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WORLD MARITIME UNIVERSITY

Malmö, Sweden

**Implementation of The Maritime Labour
Convention, 2006:
Angola as a case study**

By

**Jandira Camilo Mendes
Angola**

A dissertation submitted to the World Maritime University in partial
fulfilment of the requirement for the award of the degree of

**MASTER OF SCIENCE
In
MARITIME AFFAIRS**

Maritime Law & Policy

2019

Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature): **J. Mendes**

(Date): **24.09.2014**

Supervised by: **Laura Carballo**

Supervisor's affiliation:

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Abstract

Title of Dissertation: Implementation of The Maritime Labour Convention, 2006: Angola as a case study

Tool – A Legal Analysis

Degree: Master of Science

The dissertation is an analysis of an implementation for a reference legal instrument for seafarer's rights – the Maritime Labour Convention, 2006 in Angola due to the lack of relevance of the body of international labour standards in its maritime sector.

Presently, the Maritime Labour Convention, 2006 (MLC, 2006) is deemed as the fourth pillar of international regulatory regime for quality shipping, following the three key maritime conventions: SOLAS, MARPOL and STCW.

A set of regulations that out a series of principles and rights for an entire global industry.

The International Labour Organisation (ILO) has set out several guidelines and literary texts aiming to assist states through a successful implementation and application, however it is not enough to ensure it. The problems encountered by states and in this specific case, Angola will be discussed and thoroughly analysed. Additionally, so will be the implementation process of the MLC, 2006 and its effectiveness on other maritime states.

It is also important to understand, Angola's development and significance in the maritime sector, especially in terms of its national maritime labour practices and legislations.

Possible compliance and enforcement issues will be discussed upon problem identification, such as addressing any possible gaps. The nature of the actors involved will allow in the provision of innovative research and recommendations; bearing in mind, as to what extent the Convention resolves implementation challenges at flag state level and its possible loopholes.

Lastly, the final chapter will examine the results and propose the best approach to ensure implementation of the Convention under Angolan state legislation. Correspondingly, providing further recommendations for future or not yet applied mandatory maritime instruments.

KEYWORDS: Implementation, Maritime Labour Convention, Angola, Regulations, Legislation, International Maritime Organisation, International Labour Organisation, Seafarers, Shipowners

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List of Abbreviations

MLC, 2006 – Maritime Labour Convention, 2006

ILO - International Labour Organisation

EU - European Union

MoU - Memorandum of Understanding

SIDS - Small Island Developing State

IMPA - Instituto Marítimo e Portuario de Angola

IMO - International Maritime Organisation

STCW - Standards of Training, Certification and Watchkeeping of Seafarers Convention

ISM - International Safety Management Code

UN - United Nations

SOLAS – International Convention for the Safety of Life at Sea

MARPOL - International Convention for the Prevention of Pollution from Ships

III - FSI Sub-Committee was renamed the Sub-Committee on Implementation of IMO

PSCO - Port State Control Officer

DMLC - Declaration of Maritime Labour Compliance

EEZ - Exclusive Economic Zone

BCLME - Benguela Current Large Marine Ecosystem

GDP - Gross domestic products

MGA - Marinha de Guerra Angolana

MGPA - Marinha De Guerra Popular de Angola

REPANG - Permanent Representation of Angola to the International Maritime Organisation

SEA - Seafaring employment agreements

OSH - Occupational Safety and Health

IGT - Inspeção Geral do Trabalho

ROs – Recognised Organisations

Chapter 1

Introduction

With seaborne trade showing an increase by 4%, the fastest growth in 5 years (UNCTAD, 2018). The shipping industry is due to keep growing and develop a significant boost in earnings and profits. While, these prospects are virtuous; immediate concerns may outweigh its advantages.

As, growth is occurring within the shipping industry; changes are also taking place, outside of it. For instance, the human element is also a major factor for the thrive and success of the maritime industry, therefore it is important that seafarers working conditions and wellbeing are being considered.

This is because, statistically most marine casualties carried out at sea are related to stress, fatigue and high workloads. Not to mention, hygiene levels onboard can also (at times) be unhealthy, having led to potential sickness and the spread of diseases; mental health is also another factor, due to seafarers spending a long-time away from their families and homes with sometimes, little to no communication and rest hours leaving them feeling isolated and/or depressed. These are just some of the issues, the Maritime Labour Convention, 2006 (MLC,2006) seeks to address.

The MLC, 2006 is an international labour convention, that came into force on the 20th August 2013, with aims of establishing minimum working and living standards for all seafarers on ships by taking into account their medical care, health and social insurance, as well as, considering the fair competition amongst shipowners in order to ensure real change for seafarers and shipowner rights.

Despite, the success of the convention over the last 13 years, with obtaining over 90 ratifications, representing more than 91% of the world merchant shipping fleet

(International Labour Organisation, 2019) there are still some states, who are reluctant to implementing the regulatory regime.

With focus on a developing state, this dissertation aims to explore why Angola has not ratified the MLC,2006 yet. Angola is one of Africa's fast-growing economies, with a promising maritime sector, therefore this dissertation attempts to encourage a rapid ratification and effective implementation of the MLC,2006 in Angola whilst, analysing the reasons as to why Angola still has not complied with international standards of maritime labour.

1.1 Literature Review

Early studies into seafaring practises tended to take a sharply critical approach towards stakeholders in the maritime community, focusing on a seafarers' detrimental work conditions onboard ships and unfair treatment due to an uneven playing field. The introduction of an impressive treaty infrastructure governing seafarers' rights supervised by the International Labour Organisation (ILO) had taken place side-by-side with ongoing and widespread abuses committed against seafarers' (Payoyo, *Seafarers' Human Rights: Compliance and Enforcement. In The Future of Ocean Governance and Capacity Development* , 2018).

Given the pivotal role (Payoyo, *Seafarers' Human Rights: Compliance and Enforcement. In The Future of Ocean Governance and Capacity Development* , 2018) plays in policy formulation as house renowned author, it is important to establish whether or not the MLC, 2006 implementation has brought significant improvements to the maritime sector.

(Lavelle, 2013) praised the introduction of the MLC, 2006's during its embryonic stage through a timely thought-provoking analysis; the author was able to predict that, the Convention would in fact, alter the playing field for major, key stakeholders in the maritime industry, in which it has.

However, in a captious response, authors (Exarchopoulos, Zhang, Pryce-Roberts, & Zhao, 2018) also commended the concept of a unitised, comprehensive maritime labour convention through a critical analysis of the MLC, 2006 however, upon their findings the authors discovered that, there are no universal methods for measuring a seafarers' welfare and current legislation is not adequate to deliver clarifications and/or approaches to satisfy a seafarer's psychological needs. While the study provides valuable information regarding the MLC, 2006 and its effect to a seafarer's mental health caution needs to be exercised as, this outcome may include conflicting results, from differences in the way variables are measured. One cannot assume the results obtained solely, from this study are not unbiased.

(Zhang, Shan, Zhao, & Pryce-Roberts, 2019) took a theoretical approach to life across the shipping industry, in which it highlighted the benefits of the MLC, 2006. Moreover, it stressed the importance of every State engaged in seaborne trade, to establish seafarer rights into hard and soft laws.

Subsequently, with focus on (McConnell, Devlin, & Doumbia-Henry, 2011) "The Maritime Labour Convention, 2006: A legal primer to an emerging international regime", Chapter Six: Article V, which focuses on a State's Implementation and Enforcement responsibilities. The Chapter provides a descriptive legal analysis of the MLC, 2006, Article V, which focuses on a State's Implementation and Enforcement responsibilities. Although, the source provides a legal analysis of the Convention with aims to generate clarity and educate its readers, the source seems to generate a slight sense of bias towards the implementation of the Convention, through the terminology used; the embedment of persuasive language may be due to one of author's previously serving as the Director of the International Labour Standards Department of the International Labour Office, whereby the MLC, 2006 is Convention of. In contrast to (Piñeiro, 2015) text, which seems to maintain a more an impartial approach to the MLC, 2006 implementation. Nonetheless, just because the source may be slightly bias it does not mean that it is invalid and/or reliable.

From a global perspective, the MLC, 2006's ratification seems to be widely accepted. In order to fully understand what is unique and/or interesting about this dissertation topic, it is necessary to narrow down the scope of this research to a regional perspective.

(Tortell, Delarue, & Kenner, 2009) describes the European Union's (EU) initial acceptance towards the MLC, 2006 implementation at an unprecedented level, which is somewhat Angola's current position. However, a shift in pattern and/or attitude can be noticed throughout the text as, the authors then describes the EU as an active member when addressing the way in which the EU was involved in implementing the Convention. The reason for this being due to the ILO's and EU's close socio-political relationship and efforts to expand globalisation. The scope of this source is quite limited, as it only takes into consideration EU member states and not Europe as whole, in terms of a region analysis.

Scholars like (Taneri, 2016) reviewed and evaluated the MLC, 2006 with focus on their country and found, more benefits than limitations as to why the implementation of the MLC, 2006 in Turkey is a must. Two of the main reasons being that, being a party to the Convention improves improved quality, safety and employment conditions of seafarers on board a ship and compliance to an ever-globalised ever-globalizing maritime sector, similar to (Tortell, Delarue, & Kenner, 2009) stance. Nevertheless, it is comparatively easy for (Taneri, 2016) to take such a position towards implementation. Although, not wrong, the author displays a strong sense bias for her motivation in her text. The implementation of the Convention would maintain a good look upon its Paris MoU (Memorandum of Understanding). The same applies for (Reed Smith LLP, 2010) whereby, the MLC, 2006's 'no favourable treatment' clause served as one of the United Kingdom's indicator for implementing the Convention, which ironically worked as a deterrent for non-compliance (Bollé, 2006).

Conversely, Greek authors (Progoulaki, Katradi, & Theotokas, 2013) resonate a more impartial view. The journal article, solely promotes the development of Greek seafarers' welfare under the MLC, 2006 with a set of unbiased views and opinions.

The current thesis examines implementation through a narrower, smaller geographic unit of analysis. The implementation of a single, coherent international maritime labour convention in Angola, that promotes good working conditions for seafarers and fair treatment for shipowners is non-existent. (Graham, 2009) shares the same sentiment being from small island developing state (SIDS). The author expresses the interest of seafarers being at the centre of the MLC, 2006 and although, ratification may be slow there is hope that it will actualise.

This area has been surprisingly neglected as majority of the literature surrounding the MLC, 2006 focuses on Enforcement measures or port state control measures. However, such a narrow focus may also be limited to data, whereby reliability could also be a challenge (Blankenship, Friedman, Dworkin, & Mantell, 2006). Nevertheless, understanding the benefits and challenges for a rapid, yet effective implementation of the MLC, 2006 in Angola would be helpful to understand, future international maritime conventions.

1.2 Objectives

The purpose of this research is to discuss the probable implementation of the Maritime Labour Convention, 2006 in Angola. The objectives to achieve this aim are, as followed:

1. To demonstrate the effectiveness of the existing legal framework in Angola, in relation to maritime labour (both nationally and internationally).
2. To identify and analyse the benefits and implications of implementing the MLC, 2006 to Angola's national legal framework and gaps thereof.

3. To demonstrate the necessity of implementing, enforcing and compliance to an effective maritime legislation, that meets both national and international standards for seafarers and shipowners in Angola.

4. To explore the best innovative solution(s) for a rapid ratification and effective implementation of the MLC,2006 in Angola.

1.3 Methodology

To achieve the objectives of this research paper, secondary data will be the most effective method to use, this is because it is an analysis and interpretation of primary research. Additionally, it will allow for an examination of trends and changes of phenomena over time.

With a focus on Angola, this research paper is aimed to exclusively discuss the implementation of the MLC, 2006 in the state and matters surrounding it. As, a legal research it is important that both, legal and non-legal sources are used, such as law journals, scholars and reviews.

The use of quantitative data such as, polls, surveys or statistics (although, secondary data) will be useful for this research, as quantified data (may) aid with the decision making process; in terms of, building a clear picture of the existing and past conditions of certain aspects in maritime policies, in Angola.

Lastly, an analysis of Angola's maritime laws vis-à-vis the MLC, 2006 will also be included in order to help identify Angola's level of readiness and/or challenges towards the implementation of the Convention. This type of data collection and sampling may assist in uncovering unforeseen patterns in research, which may be useful in justifying the need for an effective implementation of the MLC, 2006 in Angola.

1.4 Benefits of this research

We live in an era where excellence-promoting initiatives have emerged as high-profile policy instruments in the world's more advanced economies (Tijssen, 2017), therefore the current focus for developing states like Angola, is to keep up.

Most developed states tend to have a hard time ensuring the implementation and enforcement of international conventions due to a multitude of challenges; consequently, this research aims to be a driving force to aid and justify reform (where applicable) to a large-scale, long-term legal framework by proposing new policy measures.

Angola has tremendous potential to improve, especially as it has come under the new administration of President João Lourenço in 2017. The government aims to modernise and build a more efficient and sustainable transport sector, but also to become a world reference in terms of public-private partnerships (Foreign Policy, 2019), therefore the possibilities and benefits of implementing the MLC, 2006 could not come at a better time.

1.5 Assumptions and limitations of this research

Firstly, Angola has not ratified the MLC, 2006 therefore for the purpose of this research it is assumed that Angola will do so by appointing, IMPA (Angola's competent maritime authority) as the body responsible for the implementation of the MLC, 2006.

Moreover, there is very little or no prior research on this specific topic, in relation to Angola which might be one of the biggest limitations for the development of this work. Furthermore, the data that is available may be of limited access due to confidentiality restrictions or outdated, consequently hindering the progress of this research.

Consequently, one can assume that the results of this research may contribute to a national development in typology for maritime law and policy, for the implementation and enforcement of other (upcoming) international conventions.

1.6 Dissertation outline

In order to effectively accomplish the objectives (stated above), this dissertation is arranged in several chapters.

The first chapter aims to introduce the importance and background of the MLC, 2006 and its necessity to Angola's existing legal framework. It also includes the objectives, methodology, benefits, assumptions and limitations of the research. It also describes the outline of the study.

Chapter 2 shall examine the context of policy implementation, from its agenda setting stage to its establishment. It will consider ILO and IMO perspectives, alongside relevant industry actors. Moreover, it will provide a brief description of the MLC, 2006 and its impact in today's maritime domain, considering the MLC, 2006 guidelines and Article 22.

Whilst, chapter 3 will solely focus on Angola; it examines the history of its maritime industry, the existing legal framework surrounding maritime labour, its maritime authority and implementation roles.

Chapter 4 analyses Angola's legal framework vis-à-vis the MLC, 2006 general obligations.

Lastly, chapter 5 analyses Angola's legal framework vis-à-vis the MLC, 2006 through the examination of Titles 1-5 of the Convention.

Lastly, Chapter 6 provides a round off discussion on the topic at hand, through a summary of the whole topic, a conclusion and recommendations for further action(s).

Chapter 2

The Human Element

The human element is a broad context and complex matter; when it comes to discussing the human element in a maritime context, the International Maritime Organisation (IMO) adopted its best definition in Resolution A.947 (23), Agenda item 17 (IMO , 2004) in 2003 as:

“The human element is a complex multi-dimensional issue that affects maritime safety, security and marine environmental protection. It involves the entire spectrum of human activities performed by ships’ crews, shore-based management, regulatory bodies, recognized organizations, shipyards, legislators, and other relevant parties, all of whom need to co-operate to address human element issues effectively.”

From this statement, one can adhere that this term does not only apply to individuals within the maritime field, but also (other) external actors/shareholders. (Igwe, 2019) emphasizes that competence, commitment and the motivation of stakeholders at all levels, is necessary for the enhancement of safety culture throughout the shipping industry.

Nevertheless, it is still important to note that, the substantial increase in seaborne trade, the safety and security of life at sea, protection of the marine environment is highly dependent on the professionalism and competence of seafarers worldwide.

Over the years, the IMO and its member states have constituted international standards addressed to the people involved in the shipping sector, through the Standards of Training, Certification and Watchkeeping of Seafarers Convention (STCW), the International Safety Management (ISM) Code and the MLC, 2006 which are the particular, existing set of regulations embodying its work.

However, in establishing these international standards, effective implementation is key. (O’Neil, 2003) further stresses this point by stating that, much of the regulatory process within the IMO is focussed on developing measures, whereas it should be on its member states alongside its lawyers and administrators. The focus should reside on member states, properly assimilating and ensuring that these new measures are domesticated (accordingly) into their national legal frameworks, where the responsibility for successful implementation widens.

2.1 What is “implementation” ?

The (Merriam-Webster, 2019) dictionary defines, the term implementation as “*an act or instance of implementing something : the process of making something active or effective*”, essentially as an action to do something.

Whereas, (Fischer, 2007) describes policy implementation, as the stage of execution or enforcement of a policy by the responsible institutions and organizations that are often, but not always, part of the public sector.

Within the maritime context, the IMO has overly referred to “implementation” as a state’s responsibilities to adopt (international) legislation. Whereby, a member state accepts an IMO Convention and it agrees to make it part of its own national law and to enforce it just like any other law (IMO, 2019).

The process of implementation can be a lengthy and complex one, as there is an implicit assumption in most policy studies that once a policy has been formulated the policy will be implemented (Smith, 1973), however this is not always the case, especially for many developing states like Angola.

Various researchers, administrators and policy makers have the notion to recognise the critical role of implementation, especially when it comes to bridging the relationship between the production of policies and their effects at multiple levels of government (Nilsen, 2013) predominantly, because implementation is a political process that involves many stakeholders, in which many parts of public and private organisations

collaborate. For instance, (Linder, 1987) has adduced that, it is logical to say that policy formulation should be oriented around implementation. These matters, however, fall within the competence of policymakers.

2.2 IMO/ILO Perspectives

The International Maritime Organisation is a United Nations (UN) specialized agency responsible for safety and security of shipping and the prevention of marine pollution by ships; they have been at forefront of the shipping industry for over 70 years.

During its existence the IMO has established several international conventions, such as SOLAS, MARPOL and the STCW, considering both the marine and atmospheric aspect. The development and function of these international standards aim to keep up with economic, human and technological advances.

As previously mentioned, the IMO is responsible for adopting legislation and its member states are responsible for implementing them. However, when analysing casualty rates or ports state control detentions, statistical evidence has shown significant anomalies exist between states with substantial, organised maritime administrations manned with experienced personnel such as, ship surveyors, policy makers in comparison to others that are not in a position to properly fulfil the tasks at hand (flag and port state responsibilities) (IMO, 2019). The “others” usually being less developed states.

This issue has been of great concern to the IMO since the early 90’s, hence the IMO setting up the Sub-Committee on Flag State Implementation (FSI) to improve the performance of states. The FSI Sub-Committee was renamed the Sub-Committee on Implementation of IMO (III) in 2013 (IMO, 2019).

In addition, the IMO introduced the Voluntary IMO Member State Audit Scheme, introduced in 2006, which aids in enhancing effective and uniform implementation throughout the world, as does the Organization’s extensive technical co-operation programme (World Maritime University, 2019), through capacity building in a

coherent legal, administrative and human framework. As of the 1st January 2016, the audit scheme has been made mandatory to all IMO member states, under the most important IMO treaties.

Throughout the years, the IMO has built allies with other UN bodies with similar interests in order to promote the acceptance and compliance of international conventions. For instance, the International Labour Organization (ILO).

Similarly, to the IMO, the ILO is under the United Nation's umbrella; its mandate is to boost social justice by setting labour standards, developing policies and devising programmes that promote decent work for all men and women (International Labour Organisation, 2019). At present, it represents 187 member states.

Since its establishment in 1919, the ILO has developed many international labouring standards, such as the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Abolition of Forced Labour Convention, 1957 (No. 105) to name a few, in different industries and sectors.

Amongst all their achievements, the ILO found that, there was still industries like the maritime sector, where specific labourers went overlooked: seafarers. Maritime employment deserved special attention, which the ILO knew about and issued several recommendations on, in which consensus was required for a convention, but unfortunately could not be achieved (Piñeiro, 2015).

At this point, their perspective shifted towards sustaining labour rights in the maritime field. During a commission meeting, in 1996, ILO's Director-General at the time, Michel Hansenne stated that;

"The dangers to which shipowners and governments are exposed are financial or political in nature, but seafarers are exposed to physical risks which threaten their very lives. It has, for example, been emphasized that since the last tripartite meeting of 1994, 180 ships of more than 500 tons have been lost at sea, causing the death of

1,200 seafarers and many passengers. In the first six months of 1996, twice as many human lives were lost at sea than in the whole of 1995." (International Labour Organisation, 1996).

Following this meeting, two instruments were adopted and revised: Seafarers' Hours of Work and the Manning of Ships Convention and the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996.

