 20<sup>th</sup> August 2013.



6.1.4 There are 14 inspection items under the MLC, although all provisions of the MLC must be complied with:

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

6.1.5 MCA or its authorised Certifying Authorities will expect to see evidence of compliance for all elements of the inspection. Some of the items are hardware items which should be easily demonstrable during the onboard inspection, other elements may be submitted by other means, such as by electronic means or by post, to demonstrate compliance with the applicable provisions of the legislation. Further details on what may be inspected and what evidence of compliance should be provided, as a minimum, may be found in Annex 3 to this guidance.

6.1.6 Shipowners are encouraged to provide the following documents to the inspector to demonstrate their compliance with the requirements under United Kingdom legislation implementing the Maritime Labour Convention, 2006.

- .1 If, applicable, a list of hazardous work for young persons, risk assessment for workers under 18 years of age, specific to the risks for young persons (see MGN 1838(M)).
- .2 Evidence that any Recruitment and Placement Service used was based in a country which has ratified the Maritime Labour Convention, or other evidence of MLC compliance such as certification by a flag State administration or a report of a successful and sufficiently thorough audit by the shipowner or suitable third party organisation.
- .3 If applicable, copy of the Collective Bargaining Agreement.
- .4 A copy of the Seafarers Employment Agreement(s) for seafarers serving on that ship.
- .5 Where the Seafarers Employment Agreement is signed by a representative of the shipowner, a copy of the manning agreement between the shipowner and the representative of the shipowner.
- .6 A copy of the shipowner's evidence of financial security for repatriation of seafarers (e.g. Certificate and Document of Insurance).
- .7 A copy of the shipowner's evidence of financial security to assure compensation in case of seafarer's death or long-term disability due to an occupational injury, illness or hazard (e.g. Certificate and Document of Insurance).
- .8 A copy of the form of ship board working arrangements for use on-board the ship.





.9 A copy of the form of daily hours of rest for use on-board the ship.

.10. A copy of the shipowner's health and safety policy.

.11 A copy of the shipowner's on-board complaint procedures.

6.1.7 MCA has provided the format for an Inspection Report form to Certifying Authorities for their surveyors to complete and issue to owners/operators following inspection. A blank version may be found as Annex 3 to this Note. This will indicate to port State control inspectors that the UK/MCA is satisfied that the vessel is compliant with the UK's national legislation implementing the MLC. Such a form shall not be issued until the vessel owner has demonstrated that all 14 elements of the inspection are being complied with to the satisfaction of the MCA or Certifying Authority. A Small Commercial Vessel or Workboat Certificate shall not be endorsed as MLC compliant for international voyages unless this process has been completed to the satisfaction of the Certifying Authority. Certifying Authorities may charge for the additional work they will need to undertake to confirm that a vessel is compliant with the MLC.

6.1.8 MCA retains its right to inspect vessels at any time where there are reasonable grounds, and in the case of MLC standards, it will be backed up by the statutory complaints procedures.

## 6.2 Port State Inspection

6.2.1 Port State inspectors should accept documentation issued by or on behalf of the UK declaring that a UK vessel is compliant with the MLC as *prima facie* evidence of its compliance. Unless there are reasonable grounds for the Port State to believe the vessel is not compliant they should not unduly delay the workboat, but if they have concerns about the validity of the MCA compliance regime, they should be requested to contact the Maritime and Coastguard Agency (MCA).

6.2.2 If there are reasonable grounds for the port State authority to believe that the vessel is not compliant with the MLC, or the UK's substantially equivalent standards, they may require rectification of any deficiencies found prior to the vessel's departure from port.

6.2.3 Owners of non-UK vessels operating in the UK, should be aware that Article V (7) of the MLC requires States to ensure that vessels that fly the flag of any State that has not ratified the MLC do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.

## 7. Certification of small vessels

7.1 Although vessels under 500GT do not need to carry a Maritime Labour Certificate on-board their owners are entitled to request one. The UK has a substantial fleet of small commercial vessels that operate overseas that may be subject to inspection.

7.2 Where the inspection report referred to 6.1.7 above is not acceptable and where a full Maritime Labour Certificate is requested for a small commercial vessel, this must be issued by the MCA in the UK. Application should be made to the MCA for such a certificate to be issued, along with the report of any inspection that may already have taken place, and copies of the applicable documentary evidence that are highlighted in Section 2 of the Inspection Report. The owner must also provide a draft MLC Declaration – Part II. The MCA reserves the right to make any final checks and on-board inspections considered necessary to verify compliance before issuing a Maritime Labour Certificate. There will be



a charge levied by MCA for verifying compliance and issuing the Maritime Labour Certificate. This will be at the current fee rate at the time.

7.3 Any owner that wishes to have their vessel receive a non-statutory inspection to demonstrate compliance with the requirements of the MLC may contact their Certifying Authority, if certified under the Small Commercial Vessel Codes of Practice, or MCA if not certified under the Small Commercial Vessel Codes of Practice, to arrange for an inspection to take place.

