

## OWNER/OPERATOR DECLARATION OF MARITIME LABOUR COMPLIANCE

This declaration to the requirements of the Maritime Labour Convention, 2006 has been prepared by

\_\_\_\_\_  
(Owner/operator)

This declaration by the owner/operator is subject to verification at all U.S. Coast Guard Inspections

Name of Ship	Official Number	Gross Tonnage

On behalf of the abovementioned owner/operator:

- (a) The national requirements of the United States are contained in the national provisions referenced below, and;
- (b) Ongoing measures have been drawn up by the owner/operator to ensure ongoing compliance.

### 1. Minimum age (Regulation 1.1):

U.S. National Requirements: 29 CFR 570.2 mandates 16 years of age as the minimum age for most non-agricultural work. This regulation is the basis of the minimum age requirements on all U.S. vessels. Refer to Enclosure (8) of Coast Guard NVIC 02-13 for a list of hazardous activities that are likely to jeopardize the health and safety of young seafarers. Exemptions from the night work restrictions are allowed in the case of training programs approved by the Coast Guard in accordance with 46 CFR subchapter B.

Owner/operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

### 2. Medical certification (Regulation 1.2):

U.S. National Requirements: 46 CFR 10.215 defines the medical and physical requirements to qualify for a Merchant Mariner Certificate (MMC). All U.S. seafarers serving in vessels to which the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, applies must hold a MMC, that is valid for 5 years, which is proof that the seafarer is in compliance with the medical requirements. The Coast Guard proposed issuing a 2-year medical certificate in compliance with the STCW 2010 amendments; issuance of a final rule is still pending.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

### 3. Qualifications of seafarers (Regulation 1.3):

U.S. National Requirements: United States law for the issuance of credentials for both officers and ratings is found in 46 USC chapters 71 and 73 respectively. Additionally, 46 USC chapters 83 and 87 preclude the hiring of individuals on board vessels without the appropriate credentials authorizing service in the capacity in which the individuals are to be engaged or employed.

U.S. regulations in 46 CFR 15.1103 require that no person on board a seagoing vessel operating beyond the Boundary Line established in 46 CFR Part 7 may employ or engage any person to serve without an STCW endorsement, where such a credential is required.

46 CFR 15.405 and 15.1105 require individuals to be familiar with the vessel's arrangement, equipment, procedures, and characteristics relevant to their routines or emergency duties or responsibilities, in accordance with STCW Regulation I/14.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for each response is 4 hours. You may submit comments concerning the accuracy of this burden for each estimate or any suggestions for reducing the burden to: Commandant (CG-CVC-1), U.S. Coast Guard, 2100 2<sup>nd</sup> Street SW Stop 7581, Washington, DC 20593-7581 or Office of Management and Budget, Paperwork Reduction Project (1625-XXXX), Washington, DC 20503

In addition, 46 CFR 15.1105 requires that: 1) all persons prior to being assigned shipboard duties receive familiarization and/or basic safety training in accordance with STCW Regulation VI/1, as appropriate; and 2) persons serving as part of the crew complement or who are assigned a responsibility on the muster list must receive basic safety training in accordance with STCW Regulation VI/1.

In limited circumstances, 46 USC 8103(3) and 46 CFR 15.720 authorize the use of non-U.S. citizens as seafarers on board Offshore Supply Vessels (OSVs) operating from a foreign port, and Mobile Offshore Drilling Units (MODUs) operating beyond the water above the U.S. Outer Continental Shelf, provided the non-U.S. seafarer holds a credential equivalent in experience, training, and other qualifications to the U.S. credential required for the position.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **4. Use of any licensed or certified or regulated private recruitment and placement services (Regulation 1.4):**

U.S. National Requirements: 46 USC 10314 and 10505 specify that a person may not receive remuneration for providing seafarers with employment. Additionally, a seafarer's wages may not be garnished with respect to his or her engagement on board the vessel. Union hiring halls in the United States are funded and maintained through collective bargaining agreements regulated by Federal Law (Taft-Hartley Act) and must meet the applicable requirements of the MLC as specified in Standard 1.4, paragraph 3, which recognizes collective bargaining agreements as complying with the intent of Regulation 1.4.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **5. Seafarers' employment agreements (Regulation 2.1):**

U.S. National Requirements: 46 USC 10301 and 10302, and 46 CFR 14.201 specifies when articles are required and notes that, for all foreign voyages, vessel owners/operators make a shipping agreement in writing with each seafarer before the seafarer commences employment. Coast Guard NVIC 1-86 establishes the procedures for the shipment and discharge of seafarers aboard U.S.-flag vessels. 46 CFR 14.207 specifies that the content and form of shipping articles must conform to form CG-705A. Coast Guard NVIC 1-86 specifies that any other form complying with the requirements of the U.S. statutes noted above may be used. The minimum requirements contained in the shipping agreement are in keeping with those outlined in Regulation 2.1 of the MLC.