The ILO continued in its fight towards improving, the social and economic conditions for seafarers, especially as the maritime sector became more globalised. It was clear that, considerable attention was required for the development of adequate and modern labour law addressing employment at sea (United Nations, 1991).

In 2005, at its 290th Session, its governing body approved the formation of a Joint ILO/IMO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident. Its mandate suggests the Joint Working Group should prepare suitable recommendations for IMO's Legal Committee and ILO's Governing Body, including draft guidelines on the fair treatment of seafarers in the event of a maritime incident (International Labour Office, 2005).

A year later, at the 94th Maritime Session of the International Labour Conference, the Maritime Labour Convention, 2006 was adopted.

This renowned combination has brought forward new ideologies for the improvement of future seafaring practices in the maritime sector, with many more to come. Their perspectives align, in sight to give the human element in shipping a truly front and central role in the maritime industry. There is a common notion that the only factor that can balance the global competition is international cooperation (Piñeiro, 2015).

Additionally, it provides an important example of inter-organization learning as it builds and develops (McConnell M. L., The Maritime Labour Convention, 2006—reflections, 2011).

2.3 MLC, 2006

The Maritime Labour Convention, 2006 (MLC,2006) is the result of a mutual concession by both, the IMO and the ILO that acknowledges both their perspectives towards the betterment of international maritime labour standards.

The convention was created as a desire to create a single, coherent instrument that embodies all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as other fundamental principles (International Labour Conference, 2019).

The existing Convention asserts flag and port state responsibilities in terms of, enacting and enforcing the Convention alongside guidelines and recommendations. Although, some vagueness exists due to its politically guided nature (Lavelle, 2013).

2.3.1 Content

The Convention is comprised of three parts: 16 Articles, Regulations and a Code.

The Articles and Regulations set out the core rights and principles of member states obligations ratifying the Convention, whilst the Code contains the Regulation's implementation details. The Code consists of 5 *Titles*, which are divided in two parts: Part A (mandatory standards) and Part B (non-mandatory guidelines), which cover the following:

- Title 1: Minimum requirements for seafarers to work on a ship
- Title 2: Conditions of employment
- Title 3: Accommodation, recreational facilities, food and catering
- Title 4: Health protection, medical care, welfare and social security protection
- Title 5: Compliance and enforcement

These Titles aim to ensure the decent working and living conditions for the world's seafarers, as well as the promotion of fair competition among shipowners. The extent

as to which they are effective, will depend on the extent as to which they are implemented.

With focus on the MLC, 2006 Titles 1-5, each member state is responsible to implement and enforce the Convention. Additionally, they shall also establish relevant sanctions or corrective measures domestically to aid in the demoralisation of law violations (Adăscăliței, 2014).

The Convention is something Angola should pursue to comply and enforce as some of its maritime labour standards are not up to date with developments in the shipping industry, and where some standards align (with the Convention) they tend to lack certain aspects in comparison with those of non-tripartite bodies, especially those between governments, employers, and workers.

But what are the existing requirements for implementation?

2.3.2 Implementation Requirements

Article VI of the MLC, 2006 establishes regulations and provisions for implementation. It deals with two significant matters: a ratifying states' legal obligations in regards to the Code, Part B and secondly, provisions level(s) of 'flexibility' set in paragraphs 3-4, which essentially is the 'substantial equivalence' of national implementation measures (McConnell, Devlin, & Doumbia-Henry, 2011).

Consequently, ratifying member states are to comply with mandatory provisions set in Part A, whereas provisions set in Part B are somewhat flexible due to the fact that, Part B has non-mandatory provisions. Nevertheless, ratifying states are not to ignore it as compliance, with Part B highlights full implementation to Part A.

The MLC, 2006's *Title 5: Compliance and Enforcement* regulates a member states' compliance and enforcement of the principles and rights set out in the Convention. It is slightly different from Titles 1-4, due to its tripartite structure: flag state responsibilities, port state responsibilities and labour-supplying responsibilities.

Moreover, it establishes a certification system to ensure ongoing compliance to the convention post the implementation stage; similar to certificate based systems used by the IMO's in the SOLAS and MARPOL Conventions (Carey, 2017).

Despite the MLC's attempt to provide national flexibility, when it comes to implementation, enforcement and inspection there are still challenges faced by some ILO member states to implement it, predominantly less developed states like Angola.

Therefore, in reference to MLC, 2006, Article VII in an event of derogation, exemption or flexibility of the Convention the latter requires that implementation oughts' to be made in consultation with shipowners' and seafarers' organizations (McConnell, Devlin, & Doumbia-Henry, 2011).

2.3.3 Implementation Challenges

As previously mentioned, implementation can be a complex process. When it comes to implementing the MLC, 2006 there have been some issues and difficulties raised by ratifying member states to meet the desired requirements of the Convention.

For instance, difficulties in exercising flexibility, which can pose major problems, especially when national practice does not allow ratification until national domestication to implement it are in place (McConnell, Devlin, & Doumbia-Henry, 2011).

The Convention's areas of flexibility: Article VI, paragraph 3 where it is possible, whereby necessary for a member, to give effect to the detailed requirements of Part A of the Code through substantial equivalence (as defined in Article VI, paragraph 4) and secondly, where implementation is provided by formulating the mandatory requirements of many provisions in Part B in a more general way, there is space left for interpretation and vagueness as to the necessary steps to be taken at national level (International Labour Office, 2009).

On the other hand, some ratifying states lack capacity as flag states due to economic reasons, political unrest or skilled policymakers in which, firstly, results in issues like capacity to implement and operate a ship inspection and certification system and secondly, to legal implementation and ratification (Adăscăliței, 2014).

2.4 Flag State Responsibilities

The term, ‘flag’ is used as a shorthand for the allocation of nationality to a vessel and the assumption of exclusive jurisdiction and control by a State over the vessel (Watt, 2013).

Regarding, the MLC, 2006, a flag state responsibilities’ can be found under Article VI, whereby members of the Convention are responsible for ensuring that, ships flying its flags implement and comply with all aspects set out, in correspondence to provisions of Part A and B of the MLC,2006.

For example, Standard A5.1.1 – General Principles, clearly states that members ought to establish clear objectives and standards covering the administration of its inspections, certification systems and the appropriate assessment procedures, in order to clarify their objectives and ways of successively attaining them. A more precise indication of what is involved is provided in the corresponding Guideline B5.1.1.

2.5 Port State Responsibilities

In accordance to Article V, paragraph 7 member states ought to implement its responsibilities under the MLC, 2006 in a way to ensure ships flying flags of non-ratifying states do not receive favourable treatment than ships that fly flag of any State that has ratified it. This is done in order to encourage fair competition.

Moreover, it is necessity to ensure that the port State has an adequate number of qualified officers trained to carry out port State control under the MLC, 2006 or a maritime labour inspector(s), which does not always have to be a port state control officer (PSCO) (International Labour Office, 2008).

The MLC, 2006 inspection procedures in ports may include a PSCO going on board and checking over the maritime labour certificate (MLC), the declaration of maritime labour compliance (DMLC Parts I & II) and supporting documents are in order (The International Transport Workers' Federation (ITF), 2017).

Moreover, where justified or required, carry out a detailed inspection; this is usually when there are clear and/or reasonable grounds for a PSCO to believe that, the working and living conditions on the ship do not conform to the requirements of the Convention.

2.6 Guidance

The MLC,2006 is a straightforward, yet vast Convention therefore, the International Maritime Organisation has generated free government documents and tools for the purpose of a rapid, widespread but most importantly, an effective implementation of the MLC, 2006 (International Labour Organization (ILO), 2019). Below is a list of the discretionary tools and/or documents:

- Guidelines for flag State inspections under the Maritime Labour Convention, 2006
- Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006
- Guidelines for implementing the occupational safety and health provisions of the Maritime Labour Convention, 2006
- Guidelines on the training of ships' cooks
- Handbook: Guidance on implementing the Maritime Labour Convention, 2006 and Social Security for Seafarers
- Guidelines on the medical examinations of seafarers

Chapter 3

Background

Angola, officially referred to as the Republic of Angola (capital city: Luanda) is a country located in southwest Africa, with a width of about 800 miles (1,300 km). Its mainland is located north by the Republic of the Congo and the Democratic Republic of the Congo, southeast by Zambia, south by Namibia and west by the Atlantic Ocean (Clarence-Smith. C. W, 2019).

Formerly, a Portuguese colony it is profoundly different to its neighbours, as it remains one of only six African countries out of 54 where neither English nor French are widely spoken (Twigg, 2018).

Angola has a coastline of 1.600 km and an extensive Exclusive Economic Zone (EEZ) in the Atlantic Ocean. The country is recognised for its rich marine biodiversity and ocean-based oil producing economy; it also shares parts of the Benguela Current Large Marine Ecosystem (BCLME) with Namibia and South Africa, which is known for its extraordinary productivity and unique biological diversity (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU), 2016).

Additionally, Angola is the second largest oil producer in Africa, following Nigeria. The country produces about 1.82 million barrels of oil every day, that comes from offshore fields from the coast of Cabinda province with an estimated 88.7 million tonnes annually. The oil and gas industry make up 45% of Angola's gross domestic products (GDP) (Patriona, 2017). With a population of approximately 30 million (World Bank, 2019), fisheries is also, a significant part of Angola's dimension as it plays a major role towards food security, alongside agriculture.

In terms of maritime labour, Angola has a total of five operational ports, as follows: Luanda - Angola's main port, which handles more than 70% of the country's imports

(Export.gov, 2018), Lobito, Namibe, Porto Amboim and Soyo (Ministério dos Transportes, 2012).

Presently, there are 250 merchant navy ships operating within the Angolan market, representing an employability capacity of over 5,000 seafarers and of this universe only 800 are Angolan, with 8% of them being women (Angop - Agência Angola Press, 2019). Which, in comparison to the Philippines, whose seafarers have constituted for many years to the largest proportion (25%) of the world maritime workforce since the mid/late 1990s (Zhang P. &, 2015), Angola's maritime labour force is considerably small.

3.1 History of Maritime Labour Practices in Angola

To understand the importance of maritime transport in Angola, it is necessary to go back as further as the seventeenth and eighteenth century.

For instance, between the years of 1580 and 1680, Angola was a major Portuguese trading arena for slaves, where over a million slaves were shipped to Brazil. Decades later, in 1951 Angola was deemed an overseas province by the Portuguese, instead of a colony (BBC, 2018).

The Angolan Navy, referred to as the *Marinha de Guerra Angolana* (MGA) in Portuguese, previously known as *Marinha De Guerra Popular de Angola* (MGPA) is the naval branch of the Angolan Armed Forces, whose core mission is to ensure the safety and security of Angola's 1,600 km long coastline (International Business Publications, 2013). It was proclaimed on the 10th July 1976 by Angola's first president Dr. Agostinho Neto, after Angolan nationals completed their first naval specialists course taught by Cuban specialists at Luanda's Naval Base; making it *Dia da marinha* (navy day).

However, its genesis can also be referred to Angola's independence on the 11th November 1975, when Angola's Armed Forces seized some of the Portuguese Navy's installations. Nevertheless, maritime operations in Angola took place before this very

date; Portuguese Navy ships *Alfange* and *Ariete* landing boats were being used in ground troop support operations in northern Angola during its colonial period (Santos, 2018).

During the ceremony, Dr. Agostinho Neto highlighted the importance of the Angolan Navy (MGPA) and its purpose in a heartfelt speech, stressing that the creation of this institution was to create national pride and territorial integrity for a new Angola; more significantly, because the Angolan Navy was created in a troubled era, since after the country went into civil war, shortly after its independence (International Business Publications, 2013). The navy had to step up and defend Angola's coastline and waters from South African and surrounding state's sabotage and attacks during the war.

In its developing stages, the Angolan navy started functioning with the few inherited vessels left by the Portuguese colonial Navy estate; namely 12 patrol and surveillance boats, a hydrographic vessel, 2 landing vessels, 2 medium landing boats, a small landing boat (Antonio, 2018) and about 1,500 personnel which helped establish its sovereignty.

Subsequently, leading to the twentieth century and late 1990's Angola's maritime affairs became more prominent; more ships were added to its different naval units from its relations with the Soviet Union, Spanish territories and of course, Portugal as they maintained a strong bond, alongside other Portuguese speaking territories. Most importantly, they were being maintained and operated by Angolan nationals.

In 2012, Angola registered a significant increase in the number of containers handled, equivalent to 343,751 containers, 107,421 of which were 40-foot containers, 210,446 20-foot containers and 25,884 refrigerating containers (UNCTAD, 2016). Though, the number has lessened Angola still active ports in place.

3.2 Legal Framework

Angola is a member of the ILO since 1976 and has ratified 34 Conventions; among 8 are fundamental conventions. Out of the 34 ILO Conventions ratified by

Angola, 31 are in force (International Labour Organization, 2018), showing that the state is still reluctant to implement some international conventions.

Below is a list of the relevant seafaring ILO Conventions adopted by Angola:

- C029 - Forced Labour Convention, 1930 (No. 29)
- C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- C100 - Equal Remuneration Convention, 1951 (No. 100)
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
- C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- C138 - Minimum Age Convention, 1973 (No. 138)
- Minimum age specified: 14 years
- C068 - Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
- C069 - Certification of Ships' Cooks Convention, 1946 (No. 69)
- C073 - Medical Examination (Seafarers) Convention, 1946 (No. 73)
- C074 - Certification of Able Seamen Convention, 1946 (No. 74)
- C091 - Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
- C092 - Accommodation of Crews Convention (Revised), 1949 (No. 92)
- C108 - Seafarers' Identity Documents Convention, 1958 (No. 108)
- C188 - Work in Fishing Convention, 2007 (No. 188)

Majority of these ILO Conventions were ratified by Angola on the 4th June 1976 (International Labour Organization, 2018), a year after its independence. Since then, Angola has steadily revised its colonial laws, alongside adhering and ratifying pivotal international Conventions (Fialho, J, 2019), such as the above to improve its labour standards and maritime sector.

This was a significant step for the country as, the ILO was to some extent, seen as a development agency; the ratification of new labour standards, particularly those towards seafaring practices introduced improved human rights, labour and trade standards within the country (Standing, 2008).

Although, not a good look for its international profile, Angola has not ratified the MLC,2006.

Nonetheless, Angola's ratification of the ILO's fundamental Conventions serves to comply with Article III of the MLC, 2006. Subsequently, resulting in the Angolan maritime administration regulating seafaring labouring practices through its national legislation. The other Conventions convey that, Angola is already in line with the respective regulations and standards in the MLC, 2006 given that the convention codifies them (and its ratification will mean that they will be automatically denounced).

Although, the Seafarers' Identity Documents Convention, 1958 (No. 108) is not addressed in the MLC, 2006 the issue is relevant as it facilitates a seafarers' entry to ports and other shore-based facilities, transit, transfer or repatriation. In light of the MLC, 2006 it was the first ILO Convention to use a new approach (Blanck, 2006). Nonetheless, it may be necessary to move forward in some way since, even if as result of another Convention (MCconnell, 2016).

Angola has also ratified the MLC, 2006 sister convention, the Work in Fishing Convention, 2007 (Carey, 2017) which is much less ambiguous and challenging, therefore, why not ratify the MLC, 2006?

Nonetheless, the ILO's Committee of Experts on the Application of Conventions and Recommendations has no reports of Angola's ratified Conventions. This is worrisome as it is a regulating tool to measure effective implementation and a member state's constitutional obligation, which is failed to be met; without this it is difficult to know

whether these Conventions are properly implemented or not. Could this be the case for the MLC, 2006?

In terms of domestic laws, the Constitution of the Republic of Angola bases some of these rights under the following decrees:

- Lei Geral do Trabalho, *in English*; The General Labour Law
- Lei n.º 27/12: Lei da Marinha Mercante, Portos e Actividades Conexas, *in English*; Law No. 27/12 Merchant Marine Law, Ports and Related Activities.
- Regulamento sobre o Pessoal do Mar - Decreto Presidencial n.º 78/16, de 14 de Abril, *in English*; Seafarers Regulation - Presidential Decree No. 78/16 of 14 April

The General Labour law entered into force in 1981, however it underwent reform in 2000. Essentially, it applies to all domestic and foreign workers providing paid services on behalf of an employer within the scope of an organization and under an authority, as well as apprentices and trainees. Additionally, labour performed abroad by nationals or foreign residents employed in the country serving national employers without prejudice to more favourable treatment (Serviço de Migração e Estrangeiros de Angola, 2019).

Law No. 27/12 Merchant Marine Law, Ports and Related Activities entered into force in 2012 and it established the legal principles of the Merchant Marine, of the ports and of the economic activities in the maritime-port sector, as well as setting the institutional framework regarding public intervention and the action of individuals (International Labour Organisation, 2018) to ensure its development in a safe and coherent manner.

Although, Law No. 27/12 Merchant Marine Law, Ports and Related Activities recognises the importance of and enforces the legal rights of labourers in the workplace, it failed in taking full consideration of offshore workers, such as a seafarers' employment and social rights, in contrast to onshore workers resulting in an

anomalous regulatory framework. Moreover, it did not meet international maritime labour standards as recommended by the MLC,2006 thus, triggering reform.

The Seafarers Regulation - Presidential Decree No. 78/16 of 14 April was introduced in 2016 to succour Law No. 27/12 Merchant Marine Law, Ports and Related Activities for the appropriation of seafaring practices.

It is interesting to note that, the last two legal instruments were introduced post the MLC,2006's adoption, at the ILO, in Geneva. These further highlight Angola's shift in attitude towards its maritime sector; legislative acts on the human element were pushing a positive, new ideology.

Nonetheless, this decree filled the gaps from previous/absent legislations by endorsing standards for seafarer's employment and social rights nationwide, which moderately align with some aspects of international maritime labour standards, which Angola has made substantial efforts to keep up with, particularly towards seafarers' affairs. However, aspects relating to shipowners' affairs have still not been sufficiently addressed.

(Fialho. J, 2019) further supports this observation by stating that, *“the enactment of the Merchant Navy Law and...approval of the Regulations on Seafarers and Maritime Personnel, Angola now incorporates the overriding principles vested in the Maritime Labour Convention 2006 in domestic law.”*

Given that, one of the guiding principles of Angola's foreign policy is to work within the framework of international law and to respect commonly accepted international practises, compliance to the convention now seems like a credible opportunity.

The MLC, 2006 ought's to be domesticated into national legislation to be consolidated. Without domestication of the convention then enforcement becomes the next legal hurdle, even though not all aspects of the MLC, 2006 may be transferable (McConnell, Devlin, & Doumbia-Henry, 2011).

3.3 Maritime Authority

As it stands, the Port and Maritime Institute of Angola (IMPA) is the only recognised, competent maritime authority in Angola, as embedded in Law No. 27/12 Merchant Marine Law, Ports and Related Activities, Article 3.

In accordance to national legislation, the organisation is subject to the supervision of the Ministry of Transport, however it retains its independency by maintaining complete control of its own management, finances, and assets.

As the national maritime administrator in Angola, IMPA is responsible for the maritime-port sector. Its duties involve the exercise of powers in the merchant marine domain, the pleasure navy and water sports; ports, navigation and maritime safety, economic activities in the marine, river, lake and port sectors, as well as the supervision and regulation of activities in this sector (Assembleia Nacional, 2012).

Moreover, the classification, certification and registration of seafarers and/or ships is also administered by IMPA, to ensure the safety and security of life at sea and protection of the marine environment so that registered vessels are fit for service and manned with competent maritime personnel (Fialho. J, 2019). Although, the process of ship registration can also be obtained through the Harbour Masters.

From this, one can adhere that IMPA is a competent maritime authority that has powers to exercise the implementation of the MLC,2006 – with all due respect to Angola’s legal framework, according to MLC,2006, Article V.

Although some general information is provided on this matter, the process of legal implementation by the competent authority at national level is outside the scope of ILO guidelines (International Labour Office, 2009), leaving it up for interpretation. Although, the ILO provides a Handbook on the MLC, 2006 implementation that can be accessed online, through their website.

While, Angola shows high capacity levels to implement, operate and certify ships like any other developing state, it may display some teething problems, especially during its primary stages however, member states must fulfil the Convention's regulations and provisions as required on Part A of the Code. Article VI, paragraph 1 of the Convention refers to Part A of the Code as mandatory, meaning that States do not have any margin to deviate from it. Therefore, IMPA must ensure national capacity within the maritime sector (from flag to port state responsibilities) to carry out and oversee inspections (McConnell M. L., *The Maritime Labour Convention, 2006—reflections*, 2011).