7.4 Applications for Maritime Labour Certificates should be made to the local MCA Marine Office for UK based vessels and for overseas based vessels application should be made to:

ISM/ISO Branch  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
United Kingdom

Email: [quality.assurance@mcga.gov.uk](mailto:quality.assurance@mcga.gov.uk)

7.5 It is strongly recommended that designers and builders continue to use the 20<sup>th</sup> August 2013 as the date from which all new vessels that will need to be compliant with the MLC as that is the date of its entry into force internationally.

## 8. Further information

8.1 Depending upon the nature of the question it may be necessary to contact different sections of the MCA for further information on the MLC:

- Minimum age – [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329328
- Medical certification - [seafarer.s&h@mcga.gov.uk](mailto:seafarer.s&h@mcga.gov.uk) or 023 80329380
- Qualifications of seafarers - [exams.section@mcga.gov.uk](mailto:exams.section@mcga.gov.uk) or 023 80329231
- Seafarers' employment agreements - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329328
- Use of any licensed or certified or regulated private recruitment and placement service - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329538
- Hours of work or rest - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329216
- Manning levels for the ship - [exams.section@mcga.gov.uk](mailto:exams.section@mcga.gov.uk) or 023 80329231
- Accommodation - [codes@mcga.gov.uk](mailto:codes@mcga.gov.uk) or 023 80329139
- On-board recreational facilities - [codes@mcga.gov.uk](mailto:codes@mcga.gov.uk) or 023 80329139
- Food and catering - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329328
- Health and safety and accident prevention - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329328
- On-board medical care - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329249
- On-board complaint procedures - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329139
- Payment of wages - [mlc@mcga.gov.uk](mailto:mlc@mcga.gov.uk) or 023 80329328





## More Information

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MCA Website Address: [www.gov.uk/government/organisations/maritime-and-coastguard-agency](http://www.gov.uk/government/organisations/maritime-and-coastguard-agency)

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***Safer Lives, Safer Ships, Cleaner Seas***



## **ACCOMMODATION AND RECREATIONAL FACILITIES – SUBSTANTIALLY EQUIVALENT STANDARDS – NEW VESSELS OF LESS THAN 200GT.**

Objective: The aim of the MLC is to provide a comprehensive set of global maritime labour standards for all seafarers, including accommodation standards.

The purpose of this section is to implement substantially equivalent arrangements to the crew accommodation requirements of the Maritime Labour Convention, 2006, to new vessels built after the UK's Merchant Shipping (Crew Accommodation) (Maritime Labour Convention) Regulations 2013 come into force. It is strongly recommended that designers and builders continue to use the 20<sup>th</sup> August 2013 as the date from which all new vessels that will need to be compliant with the MLC should be built as compliant with the MLC. Ratifying port States may require this in their waters.

### **1. General**

- 1.1 Accommodation shall provide decent living conditions and recreational facilities for those persons employed or engaged in any work capacity on-board. Due consideration shall be given to likely numbers of hotel and support staff on-board.
- 1.2 In order to provide decent living conditions and recreational facilities the following requirements are provided as minimum standards.
- 1.3 The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment.
- 1.4 Excessive noise and vibration shall be limited within accommodation spaces, and as far as practicable in accordance with relevant international standards. Where the seafarers' exposure to noise and vibration is very time limited in accommodation spaces, alternative arrangements may be accepted.

### **2. Access/Escape Arrangements**

- 2.1 Vessels under 24m load line length shall comply with the escape arrangements in the Small Commercial Vessel Code of Practice they are certified under.
- 2.2 Vessels in commercial use for sport or pleasure of 24m load line length or over shall comply with the escape arrangements in the Large Commercial Yacht Code (LY3).

### **3. Headroom**

- 3.1 There shall be adequate and reasonable headroom for all seafarers on-board taking into consideration the size and operation of vessel. Headroom provided should not result in discomfort to the seafarers on-board.
- 3.2 For spaces where seafarers are expected to stand for prolonged periods, the minimum headroom should be 190 centimetres. The competent authority may allow reduced height in some locations if it does not result in discomfort to seafarers.



#### **4. Ventilation**

- 4.1 Effective means of ventilation shall be provided to all enclosed spaces which are entered by personnel.
- 4.2 Mechanical ventilation shall be provided to all accommodation spaces on vessels which are intended to make voyages of 200 miles or more or operate in tropical waters. As a minimum, mechanical ventilation shall be capable of providing 6 changes of air per hour, when all access and other openings (other than ventilation intakes) to the spaces are closed.
- 4.3 Enclosed galleys are to be specially considered, and where air conditioning is not fitted shall have, as a minimum, a mechanical supply of 20 fresh air changes per hour and a mechanical exhaust of 30 changes.
- 4.4 In spaces where sanitary facilities are provided there shall be ventilation that draws from the accommodation and extracts to the open air independent of the other parts of the accommodation.