46 U.S.C. 10311 and 46 CFR 14.307 require that the master or individual in charge of a vessel provide each seafarer with a Certificate of Discharge documenting sailing dates and capacities. The certificate must be signed by both the master or individual in charge and the seafarer, and may not contain a reference about the character or ability of the seafarer. In addition, 46 U.S.C. 7302 and 46 CFR 14.305 specify that seafarers may obtain a Continuous Discharge Book that documents sailing dates and capacities. Proper entries to the book must be made by the master.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **6. Payment of wages (Regulation 2.2):**

U.S. National Requirements: United States statute establishes the seafarer's entitlement to wages for work performed and payment at the beginning of the voyage and at the end of the voyage, and penalties for non-compliance; 46 USC 10310, 10312, 10313, and 10314. 46 U.S.C. 10315 (Allotments) establishes the measures for allotments. Collective bargaining agreements also specify payment intervals and conditions of payments.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **7. Hours of work or rest (Regulation 2.3):**

U.S. National Requirements: The current U.S. standards for minimum hours of rest are contained in 46 CFR 15.1111.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

## **8. Manning levels for the ship (Regulation 2.7):**

U.S. National Requirements: 46 CFR part 15 requires that all vessels operating beyond the boundary line meet the STCW certification and watchkeeping requirements. 46 CFR 15.103 outlines the requirements for a vessel to be properly manned with a minimum number of officers and rated crew. Vessels required to be inspected under 46 USC 3301 are required to be manned with the minimum complement as stated on the vessel's COI per the requirements of 46 CFR 15.501.

Under Article 1 of the Officer's Competency Certificates Convention (OCCC) 1936, national laws or regulations may grant exceptions or exemptions with respect to vessels of less than 200 GT as measured under the Regulatory Measurement System, hereafter "GRT." The United States invoked this clause and granted a general exception for all vessels of less than 200 GRT (GT ITC if GRT not assigned) navigating beyond the Boundary Lines (see 46 USC 8304(b)(4) and 46 CFR 15.701(a)), including vessels engaged on international voyages. However, as amended, Article II.6 of the MLC specifies that such a determination may be made only with respect to vessels of less than 200 GT ITC (GRT if GT ITC not assigned) not engaged in international voyages. Accordingly, an individual in charge of the navigation or maneuvering, as well as an individual engaged or employed to perform the duties of chief engineer, on a mechanically propelled, uninspected, seagoing, documented vessel of less than 200 GT ITC (GRT if GT ITC not assigned) should hold an appropriately endorsed license or MMC authorizing service in such a capacity, when engaged on a voyage to an MLC ratifying nation.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

## **9. Accommodation (Regulation 3.1):**

U.S. National Requirements: The United States ratified ILO Convention 147, which includes Convention 92 (Accommodations of Crews Convention (Revised)) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO 147 established that U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the United States did not ratify, including ILO Convention 133 (Accommodations of Crews, 1970) and ILO Convention 92 (Accommodation of Crews Convention (Revised), 1949). The United States satisfied itself that the general goals of the instrument of ILO Convention 133 are being respected. No specific legislation or regulations were implemented to bring the United States into conformity with the general goals of Convention 133. See COMDTINST 16711.12 (series) for additional information. United States shipping laws and regulations that apply to vessels registered in the U.S. territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seafarers is provided in the following shipping laws: 46 U.S.C. subtitle II, chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to vessels more than 100 GRT).

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities) are found in various subchapters of the regulations based on the type of vessel. These subchapters are:

- 46 CFR 24-28 subchapter C (uninspected towing vessels, 6 and 12 passengers)
- 46 CFR 30-39 subchapter D (tank vessels)
- 46 CFR 70-89 subchapter H (passenger vessels)
- 46 CFR 90-105 subchapter I (cargo and miscellaneous vessels)
- 46 CFR 107-109 subchapter I-A (MODUs)
- 46 CFR 114-124 subchapter K (small passenger vessels less than 100 GT carrying more than 150 passengers, or has overnight accommodations for more than 49 passengers)
- 46 CFR 125-139 subchapter L (OSVs)
- 46 CFR 175-187 subchapter T (small passenger vessels less than 100 GT carrying 150 or less passengers, or has overnight accommodations for 49 or less passengers)

These regulations are substantially equivalent to the applicable requirements of ILO Conventions 92, 133, and 147.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

## **10. On-board recreational facilities (Regulation 3.1):**

U.S. National Requirements: The United States ratified ILO Convention 147, which includes Convention 92 (Accommodations of Crews Convention (Revised)) and Convention 133 (Accommodations of Crews Convention) as appended Conventions. The U.S. instrument of ratification for ILO Convention 147 established that U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the United States did not ratify, including ILO Convention 133 (Accommodations of Crews, 1970) and ILO Convention 92 (Accommodation of Crews Convention (Revised), 1949). The United States satisfied itself that the general goals of the instrument of ILO Convention 133 are being respected. No specific legislation or regulations were implemented to bring the United States into conformity with the general goals of Convention 133. See COMDTINST 16711.12 (series) for additional information. United States shipping laws and regulations that apply to vessels registered in the U.S. territory require compliance with minimum safety standards. Generally, the inspection of vessels and the accommodation of seafarers are provided in the following shipping laws: 46 U.S.C. subtitle II, chapter 33 (inspections) and 46 U.S.C. 11101 (accommodations applicable to vessels more than 100 GRT).

