



# Technical Circular

No.: 01/2015

Date: 28<sup>th</sup> January 2015

To Whomsoever it may concern

**Subject: Alert to all Shipowners / Managers**

MLC 2006 came into force from 20<sup>th</sup> August 2013 and a period of one year of leniency was recommended by ILO to all MLC 2006 Inspecting authorities. The period of leniency is now over and all the inspecting authorities of MLC 2006 ratified countries and authorities under various MOUs are strictly inspecting ships for compliance with the requirements of MLC 2006 and under *MLC 2006, Article V, paragraph 7 (No more favourable treatment than the ships that fly the flag of any State that has ratified it)*.

Indian Flag ship are being issued with Statement of Compliance for MLC 2006, however, when visiting ports of MLC ratified countries, full compliance with the requirements of MLC 2006 will be verified by PSC. Some of deficiencies related to MLC 2006, raised by PSCs since the expiry of the leniency period is compiled below.

The purpose of forwarding the compilation of deficiencies noted, is for the awareness of all Shipowners / Managers with request to circulate to all ships of their fleet, for awareness of all Ship's Staff and to verify existence of similar deficiencies, if any, and take appropriate action, including other requirements of MLC 2006, in order to avoid detention.

The summary list of deficiencies noted by PSC (in the year 2014) is as below:

**I. Certificate & Documentation**

- a. Tables of watching hours not posted on bridge
- b. 3rd Officer and 3rd Engineer are not holding flag state endorsement.
- c. Crew article not filled properly.
- d. Crew contracts of 3 seafarers have expired.
- e. Direct contract terms for Chief Officer at variance with his SEA and CBA. SEAs do not clearly specify monthly leave entitlements; vary with CBA (CO, TNOC's, 3O, 2E and 4E's).
- f. Current version of applicable CBA for officers not on board.
- g. Three officer SEA's expired (one to two months).
- h. Records of daily hours of rest for each watchkeeper not endorsed by appropriate person.
- i. Rest hour records does not reflect actual working hour of ship's crew.

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## **II. Working and Living Conditions**

- a. Accommodation A/C not working.
- b. Ventilation inoperative.
- c. Galley floor drain tiles cracked in several places. Two tiles broken at edges exposing lower flooring.
- d. Engine room bottom floor plates found loosen at few places.
- e. Safety instruction for grinding and drilling machine - missing.
- f. Engine room lower platform some safe railing require.
- g. Sewage pump - protection moving parts - missing.
- h. Electric protective gloves not for safe use (bad condition).
- i. Accommodation ladder - some portside stays broken, safety net not fixed properly.
- j. Meat room floor with ice accumulation and slippery.
- k. Some gangway stanchions upright locking arrangement defective.

## **III. Labour Conditions**

- a. Several examples of minimum rest period violations for Master and Chief Officer during port operations during Nov and Dec 2014.
- b. Monthly statement of wages to individual seafarers not being provided.
- c. Common space toilet defective.
- d. Found medical locker disorderly stowed with medical equipment.
- e. Mess Room, Master and C/E office floor covering torn.
- f. Found in the galley dirty walls, dirty furniture, plates, cupboards dirty equipment/tools and signs of vermin.
- g. Insufficient fresh fruit and vegetables for intended voyage.
- h. Poor quality fresh vegetables on board.
- i. Provision stores disorderly and dirty, signs of vermin.
- j. Washing machines in crew and petty officer laundries defective. (Crew washing clothes by hand).
- k. Medicine as per Medicine chest requirement not available.
- l. Unsafe electrical connections at various places on board.
- m. No MSDS available for chemicals stored in forward store.
- n. Guard rails of gangway fixed are not as required.

Also note that AMSA has recently detained one Indian Flag vessel in South Australia Region with the below mentioned deficiencies, all pertaining to MLC 2006.

- a. Poor quality fresh vegetables on board. (MLC Reg 3.2)
- b. Inadequate quantity of provisions (fresh fruit, vegetables and fish) on board. (MLC Reg 3.2)
- c. Three Officer SEA's expired (one to two months), Master, 3/O and 3/E. (MLC Reg 2.1)
- d. Seafarers not receiving monthly accounts of payments. (MLC Reg 2.2).
- e. Current version of applicable CBA for officers not on board. (MLC Reg 2.1)
- f. Washing machines in crew and petty officer laundries defective. (Crew washing clothes by hand.) (MLC Reg 3.1)
- g. Crew and officer televisions unable to receive transmissions. (MLC Reg 3.1)

- h. Several examples of minimum rest period violations for Master and Chief Officer during port operations during Nov and Dec 2014. (MLC Reg 2.3)
- i. Direct contract terms for Chief Officer at variance with his SEA and CBA. SEAs do not clearly specify monthly leave entitlements; vary with CBA (CO, TNOC's, 3O, 2E and 4E's). (MLC Reg 2.1 and 2.4)

Due to the above number of deficiencies as evidence of ineffective implementation of MLC 2006, the ship was detained by AMSA.

It is to be noted that, ships visiting ports of MLC 2006 ratified countries may be subjected to inspection by PSC on “*no more favourable treatment*” basis. Hence, whether or not the ship’s flag has ratified MLC 2006, when visiting ports of MLC ratified countries, the ship will be detained, if deficiencies are found evidencing the lack of implementation & compliance of the requirements of MLC 2006.

The above deficiencies can be avoided if regular supervision or monitoring is carried out not only by ship’s staff, but also by effective monitoring by the company.

**The Master / ship’s staff can verify the following, but not limited to:**

- a. Display in conspicuous place the Table of Working Arrangement at Sea and in Port, Complaint Handling Procedures, Maritime Labour Certificate / Statement of Compliance with the Declaration of Maritime Compliance, inspection reports, etc.
- b. Seafarers Employment Agreement / Contract of Employment with all relevant information required as per MLC 2006.
- c. Records of seafarers’ daily hours of work or rest are maintained and signed copies are available with every seafarer.
- d. Accommodation, galley, provision and other stores, etc are maintained in a hygienic condition.
- e. Provisions, vegetables and fruits are properly stored and are of good quality.
- f. Record of Inspection of Accommodation, galley, food and drinking water to be available, including evidence of follow-up and rectifications if deficiencies are found.
- g. Hospital Accommodation, Medical Chest, medical guide etc are properly maintained, including records of medicines dispensed and Medical reports of visit by seafarers to doctors ashore.
- h. Working areas and machinery parts are well protected from dangers of accidents occurrence.
- i. Minutes of meeting of Safety Committee held on board are available for review.
- j. All sanitary and laundry facilities are in proper working order.
- k. Recreational facilities are clean and maintained in good state of repair.
- l. Limits for noise levels for working and living spaces is in conformity with ILO international guidelines on exposure levels. (A copy of the applicable instruments in English or the working language of the ship to be carried on board and to be accessible to seafarers).

- m. Accommodation or recreational or catering facilities should not be exposed to excessive vibration.
- n. Hot and cold water is available at all wash places.
- o. Lighting and ventilation is adequate (Air conditioning or heaters, as required, is operative)
- p. Monthly account of wages are given to seafarers

**The company can monitor / verify the following, but not limited to:**

- a. Proper qualification documents of seafarers employed on board, including the appropriate endorsements.
- b. Cooks employed are not below 18 years of age.
- c. Manning level on board is sufficient to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.
- d. Medical certificates are issued by qualified medical practitioners and in approved format.
- e. SEA / Contract of employment of seafarers (including Cadets/Apprentices, trainees and Junior Officers) are in compliance with MLC 2006.
- f. DMLC Part II to include shipowner's name and address as defined by Article II 1.(j) of MLC 2006 (DOC holder's name and address).
- g. Seafarers, if recruited through RPS, are through licensed RPS.
- h. SEA is signed by both, the seafarer and shipowner and one original SEA is issued to the seafarer.
- i. Manning agreement between ship owner and representative of shipowner (where SEA is signed by representative of shipowner) is made available on board the ship.
- j. Evidence of shipowners' financial security to assure compensation in case of seafarer's death or long-term disability due to an occupational injury, illness or hazard is made available on board the ship.
- k. Evidence of shipowners' financial security for repatriation of seafarers is made available on board.
- l. Compliant procedure is on board and personnel are familiarized with these procedures.
- m. Food and drinking water supply is adequate for the intended voyage.
- n. Stores and spares are adequate.
- o. Expiry of SEA / Contract of Employment. (timely Repatriation of Seafarers)
- p. Payment of wages on monthly basis.
- q. Account of wages on monthly basis.

**Enclosure:**

- 1. Nil

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