



DRAFT

REPUBLIC OF PANAMA

PANAMA MARITIME AUTHORITY

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 Panama Maritime Authority

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

<i>Name of Ship</i>	<i>IMO Number</i>	<i>Gross Tonnage</i>

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 MLC, 2006 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 they differ from the MLC, 2006 are provided 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 also referenced under the requirements concerned.*

1. Minimum Age (Regulation 1.1)

- The minimum age to be employed or hired and able to work on board a Panamanian flagged vessel is 18 years old.*

2. Medical Certification (Regulation 1.2)

- Personnel employed on board a Panamanian flagged vessel must have a medical certificate proving their physical fitness, with a validity of 2 years. In case of a vision and color perception certificate, it should have a validity of 6 years. Permits can be requested to the competent authority when the medical certificate has expired. Such permit shall not exceed a three-month period.*
- The Competent Authority shall accept all medical certificates issued in accordance to the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW), for the purposes of Reg. 1.2.*

3. Qualifications of Seafarers (Regulation 1.3)

- Seafarers working on board a Panamanian flagged vessel must have the appropriate training and qualifications, as well as a certificate accrediting their professional competences and other qualifications to perform their functions, duly issued or endorsed by the Panama Maritime Authority.*
- The training and certification must adjust to the mandatory instruments adopted by the IMO (STCW).*

4. Seafarers Employment Agreements (Regulation 2.1)

- *All seafarers working on board a Panamanian flagged vessel shall have an employment agreement signed by the seafarer and the shipowner or a representative that guarantees decent working and living conditions on board the ship.*
- *Opportunity shall be granted to seafarers to review the conditions stated on the employment agreement and, if necessary, request advice before signing and accepting them.*
- *Both, the shipowner and seafarer must keep their respective signed original employment agreement.*
- *The shipowner must always keep on board, and at the disposal of seafarers, the captain of the vessel and any other corresponding authority, including authorities from ports where the ship stops, a copy of the seafarers employment agreements for their review.*

5. Use of any Licensed or Certified or Regulated Private Recruitment and Placement Service (Regulation 1.4)

- *Natural or legal persons that are interested in offering private services for the recruitment and placement of seafarers in the Republic of Panama, whose main purpose is the recruitment and placement of seafarers or that recruit and place an important number of seafarers must have an operations license.*
- *The Competent Authority shall require shipowners using services of recruitment and placement of seafarers that are not located in countries or territories where the Maritime Labour Convention, 2006 applies, to make sure that those services comply with the provisions established on Regulation 1.4 of Title 1 of the Maritime Labour Convention 2006 and count with a certification system supportive of the recruitment and placement of seafarers.*
- *When shipowners employ services of a placement agency located in a State that is not part of the Maritime Labour Convention, 2006, they shall be the sole responsible in case of detention of the vessel at the time of survey either by the Flag State or Port State Control, as well as for the penalties implied by such detention.*

6. Hours of Work or Rest (Regulation 2.3)

The minimum number of resting hours shall not be less than:

- *10 hours for every 24- hour period, nor*
- *77 hours for every seven-day period*

The resting hours can be grouped in two periods at the maximum, one of each shall have at least six non-interrupted hours and the interval between two consecutive resting periods shall not exceed 14 hours.

Every vessel shall count and place at an easily accessible location and at the disposal of the competent authorities, a chart describing the organization of the work on board.

Every vessel shall have a record of the seafarers daily resting in accordance to the format adopted by the Competent Authority for such purpose, taking into account the guidelines of the ILO, in order to ensure control and compliance. These shall serve as documentary evidence that the seafarer's minimum resting hours are met.

The daily records of the resting hours shall be written in the working language or languages of the ship and in English. Seafarers shall receive a copy of the records pertaining to them, which shall be endorsed by the captain or by the person that he authorizes, and the seafarer. Nonetheless, in passenger ships, the daily records of resting hours can be electronically sent to seafarers, as long as these had been approved by the captain or by the person that he authorizes.

