



**MARITIME AND PORT AUTHORITY OF SINGAPORE
SHIPPING CIRCULAR TO SHIPOWNERS
NO. 18 OF 2012**

MPA Shipping Division
460 Alexandra Road
#21-00, PSA Building
Singapore 119963
<http://www.mpa.gov.sg>

07 November 2012

Applicable to: Shipowners, shipmanagers, operators, masters and crew of Singapore-registered ships, classification societies and the general shipping community.

**IMPLEMENTATION OF THE MARITIME LABOUR CONVENTION 2006 –
REQUIREMENTS FOR THE DECLARATION OF MARITIME LABOUR
COMPLIANCE**

1. Singapore ratified the Maritime Labour Convention 2006 (MLC) which will come into force internationally on 20 August 2013. The MLC, an instrument of the International Labour Organisation, establishes international requirements for decent conditions of work for seafarers.
2. This Circular provides the provisional requirements for the Declaration of Maritime Labour Compliance (DMLC) Part 1 so that shipowners, ship managers, operators and masters and crew of Singapore-registered (SRS) ships can make early preparations to comply with and implement the MLC.

Scope of Application and Certification

3. The MLC applies to all SRS ships ordinarily engaged in commercial activities. SRS ships of 500 gross tonnage and above which are engaged in international voyages shall attain a DMLC and a Maritime Labour Certificate¹.
4. The DMLC consists of two parts. The DMLC Part I is to be prepared and issued by the Maritime and Port Authority of Singapore (MPA) and contains the national requirements and applicable exemptions. The DMLC Part II is to be prepared by the shipowner and contains the measures to ensure compliance with DMLC Part I.

¹ SRS ships below 500 gross tonnage are required to comply with the MLC but are not required to be certified. Such ships may attain MLC certification at the shipowner's request.

5. A Maritime Labour Certificate shall be issued to a ship after the Recognised Organisation (RO) has verified, via inspection, that the ship (including the DMLC Part II) is in compliance with national (DMLC Part I) and applicable MLC requirements. The MPA has authorised our 9 ROs to conduct the inspections and to issue the Maritime Labour Certificate, on behalf of MPA.

6. Shipowners are strongly encouraged to begin preparations for the necessary MLC certification and to approach any of the 9 ROs for assistance in this regard.

Provisional Requirements of DMLC Part I

7. The DMLC Part I is currently being finalised. In the interim, to facilitate early preparations by shipowners to comply with and implement the MLC, the MPA has, in consultation with the MLC Tripartite Working Group², prepared a list of provisional requirements of DMLC Part I. These requirements are largely finalised, although there may be further refinements. These could be used as a guide or tool for gap analysis.

8. A copy of the list of provisional requirements of DMLC Part I is attached at Annex A. Copies of the list can also be obtained from the Singapore Shipping Association or the 9 ROs. Updates to the list will be circulated when available.

Statement of Compliance

9. For SRS ships which voluntarily comply with these provisional requirements of DMLC Part I and other applicable MLC requirements, the 9 ROs may issue a "Statement of Compliance" for such ships, should the shipowners request for such a Statement. This voluntary and interim measure facilitates shipowners who have given full effect to the provisional requirements of DMLC Part I and the applicable provisions of the MLC, while the MLC legislation and the DMLC Part I are being finalised.

Issuing of DMLC Part I

10. Once the requirements for the DMLC Part I are finalised, MPA will issue the DMLC Part I to individual ships, and the target date for this issuance is in 2Q 2013. A Maritime Labour Certificate shall be issued to a ship upon confirmation by any of the 9 ROs that the ship had complied with the following:

- The DMLC Part I
- Any other applicable requirements of the MLC

11. Further Shipping Circulars will be issued in due course to provide additional information on the implementation of the MLC.

² Chaired by the Maritime and Port Authority of Singapore (MPA) and comprising the social partners of the Singapore Maritime Officers Union (SMOU), Singapore Organisation of Seamen (SOS), the Singapore Shipping Association (SSA) and the Singapore Maritime Employers Federation (SMEF).

12. Any queries on this circular should be directed to:

- Mr Benjamin Wong (Email: Benjamin_K_L_WONG@mpa.gov.sg; Tel: 6375 6216);
- Ms Irene Goh (Email: Irene_T_L_GOH@mpa.gov.sg; Tel: 6375 6225); or
- Mr Glendon Goh (Email: Glendon_GOH@mpa.gov.sg; Tel 6375 6268).