3.4 Roles in Implementation

The MLC, 2006, *Title 5: Compliance and Enforcement* sole purpose is to ensure that each Member implements its responsibilities under the Convention with respect to ships that fly its flag (International Labour Office, 2019). It covers flag state responsibilities, port state responsibilities and labour-supplying responsibilities, respectively.

If Angola is to implement the MLC,2006 its preliminary duty as a complying flag/member state is to domesticate the adequate regulations set out in the MLC, 2006 Articles, as well as other relevant obligations in Titles 1-4 of the Convention, for effective implementation.

3.4.1 Flag State

As previously mentioned, IMPA as the recognised maritime authority in Angola, is responsible for ensuring the implementation of the convention into national legislation, although not the only authority to do if Parliament is involved. Secondly, it must establish an effective system for the inspection and certification of maritime labour conditions or authorise another public institution/organisation to do so, on ships that fly its flag (International Labour Office, 2009).

In practice, IMPA has been working alongside the Permanent Representation of Angola to the International Maritime Organisation (REPANG) towards eradicating the challenges regarding an effective legal implementation and ratification of the MLC, 2006 into Angola's national legislation, whether a *dualistic* or *monistic* theory should be used. This process remains flexible and outside ILO's guidelines.

On the other hand, in accordance to MLC, 2006, Regulation 5.1.1 and Guideline B5.1.1 relating to an effective system for inspection and certification of maritime labour, IMPA should contemplate on distributing some of its maritime affairs within its domain, preferably due to the fact, that some tasks (within the convention) are wide-ranging and beyond its competence, for example; inspections, detentions and investigations in order to be met with international standards.

3.4.2 Port State Control

Port state control can be regarded as a form of self-interested international cooperation or interdependence (McConnell, Devlin, & Doumbia-Henry, 2011). Correspondingly, as the power to board, inspect and where appropriate detain a merchant ship flying a flag foreign to that state (Hare, 1997). In Angola, IMPA is responsible for inspection processes of foreign vessels operating in and out of Angolan waters.

IMPA has staff that are competent to inspect and certify ships for MLC, 2006 compliance, however it is important that, they work in uniformity across all ports of Angola. More importantly, that Angola ratifies the convention to meet, the standards required of them at international level.

This is because, the MLC, 2006, contains a "no more favourable treatment" clause to ensure that vessels from non-ratifying states do not receive more favourable treatment than ratifying states. This clause can result in Angolan vessels undergoing scrutiny by port state control officers (PSCOs), through a series of more detailed inspections and other avoidable delays/infringements in ports worldwide.

Additionally, as a member of the Abuja MoU, Angola must obtain the appropriate proactive measures to avoid detentions for non-compliance with the MLC,2006 regionally.

Once the MLC, 2006 came into force and Angola chose to not implement the regulatory regime, as it is now; Angolan ports run a risk of being chosen as target destinations by substandard ships to avoid risk of detention. Correspondingly, leaving Angolan PSCOs in vulnerable positions; where they ought to neglect the wrong practices onboard foreign flag vessels, as they cannot enforce the provisions and must let go of a vessel which is not fulling its obligations as per MLC, 2006.

As a result of this, Angolan ports may face safety, security and marine pollution risks. Therefore, the ratification and implementation of the MLC, 2006 is a strategy for Angola to reduce and prevent the entries of substandard ships, as well as means to protect its seafarers and shipowners' interests.

Chapter 4

General Obligations

States who have ratified the MLC, 2006, must provide full information on the way in which, they have given effect to its obligations under the Convention. This is done through the International Labour Office's annual report form for the MLC,2006, commonly referred to as Article 22.

Although, Angola has not ratified the Convention some of its national legislation align with the MLC, 2006; by examining Article 22 of the ILO Constitution to Angola's legislative framework, one aims to identify the extent and matters, with which this Convention requires from their respective states and will require from Angola, for a foreseeable future of an effective implementation and competency. This is the best procedure as the report follows the same structure as the MLC, 2006.

4.1 Implementing Measures

The provisions of the MLC, 2006 are not fully embodied into Angola's legal framework. Below are a set of national laws and decrees that encompass, aspects of the Convention, largely in reference to employment and social rights set in Article IV:

- Lei Geral do Trabalho, *in English*; The General Labour Law
- Lei n.º 27/12: Lei da Marinha Mercante, Portos e Actividades Conexas, *in English*; Law No. 27/12 Merchant Marine Law, Ports and Related Activities.
- Regulamento sobre o Pessoal do Mar - Decreto Presidencial n.º 78/16, de 14 de Abril, *in English*; Seafarers Regulation - Presidential Decree No. 78/16 of 14 April
- Decree No. 31/94 of 5 August, approving the principles for the promotion of safety, hygiene and health at work
- Decree No. 53/05 of 15 August, approving the legal regime of accidents at work and occupational diseases

4.2 Principal Documents

The DMLC serves as a valuable document of prima facie evidence of compliance with the MLC, 2006 which can only be provided for by ratifying states (Milde, 2011). As, Angola is not a party to the Convention, vessels flying its flag do not have this benefit and will be inspected on all the MLC, 2006's requirements.

Unfortunately, this will be a relentless issue as, Article V, paragraph 7 of Convention contains a “no more favourable treatment” clause on foreign-flagged vessels, which applies to Angola and any other non-ratifying flag state; until Angola fully complies with all aspects of the Convention, its maritime labour laws will remain below par at an international standard.

4.3 Fundamental Rights and Principles

Angola satisfies Article III of the MLC, 2006 whereby a set of fundamental rights and principles must suffice, in context of the Convention.

These legal provisions entitle the freedom of association, the effective recognition to the right to collective bargain, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of employment and occupational discrimination (International Labour Conference, 2019).

This is regulated under Angola's General Labour Law, Chapter I-General principles, Articles 1-7. In addition, other relevant ILO instruments are embodied within Angola's legislative framework.

4.4 Competent Authority and Consultations

Competent Authority: The Port and Maritime Institute of Angola (IMPA) is the only recognised, competent maritime authority in Angola, responsible for having power to issue and enforce maritime regulations, as embedded in Law No. 27/12 Merchant Marine Law, Ports and Related Activities, Article 3, 8.

Recognised Organisation(s) (ROs): Law No. 27/12 Merchant Marine Law, Ports and Related Activities, Article 3, 38 – issues power to any delegation or government body delegated by IMPA to carry out (any) maritime related matters.

Although, Angola has a competent maritime authority in place it requires more technical support, as one body of government may not solely be able to implement the Convention (due to the immensity of its task). Correspondingly, it is important that IMPA consults with Angolan shipowners and seafarers, in matters relating to the implementation of the Convention, for a more efficient process.

4.5 Scope of Application

Predominately, integrating the Convention's Titles into national legislation would *de facto*, constitute to Angola's international maritime labour obligations however, it is extremely important that, some Articles are carefully considered when developing and/or domesticating legislation (International Labour Office , 2012). Article II of the Convention requires provisions that are central to the process of national implementation through definitions and scope of application, for instance Angolan legislation defines the following terms as:

Seafarer: A duly qualified, certified and accredited person who, in accordance with relevant international conventions and their annexes to which Angola is a party and applicable Angolan law, is accepted to be part of the crew list of a vessel to perform similar functions on board a vessel, ship or other maritime ingenuity (Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 1, Article 2(n)).

This term does not correspond with the Convention's context of a seafarer, that is, any person who is employed or engaged or works in any capacity on board a ship (Article II, paragraph 1(f) and 2) as it does not take into account catering personnel on board a ship.

Ship: All marine equipment, ingenuity, craft, vessel or apparatus, whether propelled, used or likely to be used in water for the carriage of persons and cargo, access, marking

or signalling, as well as for the exercise of other sea-related activities (Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 1, Article 2(f)).

Under national law, the above term aligns with the Convention's, Article II, paragraph 1(i) and 4.

Moreover, Angola has not had any cases of doubt as to whether a set of persons or ships ought's to be regarded as a seafarer or ships covered by the Convention. In the event, that any doubt or questions arise IMPA, as the competent authority takes responsibility to clear them under Law No. 27/12 Merchant Marine Law, Ports and Related Activities, Article 4. However, Article II of the MLC, 2006, paragraphs 3 and 4 retain that all clarifications regarding this matter, have to be dealt with in consultation with shipowners and seafarers organisations. Therefore, IMPA cannot act independently.

Shipowner: the natural or legal person who, whether or not its owner, has possession of the vessel, ship or other maritime device and ensures the technical and safety conditions for its navigation and commercial operation and, as a result, enjoys full and exclusive use of the rights of use, enjoyment and disposition of a vessel, ship, or other maritime device and on whose behalf its registration is made (Law No. 27/12 Merchant Marine Law, Ports and Related Activities, Article 3, 15).

Under the MLC, 2006 the term “shipowner” refers to all those operating the ship, as they are the ones managing the crew; ship operators are considered shipowners. Similar, to Angola's legal term of “possession”, whereby both terms indicate control, aligning with the MLC, 2006, Article II, (j).

4.6 Enforcement

Currently, there are no applicable laws or regulations in Angola that solely enforce, the full commitments of the MLC, 2006 with respect to ships and seafarers.

In order for Angola to effectively exercise its jurisdiction and control over ships that fly its flag, under the MLC, 2006 it must firstly, implement it. Secondly, it must ensure compliance to the Convention by meeting its standards through regular inspections, reporting, monitoring and legal proceedings as required by the MLC,2006 Article 5.

Additionally, the Abuja MoU which Angola is a party of, already uses the MLC, 2006 as a relevant instrument for port state control inspections (Abuja MoU, 2012). Instead of just focusing on IMO Conventions, arrangements could be easily made to domesticate the Convention into existing main instruments/agreements.

4.7 Statistical Information

Currently, there are 250 merchant navy ships operating within the Angolan market, representing an employability capacity of over 5,000 seafarers and of this universe only 800 are Angolan, with 8% of them being women (Angop - Agência Angola Press, 2019).

Chapter 5

Angola vis-à-vis the MLC, 2006

This Chapter will focus on analysing Angola's legal framework vis-à-vis the MLC, 2006 in terms of compliance to the Titles in the Convention.

Title 1

5.1 Regulation 1.1 - Minimum age

Anyone under the age of 16 years is prohibited from working on a ship, as stipulated in the MLC, 2006, Regulation 1.1, paragraph 1; Standard A1.1, paragraph 1. Additionally, special arrangements ought to be made for the protection of seafarers between the ages of 16-18, such as hours of rest, night work and types of work deemed likely to jeopardize their health or safety.

The minimum working age in Angola is 14 years as, specified in the General Labour Law, Article 11 which is the case for many developing states worldwide due to challenging socioeconomic conditions, however this may alter as social ideas change (McConnell, Devlin, & Doumbia-Henry, 2011). Even, though Angola has ratified the Minimum Age Convention, 1973 (No. 138) whereby, some aspects of it are incorporated within the MLC, 2006 Guidelines, it still falls short to certain requirements of the MLC, 2006 like night work.

Therefore, IMPA must update national standards to reflect the MLC, 2006, Regulation 1.1 by setting the minimum age in the maritime sector at 16 years, defining the term "night" and lastly, determining and prohibiting hazardous work to seafarers under 18 years old with exemptions to training or vocational courses.

5.2 Regulation 1.2 - Medical certificate

The Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 3, Article 15.1 states that, seafarers and seafarers wishing to be on the crew of a ship shall provide proof of their physical and mental fitness for work onboard (Presidente da República, 2016). Additionally, as a party to the STCW Convention of the IMO, Angolan seafarers are medically fit to perform their duties at sea, in accordance with MLC, 2006 Regulation 1.2.

When it comes to the validity of medical certificates, they must be a maximum of two years, except for medical certificates issued to seafarers under 18 years of age, where it shall be valid for one year (MLC, 2006, Standard A1.2, paragraph 7). Subsequently, Angola already meets these requirements as part of the STCW Convention, 1978, as amended and through it Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 3, Articles 18 to 24. This includes, the need for medical certificates being in English or with an English translation available due to Angola being a Portuguese speaking state (MLC, 2006, Standard A.1.2, paragraph 10).

Moreover, requirements concerning persons who can issue medical certificates (MLC, 2006, Standard A1.2, paragraph 4) can be found under the national provision Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 3, Article 20.1 whereby it states that, physicians shall issue or refuse certificates of physical and mental fitness based on the diagnoses and results of examinations performed; demonstrating to be in line with the MLC, 2006.

5.3 Regulation 1.3 – Training and qualifications

Angola is a party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW). In Angolan law, the provisions of the convention are found in the Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 5 Article 28.

Able seamen: Angola has ratified ILO 74, implementation through Decreto-Lei n.º 38-365 6 de Agosto 1951 *in English*; Decree N. 38-365 of 6 August 1951.

In terms of, personal safety training for all seafarers, including those employed e.g. for hotel onboard purposes is regulated under national legislation in the Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 5, Article 29.

5.4 Regulation 1.4 – Recruitment and placement

Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 6, Section 1, Articles 39-41 designates national provisions on the recruitment and placement of Angolan seafarers, which is being operated in an orderly manner by IMPA.

Regarding, private seafarer recruitment and placement services, Angola is not opposed to private seafaring recruitment and placement services, as the Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 6, Section 1, Article 40.1 establishes that, recruitment of seafarers may be carried out directly by the companies or through seafarer placement agencies and, in certain circumstances, by the masters or masters of vessels (Presidente da República, 2016), however it is not being operated in accordance with MLC, 2006, Standard A1.4.

Angola's national provisions are unclear and undetailed regarding this matter, as a result for the purposes of an effective MLC, 2006 implementation, IMPA must establish an effective inspection and monitoring system nationally, in respect to those services in accordance with the MLC, 2006, Regulation 5.3; Standard A5.3, paragraph 1.

Title 2

6 Regulation 2.1 – Seafarers Employment Agreements

Seafaring employment agreements (SEA) play an innovative role under the MLC, 2006. The ILO and industry stakeholders recognised the increasing demand and responsibilities of private seafaring recruitment, manning agencies and placement services, most of which are located outside the concerned flag State's jurisdiction (McCconnell, 2016).

Therefore, the rights, terms and conditions for Angolan SEA are established under two national provisions: The General Labour Law and the Seafarers Regulation - Presidential Decree No. 78/16 of 14 April.

In alignment with the MLC, 2006, Regulation 2.1, Standard A2.1 Angola's General Labour Law, Section 1, Article 26 states that, onboard employment contracts must be in writing and written in clear terms so as to leave no doubt to contractors about their mutual rights and obligations. Additionally, indicating whether the employment is concluded indefinitely or for a specified period, such as a one trip only (Serviço de Migração e Estrangeiros de Angola, 2019). Moreover, Section 1, Article 26.6 indicates national laws and regulations required for SEA matters set out in Standard A2.1, paragraph 4(a)-(k) of the MLC, 2006.

The minimum period of notice to be given solely by seafarers and by shipowners is undetailed in Angolan legislation. The General Labour Law sets a general provision under Article 18.2 of 15, 30 or 60 consecutive days' dependant on contract performance or type; although providing a provision for fishers, which the MLC, 2006 does not cover.

It is important that, IMPA establishes a minimum notice period to be given solely, for Angolan seafarers and shipowners as to align with the MLC, 2006 but more importantly, to achieve decent and fair working conditions for them. For instance, the chance for seafarers to review and seek legal advice on their SEA before signing as

per Standard A2.1, paragraph 1 of the MLC, 2006. Angolan national legislation must recognise and consider the different needs between offshore and onshore workers.

When it comes to a seafarer's documentation, regarding the recording of his or her employment onboard a ship, Angolan's Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 6, Section 2, Article 42 provides a particular list of documents that must be held onboard by seafarers, which complies with Standard A2.1, paragraphs 1 (e) and 3 of the MLC, 2006. Additionally, it also applies to cases concerning collective bargaining agreements (Standard A2.1, paragraph 2). The national provision states, as follows:

1. Boarding shall be permitted only to seafarers who hold the necessary documents, in particular:

- a) maritime ballot;
- b) Certificate of physical and mental aptitude;
- (c) professional certificates or other official documents required for the performance of duties on board.

2. For crew members of vessels registered as local vessels, only the maritime ballot is required.

3. The embarkation of Angolan seafarers in foreign vessels requires authorization from IMPA, and should only be communicated to the Port Authority of the seafarer's registration, for this purpose (Presidente da República, 2016).

6.1 Regulation 2.2 – Wages

The issue of non-payment of wages was single handily one of the biggest source of complaints by seafarers on foreign flagged vessels (Carey, 2017).

The Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 8, Section 1, Article 162 establishes the general principles of remuneration for all Angolan labourers. It states that, remuneration must include the basic salary and all

other benefits and supplements paid directly or indirectly in cash or specimen, whatever their name and method of calculation (Serviço de Migração e Estrangeiros de Angola, 2019).

Angolan national legislations remain undetailed when ensuring particular provisions for offshore workers, such as the matter at hand, wages. As per the MLC, 2006, Standard A2.2 flag states should ensure at least, a set of minimum measures for seafaring services. These being that, seafarers ought to be fully paid in a monthly basis in accordance to their SEA or collective agreement (if applicable), the entitlement and accessibility to an account indicating their monthly and additional payments.

Moreover, for the reasonability of remittances/allotment transmission services and exchange rates. This would be a positive, first step in combating “social dumping” as well as establishing fair wages (Payoyo, The contribution of the 2006 ILO Maritime Labour Convention to global governance. In *The Future of Ocean Regime-Building*, 2009) for seafarers.

6.2 Regulation 2.5 – Repatriation

The MLC, 2006, Regulation 2.5 establishes international maritime labour regulations for repatriation. Despite the IMO’s and ILO’s resolutions to secure and protect a seafarer’s well-being, both organisations recognise that seafaring abandonment remains a big concern in the shipping industry (Kahveci, 2005), where there are still a considerable number of unresolved cases.

For instance, in December of 2018, the IMO and ILO’s joint database of abandonment of seafarers reported over 366 seafaring abandonment incidents (IMO Legal Committee 106/4, 2019). Although not all incidents involved non MLC, 2006 ratified states, it is extremely import that all States involved in seaborne trade comply with international labour standards as, the Convention is an instrument to increase social responsibility (Piniella, Silos, & Bernal, 2013). Moreover, repatriation can have a serious outcome

of illness or injury among seafarers at sea (Lefkowitz, Slade, & Redlich, 2015), both physically and mentally.

The requirement to repatriate a seafarer is appropriate to maritime labour and justified by a seafarers' vulnerability at sea, particularly upon the termination of their SEA. Subsequently, the MLC, 2006 has made amendments to its Code to ensure seafarers are duly repatriated at no cost to themselves and for ratifying States to require ships flying its flag to provide financial security (MLC, 2006, Standard A2.5.1 and Standard A2.5.2).

Angolan legislation deals with repatriation issues under the General Labour Law, Section 1, Article 26. However, it is very broad and does not cover many aspects of the MLC, 2006, Regulation 2.5 as, it does not relatively focus on seafaring practices. Unfortunately, Angolan domestic laws are ambiguous in relation to the worrying issues surrounding repatriation and the abandonment of seafarers. It is key that, IMPA implements the Convention as to align with international stands and for Angola to take a stand against the malpractice of some shipowners (Alderton, et al., 2004). More importantly because repatriation is an important element of working conditions for the global environment that seafaring partakes in (McConnell, Devlin, & Doumbia-Henry, 2011).

Title 3

7 Regulation 3.1 – Accommodation and Recreational Facilities

Angola is a party to the Accommodation of Crews Convention (Revised), 1949 (No. 92). This ILO provision has been incorporated into Angolan law through Decree No. 38:800 of 25 June 1952, setting national regulations and guidelines for decent accommodation and recreational facilities for seafarers working and living onboard ships. Subsequently, this Decree includes provisions on, inter alia, crew cabin size, heating, mess rooms, lighting, toilet spaces and ventilation.

Ships constructed prior to the ratification of the MLC, 2006 had to meet international standards set in ILO Conventions No. 92 and/or 133. However, as the MLC, 2006 has entered into force it is important that, in going forward (in the construction of ships) Angola reforms its national standards, as to comply with contemporary requirements set in Regulation 3.1. More importantly, to hinder its facilities becoming less favourable.

Moreover, Angolan legislation establishes the right of an employee to occupational safety and health (OSH) under Decree No. 31/94 of 5 August, which sets the principles for safety, hygiene and health at work; whilst Decree No. 53/05 of 15 August, sets the legal regime for accidents at work and occupational diseases. Although, these national provisions set the binding precedent for OSH and recognise its importance, they do not establish minimum standards for seafarers as, they are mainly focused towards onshore workers.

Therefore, in this case the General Labour Inspectorate (Inspeção Geral do Trabalho – IGT), Angola’s competent state authority when it comes to dealing with OSH matters, in both the public and private sector must work (alongside IMPA) to establish and implement national provisions, as to align with the requirements in the MLC, 2006, Regulation 4.3 and the Code concerning OSH and accident prevention.