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities) are found in various subchapters of the regulations based on the type of vessel. These regulations are substantially equivalent to the applicable requirements of ILO Conventions 92, 133, and 147. Vessels built prior to the entry into force date of ILO Convention 147 to the United States must also comply with the applicable regulations above.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **11. Food and catering (Regulation 3.2):**

U.S. National Requirements: 46 USC 10303 requires that a seafarer be served at least 3 meals a day, including adequate water and adequate protein, vitamins, and minerals in accordance with the U.S. Recommended Daily Allowances. Refer to Enclosure (9) of Coast Guard NVIC 02-13 for competency guidelines for vessel cooks.

42 CFR 71.45 requires that the quality of potable water, taken on board a ship at any U.S. port intended for human consumption thereon shall be obtained from sources approved in accordance with standards established in title 21, Code of Federal Regulations, parts 1240 and 1250(b).

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **12. On-board medical care (Regulation 4.1):**

U.S. National Requirements: 46 USC 11101 states that a merchant vessel of the United States that, in the ordinary course of trade, makes a voyage of more than 3 days between ports and carries a crew of at least 12 shall have a hospital compartment suitably separated from other spaces. The compartment shall have at least 1 bunk for each 12 seafarers constituting the crew (but not more than 6 bunks may be required). Additionally, specific requirements for inspection and certification, and construction and arrangement (including accommodation construction and recreational facilities) are found in various subchapters of the regulations based on the type of vessel.

46 USC 11102 requires the following vessels to carry a medicine chest for the care of sick and injured seamen: 1) vessels on a voyage from a port in the United States to a foreign port (except to a Canadian port); and 2) vessels of 75 GT or more on a voyage between a port in the United States on the Atlantic and Pacific oceans.

Collective bargaining agreements define medical benefits and eligibility for seafarers on board a vessel and ashore. Unionized seafarers receive preventive measures. Vessel owners/operators are responsible for sick and injured seafarers in accordance with the general maritime law remedy of Maintenance and Cure. Maintenance and Cure provides for medical coverage for seafarers while in the service of a vessel (including shore leave). Cure benefits provide for payment of reasonable and necessary medical care until the seafarer has reached a level of maximum cure. Cure includes first aid and emergency treatment, transportation to medical facilities, treatment at clinics and hospitals, diagnostic tests, medication, physical therapy, specialists, surgery, rehabilitation, and all other reasonable and necessary medical needs.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

#### **13. Health and safety and accident prevention (Regulation 4.3):**

U.S. National Requirements: The Occupational Safety and Health Act, 29 USC chapter 15, was enacted to ensure that employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, and unsanitary conditions.

46 USC chapter 32 and 33 CFR part 96 require establishment of safety management systems on board vessels that provide procedures for responding to emergencies, protection of the environment, reporting of incidents, and addressing nonconformities. Internal audits and management reviews of the onboard system must be maintained.

Company and/or industry-wide management systems, such as the Responsible Carrier Program, that provide procedures for responding to emergencies, protection of the environment, reporting of incidents, and addressing nonconformities are acceptable industry practices meeting this MLC requirement.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

**14. On-board complaint procedures (Regulation 5.1.5):**

U.S. National Requirements: There are no U.S. laws or regulations that mirror the requirements of Regulation 5.1.5 of the MLC. However, many collective bargaining agreements include procedures that seafarers should follow to voice complaints on board a vessel. With respect to safety concerns, the Coast Guard, in agreement with the Occupational Health and Safety Administration (OSHA), has authority to protect seafarers from retaliation for filing safety complaints pursuant to 46 USC 2114. Pursuant to United States' responsibility as a Party to ILO Convention 147, the Coast Guard will investigate complaints related to alleged violations of that convention. The Coast Guard or RCS will verify compliance against the applicable standards as published in the MLC. Refer to Enclosure (10) of NVIC 02-13 for complaints procedures.

Owner/Operator Measures for Compliance: *(The owner/operator should identify the measures they have put in place to ensure ongoing compliance with the U.S. National Requirements listed above.)*

I hereby certify that the above measures have been drawn up to ensure ongoing compliance with the U.S. national requirements listed above.

Name of ship-owner: .....

Company address: .....

.....

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Title: .....

Signature: .....

Date: .....

*(Stamp or seal of the ship-owner)*