CHEONG KENG SOON
DIRECTOR OF MARINE
MARITIME AND PORT AUTHORITY OF SINGAPORE

List of Provisional Requirements of DMLC Part I

<p>1. Minimum age (Regulation 1.1)</p>	<p>.1 The minimum age for any seafarer to be employed, engaged or work on board a Singapore-registered ship is 16 years.</p> <p>.2 A “young seafarer” means any person between the ages of 16 years and 18 years.</p> <p>.3 “Night” is defined as a period of not less than nine consecutive hours between 2100 hours and 0600 hours in the time zone that the ship is in.</p> <p>.4 Night work for seafarers under the age of 18 years is prohibited, except:</p> <ul style="list-style-type: none">.i for the purposes of training in accordance with established programmes and schedules approved by the Director ;or.ii where the Director determines that the specific nature of the work is such that it cannot be carried out at any other time..iii In making any determination under paragraph (ii), the Director shall have regard to the impact on the health or well-being of the seafarer of such work. <p>.5 Young seafarers shall not be employed in any hazardous work on any ship. “Hazardous work” means any of the following work:</p> <ul style="list-style-type: none">.i lifting, moving or carrying of heavy loads or objects;.ii entry into boilers, tanks and cofferdams;.iii exposure to harmful noise and vibration levels;.iv operating hoisting and other power machines and tools, or acting as signalers to operators of such equipment;.v handling mooring or tow lines or ground tackle;.vi rigging;.vii work aloft or on deck in heavy weather;.viii servicing of electrical equipment;
--	---

	<ul style="list-style-type: none"> .ix exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances and ionizing radiations; .x the cleaning of catering machinery; and .xi the handling or taking charge of ship's boats, and any other work which is likely to jeopardize a person's health or safety that is specified by the Director in writing as hazardous work.
<p>2. Medical certification (Regulation 1.2)</p>	<p>.1 Shipowners shall ensure that, prior to beginning work on a ship, any seafarer employed holds a valid medical fitness certificate attesting that the seafarer is medically fit to perform the duties they are to carry out on board the ship.</p> <p>.2 Medical fitness certificates to seafarers are to be issued in accordance with provisions of section A-I/9 and guidelines in B-I/9 of the revised STCW Code outlined in MPA Shipping Circular 18 of 2011, as updated from time to time on MPA website: www.mpa.gov.sg</p> <p>.3 The Director accepts valid medical fitness certificate issued by the following:</p> <ul style="list-style-type: none"> .i a medical practitioner recognised by a MLC State Party and familiar with guidelines for conducting pre-sea and periodical medical fitness examinations for seafarers published by IMO, ILO or WHO; or .ii a medical practitioner recognised by a STCW State Party on the "STCW White List" (see IMO document MSC.1/Circ.1163/Rev.4 dated 8 June 2009, as updated from time to time); or .iii registered medical practitioners licensed to practice in Singapore and familiar with guidelines for conducting pre-sea and periodical medical fitness examinations for seafarers published by IMO, ILO or WHO. .iv a medical practitioner whose medical certification are accepted by the Director. <p>.4 The maximum validity for medical fitness certificate is two years, and one year for seafarers under the age of 18 years. The maximum validity for colour vision is six years.</p> <p>.5 The nature of the medical examination is to be in accordance with the <i>ILO/WHO Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2/1997)</i>, including any subsequent versions.</p>
<p>3. Qualifications of seafarers (Regulation 1.3)</p>	<p>.1 All seafarers working on board any ship shall be trained or certified as competent or otherwise qualified to perform their duties.</p>

	<p>.2 All seafarers working on board any ship shall successfully complete trainings for personal safety on board ship.</p> <p>.3 Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization, including the STCW Convention, is considered as meeting the requirements of paras .1 and .2 above.</p>
<p>4. Seafarers' employment agreements (Regulation 2.1)</p>	<p>.1 All seafarers working on board any ship shall each have a signed original of the seafarers' employment agreement, and the agreement is to be signed by both the seafarer and the shipowner or a representative of the shipowner.</p> <p>.2 All seafarers shall have the opportunity to examine and seek advice on the terms and conditions in their seafarers' employment agreement before signing.</p> <p>.3 Shipowners shall ensure that clear information on the conditions of employment, including a copy of the seafarers' employment conditions, are easily obtainable on board by seafarers, and accessible for review by officers of a competent authority, including those in ports to be visited.</p> <p>.4 Shipowners shall ensure that all seafarers are given a document containing a record of their employment on board the ship (such as an appropriate "Seaman's Discharge Book"), and that this document shall not contain any information on the quality of the seafarer's work or their wages.</p> <p>.5 The format of the seafarers' employment agreement, prescribed by the Director and which shall be used on board Singapore-registered ships, is contained in Shipping Circular xx of 2012, as updated from time to time on MPA website: www.mpa.gov.sg.</p> <p>.6 The minimum notice period for early termination is not less than 7 days, or payment-in-lieu for shorter notice.</p> <p>.7 Any collective bargaining agreement will be incorporated as part of a seafarers' employment agreement where appropriate and in accordance with [national laws].</p> <p>[Note: The reference to "national laws" is still under review]</p>
<p>5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)</p>	<p>.1 "Seafarer recruitment and placement service" refers to any person, company, institution, agency or other organisation which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with third party shipowners.</p> <p><u>Services based in Singapore</u></p> <p>.2 All seafarer recruitment and placement service based in Singapore shall apply for and attain an Employment Agency Licence, issued under the Employment Agency Act by the Ministry of Manpower (MOM).</p> <p>.3 All seafarer recruitment and placement services based in</p>