Additionally, the inspections required under MLC, 2006, Regulation 5.1.4 when a ship is registered or re-registered and/or when seafarer accommodation is substantially altered is applicable under Decree No. 38:800 of 25 June 1952, Part 1, Article 5 (a) and (b).

7.1 Regulation 3.2 – Food and Catering

The mishandling of food can play a significant part in the occurrence of foodborne diseases onboard a ship (Grappasonni, et al., 2018), therefore the ILO made sure to incorporate (to some extent) pre-existing ILO instruments, related to this matter into

the MLC, 2006 alongside, other innovative regulations to further improve the well-being of seafarers in the workplace.

Angola is a party to the Food and Catering (Ships' Crews) Convention, 1946 (No. 68). This ILO provision has been incorporated into Angolan law through Decree No. 38:340 of 16 July 1951, to safeguard national provisions for good, hygienic, quality food and drinking water for seafarers.

However, as the MLC, 2006 came into force in 2013, the ILO's Food and Catering (Ships' Crews) Convention, 1946 (No. 68) was revised. For this reason, it is important that IMPA works on reforming national legislation by denouncing this obsolete provision, as to ensure Angola keeps up with modern standards set in MLC, 2006, Regulation 3.2.

The same concern applies to a ships' cooks, whereby IMPA must ensure that they are not be less than 18 years and have the adequate training, documentation to prove so.

Title 4

8 Regulation 4.1 – Medical Care On Board Ship and Ashore

The development and improvement for medical care onboard ship and ashore-based welfare facilities and services for seafarers, with focus to boost and ensure seafarers' employment rights, physical and psychological health and well-being (Progoulaki, Katradi, & Theotokas, 2013) has been a long-awaited affair.

Angola is a party to the STCW Convention, 1978, as amended which meets the requirements of the MLC, 2006, Regulation 4.1. Additionally, Angolan domestic law surrounding matters pertaining a seafarers' certification, documentation, medical examinations and training is partly covered in the Seafarers Regulation - Presidential Decree No. 78/16 of 14 April, Chapter 3, Articles 15-24.

In terms of providing medical assistance to other ships and international co-operation as per Guideline B4.1.4, Angola has recently ratified a multilateral search and rescue

agreement (MSAR) with South Africa, Comoros, Madagascar, Mozambique and Namibia as to improve maritime search and rescue in the region (South African Maritime Safety Authority (SAMSA), 2019).

Although, the above legislations align with the MLC, 2006, Regulation 4.1 it is important for IMPA to make further considerations on how improvements to a seafarers' employment facilities and services may have to a seafarers' mental and physical health. Seafaring is still associated with relevant mental health risks (Carotenuto, 2012), therefore lowering and/or avoiding such risks should be a priority, not only for shipowners but flag and port States also.

8.1 Regulation 4.5 – Social Security

The MLC, 2006 has uncovered some socio-economic problems within the maritime sector such as, the controversial issue of social security (Adăscăliței, 2014). The social protection of vulnerable professionals at sea has always been of great concern (Christodoulou-varotis, 2012), whereby some European states established specific social insurance for their seafarers.

Angola and Portugal are part of a bilateral agreement: The Convention on Social Security - Decree No. 32/2004, which is permitted under MLC, 2006, Standard A4.5, paragraphs 3,4 and 8 to facilitate the improvement of social standards.

Moreover, the Convention on Social Security - Decree No. 32/2004, Article 4, 1 (b) (i) considers social security benefits in the event of sickness, maternity, old age, survival, family allowance, death and a funeral (Ministry of Foreign Affairs, 2004) which aligns with Standard A4.5, paragraph 1 of the MLC, 2006.

Although, the Decree aligns with aspects of the MLC, 2006 there is no doubt that the implementation of the Convention will boost the level of social protection currently in Angola. Additionally, Angolan legislation requires a slight more focus on seafaring practice to highlight less favourability between onshore and offshore workers.

Title 5

9 Regulation 5.1 – Flag State Responsibilities

Angola approves the use of recognised organisations (ROs) through Regulamento de Delegação de Competências em Organizações Reconhecidas - Decreto Presidencial n.º 72/14 in *English*; The Regulation of Delegation of Competencies in Recognized Organizations - Presidential Decree No. 72/14.

IMPA is responsible for monitoring and supervision of work performed by ROs as required in Regulation 5.1.2, MLC, 2006. IMPA reviews the competence and independence of ROs through national provisions set in Articles 7-8 of the Regulation of Delegation of Competencies in Recognized Organizations - Presidential Decree No. 72/14 (Presidente da República, 2014), which in fact aligns with Standard A5.1.2, paragraph 1 of the MLC, 2006. However, IMPA must provide the ILO with its current ROs list, as to specify which functions authorized.

In terms of certification, prima facie evidence of compliance to the MLC, 2006 are the MLC and DMLC. As, Angola is not party to the MLC, 2006 yet, it has to show compliance to international labour standards, through ILO instruments and/or national legislation as provided under Article VI, paragraph 3 of the MLC, 2006.

IMPA maintains a system for inspection of the conditions for seafarers on ships that fly its flag in accordance to the STCW Convention, 1978, as amended which is a party of. Nevertheless, for the purpose of meeting contemporary international standards and improving the livelihood and working conditions of seafarers IMPA must work on implementing and enforcing all requirements set in the MLC, 2006, Regulation 5.1.4 domestically, such as the distribution of copies of national guidelines to its inspectors as stated in MLC, 2006, Standard A5.1.4, paragraph 7.

Regarding, on-board complaint procedures IMPA must work alongside seafarers and shipowners to develop adequate laws, regulations and measures for this, as recommended by MLC, 2006, Guideline B5.1.5. Although, Angola's General Labour

Law, Section 2, Article 58, paragraphs 3 and 4 set national provisions for a labourer's rights of complaint and appeals.

Lastly, concerning the issue of marine casualties, Angola acknowledges its responsibility as flag state under Article 98 of the International Convention for the Safety of Life at Sea (SOLAS), which is a party of. Additionally, as a member of the ILO and under national legislation in Law No. 27/12 Merchant Marine Law, Ports and Related Activities, Article 92 according to MLC, 2006, Regulation 5.1.6.

Moreover, Angola already facilitates aid to its region and other states in matters of SAR and/or serious marine casualty matters though, IMPA must ensure final reports relating to any marine casualties are to be made public.

9.1 Regulation 5.2 – Port State Responsibilities

Angola is party to the West and Central Africa (Abuja MoU), whereby undertakes effective PSC. The MLC, 2006 is already a relevant instrument for the purpose of port State control in the region (Abuja MoU, 2012). For instance, in reference to the Annual Report 2017 of the Abuja MoU, a total of 2,074 inspections were carried out and 16 vessels were detained in 2017 (ClassNK, 2019).

Nevertheless, IMPA must work on establishing an effective port state inspection and monitoring system, as to meet compliance requirements set in the MLC, 2006, Regulation 5.2.1, paragraphs 1, 4 and 5 (International Labour Office, 2009). This also includes national provisions for on-shore handling procedures set in Standard A5.2.2 as per the Convention.

9.2 Regulation 5.3 – Labour-supplying State Responsibilities

Angola as an ILO member and IMPA as its competent maritime authority must establish an effective monitoring system, upon implementation of the MLC, 2006 whereby its applicable to seafaring well-being and practices in its territory. IMPA must

do this by taking into account Angolan seafarers that are national citizens, residents or those whom are domiciled in their territory (International Labour Office, 2009).

Chapter 6

Conclusion

The MLC, 2006 in fact, embraces provisions of equal treatment and decent working conditions between seafarers and shipowners, that were non-existent or archaic under major IMO and ILO Conventions. The Convention reflects solutions to many of the maritime sector's problems, identified by the sector's employees, employers and stakeholders themselves (McConnell, 2016). Problems associated by a poor legal framework, lack of capacity, poor flag and port State monitoring systems in an already global and wide, complex industry.

In Chapter 3, the literature relating to Angola's colonial past and maritime sector was served as a tool to further understand, the State's existing legal framework on maritime labour. A key aspect of this, was to highlight to the reader that some of Angola's maritime legislation and/or bi-lateral agreements have not been amended or reformed since its initial ratification post the civil war. Policy performance should be regularly monitored as to measure its quality and effectiveness (OECD, 2018).

Furthermore, Chapters 4 and 5 thoroughly analysed the Maritime Labour Convention, 2006's vis-à-vis Angola's national labour laws and decrees, in Chapters 4 and 5. It has shown that most of Angola's domestic laws, directly or indirectly align with most aspects of the MLC, 2006 or other international labour instruments, such as the STCW Convention, 1978, as amended. However, there are parts of Angola's domestic laws that do not align with the Convention, are unclear in nature and/or do not consider offshore workers' employment conditions, well-being and equal treatment. For instance, issues of serious concerns within the industry like the abandonment of seafarers, repatriation, OSH, shipowners' liability and on-board complaint procedures are just some practical examples of topics the MLC, 2006 covers that Angola's domestic legislation oughts' to domesticate and improve in order to keep up with contemporary international maritime labour standards.

The research also found that, the challenges of implementing the MLC, 2006 in Angola are similar challenges faced by other developing States. The MLC, 2006 is both a maritime and labour Convention, therefore combined efforts from seafarers, shipowners and industry actors are required to advance implementation. Nonetheless, the effective implementation of the MLC, 2006 in Angola would eradicate most, if not all of the afore-listed concerns for Angolan seafarers and shipowners whilst, improving maritime labour standards in the State. Although, it is not realistic to think it can be done overnight, the implementation of the MLC, 2006 in Angola can be easily achievable.

Due to the broad, detailed structure of the MLC, 2006 a partial analysis of the Convention was examined. The more prevalent Titles within the maritime sector were discussed as, to widen the scope of the research; if Angola's legislations are not addressing the industry's prevalent issues, it will not address its small ones. Additionally, other potential limitations would include time constraint, in regards to length of research and data limitation and restriction, in regards to the statistical information required by the Convention. For example; the number of ships flying Angolan flags over 3,000 GT or the number of manning agencies operating in the country. Consequently, this can be one of the reasons as to why research in this area is niche however, the development of this research has aided to additional development of research, as it highlighted gaps in Angolan legislation.

With this in mind, following areas for future research concerning the MLC, 2006 possible enforcement measures in Angola, post its effective implementation.

6.1 Recommendation(s):

- Based on these conclusions, IMPA and Angolan policymakers should consider working closely with Angolan seafarers, shipowners and industry stakeholders to reform Angola's maritime labour laws by denouncing outdated ILO instruments, concerning seafaring practices. They should focus on the innovative provisions the MLC, 2006 introduced as to, meet present-day required international maritime labour standards, improve seafaring employment conditions and promote equality between seafarers and shipowners.
- To better understand the implications of these results, future studies could address the unexamined Titles of the MLC, 2006 as to broaden the scope of this research.
- Lastly, further research is needed to determine the causes and/or effects of implementation challenges in developing maritime States.

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Appendices

Appendix 1:

Appl. 22. MLC
Maritime Labour Convention, 2006, as amended

INTERNATIONAL LABOUR OFFICE

REPORT FORM FOR THE
MARITIME LABOUR CONVENTION, 2006, AS AMENDED
(MLC, 2006)¹

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: “Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.”

The matters with which this Convention deals may be beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention may necessitate consultation of other interested ministries or government agencies.

Article 22 of the Constitution of the ILO

Report by the Government of on the

MARITIME LABOUR CONVENTION, 2006, as amended
(MLC, 2006)

(ratification registered on)

¹ Including the 2016 amendments.

GENEVA
2019

First report for the period from to

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on the way in which your country has given effect to its obligations under the Convention, including actions taken on each of the questions set out in this report form.

Second report for the period from to .

In subsequent reports, information need normally be given only on the following points:

- (a) any new question or request for information included in a revised version of the report form since your Government's last report;
- (b) any new legislative or other measures affecting the application of the Convention;
- (c) the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
- (d) **comments by the supervisory bodies** – The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Third report for the period from to

See instructions for subsequent reports above, under "Second report".

Fourth report for the period from to

See instructions for subsequent reports above, under "Second report".

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

'Use of this report form

1. This report form is divided into two parts. **Part I, "General questions"**, asks for information and supporting materials. **Part II, "Specific information"**, indicates some questions that should be covered in the report. The report form has been designed to facilitate completion from both a physical and a substantive point

of view. Members are, in the first place, invited to use the electronic version of the report form and to insert the requested information in the expandable field beside each question. For those national administrations that are not in a position to use the electronic report form, responses may be provided by referring to the relevant questions.

2. From a substantive point of view, one of the innovations in the Convention is its emphasis on ensuring that there is not only compliance with its provisions but also documentary evidence of compliance. Consequently, in implementing the Convention, Members will already have produced documents such as the **Declaration of Maritime Labour Compliance (DMLC)**, required by Regulation 5.1.3 and provided information that is also needed for reporting under article 22 of the Constitution. To take advantage of information already provided, a number of questions in Part II of this form suggest the following statement as a possible answer: “Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II .

3. If the information in the DMLC, Part I and/or Part II, covers all the subject of the section concerned and fully complies with the requirements in Standard A5.1.3 paragraph 10(a) and/or (b), with due consideration being given to Guideline B5.1.3, one or both boxes at the end of this statement can be checked (•), in which case the individual questions in the section concerned need not be answered. However, additional information on how the Regulation concerned is implemented in your country may be provided in a section located underneath the questions concerned. If the information in the DMLC concerning national implementing measures is not also applicable to ships that are not subject to certification (see Regulation 5.1.3, paragraph 1), additional information should be provided concerning the measures applicable to those categories of ships. In addition, some of the Regulations or Standards envisage that the competent authority in each member State produce various kinds of documents related to implementation of obligations (for example, the standard medical report form for use on board ships flying the Member’s flag as required by Standard A4.1, paragraph 2, and Guideline B4.1.2). Where relevant, copies of these particular documents are requested under the heading “**Documentation**”.

4. Furthermore, in order to avoid the need to refer in detail to the content of specific measures, reference can be made in this form to the relevant provisions of the legislation, collective agreement or other document concerned which has been provided to the Office in

English, French or Spanish (in connection with Part I, “General questions”).

5. In the section for “Additional information”, explanations are required where a national implementing measure differs from the requirements set out in Standards found in Part A of the Code of the MLC, 2006. This would include, for example, **cases of substantial equivalence** referred to in Article VI, paragraph 3, and of **determinations that have been made regarding the application of differing national measures** that are provided for on the basis of Article II, paragraph 6. Even though the substantial equivalence may have been referred to in the DMLC, Part I, an explanation should be provided, in particular, as to the ways in which the Member concerned was not in a position to implement the rights and principles concerned in the manner set out in Part A of the Code (Article VI, paragraph 3) and as to how the national measure complies in all material respects with the corresponding Part A requirement. In the case of a determination under Article II, paragraph 6, which is also to be reported to the Director-General of the International Labour Office (Article II, paragraph 7), an explanation should be provided as to the reason for a determination that it would not be reasonable or practicable at the present time to apply certain details of the Code to a ship or particular categories of ships (Article II, paragraph 6).

6. It should be noted that this report form takes account of the Articles and Regulations and the provisions of Part A of the Code of the MLC, 2006, and also refers, where appropriate, to the Guidelines, which comprise Part B of the Code. These Guidelines are not mandatory. Their purpose is to provide guidance as to the way in which Members should implement the (mandatory) provisions in Part A of the Code. In accordance with Article VI, paragraph 2, Members are required to “give due consideration to implementing their responsibilities in the manner provided for in Part B of the Code”. The special status of the Guidelines in Part B of the Code is reflected in the example and the explanation set out in paragraphs 9 and 10 of the Explanatory Note to the Regulations and Code. Paragraph 10 states, in its last sentence, “... by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates”. This statement is based on the 2003 Legal Adviser’s opinion on the relationship between Parts A and B of the Code (see appendix to this report form for the full text of this Opinion).

PART I. GENERAL QUESTIONS

I. Implementing measures

Please give a list of the laws and regulations and collective agreements implementing the provisions of the Convention, with particular reference to the seafarers' employment and social rights referred to in Article IV. Please provide a copy of those laws or regulations and collective agreements. If any of this material is available from the Internet, the link to the relevant document may be provided instead of the document itself.

If, in your country, ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect.

II. Principal documents

Please provide, in English, French or Spanish (or the English translation required by Standard A5.1.3, paragraph 12), a copy of the standard Maritime Labour Certificate, including Part I of the Declaration of Maritime Labour Compliance (DMLC) as well as an example or examples of Part II of the DMLC which have been prepared by a shipowner and have been accepted by your country, when certifying a ship or ships. (Specific identifying information regarding the ship or shipowner should be removed from the example or examples.) Additional documentation on other matters will be requested in Part II of this report form.

III. Fundamental rights and principles

Please indicate how account has been taken, in the context of the Convention, of the following fundamental rights and principles referred to in Article III:

(a) unless your country has ratified Conventions Nos 87 and 98: freedom of association and the effective recognition of the right to collective bargaining;
First report:
Second report:
Third report:
Fourth report:
(b) unless your country has ratified Conventions Nos 29 and 105: the elimination of all forms of forced or compulsory labour;
First report:

Second report:
Third report:
Fourth report:
(c) unless your country has ratified Conventions Nos 138 and 182: the effective abolition of child labour;
First report:
Second report:
Third report:
Fourth report:
(d) unless your country has ratified Conventions Nos 100 and 111: the elimination of discrimination in respect of employment and occupation.
First report:
Second report:
Third report:
Fourth report:

IV. Competent authority and consultations

<p>Please identify the competent authority or authorities having power to issue and enforce regulations, orders or other instructions in respect of subject matter covered by the Convention.</p> <p><i>(Article II, paragraph 1(a))</i></p>
First report:
Second report:
Third report:
Fourth report:
<p>Please list the shipowners' and the seafarers' organizations that the competent authority or authorities consult in matters relating to the implementation of the Convention.</p>

First report:
Second report:
Third report:
Fourth report:
Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation. If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.
First report:
Second report:
Third report:
Fourth report:
Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.
First report:
Second report:
Third report:
Fourth report:

V. Scope of application

<p>Do the measures implementing the Convention cover, as a seafarer, any person who is employed or engaged or works in any capacity on board a ship to which the Convention applies? (<i>Article II, paragraphs 1(f) and 2</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>

First report:
Second report:
Third report:
Fourth report:
<p>Have cases of doubt as to whether any categories of persons are to be regarded as seafarers arisen? <i>(Article II, paragraphs 1(f), 2 and 3)</i> If yes, please provide full information on the consultation process and its result:</p>
First report:
Second report:
Third report:
Fourth report:
<p>For purposes of the Convention what is the definition of a ship under national law? <i>(Article II, paragraphs 1(i) and 4)</i> Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Have cases of doubt arisen as to whether a vessel or a particular category of vessels are to be regarded as ships covered by the Convention? <i>(Article II, paragraphs 4 and 5)</i> If yes, please provide full information on the consultation process and its result:</p>
First report:
Second report:
Third report:
Fourth report:

In the case of ships under 200 GT which are not engaged in international voyages, have any measures been taken under Article II, paragraph 6, to apply differently certain details of the Code?

(Article II, paragraph 6)

If yes, please provide full information on the consultation process required by Article II, paragraph 6 and indicate the content of the measures concerned.

First report:

Second report:

Third report:

Fourth report:

VI. Enforcement

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

If possible, provide specific information regarding Titles 1 to 4 of the Convention.

First report:

Second report:

Third report:

Fourth report:

VI. Statistical information

Please *either* provide the data requested below *or* refer below to relevant reports submitted to the United Nations

Conference on Trade and Development (UNCTAD) (*Annual Review of Maritime Transport*), the International Maritime Organization (IMO), the World Health Organization (WHO), etc., and supply a copy of those reports or a reference to a public web site containing this data:

Data requested	Ships on international voyages or voyages	Ships not on international voyages or voyages	The information is only estimated data and

	between ports in other countries	between ports in other countries	forma collec on this matter
Number of seafarers working on national flag ships that are covered by the Convention	First report:	First report:	First r
Second report			
Third report			
Fourth report			
Number of seafarers who are nationals or residents or otherwise domiciled in the territory	First report:	First report:	First r
Second report			
Third report			
Fourth report			

Number (if any) of private recruitment and placement services operating in the territory	First report:	First report:	First r
Second report			
Third report			
Fourth report			
Gender distribution among seafarers	First report:	First report:	First r
Second report			
Third report			
Fourth report			
Number of ships flying your flag which are 3,000 GT or over	First report:	First report:	First r
Second report			
Third report			

Fourth report			
Number of ships < 3,000 GT and ≥ 500 GT	First report:	First report:	First r
Second report			
Third report			
Fourth report			
Number of ships < 500 and ≥ 200 GT (please indicate if estimated)	First report:	First report:	First r
Second report			
Third report			
Fourth report			
Number of ships < 200 GT (please indicate if estimated)	First report:	First report:	First r
Second report			

Third report			
Fourth report			

PART II. SPECIFIC INFORMATION

1. This section of the report follows the same organization as the MLC, 2006. It is divided into five Titles (Titles 1– 5). Each Title sets out the related Regulations and Code provisions and asks for specific information on how they have been given effect in your country. For convenience, this form contains a description of the basic requirements in each area.² The relevant provisions of the Convention are identified in each question, so that their text can be consulted.