#### **5. Heating and Insulation**

- 5.1 All accommodation spaces shall be adequately heated, taking into account climatic conditions. The accommodation shall be adequately insulated.

#### **6. Lighting**

- 6.1 An electric lighting system shall be installed which is capable of supplying adequate light to all enclosed accommodation and working spaces.
- 6.2 Seafarer's sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light. Where the provision of natural light is impracticable, adequate artificial light may be acceptable in limited areas.

#### **7. Water Services and Provision**

- 7.1 Hot and cold running fresh water shall be available in all wash places.
- 7.2 An adequate supply of fresh drinking water shall be provided and piped to convenient positions throughout the accommodation spaces.
- 7.3 In addition, an emergency reserve supply of drinking water shall be carried, sufficient to provide at least 2 litres per person. The installation of fresh water making machines and disinfection arrangements are to be to the acceptance of the Administration (for this purpose silver ionisation or chlorination would be considered acceptable).

#### **8. Galley Facilities and Provision of Food**

- 8.1 Adequate food shall be provided for all seafarers on-board free of charge. The provision of food shall take account of the seafarers' religious requirements and cultural practices, the nature and duration of the voyage, and shall be suitable in respect of quantity, nutritional value, quality and variety.
- 8.2 The organisation and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions. This shall include as a minimum that the galley is fitted with a means



of cooking and a sink and have adequate working surface for the preparation of food. The galley floor shall be provided with a non-slip surface and provide a good foothold.

8.3 All furniture and fittings in the galley shall be made of a material which is impervious to dirt and moisture. All metal parts of furniture and fittings shall be rust resistant.

8.4 The ventilation in the galley shall be arranged to ensure that there is an adequate supply of fresh air and for the efficient discharge of fumes into the open air (see also 4.4).

8.5 When a cooking appliance is gimballed it shall be protected by a crash bar or other means to prevent personal injury. Means shall be provided to lock the gimbaling mechanism.

8.6 Means shall be provided to allow the cook to be secured in position, with both hands free for working, when the vessel motions threaten safe working.

8.7 Secure and hygienic storage for food and garbage shall be provided.

8.8 A messing area(s) shall be provided; each messing area shall be large enough to accommodate the greatest number of persons likely to use it at any one time.

## **9. Hand Holds and Grab Rails**

9.1 There shall be sufficient hand holds and grab rails within the accommodation to allow safe movement around the accommodation at all times. Stairways shall be specially considered.

## **10. Sleeping Accommodation**

10.1 When sleeping accommodation on-board is required it shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.

10.2 Wherever possible there shall be no direct access into sleeping rooms from spaces for machinery, galleys, storerooms, drying rooms, or communal sanitary areas. If seafarer sleeping rooms are situated next to any such space, the sleeping room and the [other] space shall have a bulkhead between them, with a door that may be locked.

10.3 In seafarer accommodation, wherever possible, the maximum number of persons per sleeping room is to be two. Any increase in the maximum number of persons per sleeping room shall be agreed with the Administration.

10.4 Sleeping accommodation shall be situated or equipped, as practicable, so as to provide appropriate levels of privacy for men and for women.

10.5 Berths for seafarers must have a minimum inside dimension of either:

- .1 not less than 190 centimetres by 70 centimetres, with no tapering, where it is satisfied that that this is reasonable and will not result in discomfort to the seafarers; or
- .2 not less than 198 centimetres in length and not less than 80 centimetres in width over half the length of the berth. A taper is permitted from half the length of the berth towards the foot of the berth but under no circumstances is the berth permitted to be narrower at any point than 50 centimetres.

10.6 Where considered appropriate, means for preventing the occupants from falling out, shall be provided.

10.7 Except as permitted in 10.8, sleeping rooms shall be situated above the load line/freeboard mark amidships or aft (or the maximum loaded displacement where no load line/freeboard mark is provided), but in no case forward of the collision bulkhead.



- 10.8 Where it is not possible to provide sleeping accommodation above the load line/freeboard mark (or the maximum loaded displacement where no load line/freeboard mark is provided) as required by 10.7, there shall be an alarm fitted to provide early warning of flooding that alerts occupants of the sleeping accommodation and provides them with sufficient time to escape from the accommodation.
- 10.9 There shall be no mixed gender seafarer cabins, except where a mixed gender couple voluntarily opt to share a cabin. The seafarer cabins are to be designed and will only be approved as twin cabins, not as double cabins. There must not be any compulsion in any way whatsoever for seafarers of opposite gender to share a cabin.

## **11. Sanitary Facilities**

- 11.1 There must be at least one set of sanitary facilities for each 6 seafarers on-board, separated from the rest of the accommodation. Each set of sanitary facilities shall include one shower or one tub, one wash basin and one toilet. Each set of sanitary facilities must be provided with a door that is lockable. Where reasonable and practicable there shall be separate sanitary facilities provided for men and for women.
- 11.2 In vessels where a sanitary system, including a holding tank, is provided, care shall be taken to ensure that there is no possibility of fumes from the tank finding their way back to a toilet, shall the water seal at the toilet be broken.