	<p>Singapore shall apply for and attain approval from the Director to provide seafarer recruitment and placement services, and shall only operate in accordance with requirements under national law and MLC.</p> <p><u>Services based in MLC State Parties</u></p> <p>.4 Seafarer recruitment agencies based in and licensed by State Parties to the MLC 2006 are recognised by the Director.</p> <p><u>Services based in non-MLC State Parties</u></p> <p>.5 Shipowners shall ensure that when using seafarer recruitment and placement services located in countries not party to the MLC 2006, such services are, as far as practicable, consistent with the requirements of the MLC 2006.</p> <p>.6 Shipowners may engage any of the 9 Recognised Organisations (appointed and authorised by the Director) or the shipowner’s internal audit mechanism to audit seafarer recruitment and placement services located in countries not party to the MLC 2006. Shipowners may engage seafarer recruitment and placement service already audited by any of the 9 Recognised Organisations. Shipowners are required to ensure that such services are consistent with the requirements of the MLC 2006.</p>
<p>6. Hours of work or rest (Regulation 2.3)</p>	<p>.1 Shipowners shall ensure that every seafarer on board is entitled to hours of rest, and the hours of rest shall not be less than ten hours in any twenty-four-hour period and not less than seventy-seven hours in any seven-day period. The minimum hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.</p> <p>.2 Exceptions from the required hours of rest in paragraph 1 can be allowed provided that rest period is not less than 70 hours in any 7-day period and shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception taking into account the guidance regarding prevention of fatigue given in Code B of the STCW 2010 (Manila Amendments).</p> <p>.3 “Hours of rest” means a period during which the seafarer is free to dispose of his time and movements. Meal breaks taken during hours of work shall not be considered as “hours of rest”.</p> <p>.4 Shipowners are recommended to use the IMO/ILO model formats for recording daily hours of rest and shipboard working arrangements. The formats (<i>IMO/ILO Guidelines for the Development of Tables of Seafarers’ Shipboard Working Arrangements and Formats of Records of Seafarers Hours of Work and Rest</i>) are referred to in MPA Shipping Circular No 18 of 2011. Shipowners may use their own formats which shall contain at minimum the same information fields as found in the IMO/ILO model formats.</p>

7. Manning levels for the ship (Regulation 2.7)	.1 Shipowners shall ensure compliance with the Minimum Safe Manning Document issued by the Director.
8. Accommodation (Regulation 3.1)	<p>.1 Ships constructed on or after the date the MLC 2006 comes into force shall comply with the requirements of MLC 2006.</p> <p>.2 Ships constructed before the date when the MLC 2006 comes into force shall comply with the Merchant Shipping (Crew Accommodation) Regulations, if applicable.</p> <p>.3 Documented inspections, by or under authority of the master and at intervals not exceeding 7 days, shall be carried out on board with respect to ensuring that seafarer accommodation is clean, decently habitable and maintained in a good state of repair.</p>
9. On-board recreational facilities (Regulation 3.1)	<p>.1 Ships constructed on or after the date the MLC 2006 comes into force shall comply with the requirements of MLC 2006.</p> <p>.2 Ships constructed before the date when the MLC 2006 comes into force shall comply with the Merchant Shipping (Crew Accommodation) Regulations, if applicable.</p> <p>.3 Without prejudice to the requirements of the MLC, and taking into consideration the guidelines in Part B, the shipowner should as a basic requirement provide a television, reading materials and space for recreational activities. The seafarers shall be given reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount.</p>
10. Food and catering (Regulation 3.2)	<p>.1 Shipowners shall provide and maintain the following minimum standards for food and catering on board ships:</p> <p>.i The provision of food and drinking water shall be of appropriate quality, nutritional value, quantity and variety. The provision of food and drinking water shall also take into account the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the ship's voyage.</p> <p>.ii 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.</p> <p>.iii The catering staff shall be properly trained or instructed for their positions.</p> <p>.2 Shipowners shall provide seafarers on board with food and drinking water free of charge during the period of engagement.</p>