2. It will be noted that the provisions under each Regulation also include a reference to the Guidelines in Part B of the Code to the Convention. As mentioned above at point 6 in the guidance for drawing up reports (see page 4), it is not mandatory for Members to follow the Guidelines when implementing the Regulations and Standards. However, if a Member has chosen to do so, the ILO supervisory bodies would not have to consider further the adequacy or sufficiency of the Member’s implementation of the relevant provisions of the Convention.

Title 1. Minimum requirements for seafarers to work on a ship

<p>Regulation 1.1 – Minimum age Standard A1.1; see also Guideline B1.1</p> <p><input type="checkbox"/> <input type="checkbox"/> Persons below the age of 16 shall not be employed or engaged or work on a ship.</p> <p><input type="checkbox"/> <input type="checkbox"/> Seafarers under the age of 18 shall not be employed or engaged or work where the work is likely to jeopardize their health or safety.</p> <p><input type="checkbox"/> <input type="checkbox"/> Night work for seafarers under the age of 18 is prohibited. (“Night” covers a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.)</p>

² The description of basic requirements is based on the text of the MLC, 2006 as well as the *Guidelines for flag State inspections under the Maritime Labour Convention, 2006* (MEFS/2008/8(Rev.)), adopted by the tripartite meeting of experts in September 2008.

<input type="checkbox"/> <input type="checkbox"/> Special attention should be paid to the needs of seafarers under the age of 18, in accordance with national laws and regulations.
Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/> /Part II <input type="checkbox"/> Please check one or both boxes or provide the information below.
<p>What is the minimum age of seafarers? <i>(Regulation 1.1, paragraph 1; Standard A1.1, paragraph 1)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report: Second report: Third report: Fourth report:
<p>What period is defined as “night”? <i>(Standard A1.1, paragraph 2)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report: Second report: Third report: Fourth report:
<p>Is night work prohibited for seafarers under 18? <i>(Standard A1.1, paragraph 2)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report: Second report: Third report:

Fourth report:
<p>Are any exceptions made to the night work prohibition? <i>(Standard A1.1, paragraph 3)</i></p> <p>If yes, please summarize the exceptions, indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Is employment of seafarers under 18 prohibited where the work is likely to jeopardize their health or safety? <i>(Standard A1.1, paragraph 4)</i></p> <p>Please indicate applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>What types of work have been determined to be likely to jeopardize the health or safety of seafarers under 18? <i>(Standard A1.1, paragraph 4)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p><i>Additional information</i> concerning implementation of Regulation 1.1, including cases of substantial equivalence.</p>

First report:
Second report:
Third report:
Fourth report:

Regulation 1.2 – Medical certificate
Standard A1.2; see also Guideline B1.2

- Seafarers are not allowed to work on a ship unless they are certified as medically fit to perform their duties.
- A certificate must be in English for seafarers working on ships ordinarily engaged on international voyages. The medical certificate must have been issued by a duly qualified medical practitioner and must be still valid.
- The period of validity for a certificate:
 - two-year maximum for medical certificates except for seafarers under 18, in which case it is one year; – six-year maximum for a colour vision certificate.

NB. *Certificates issued in accordance with, or meeting the substance of, the applicable requirements, under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, are to be accepted as meeting these requirements.*

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II **Please check one or both boxes or provide the information below.**

Are seafarers required to be certified as medically fit to perform their duties? *(Regulation 1.2, paragraph 1; Standard A1.2, paragraph 1)*
 Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:
Second report:
Third report:
Fourth report:

<p>What requirements (or guidance) have been established concerning the nature of the medical examination and the right of appeal? (<i>Standard A1.2, paragraphs 2 and 5</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>What are the requirements concerning persons who can issue medical certificates and any certificate solely concerning eyesight? (<i>Standard A1.2, paragraph 4</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>What are the periods of validity for medical and colour vision certificates? (<i>Standard A1.2, paragraph 7</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>Additional information concerning implementation of Regulation 1.2, including any cases of substantial equivalence.</p>
<p>First report:</p>

Second report:
Third report:
Fourth report:
Documentation: please provide, in English (see <i>Standard A1.2, paragraph 10</i>) an example of the standard wording in medical certificates.
First report:
Second report:
Third report:
Fourth report:

Regulation 1.3 – Training and qualifications
<input type="checkbox"/> <input type="checkbox"/> Seafarers must be trained or certified as competent or otherwise qualified to perform their duties on board ship. <input type="checkbox"/> <input type="checkbox"/> Seafarers must have successfully completed training for personal safety on board ship. NB. <i>Training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.</i>
Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/> /Part II <input type="checkbox"/> Please check one or both boxes or provide the information below.
Do all seafarers have to be trained, certified or otherwise qualified for the duties they are to carry out on board ship? <i>(Regulation 1.3, paragraph 1; see also paragraph 4)</i> Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.
First report:
Second report:
Third report:
Fourth report:

Are all seafarers required to successfully complete training for personal safety on board ship?

(Regulation 1.3, paragraph 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Is training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, accepted?

(Regulation 1.3, paragraph 3)

First report:

Second report:

Third report:

Fourth report:

Additional information concerning implementation of Regulation 1.3, including any cases of substantial equivalence.

First report:

Second report:

Third report:

Fourth report:

Regulation 1.4 – Recruitment and placement Standard A1.4; see also Guideline B1.4.1.

- Seafarer recruitment and placement services must not charge seafarers for their services.
- If private seafarer recruitment and placement services are operating in their territory, Members are responsible for establishing an effective inspection and monitoring system with respect to those services (*Regulation 5.3; Standard A5.3, paragraph 1*).
- If seafarer recruitment and placement services for nationals to work on flag ships are operated by seafarers' organizations in the Member's territory, they must be operated in accordance with Standard A1.4 in the Convention.
- Any public seafarer or recruitment service in a Member's territory must be operated in an orderly manner that promotes seafarers' employment rights under the Convention.
- Flag States are responsible for requiring, in cases where shipowners use recruitment and placement services based in States not party to the MLC, 2006, that these shipowners have an appropriate system in place for ensuring, as far as practicable, that these recruitment and placement services meet the requirements under Standard A1.4.

Please check the boxes below or provide the information requested.

If ***private*** seafarer recruitment and placement services, or services operated by seafarers' organizations to place seafarers on national flag ships, are operating in your country, please provide information about the standardized system for licensing or certification or other form of regulation (*Regulation 1.4; Standard A1.4, paragraphs 2, 3, 4 and 5*) and the inspection and monitoring system for those services. (*Standard A1.4, paragraph 6*) Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No private services operate in our country

First report:

Second report:

Third report:

Fourth report:

If **private** seafarer recruitment and placement services are operating in your country, please provide information on the system of protection that they are required to establish (by way of insurance or other measures) to compensate seafarers for monetary loss that they may incur as a result of the failure of the recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

(Standard A1.4, paragraph 5(c)(vi))

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No private services operate in our country

First report:

Second report:

Third report:

Fourth report:

If **public** recruitment and placement services are operating in your country, please state the basic principles ensuring that they are operated in an orderly manner *(Standard A1.4, paragraph 1)*. See guidance in *Guideline B1.4.1, paragraph 1*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No public services operate in our country

First report:

Second report:

Third report:

Fourth report:

If **public** or **private** recruitment placement services are operating in your country, please outline the machinery and procedures for investigating complaints about their activities. *(Standard A1.4, paragraph 7)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No public or private services operate in our country

First report:

Second report:

Third report:
Fourth report:
<p>Where shipowners use recruitment and placement services that operate in countries that have not ratified the Convention, what kind of action is expected of them in order to ensure, as far as practicable, that the services concerned meet the requirements of the Convention?</p> <p><i>(Regulation 1.4, paragraph 3; Standard A1.4, paragraphs 9 and 10)</i></p> <p>Adequate information on this matter is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/></p>
First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 1.4, including any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:
Title 2. Conditions of employment
Regulation 2.1 – Seafarers’ employment agreements Standard A2.1; see also Guideline B2.1

- All seafarers must have a seafarers' employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner's representative (or, where they are not employees, other evidence of contractual or similar arrangements).
- A SEA must, at a minimum, contain the matters set out in Standard A2.1, paragraph 4(a)–(j) and, as applicable, (k), of the MLC, 2006 (*Standard A2.1, paragraph 4*).
- Where a collective bargaining agreement forms all or part of the SEA, the agreement must be on board the ship with relevant provisions in English (except for ships engaged only in domestic voyages) (*Standard A2.1, paragraph 2*).
- Seafarers are to be given an opportunity to examine and seek advice on a SEA before signing (*Standard A2.1, paragraph 1(b)*). Seafarers must be given a document containing a record of their employment (that does not contain any statement as to the quality of their work or wages) on the ship (*Standard A2.1, paragraphs 1(e) and 3; Guideline B2.1.1, paragraph 1*).
- Information about the conditions for their employment must be easy for seafarers to obtain when on board ship and must be accessible for inspection-related reviews.
- Minimum notice periods for early termination of a SEA must be established in laws or regulations.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II /seafarers' employment agreement /collective agreement provisions . (A link to a publicly accessible web site containing the applicable collective agreement may also be provided.) ***Please check one or more boxes or provide the information below.***

Do national laws or regulations provide that seafarers working on ships flying your country's flag must have a seafarers' employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner representative (or, where they are not employees, other evidence of contractual or similar arrangements), providing them with decent working and living conditions on board the ship, and that the shipowner and seafarer concerned have each a signed original of the SEA. (*Standard A2.1, paragraph 1(a) and (c)*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

<p>What are the minimum notice periods to be given by seafarers and by shipowners for the early termination of a seafarer's employment agreement? (<i>Standard A2.1, paragraph 5</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Do national laws or regulations or collective agreements provide for circumstances justifying termination of the employment agreement at shorter notice or without notice? (<i>Standard A2.1, paragraph 6</i>)</p> <p>If yes, please summarize the provisions concerned and, if possible, reproduce the relevant texts:</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Please summarize your country's requirements to ensure that seafarers are given an opportunity to review and seek advice on their SEA before signing, reproducing the relevant texts if possible.</p> <p>(<i>Standard A2.1, paragraph 1(b)</i>)</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Please summarize your country's requirements to ensure that seafarers have easy access on board ship to information about their conditions of employment reproducing the relevant texts if possible. (<i>Standard A2.1, paragraph 1(d)</i>)</p>

First report:
Second report:
Third report:
Fourth report:
<p>Do laws or regulations provide that seafarers are given a document containing a record of their employment on board the ship? (<i>Standard A2.1, paragraphs 1(e) and 3</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please indicate whether, in the case in which a collective bargaining agreement forms all or part of a SEA, a copy of that agreement is available on board and whether a copy of a standard form of agreement and the portions of a collective bargaining agreement subject to port state inspection under Regulation 5.2 are available in English (except for ships only engaged in domestic voyages). (<i>Standard A2.1, paragraph 2</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please provide information on any laws and regulations requiring that the SEA contain the matters set out in <i>Standard A2.1, paragraph 4(a)–(j)</i> and, as applicable, <i>(k)</i>.</p> <p>Please reproduce the relevant texts.</p>
First report:

Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 2.1, indicating any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:
<p>Documentation: Please provide in English (<i>see Standard A2.1, paragraph 2 and guidance in Guideline B2.1.1, paragraph 1</i>):</p> <ul style="list-style-type: none"> <input type="checkbox"/> an example of the approved document for seafarers' record of employment (<i>Standard A2.1, paragraphs 1 and 3</i>); <input type="checkbox"/> the standard form or an example of a seafarers' employment agreement (please remove individual identification information if there is no standard form used) (<i>Standard A2.1, paragraph 2(a)</i>); <input type="checkbox"/> the relevant portion of any applicable collective bargaining agreement (<i>Standard A2.1, paragraph 2(b)</i>).
First report:
Second report:
Third report:
Fourth report:

Regulation 2.2 – Wages
Standard A2.2; see also Guideline B2.2

Seafarers must be paid at no greater than monthly intervals and in full for their work in accordance with their employment agreements and any applicable collective agreement.

Seafarers are entitled to an account each month indicating their monthly wage and any authorized * deductions (such as allotments **).

Flag States may wish to consider requiring shipowners to carry on board their ships' documents such as a copy of payroll or electronic record sheets.

Charges for remittances/allotment transmission services must be reasonable and exchange rates in accordance with national requirements.

* No unauthorized deductions, such as payments for travel to or from the ship.

** An allotment is an arrangement whereby a proportion of seafarers' earnings is regularly remitted, on their request, to their families or dependants or legal beneficiaries whilst the seafarers are at sea.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions DMLC, Part I /Part II

Please check one or more boxes or provide the information below.

What are the main items that must be included in the monthly account that seafarers are entitled to receive on board ship?

(Regulation 2.2 and Standard A2.2, paragraph 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Please outline the measures taken by shipowners to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. *(Standard A2.2, paragraphs 3 and 4)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:
Fourth report:
<p>What is the basis for determining the reasonable charge, if any is made, by shipowners for transmission services and for determining any relevant exchange rate? (<i>Standard A2.2, paragraph 5</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>For countries that adopt national laws or regulations to govern seafarers' wages, has the guidance in Guideline B2.2 been given due consideration? (<i>Standard A2.2, paragraph 6</i>)</p> <p>If yes, please summarize or provide a reference to the relevant national legislation provided under Part I, item I.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Additional information concerning implementation of Regulation 2.2, including any cases of substantial equivalence.</p>
First report:
Second report:
Third report:
Fourth report:

Regulation 2.3 – Hours of work and hours of rest Standard A2.3; see also Guideline B2.3

The maximum hours of work or the minimum hours of rest must be established in national laws or regulations (the minimum hours of rest must not be less than ten hours in any 24-hour period and 77 hours in any seven-day period, or the maximum hours of work must not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period).

Account must be taken of the danger posed by the fatigue of seafarers.

Hours of rest may be divided into no more than two periods, one of which must be at least six hours; the interval between consecutive periods of rest must not exceed 14 hours.

Any mandatory musters or drills must be conducted in a way that minimizes disturbance of rest hours and does not induce fatigue.

Seafarers on call must be given compensatory rest if the normal rest period is interrupted.

A schedule/table of service at sea and service in port for all positions, in a standardized format in the working language(s) of the ship and English, and the applicable limits under a law or regulation or a collective agreement, must be posted in an accessible location on board ship.

Seafarers' daily hours of work or rest must be recorded in an approved standard format and in the working language(s) of the ship and English and must be endorsed by the seafarer (who is given a copy) and the master (or authorized person).

Adequate information on all matters is to be found in the enclosed DMLC, Part I ***Please check one or both boxes or provide the information below.***

/ Part II

Are the requirements in your country that implement Regulation 2.3 based on maximum hours of work *or* on minimum hours of rest?

(Regulation 2.3, paragraphs 1 and 2)

Maximum hours of work

Minimum hours of rest

Please indicate how account is taken of the danger posed by the fatigue of seafarers. (Standard A2.3, paragraph 4)

First report:

Second report:

Third report:

Fourth report:

Please state the maximum hours of work or minimum hours of rest, including any measures that may have been adopted for seafarers under the age of 18.

(Standard A2.3, paragraphs 2 and 5; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1)

How many hours of work per 24 hours? How many hours of work per seven days?

or

How many hours of rest per 24 hours?

How many hours of rest per seven days?

Measures for seafarers under the age of 18:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are more than two periods of rest per 24 hours prohibited in all cases?

Must one period of rest per 24 hours always be at least six hours in length?

Must the interval between periods of rest in all cases be 14 hours at most?

(Standard A2.3, paragraph 6)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If the answer to any question is “no”, please provide the necessary information:

First report:

Second report:

Third report:

Fourth report:

<p>Please indicate the requirements relating to the minimizing of disturbances by drills, etc., and the granting of compensatory rest covered by <i>Standard A2.3, paragraphs 7, 8, 9 and 14.</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>What is the normal working hours standard for seafarers, including any measures that may have been adopted for seafarers under the age of 18? (<i>Standard A2.3, paragraph 3; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>Have any collective agreements been authorized or registered that permit exceptions to the established limits? (<i>Standard A2.3, paragraph 13</i>)</p> <p>If yes, please provide a copy of the relevant provisions under “Documentation” below.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>

<p>What measures are taken to ensure the recording of accurate daily hours of work or rest?</p> <p>What measures are taken to ensure that seafarers receive a copy of the records pertaining to them endorsed by the master, or a person authorized by the master, and by the seafarers? (<i>Standard A2.3, paragraph 12</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Additional information concerning implementation of Regulation 2.3, including any cases of substantial equivalence.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Documentation: Please provide, in English (see <i>Standard A2.3, paragraphs 10 and 11</i>):</p> <ul style="list-style-type: none"> <input type="checkbox"/> a copy of the approved standardized table for shipboard working arrangements (<i>Standard A2.3, paragraphs 10 and 11</i>); <input type="checkbox"/> a copy of the standard form established by the competent authority for the recording of seafarers' daily hours of work or their daily hours of rest (<i>Standard A2.3, paragraph 12</i>); <input type="checkbox"/> a copy of any authorized or registered collective agreement provisions that establish seafarers' normal working hours or permit exceptions to the established limits (<i>Standard A2.3, paragraphs 3 and 13</i>).
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

Regulation 2.4 – Entitlement to leave Standard A2.4; see also Guideline B2.4	
<input type="checkbox"/> <input type="checkbox"/> Seafarers must be given paid annual leave. <input type="checkbox"/> <input type="checkbox"/> Seafarers are to be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions. <input type="checkbox"/> <input type="checkbox"/> The minimum annual paid leave must be determined in laws and regulations. <input type="checkbox"/> <input type="checkbox"/> Subject to any collective agreement or national laws or regulations providing a differing method of calculation, the entitlement to paid annual leave is to be calculated on the basis of 2.5 calendar days per month of employment. <input type="checkbox"/> <input type="checkbox"/> Except in cases authorized by the competent authority, any agreement to forgo the minimum leave must be prohibited.	
Adequate information on all matters is to be found in the enclosed seafarers' employment agreement collective agreement provisions <input type="checkbox"/>	<input type="checkbox"/> /
<p><i>Please check one or both boxes or provide the information below.</i></p>	
What is the minimum paid annual leave for seafarers on ships flying the flag of your country? (Standard A2.4, paragraphs 1 and 2) Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.	
First report:	
Second report:	
Third report:	
Fourth report:	
How are seafarers' entitlements to paid annual leave calculated in your country? (Standard A2.4, paragraph 2; see also guidance in Guideline B2.4) Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.	
First report:	
Second report:	

Third report:
Fourth report:
<p>Are any agreements to forgo the minimum annual leave with pay prohibited under national legislation? <i>(Standard A2.4, paragraph 3)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Have any agreements to forgo annual leave with pay been authorized by the competent authority in your country? <i>(Standard A2.4, paragraph 3)</i></p> <p>If yes, please specify the kinds of cases that have been provided:</p>
First report:
Second report:
Third report:
Fourth report:
<p>Are shipowners required to give seafarers appropriate shore leave? <i>(Regulation 2.4, paragraph 2)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Additional information concerning implementation of Regulation 2.4, indicating any cases of substantial equivalence.</p>

First report:
Second report:
Third report:
Fourth report:
<p>Documentation: Please provide a copy of the provisions in any applicable collective agreement which provides for the calculation of the minimum paid annual leave on a basis that differs from a minimum of 2.5 days per month of employment (<i>Standard A2.4, paragraph 2</i>).</p> <p>Where the provisions are not available in English, French or Spanish, please provide a summary in one of these languages.</p>
First report:
Second report:
Third report:
Fourth report:

<p>Regulation 2.5 – Repatriation Standards A2.5.1 and A2.5.2; see also Guideline B2.5</p>
<p>The provisions of the Code for Regulation 2.5 (<i>Standard A2.5 and Guideline B2.5</i>) were amended in 2014.</p>

Standard A2.5.1 – Repatriation

- Seafarers are to be repatriated, at no cost to themselves except to the extent that the Code permits otherwise.
- Seafarers are entitled to repatriation in the following circumstances: –
 - if the seafarers’ employment agreement expires while they are abroad;
 - when their seafarers’ employment agreement is terminated:
 - by the shipowner; or
 - by the seafarer for justified reasons; and
 - when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.
- Seafarers’ repatriation entitlements are to be provided for in national laws and regulations or other measures or collective bargaining agreements.
 - Ships must provide financial security to ensure that repatriation will occur.
- A copy of the applicable national provisions regarding repatriation must be carried on ships and made available to seafarers in an appropriate language.
- Repatriation of seafarers on ships coming into port or navigating a country’s waters is to be facilitated. □□ Repatriation of a seafarer is not to be refused because of the financial situation of the shipowner or the shipowner’s refusal to replace a seafarer.