7. Manning Levels for the Ship (Regulation 2.7)

- *All vessels must have a sufficient number of adequate and qualified seafarers employed on board to ensure that the ship is operated safely and efficiently. The adequate manning shall guarantee the safety and protection of the ship and its personnel in terms of all its operating conditions, according to the Minimum Safe Manning Certificate issued by the Competent Authority or the equivalent document issued by the same.*

8. Accommodation (Regulation 3.1)

- *Every ship shall maintain decent and safe accommodations, as well as recreational facilities for seafarers working or living on board, consistent with the promotion of the seafarers' health and well-being.*
- *The provisions of the current Executive Decree related to the ship construction and equipment apply only to ships constructed after the date in which the Maritime Labour Convention, 2006 enters into force.*
- *Ships constructed before that date, are subject to the requirements related to ship construction and equipment in accordance to the Accommodation of Crews Convention No. 92, and the Accommodation of Crews Convention (Supplementary Provisions), No. 133 of the ILO.*

- *The Captain or the person designated by him shall conduct frequent surveys on board ships in order to ensure that the accommodation of seafarers is clean, in adequate conditions of habitability and kept in good shape. The outcome of each survey shall be kept in a record and be available for verification by the Competent Authority and the Port State Control.*

9. On-board Recreational Facilities (Regulation 3.1)

- *The shipowner shall provide seafarers with facilities, amenities, and recreational services both, appropriate and adapted to meet the specific needs of seafarers living and working on board ships in accordance to the provisions related to the protection of security, health and prevention of accidents.*

10. Food and Catering (Regulation 3.2)

- *Every ship shall provide seafarers, free of charge, with food and drinking water of appropriate quality, variety, nutritional value and quantity, adequately covering the needs of seafarers and taking into account the different cultural and religious backgrounds, as well as the duration and nature of the voyage.*
- *The organization and equipment of the ship's catering service shall permit the provision to seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions.*
- *The catering service staff shall be properly trained or instructed for the performance of their functions.*

11. Health and Safety and Accident Prevention (Regulation 4.3)

- *It is the duty of the shipowner to adopt effective policies and programs related to occupational safety and health, including risk evaluation as well as training and instruction of seafarers with the purpose to prevent occupational accidents, injuries and diseases, including measures to reduce and prevent the risk of exposure to harmful levels of environmental factors and chemicals substances, as well as the risk of injuries or diseases that may arise from the use of equipment and machinery on board ships.*
- *Shipowners have the obligation to provide seafarers with protective equipment or other accident prevention devices accompanied by provisions on the use of such equipment or protection devices.*
- *It is the obligation of the shipowner to ensure that the machineries used on board are properly guarded and that its use without appropriate safety guards is prevented.*
- *Every Panamanian flagged vessel on which there are at least five seafarers shall create a Safety Committee formed by members of the crew.*

12. On-board Medical Care (Regulation 4.1)

- *Shipowners shall provide all seafarers with coverage through an insurance policy that guarantees the protection of health as well as prompt and adequate access of seafarers to medical care while working on board. The insurance policy coverage shall last for the period of the seafarer's employment agreement.*
- *All Panamanian registered vessel, shall carry on board a medicine chest, medical equipment and medical guide, with the specifications indicated on the most recent edition of the Medical First Aid Guide for Ships on board of the ILO/IMO/WHO, of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods of the IMO and the Document for Guidance - International Maritime Seafarers Training Guide of the ILO/IMO/WHO, as well as similar national guides, consistent with the ship's dimensions.*
- *Ships carrying one hundred or more persons on board, and ordinarily engaged on international voyages of more than three days' duration shall carry on board a qualified doctor who is responsible for providing medical care.*
- *Other ships shall count with at least one seafarer who has satisfactorily completed training in medical care in accordance to the requirements of the STCW Convention and those adopted by the Competent Authority.*

13. On-board Complaint Procedures (Regulation 5.1.5)

- *Panamanian flagged vessels shall have on board the procedure for the fair, effective and expeditious handling of seafarer complaints, related to breaches of the provisions of the MLC and keep a copy of the Convention in English or the language used on board.*
- *Seafarers may resort to procedures for the handling of complaints on board to submit claims related to any matter that is alleged to constitute a violation of the provisions of the MLC.*
- *Seafarers have the right to submit their complaints directly to the captain.*

14. Payment of Wages (Regulation 2.2)

- Seafarers have the right to receive a periodical and complete remuneration for their work in accordance to their respective employment agreement.
- The salary and type of currency shall be stated in the employment agreement and shall only be set by unit of time, at intervals no greater than thirty (30) days.

Name: _____

Title: _____

Signature: _____

Place: _____

Date: _____

(Seal or stamp of the authority, as appropriate)

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 equivalency has been granted.

Name: _____

Title: _____

Signature: _____

Place: _____

Date: _____

(Seal or stamp of the authority, as appropriate)

EXEMPTIONS

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

~~The following exemptions granted by the competent authority 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)