	<p>.3 Shipowners shall ensure that seafarers who are engaged as ships' cooks are trained, qualified and found competent in accordance with the requirements in Shipping Circular No xx of 2012, as updated from time to time on MPA website: www.mpa.gov.sg.</p> <p>.4 Documented inspections, by or under authority of the master and at intervals not exceeding 7 days, shall be carried out on board with respect to:</p> <ul style="list-style-type: none"> .i supplies of food and drinking water; .ii all spaces and equipment used for the storage and handling of food and drinking water; and .iii galley and other equipment for the preparation and service of meals. <p>.5 No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.</p>
<p>11. Health and Safety and accident prevention (Regulation 4.3)</p>	<p>.1 Shipowners shall adopt, implement and promote occupational safety and health policies and programmes on board ships, including risk evaluation as well as training and instruction of seafarers.</p> <p>.2 Shipowners shall provide and ensure reasonable precautions to prevent occupational accidents, injuries and diseases on board, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or diseases that may arise from the use of equipment and machinery on board ships.</p> <p>.3 Shipowners shall ensure that on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, take into account preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.</p> <p>.4 The shipowner or the master of the ship are required to report to the Director occurrences of occupational accidents, injuries and diseases on board ships, and to also correct unsafe conditions. Reports are required if the accident, injury or disease renders the crew unfit for work for more than 3 consecutive days or hospitalised for at least 24 hours.</p> <p>.5 Shipowners conducting risk evaluation in relation to management of occupational safety and health shall refer to appropriate statistical information from their ships and from general statistics provided by the Director.</p> <p>.6 Shipowners shall specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with</p>

	<p>the ship's occupational safety and health policies and programmes. Shipowners shall also specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be established on board a ship on which there are five or more seafarers.</p> <p>.7 Shipowners shall pay special attention to the safety and health of seafarers under the age of 18.</p>
<p>12. On-board medical care (Regulation 4.1)</p>	<p>.1 Shipowners shall ensure that:</p> <ul style="list-style-type: none"> .i there are measures for seafarers to be given prompt and adequate medical care (including dental care) and occupational health protection relevant to their duties on board the ship; .ii seafarers have the right to visit a doctor or dentist without delay in ports of call, where practicable; .iii medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided at no cost to the seafarer; and .iv there are measures for medical care to be of preventive character such as health promotion and education programmes. <p>.2 The format of the medical report form prescribed by the Director and which shall be used by shipmasters and relevant onshore and on board medical personnel is contained in Shipping Circular xx of 2012, as updated from time to time on MPA website: www.mpa.gov.sg</p>
<p>13. Onboard Complaint Procedure (Regulation 5.1.5)</p>	<p>.1 Shipowners shall ensure that all ships have the on board complaint procedures, as prescribed by the Director, for the fair, effective and expeditious handling of seafarer complaints alleging breaches of MLC 2006.</p> <p>.2 Shipowners shall ensure that all seafarers working on board any ship have a copy of the on board complaint procedures, as prescribed by the Director. This shall include contact information for the competent authority in the flag State [MPA to provide contact information] and, where different, in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.</p> <p>.3 The on board complaint procedures, as prescribed by the Director, is contained in Shipping Circular xx of 2012, as updated from time to time on MPA website: www.mpa.gov.sg</p>
<p>14. Payment of wages (Regulation 2.2)</p>	<p>.1 Shipowners shall ensure that payments due to seafarers are paid at no greater than monthly intervals and in accordance with the seafarer employment agreement, and</p>

	<p>where applicable, any collective bargaining agreement.</p> <p>.2 Shipowners shall ensure that seafarers are given a monthly account of the payments due and that the account contains the minimum information fields that are required by national law.</p> <p>.3 The rate of currency exchange shall not be unfavourable to the seafarers.</p> <p>.4 Shipowners shall take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. Measures to ensure that seafarers are able to transmit their earnings to their families include:</p> <ul style="list-style-type: none">.i a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and.ii a requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers. <p>.5 Shipowners shall ensure that transmissions of earnings by seafarers to at least one account designated by the seafarer shall be provided free of charge. Where more than one account has been designated by the seafarer, allotments to any subsequently designated account(s) shall be provided at a reasonable charge.</p>
--	--