Standard A2.5.2 – Financial security

- A financial security system to assist seafarers in the event of their abandonment must be in place for ships.
- Seafarers shall be deemed to have been abandoned where shipowners:
 - fail to cover the cost of the seafarers’ repatriation; or
 - have left the seafarers without the necessary maintenance and support; or
 - have otherwise unilaterally severed their ties with the seafarers including failure to pay contractual wages for a period of at least two months.
- Ships that have to be certified according to Regulation 5.1.3 shall carry on board – and post in a conspicuous place – a certificate or other documentary evidence of financial security.
 - The financial security system in case of abandonment of seafarers shall be sufficient to cover:
 - outstanding wages and other entitlements due from the shipowner to the seafarer, limited to four months; – all expenses reasonably incurred by the seafarer, including the cost of repatriation; and

– the essential needs of the seafarer including such items as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions / DMLC, Part I / Part II ***Please check one or more boxes or provide the information below.***

What kind of financial security is provided by ships flying the flag of your country? (*Regulation 2.5, paragraph 2*)

Does national legislation require the provision of an expeditious and effective financial security system to assist seafarers in the event of their abandonment? (*Standard A2.5.2, paragraph 1*)

If yes, please indicate the applicable national provisions, reproduce the relevant texts and specify if the financial security system was determined after

consultation with the shipowners' and seafarers' organizations concerned.
(Standard A2.5.2, paragraph 3)

First report:

Second report:

Third report:

Fourth report:

What are the circumstances (including the maximum period of service on board a ship) in which a seafarer has a right to repatriation?

(Regulation 2.5, paragraph 1; Standard A2.5.1, paragraphs 1 and 2; see guidance in Guideline B2.5.1, paragraphs 1 and 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are there any circumstances in which a seafarer can be expected to pay for the cost of his or her repatriation?

(Standard A2.5.1, paragraph 3)

If yes, please indicate the circumstances and the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:
<p>What entitlements are to be accorded by shipowners for the repatriation of seafarers? <i>(Standard A2.5.1, paragraph 2(c); see guidance in Guideline B2.5.1, paragraphs 3–5)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Has your country received requests to facilitate repatriation of a seafarer? <i>(Standard A2.5.1, paragraphs 7 and 8)</i> If yes, how did your country respond?</p>
First report:
Second report:
Third report:
Fourth report:
<p>What are the circumstances under which a seafarer is considered abandoned according to national legislation? <i>(Standard A2.5.2, paragraph 2)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:

<p>Does national legislation provide that ships that need to be certified according to Regulation 5.1.3 must carry on board a certificate or other documentary evidence of financial security issued by the financial security provider?</p> <p>If yes, please specify if the certificate or other documentary evidence must contain the information required by Appendix A2-I and has to be in English or accompanied by an English translation, and if a copy must be posted in a conspicuous place on board.</p> <p><i>(Standard A2.5.2, paragraphs 6 and 7)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>Does national legislation require that the financial security system is sufficient to cover outstanding wages and other entitlements; all expenses incurred by the seafarer (including the cost of repatriation); and the essential needs of the seafarers, as defined in <i>Standard A2.5.2, paragraph 9</i>?</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>
<p>Does national legislation provide for at least 30 days of notice by the financial security provider to the competent authority of the flag State before the financial security can cease? <i>(Standard A2.5.2, paragraph 11)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p> <p>Second report:</p> <p>Third report:</p>

Fourth report:
Additional information concerning implementation of Regulation 2.5, including any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:
Documentation: Please provide: <ul style="list-style-type: none"> <input type="checkbox"/> a copy of the provisions on seafarers' entitlement to repatriation in any applicable collective bargaining agreements (<i>Standard A2.5.1, paragraph 2</i>); <input type="checkbox"/> an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (<i>Regulation 2.5, paragraph 2</i>). Where this material is not available in English, French or Spanish, please provide a summary in one of these languages.
First report:
Second report:
Third report:
Fourth report:

Regulation 2.6 – Seafarers' compensation for the ship's loss or foundering Standard A2.6; see also Guideline B2.6
<input type="checkbox"/> <input type="checkbox"/> Rules must be made to ensure that shipowners pay seafarers on board an indemnity against unemployment resulting from their ship's loss or foundering.
Adequate information on all matters is to be found in the enclosed seafarers' employment agreement <input type="checkbox"/> / collective agreement provisions <input type="checkbox"/> Please check one or both boxes or provide the information below.
How is the indemnity to be provided by shipowners to seafarers against injury, loss or unemployment in the case of a ship's loss or foundering calculated (including any limitations)? (<i>Standard A2.6, paragraph 1; see guidance in Guideline B2.6, paragraph 1</i>)

<p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Additional information concerning implementation of Regulation 2.6, including any cases of substantial equivalence.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

<p>Regulation 2.7 – Manning levels</p> <p>Standard A2.7; see also Guideline B2.7</p>	
<p><input type="checkbox"/> <input type="checkbox"/> Ships must have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about fatigue and the particular nature and conditions of voyage.</p> <p><input type="checkbox"/> <input type="checkbox"/> Ships must comply with the manning levels listed on the safe manning document (SMD) or equivalent issued by the competent authority.</p> <p><input type="checkbox"/> <input type="checkbox"/> Manning levels must take account of food and catering requirements.</p>	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I Please check one or both boxes or provide the information below.</p>	<p><input type="checkbox"/> / Part II <input type="checkbox"/></p>
<p>Do the safe manning levels which are determined or approved by the competent authority avoid or minimize excessive hours of work and ensure sufficient rest for seafarers to assure the safety and security of the ship and its personnel in all operating conditions and considering the particular nature and conditions of a</p>	

<p>voyage? (<i>Regulation 2.7; Standard A2.7, paragraphs 1 and 2; see guidance in Guideline B2.7</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>How do the safe manning levels take into account the requirements under Regulation 3.2 and Standard A3.2 concerning food and catering? (<i>Standard A2.7, paragraph 3</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>How are complaints or disputes about determinations on the safe manning levels on a ship investigated and settled? (see guidance in <i>Guideline B2.7</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Additional information concerning implementation of Regulation 2.7, indicating any cases of substantial equivalence.</p>
<p>First report:</p>

Second report:
Third report:
Fourth report:
Documentation: For each type of ship (passenger, cargo, etc.) please provide, in English, a typical example of a safe manning document or equivalent issued by the competent authority (<i>Standard A2.7, paragraph 1</i>), together with information showing the type of ship concerned, its gross tonnage and the number of seafarers normally working on it.
First report:
Second report:
Third report:
Fourth report:

Regulation 2.8 – Career and skill development and opportunities for seafarers’ employment Standard A2.8; see also Guideline B2.8
<input type="checkbox"/> <input type="checkbox"/> Each Member must have national policies aimed at strengthening the competencies, qualifications and employment opportunities of seafarers domiciled in its territory. <input type="checkbox"/> <input type="checkbox"/> Clear objectives must be established for vocational guidance, education and training, including ongoing training of seafarers whose duties on board ship primarily relate to safe operation and navigation.
<p>According to our records, there are no seafarers domiciled in our territory Please check the box or provide the information below.</p> <div style="text-align: right; border: 1px solid black; width: 20px; height: 20px; margin-left: auto;"></div>
<p>Does your country have national policies to encourage the career and skill development and employment opportunities for seafarers that are domiciled in your country?</p> <p>(<i>Regulation 2.8, paragraph 1; Standard A2.8, paragraphs 1 and 3; see guidance in Guideline B2.8.1</i>) Please provide relevant information:</p>
First report:
Second report:
Third report:

Fourth report:
Does your country have a register or list of seafarers that govern their access to employment? (see guidance in <i>Guideline B2.8.2</i>)
There are no registers or lists governing seafarers' employment <input type="checkbox"/>
First report:
Second report:
Third report:
Fourth report:
<i>Additional information</i> concerning implementation of Regulation 2.8, including any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:

Title 3. Accommodation, recreational facilities, food and catering

Regulation 3.1 – Accommodation and recreational facilities Standard A3.1; see also Guideline B3.1

□□ All ships must be in compliance with the minimum standards established by the MLC, 2006, providing and maintaining decent accommodation and recreational facilities for seafarers working or living on ships, or both, consistent with promoting seafarers' health and well-being.

□□ Seafarer accommodation must be safe and decent and must meet national requirements implementing the MLC, 2006 (*Standard A3.1, paragraph 1*).

□□ Frequent inspections of seafarer accommodation areas must be carried out by the master or a designate (*Standard A3.1, paragraph 18*) and recorded; the records must be available for review.

□□ Particular attention must be paid to the requirements relating to:

- the size of rooms and other accommodation spaces (*Standard A3.1, paragraphs 9 and 10*);
- heating and ventilation (*Standard A3.1, paragraph 7*);
- noise and vibration and other ambient factors (*Standard A3.1, paragraph 6(h)*);
- sanitary and related facilities (*Standard A3.1, paragraphs 11 and 13*);
- lighting (*Standard A3.1, paragraph 8*);
- hospital accommodation (*Standard A3.1, paragraph 12*).

□□ The requirements under Regulation 3.1 also cover:

- recreational facilities (*Standard A3.1, paragraphs 14 and 17*);
- occupational safety and health and accident prevention requirements on ships, in light of the specific needs of seafarers who both live and work on ships (*Standard A3.1, paragraphs 2(a) and 6(h)*).

□□ Ships that were constructed * before the entry into force of the MLC, 2006, for your country must:

- provide and maintain decent accommodation and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being in accordance with national legislation (*Regulation 3.1, paragraph 1*); and
- meet the standards set out in Conventions Nos 92 and/or 133, if applicable in your country (because of ratification, through substantial equivalence due to ratification of Convention No. 147, the Protocol of 1996 to Convention No. 147 or otherwise) (*Regulation 3.1, paragraph 2*).

The requirements of the Code relating to ship construction and equipment do not apply to these ships, unless applied by national law. The other Code requirements do apply.

* A ship is deemed to be constructed on the date its keel is laid or when it is at a similar stage of construction.

<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <i>Please check one or both boxes or provide the information below.</i></p>	<input type="checkbox"/> /Part II	<input type="checkbox"/>
<p>Has your country adopted laws and regulations to ensure that all ships covered by the Convention which fly its flag (including those constructed prior to the Convention's entry into force for your country) maintain decent accommodation and recreational facilities for seafarers on board? <i>(Regulation 3.1, paragraph 1; Standard A3.1, paragraph 1)</i></p> <p>If yes, please summarize the content of the legislative provisions concerned:</p>		
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>		
<p>For ships constructed prior to the Convention's entry into force for your country, are the relevant requirements in Convention No. 92 or No. 133 (or of Convention No. 147 or its Protocol) applicable with respect to matters relating to construction and equipment? <i>(Regulation 3.1, paragraph 2)</i></p> <p>If no, please indicate the kinds of requirements that are considered to relate to construction and equipment and are thus not applicable to those ships:</p>		
<p>First report:</p> <p>Second report:</p> <p>Third report:</p> <p>Fourth report:</p>		
<p>Do the laws and regulations establishing the minimum standards for seafarers' on-board accommodation and recreational facilities take account of the requirements in Regulation 4.3 and the Code regarding occupational safety and health and accident prevention? <i>(Standard A3.1, paragraph 2(a))</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>If no, please explain how these concerns are taken into account:</p>		
<p>First report:</p>		

Second report:
Third report:
Fourth report:
<p>Are the inspections required under Regulation 5.1.4 carried out when a ship is registered or re-registered and/or when seafarer accommodation is substantially altered? (<i>Standard A3.1, paragraph 3</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>If no, please explain:</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please summarize the content of your country's general requirements for accommodation implementing <i>paragraph 6(a)–(f) of Standard A3.1</i>.</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:

Second report:
Third report:
Fourth report:
<p>Have any exceptions (other than for passenger ships and special purpose ships) been made with respect to the location of sleeping rooms? (<i>Standard A3.1, paragraph 6(c) and (d)</i>)</p> <p>If yes, please indicate the kinds of exceptions made and reproduce the relevant texts.</p>
First report:
Second report:

Third report:
Fourth report:
<p>Please summarize the content of your country's measures to prevent exposure to hazardous levels of noise and vibration and other ambient factors. (<i>Standard A3.1, paragraph 6(h)</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please summarize the content of your country's requirements for heating and ventilation implementing <i>paragraph 7 of Standard A3.1</i>.</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please summarize the content of your country's requirements for lighting implementing <i>paragraph 8 of Standard A3.1</i>.</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:

Please summarize the content of your country's requirements for sleeping rooms implementing *paragraph 9 of Standard A3.1*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Please summarize the content of your country's requirements for mess rooms implementing *paragraph 10 of Standard A3.1*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Please summarize the content of your country's requirements for sanitary and laundry facilities implementing *paragraphs 11 and 13 of Standard A3.1*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Please summarize the content of your country's requirements for hospital accommodation implementing *paragraph 12 of Standard A3.1*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:
Second report:
Third report:
Fourth report:
<p>Please summarize the content of your country's requirements for recreational facilities, amenities and services implementing <i>paragraphs 14, 15 and 17 of Standard A3.1</i>.</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Have any exemptions for ships less than 200 GT been given? (<i>Standard A3.1, paragraphs 20 and 21</i>)</p> <p>If yes, please indicate the kinds of exemptions given:</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Have any variations to take account of the interest of seafarers having differing and distinctive religious and social practices been permitted? (<i>Standard A3.1, paragraph 19</i>)</p> <p>If yes, please indicate the kinds of variations permitted:</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:

Second report:
Third report:
Fourth report:
<p>What is the required frequency for on-board inspections of seafarers' accommodation that are to be carried out by or under the authority of the master and what are the requirements for recording and review of those inspections? <i>(Standard A3.1, paragraph 18)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p><i>Additional information</i> concerning implementation of Regulation 3.1, indicating any cases of substantial equivalence.</p>
First report:
Second report:
Third report:
Fourth report:

Regulation 3.2 – Food and catering
Standard A3.2; see also Guideline B3.2

- Food and drinking water must be of appropriate quality, nutritional value and quantity, taking into account the requirements of the ship and the differing cultural and religious backgrounds of seafarers on the ship.
 - Food is to be provided free of charge to seafarers during the period of engagement.
 - Seafarers employed as ships' cooks * with responsibility for preparing food must be trained and qualified for their positions.
 - Seafarers working as ships' cooks must not be less than 18 years old.
 - Frequent and documented inspections of food, water and catering facilities must be carried out by the master or a designate.
- * "Ship's cook" means a seafarer with responsibility for food preparation (Regulation 3.2, paragraph 3; Standard A3.2, paragraphs 3 and 4).

Adequate information on all matters is to be found in the enclosed DMLC, Part I ***Please check one or both boxes or provide the information below.***

/Part
 II

Are shipowners required to provide seafarers, free of charge, during their period of engagement, food and drinking water on board ship that is of appropriate quality, nutritional value and quantity taking into account the differing cultural and religious backgrounds of seafarers? (Regulation 3.2, paragraphs 1 and 2; Standard A3.2, paragraph 2(a))

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are measures in place to ensure that the organization and equipment of the catering department are such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions? (Standard A3.2, paragraph 2(b))

If yes, please indicate the nature and frequency of the instructions or guidance:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:
Second report:
Third report:
Fourth report:
<p>Are ships' cooks required to have completed a training course approved or recognized by the competent authority? <i>(Standard A3.2, paragraphs 2(c), 3 and 4)</i></p> <p>If yes, please outline the main elements of the training course: Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Have dispensations been issued to permit a non-fully qualified cook to serve as ship's cook pursuant to <i>Standard A3.2, paragraph 6</i>?</p> <p>If yes, please indicate the frequency and the kind of cases in which dispensations were issued: Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>What is the required frequency and format for the documented on-board inspections by or under the authority of the master of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> supplies of food and drinking water; <input type="checkbox"/> spaces and equipment used for storage and handling of food and drinking water;

<input type="checkbox"/> the galley and other equipment used for the preparation and service of food? <i>(Standard A3.2, paragraph 7)</i> Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.
First report: Second report: Third report: Fourth report:
Are ships' cooks required to be aged at least 18? <i>(Standard A3.2, paragraph 8)</i> Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.
First report: Second report: Third report: Fourth report:
<i>Additional information</i> concerning implementation of Regulation 3.2, including any cases of substantial equivalence.
First report: Second report: Third report: Fourth report:

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

Regulation 4.1 – Medical care on board ship and ashore Standard A4.1; see also Guideline B4.1

- Seafarers must be covered by adequate measures for the protection of their health and have access to prompt and adequate medical care, including essential dental care, whilst working on board.
- The medical care on board must include a qualified medical doctor (or, in permitted cases, at least one seafarer in charge), a medicine chest, medical equipment and a medical guide as well as a prearranged system for obtaining onshore specialist medical advice.
- Health protection and care are to be provided at no cost to the seafarer, in accordance with national law and practice.
- Seafarers must be allowed to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.

MEDICAL CARE ON BOARD

Adequate information on all matters is to be found in the enclosed DMLC, Part I seafarers' employment agreement /collective agreement provisions ***Please check one or more boxes or provide the information below.***

/ Part II

Are measures in place to ensure that seafarers on ships flying your country's flag have health protection including access to prompt on-board medical diagnosis and treatment by qualified medical and/or dental personnel, and access to the necessary facilities, medicines, equipment and expertise, that is comparable to care available for workers ashore?

(Regulation 4.1, paragraph 1; Standard A4.1, paragraphs 1(a) and (b), 3 and 4(a)–(c)) If yes, please summarize the content of the relevant requirements:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are measures in place to ensure that seafarers are permitted by the shipowner/master to visit a qualified medical doctor or dentist without delay in ports of call, where practicable? *(Standard A4.1, paragraph 1(c))*

If yes, in what kinds of cases may such a visit be refused?

<p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>

<p>Third report:</p>
<p>Fourth report:</p>
<p>When are ships flying your country's flag required to carry on board a qualified medical doctor who is responsible for providing medical care to seafarers? <i>(Standard A4.1, paragraph 4(b))</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Are medical and dental treatment, required medicine and related care on board provided to seafarers free of charge? <i>(Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d))</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>If no, please indicate the extent to which seafarers may have to cover the cost:</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

<p>Must shipowners bear the cost of medical care provided to seafarers when landed in a foreign port? (<i>Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d)</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>If no, please indicate the extent to which seafarers may have to cover the cost:</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Are ships' medicine chests, medical equipment and medical guides inspected at regular intervals, to ensure that they are properly maintained?</p> <p>(<i>Standard A4.1, paragraph 4(a); see guidance in Guideline B4.1.1, paragraph 4</i>)</p> <p>If yes, please indicate the content of such inspections, as well as who carries them out and at what intervals.</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Are ships required to carry appropriate equipment and maintain up-to-date contact information for radio or satellite communication to obtain onshore medical advice while on a voyage? (<i>Standard A4.1, paragraphs 1(b) and 4(d); see guidance in Guideline B4.1.1, paragraph 6</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

MEDICAL CARE ASHORE	
<p>Are seafarers on board ships voyaging in your country's waters or visiting its ports given access to medical facilities on shore when in need of immediate medical or dental care? (<i>Regulation 4.1, paragraph 3; see guidance in Guideline B4.1.3</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>Our country is landlocked <input type="checkbox"/></p>	
First report:	
Second report:	
Third report:	
Fourth report:	
<p>Is there a law or regulation to provide for a system using satellite or radio or similar forms of communication, to provide medical advice, free of charge, 24 hours a day to all ships? (<i>Standard A4.1, paragraph 4(d)</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>Our country is landlocked <input type="checkbox"/></p> <p>If no, please explain whether any level of service is provided and, where applicable, identify any barriers to providing such services:</p>	
First report:	
Second report:	
Third report:	
Fourth report:	
<p>Additional information concerning implementation of Regulation 4.1, indicating any cases of substantial equivalence.</p>	
First report:	
Second report:	
Third report:	
Fourth report:	

Documentation: Please provide:

- an example of the standard medical report form for seafarers (*Standard A4.1, paragraph 2*; see guidance in *Guideline B4.1.2, paragraph 1*);
- a copy of the requirements for the medicine chest and medical equipment and for the medical guide (*Standard A4.1, paragraph 4(a)*; see guidance in *Guideline B4.1.1, paragraphs 4 and 5*).