## **12. Mess Rooms**

- 12.1 Mess rooms shall be of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time. It may be that the mess will be a shared facility for seafarers and passengers; this shall be subject to agreement by the MCA or Certifying Authority, as appropriate.

## **13. Recreational Facilities**

- 13.1 Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on-board, shall be provided.
- 13.2 All vessels shall have a space or spaces on open deck to which the seafarers can have safe access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on-board, and are protected from the elements. Due consideration shall be given to any areas of deck which may be considered as posing a safety risk to seafarers. Such spaces may be shared with the passengers on-board.

## **14. Stowage Facilities for Personal Effects**

- 14.1 Each seafarer shall be provided with adequate storage space for personal effects which must be a minimum of 125 litres per seafarer.

## **15. Machinery Space Boundaries**

- 15.1 Where machinery spaces are adjacent to accommodation spaces, the boundaries shall be designed to be gas tight. The requirement to be gas-tight is taken to mean that



bulkheads shall be so constructed as to prevent ingress of water and noxious gases into adjacent cabins as far as is reasonable and practicable to do so.

15.2 Machinery space boundaries must retain any liquids which may leak from the equipment within the machinery space.

## **16. Securing of Heavy Equipment**

16.1 All heavy items of equipment such as ballast, batteries, cooking stove, etc, shall be securely fastened in place. All stowage lockers containing heavy items shall have lids or doors which are capable of being securely fastened.

## **17. Protection from Mosquitoes**

17.1 Vessels regularly trading to and within mosquito infested ports shall be fitted with appropriate devices to protect seafarers from mosquitoes, as agreed by the MCA or Certifying Authority, as appropriate.

## **18. Master's Inspections**

18.1 There shall be weekly documented inspections carried out on-board vessels, by or under the authority of the Master, with respect to:

- .1 supplies of food and drinking water;
- .2 all spaces and equipment used for the storage and handling of food and drinking water;
- .3 galley and other equipment used for the preparation and service of meals; and
- .4 that seafarer accommodation is clean, decently habitable and maintained in a good state of repair.

18.2 The results of each inspection shall be recorded and made available for review.





## MARITIME LABOUR CONVENTION, 2006, STANDARDS – UK LEGISLATION AND GUIDANCE.

### Title 1. Minimum requirements for a seafarer to work on a ship:

#### 1.1 Minimum age

- Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998
- Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014, (SI 2014/1613), Part 2, Minimum Age.
- MSN 1838 (M) Maritime Labour Convention, 2006: Minimum Age.

#### 1.2 Medical certificate

- The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010, as amended.
- MSN 1839 - Maritime Labour Convention, 2006: Medical Certification
- MSN 1821 – Approved Medical Practitioners (Approved Doctors) with effect from 1 September 2009 (but see website for latest information).
- MSN 1815 – Countries whose seafarer medical certificates are accepted as equivalent to the UK seafarer medical certificate (ENG1) from 1 July 2007

#### 1.3 Training and qualifications

For vessels certified under the MCA Small Commercial Vessel Codes of Practice:

- MGN 280, Annex 3.
- MGN 411 - Training and Certification Requirements for the Crew of Fishing Vessels and their Applicability to Small Commercial Vessels and Large Yachts.
- MSN 1802 - Certificates of Competency: Yacht Deck Officers Training and Certification Guidance - Part A7.

For vessels not certified under the MCA Small Commercial Vessel Codes of Practice:

- MGN 92 – Training and Certification Guidance – Part 2 Certificates of Competency – Deck Department.
- MGN 93 - Training and Certification Guidance – Part 3 Certificates of Competency – Engine Department.

#### 1.4 Recruitment and placement

UK legislation only applies to the recruitment and placement agencies in the UK. The standards for recruitment and placement services are mainly contained in the Conduct of Employment Agencies and Employment Businesses Regulations 2003, as amended, or the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005, as amended, in Northern Ireland. The new Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 supplement this legislation to bridge the gap between the standards already in UK law and those necessary for MLC compliance.

- MGN 475(M) - Maritime Labour Convention 2006: Recruitment and Placement



- MGN 476(M) - Maritime Labour Convention 2006: Important advice for seafarers signing on ships flying the flag of a State which has not ratified the MLC

Recruitment and placement agencies from overseas will be regulated by the states they are based in. If the recruitment and placement agency is in a state which has not ratified the MLC then the shipowner has responsibility to ensure they use MLC compliant agencies.

## **Title 2. Conditions of employment:**

### 2.1 Seafarers' employment agreements

- The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) Part 4 - Seafarer Employment Agreements.
- MGN 477(M) – Maritime Labour Convention 2006: Seafarer Employment Agreements.

### 2.2 Wages

- The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) Part 5 - Wages.
- MGN 478 (M) – Maritime Labour Convention 2006: Wages.

### 2.3 Hours of work and hours of rest and 2.4 Entitlement to leave

- The Merchant Shipping (Hours of Work) Regulations 2002, as amended by the Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014.
- MSN 1842(M)

### 2.5 Repatriation

- The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) Part 6 - Repatriation.
- MGN 479 (M) – Maritime Labour Convention 2006: Repatriation

### 2.6 Seafarer compensation for the ship's loss or foundering and 4.2 Shipowners' liability

- The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) Part 10 – Shipowners' Liability.
- MGN 480(M) - Maritime Labour Convention 2006: Shipowners' Liabilities including Seafarer Compensation

### 2.7 Manning levels

For vessels certified under the MCA Small Commercial Vessel Codes of Practice:

- MGN 280, Annex 3.

For vessels not certified under the MCA Small Commercial Vessel Codes of Practice:



- Provisional Guidance – Maritime Labour Convention 2006: Manning Levels.

2.8 Career and skill development and opportunities for seafarers' employment.  
This is not a shipowner duty.

### **Title 3. Accommodation, recreational facilities, food and catering:**

#### 3.1 Accommodation and recreational facilities

Subject to section 5 of this notice:

- The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) Part 7 – Crew Accommodation
- MSN 1844(M) - Maritime Labour Convention 2006: Crew Accommodation.
- MGN 481(M) - Maritime Labour Convention, 2006: Crew Accommodation, Supplementary Guidance.

It is strongly recommended that MLC standards or the substantial equivalence set out in this notice are applied to vessels the keel of which is laid or are at a similar stage of construction on or after 20 August 2013.

#### 3.2 Food and catering

- Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (S.I. 2014/1613), Part 8 – Food and Catering
- MSN 1845 (M) Maritime Labour Convention, 2006: Food and Catering, Provision of Food and Fresh Water
- MSN 1846 (M) Maritime Labour Convention, 2006: Food and Catering, Ship's Cooks and Catering Staff

### **Title 4. Health protection, medical care, welfare and social security protection:**

#### 4.1 Medical care on-board ship and ashore

- The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) Part 9 - Medical Care
- MGN 482(M) Maritime Labour Convention 2006: Medical Care.
- MSN 1768(M+F) - Medical Stores
- MGN 225 - Radio Medical Advice
- MGN 370 - Dreadnought Unit

#### 4.3 Health and safety protection and accident prevention

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (SI 1997 No. 2962), as amended by the Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014, require shipowners and employers to ensure the health and safety of seafarers and other workers on-board ships. Further Guidance can be found in MGN 20 (M+F) - Implementation of EC Directive 89/391, Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, MGN 175 (M+F) - Health and Safety Regulations for Ships: Merchant Shipping and Fishing Vessel (Health and Safety at Work) (Amendment) Regulations. This notice does not aim to provide definitive guidance on these Regulations, and it is the duty of the owner/manager and skipper to ensure that they are familiar with the requirements which include carrying out risk assessments, which are the basis for mitigating measures under all of the regulations.



If there are 5 seafarers or more on-board there is a requirement to have a designated safety official and a safety committee on-board. Chapter 3 of The Code of Safe Working Practices for Merchant Seamen provides further information.

It is also important to note that the regulations make no distinction between the duty of care towards workers and that towards others on-board. If there is a relevant risk to other persons, the employer conducting the undertaking must take reasonably practicable steps to avoid that risk. There is further guidance provided in MGN 492 (M+F) – Health and Safety at Work: Protecting those not employed by the shipowner.

Other Merchant Shipping regulations apply similar principles in the context of particular areas of risk to both workers and others on-board. It is the responsibility of the owner/managing agent and skipper to ensure that they are familiar with the requirements of those regulations. These regulations are similar to land based legislation but are separately provided for under Merchant Shipping legislation. Such regulations include, but may not be limited to:

- .1 Noise
  - The Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007, as amended.
  - MGN 352 (M+F) – The Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007.
- .2 Vibration
  - The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007, as amended.
  - MGN 353 – The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007.
  - MGN 436 – WHOLE-BODY VIBRATION: Guidance on Mitigating the Against the Effects of Shocks and Impacts on Small Vessels.
  - MGN 446 - The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007 – Procedure for seeking exemptions.
- .3 Provision and use of work equipment
  - The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006, as amended.
  - MGN 331 – “The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006.
- .4 Lifting operations and lifting equipment
  - The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006, as amended.
  - MGN 332 – The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006.
- .5 Working at height
  - The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010, as amended.
  - MGN 410 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010.



- .6 Manual handling operations
- Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations 1998, as amended.
  - MGN 90 – Implementation of EC Directive 90/269/EC. Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations 1998, as amended.
- .7 Personal protective equipment
- The Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1999, as amended.
  - MSN 1731 - The Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1999 - SI 1999/2205.
- .8 Entry into dangerous spaces
- The Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988, as amended.
  - MGN 423 – Entry into Dangerous Spaces.
- .9 Safe movement on-board
- The Merchant Shipping (Safe Movement on-board Ship) Regulations 1998.
- .10 Carcinogens and mutagens
- The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007, as amended.
  - MGN 356 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007.
- .11 Biological Agents
- The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010, as amended.
  - MGN 408 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010.
- .12 Chemical Agents
- The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010, as amended.
  - MGN 409 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010.
- .13 Safe means of access
- The Merchant Shipping Means of Access) Regulations 1988, as amended.
  - MGN 337 – Provision of Safe Means of Access to Fishing and Other Small Vessels.
- .14 Employment of young persons
- The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998, as amended.
  - MGN 473 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998.



- .15 New and expectant mothers.
  - MGN 522 New and expectant mothers: Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 and Merchant Shipping (Maritime Labour Convention)(Medical Certification) Regulations 2010.
- .16 Artificial Optical Radiation
  - The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010, as amended.
  - MGN 428 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010.
- .17 Asbestos
  - The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010, as amended.
  - MGN 429 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010.
  - MGN 493 – The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) (Amendment) Regulations 2013.
- .18 Occupational Diseases
  - MSN 1850(M) Maritime Labour Convention, 2006 : Health and safety, Reporting of occupational diseases

#### 4.4 Access to shore-based welfare facilities

- Current arrangements apply in the UK

#### 4.5 Social security

The shipowner is responsible for ensuring that the employer pays any statutory contributions.

### **Title 5. Compliance and enforcement:**

#### 5.1 Flag State responsibilities

Guidance on the UK Flag State procedures for MLC compliance is provided in section 6.1 of this Note. Guidance on the on-board complaints procedure may be found in:

- MSN 1849 (M) Maritime Labour Convention, 2006: On-board Complaints Procedure

#### 5.2 Port State responsibilities

Guidance on dealing with Port State authorities to demonstrate MLC compliance is provided in section 6.2 of this Note. Guidance on the on-shore complaints procedure may be found in:

- MGN 487 (M) Maritime Labour Convention, 2006: On-shore Complaints Procedure

#### 5.3 Labour-supplying responsibilities

Not shipowner duties.







Certifying  
Authority  
Logo

## DOCUMENT OF COMPLIANCE

### MARITIME LABOUR CONVENTION, 2006, SMALL VESSEL INSPECTION REPORT

The shipowner is legally responsible to ensure that all provisions of UK legislation are complied with.

#### 1. Ship's particulars

- |   |                                    |
|---|------------------------------------|
| 1.1. Name of ship:  | 1.2 Distinctive number or letters: |
| 1.3 Port of Registry:                                     | 1.4 Gross tonnage:                 |
| 1.5 IMO number:   | 1.6 Type of ship:                  |
| 1.7 Date of build (if during 2013 include day and month): |                                    |
| 1.8 Name and address of shipowner:                        |                                    |
| 1.9 Location of inspection:                               |                                    |
| 1.10 Maximum number of seafarers accommodated on-board:   |                                    |

#### 2. Inspection type

(please tick as appropriate)

- Interim
- Initial
- Intermediate
- Renewal
- Additional

#### 3. Mandatory Inspection Items

*(Guidance is provided in italics)*

<b>3.1 Minimum age</b>	<b>YES/NO</b>
3.1.1 The shipowner has a system in place to verify that seafarers on-board are 16 years of age or over. <i>(Minimum age) No person below the age of 16 years shall be employed, engaged or work on the vessel. A young seafarer is defined as a seafarer under the age of 18.</i>	
3.1.2 Seafarers under 18 years of age are listed on the ALC 1C form.	<b>Yes/No/NA</b>
3.1.3 A risk assessment has been carried out for any employees under 18 years of age, specific to the risks for young persons. <i>(Hours of rest) There is a prohibition on young seafarers working at night, which as a minimum must include a period of at least 9 hours starting no later than midnight and ending no earlier</i>	<b>Yes/No/NA</b>



<p>than 0500hrs. However a seafarer aged 16 or 17 may work at night if the work forms part of an established training programme.</p> <p>Health and safety protection and accident prevention) Measures shall be put in place to protect young seafarers from carrying out any work which is likely to jeopardise their health and safety.</p>	
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<b>3.2 Medical certification</b>	<b>YES/NO</b>
3.2.1 The shipowner has a system in place to verify that if the vessel is operating up to 60 miles from a safe haven, all the seafarers have either a valid ENG1 or ML5 medical fitness certificate.	Yes/No/NA
3.2.2 The shipowner has a system in place to verify that if the vessel is operating more than 60 miles from a safe haven, all the seafarers have a valid ENG1 medical fitness certificate.	Yes/No/NA
3.2.3 There are no conditions on the medical fitness certificates that prevent the seafarer from undertaking their duties on-board.	
3.2.4 The company has a system for ensuring that the seafarers it employs have suitable and valid medical fitness certificates.	

<b>3.3 Qualifications of seafarers</b>	<b>YES/NO</b>
3.3.1 The company has a system for ensuring that the seafarers it employs are correctly qualified for the voyages they undertake for both deck and engine watches.	
3.3.2 The company provides familiarisation training for its seafarers.	

<b>3.4 Seafarers' Employment Agreements (SEA)</b>	<b>YES/NO/NA*</b>
3.4.1 The SEA complies with the minimum standards. <i>(Seafarer Employment Agreements) requires that shipowners and all seafarers they employ have a signed original SEA meeting the minimum requirements in the Provisional Guidance on Seafarer Employment Agreements. MCA have provided a model format of a SEA in MGN 477(M). The SEA and any document forming part of the SEA, if they are not in English should be available on-board with an English translation. Seafarers shall be given a document in English containing a record of their employment on the ship.</i> <i>(Entitlement to leave) requires that seafarers must be given a minimum of 2.5 days per month paid leave and UK public holidays (8 days). Seafarers are to be granted shore leave to benefit their health and well-being consistent with the operational requirements of their positions.</i> <i>(Repatriation) Shipowners are required to provide financial security to ensure that seafarers they employ are duly repatriated. Shipowners are prohibited from requiring seafarers to make an advance payment towards the cost of repatriation.</i> <i>(Financial security) for compensation in case of death or long term disability of seafarers due to occupational injury, illness or hazard is the responsibility of the shipowner</i>	
3.4.2 The company has a system for ensuring all seafarers it employs have an SEA.	
3.4.3 Occasional staff have a contract of employment.	YES/NO/NA

\* N/A where the shipowner is the sole seafarer on-board.

<b>3.5 Use of any licensed or certified or regulated private recruitment and placement service</b>	<b>YES/NO/NA</b>
3.5.1 If a recruitment and placement service is used, are they based in a ratifying country? <i>Shipowners must only use seafarer recruitment and placement services, certified by ratifying countries OR recruitment and placement services that can demonstrate conformity to the MLC requirements for recruitment and placement.</i>	
3.5.2 If the recruitment and placement service is not in a ratifying country has the shipowner verified their compliance with the MLC?	

<b>3.6 Hours of rest</b>	<b>YES/NO</b>
3.6.1 The SEA shows hours in accordance with the minimum standard.	
3.6.2 The schedule is posted up and in compliance with the minimum standard.	
3.6.3 The records of hours of rest are kept in the format required in MSN 1767.	
3.6.4 The standards for minimum hours of rest are being complied with. <i>The minimum limits on hours of rest provided by the shipowner shall be 10 hours in any 24 hour period, which may be divided into no more than two (2) periods – one of which shall be at least six (6) hours in length, and no more than 14 hours between any consecutive periods; and 77 hours in any seven day period.</i>	

<b>3.7 Manning levels for the ship</b>	<b>YES/NO</b>
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3.7.1 Manning levels are adequate	
3.7.2 There is a procedure for briefing the second person on assisting the skipper.	
3.7.3 The company has a system for ensuring that there are sufficient seafarers/persons on-board the vessel.	

<b>3.8 Accommodation</b>	<b>YES/NO/NA</b>
<b>Applicable to ships constructed on or after 20<sup>th</sup> August 2013. Ship built prior to 20<sup>th</sup> August 2013 shall comply with existing national standards in force when they were built or last substantially modified.</b>	
<b>MGN 491 on the application of the MLC to workboats of 200GT to less than 500GT, Annex 1 / MGN 490 on small vessels less than 200GT that are ordinarily engaged in commercial activities, Annex 1 / LY3 21B* (*delete as applicable)</b>	
3.8.1 Access/Escape arrangements	
3.8.2 Headroom	
3.8.3 Ventilation	
3.8.4 Air conditioning (≥200GT only)	
3.8.5 Heating and insulation	
3.8.6 Lighting	
3.8.7 Water services and provision	
3.8.8 Hand holds and grab rails	
3.8.9 Sleeping accommodation	
3.8.10 Sanitary facilities	
3.8.11 Laundry facilities (≥200GT only)	
3.8.12 Mess rooms	
3.8.13 Stowage facilities for personal effects	
3.8.14 Machinery space boundaries	
3.8.15 Securing of heavy equipment	
3.8.16 Hospital accommodation (>15 seafarers on a voyage >3 days)	
3.8.17 Protection from mosquitoes	
3.8.18 Master's inspections	

<b>3.9 On-board recreational facilities</b>	<b>YES/NO</b>
3.9.1 Recreational facilities are provided on-board. <i>Shipowners to provide appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships. Examples of recreational facilities include reading and writing facilities and, where practicable, games.</i>	
3.9.2 There is an open deck space provided, with safe access that protects seafarers from the elements during any rest period.	

<b>3.10 Food and catering</b>	<b>YES/NO</b>
3.10.1 The shipowner has a system in place to verify that adequate food is provided for all seafarers free of charge. <i>(Food and catering) requires that food is supplied free of charge to seafarers and is suitable in terms of quality, nutritional value, quality and variety.</i>	
3.10.2 The catering facilities on-board are fitted with a sink, a means of cooking and adequate working surface for the preparation of food. The floor surface in the galley area is non-slip. The facilities are hygienic.	
3.10.3 The furniture and fittings in the galley are made of a material which is impervious to dirt and moisture. Metal parts are rust resistant.	
3.10.4 There is adequate ventilation in the galley and a supply of fresh air to discharge fumes to the open air.	
3.10.5 Gimballed cooking appliances have a crash bar and there is a means of locking the gimbal.	YES/NO/NA
3.10.6 On sailing vessels there is a means to secure the cook in position with both hands free for working.	Yes/No/NA
3.10.7 There are secure and hygienic storage facilities for food and garbage.	
3.10.8 There is a messing area provided which accommodates the greatest number of people likely to be messing at one time.	
3.10.9 The company has a system for ensuring that there is somebody with accepted food hygiene training to supervise the preparation and cooking of food for seafarers on-board the vessel.	



<b>3.11 Health and safety and accident prevention</b>	<b>YES/NO</b>
3.11.1 There are written risk assessments, or the inspector is satisfied that crew have demonstrated that they are aware of the risks verbally.	
3.11.2 There are no obvious health and safety problems. <i>The shipowner shall ensure as far as practicable, the health and safety of seafarers on-board the ship. In carrying out this duty the shipowner shall ensure reasonable precautions are taken to prevent occupational accidents, injuries and diseases on-board ship.</i>	
3.11.3 Complaints from seafarers are being suitably dealt with.	
3.11.4 Where there are 5 or more crew members there are records of safety committee meetings.	

<b>3.12 On-board medical care</b>	<b>YES/NO</b>
3.12.1 Medical stores are in accordance with MSN 1768 and in date.	
3.12.2 The company has a system for ensuring that there is somebody with first aid training on-board the vessel.	
3.12.3 The shipowner has a system in place to verify that the skipper is aware of how to contact the Radio Medical Advice Service.	
3.12.4 There are records kept of all medical care undertaken on-board.	
3.12.5 Seafarers have access to medical care ashore overseas. <i>Medical care on-board and ashore requires that the cost of medical and dental treatment for seafarers is borne by the shipowner. Seafarers have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.</i>	

<b>3.13 On-board complaint procedures</b>	<b>YES/NO/NA*</b>
3.13.1 There is a complaints procedure posted up which is available to seafarers. <i>The on-board complaints procedure requires that shipowners must ensure their ships have on-board procedures for the fair, effective and expeditious handling of seafarer complaints. Seafarers must not be victimised for raising complaints and have the right to be accompanied or represented.</i>	
3.13.2 The complaints procedure includes details of who to contact in the MCA if the complaint is not resolved. <i>The complaints procedure must allow for complaints directly to the Master and to the MCA if the complaint is not resolved.</i>	
3.13.3 Where complaints have been recorded have they been resolved.	<b>Yes/No/NA**</b>

**\*Where the shipowner is the sole seafarer on-board**

**\*\*Where there are no complaints received**

<b>3.14 Payment of wages</b>	<b>YES/NO/NA*</b>
3.14.1 Payment of wages is in accordance with the SEA. <i>Payment of wages defines the principles applying to the payment and calculation of basic pay and wages which are partially or fully consolidated.</i>	
3.14.2 Payment of wages is at least monthly. <i>All seafarers shall receive a monthly account of their wages.</i>	
3.14.3 There is provision for allotments. <i>Shipowners are required to take measures to provide seafarers with a means to transit all or part of their earnings to their families or dependents or legal beneficiaries.</i>	
3.14.4 There are no unauthorised deductions. <i>The following deductions from seafarers' wages are permitted – Deductions permitted in relevant national laws, or agreed to in a Collective Bargaining Agreement, on-board purchases, telecommunication calls and internet access, cash advances, allotments, contributions by the seafarer in relation to any pension fund, charity, and in respect of membership of a body to a trade union and friendly society. No deduction can be made from a seafarers' wage in respect of obtaining or retaining employment. Monetary fines against seafarers other than those authorised in a Collective Bargaining Agreement are prohibited.</i>	
3.14.5 Where possible, seafarers confirm that their wages are being paid in accordance with the SEA	

**\* N/A where the shipowner is the sole seafarer on-board.**



**4. Declarations**

Shipowner's declaration

I declare that I will continue to comply with the requirements of the Maritime Labour Convention, 2006, for the validity of this inspection report.

Shipowner name: .....

Name of signatory of the shipowner: .....

Signed: .....

Date: .....

Inspector's declaration

I declare that I have reviewed the above measures, and, following inspection of the ship, and I have determined that they meet the purposes set out in the Maritime Labour Convention, 2006, Standard A5.1.3, paragraph 1.

Inspector name: .....

Signed: .....

Of [insert name of Certifying Authority] authorised by the Maritime and Coastguard Agency.

Date of Inspection:..... This Inspection Report is valid until.....  
(maximum of 3 years from date of inspection date)

**This report is to be retained on-board for a period of 3 years and must be made available for consultation by MCA officers at all times.**