First report:

Second report:

Third report:

Fourth report:

Regulation 4.2 – Shipowners’ liability

Standards A4.2.1 and A4.2.2; see also Guidelines B4.2.1 and B4.2.2

The provisions of the Code for Regulation 4.2 (*Standard A4.2 and Guideline B4.2*) were amended in 2014.

- Seafarers have a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a SEA or arising from their employment under such agreement.

Shipowners are liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or in-capacity has been declared of a permanent character.

Shipowners or their representatives must take measures for safeguarding the property left on board by sick, injured or deceased seafarers.

Shipowners are to provide financial security (in the form of a social security scheme or insurance or fund or other similar arrangements) to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the SEA or collective agreement.

The system of financial security must meet the following requirements:

- the contractual compensation must be paid in full and without delay;
- there shall be no pressure to accept a payment less than the contractual amount;
- when time is needed to assess the full compensation, interim payments must be made to the seafarer to avoid undue hardship;
- the seafarer must receive payment without prejudice to other legal rights (but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident); and
- the claim for contractual compensation may be brought directly by the seafarer concerned, their next of kin, or a representative of the seafarer or designated beneficiary.

Effective arrangements must be in place to receive, deal with and impartially settle contractual claims through expeditious and fair procedures.

Ships shall carry on board – and post in a conspicuous place – a certificate or other documentary evidence of financial security issued by the financial security provider.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions / DMLC, Part I /Part II ***Please check one or more boxes or provide the information below.***

Has your country adopted legal provisions requiring shipowners to provide seafarers with material assistance and support with respect to the financial consequences, including burial expenses, of sickness, injury or death occurring while serving under seafarers' employment agreements or arising from their employment under such agreements?

(Regulation 4.2, paragraph 1; Standard A4.2.1, paragraphs 1 and 3)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Do your national laws or regulations limit the period during which a shipowner will continue to be liable to cover medical and other expenses incurred due to the seafarers' injury or sickness and to pay wages to the seafarers when no longer on board?

(Standard A4.2.1, paragraphs 2 and 4)

If yes, please specify the number of weeks, from the day of the injury or the commencement of the sickness, during which the shipowner remains liable.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Do your national laws or regulations exclude the shipowners' liability in certain cases? *(Standard A4.2.1, paragraph 5)*

If yes, please indicate those cases:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:
Third report:
Fourth report:
<p>What kinds of financial security are shipowners required to provide in order to assure compensation in the event of death or long-term disability of seafarers due to an occupational injury, illness or hazard?</p> <p>Please specify the form taken by the system of financial security and if it was determined after consultation with the shipowners' and seafarers' organizations concerned.</p> <p><i>(Standard A4.2.1, paragraph 1(b) and 8; Standard A4.2.2, paragraph 2)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please indicate how national laws and regulations ensure that the system of financial security meets the following minimum requirements:</p> <ul style="list-style-type: none"> (a) payment of compensation in full and without delay; (b) no pressure to accept payment less than the contractual amount; (c) interim payments (while situation is being assessed) to avoid undue hardship; (d) offsetting payment against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident; (e) persons who can bring the claim for contractual compensation (seafarer, her/his next of kin, representative or designated beneficiary). <p><i>(Standard A4.2.1, paragraph 8)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:

Third report:
Fourth report:
<p>Does national legislation provide that ships must carry on board a certificate or other documentary evidence of financial security issued by the financial security provider?</p> <p>If yes, please specify if the certificate or other documentary evidence has to contain the information required in Appendix A4-I, be in English or accompanied by an English translation, and if a copy must be posted in a conspicuous place on board.</p> <p><i>(Standard A4.2.1, paragraphs 11 and 14)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:

<p>Does national legislation provide:</p> <ul style="list-style-type: none"> (a) for at least 30 days of notice by the financial security provider to the competent authority of the flag State before the financial security can cease; (b) that the competent authority is notified by the financial security provider if a shipowner's financial security is cancelled or terminated; (c) that seafarers receive prior notification if a shipowner's financial security is to be cancelled or terminated? <p><i>(Standard A4.2.1, paragraphs 9, 10 and 12)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:

How does national legislation ensure that effective arrangements are in place to receive, deal with and impartially settle contractual claims relating to compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, through expeditious and fair procedures?

(Standard A4.2.2, paragraph 3)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are there circumstances in which the shipowners' liability for the expense of medical care and board and lodging and burial expenses are assumed by the public authorities?

(Standard A4.2.1, paragraph 6; see guidance in Guideline B4.2.1, paragraphs 2 and 3) If yes, please indicate the circumstances:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are shipowners or their representatives required to safeguard the personal property of sick or injured or deceased seafarers and/or to return it to them or their next of kin? *(Standard A4.2.1, paragraph 7)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Additional information concerning implementation of Regulation 4.2, including any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:
Documentation: Please provide an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (<i>Standard A4.2.1, paragraph 1(b)</i>). Where this material is not available in English, French or Spanish, please provide a summary in one of these languages.
First report:
Second report:
Third report:
Fourth report:

Regulation 4.3 – Health and safety protection and accident prevention Standard A4.3; see also Guideline B4.3		
<input type="checkbox"/> <input type="checkbox"/> The working, living and training environment on ships must be safe and hygienic and conform to national laws and regulations and other measures for occupational safety and health protection and accident prevention on board ship. Reasonable precautions are to be taken on the ships to prevent occupational accidents, injuries and diseases including risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may result from the use of equipment and machinery on the ship.		
<input type="checkbox"/> <input type="checkbox"/> Ships must have an occupational safety and health policy and programme to prevent occupational accident injuries and diseases, with a particular concern for the safety and health of seafarers under the age of 18.		
<input type="checkbox"/> <input type="checkbox"/> A ship safety committee, which includes participation by the seafarer safety representative, is required (for ships with five or more seafarers).		
<input type="checkbox"/> <input type="checkbox"/> Risk evaluation is required for on-board occupational safety and health management (taking into account relevant statistical data).		

Adequate information on all matters is to be found in the enclosed DMLC, Part I ***Please check one or both boxes or provide the information below.***

— / Part
— II

Has your country adopted national laws and regulations and taken other measures, including the development and promulgation of national guidelines for the management of occupational safety and health, to protect seafarers that live, work and train on board ships flying its flag? (*Regulation 4.3, paragraphs 1–3*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Do those laws and regulations and other measures address all matters in Standard A4.3, paragraphs 1 and 2, including any measures taken to protect seafarers under the age of 18? (*Standard A4.3, paragraphs 1 and 2; see guidance in Guideline B4.3*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please indicate the matters that are not addressed:

First report:

Second report:

Third report:

Fourth report:

Are those laws and regulations and other measures reviewed regularly, in consultation with shipowners' and seafarers' organizations, with a view to their revision to account for changes in technology and research and the need for continuous improvement? (*Standard A4.3, paragraph 3*)

If yes, please indicate scope and results of such reviews.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:
Second report:
Third report:
Fourth report:
<p>Are ships with five or more seafarers on board required to have a safety committee which includes seafarer representatives? <i>(Standard A4.3, paragraph 2(d))</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Are occupational accidents, injuries and diseases reported taking into account guidance from the ILO? <i>(Standard A4.3, paragraphs 5(a) and 6)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>If no, please explain what reports are required:</p>
First report:
Second report:
Third report:
Fourth report:
<p>Are shipowners required to conduct risk evaluations for occupational safety and health on board ship? <i>(Standard A4.3, paragraph 8)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>If no, please explain what shipowners are required to do with respect to ascertaining and preventing risks:</p>

First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 4.3, including any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:
<p>Documentation: Please provide, in English, French or Spanish:</p> <ul style="list-style-type: none"> <input type="checkbox"/> an example of a document (e.g. Part II of the DMLC outlining a shipowner's practices or on-board programmes (including risk evaluation) for preventing occupational accidents, injuries and diseases (<i>Standard A4.3, paragraphs 1(c), 2(b) and 8</i>); <input type="checkbox"/> a copy of the relevant national guidelines (<i>Regulation 4.3, paragraph 2</i>); <input type="checkbox"/> a copy of the document(s) used for reporting unsafe conditions or occupational accidents on board ship (<i>Standard A4.3, paragraph 1(d)</i>).
First report:
Second report:
Third report:
Fourth report:

Regulation 4.4 – Access to shore-based welfare facilities Standard A4.4; see also Guideline B4.4

<input type="checkbox"/> <input type="checkbox"/> Shore-based welfare facilities, if they exist in your country, must be accessible to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin, or the flag State of their ship. <input type="checkbox"/> <input type="checkbox"/> The development of welfare facilities should be promoted in appropriate ports determined after consultation with shipowners' and seafarers' organizations. <input type="checkbox"/> <input type="checkbox"/> The establishment of welfare boards must be encouraged to regularly review welfare facilities and service for appropriateness in the light of changes in the needs of seafarers resulting from developments in the shipping industry.	
Our country is <input type="checkbox"/> landlocked	<input type="checkbox"/> <i>Please check the above box or provide the information below.</i>
How many shore-based seafarer welfare facilities are operating in your country?	
First report:	
Second report:	
Third report:	
Fourth report:	
Please provide information on plans for the development or further development of seafarer welfare facilities in your country. <i>(Standard A4.4, paragraph 2)</i>	
First report:	
Second report:	
Third report:	
Fourth report:	
Is access to shore-based welfare facilities or services restricted in the case of certain categories of visiting seafarers coming into port? <i>(Regulation 4.4, paragraph 1; Standard A4.4, paragraph 1)</i> If yes, please indicate the kind of restrictions applied:	
First report:	
Second report:	
Third report:	

Fourth report:
Have one or more welfare boards been established? (Standard A4.4, paragraph 3) If yes, please outline their composition and activities:
First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 4.4, including any cases of substantial equivalence.
First report:
Second report:
Third report:
Fourth report:
Documentation: Please provide, in English, French or Spanish: <input type="checkbox"/> a list of all seafarers' shore-based welfare facilities and services, if any, operating in your country; <input type="checkbox"/> a copy of a report or review prepared by a welfare board, if any, on the welfare services.
First report:
Second report:
Third report:
Fourth report:

Regulation 4.5 – Social security
Standard A4.5; see also Guideline B4.5

All seafarers ordinarily resident in your country's territory are entitled to social security protection, complementing the protection provided by medical care and shipowners' liability, in the branches of social security notified by your country to the ILO Director-General (which must include at least three of the nine branches specified). Social security protection must be no less favourable than that enjoyed by shoreworkers resident in your country's territory. This responsibility can be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based schemes.

Your country must take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers. The present report must include information regarding steps taken by your country to extend protection to branches other than those at present notified to the ILO.

Consideration must also be given to ways in which, in accordance with your national law and practice, comparable benefits will be provided to seafarers in the absence of adequate coverage in the nine branches specified.

To the extent consistent with its national law and practice, your country must cooperate with others to ensure the maintenance of social security rights acquired or in the course of acquisition.

Fair and effective procedures for the settlement of disputes must be established.

Below, please provide the answer and information relating to the following question: With respect to each of the nine branches listed in the left-hand column, is complementary social security protection provided to seafarers ordinarily resident in your country? If yes, please indicate the main benefits provided in the branch concerned.

(Standard A4.5, paragraphs 1 and 3)

If the branches specified at the time of ratification do not include medical care, sickness benefit and employer injury benefit, please indicate how due consideration has been given to *Guideline B4.5, paragraph 1* in implementing *Standard A4.5, paragraph 2*.

Medical care	No	<input type="text"/>	Main benefits provided: indicate the applicable national provisions
	Yes	<input type="text"/>	
	Please indicate in the texts.	ndi	

			and, if possible, reproduce the relevant
First report			
Second report			
Third report			
Fourth report			
<i>Sickness benefit</i>	No Yes Please i texts.	<input type="text"/> <input type="text"/>	Main benefits provided: cate the applicable national provisions and, if possible, reproduce the relevant
First report			
Second report			
Third report			
Fourth report			
<i>Unemployment benefit</i>	No Yes Please i texts.	<input type="text"/> <input type="text"/>	Main benefits provided: cate the applicable national provisions and, if

			possible, reproduce the relevant
First report			
Second report			
Third report			
Fourth report			
<i>Old-age benefit</i>	No Yes Please i texts.	<input type="checkbox"/> <input type="checkbox"/>	Main benefits provided: cate the applicable national provisions and, if possible, reproduce the relevant
First report			
Second report			
Third report			
Fourth report			
<i>Employment injury benefit</i>	No Yes Please i texts.	<input type="checkbox"/> <input type="checkbox"/>	Main benefits provided: cate the applicable national provisions and, if possible,

		reproduce the relevant
First report		
Second report		
Third report		
Fourth report		
Family benefit	No Yes texts.	<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 150px; height: 20px;"></div> Main benefits provided: Please indicate the applicable national provisions and, if possible, reproduce the relevant

First report		
Second report		
Third report		
Fourth report		
Maternity benefit	No Yes	<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 150px; height: 20px;"></div>

	Please i texts.	ndi	Main benefits provided: cate the applicable national provisions and, if possible, reproduce the relevant
First report			
Second report			
Third report			
Fourth report			
Invalidity benefit	No Yes Please i texts.	<div data-bbox="948 1205 1222 1323" style="border: 1px solid black; width: 100%; height: 50px; margin-bottom: 5px;"></div> <div data-bbox="948 1323 1222 1442" style="border: 1px solid black; width: 100%; height: 50px;"></div>	

Third report	
Fourth report	
Survivors' benefit	<p>No</p> <p>Yes</p> <p>texts.</p> <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div> <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div> <p>Main benefits provided: Please indicate the applicable national provisions and, if possible, reproduce the relevant</p>
First report	
Second report	
Third report	
Fourth report	
<p>Are there any branches in which benefits are provided that are less favourable than those provided to shoreworkers resident in your country? (<i>Regulation 4.5, paragraph 3; Standard A4.5, paragraph 3</i>) If yes, please indicate the branches concerned:</p>	
First report:	
Second report:	
Third report:	
Fourth report:	

<p>Are dependants of seafarers ordinarily resident in your country provided with social security protection? (<i>Regulation 4.5, paragraph 1</i>)</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Please indicate any steps taken or plans being made or discussed in your country to improve the benefits currently provided to seafarers or to extend social security protection for seafarers to branches not covered at present. (<i>Regulation 4.5, paragraph 2; Standard A4.5, paragraph 11</i>)</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Please indicate any bilateral or multilateral arrangements in which your country participates regarding the provision of social security protection, including the maintenance of rights acquired or in the course of acquisition. (<i>Regulation 4.5, paragraph 2; Standard A4.5, paragraphs 3, 4 and 8</i>)</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Are shipowners' and, if applicable, seafarers' contributions to relevant social protection and social security systems or schemes monitored to verify that the contributions are made? (<i>Standard A4.5, paragraph 5; see guidance in Guideline B4.5, paragraphs 6 and 7</i>)</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

<p>Has your country adopted any measures for providing benefits to non-resident seafarers working on ships flying its flag who do not have adequate social security coverage? (<i>Standard A4.5, paragraphs 5 and 6; see guidance in Guideline B4.5, paragraph 5</i>)</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>What fair and effective procedures for the settlement of disputes relating to social security for seafarers have been established? (<i>Standard A4.5, paragraph 9</i>) Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Additional information concerning implementation of Regulation 4.5, including any cases of substantial equivalence.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

Title 5. Compliance and enforcement

Note: Title 5 has three primary Regulations (Regulation 5.1, Flag State responsibilities; Regulation 5.2, Port State responsibilities; and Regulation 5.3, Labour-supplying responsibilities). These three Regulations prescribe the details of the basic obligations set out in Article V, Implementation and enforcement responsibilities (see paragraphs 2–7).

Regulations 5.1 and 5.2 comprise a number of Regulations, each with its own Part A – Standards and Part B – Guidelines. They are

dealt with in this report as separate Regulations, for example Regulation 5.1.1 – General principles.

<p>Regulation 5.1 – Flag State responsibilities Regulation 5.1.1 – General principles Standard A5.1.1; see also Guideline B5.1.1 With reference also to Regulation 5.1.4 and Standard A5.1.4, paragraphs 1 and 2</p>
<p><input type="checkbox"/> <input type="checkbox"/> Each country must have an effective system for the inspection and certification of labour conditions on ships flying its flag, with clear objectives and standards covering the administration of this system, as well as adequate overall procedures for the assessment of the extent to which those objectives and standards are being attained.</p> <p><input type="checkbox"/> <input type="checkbox"/> The competent authority must appoint a sufficient number of qualified inspectors to fulfil its inspection and certification functions.</p>
<p>Please describe the basic structure and objectives of your country’s system (including measures to assess its effectiveness) for the inspection and certification of maritime labour conditions in accordance with Regulations 5.1.3 and 5.1.4 to ensure that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in the Convention. (<i>Regulation 5.1.1, paragraphs 2 and 5; Standard A5.1.1, paragraph 1; Regulation 5.1.2, paragraph 2</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Are ships flying your country’s flag required to have a copy of the Convention available on board? <i>(Standard A5.1.1, paragraph 2)</i></p> <p>If yes, please provide the reference for this requirement and reproduce the relevant texts if possible:</p>
<p>First report:</p>

Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 5.1.1.
First report:
Second report:
Third report:
Fourth report:
<p>Documentation: Please provide, in English, French or Spanish:</p> <p><input type="checkbox"/> <input type="checkbox"/> a report or other document containing information on the objectives and standards established for your country's inspection and certification system, including the procedures for its assessment;</p> <p><input type="checkbox"/> <input type="checkbox"/> information on the budgetary allocation during the period covered by this report for the administration of your country's inspection and certification system and the total income received during the same period on account of inspection and certification services; <input type="checkbox"/> <input type="checkbox"/> the following statistical information:</p> <ul style="list-style-type: none"> – number of ships flying your country's flag that were inspected during the period covered by this report for compliance with the requirements of the Convention; – number of inspectors, appointed by the competent authority or by a duly authorized recognized organization, carrying out those inspections during the period covered by this report; – number of full-term (up to five years) maritime labour certificates currently in force; – number of interim certificates issued during the period covered by this report in accordance with <i>Standard A5.1.3, paragraph 5</i>.
First report:
Second report:
Third report:
Fourth report:

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.2 – Authorization of recognized organizations

Standard A5.1.2; see also Guideline B5.1.2 (and Regulation 5.1.1, paragraph 3)

Recognized organizations may be authorized to carry out certain inspection and certification functions, provided that:

- those functions are expressly mentioned in the Code of the Convention as being carried out by the competent authority or a recognized organization;
- the functions come within the authorization conferred by the competent authority;
- the recognized organization has demonstrated that it has the necessary competence and independence.

Countries must establish a system to ensure the adequacy of work performed by recognized organizations, and have procedures for communication with and oversight of such organizations.

They must provide the ILO with the current list of recognized organizations, specifying the functions authorized.

Our country does not make use of recognized organizations

Please check the above box or provide the information below.

Has your country adopted laws or regulations or other measures governing the authorization of recognized organizations for inspection and certification functions?

If yes, please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:

Second report:

Third report:

Fourth report:

Are all recognized organizations granted the power to require rectification of deficiencies on ships and to carry out inspections at the request of port States? *(Standard A5.1.2, paragraph 2)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

First report:
Second report:
Third report:
Fourth report:
<p>Has your country provided the ILO with a current list of recognized organizations authorized to act on your country's behalf, specifying the functions authorized? (<i>Standard A5.1.2, paragraph 4</i>)</p> <p>Yes <input type="checkbox"/></p> <p>No, the information is attached to this report <input type="checkbox"/></p>
<p>Please describe how your country reviews the competence and independence of recognized organizations, including information on any system established for oversight and communication of relevant information to authorized organizations. (<i>Regulation 5.1.2, paragraph 2; Standard A5.1.2, paragraph 1</i>)</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>This information is already included above in connection with Regulation 5.1.1 <input type="checkbox"/></p>
First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 5.1.2.
First report:
Second report:
Third report:
Fourth report:
Documentation: Please provide, in English, French or Spanish, an example or examples of authorizations given to recognized organizations (<i>Regulation 5.1.1, paragraph 5; Regulation 5.1.2, paragraph 2</i>).
First report:
Second report:

Third report:

Fourth report:

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance Standard A5.1.3; see also Guideline B5.1.3

- Ships must carry a maritime labour certificate if:
 - they are 500 GT or more and engaged in international voyages; or
 - they are 500 GT or more and fly the flag of a country and are operating from a port, or between ports, in another country; or
 - a certificate is requested by the shipowner.
- The certificate certifies that the working and living conditions of the seafarers on the ship have been inspected and meet the requirements of your country's laws or regulations or other measures implementing the Convention.
- The certificate is issued after the 16 matters listed in Appendix A5-I have been inspected and found to be in compliance, for a period not exceeding five years, subject to at least one intermediate inspection during that period.
- In prescribed cases, an interim certificate may be issued, only once, for a period not exceeding six months.

A declaration of maritime labour compliance (DMLC) must be attached to the certificate (if full term); Part I of the DMLC, which is drawn up by the competent authority, identifies the national requirements relating to the 16 matters listed in Appendix A5-I; Part II, which is drawn up by the shipowner and certified by the competent authority or a duly authorized recognized organization, identifies the measures adopted to ensure ongoing compliance with those national requirements.

The form and content of the certificates and the DMLC are prescribed in *Standard A5.1.3* and Appendix A5-II.

In prescribed circumstances, a maritime labour certificate ceases to be valid or must be withdrawn.

Below please provide a reference to the national provisions or other measures implementing the corresponding requirements of the Convention, if those provisions or measures are in English, French or Spanish; otherwise please provide the reference and summarize the content of those provisions or measures.

<p>The cases in which a maritime labour certificate is required; the maximum period of issue; the scope of the prior inspection; the requirement for an intermediate inspection; the provisions for renewal of the certificate. <i>(Regulation 5.1.3; Standard A5.1.3, paragraphs 1–4)</i></p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>The cases in which a maritime labour certificate may be issued on an interim basis <i>(Standard A5.1.3, paragraphs 5(a)–(c))</i>; the maximum period of issue of interim certificates, if issued; the scope of the prior inspection required if interim certificates are issued. <i>(Standard A5.1.3, paragraphs 5–8)</i></p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>The requirements for posting on the ship, and for making available for review, the maritime labour certificate and the declaration of maritime labour compliance. <i>(Regulation 5.1.3, paragraph 6; Standard A5.1.3, paragraphs 12 and 13)</i></p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>The circumstances in which a maritime labour certificate ceases to be valid. <i>(Standard A5.1.3, paragraphs 14 and 15; see guidance in Guideline B5.1.3, paragraph 6)</i></p>
<p>First report:</p>
<p>Second report:</p>

Third report:
Fourth report:
The circumstances in which a maritime labour certificate must be withdrawn. (<i>Standard A5.1.3, paragraphs 16 and 17</i>)
First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 5.1.3.
First report:
Second report:
Third report:
Fourth report:
Documentation: If available in your country, please provide, in English, a copy of the national interim maritime labour certificate.
First report:
Second report:
Third report:
Fourth report:

Regulation 5.1 – Flag State responsibilities
Regulation 5.1.4 – Inspection and enforcement Standard A5.1.4; see also Guideline B5.1.4

Adequate rules must be made to ensure that inspectors have the training, competence, terms of reference, guidelines, powers, status and independence necessary or desirable to perform inspections effectively.

Ships must be inspected at the intervals required for the purposes of certification, where applicable, and in no case at an interval exceeding three years.

Where a complaint is received that is not manifestly unfounded, or there is evidence of non-conformity with the requirements of the Convention or there are serious deficiencies in the implementation of the measures in the declaration of maritime labour compliance, the matter must be investigated and any deficiencies remedied. If there are grounds to believe that deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, inspectors must have the power to prohibit a ship from leaving port until necessary actions are taken (subject to any right of appeal).

All reasonable efforts must be made to avoid a ship being unreasonably detained or delayed. Compensation must be paid in the case of the wrongful exercise of the inspectors' powers.

Adequate penalties and other corrective measures must be effectively enforced for breaches of the requirements of the Convention (including seafarers' rights) and for obstructing inspectors in the performance of their duties. Inspectors must treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations.

Inspectors must submit a report of each inspection to the competent authority, to be posted on the ship and sent, upon request, to the seafarers' representatives. The competent authority must maintain records of the inspections and publish an annual report.

Are all ships covered by the Convention that fly your country's flag inspected for compliance with the Convention's requirements at least once every three years? (*Regulation 5.1.4, paragraph 1; Standard A5.1.4, paragraph 4*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please indicate any categories of ships that are not inspected at all or inspected at greater than three-year intervals:

First report:

Second report:

Third report:

Fourth report:
<p>Please indicate the qualifications and training required for flag State inspectors carrying out inspections under the Convention. <i>(Standard A5.1.4, paragraph 3)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please summarize the measures adopted to guarantee that inspectors have a status and conditions of service ensuring that they are independent of changes of government and of improper external influences; and please indicate the manner in which those measures are enforced. <i>(Standard A5.1.4, paragraphs 3, 6, 11(a) and 17)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Are inspectors issued with a copy of the ILO's 2008 <i>Guidelines for flag State inspections under the Maritime Labour Convention, 2006</i>, or similar national guidelines and/or policy? <i>(Standard A5.1.4, paragraph 7; see guidance in Guideline B5.1.4, paragraph 2)</i></p>
First report:
Second report:
Third report:
Fourth report:

<p>Please summarize the procedures for receiving and investigating complaints, and ensuring that their source is kept confidential.</p> <p><i>(Standard A5.1.4, paragraphs 5, 10 and 11(b); see guidance in Guideline B5.1.4, paragraph 3)</i> Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>Please describe the arrangements made to ensure that inspectors submit a report of each inspection to the competent authority, that a copy is furnished to the master and another posted on the ship's notice board.</p> <p><i>(Standard A5.1.4, paragraph 12)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>In what kinds of cases will a ship be prohibited from leaving port until necessary actions are taken to remedy deficiencies under the Convention? <i>(Standard A5.1.4, paragraph 7(c))</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage from the wrongful exercise of the inspectors' powers, and where applicable, please provide examples in which shipowners have been awarded compensation.

(Standard A5.1.4, paragraph 16)

First report:

Second report:

Third report:

Fourth report:

Additional information concerning implementation of Regulation 5.1.4.

First report:

Second report:

Third report:

Fourth report:

Documentation: Please provide:

- a copy of the annual reports on inspection activities, in English, French or Spanish, that have been issued in accordance with *Standard A5.1.4, paragraph 13*, during the period covered by this report;
- a standard document issued to or signed by inspectors setting out their functions and powers (*Standard A5.1.4, paragraph 7*; see guidance in *Guideline B5.1.4, paragraphs 7 and 8*), together with a summary in English, French or Spanish if the document is not in one of those languages;
- a copy of any national guidelines issued to inspectors in implementation of *Standard A5.1.4, paragraph 7*, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages;
- a copy of the form used for an inspector's report (*Standard A5.1.4, paragraph 12*);
- a copy of any documentation that is available informing seafarers and interested others about the procedures for making a complaint (in confidence) regarding a breach of the requirements of the Convention (including seafarers' rights) (*Standard A5.1.4, paragraph 5*; see guidance in *Guideline B5.1.4, paragraph 3*), with an indication of the content in English, French or Spanish if the documentation is not in one of those languages.

First report:
Second report:
Third report:
Fourth report:

Regulation 5.1 – Flag State responsibilities
Regulation 5.1.5 – On-board complaint procedures Standard A5.1.5; see also Guideline B5.1.5

- Ships must have on-board procedures for the fair, effective and expeditious handling of seafarers’ complaints alleging breaches of the requirements of the MLC, 2006 (including seafarers’ rights).
- Those procedures must seek to resolve complaints at the lowest level possible although seafarers must have a right to complain directly to the master and to appropriate external authorities.
- The procedures must include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization for filing complaints. Such victimization must be prohibited.
- All seafarers must be provided with a copy of the on-board complaint procedures applicable on the ship.

Adequate information on all matters is to be found in the enclosed DMLC, Part I *Please check one or both boxes or provide the information below.*

/ Part
 II

Has the competent authority in your country developed a model for a fair and expeditious and well-documented on-board complaint procedure for ships that fly your country’s flag?
(Regulation 5.1.5, paragraph 1; Standard A5.1.5, paragraphs 1–3; see guidance in Guideline B5.1.5, paragraphs 1 and 2)
 If yes, please indicate the extent to which this model must be followed by shipowners:

First report:
Second report:

Third report:
Fourth report:
<p>Please identify, and outline the content of, the legal provisions or principles under which victimization of seafarers for filing a complaint is prohibited and penalized in your country.</p> <p><i>(Regulation 5.1.5, paragraph 2)</i></p>
First report:
Second report:
Third report:
Fourth report:
<p>Please outline the arrangements made to ensure that all seafarers are provided with a copy of the on-board complaint procedures applicable on the ship, including contact information relevant to that ship and to the seafarers concerned.</p> <p><i>(Standard A5.1.5, paragraph 4)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 5.1.5.
First report:
Second report:
Third report:
Fourth report:
<p>Documentation: Please provide a copy of your country's model for on-board complaint procedures, if developed, or of typical procedures that are followed on ships that fly its flag, with a translation into English, French or Spanish if the procedures are not in one of these languages.</p>

First report:
Second report:
Third report:
Fourth report:

Regulation 5.1 – Flag State responsibilities Regulation 5.1.6 – Marine casualties				
<input type="checkbox"/> <input type="checkbox"/> An official inquiry must be held into any serious marine casualty, leading to injury or loss of life that involves ships flying your country’s flag. <input type="checkbox"/> <input type="checkbox"/> ILO Members must cooperate in the investigation of serious marine casualties.				
<p>Please indicate the relevant legal provisions and any other measures implementing Regulation 5.1.6, providing a summary in English, French or Spanish if the provisions or measures are not in one of those languages.</p>				
<table border="1"> <tr> <td>First report:</td> </tr> <tr> <td>Second report:</td> </tr> <tr> <td>Third report:</td> </tr> <tr> <td>Fourth report:</td> </tr> </table>	First report:	Second report:	Third report:	Fourth report:
First report:				
Second report:				
Third report:				
Fourth report:				
<p>Please describe what arrangements and requirements exist for holding an official inquiry into cases of serious marine casualties that involve a ship flying your country’s flag and lead to injury or loss of life, indicating whether the final reports of such inquiries are normally made public. <i>(Regulation 5.1.6, paragraph 1)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>				
<table border="1"> <tr> <td>First report:</td> </tr> <tr> <td>Second report:</td> </tr> <tr> <td>Third report:</td> </tr> <tr> <td>Fourth report:</td> </tr> </table>	First report:	Second report:	Third report:	Fourth report:
First report:				
Second report:				
Third report:				
Fourth report:				

Please supply information on the number of inquiries held during the period covered by this report.
First report:
Second report:
Third report:
Fourth report:
<i>Additional information</i> concerning implementation of Regulation 5.1.6.
First report:
Second report:
Third report:
Fourth report:

Regulation 5.2 – Port State responsibilities
Regulation 5.2.1 – Inspections in port
Standard A5.2.1; see also Guideline B5.2.1

□□ Every foreign ship calling, in the normal course of its business or for operational reasons, in a port may be the subject of inspection by an authorized officer of your country for the purpose of reviewing compliance with the requirements of the Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship.

□□ The inspection must be based on an effective port State inspection and monitoring system.

□□ If a ship carries a maritime labour certificate issued in accordance with the Convention, that certificate and the declaration of maritime labour compliance attached to it must be accepted as prima facie evidence of compliance. The inspection must then be limited to a review of the certificate and declaration, except in the cases specified under (a)–(d) of *Standard A5.2.1, paragraph 1*.

□□ In the cases specified in *Standard A5.2.1, paragraph 1 (a) – (d)* a more detailed inspection may be carried out. Such inspection must be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of the Convention (including seafarers' rights).

□□ The more detailed inspection must, in principle, cover the 14 matters listed in Appendix A5-III, except in the case of a complaint.

□□ The procedures to be followed where deficiencies or non-conformities are found (including the detention of the ship in port until rectification or acceptance by the authorized officer of a plan of action for rectification) are set out in *Standard A5.2.1, paragraphs 4–6*.

□□ All possible efforts must be made to avoid a ship being unduly detained or delayed. Compensation must be paid for any loss or damage where a ship is found to be unduly detained or delayed.

Our
country
is not a
port
State

**Please
check the
above box
or provide
the
information
below.**

Please specify any regional port State control Memorandum of Understanding (MOU) in which your country participates.
(*Regulation 5.2.1, paragraph 3*)

First report:

Second report:
Third report:
Fourth report:
<p>Has your country established an effective port State inspection and monitoring system, for the purpose of reviewing compliance with the requirements of the MLC, 2006 (including seafarers' rights)? <i>(Regulation 5.2.1, paragraphs 1, 4 and 5)</i></p> <p>If yes, please describe the system, including the method used for assessing its effectiveness.</p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Please indicate the number of authorized officers appointed by the competent authority and please provide information on the qualifications and training required for carrying out port State control.</p>
First report:
Second report:
Third report:
Fourth report:
<p>Are authorized officers given guidance as to the kinds of circumstances justifying detention of ship (such as the relevant guidance contained in the ILO's 2008 <i>Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006</i>, or similar national guidance or guidance provided by a regional port State control MOU)? <i>(Standard A5.2.1, paragraph 7)</i></p> <p>If yes, please identify the guidance:</p>
First report:
Second report:

Third report:
Fourth report:
Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage for a ship being unduly detained or delayed and, where applicable, please provide examples in which shipowners have been awarded compensation. <i>(Standard A5.2.1, paragraph 8)</i>
First report:
Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 5.2.1.
First report:
Second report:
Third report:
Fourth report:
Documentation: Please provide: <input type="checkbox"/> <input type="checkbox"/> a copy of any national guidelines issued to inspectors in implementation of <i>Standard A5.2.1, paragraph 7</i> , with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages; <input type="checkbox"/> <input type="checkbox"/> the following statistical information for the period covered by this report: <ul style="list-style-type: none"> – number of foreign ships inspected in port; – number of more detailed inspections carried out according to <i>Standard A5.2.1, paragraph 1</i>; – number of cases where significant deficiencies were detected; – number of detentions of foreign ships due, wholly or partly, to conditions on board ship that are clearly hazardous to the safety, health or security of seafarers, or constitute a serious or repeated breach of the requirements of MLC, 2006 (including seafarers' rights).

Note: If this information is also provided in connection with a regional PSC arrangement, a copy of that report or link to the relevant web site where these data can be accessed is sufficient.

First report:

Second report:

Third report:

Fourth report:

Regulation 5.2 – Port State responsibilities

Regulation 5.2.2 – Onshore complaint-handling procedures Standard A5.2.2; see also Guideline B5.2.2

A complaint by a seafarer alleging a breach of the requirements of this Convention (including seafarers' rights) may be reported to an authorized officer in the port at which the seafarer's ship has called.

The authorized officer must undertake an initial investigation. If the complaint falls within the scope of *Standard A5.2.1*, a more detailed inspection may be carried out. Otherwise, where appropriate, the authorized officer must seek to promote a resolution of the complaint at the shipboard level.

If the investigation or the inspection reveals a non-conformity justifying detention of the ship, the procedure provided for in *Standard A5.2.1, paragraph 6*, must be followed.

Otherwise, if the complaint has not been resolved, the authorized officer notifies the flag State, seeking advice and a corrective plan of action. If the complaint is still not resolved, the port State must transmit a copy of the authorized officer's report, accompanied by any reply from the flag State, to the ILO Director-General; the appropriate shipowners' and seafarers' organizations in the port State are similarly informed.

Appropriate steps must be taken to safeguard the confidentiality of complaints made by seafarers.

Our country is not a port State

Please check the above box or provide the information below.

Has your country established procedures, including steps taken to safeguard confidentiality, for seafarers calling at its ports to report a complaint alleging breach of the requirements of the MLC, 2006 (including seafarers' rights)?

(Regulation 5.2.2, paragraph 1; Standard A5.2.2, paragraphs 1–7; see guidance in Guideline B5.2.2) If yes, please describe the procedures, referring to the corresponding legal provisions or measures:

First report:

Second report:

Third report:

Fourth report:

Please provide information on the number of such complaints that were reported during the period covered by this report and on the complaints that were resolved and reported to the ILO Director-General.

(Standard A5.2.2, paragraph 6)

First report:

Second report:
Third report:
Fourth report:
Additional information concerning implementation of Regulation 5.2.2.
First report:
Second report:
Third report:
Fourth report:
Documentation: Please provide, in English, French or Spanish a copy of a document, if any, that describes the onshore complaint-handling procedures.
First report:
Second report:
Third report:
Fourth report:

Regulation 5.3 – Labour-supplying responsibilities Standard A5.3; see also Guideline B5.3	
<input type="checkbox"/> <input type="checkbox"/> ILO Members must establish an effective inspection and monitoring system for enforcing their laboursupplying responsibilities, particularly those regarding the recruitment and placement of seafarers.	
<input type="checkbox"/> <input type="checkbox"/> Members must also implement social security responsibilities for seafarers that are its nationals or residents or are otherwise domiciled in their territory.	
There are no seafarers in our country	<input type="checkbox"/>
<p>Please check the above box or provide the information below.</p>	

<p>Please describe the system in your country for the inspection and monitoring and enforcement (including legal proceedings for breaches of the requirements under Regulation 1.4) of its labour-supplying responsibilities under the MLC, 2006, including the method used for assessing its effectiveness.</p> <p><i>(Regulation 5.3, paragraphs 3 and 4; Standard A5.3, referring to Standard A1.4)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>This information has been provided in the context of Regulation 1.4 <input type="checkbox"/></p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p>If you have seafarers who are nationals or ordinarily resident or domiciled in your country, have arrangements been made to ensure that they receive social security protection irrespective of the flag of the ship on which they are working?</p> <p><i>(Regulation 5.3, paragraph 1)</i></p> <p>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</p> <p>This question has been answered in the context of Regulation 4.5 <input type="checkbox"/></p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>
<p><i>Additional information</i> concerning implementation of Regulation 5.3.</p>
<p>First report:</p>
<p>Second report:</p>
<p>Third report:</p>
<p>Fourth report:</p>

Appendix

Legal Adviser's opinion on the relationship between Parts A and B of the Code (extract of Appendix D to Report I (1A) of the 94th (Maritime) Session of the International Labour Conference, 2006)³

Coexistence of mandatory and non-mandatory provisions in a Convention

Questions were addressed to the Legal Adviser (in 2003) by the Government representatives of the Netherlands and Denmark, as well as those of Cyprus and Norway, as to the various consequences flowing from the coexistence in the draft consolidated Convention of binding and non-binding provisions for ratifying Members.

The High-level Tripartite Working Group on Maritime Labour Standards is, in accordance with its mandate, working on a consolidated Convention as a new type of instrument compared with those adopted up to now. The consolidation of maritime instruments in force is aimed at placing all substantive elements in a single instrument in an approach radically different to that employed up to now, where Conventions contain detailed technical provisions, often accompanied by Recommendations. From this perspective, conclusions cannot be drawn from the traditional formal arrangement based on the distinction between a Convention – where the provisions are binding – and a Recommendation – where they are not. The future instrument is a Convention open to ratification by States Members providing explicitly for the coexistence of binding and non-binding provisions (proposed Article VI, paragraph 1). The provisions of Part A of the Code would be binding; those of Part B would not.

Some international labour Conventions set out, alongside binding provisions, others that are of a different nature.⁴ The novelty introduced in the future instrument essentially resides in the great number of non-binding provisions in the instrument. It should equally be noted that other organizations, such as the IMO, have adopted conventions containing the two types of provisions without any apparent legal problems in their application.

Members ratifying the Convention would have to conform to the obligations set out in the Articles, the Regulations and Part A of the Code. Their only obligation under Part B of the Code would be to

³ ILO: *Adoption of an instrument to consolidate maritime labour standards*, Report I(1A), International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

⁴ See, for example, the Occupational Health Services Convention, 1985 (No. 161), Article 9, paragraph 1: "... occupational health services should be multidisciplinary".

examine in good faith to what extent they would give effect to such provisions in order to implement the Articles, the Regulations and Part A of the Code. Members would be free to adopt measures different from those in Part B of the Code so long as the obligations set out elsewhere in the instrument were respected. Any State Member which decided to implement the measures and procedures set out in Part B of the Code would be presumed to have properly implemented the corresponding provisions of the binding parts of the instrument. A Member which chose to employ other measures and procedures would, if necessary, and particularly where the Member's application of the Convention was questioned in the supervisory machinery, have to provide justification that the measures taken by it did indeed enable it to properly implement the binding provisions concerned.

Appendix 2: