



Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Final Report

Annexes

Prepared by: Innovative Compliance Europe Ltd

Hochschule Wismar, University of Applied Sciences: Technology, Business and Design

& Dr. Maria Progoulaki





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Final Report

Annex I – Data Supporting Study Findings

**Prepared by: Innovative Compliance Europe Ltd,
Hochschule Wismar, University of Applied Sciences: Technology, Business and Design
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1. Targeted States

The breakdown of the main labour supplying states (LSS) or Flag States (FS) in the EU and outside according to their status [1 – MLC, 2006 ratified; 2 – MLC, 2006 not ratified; 3 – EU Member State; 4 – non-EU Member State; 5 – Labour Supplying State (LSS); 6 – Flag State (FS)] is depicted in the following table:

Table 1 - Targeted states

		LSS	Flag states
MLC ratified & in force	Non EU members	Philippines	
		Russia	
		Morocco	
		Malaysia	
	EU members	Bulgaria	Greece
		Croatia	UK
		Poland	Cyprus
			Germany
			Denmark
			France
			Italy
			Spain
			Netherlands
	Malta		
	Luxembourg		
MLC non-	Non EU members	China ²	



ratified¹		Ukraine	
		Indonesia	
		Turkey	
		India ³	
		Myanmar	
	EU members	Romania	

² China has ratified the MLC, 2006 at the end of this study on 8 September 2015 [in force: 8 September 2016] (Source: http://www.npc.gov.cn/englishnpc/news/Events/2015-08/31/content_1945568.htm). The country is examined throughout the analysis as a MLC non ratifying LSS.

¹ This Annex covers only MLC Ratified States during the primary period of execution of this study (January

³ India has ratified the MLC, 2006 at the end of this study on 9 October 2015 [in force: 9 October 2016] (Source: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_414224/lang-en/index.htm). The country is examined throughout the analysis as a MLC non ratifying LSS.



2. ILO CEACR Comments⁴

2.1. Non-EU labour supplying member states

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General questions on application. Implementing measures.

The Committee notes the Government's first report on the Convention. It also notes that, in addition to the fundamental Conventions, the Philippines has previously ratified five of the 37 maritime labour Conventions, all of which were automatically denounced on the entry into force of the Convention for the Philippines. The Committee notes that currently the Convention is implemented through two legal regimes, one covering seafarers working on ships engaged in domestic voyages and the other covering seafarers working on ships engaged in international voyages. The implementing legislation includes the following: Department Order of the Department of Labor and Employment No. 129 of 2013 concerning rules and regulations governing the employment and working conditions of seafarers on board ships engaged in domestic shipping (hereinafter "DOLE DO No. 129 of 2013"); applicable provisions in the Labor Code; Department Order of the Department of Labor and Employment No. 130 of 2013 concerning rules and regulations governing the employment of Filipino seafarers on board ships engaged in international voyage (hereinafter "DOLE DO No. 130 of 2013"); and Department Order of the Department of Labor and Employment No. 130-A of 2013 concerning guidelines on the authorization of recognized organizations to conduct inspection and certification of Philippines-registered ships engaged in international voyages pursuant to the Convention, (hereinafter "DOLE DO No. 130-A of 2013"); Rules and Regulations Governing the Recruitment and Employment of Seafarers 2003 (hereinafter "POEA Rules") as well as various Memorandum Circulars and Advisories. The Committee understands that these Circulars and Advisories are a form of regulatory action taken by the competent authority under the relevant legislation and are regarded as having the force of law. The Committee also notes in this connection that for seafarers working on ships registered in the Philippines engaged in international voyages, Rule IV, Section 2 of DOLE DO No. 130 of 2013, provides that the terms and conditions of employment must be governed by the Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-board Ocean-

⁴ This document includes information extracted from the ILO web site relating to: Direct Request (CEACR) – adopted 2014, published 104th ILC Session (2015) responses required in 2016.



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Going Ships (Memorandum Circular of the Philippine Overseas Employment Administration (POEA) No. 10 of 2010, hereinafter "POEA Standard Terms and Conditions"). The Committee notes that section IV(1) of Memorandum Circular of MARINA No. 137 of 1998, which applies to all Philippines-registered ships engaged in international trade, provides that "[s]eagoing ships shall be completely manned by Filipino seafarers" and that "no foreign officers shall be allowed onboard unless approved by the [MARINA]".

The Committee notes the Government's indication that a "Magna Carta of Seafarers", which, when adopted, will be a comprehensive law implementing the Convention and applicable to all Filipino seafarers and ships, is currently under consideration by the Congress of the Republic of the Philippines. The Committee notes in that respect that the Government provided a preliminary version of the draft Magna Carta and minutes dated 10 December 2013 of a meeting of the Technical Working Group of the Maritime Industry Tripartite Council which is developing the provisions of the law.

In view of the fact that the on-board documents issued by a flag State provide prima facie evidence of compliance for ships when entering foreign ports, and noting also that shipowners' use of private seafarer recruitment and placement services is one of the matters to be certified, the Committee stresses the urgency for the Government to move forward and adopt the legislation to which it has referred in order to fully implement the Convention. ***The Committee requests the Government to transmit a copy of the Magna Carta of Seafarers once it is adopted and to continue to provide information on the progress made in this regard.***

General questions on application. Implementing measures. Information in the Declaration of Maritime Labour Compliance, Parts I and II. The Committee notes that the current version of the Declaration of Maritime Labour Compliance (DMLC), Part I, refers to the general principles and standards provided for in DOLE DO No. 130 of 2013, but not to the laws or regulations providing for specific requirements and standards related to the subjects contained in the DMLC, Part I. Even where they are mentioned, the reference includes only their names and not their main content. For example, on hours of work or rest, the DMLC merely indicates "DOLE DO 130-13, Rule VI, Section 2 on Terms and Conditions of Employment. The terms and conditions of employment of seafarers shall be governed by the POEA SEC", and the content of the relevant parts are not indicated.

The Committee recalls that paragraph 10(a) of Standard A5.1.3 provides that the DMLC, Part I, drawn up by the competent authority shall not only "identify the national requirements embodying the relevant provisions of this Convention by providing a reference to the relevant national legal provisions" but also provide, "to the extent necessary, concise information on the main content of the national requirements". The



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Committee also recalls that paragraph 1 of Guideline B5.1.3 provides guidance with respect to the statement of national requirements, including recommending that “where national legislation precisely follows the requirement stated in this Convention, a reference may be all that is necessary”. However, in many cases a reference will not provide enough information on national requirements where they relate to matters for which the Convention envisages some differences in national practices.

Similarly, the Committee notes that the example of an approved DMLC Part II, which is intended to identify the measures adopted by shipowners to implement the national requirements, also mainly contains references to other documents. For example, with respect to minimum age, the relevant measure is indicated as “Company Procedures Manual”, without specific details on the measure. The Committee notes that it would be difficult for port State control officers or seafarers to understand what the national requirements are on these matters unless all of these referenced documents are carried on board ship and easily accessible to all concerned. Accordingly, the Committee is of the view that the DMLC, Part I, does not appear to fulfil the purpose for which it, along with the DMLC, Part II, is required under the Convention which is to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the national requirements on the 14 listed matters are being properly implemented on board ship.

In addition, the Committee notes that Department Order of DOLE No. 132 13 concerning guidelines on maritime occupational safety and health (hereinafter “DOLE DO No. 132-13”), which applies to all Philippines-registered ships engaged in both domestic and international voyages, covers matters under Regulation 3.1 despite its title. This Department Order, however, is not mentioned in the DMLC Part I. Point 3 of DOLE Labour Advisory No. 4 of 2013 lists recognized organizations authorized to issue a “Certificate of inspection of crew accommodation for ships engaged in international voyages” and indicates that the applicable provisions of Title 3, Regulation 3.1, of the Convention shall govern the issuance of the certificate, but not DOLE DO No. 132-13.

The Committee requests the Government to consider improving the DMLC, Part I, when it adopts the Magna Carta for Seafarers, to which it has referred, to better implement paragraph 10 of Regulation 5.1.3 giving due consideration to Guideline B5.1.3, so as to ensure not only that it provides a reference to the relevant national legal provisions embodying the relevant provisions of the Convention, but that it also provides, to the extent necessary, concise information on the main content of the national requirements. The Committee also requests the Government to clarify whether DOLE DO No. 132-13 may be used as crew accommodation standards for the purpose of inspection and, as applicable, of certification, with respect to both ships engaged in domestic and international voyages. The Committee



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invites the Government to consider the inclusion of the reference to DOLE No. 132-13 as it contains specific standards on crew accommodation when revising the DMLC Part I.

Regulation 1.4 and the Code. Recruitment and placement. The Committee notes that Part VI, Rule II, section 5, of the POEA Rules provides that seafarers who are subject to a pending disciplinary process may be disqualified from the maritime employment programme. In this connection, the Committee recalls its direct request published in 2010 on the Philippines' application of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), in which it noted the Government's explanation, in its report on Convention No. 179, that this provision was intended to acquire jurisdiction over accused seafarers and not to deprive them of a means of livelihood. However, in the same direct request, the Committee noted the Government's earlier statements in its report of 2007 that under the POEA Rules, the POEA had the discretion, on the basis of the evidence presented, to determine whether or not a seafarer should be placed on the watch list. The Committee indicated that it found such a practice problematic, since the placement of a seafarer on such a watch list would occur while a disciplinary process was still pending, and not as a result of a final ruling of a judicial body with the necessary guarantees of due process. ***The Committee requests the Government to clarify whether steps have been taken to avoid the possibility that such a "watch list" could be used by private recruitment and placement services, contrary to paragraph 5(a) of Standard A1.4 of the Convention.***

Regulation 4.5 and the Code. Social security. The Committee recalls that the obligation under paragraphs 2 and 3 of Standard A4.5 is for each Member to take steps according to its national circumstances to provide at least three branches of social security to all seafarers ordinarily resident in its territory. It notes that, on ratification, in accordance with paragraph 10 of Standard A4.5, the Government specified that the following branches of social security are provided to seafarers ordinarily resident in the Philippines: medical care; sickness benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; and survivors' benefit.

The Committee also notes that Rule VIII, Section 1, of DOLE DO No. 130 of 2013 provides that all seafarers must be entitled to compensation and benefits under the POEA standard employment contract and benefits provided for by the Welfare Fund for Overseas Workers, Pag-IBIG Fund, PhilHealth, Employee's Compensation Law, and the Social Security Law and other applicable laws. The Committee notes that this provision covers Filipino seafarers working on Philippines-registered ships. The Committee observes that the Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-board Ocean-Going Ships, contained in Memorandum Circular



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of the POEA No. 10 of 2010, does not appear to address the question of social security for seafarers who are ordinarily resident in the Philippines who are working on ships flying the flag of another country. It notes that, in relation to Standard A4.5, paragraphs 3 and 7 of the MLC, 2006, the Government refers in its report to bilateral agreements with various countries on social security, but copies were not provided. ***The Committee requests the Government to provide information on how social security protection is provided to seafarers, who are ordinarily resident in the Philippines, when they are working on ships flying the flag of another country. It also requests the Government to transmit copies of the bilateral agreements on social security.***

Regulation 5.1 and the Code. Flag State responsibilities.

The Committee requests the Government to provide copies of the following practical documents concerning flag State inspection for ships engaged in domestic voyages, if they have been adopted: Manual Implementing Department Order No. 129 of 2013; DOLE Manual of Inspection and Certification issued by the Bureau of Working Conditions; and Operational Guidelines provided for under section 4 of the Memorandum of Agreement between the DOLE and the Department of Transportation and Communications of 5 February 2014 concerning the implementation of the Convention.

RUSSIAN FEDERATION

No Comments Posted



MOROCCO

No Comments Posted

MALAYSIA

No Comments Posted

2.2. EU labour supplying member states

BULGARIA

No Comments Posted



CROATIA

No Comments Posted

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General questions on application. Implementing measures.

The Committee notes that this is the Government's first report on the application of the Maritime Labour Convention, 2006 (MLC, 2006). The Committee also notes that, in addition to the fundamental and governance Conventions, Poland has previously ratified 16 maritime labour Conventions, including the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), which were automatically denounced on entry into force of the Convention for Poland. In its first report, the Government has provided a lengthy list of legislation implementing the MLC, 2006, and, as requested, a copy of the national Maritime Labour Certificate, the Declaration of Maritime Labour Compliance (DMLC) Part I and an example of an approved DMLC Part II. The Committee notes the Government's indication that the Ministry of Infrastructure and Development is currently working on a draft Maritime Labour Act concerning work on board seagoing merchant vessels, and that the Act of 23 May 1991 on Work on Maritime Merchant Vessels, as amended and consolidated by the Announcement of 20 February 2014, and the Act of 18 August 2011 on Maritime Safety, as amended, are currently the main legislation relevant to the implementation of the MLC, 2006. The Committee understands that this draft Act, which the Government refers to as "the bill on work on sea vessels", will replace the Act of 23 May 1991 and is expected to implement the provisions of the MLC, 2006. The Committee observes that the Government makes numerous references to envisaged provisions of the draft Act but has not provided a copy of the draft legislation. The Committee further notes the Government's statement that draft Regulations on detailed conditions of safe navigation for ships are being developed by the Ministry of Infrastructure and Development in accordance with the Act on Maritime Safety of 18 August 2011. The Government also refers to a third draft document entitled "Maritime Policy of the Republic of Poland until 2020" (with perspective until 2030) which, according to the Government, includes as a priority the creation of conditions for the development of a



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maritime economy based on knowledge and qualifications. The Committee notes, however, that none of these draft implementation measures have been provided in the report.

The Committee observes that, in 2010, the Government indicated in its reports on the application of Conventions Nos 9 (Placing of Seamen), 22 (Seamen's Article of Agreement), 23 (Repatriation of Seamen), 91 (Paid Vacations (Seafarers)), 134 (Prevention of Accidents (Seafarers)), and 147 (Merchant Shipping (Minimum Standards)), that it was developing a maritime labour law to implement the MLC, 2006, and provided an outline of the envisaged provisions of the draft law. The Committee also observes that the Government is apparently carrying out inspections and certifying ships for compliance with its national requirements implementing the MLC, 2006, and is also implementing its responsibilities relating to the regulation of recruitment and placement services and provision of social security. However, it notes that the implementing legislation – which the Committee understands to have been in development since at least 2010 – has not yet been adopted to provide a legal framework for these regulatory activities. In view of the fact that the on-board documents issued by a flag State provide prima facie evidence of compliance for ships when entering foreign ports, and noting also that shipowners' use of private seafarer recruitment and placement services is one of the matters to be certified, the Committee stresses the urgency for the Government to move forward and adopt the legislation and implementing measures to which it has referred in order to fully implement the MLC, 2006. In this regard, it draws the attention of the Government to the ILO handbook entitled "Guidance on Implementing the Maritime Labour Convention, 2006 – Model National Provisions" as well as other guidance that may be of assistance. **The Committee requests the Government to promptly transmit a copy of the Maritime Labour Act, the Regulations on detailed conditions of safe navigation for ships and the Maritime Policy of the Republic of Poland until 2020, once these instruments have been adopted.**

Regulation 1.4 and the Code. Recruitment and placement.

The Committee notes that the Government indicates that there are approximately 70 recruitment and placement services operating in its territory. The Committee also notes, as mentioned above, that the Government, in connection with Convention No. 9, has previously indicated that new legislation is being developed to reflect the MLC, 2006 requirements with respect to any fees that seafarers can be expected to pay as well as the insurance requirements under paragraph 5(c)(vii) of Standard A1.4. However, the Committee understands that, in the interim, the Act of 23 May 1991 on Work on Maritime Merchant Vessels and the Act of 20 April 2004 on Employment Promotion and Labour Market institutions remain the applicable texts. The Committee



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refers to its previous comments on Convention No. 9 and its comments above on this matter and, in particular, wishes to point out that shipowners and flag State inspectors of other ratifying Members are relying on Poland's effective implementation of this requirement. **The Committee requests the Government to provide a copy of the legislation implementing Regulation 1.4 and the Code.**

Regulation 4.4 and the Code. Access to shore-based welfare facilities.

The Committee notes the Government's indication that welfare facilities are available in four ports. However, no other information has been provided with respect to any welfare boards that may exist. **The Committee requests the Government to provide further information with respect to these facilities and any welfare boards that have been developed.**

Regulation 4.5 and the Code. Social security.

The Committee notes the Government's statement that the social security protection provided to seafarers ordinarily resident in Poland covers the following nine branches: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit. It notes however that, in the declaration made at the time of ratification, in accordance with paragraphs 2 and 10 of Standard A4.5, the Government had not indicated family benefit as one of the branches of social security provided to seafarers. The Committee recalls that paragraph 10 of Standard A4.5 provides that the ratifying State "shall subsequently notify the Director-General of the International Labour Office when it provides social security protection in respect of one or more other branches stated in paragraph 1 of this Standard. The Director-General shall maintain a register of this information and shall make it available to all interested parties." The Committee also notes the Government's indication that social security is related to employer contributions and that provision has been made for seafarers resident in Poland working on ships flying the flag of Poland and any employer "regardless of place of registered office". However, it is not clear whether seafarers ordinarily resident in Poland who work on ships flying the flag of another country are also protected under Poland's social security law and what arrangements have been put in place to receive contributions from shipowners who are not based in Poland. **The Committee requests the Government to provide clarifications as to the branches of social security provided to seafarers and to the arrangements that have been made to ensure that seafarers ordinarily resident in Poland are provided with social security.**

The Committee notes that the Government did not provide the required information on several questions of the report form and that, on many occasions, it referred to the expected content of the future legislation or implementing measures. **The Committee**



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requests the Government to reply to all questions of the report form based on the content of the legislative framework as adopted.

2.3. EU flag states

GREECE

No Comments Posted

UNITED KINGDOM

No Comments Posted⁵

⁵ Including Bermuda, Cayman Islands, Gibraltar and Isle of Man, which have not been individually examined herein.



CYPRUS

No Comments Posted

GERMANY

No Comments Posted

2.3.1. Denmark⁶

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The Committee notes the observations made by the Danish Confederation of Trade Unions (LO) received on 29 September 2014 and the further observations from the LO received on 17 October 2014 concerning the implementation of the Maritime Labour Convention (MLC, 2006). The Committee also notes the Government's observations received on 29 September and 15 November 2014 responding to the LO's observations.

General questions on application. Implementing measures. Information in the Declaration of Maritime Labour Compliance, Parts I and II.

The Committee notes the Government's first report on the application of the MLC, 2006. Denmark has previously ratified 13 maritime labour Conventions, all of which were automatically denounced upon the entry into force of the Convention for Denmark. The Government provided a list of laws and legislation, including acts, regulations, orders, notices and circulars implementing the Convention, as well as the Declaration of Maritime Labour Compliance (DMLC), Part I, and four examples of an

⁶ Includes Faroe Islands, which have not been individually examined.



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approved DMLC, Part II, as containing sufficient information on national implementation. The Committee understands that these orders, notices, and circulars are a form of regulatory action taken by the competent authority under the relevant legislation and are regarded as having the force of law. The Committee notes that one of the approved DMLC Part IIs submitted by the Government simply contains a list of references to another document, the shipowner's manual. Unless the referenced document is carried on board ship and easily accessible to all concerned, the Committee notes that it would be difficult for flag State inspectors or port State control officers or seafarers to understand what the national requirements are on these matters and how they are to be implemented on board ship. The Committee considers that one of the examples of the DMLC, Part II, does not appear to fulfil the purpose for which it is required under the Convention, which is to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the national requirements on the 14 listed matters are being properly implemented on board ship. **The Committee suggests that the Government instruct its inspectors to review DMLC Part IIs to ensure that they are more informative concerning the ways in which the national requirements are to be implemented between inspections.**

General questions on application. Article II, paragraphs 1(f), 2, 3 and 6. Scope of application. Seafarers and ships.

The Committee notes that section 1 of the Consolidated act on seafarers' conditions of employment, etc. provides that "the term 'seafarer' shall apply to all persons, apart from the master, employed, engaged or working on board a Danish ship who does not exclusively work on board while the ship is in port. For the master, section 49 shall apply." Section 2 of the Act states that in case of doubt whether a category of persons is to be considered a seafarer pursuant to the act, the issue shall be settled by the Danish Maritime Authority (DMA), following consultation with the shipowners' and seafarers' organizations concerned. The decision of the DMA may be brought before the court. The Committee also notes the Government's indication that although it appears that masters are not considered seafarers, they are covered by a special provision giving them a special status, and that this does not prevent the master from having the same protection and rights as other seafarers; in accordance with the Convention the term "seafarer" is used for both the master and other seafarers. The Government further indicates that, after consultation, and taking into consideration the resolution concerning information on occupational groups (resolution VII), adopted by the 94th Session of the International Labour Conference, "various groups of persons not involved in the traditional operation of the ship have either been included or been excluded from the definition of a seafarer". The



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Committee also notes the Government's indication that there have been cases of doubt as to whether any categories of persons are to be regarded as seafarers and that it "has recently received a request from the shipowners' and a number of seafarers' organizations concerning certain groups of employees on board ships under Danish flag working in a special capacity, either on board or in connection with the ship" and that a "formal decision regarding these groups will require a change of national law". The Committee observes that the Government has referred to the "Frequently Asked Questions" on its website on the Convention which provides more information on, inter alia, the question "Who are considered seafarers". The Committee notes that this information indicates several examples of situations when doubt may arise as to "whether a seafarer is covered by the term seafarer". One of these examples is seafarers "hired by others than the shipowner to work on board".

The Committee also notes that a determination has been made by the Government that it is not reasonable or practicable to apply the Code provisions relating to the regularity of inspection in the case of certain ships of less than 200 GT (merchant ships, but not passenger ships, with a length below 15 meters) in domestic voyages with a duration of a few hours and usually manned by the shipowner or, in fewer circumstances, by a person working very few hours on board except where a complaint is received concerning a substantial breach of the Convention and national laws and regulations. ***The Committee requests the Government to provide information with respect to any categories of persons that have been determined, in accordance with paragraph 3 of Article II, as persons that are not regarded as seafarers for purposes of the Convention. The Committee also requests the Government to identify any national measures covering, in a different way, the question of when inspections will be carried out on ships which have been excluded from inspection in the absence of complaints.***

General questions. Fundamental rights and principles. Article III, paragraph (a). Article VI, paragraph 2 concerning Part B of the Code.

The Committee notes the observations made by the LO, as well as the related responses of the Government, in the context of paragraph (a) of Article III, concerning the conformity of the Act on the Danish International Register of Shipping (DIS) with Articles 2 and 3 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Committee also notes the observations made by the LO, as well as the related response of the Government, concerning the obligation of Members, in accordance with paragraph 2 of Article VI, to give due consideration to implementing its responsibilities under the Convention in the manner provided for in Part B of the Code. The Committee stresses that the



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obligation of Members under paragraph (a) of Article III is to satisfy themselves that the provisions of their laws and regulations respect, in the context of the Convention, the fundamental right to freedom of association and the effective recognition of the right to collective bargaining. The Committee recalls that it has commented (2010–11) on the issues in connection with the application of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and more recently (2013–14) in connection with Conventions Nos 87 and 98, where it requested the Government to:

... ensure full respect of the principles of free and voluntary collective bargaining so that Danish trade unions may freely represent in the collective bargaining process all their members – Danish or equated residents and non-residents – working on ships sailing under the Danish flag, and that collective agreements concluded by Danish trade unions may cover all their members working on ships sailing under the Danish flag regardless of residence. In this regard, noting the divergent views of the LO and the Government as to whether the DIS legislation has been sufficiently the subject of debate, the Committee invites the Government to engage in a tripartite national dialogue with the relevant workers' and employers' organizations on this issue so as to find a mutually satisfactory way forward, and to indicate in its next report its outcome and any contemplated measures.

The Committee notes the Government's communication of 14 November 2014 stating that "the Government has noted the ILO Expert Committee's invitation to engage in national tripartite dialogue with the relevant workers' and employers' organizations on this issue so as to find a mutually satisfactory way forward". The Committee notes that the communication from the Government also provided information on specific steps that have been taken to begin a tripartite national dialogue.

In the context of the MLC, 2006 the Committee considers that it cannot usefully form an opinion on general questions as to whether a Member has properly satisfied itself that its laws and regulations respect freedom of association and the right to collective bargaining or as to whether, in the adoption of its legislation implementing the MLC, 2006, the Member has given due consideration to the provisions of Part B of the Code. Instead, the Committee's review, in principle, relates to concrete requirements in Titles 1 to 5 of the Convention, and looks at national provisions implementing those requirements which indicate that insufficient account may have been taken of a fundamental right referred to in Article III, as well as at practices related to implementation of particular requirements in Titles 1 to 5 that could indicate that the relevant national laws and regulations have taken insufficient account of a fundamental right referred to in Article III.



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Similarly, with regard to paragraph 2 of Article VI, the Committee will focus its review on national implementing provisions relating to concrete requirements for which due consideration does not appear to have been given to Part B of the Code. **The Committee refers to its observations and direct requests with respect to the application of Conventions Nos 87 and 98 and requests that the Government provide information on the progress of tripartite national dialogue with the relevant workers' and employers' organizations on this issue and to provide information on the ways in which the Government has satisfied itself that the provisions of its laws and regulations respect, in the context of the Convention and in light of any observations of the seafarers' and shipowners' organizations concerned, the fundamental right to freedom of association and the effective recognition of the right to collective bargaining.**

Regulation 1.4 and the Code. Recruitment and placement.

The Committee notes the observations made by the LO with respect to the increasing number of private recruitment and placement services operating in Denmark of which only a few have been certified and that there has been no consultation with respect to the system for certification of such services. The Committee notes the Government's reply that there are few agencies that operate in Denmark and that a system for certification has been adopted as provided for in section 8(a)–(c) of the Consolidated act on seafarers' conditions of employment, etc. The Committee notes that section 8(a)–(c) of the Act set out requirements for certification of services operating in Denmark and also provides for its flag State responsibility for shipowners that use recruitment and placement services based in countries that have ratified the MLC, 2006 or the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), or use services located in countries that have not ratified either Convention. These requirements are also set out in the DMLC, Part I. However, these provisions do not set out specific requirements for the certification of services operating in Denmark, which as required under paragraph 5 of Standard A1.4 must be in laws and regulations or other measures. The Committee recalls that the Convention does not contain exactly the same provisions as Convention No. 179, particularly with respect to the requirements in paragraph 5(b) and (c)(vi) of Standard A1.4. **The Committee requests that the Government provide information on the application of paragraphs 2 and 5 of Standard A1.4 to any private recruitment and placement service that may be operating in its territory and to clarify the situation with respect to the use of services operating in countries that have not ratified the Convention. The Government is also requested to consider amending the DMLC, Part I, to the extent that it appears to equate the requirements of the Convention and Convention No. 179 on this matter. The Committee also requests the Government to provide information regarding**



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any consultations with shipowners' and seafarers' organizations concerned that has taken place when establishing the system of certification.

Regulation 2.1 and the Code. Seafarers' employment agreements.

The Committee notes the observations made by the LO that the employment agreement presented by the DMA is not in line with the Convention since it distinguishes between the shipowner and the employer. The Committee notes the Government's reply that in their view "it is not a requirement under the MLC or in Danish laws and regulations, that the shipowner must be the employer. If the shipowner or the employer does not fulfil the obligations mentioned above, the shipowner in many cases, for example, on the protection of the seafarer on board the shipowner may be sanctioned according to section 65 of the Consolidated act on seafarers' conditions of employment, etc."

The Committee recalls that Regulation 2.1 and the Code do not require that the shipowner must also be the employer, however it does require that every seafarer has an original agreement that is signed in accordance with paragraph 1 of Standard A2.1, which provides that a seafarer's employment agreement must be signed by the seafarer and the shipowner, or a representative of the shipowner. It appears under section 1(a) of the Consolidated act on seafarers' conditions of employment, etc. and other instruments a shipowner may remain responsible for all matters under a seafarers' employment agreement, even if a seafarer has a different employer. However, this is not clear in the legislation. The Committee also notes the standard form agreement provided by the Government which provides alternatively that the agreement can be between the seafarer and a shipowner or a master or an employer. The Committee notes that this agreement creates uncertainty as to who is the responsible party. The Committee recalls that, irrespective of the employment arrangements involved, the seafarer is required to have an agreement signed by both the seafarer and the shipowner or a representative of the shipowner. ***The Committee requests the Government to clarify who are the parties under the Danish law on the seafarers' employment agreement and to consider amending the standard form agreement to ensure that seafarers have an original agreement signed by both the seafarer and shipowner or a shipowner's representative, as required under paragraph 1 of Standard A2.1.***

Regulation 2.4 and the Code. Entitlement to leave.

The Committee notes the observation of the LO that Danish seafarers are required to take paid annual leave (holidays) while foreign seafarers are paid their annual leave when signing off. The Committee notes the Government's observation that Danish law and regulations safeguard the entitlement to paid annual leave but if the seafarer's



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holiday entitlement is in connection with signing off, then the seafarer is entitled to be paid leave and also repatriation without cost. The Committee also notes the Government's indication that seafarers are entitled to a minimum of 2.08 days paid holiday for each month of employment during a calendar year (qualification year) and that the paid leave does not include weekends and that there are no agreements allowing seafarers to forego leave with pay. ***The Committee requests the Government to provide information as to whether seafarers who are paid annual leave when "signing off" are also given the leave during a period when they are still covered by their employment agreement and to clarify whether seafarers are entitled to paid annual leave in accordance with paragraph 2 of Standard A2.4 during their first qualifying year.***

Regulation 2.5 and the Code. Repatriation.

The Committee notes the observation of the LO that section 25 of the Consolidated act on seafarers' conditions of employment, etc. is not in line with the provisions of the Convention as it does not provide for a judicial finding with respect to the seafarer's conduct. Section 25 provides that the "shipowner may deduct from the seafarer's wages, etc. expenses for his journey home ... only if the shipowner has found that the seafarer has substantially violated his obligations under the conditions of employment". The Committee notes the Government's observation that the seafarer may bring his or her case to a Danish court to settle questions about a shipowner's decision. The Committee recalls that paragraph 3 of Standard A2.5 requires that Members prohibit shipowners from, inter alia, "recovering the cost of repatriation from the seafarers' wages or other entitlements, except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations". ***The Committee requests the Government to provide information on provisions in national laws or regulations or other measures or applicable collective agreements setting out the procedure to be followed and the standard of proof to be applied before a seafarer can be found to be in "serious default of the seafarers employment obligations", thereby entitling a shipowner, in accordance with paragraph 3 of Standard A2.5, to recover the cost of repatriation from the seafarer's wages or other entitlements.***

Regulation 3.2 and the Code. Food and catering.

The Committee notes the observation of the LO with respect to collective agreements that provide for an allowance to seafarers for food on board ship and that this level has not been adjusted since 1997. The Committee also notes the LO's observation



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with respect to manning levels and that paragraph 3 of Standard A2.7 requires ships' cooks on board all ships. The Committee notes the Government's reply that it is not a requirement that a trained cook be on board every ship. The Committee recalls that paragraph 1 of Regulation 3.2 requires that Members ensure that ships flying their flag carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds and that, in accordance with paragraph 2, is provided free of charge to seafarers during the period of engagement. **The Committee requests the Government to provide information with respect to how it ensures, that the requirements under paragraph 1 of Regulation 3.2 are met, in cases where seafarers are provided with an allowance for food. The Committee also requests the Government to provide information on the relevant national requirements for ships to carry fully qualified ships' cooks.**

Regulation 4.1 and the Code. Medical care on board and ashore.

The Committee notes that the DMLC, Part I, indicates that a state subsidy is provided in some cases for dental care. The Committee recalls that, in accordance with paragraph 2 of Regulation 4.1, medical care is, in principle, provided at no cost to seafarers working on ships flying the Member's flag and that, in accordance with paragraph 1 of Standard A4.1, medical care includes essential dental care. **The Committee requests the Government to provide detailed information with respect to the provision of essential dental care to seafarers working on board ships flying the flag of Denmark.**

Regulation 4.2 and the Code. Shipowners' liability.

The Committee notes that section 30(2) of the Consolidated act on seafarers' conditions of employment, etc. provides that seafarers who are suffering illness or injury at the termination of employment "shall be entitled to care and attendance for the account of the shipowner for up to 16 weeks, not exceeding, however, 2 weeks after arrival in the country in which he is domiciled". The Committee recalls that, under paragraph 1(c) of Standard A4.2 of the MLC, 2006, shipowners are liable to defray the expense of medical care, as well as those of board and lodging away from home, until recovery or a declaration that the sickness or incapacity is permanent, but that paragraph 2 of Standard A4.2 provides that: "National laws or regulations may limit the liability of the shipowner to defray the expense of medical care and board and lodging to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness." **The Committee requests the Government to clarify whether shipowners are required to continue to defray the expense of medical care after the sick or injured seafarers have returned**



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home at the termination of their employment for at least 16 weeks from the day of the injury or the commencement of the sickness, or until recovery or the sickness or incapacity has been declared of a permanent character.

Regulation 4.5 and the Code. Social security.

The Committee recalls that the obligation under paragraphs 2 and 3 of Standard A4.5 of the MLC, 2006, is for each Member to take steps according to its national circumstances to provide at least three branches of social security to all seafarers ordinarily resident in its territory. The Committee notes that, on ratification, in accordance with paragraph 10 of Standard A4.5, the Government specified the following branches of social security as being provided to seafarers ordinarily resident in Denmark: medical care, sickness benefit, employment injury benefit and maternity benefit. The Committee recalls that this obligation may be implemented in a number of ways, as set out in paragraphs 3 and 7 of Standard A4.5 and the attribution of responsibility may also be the subject of bilateral and multilateral agreements adopted within the framework of a regional economic integration organization, as provided under paragraph 4 of Standard A4.5. In this connection, the Committee notes the Governments indication that it is a member of the European Union and has arrangements in place with respect to other members of the European Union. The Committee notes that the Government's indication does not appear to address the situation with respect to social security protection for seafarers ordinarily resident in Denmark who may be working on ships operating under the flag of another country that is not a member of the European Union. **The Committee requests that the Government provide information on whether seafarers ordinarily resident in Denmark working on ships operating under the flag of another country are provided with social security protection as required under Regulation 4.5 and the Code.**

Additional documentation requested.

The Committee notes that the Government has omitted to provide some of the documents requested in the report form. **The Committee would be grateful if the Government would provide the following documents and information:** approved document for seafarers' record of employment (Standard A2.1, paragraphs 1(d) and 3; the relevant portion of any applicable collective bargaining agreement (Standard A2.1, paragraph 2(b)); copy of the provisions in collective bargaining agreements on the calculation of the minimum paid annual leave on a basis that differs from a minimum 2.5 days per month (Standard A2.4, paragraph 2); an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners, indicating that it covers repatriation (Regulation 2.5, paragraph 2); compensation in the event of the death or



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long-term disability of seafarers due to an occupational injury, illness or hazard (Standard A4.2, paragraph 1(b)); a copy of the relevant national guidelines for the management of occupational safety and health on board ships (Regulation 4.3, paragraph 2); a copy of the document(s) used for reporting unsafe conditions or occupational accidents on board ships (Standard A4.3, paragraph 1(d)); a copy of a report or review prepared by a welfare board, if any, on the welfare services (Standard A4.4); a document on the objectives and standards established for flag State inspection and certification system, including the procedures for its assessment on the attainment of objectives and the application of standards. (Regulation 5.1.1); a copy of the form used for flag State inspector's reports (Standard A5.1.4, paragraph 12); a copy of any documentation available informing seafarers and interested others about the procedures for making a complaint (including that on seafarers' rights) (A5.1.4, paragraph 5); and a copy of a document on the onshore complaint-handling procedures (Regulation 5.2.2).

FRANCE⁷

No Comments Posted

ITALY

No Comments Posted

⁷ Includes New Caledonia



SPAIN
No Comments Posted

NETHERLANDS⁸
No Comments Posted

MALTA
No Comments Posted

⁸ Includes Curaçao



LUXEMBOURG
No Comments Posted

3. PSC / MOU Inspections and Reports

3.1. Reports from MOUs

Completed reports

The regional Paris Memorandum of Understanding (MOU) has published in 2015 the first report that includes a list of deficiencies that had been identified on board ships, as well as reporting a significant number of detentions of ships for MLC, 2006 related matters in this first year following entry into force of the Convention. No similar reports have been published so far from other MOUs or the US Coast Guard.

However MLC-related deficiencies are identified and duly noted in the Annual MOU reports of Tokyo MOU, Black Sea MOU, and Indian Ocean MOU. The MLC-related deficiencies are under the following seven categories: Crew certificates and documentation; Working conditions; Living conditions; and four groups of labour conditions (social security; conditions of employment; accommodation, recreational facilities, food and catering; and health protection and medical care).

Recorded MLC-related Deficiencies by Paris MOU

During the first 12 months (20 August 2013- 20 August 2014)⁹ following the MLC, 2006 implementation the Paris MOU inspection results showed that 113 ships were detained by one of the Paris MoU Authorities for MLC-related deficiencies, representing 17.4% of the total number of detentions (649) in the Paris MoU. During this period 7.4% (3,447)

⁹ Only the member States of the Paris MoU which have ratified the MLC on or before 20 August 2012 were entitled to conduct PSC inspections on MLC requirements from 20 August 2013. As a result the following twelve member States started enforcing the MLC, 2006 from 20 August 2013: Bulgaria, Canada, Croatia, Cyprus, Denmark, Latvia, the Netherlands, Norway, Poland, the Russian Federation, Spain and Sweden. During the first year of implementation, the following member States began to enforce MLC, 2006: Belgium, Finland, France, Germany, Greece, Italy, Lithuania, Malta and the United Kingdom, bringing the total to 21 (Paris MOU, 2014, p.1).



of the total number of 46,798 deficiencies recorded was linked to the MLC, 2006, while 160 (4.6%) were marked as a ground for detention resulting in 113 detained ships. Detainable deficiencies were most frequently recorded in the areas "health and safety and accident prevention" (43.1%), "payment of wages" (39.5%), "manning levels for the ship" (28.6%), "food and catering" (15.4%) and "accommodation" (10%) (Paris MOU, 2014, p.1).

There were 17 cases of deficiency in the "Area 5- Use of any licensed or certified or regulated private recruitment and placement service for seafarers" representing 0.49% of the total MLC deficiencies. None of these led to the detention of the inspected ships. 184 MLC deficiencies concerning "Area 4- Seafarers' Employment Agreement" were recorded, representing 5.34% of the total MLC-related deficiencies; from these 15 cases were detainable MLC deficiencies. With regard to "Area 13- On-board complaint procedure", 89 MLC-related deficiencies were recorded (2.58%), from which 4 were detainable (Paris MOU, 2014, p.3).

The representative of a classification society¹⁰ mentioned that 39.5% of 3477 MLC-related deficiencies recorded by the Paris MOU in the first 12 months of the MLC, 2006 implementation were related to the seafarers' payment of wages. With regard to seafarer employment- related deficiencies, there were missing documents, missing CBA or SEA not in accordance with national requirements.

Other MLC-related deficiencies in Annual MOU Reports

Memoranda of Understanding on PSC annually publish a report on the recorded deficiencies; the period such reports cover is from 1st January to 31st December. The annual reports do not provide specific detailed information on the implementation and compliance with the requirements of the MLC, 2006, however certain categories of deficiencies are related to the MLC, 2006 standards. These are: crew certificates, working and living conditions, and labour conditions.

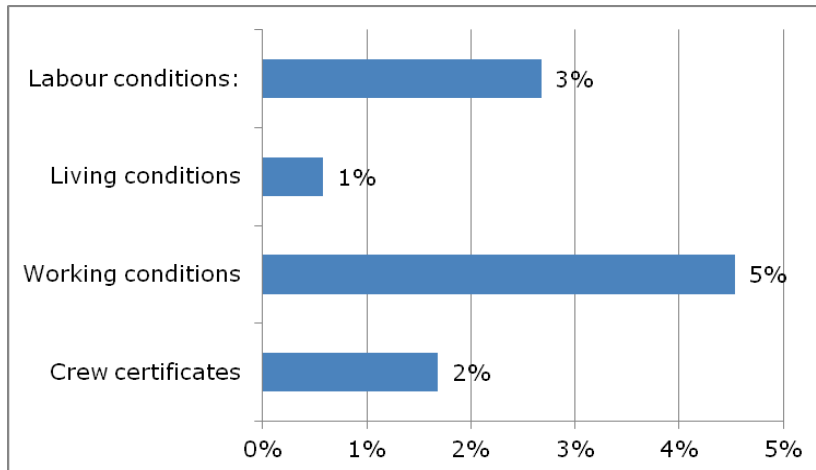
The 2014 annual report of **Tokyo MOU on PSC** mentions that "an increase has been observed in deficiencies relating to MLC 2006 and hours of rest stemming from the CIC of 2014" (Tokyo MOU, 2014, p.13). More specifically, in 2014 Tokyo MOU on PSC in the Asia-Pacific region recorded in total 91175 deficiencies. From these, and in relation to the MLC, 2006 8634 were recorded (representing 9.5%), More specifically, the MLC-related recorded deficiencies included: 1534 deficiencies were in Crew Certificates, 529 deficiencies in living conditions, 4134 in working conditions, and with regard to labour conditions, 74 deficiencies on the minimum requirements for seafarers were recorded, 363 on the conditions of employment, 1017 on accommodation, recreational facilities, food and catering, and 983 on health protection, medical care, and social security (Tokyo MOU, 2014, p. 32). The results from the Tokyo and Indian Ocean Memoranda are depicted in .

¹⁰ DNV-GL. Personal interview in the European Manning and Training Conference in April 2015.



Figure 1.

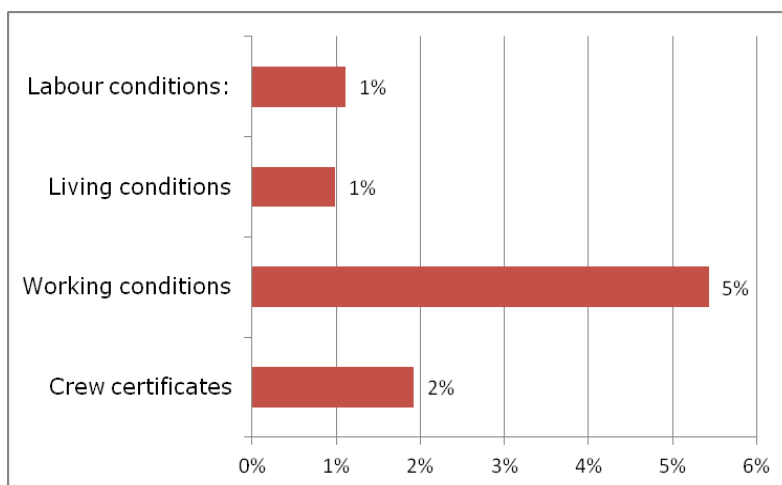
Figure 1 - Tokyo MOU MLC, 2006 related deficiencies compared to total deficiencies in 2014 (%)



Note: Results refer to the period January 1- December 31, 2014

Indian Ocean MOU on PSC in its annual 2014 report presented a total number of 16856 deficiencies in 2014, from which 1595 were MLC-related (representing 9.5% of total deficiencies). More specifically, 916 were relevant to the working conditions (5.43%), 324 were related to crew certificates (1.99%), 188 related to labour conditions and conditions of employment (1.12%), 167 considered living conditions (0.99%) (Indian MOU, 2014, p. 22).

Figure 2 - Indian Ocean MOU MLC, 2006 related deficiencies compared to total deficiencies in 2014 (%)

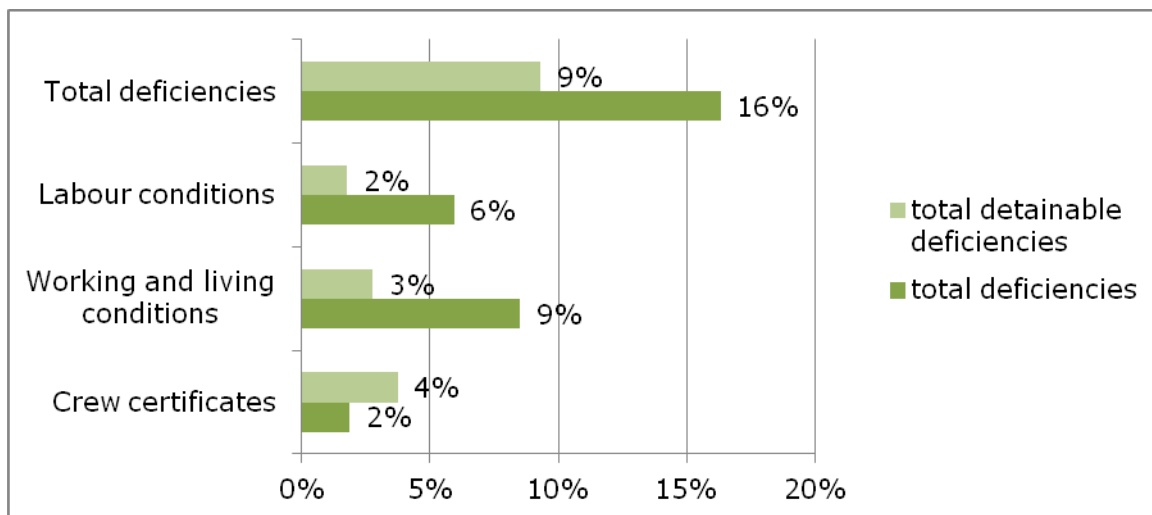


Note: Results refer to the period January 1- December 31, 2014



The **Black Sea MOU** on PSC includes statistics of MLC-related deficiencies and detainable deficiencies (see Figure 3 below). The living and working conditions deficiencies reached 8.5% of the total deficiencies in 2014, and 2.77% of the total detainable deficiencies. Labour conditions (health and protection, medical care and social security) counts 5.93% of the total deficiencies, and 1.78% of the detainable. Crew certificates and documentation reached 1.89% of the total deficiencies, but 3.75% of the total detainable deficiencies. In total, MLC-related deficiencies recorded 16.32% of the total deficiencies and 8.3% of the detainable deficiencies in the Black Sea region in 2014 (Black Sea MOU, 2014, p.8).

Figure 3 - Black Sea MOU MLC, 2006 related deficiencies compared to the total and the total detainable deficiencies in 2014 (%)



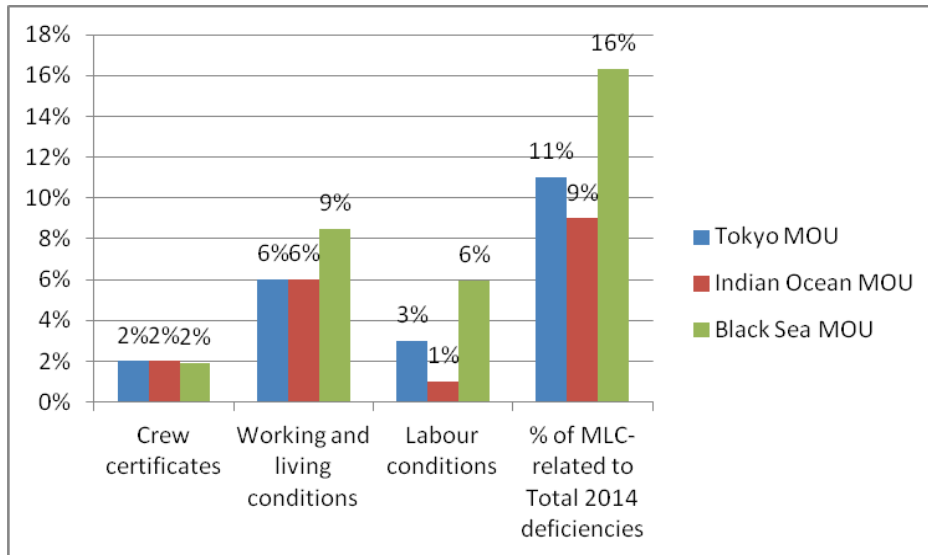
Note: Results refer to the period January 1- December 31, 2014

The representative of a Seafarers’ Trade Union in an MLC non-ratifying LSS outside the EU noted that there are some *“Problems with PSC inspections for the Black Sea fleet, as too many failures reduce ‘success’ rates of inspectors, and therefore they avoid inspections.”*

The following figure summarises the results of the three Memoranda concerning the MLC-related deficiencies in comparison to the total deficiencies recorded in the period 1st January to 31 December 2014.



Figure 4 - MLC, 2006 related deficiencies compared to total deficiencies in 2014 recorded by Tokyo, Indian Ocean and Black Sea MOU on PSC



Concentrated Inspection Campaigns (CIC) on MLC, 2006

Concentrated inspection campaigns (CIC) focus on specific areas where high levels of deficiencies have been encountered by PSC Officers, or where new convention requirements have recently entered into force, as in the case of the MLC, 2006. Usually, campaigns take place yearly over a period of 3 months (September - November) and are combined with a regular inspection¹¹.

In the Committee meeting of Paris MOU dated June 2nd, 2015, and attended by members of the Paris MoU, the European Commission, EMSA, Montenegro, observers from the International Labour Organization, US Coast Guard, Viña del Mar Agreement, Tokyo MoU, Caribbean MoU, Mediterranean MoU, Indian Ocean MoU, Abuja MoU and Black Sea MoU, it was decided on carrying out a CIC in 2016 to verify compliance with the MLC, 2006¹².

3.2. THETIS results on the selected FS and LSS

THETIS is the information system introduced by the European Maritime Safety Agency (EMSA) that supports the new Port State Control inspection regime (NIR); it is considered crucial for the implementation of the new regime, which is laid down in the new Directive 2009/16/EC on Port State Control and its four implementing regulations.

¹¹ <https://www.parismou.org/inspections-risk/inspection-types/concentrated-inspection-campaign>

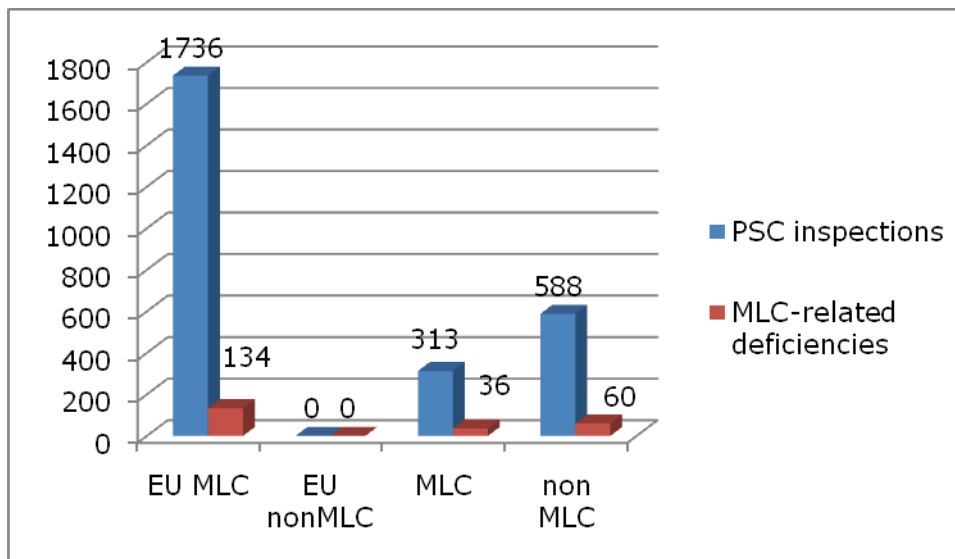
¹² <https://www.parismou.org/paris-mou-agreed-inspection-campaign-maritime-labour-convention-2016>



The system serves both the EU Community and the wider region of the Paris Memorandum of Understanding on PSC (Paris MOU) that includes Canada, Iceland, Norway and the Russian Federation. It also interfaces with a number of other maritime safety-related databases including those of the EU-recognised classification societies, Community and national information systems and other port State control regimes so as to exchange data and provide a full picture for the inspector. THETIS is available online¹³.

An examination of the recorded MLC related- deficiencies from inspections were conducted in the period the date from 20 August 2013 (date of the MLC, 2006 implementation or other if latter) until 20 August 2015 showed that MLC ratifying countries had almost the same percentage of MLC-related deficiencies to total number of inspections with the MLC non-ratifying countries. More specifically, EU members and MLC-ratifying had reached an 8%, non EU MLC-ratifying reached 12%, while non MLC ratifying countries outside the EU reached 10% of MLC-related deficiencies to the total number of deficiencies for the period from the implementation of the MLC, 2006 to 20 August 2015. There were no records for Romania, which is an EU member that has not ratified the MLC, 2006. More details in the following figure.

Figure 5 - Numbers of MLC-related deficiencies to total number of inspections on ships registered to the selected countries of the study, from the implementation date of the MLC, 2006 until 12 May 2015.



Source of data: THETIS

Table Notes

1: Numbers represent the 25 countries of the study.

2: The date of the MLC, 2006 implementation is 20 August 2013, or other if latter in some states.

¹³ <https://portal.emsa.europa.eu/web/thetis>



3: "EU MLC": EU member States that have ratified the MLC, 2006 as per study sample; "EU non MLC": EU member States that have not ratified the MLC, 2006, as per study sample; "MLC": MLC ratifying countries outside the EU, as per study sample; "non MLC": MLC, 2006 non ratifying States outside the EU, as per study sample.

Among the selected FS and LSS of the study, the highest percentage (33%) was in the case of Indonesia-flagged ships where among three inspections, there was one recorded deficiency. Also, Bulgarian-flagged ships reached 15% (2/13 MLC-related deficiencies per number of PSC inspections), followed by Malaysia (20%- 1/5), Poland (14%- 3/22), and Spain, Russia and Indonesia (with 13% each, i.e. 4/32, 35/275 and 1/3 respectively). The lowest percentage was recorded in Philippines, France and Morocco - flagged ships (with 0 deficiencies in 28 inspections, 0/26 and 0/5, respectively). There were no records concerning Romania and Myanmar- flagged ships, which is explained from the low fleet size of these countries and the low percentage of such-flagged ships to have reached ports covered by the Paris MOU, and thus, THETIS.

Table 2 summarizes the number of THETIS recorded inspections and the MLC related deficiencies, in comparison to the fleet size (in number of flagged ships, as stated in UNCTAD, 2014) of the selected countries of the study.

Table 2 - Comparison of fleet size, THETIS PSC inspections and MLC-related deficiencies since the implementation of the MLC, 2006 to date

Profile	Country	Fleet size (No. of ships)	No. of MLC-related deficiencies / No. of PSC inspections on flagged ships	MLC-related deficiencies/ THETIS PSC inspections (%)
EU members MLC ratifying states	Bulgaria	81	2/13	15%
	Italy	719	2/44	5%
	Croatia	112	1/13	8%
	Cyprus	355	34/327	10%
	Denmark	955	4/111	4%
	France	442	0/26	0%
	Germany	3699	3/57	5%
	Greece	3826	5/73	7%
	Luxembourg	77	1/28	4%
	Malta	33	57/573	10%
	Netherlands	1234	14/338	4%
	Poland	140	3/22	14%
	Spain	217	4/32	13%
United Kingdom	1233	4/79	5%	



<i>EU member, MLC not ratified</i>	Romania	94	0/0 no records	no records
<i>MLC ratifying outside the EU</i>	Malaysia	602	1/5	20%
	Morocco	34	0/5	0%
	Philippines	367	0/28	0%
	Russia	1734	35/275	13%
<i>MLC non ratifying, outside the EU</i>	China	5405	1/41	2%
	India	702	1/10	10%
	Indonesia	1598	1/3	33%
	Myanmar	36	0/0 no records	no records
	Turkey	1547	26/253	10%
	Ukraine	409	31/281	11%

Note: Period covers the implementation date of the MLC, 2006 in each selected country (20 August 2013 or other) until 20 August 2015.

4. Summary results from Country Profiles

Separate country profiles have been developed for the target countries, which include information from the desktop research, the stakeholders' interviews and other primary and secondary data. The content of the country profiles comprises:

- a) Category of state (MLC ratifying/ non ratifying state, EU/ non EU member)
- b) National maritime labour information (fleet and seagoing labour statistics)
- c) Contact information of state's competent authorities
- d) Comments from ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR)¹⁴
- e) Results from THETIS, regarding MLC-related deficiencies (crew certificates, working and living conditions, and the 4 categories of labour conditions) for the period August 20, 2013 (except the countries when implementation started in a later date) to August 20, 2015.
- f) Status of RPS (public/ private/ job placement websites)
- g) RPS licensing/certification/ other regulatory system and RPS supervision results
- h) Seafarers' insurance, social security and CBAs (if any)

¹⁴ The ILO body examining the application of ratified Conventions.



- i) Other issues (complaint handling procedures and results, cooperation with other countries)
- j) Special notes and recommendations by the study team
- k) Sources of primary and secondary data.

Full country profiles are included as Annex III to this report.

Table 3 presents the summary results concerning the RPS operation, licensing/certification and supervision system.

Table 3 - Summary results concerning the RPS operation, licensing/certification and supervision system

Country	Public SRPS	Private SRPS	Officially published licensed private SRPS	RPS licensing/certification/regulation system
Bulgaria	1	80	Y ¹⁵	MANDATORY registration
Italy	1	unknown	N	MANDATORY
China	1	210 (unofficially)	N	MANDATORY
Croatia	1	33 (unofficially)	N	MANDATORY Licensing
Cyprus	3	None officially. 132 unofficially as branches of foreign RPS	N	NO licensing for SRPS. Voluntary certification from ROs acceptable.
Denmark	0	4	Y ¹⁶	VOLUNTARY
France	unknown	unknown	unknown	UNKNOWN
Germany	1	66	Y ¹⁷	MANDATORY inspection of RPS.
Greece	1 (Hellenic Port Authorities operate as its')	None officially. Many exist as branches of foreign RPS	N	NO legislative framework for private RPS

¹⁵ www.gli.government.bg/intermediaries/intermediary_activity/marine/?page=1

¹⁶ www.dma.dk/Manning/Sider/RecruitmentPlacementServices.aspx

¹⁷ www.deutsche-flagge.de/de/besatzung/seearbeit/arbeitsvermittlung-seeleute/arbeitsvermittlung#liste



	branches)			
India	2	339	Y ¹⁸	MANDATORY
Indonesia	unknown	unknown	unknown	UNKNOWN
Luxembourg	0	0	N	NO licensing system.
Malaysia	0	4	Y ¹⁹	MANDATORY licensing.
Malta	unknown	20 (unofficially)	N	UNKNOWN
Morocco	1 not specific to seafarers	unknown	N	VOLUNTARY
Myanmar	0, although allowed	163	N	MANDATORY licensing.
Netherlands	1 not specific to seafarers	6 (unofficially)	N	MANDATORY
Philippines	0	824	Y ²⁰	MANDATORY.
Poland	586 each basic regional "polish administrative unit" has public RPS but practically only few (Szczecin, Gdynia, Kołobrzeg, Ustka) can serve for seafarers.	67 private RPS registered but and only 47 has approval certificate from administration.	Y ²¹	VOLUNTARY licensing, but MANDATORY AFTER 1/1/2016. Supervision annually by Director of Maritime Offices (Gdynia, Szczecin and Slupsk)
Romania	0	114	Y ²²	MANDATORY licensing by the Romanian Naval Authority, voluntary certification by ROs.
Russia	0	391	Y ²³ (possibly incomplete official lists)	MANDATORY licensing from FMS. Voluntary licensing system from Russian Maritime Register of Shipping (ISO certification) and/or from Ministry of Transport's

¹⁸ www.dgshipping.gov.in/Content/RPSAgencies.aspx?menu_id=310

¹⁹ www.marine.gov.my/jlmeng/pic/article/MANNING_AGENCIES_15Dec2014pdf.pdf

²⁰ www.poea.gov.ph/cgi-bin/agList.asp?mode=allSB

²¹ <http://psz.praca.gov.pl/wybor-urzedu> and http://www.ums.gov.pl/karty/IBZ/wykaz_agencji.pdf and <http://stor.praca.gov.pl/portal/#/kraz/wyszukiwarka>

²² <http://portal.rna.ro/SiteAssets/PDF/crewing.pdf>

²³ <http://www.fms.gov.ru/opendata/7701549553-reestrlicenzmoryaki> and <http://www.sur.ru/en/moryak/crewing-companies>



				Autonomous non-profit organisation "Center for Coordination and certification services for the recruitment and employment of seafarers on ships under foreign flag" (ANO CFB)
Spain	1	unknown (unofficial source mention 13, however unclear which are specific on seafarers)	unknown	MANDATORY
Turkey	1	183 (unofficially)	N	MANDATORY permission.
Ukraine	1	77 (unofficially)	N	UNCLEAR if mandatory.
United Kingdom	0	80	N	VOLUNTARY.

Table 4 below presents the summary results concerning the social security branches covered by the national social security system of the selected countries²⁴. It is important to note that during the workshop an inconsistency was found with regards to the stated social security branches. Also, in the case of Germany there is a different number of social security branches covered for nationals working on national flagged ships, and a different number for foreigners working on national flagged ships. The ILO representative stressed the importance of all states to provide correct and updated information to the ILO Office.

Thus, the information in the table has to be viewed with caution, because it is unclear if the covered social security branches apply to all citizens, to national seafarers who work on national flagged ships or seafarers who work on ships flying any flag.

²⁴ Data presented in the table stems from ILO official website; individual country information submitted to the ILO.



Table 4 - Summary results concerning the social security schemes of the targeted countries

Country	Social security branches at time of ratification									
		medical care	Sickness	Employment injury	old-age	family	Maternity	Invalidity	Survival	Unemployment
Bulgaria	6	Y	Y	Y	Y	N	Y	Y	N	N
Italy	8	N	Y	Y	Y	Y	Y	Y	Y	Y
Netherlands	8	Y	Y	N	Y	Y	Y	Y	Y	Y
Croatia	9	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cyprus	4	Y	Y	Y	N	N	N	Y	N	N
Denmark	4	Y	Y	Y	N	N	Y	N	N	N
France	9	Y	Y	Y	Y	Y	Y	Y	Y	Y
Germany	4	Y	Y	Y	Y	N	N	N	N	N
Greece	9	Y	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	9	N	Y	Y	Y	Y	Y	Y	Y	Y
Malta	3	Y	Y	Y	N	N	N	N	N	N
Poland	8	Y	Y	Y	Y	N	Y	Y	Y	Y
Spain	4	Y	Y	Y	N	N	N	N	N	Y
United Kingdom	8	Y	Y	Y	Y	Y	N	Y	Y	Y
Romania	5	Y	Y	N	Y	Y	Y	N	N	N
Malaysia	3	Y	Y	Y	N	N	N	N	N	N
Morocco	7	N	Y	Y	Y	Y	Y	Y	Y	N
Philippines	8	Y	Y	Y	Y	Y	Y	Y	Y	N
Russia	8	Y	Y	Y	Y	Y	N	Y	Y	Y
China	6	Y	Y	Y	Y	N	Y	N	N	Y
India	various, but not as per required by the MLC									
Indonesia	unknown									
Myanmar	4	Y	Y	Y	N	N	N	N	Y	N
Turkey	7	Y	Y	Y	Y	N	Y	Y	Y	N
Ukraine	4	Y	N	N	Y	N	N	Y	N	Y

Table 5 depicts the existence of CBAs for seafarers in the selected countries, and the availability of such in English.



Table 5 - Summary results concerning the CBAs in the target countries

Country	CBA for seafarers ²⁵	CBA in English
Bulgaria	No national CBA	not existent
Italy	unknown.	unknown
China	1 national and 4 bilateral with Hong Kong, Taiwan, Norway and Singapore	Y
Croatia	1 +1 (Collective Agreement for Croatian National crew between Seafarers' Union of Croatia and Croatian Shipowners' Association „Mare Nostrum“, and another with Maritimae Regionis Ltd). Also ITF CBAs in use.	Y
Cyprus	1 national CBA for Cypriot seafarers on-board Cyprus- flagged ships is available on a voluntary basis.	Y
Denmark	No national CBA	
France	Yes, but non obligatory (unknown exact number)	N
Germany	2 NON OBLIGATORY (Manteltarifvertrag See & Heuertarifvertrag)	Y
Greece	7 in total. 1 national CBA for Greek seafarers on Greek-flagged ships and 6 NON OBLIGATORY CBAs for different categories of Greek seafarers working on ocean going and short sea shipping ships and passenger ships with FOC flag (last updated 2012)	2 are officially translated.
India	1 in collaboration with ITF	Y
Indonesia	unknown	unknown
Luxembourg	not existent	not existent
Malaysia	No CBA	
Malta	No national CBA, but ITF CBAs probably used.	Y (ITF's CBA)
Morocco	1 (NON OBLIGATORY). Once a collective agreement has been drawn up, it remains open to any employer or professional organisation to join it	Y (ITF's CBA)
Myanmar	1 Myanmar CBA for Seafarers issued by Tripartite Committee	unknown

²⁵ The terms "obligatory and non obligatory" are used herein. According to the fundamental principles of collective bargaining, it is the autonomy of social partners whether they enter into negotiations and they conclude a CBA. That CBA can be at company level, by sector or general applicable. Thus, obligatory means, that if there is a national CBA in place, seafarers sailing on ships flying the flag of that Member State are obligatory covered by that CBA.



Country	CBA for seafarers ²⁵	CBA in English
Netherlands	Yes, but non obligatory (unknown exact number)	unknown.
Philippines	1 and 43 bilateral labour agreements	Y
Poland	1 CBA bilateral with Norwegian Shipowners' Association	unknown
Romania	No national CBA (is pending). ITF CBAs in use.	Y (ITF's CBA)
Russia	1 national (NON OBLIGATORY). Russian seafarers can be covered by Seafarers Union of Russia CBA, Union of Water transport workers, or any other Unions. Collective agreements can be developed between employer and woekrs. ITF CBAs are in use, and bilateral agreements with Norwegian Shipowners' Association.	Y
Spain	unknown	unknown
Turkey	No national CBA, but ITF CBAs in use.	Y (ITF's CBA)
Ukraine	1, Non obligatory	unknown
United Kingdom	1 CBA for UK seafarers has been negotiated by ITF, with input from Nautilus International	Y

5. Summary results from Workshop

The following provides a summary of the issues raised and discussed during the implementation workshop. This summary has been assembled by subject matter and includes information provided and discussions that took place in all of the workshop plenary sessions, including the final closing session.

RPS definition and certification

Participants proposed that the definition should be based on the characteristics/function of the services provided rather than the form (website or physical presence); if the organisation provided information only about seafarers (i.e. lists of CV's) it was not considered as an RPS; if the organisation used this information to provide a list of suitable candidates to a prospective employer based on some explicit criteria provided to the organisation by the employer, it would be considered to be operating as an RPS.

However in one EU Member State there are companies providing information and selection services for seafarers that not resident in the Member State and these are not certified as RPS in the Member State, but in the state of origin of the seafarers. It was suggested that they should be certified by the countries whose seafarers they "select". If for example a Philippine ship owner is employing foreign seafarers he can enter into



agreements with foreign RPS. It was not clear if these RPS were required to operate in accordance with Philippines regulations.

This EU Member State proposed to require licencing by ratifying countries where the RPS is recruiting crew, e.g. Cyprus would not certify Philippines private RPS employing Filipino crew on Cyprus flagged ships, because private SRPS are not regulated in Cyprus.

When asked for information on the mechanisms that are in place to ensure compliance with RPS in the UK and enforcement of the system, if there are procedures for regular inspections of compliances, it was apparent that "employment businesses" and "employment agencies" are not the same. It was explained that employment agencies and employment businesses are both considered RPS under the MLC, 2006. The distinction in the UK is that employment agency is not considered an employer. The employment agency places the seafarer on the ship. The seafarer is then employed by the shipowner, whereas the employment business places an individual on the ship under control of the master, but remains his employer. In that case the salary is paid by employment business and the ship owner has responsibility for the individual under the MLC, 2006. In the UK, RPS must not be licenced, but they must be regulated. There is a voluntary certification system as per MLC, 2006 standards. There are so far 69 voluntary certificated RPS in the UK. Not certified RPSs are still subject to the UK Law. The Department of Business Innovation and Skills conducts standard inspections. The ILO representative believed that in the UK there is a need to check national mechanisms of control, inspection and supervision of all SRPS.

Although RPSs are said to be inspected in the UK, no list of inspected RPS is published, neither relevant results. Classification societies explained that when operating in countries that have ratified the MLC, 2006 national regulations applying to the MLC, 2006 are followed. If they do not exist, then the focus is on generic requirements related to RPS issues as per MLC, 2006. It was suggested that in general, there are too many RPS agencies' so perhaps there should be a way to regulate the number of RPS. However, directly limiting the number of RPS would be against free competition conditions and is therefore unacceptable and against the freedom to provide services and freedom of establishment. The requirements for the RPS should be raised and the agencies that meet them should be able to operate in the market. It was also underlined that the MLC, 2006 states that undue proliferation of RPS should not be encouraged.

Although licensing should be a prerequisite for RPS, but there should be more focus on auditing and controlling. Monitoring of the agencies should be more transparent. It should ensure that RPSs implement MLC, 2006 regulations in their operating systems.

It was generally agreed that the current definition is appropriate for all categories of RPS.

A list of all certified RPS should be available in one place, for example on an official webpage, with name of the agency, address, date of issue of certificate and date of



expiry. Also there should be information about the competent authority seafarers can turn to in case of problems.

RPS compliance and compliance costs

It was mentioned that the world maritime labour and shipping markets are in a transition period after the MLC, 2006 implementation, and there are first achievements. It was noted that there is no confidence yet on the system functioning; problems exist in MLC non-ratifying countries". The whole system is relying on the cooperation of flag and port states, seafarers and ship owners. There are enough standards, but most important remains their enforcement in terms of MLC, 2006. It was highlighted by most of the delegates that no new or additional regulation is needed.

As the need for more training regarding the requirement of the MLC has arisen, RPS operational costs and workload have increased and there is more "red tape"²⁶.

One manning agency claimed that it is difficult for RPS to become compliant with the MLC, 2006; especially for the small RPS which do not have established quality standards. Difficulties arise also from the fact that there are no clear explanations of the MLC requirements and there is no understanding. For example, a question was raised with regards to cases of abandonment and who has the responsibility to pay the crew? In this respect, reference was made to the 2014 MLC amendments which include, among others, a financial security system in case of abandonment²⁷.

RPS agencies are held responsible for third party mistakes. In the MLC, 2006 there is no limitation of liabilities. Local governments need to put limitation of liability; otherwise it is too heavy a burden for the RPS to bear.

The question of certification is also problematic. For small RPS agencies it is considered too expensive. Especially when there are a number of companies that issue certificates on different levels, the RPS have to pay several times for receiving a certificate by each one of them. *"Each country should issue one standardised certificate for the RPS agencies. With one document a lot of time and money would be saved, that are now wasted for issuing several different certificates"*. In Poland there are numerous certified agencies, but that does not mean they are of high quality. According to the MLC, 2006 every seafarer has the right to get a job without paying for placement services, but then the question arose as to how the RPS can maintain quality, when this entails a high cost.

It was pointed out that vessels must fulfil the requirements of the MLC, 2006 in order to have the flag of an MLC country and the flag is a simple proof that the ship is compliant

²⁶ Generally assumed to refer to additional clerical work due to certifications and approvals that must be obtained and reviewed.

²⁷ http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_246823/lang--en/index.htm



with the MLC, 2006. In a similar way, there should be one simple proof whether an RPS agency is compliant – one document proving compliance.

The matter whether RPS delivers quality crew or not is subjective. Another problematic area is that there is no standardised agreement between the RPS and the seafarers, describing seafarers' rights, RPS obligations, which has power of attorney and has the right to sign the employment agreement.

Seafarers awareness

It was repeatedly emphasised that seafarers should know which are the certified RPS and should be aware of the importance of using certified agencies. *"There are some RPS that just promise services, and when they take the money, they disappear"*. Shipowners are more trained to find reliable information and are more capable of finding trustworthy agencies, while the seafarers do not have so much experience and it is more difficult for them. It is important to raise the seafarers' awareness about the problem. Some interesting examples were mentioned by trade unions from India and Philippines mentioning that they organised training sessions for seafarers to raise awareness. Such training is perhaps more crucial for the new seafarers who are inexperienced. In any case all seafarers should have a reliable source of information to check which RPS is certified/ licensed.

Training of seafarers

Seafarers need to receive training on the rights and obligations under the MLC, 2006 before getting on board. It was stressed that the RPS should provide this training, because on board other seafarers do not have the time to train them. Concerns were raised as to how this cost could be covered. Should it be (and/or is it already being) born by the seafarer and are seafarers considered employed (thus liable to paid wages) during any on-shore training period? One proposal was that short training should be provided to seafarers by educational institutions, for example in the form of brief professional orientation programme at school. Further examination on the maritime education and training programmes of the various FS and LSS is needed in order to investigate of such knowledge is provided and to what extent.

It was mentioned that in the Philippines, private RPS offer a predeparture orientation system for seafarers (although not clarified if this is required by the law), and the RPS issue a certificate of attendance for the seafarers who have undergone training before boarding a ship. EU RPS thought that the approaches used in the Philippines could also work in the EU, because the conditions in European countries are very different. One suggestion was that predeparture seminars should be organised for seafarers and they should be offered before signing the contract, so that seafarers are aware of their rights and duties before they they sign-on. Also, ITF international, ETF in Europe and the national trade unions, where such exist, could play a role in awareness raising of



seafarers in terms of their rights and obligations under the MLC. Participants agreed that due to the rather short time that the MLC, 2006 is in force (only 2 years), it takes more time before all seafarers are aware and all mechanisms pertaining to the MLC, 2006 are implemented.

Working days in Contracts

Differences were identified in the period of employment, and more particularly, whether this could be extended, and if the contracts included a month of holidays within the 12-month-period, or after it. The ILO representative commented that agreement termination is not needed, since it can be made for indefinite period. In terms of annual leave, seafarer cannot work for 12 months without holidays. After 12 months maximum, seafarers have the right to take the leave, because it is a matter of fatigue. The MLC, 2006 in Regulation 2.4 and Standard A2.4 states that seafarers have the right to paid annual leave from the time their contract starts. The annual leave shall be calculated on the basis of 2.5 calendar days per month of employment. So the seafarers are building up entitlement to paid leave from the moment that they start their contract. However in practice this entitlement is not always respected as some seafarers work 12 months or more without being given annual leave, let alone paid annual leave. Within the EU the entitlement to paid annual leave is included in Directive 1999/63/EC as amended by Directive 2009/13/EC, which is apparently not always respected in practice.

Publishing list of certified RPS

Delegates mentioned that it is difficult to create a common RPS list for publication, especially taking into account the issue of harmonisation, as in different countries different standards apply.

EU inspection of private RPS

This could be similar to the EU team of STCW inspectors, but as licensing is done on national level this was not considered as an appropriate approach. Also, it was mentioned that there is no legal base for such inspections from an EU body, as in the case of STCW Convention.

PSC inspections

PSC examine seafarers' recruitment and placement in terms of more general issues. PSC are not over-familiarised with the RPS under the MLC, 2006. Social security is not a responsibility of PSC to examine. Such responsibilities are not clearly defined under the MLC, 2006.

It was stressed by the delegates that procedures for the PSC need to be further clarified. PSC needs to avoid disadvantaging the seafarer and there should be a stronger focus of PSC to train and allocate more specialised PSC officers.



Capacity building for PSC controls for both ratifying and non ratifying countries in terms of Regulation 1.4 of the MLC, 2006 was stressed.

It was mentioned that the level of inspections between FS or PSC in different ports is highly varying; Paris MOU is a good example.

It was noted that in Panama, it is difficult to dedicate PSC officers on the MLC, 2006 due to limited resources.

Insurance

RPS agencies were considered not eligible to enter P&I clubs, because they are only for shipowners. Thus, RPS should have another type of insurance. P&I clubs are intended to protect the shipowners and cannot insure RPS too, since there will be a conflict of interest. At the same time, RPS agencies really need an insurance to cover the risks they are exposed to. According to Regulation 1.4 of the MLC, 2006 RPSs are responsible for unpaid wages, which is a major liability and needs to be insured.

It was mentioned that not all shipowners are insured in P&I clubs; some choose between P&I clubs and private insurance. The question was whether P&I club insurance is sufficient to cover the MLC requirements in every aspect. For some countries it does not matter which organisation issues the certificate of insurance (whether it is a P&I club or a private insurer). Other countries have specific rules, for example they state that P&I clubs cannot insure.

Certainly there should be an insurance to cover the risks which the MLC, 2006 entails, but it is still unknown where it will come from – P&I clubs or private insurers, or a combination. Whether the seafarers will be individually insured is a choice of the "buyer" of the insurance, the shipowner, who will decide whether to have a group insurance or individual insurance for the crew.

Sometimes the individual insurance does not have particular benefits for the seafarer. For the crew it is more important to be insured, than whether it is in individual or group scheme. In addition, there are often administrative and practical issues as individuals have to receive their insurance cards.

Complaints procedures

Some delegates noted that the procedures for seafarers' complaints should be open and transparent. Seafarers have to be able to choose between complaining to the union, addressing their complaints directly to the captain or to a person of trust chosen from the crew. Generally seafarers are concerned about their anonymity and they fear being "bullied" if they complain. Seafarers seem to prefer to use the traditional methods of going to the trade union representative or to seafarers' missions. In any case, there should be adequate machinery in place for investigating complaints.



It was stated, that there is no actual problem with the complaint handling procedure. The problem in fact is more the implementation of this procedure. An example where a complaint was handled by flag state and handed to the company showing the name of the seafarer was given. This shows that especially confidentiality needs to be given, to make a complaint procedure effective and useful. Otherwise, seafarers may face problems, as their name is given along with the complaint.

The workshop revealed that in the Black Sea region seafarers are mostly not aware of the complaint procedures. During onboard inspections it needs to be explained to them how to fill out forms and relevant documentation, as they seem to be unaware of the procedure; this guidance could be provided by ITF inspectors²⁸.

In Russia there is no official procedure for complaints onboard due to bureaucracy problems. Nevertheless almost every ship owner has a procedure for complaints on board. No particular complaint procedure for crewing agencies exists.

It was overall agreed that the most complaints noticed are with regard to unpaid wages. Especially the Philippines and India receive complaints from passenger liners, mostly because of non payment of repatriation expenses, and also cases where repatriation costs were charged at them.

There are issues with regard to the confidence in the procedure, and a fear to complain against the RPS.

Definition of Seafarers

There seems to be a problem with the definition of seafarers, as there are differences between countries. For example, one of the participants explained that in the Philippines cadets are considered and treated as seafarers, but in Panama they are not, because they are considered just trainees. Currently and according to the MLC, 2006 the FSs have the freedom to define and that is why different states have different interpretations of the definition of 'seafarer'²⁹. A few delegates mentioned that they

²⁸ The ITF has a network of around 130 Inspectors. They are based in around 43 ports around the world. They are trade union officials who are either full time or part time working as ITF inspectors. Generally they do not assist with the regular Port State Control. The job of the ITF Inspectors is, according to the information on the ITF's website, to help crew on flag of convenience ships or other seafarers who cannot be represented by a national trade union affiliated to the ITF. They inspect ships calling in their ports, to ensure that the seafarers have decent pay, working conditions and living conditions on board. They conduct routine inspections and also visit ships on request of the crew. If necessary they assist with actions to protect seafarers' rights as permitted by law. More information on what an ITF inspector can do available online: <http://www.itfseafarers.org/what-inspector-can-cant-do.cfm>

²⁹ The MLC contains a definition of seafarers. However, indeed it is quite a large definition. In case of doubt the MLC says that the national authority in consultation with social partners decides. Furthermore, there is a resolution of the ILO that also provides indications.



consider a uniform definition of seafarers should be applied, that, there should be standardisation, so that same rules apply everywhere, and cadets should have the same status everywhere.

Employment of seafarers from non ratifying states

Regarding the question about employing seafarers from MLC non ratifying countries, a delegate stated that from a shipowner's point of view, it is not a problem to hire seafarers from non-ratifying states, as long as they have the necessary qualifications. For example, seafarers from Ukraine continue to be hired even though the country has not ratified the MLC, 2006. It is generally believed that there is no hindrance to hiring crew from MLC non ratifying LSS.

One participant agreed that shipowners care more about qualification. He said that when they turn to a manning agency to look for crew, they treat them as if they are from an MLC ratifying country, so they have to comply with the requirements of the MLC, 2006. Otherwise the shipowner will simply use another manning agency to hire qualified seafarers.

The RPS has to comply with the requirements of the flag state of the vessel, so the crew has to cover the standards of the FS, regardless of whether they come from an MLC ratifying State, or not.

According to the MLC, 2006, regulations are incorporated into national legislation of the countries, but the States have the freedom of interpretation. Therefore it was mentioned "*we have to refer to the national legislation, because it has higher power*".

Social Security and insurance coverage

There are at least three areas of social security provided, with medical provision assigned to the ship owner. Overall discussed were the issues of social contribution payments into different social security systems worldwide. In particular problems seem to arise with regard to pension systems. The main proposal regarding this point was to exempt the seafarer, and let them stay in the social security system of their country of residence.

In the context of the EU rules on the coordination of social security, a problem was signalled with the A1 forms, which either were not given out by the competent national social security organisation, or where given out too late³⁰.

³⁰ A1 Form is a Statement of applicable legislation, useful to prove that a posted worker or a person who works in several countries at the same time, pays social contributions in another EU country. Further information: http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm



Suggestions from stakeholders

Addressing the aims of the study, the representative of a classification society³¹ suggested the following:

(1) EU countries need to provide web sites with lists of certified RPS for their country - each EU country is different and there is no easy way to find this information; (2) Commission could consider some form of higher level "seal of approval" (white list) world wide of RPS's that achieve this standard, which would be a world wide "seal" (as is done for equipment suppliers) and not dependent on the work of ratified or state authorities; (3) Commission could push for annual reports of (EU) Flag states to be comprehensive and to include details of the RPS they have certified, the certification process, and all violations that they have found, in order to explain there "sufficient" and "equivalent" interpretation of Reg 1.4; and (4) A 'shame and blame' approach could be adopted to 'bad' RPS and seafarers could be educated as to where to look for RPS certificates."

6. Summary results from Seafarers' Survey

As of September 24, 2015 a total of 519 seafarers had responded to the survey in the English (478) and Russian (41) language versions. Of these responses, 303 completed the survey in full, having answered a majority of the 74 questions. The majority of the questions that were not addressed by the 216 respondents who did not fully answer the survey, related to contracts and related terms of employment.

The table overleaf provides an analysis of the nationalities and crew positions of the seafarers who responded to the survey in English. This table has been organised by the following categories of states:

- Non-EU Labour Supplying States (LSS)
- EU LSS
- EU Flag States

³¹ DNV-GL. Personal interview during the European Manning and Training Conference in April 2015.



Table 6 - Survey Respondents (English)

Category	Nationality (Primary)	Counts										Total	
		Captain /Master	First Officer	Second Officer	Third Officer	Cadet	Eng, Officer	Steward	Rating	Other	No Response		
Non EU LSS	China												
	India	2	3		1	2	5	1	1	2			16
	Indonesia	1			1		1		1				4
	Malaysia								1				1
	Morocco												0
	Myanmar			1									1
	Philippines	4	4	5	7	105	6	7	8	23	1		170
	Russian Federation	10	6	6	3	1	15		3	1	2		47
	Ukraine	2		1									3
	Turkey		2										2
EU LSS	Bulgaria	2	1		1								4
	Croatia	4	1							1			6
	Greece	1					1			1			3
	Italy						1						1
	Poland	6	2	1			3		1				13
	Romania		1	1			2		1	1			6
EU Flag States	Denmark	4	6	1		1	1	1	2	4			20
	Cyprus	1											1
	France	5	7				1	1					14
	Luxembourg												0
	Germany	1			1								2
	Malta												0
	Netherlands	1		1			1						3
	Spain												0
	United Kingdom	3	1	1	1	3	2	1	8	5			25
	Other State	21	7	13	4	6	27	4	4	4	2		92
	No State	2	5	1	5	8	11	4	4	3	42		85
Total		70	46	32	24	126	77	18	34	45	47		519

A detailed description of the results of the seafarers' survey can be found in Annex IV hereinafter.

7. Detailed Review of Study Findings

7.1. Role of Competent authorities and RO's

Most MLC ratifying countries have stated to the ILO a single competent authority for MLC, 2006 matters. A second authority is stated from an EU MLC ratifying state (i.e. Netherlands). There are cases outside the EU, where more authorities are involved (as in Ukraine- MLC non ratifying state, and the Philippines- MLC ratifying state). The existence of multiple competent authorities may affect the consistency of implementation processes; the "one-stop-shop" principle may be considered more



efficient in the implementation of the MLC, 2006, as in other public administration practices (Torres, 2004; ReSPA, 2015).

Less than half of the EU member and MLC ratifying states have stated in the ILO the classification societies they authorise as ROs (varying from 5-7, all IACS members). From the non EU members, only the Philippines have stated 7 ROs, also IACS members. The selection of classification societies who are members of IACS is a vital choice for the FS and LSS who pursue the fulfillments of international standards for safe shipping, considering that 2/3 of the IMO member states contract with IACS members to check the compliance of the ships flying their flags with international standards. As Vorbach (2001, p. 7) notes, *"generally speaking, governments possess neither the inspection expertise required to uphold international standards nor the worldwide network of surveyors needed to ensure compliance. Contracting for the assistance of private actors indicates an effort to comply with international standards"*.

7.2. Interpretation of key definitions

A representative of ICS³² noted that *"on the vagueness of terms defined in MLC, the view of the participants was that had the ILO attempted to make clarify definitions, this would have further delayed the implementation of the MLC, 2006"*. This was also addressed by the representative of Intermanager³³, according to whom *"lack of clear definitions is a major problem with MLC, but the convention would not have been ratified if an attempt had been made to "clarify" definitions such as RPS, seafarer, etc."*

Definition of the seafarer

The representative of a classification society³⁴ has noted that there is a confusion with regard to the definition of the 'seafarer'. While the definition covers all workers including cabin and cleaning personnel, bar staff, waiters, entertainers, kitchen staff, casino personnel and aestheticians, there cases that need more clarification. Workshop delegates mentioned that well-known singers and models are not to be covered under the definition, while cadets are considered seafarers in most of the FS, but not in all. For instance, the Panama flag considers cadets as trainees and excludes them from the MLC, 2006 definition, as mentioned by the representative of the Panama FS. In case of doubt the MLC, 2006 says that the national authority in consultation with social partners decides. Although the MLC, 2006 provides a definition of the seafarer (Article II §1f), in practice there are different national interpretations. *"In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned"*

³² International Chamber of Shipping, UK. Personal interview in April 2015.

³³ Intermanager, Association of Ship Managers. Personal interview in April 2015.

³⁴ DNV-GL. Personal interview at the European Manning and Training Conference in April 2015.



with this question" (ILO Resolution VII concerning information on occupational groups³⁵, pp. 4-6).

Definition of the shipowner

The definition of who the shipowner is related to the obligations of the shipowner stemming from Regulation 4.2 of the MLC, 2006. The contractor party of the seafarer's SEA may be different from the ship owner, in the case of SRPS acting on behalf, or the rare cases of bareboat chartering. In relation to this, a representative of a classification society³⁶ noted that the most common discrepancy in the MLC certification of RPS in MLC non-ratifying countries is in respect to the SEA. *"The deficiencies raised have been in respect to the information required to be recorded on the SEA and in particular the recording of the name of the MLC shipowner to establish the link between the SRPS and that entity."* Also, a second representative of the International Chamber of Shipping (ICS)³⁷ commented that *"As with all new international instruments, some initial difficulties are to be expected as the various stakeholders enhance their understanding the instrument's terms and definitions. With regards to the MLC, 2006 there was initially some confusion regarding the definition of 'shipowner', however this issue was resolved early on. Shipowners and shipmanagers (operators), and others, can be the 'shipowner' under the MLC 'shipowner' definition which was purposefully drafted to provide the necessary flexibility to reflect the diversity of employment relationships within maritime crewing."* The representative of a classification society³⁸ noted that *"Not all RPS operate in the same way – some are the crewing arms of large shipowners"*.

According to the opinion of a representative of a private RPS in Croatia (EU member, MLC ratifying country)³⁹ *"[Trade] Unions want to force RPS to take on liability of shipowners relating to seafarers' employment agreements, where they are acting as crew managers. RPS claim that they only sign the SEA on behalf of the shipowner, and therefore should not be liable for the failure of the shipowner to adhere to the terms of employment of the SEA (e.g. repatriation, bankruptcy etc). MLC is not clear on this point. However the shipowners do not want RPS to act as the employer. Also, the RPS do not wish to be the employer for contractual obligations, and issues may arise, especially if they do not know well the Shipowner or the Shipowner is not a reputable name in the industry."*

³⁵ Online: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_088130.pdf

³⁶ Lloyd's Register Marine, pre-workshop questionnaire, June 2015

³⁷ International Chamber of Shipping. Pre-workshop questionnaire, June 2015.

³⁸ DNV-GL. Personal interview at the European Manning and Training Conference in April 2015.

³⁹ Croatia. Personal interview with the use of interview script in April 2015.



In the case of Romania, an EU member that has not ratified the MLC, the representative of a private RPS⁴⁰ mentioned that *"Many owners, including cruise ships operators, employing crew directly, approached manning agencies to act as their SRPS"*.

It is important to note that there is no indication that European shipowners have any motive or benefit from switching their ships' flags from MLC ratifying to MLC non-ratifying states. As mentioned by the representative of ICS⁴¹ *"the MLC will only have an attractive or positive effect on shipowners choice of flag (i.e. to flag with MLC Parties)"*, while the representative of a private RPS based outside the EU in the Philippines (MLC ratifying LSS)⁴² commented that *"It is evident with the preference [of European and other shipowners] to choose flags that have ratified and implemented the MLC, 2006; this aids in ships and crew to minimise any issues with PSC in order for an efficient and smooth voyage of their ships."*

However, the representative of a classification society commented that *"changes [in flags] may have occurred where a Flag State is insistent that the MLC shipowner must be the ISM DOC holder. In those circumstances it is possible that the ship manager (ISM DOC holder) has not accepted the responsibilities imposed under national laws and regulations and has moved the flag to a country that will allow the owner of the ship to take full responsibility for MLC"*⁴³.

Definition of RPS

The MLC (2006) Article II, paragraph 1 (h) (Definitions and Scope) defines Seafarer Recruitment and Placement Services (RPS) to mean:

"Any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners"

This definition was included in ILO Convention C179 on Recruitment and Placement of Seafarers (1996) which was later incorporated to the Maritime Labour Convention (2006), and mainly refers to RPS that are sometimes called "manning or crewing agencies"⁴⁴.

⁴⁰ Romania. Questionnaire reply in March 2015.

⁴¹ International Chamber of Shipping. Pre-workshop questionnaire, June 2015.

⁴² Magsaysay Maritime Corporation, Reply to Pre-workshop questions received in May 2015.

⁴³ Lloyd's Register Marine, pre-workshop questionnaire, June 2015

⁴⁴ ILO (2014). Handbook- Guidance on implementing the Maritime Labour Convention, 2006. Model National Provisions, p.14. Available online: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_170389.pdf



A Frequently Asked Questions (FAQ) about the Maritime Labour Convention, 2006 (March 7th, 2014)⁴⁵ document provides, in response to the question “What is a seafarer recruitment and placement service?” the following guidance:

“Article II, paragraph 1(h) of the MLC, 2006 defines a seafarer recruitment and placement service as “any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners”. Under Standard A1.4, paragraph 2, the Convention’s requirements relating to private seafarer RPS apply where their primary purpose is the recruitment and placement of seafarers or where they recruit and place a significant number of seafarers. In the event of doubt as to whether the Convention applies to a private recruitment and placement service, the question is to be determined by the competent authority in each Member after consultation with the shipowners’ and seafarers’ organizations concerned.”

RPS can operate under different schemes and with differing interpretations of MLC’s RPS definition, as has been duly noted during the interviews with some stakeholders⁴⁶, including independent manning agencies, crewing companies, ship management companies, branches of shipping companies and web job boards.

Workshop participants proposed that the definition should be based on the characteristics/ function of the services provided rather than the form (website or physical presence); if the organisation provided information only about seafarers (i.e. lists of CV’s) it was not considered as an RPS; if the organisation used this information to provide a list of suitable candidates to a prospective employer based on some explicit criteria provided to the organisation by the employer, it would be considered to be operating as an RPS. The case of the UK was discussed in the workshop, where, according to the representative of the UK Maritime & Coastguard Agency⁴⁷, the RPS are divided into “employment businesses” and “employment agencies”, both considered under the MLC, 2006 RPS definition, but with a different licensing obligation. The two entities are: (a) Employment Agencies (EAs), where the agency is providing a vehicle for seafarers to establish contact with potential employers, and (b) Employment Businesses (EB’s) where the agency is the employer of the seafarer (considered to be an RPS licensed by the UK authorities and subject to MLC, 2006). According to the UK representative the employment agency is not considered an employer, as it only mediates by providing ‘space’ for job posting. The employment agency places the seafarer on the ship, but the seafarer is then employed by the shipowner; in that case it is clear that this entity does not undersign the seafarers’ employment agreement acting on behalf of the shipowner. The discussion also revealed that in Cyprus there are companies providing information and selection services for seafarers that are not resident in Cyprus (i.e. foreign crew) and these are not certified as RPS in Cyprus. The representative of the Cyprus FS mentioned that these entities are suggested that they

⁴⁵http://www.ilo.org/global/standards/maritime-labour-convention/what-it-does/faq/WCMS_238010/lang-en/index.htm

⁴⁶ Intermanager, Association of Ship Managers, Isle of Man. Personal interview in April 2015.

⁴⁷ UK Maritime & Coastguard Agency. Personal interview. in February, 2015.



should be certified in the state of origin, meaning by the country authorities whose seafarers they select.

7.3. Public/ Private RPS schemes

The MLC, 2006 considers both the public and private form of the seafarers recruitment and placement service providers. While public RPS may co-exist with private RPS, the MLC, 2006 has introduced specific standards concerning the operation and supervision of the private RPS. Also, the MLC, 2006 states that *"undue proliferation of private seafarer recruitment and placement services shall not be encouraged"* (Standard A1.4 §2). During the workshop it was noted by a representative of classification society that the number of RPS in some countries seems very big, thus proposed that "there should be a way to regulate the number of RPS". However, directly limiting the number of RPS would be against free competition, as well as against the freedom to provide services and freedom of establishment, especially within the EU.

Public SRPS exist in nine out of the 15 selected EU member countries who have ratified the MLC. In Bulgaria, Italy, Croatia, Cyprus, Germany, Netherlands, Poland, Spain and Greece⁴⁸ there is one public SRPS. Especially in the case of Greece, the Hellenic Port Authorities act as branches of the public SRPS⁴⁹ (named Seafarers' Labour Recruitment Office). Moreover, the representatives of the Seafarers' Trade Union in Greece⁵⁰ mentioned that *"although the Hellenic Seamen's Federation participates as a minority in the Board of Directors of the Seafarers' Labour Recruitment Office (public RPS), along with the Shipowners' Association representatives, the way the public RPS operates and assists the Greek seafarers in the recruitment and placement is not considered by us satisfactory."* In Cyprus there are three⁵¹ public RPS, while in Poland there are 340. It is worth noting that in Greece and Cyprus, a number of private RPS operates as branches of foreign-based RPS in order to promote employment of foreign crew in national owned/managed/flagged ships.

There is no public SRPS exist in Romania (EU member, MLC not ratifying country).

Among the four selected countries outside the EU that have ratified the MLC, 2006, there are two countries that operate a public RPS (i.e. Morocco- but not specific to seafarers, and Russia).

⁴⁸ <http://www.generg.gr/> (in Greek)

⁴⁹ Hellenic Coast Guard, , Ministry of Finance, Infrastructure, Shipping and Tourism, Greece. Interview script May 2015.

⁵⁰ Hellenic Seamen's Federation, Greece. Personal interviews in March, April and May 2015.

⁵¹ http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmldistrict_en/dmldistrict_en?OpenDocument , provided by Cyprus Dept. of Merchant Shipping, Ministry of Transport, Communications and Works. Interview script received in May 2015.



Among the selected countries outside the EU who have not ratified the MLC, 2006, the majority of them (5/6) operate public SRPS (i.e. China, Myanmar, Turkey, Ukraine and India).

In six MLC ratifying and EU countries there is a **combination of both a public and private RPS** (i.e. Bulgaria, Croatia, Germany, Spain and the Netherlands, and unofficially in Poland). Among two EU members and MLC ratifying states, (Denmark, and the UK⁵²) only private RPS exist. Also, in Poland the number of public RPS (i.e. 340⁵³) is higher than that of the private (69⁵⁴), as indicated by a stakeholder representing the competent authority⁵⁵.

Among the states outside the EU who have ratified the MLC, 2006, Russia operates a public and numerous private RPS, Malaysia (seems to operate four private RPS) and Philippines operate the highest number of private SRPS (822).

Among the states outside the EU who have not ratified the MLC, 2006, China, India Myanmar, Turkey and Ukraine operate both a public and numerous private RPS.

Table 7 - Numbers of public and private SRPS in the targeted countries

	Public	Private	Combination
EU MLC	Bulgaria (1) Italy (1) Croatia (1) Cyprus (3) Denmark (0) France (unknown) Germany (1) Greece (1) Luxembourg (0) Malta (unknown) Netherlands (1) Poland (340) Spain (1) UK (0)	Bulgaria (80) Italy (unknown) Croatia (33 unof.) Cyprus (0, but 132 unof. as branches of foreign SRPS for foreign crew) Denmark (4) France (unknown) Germany (66) Greece (0, many exist as branches of foreign SRPS) Luxembourg (0) Malta (20 unof.) Netherlands (6 unof.) Poland (69 unof.) Spain (unknown, 13 unof.) UK (80)	Bulgaria, Germany, Croatia (unof.), Netherlands (unof.), Poland (unof.), Spain (unof.)
EU non MLC	Romania (0)	Romania (114)	No.
MLC	Malaysia (0) Morocco (1 not SRPS) Philippines (0) Russia (1)	Malaysia (4) Morocco (unknown) Philippines (822) Russia (391)	No.
non MLC	China (1) India (2) Indonesia (unknown) Myanmar (0) Turkey (1) Ukraine (1)	China (210 unof.) India (339) Indonesia (unknown) Myanmar (163) Turkey (183 unof.) Ukraine (77 unof.)	China (unof.), India, Turkey (unof.), Ukraine (unof.)

⁵² UK Maritime & Coastguard Agency. Personal interview in February, 2015.

⁵³ <http://psz.praca.gov.pl/>

⁵⁴ http://www.kraz.praca.gov.pl/Download/AZ_Marynarze.pdf (in Polish).

⁵⁵ Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, Poland. Interview script May 2015.



Websites and online job boards⁵⁶

The responses of seafarers relating to current employment indicate considerable use of web-boards. Half of the respondents have registered to a web-board Internet service, while 11% of the 167 seafarers using web-based services were charged a fee and 54% of 181 respondents were contacted by a prospective employer as a result of having posted their CV's on web-board services.

Websites of RPS are present in several countries of the study, but only in two cases of EU MLC ratifying States (i.e. Germany and Spain) these are regulated under the same scheme of RPS. Thus, in Germany no website for seafarer employment or RPS is allowed to operate in the territory, unless it is approved by the respective authority. All private RPS in Spain must be approved by the Directorate General of the Merchant Marine, and the same applies to websites; websites for seafarer employment are allowed to operate in the territory only with licensing. In the case of the UK though, websites who offer web placement of CV's and job opportunities are allowed to operate under the "agencies" RPS scheme, but are not subject to MLC, 2006 standards.

Many RPS websites operate "virtually" without providing location information, and therefore it is not possible to determine which, if any, national or international inspection and monitoring system applies, as required by the MLC, 2006 or the ILO C179 (1996). These websites may often charge fees to the seafarers for posting their Curriculum Vitae (CV) online, having access to job advertisements or other services. These websites allow shipping companies to have access to seafarers' personal data (CVs, medical and other certificates relevant to maritime employment) on the payment of appropriate fees.

A representative of such a website based in the EU, in an MLC ratifying country, stated that *"we do charge some fees to both seafarers and shipping companies for the services we offer. Although we are not considered RPS as per MLC, 2006 definition, I am interested in learning more about the compliance of our entity with MLC, 2006. There are free-of-charge services to the seafarers, and there are premium services for which there are charges to the seafarer. Such additional packages may include for instance, consultation on the structure of the CV, background information on the possible employer and other."* The representative of a classification society⁵⁷ mentioned in relation to this, that *"According to our experience made so far, these online companies are not recruiting seafarers on behalf of shipowners but placing seafarers on seafarers request; so there is no contractual agreement between the online recruitment company and the shipowner."*

⁵⁶ Examples are included in Annex I.

⁵⁷ DNV-GL, interview script May 2015.



In the case of Turkey, an MLC non-ratifying LSS outside the EU, the representative of the Seafarers' Trade Union mentioned that "Fly by night RPS establish web presence, take cash and disappear". Further, a representative of the EC⁵⁸ noted that "The ability of individuals to set up web sites which act as if they are RPS but charge fees, and then "disappear" without providing any services is an issue for seafarers. Seafarers are not aware of the importance of certification of RPS, and the information about the certification status of RPS is not prominently displayed (other than in the Philippines)."

7.4. RPS Regulation, Operation and Supervision

RPS Regulation

The MLC, 2006 does not require from the states to promote the establishment of private RPS; but requires "where a Member has private recruitment and placement services operating in its territory whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation" (Standard A1.4 §2).

Among six EU MLC ratifying states there is a mandatory regulatory system (licensing/certification), while in three states it is on a voluntary basis. Also, in Romania (EU, MLC non ratifying LSS) there is mandatory system too. Outside the EU, there is a mandatory system in three MLC ratifying major LSS (Philippines, Russia, Malaysia) and in other four MLC non ratifying major LSS (China, India, Myanmar, Turkey). More specifically, in the UK both two categories of seafarers' employment entities are regulated by the Department for Business Innovation & Skills. The MCA also relies on a voluntary scheme for the certification of employment agencies, under which the operations of the RPS are audited. There are so far 69 voluntary certificated RPS in UK, however non-certified RPSs are still subject to the UK Law. The Department of Business Innovation and Skills makes standard inspections. The ILO representative in the workshop highlighted the need in the UK to check the national mechanisms of RPS control, inspection and supervision.

Where the certification of RPS is being assigned to Recognised Organisations (RO), as in the case of Denmark, Cyprus, the UK⁵⁹ and the Netherlands (EU and MLC ratifying states) the Flag and Labour Supplying States are still required to establish a monitoring system that will ensure that certified RPS operate under MLC, 2006 standards.

⁵⁸ European Commission, Belgium. Interview via telephone, May 2015.

⁵⁹ UK Maritime & Coastguard Agency. Personal interview, February 2015.



In the case of Philippines, the private seafarer RPS licensing system – as indicated by the representative of a private RPS⁶⁰ requires that "(a) Crew Management Company must be registered with the security and exchange commission, and (b) Crew Management Company must secure license at the Philippine Overseas Employment Administration (POEA) before they can start recruiting and deploying seafarers onboard vessels." The representative of a private RPs in the Philippines claimed unaware of uncertified SRPS in the territory⁶¹, although the official website of the competent authority publicizes the full list of all SRPS, comprising those with valid and expired license.

No licensing, certification or other regulatory system for private RPS exist in Greece, Cyprus, and Luxembourg (EU MLC ratifying).

Table 8 summarises the different approaches to licensing/ certification or other regulatory methods used for SRPS.

Table 8 - Licensing/ Certification other regulatory scheme for Private SRPS in the targeted countries

EU MLC	Mandatory: 6 (Bulgaria, Croatia, Italy, Germany, Netherlands, Spain). Voluntary: 3 (Denmark, Poland, UK), No system: 3 (Cyprus, Greece, Luxembourg), Unknown: 2 (France, Malta)
EU non MLC	Mandatory: 1 (Romania)
MLC	Mandatory: 3 (Malaysia, Philippines, Russia), Voluntary: 2 (Morocco and Russia- as additional)
non MLC	Mandatory: 4 (China, India, Myanmar, Turkey), Unknown/ unclear: 2 (Indonesia, Ukraine)

In some cases the certification from ROs is in addition to the mandatory licensing system, or is conducted due to absence of any licensing or certification system. It is important to note that, as stated by a representative of a classification society⁶², some private RPS in non MLC ratifying countries (one also an EU member) have initiated a process of being certified by a classification society even before the date of MLC, 2006 (i.e. 45 certified SRPS in China, Myanmar, India, Indonesia, Myanmar, Ukraine and Romania). Further 22 private SRPS in China, India and Indonesia, have been certified for compliance with Regulation 1.4 of the MLC, 2006 after 20th August 2013. An analysis of the number of certified SRPS by DNV-GL before and after the MLC, 2006 implementation date is available in Table 12 in Annex I. Findings show that a large number of RPS have been certified by a major classification society (acting as RO)

⁶⁰ Philippine Transmarine Carriers Inc., Philippines. Interview script April 2015.

⁶¹ Philippine Transmarine Carriers Inc., Philippines. Interview script April 2015.

⁶² DNV-GL. Interview script, June 2015.



before and after the implementation of the MLC, 2006, both in countries that have ratified the MLC (70 before and 53 after, 123 in total) and in non-ratifying countries (45 before and 22 after, 67 in total). In the case of Poland (EU member, MLC ratifying) a representative of the competent authority⁶³ mentioned that the *"Maritime Administration (comprising 3 Maritime Offices) authorizes RPS according to Regulation MLC 2006 A.1.4. After having completed audit, the Maritime Conformity Declaration is issued to the RPS. The scope of the audit covers A 1.4"*.

In this vein, the case of Panama (MLC ratifying FS) is herein presented in short, as provided by a representative of the Panama Maritime Authority⁶⁴. Special consideration needed to the recent resolution concerning the regulation of SRPS that are located abroad. This Panamanian example is explained in more detail in Annex 1, section 7.6.

Cost of RPS certification/ licensing

An EC representative⁶⁵ commented that the RPS certification is *"a critical issue and one that creates considerable overhead for shipping companies who are individually responsible for ensuring the compliance with the MLC, 2006 for each RPS that they work with; some kind of central registry could resolve this issue. This could also address the complaint of ROs that many EU Member States do not report regularly on their actions to certify RPS nor do they publish lists of certified RPS"*. Further, the considerable high cost of issuing a certificate was raised by several RPS representatives during the workshop. An RPS representative noted that *"especially when there are a number of companies that issue certificates on different levels, the RPS have to pay several times for receiving a certificate by each one of them. "Each country should issue one standardized certificate for the RPS agencies. With one document a lot of time and money would be saved, that are now wasted for issuing several different certificates"*. By *"several different certificates, the stakeholder refers to the various voluntary and -in some cases- obligatory certificates, such as ISO certification, Quality Management certification, or other government certificates. It was pointed out that "as vessels become compliant to the requirements of the MLC, 2006 by a standardised certification system by the FS, in a similar way, there should be one simple proof whether an RPS agency is compliant – one document proving compliance"*.

Publication of lists of RPS by national authorities

Among the EU members, 3 MLC ratifying from the selected states (i.e. Bulgaria, Denmark and Germany) publish the list of licensed RPS. Also, in Cyprus a similar list

⁶³ Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, Poland. Interview script May 2015.

⁶⁴ Seafarers General Directorate, Panama Maritime Authority. Interview script May 2015.

⁶⁵ European Commission, Belgium. Interview via telephone May, 2015.



goes on public, but is not specific to seafarers RPS, since there are officially no private RPS in Cyprus. In Italy the Ministry of Labour has a public web portal for employment called: Cliclavoro.com, but it remains unclear if licensed RPS go on public, and specifically to seafarer RPS. In the UK no list of licensed RPS goes in public.

With regard to Romania (EU member but MLC non-ratifying LSS) the competent authority publishes online a relevant list⁶⁶.

Outside the EU there are a few cases of publication and dissemination of the SRPSs' compliance status. Among the MLC ratifying countries, the Philippines Overseas Employment Authority (POEA) publicizes an online database of RPS with valid licenses and those with expired or problematic licenses, and keeps the list regularly updated. In Morocco, a list of licensed RPS goes in public at the website of the Ministry of Employment and Social Affairs, but not specifically for seafarer RPS. Finally, in India (non MLC ratifying country) a list of licensed seafarers' RPS is published in the website of Directorate General for Shipping.

During the workshop it was mentioned that *"it is difficult to create RPS list published, especially taking into account the issue of harmonisation, as in different countries different standards apply"*, however, as noted by the representatives of classification societies *"lists of all certified RPS should be available in one place, for example on an official webpage, with name of the agency, address, date of issue of certificate and date of expiry. Also there should be information about the competent authority seafarers can turn to in case of problems with employment through a non regulated RPS"*.

Publication of lists of RPS by ROs

In the case of voluntary certification from authorised ROs (i.e. classification societies), a survey among the 12 International Association of Classification Societies (IACS) members⁶⁷ showed that six of them have certification standards based on MLC, 2006, Standard A1.4 (i.e. ABS, BV, DNV-GL, NK, RINA, and RS). Previous research (Progoulaki, 2012) showed that it is not a common practice among RO to publish the certified SRPS. The current survey revealed that only Class NK publishes online the certificates issued to seafarer RPS⁶⁸.

In relation to this, seafarers' survey revealed that they may often be unaware of the compliance status of the RPS they cooperate with.

⁶⁶ <http://portal.rna.ro/SiteAssets/PDF/crewing.pdf>

⁶⁷ ABS: American Bureau of Shipping; BV: Bureau Veritas; CCS: China Classification Society; CRS: Croatian Register of Shipping; DNV- GL: Det Norske Veritas merged with Germanischer Lloyd; IRS: Indian Register of Shipping; KR: Korean Register of Shipping; LR: Lloyds Register; NK: Nippon Kaiji Kyokai; PRS: Polski Rejestr Statkow; RINA: Registro Italiano Navale; RS: Russian Maritime Register.

⁶⁸ http://www.classnk.or.jp/hp/pdf/activities/mlc/reg_mlc.pdf



The case of Panama (MLC ratifying FS) is herein presented in short, as provided by a representative of the Panama Maritime Authority⁶⁹, because of its identified interesting approach:

"The way to monitor how the RPS comply with the dispositions of Executive Decree 86 of 2013 and MLC, 2006, is established in Executive Decree 41 of 2005, as amended, which states the right of the Ministry of Labour and Workforce Development to verify and check the RPS. In this sense, the Ministry has a team of inspectors visiting the agencies without notice from time to time to verify that the RPS keep the records required by Rule 1.4 of the MLC, 2006 and that they are in accordance with the requirements.

When irregular situations are founded, the Ministry has two types of penalties to apply:

- a) The temporary suspension with a fine, and*
- b) The definitive cancellation of the operating license.*

Each one of these penalties is described in the Executive Decree 41 of 2005, as amended. Among the major causes that can motivate a definitive cancellation of the operating license are: the charging seafarers for the service given; discrimination and blacklisting."

Guidance concerning RPS services in MLC non-ratifying States

All MLC ratifying States have the obligation to inform the seafarers for the risks of being employed on ships flying the flag of a state that has not ratified the MLC, 2006. The study team identified one case of an EU Member and MLC ratifying state- the UK, and an MLC ratifying FS outside the EU (and outside the sample of selected countries of this study), -Panama, which has issued a guidance to national seafarers who are considering accepting employment through a RPS that is operating in an MLC non-ratifying state.

7.4.1. RPS Operation

Seafarers' Personal data

Standard A1.4 §5c-i) states that SRPS shall "maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the competent authority".

In this vein, the representative of the competent authority of Cyprus⁷⁰ (EU member, MLC ratifying state) mentioned that the country determines the conditions under which seafarers' personal data may be processed by seafarer RPS in particular law [Section 28 Law 126(I)/2012].

⁶⁹ Seafarers General Directorate, Panama Maritime Authority. Interview script May 2015.

⁷⁰ Dept. of Merchant Shipping, Ministry of Transport, Communications and Works. Interview script May 2015.



Among all the private RPS interviewed in the frames of the study it was found that the seafarer's personal data is kept in a record and follow the requirements of Standard A1.4. Further, these include seafarers' qualifications, record of employment, list of ships that the RPS provided employment to the seafarer, family/ next-of-kin contact details, bank account for wage pay, appraisal results, complaints of the seafarer concerning employers.

The role of the websites operating as seafarer RPS needs further investigation for the access, processing and sharing of seafarers' data, because as a Romanian RPS representative⁷¹ mentioned, "we pay fees to Web Boards to access lists of [seafarers'] CV's"; thus there is no control of the shared information of the seafarer to third parties.

Verification of seafarers' qualifications and validity of certificates

Standard A1.4 §5c(iii) states that "A Member shall in its laws and regulations or other measures, at a minimum ensure that seafarer RPS operating in its territory verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned [...]". In this respect, the IMO verification system is available online⁷², while some countries have established a national system for allowing the check of the seafarers documents' validity, such as the Polish online STCW certificate authenticity verification system⁷³ or a similar one in Cyprus⁷⁴. Especially in the case of the Philippines, while validation can be conducted online⁷⁵, the representative of a private RPS⁷⁶ mentioned that this can also be ensured by checking the "documents issued by Maritime Industry Authority [which] are printed in security paper with water marks. Authenticity can also be checked by placing them under the ultraviolet light for the security marks." In this respect, the RPS and shipping companies can use an official source to examine the validity of the certificates of seafarers they employ. As was noted by a workshop delegate "the matter whether RPS deliver quality crew or not, is [currently] subjective".

Access of seafarers to world maritime labour market

Although there is no data available on the exact number of seafarers using private RPS, one can estimate that the majority of the world maritime labour is recruited through the mediation of RPS. By correlating the number of seafarers among the major LSS and the national owned and flagged fleet size among the major FS and registries, one can understand that national seafarers who can seek directly employment by approaching

⁷¹ Barklav Manning Services, Romania. Telephone interview in April 2015.

⁷² <http://www.imo.org/OurWork/HumanElement/TrainingCertification/Pages/CertificateVerification.aspx>

⁷³ The Polish online STCW certificate authenticity verification is <<https://centrum.phics.gov.pl/umverifi/>> and is available in Polish. Source: Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, Poland. Interview script received in May 2015.

⁷⁴ www.shipping.mcw.gov.cy, provided by Cyprus Dept. of Merchant Shipping, Ministry of Transport, Communications and Works. Interview script received in May 2015.

⁷⁵ Validation provided online from the Maritime Industry Authority (MARINA) website; www.marina.gov.ph

⁷⁶ Philippine Transmarine Carriers Inc., Philippines. Interview script May 2015.



national shipping companies are rather limited (mainly in countries where there is a large state owned fleet or national flagged fleet (e.g. China, Greece, Russia). On the other hand, countries which lack national fleet but have a large number of seafarers, most possibly rely heavily on private RPS in order to promote their maritime labour in the international shipping market (e.g. the Philippines). One shall also consider that in countries where no public SRPS exist, there is a chance that private RPS may cover the need to create a link between shipowners and crew⁷⁷.

The majority of seafarers who participated in the study's survey were hired in their current position directly by the shipping company or through an RPS, each accounting for 40% of the responses, with some 19% being recruited through a ship management company.

The representative of ITF in the UK⁷⁸ indicated that *"In some states blacklist is operated 'undercover'; the agent or shipowner requires only particular doctors to issue medical certificates, and the crew members who are known to have registered complaints will find that they are being refused medical certificates for no reason."* Also, *"ILO and ITF considered 'white and grey' lists for crewing agents but it is difficult to accuse without formal proof, and there is a legal liability if challenged by a crewing agency."*

The seafarers' survey revealed that some seafarers, especially of Filipino nationality have experienced being deterred from gaining employment for which they were qualified, via lists known as "blacklist". While about 8% among 94 respondents reported having been personally blacklisted, a quarter of whom said to have been warned by an RPS, overall 14% of the respondents believes that blacklists exists.

Also, in Turkey, an MLC non-ratifying LSS outside the EU, the representative of the Seafarers' Trade Union noted that there is a *"Big blacklisting problem – there is an 'official' list that is used by Turkish shipowners (illegally) but there are so many names on the list that it is basically useless."* A workshop delegate pointed out as a problematic area that *"there is no standardized agreement between the RPS and the seafarers, describing seafarers' rights, RPS obligations, which has power of attorney and has the right to sign the employment agreement"*.

The employment of seafarers from countries who have not ratified the MLC, 2006 showed unaffected, at least from the perspective of the shipowners. Workshop delegates representing shipowners' associations mentioned that *"There is no hindrance to hiring crew from non-MLC countries. [...] Shipowners care more about qualification, and when they turn to a manning agency to look for crew, they treat them as if they are from an MLC ratifying country, so they have to comply with the requirements of the*

⁷⁷ Further analysis on the role of manning agencies and crewing companies in maritime labour supply and demand chain is available in Progoulaki (2012) and Papademetriou et al. (2005).

⁷⁸ International Transport Workers' Federation, UK. Personal interview in March 2015.



MLC, 2006. Otherwise the shipowner will simply go to another manning agency to hire qualified seafarers. It is the RPS that has to comply with the requirements of the flag state of the vessel, so the crew has to cover the standards of the flag state, regardless of whether they come from an MLC country or not”.

Charging of illegal fees

The MLC, 2006 requires that “no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer [...]” (Standard A1.4, §5b). Although the actual number of respondents who paid a fee is low, there may still be an issue with charging of placement fees.

The online survey among seafarers revealed that respondents have experienced charges of fees from private RPSs in MLC ratifying countries, against the MLC, 2006 regulation. Further, with special regard to websites offering maritime job employment boards, it is often that seafarers pay a fee to register, upload their CV and receive information on available job openings.

Signatory party/parties of SEA

According to MLC, 2006 “seafarers working on ships that fly [a Member’s] flag shall have a seafarers’ employment agreement signed by both the seafarer and the shipowner or a representative of the shipowner providing them with decent working and living conditions on board the ship” (Standard A2.1 §1a).

The seafarers’ online revealed that there are times that the SRPS signs as a third contracting party to the SEA. This issue is related to the definition of who the shipowner is, to be discussed later.

Payment of wages

The seafarers’ survey revealed that 10% of the 118 respondents claim that wages are not paid according to the scale in their seafarer agreement. Forty one per cent of 120 respondents report deductions from their wages mostly mentioning taxes, social security and other government mandated items as deductions. During the workshop it was overall agreed that the most complaints noticed are with regard to unpaid wages. Especially in the Philippines and India there are a lot of complaints from seafarers working on passenger liners, mostly because of non payment of repatriation and also of cases where repatriation costs were charged at the seafarers.

RPS Supervision

Standard A1.4 (§6) requires that “*the competent authority shall closely supervise and control all seafarer recruitment and placement services operating in the territory of the Member concerned*”. The supervision or inspection systems of licensed or certified or otherwise regulated RPS remains unknown to many of the countries under examination, mainly because such a supervision system is under-developed or non-existent in most MLC ratifying states for the study.



More specifically, among EU members and MLC ratifying countries, Croatia operates a mandatory licensing of RPS system from the Ministry of Maritime Affairs, Transport and Infrastructure; also, supervision takes place at least once per two years. In case of non-conformities, corrective actions shall be taken, or else the license is withdrawn. In Netherlands the RPS certification is provided by ROs. However, the Ministry for Employment and Social Affairs has set up a special inspection team to combat unscrupulous temporary work agencies. Further, in the case of Poland (EU member, MLC ratifying) a representative of the competent authority⁷⁹ mentioned that *"Maritime offices [of the competent authority] inspect the records of the private [seafarer] RPS [that operate in their territory], and there are three kinds of audit: initial, renewal and ad hoc audit"*. In the case of Cyprus, the State supervises the licensing or certification system of the RPS on the basis of a system of quality standards⁸⁰, with particular law [i.e. Law 126(I)/2012]⁸¹.

Among the non EU MLC ratifying countries, in the Philippines there are unscheduled inspection taking place by the Philippine Overseas Employment Administration (POEA)⁸².

In Morocco, supervision of RPS is performed by the Merchant Shipping Directorate which operates in close collaboration with the inspectors of the Ministry of Employment's labour inspectorate.

In non EU non MLC ratifying states, and in particular concerning China, an interview with a private RPS⁸³ shows that China MSA, the competent authority, inspects and audits private RPS once a year.

Inspection of private RPS

During the workshop representatives of classification societies noted that *"although licensing should be a prerequisite for RPS, there should be more focus on auditing and controlling the RPS by national authorities or other. Monitoring of the agencies should be more transparent in order to ensure that RPSs implement MLC regulations in their systems"*. During the workshop the idea of introducing a team of EU inspectors, similar to EMSA team of STCW inspectors was discussed. The delegates representing shipowners and RPS noted that *"as licensing is done on national level this was not considered as an appropriate approach. Also, there is no legal base for such inspections from an EU body, as in the case of STCW convention"*.

⁷⁹ Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, Poland. Interview script May 2015.

⁸⁰ Part IV. Law 126(I)/2012

⁸¹ Provided by Cyprus Dept. of Merchant Shipping, Ministry of Transport, Communications and Works. Interview script received in May 2015.

⁸² Philippine Transmarine Carriers Inc., Philippines. Interview script May 2015.

⁸³ Sinocrew Maritime Services Co., Ltd., China. Interview script May 2015.



Further, with regard to PSC inspections, the workshop delegates discussed that PSC officers look at the basis of recruitment and placement, the more general issues. *"PSC officers are not over-familiarised with the RPS under the MLC, 2006. Social security is not a responsibility of PSC to examine, as such responsibilities are not clearly defined under the MLC, 2006"*. It was stressed by the delegates that procedures for the PSC need to be further clarified; *"PSC needs to avoid disadvantaging the seafarer and there should be a stronger focus of PSC to train and allocate more specialised PSC officers"*. Capacity building for PSC controls for both MLC ratifying and non-ratifying countries in terms of Regulation 1.4 of the MLC, 2006 was stressed. Finally, it was mentioned that the level of inspections between FS or PSC in different ports is highly varying; Paris MOU is a good example, while in Panama for instance it is difficult to dedicate PSC officers on the MLC, 2006.

7.5. Seafarers' Employment Agreements

Contract length and period of employment

Standard A2.1 §4g of the MLC, 2006 on SEA, envisage SEAs of an indefinite period. Considering Standard A2.5 §2b on repatriation stating that "the maximum duration of service periods on board following which a seafarer is entitled to repatriation- such periods to be less than 12 months", and Standard A2.4 §2 on the entitlement to leave according to which "the annual leave with pay entitlement shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment", one understands that the MLC, 2006 establishes some limitations on the period of continuous service on board a ship. During the workshop, differences were identified in the period of employment, while it was questioned if this period could be extended, and if the contracts included a month of holidays within the 12 months, or after it. The ILO representative commented that agreement termination is not needed in the SEA, since SEA can be made for indefinite period. However, in terms of annual leave, after 12 months seafarers have the right to take the leave. Within the EU, the Directive on working time of seafarers (1999/63/EC⁸⁴) provides for an annual leave for seafarers, which is apparently not respected in practice. It was stressed by the ILO representative that *"a seafarer cannot work for 12 months without holidays, because it is a matter of fatigue"*, thus fatigue make put in risk the ship's safety.

The seafarers' survey revealed that a small percentage (17%- 19 out of 113 respondents) claimed that they still (meaning 2 years after the MLC, 2006 came in force) have contracts lasting more than 12 months. Furthermore, around one third of the 106 seafarers admitted that the period of notice for early termination they were required to give was different from what the shipowner is required to give. The last point however needs per case examination, as the early termination clause is found to vary among different CBAs.

⁸⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31999L0063>



Regarding the length of seafarers' contracts, Thomas *et al.* (2005: 100) mentioned the cases of countries where there are certain practices identified. For instance, in China "*in order to deal with surplus seafarers, large employers have adopted policies to shorten seafarers' sailing time by as much as half so that seafarers take turns to go to sea. Such strategies have resulted in Chinese seafarers working for local companies having a sea time of six months with a corresponding leave period of a further six months. Chinese seafarers working for foreign shipowners can expect to work for one year or longer before they are allowed to take three to four months leave ashore. Indian seafarers experience tours of similar duration, however they correlate more strongly with rank (with officers enjoying shorter contracts than ratings) than with flag or company. For British seafarers, leave period varied from equal time to a ratio of 2:1 (work to leave)*".

Dual seafarers' contracts

The representative of ITF in the UK⁸⁵ has duly noted that "*a major problem in the Philippines is that there is practice of using two contracts signed with the seafarer – one with the manning agent, and a second contract with worse terms signed between seaman and ship when he goes on board.*" This seems to be a practice according to which seafarers sign two SEA, one which is the formal official one to be used in case of a PSC inspection, and a second which includes the actual -worse- wage, terms and conditions of the employment. It is worth noting that the representative of a private RPS in the Philippines⁸⁶ was unaware of the issue of seafarers' 'dual contract'. This practice seems to be common in the maritime labour market, for seafarers from developing countries. A similar case concerning seafarers from Bangladesh is presented in Annex I, where a manning agency approaches shipmanagement companies with the motive to employ crew with dual contracts and wages.

Existence and status of Collective Bargaining Agreements (CBA) for seafarers

Among the examined 16 EU members (including Romania which has not ratified the MLC, 2006), seven seem to have at least 1 CBA for seafarers. Among the MLC non ratifying countries, China has five CBAs, while India, Myanmar, and Ukraine seem to have a CBA, however further clarification on the status and the content in relation to the MLC, 2006 requirements (A2.1) is needed. The CBAs' status may vary significantly, from cases that the CBAs are equivalent to law (e.g. Greece, France), to the ones that CBAs are only in the form of bilateral agreements (Poland) and other that are on a voluntary basis and limited to nationals working on national-flagged ship (e.g. Cyprus). For instance in the UK, the representative of Nautilus International mentioned that "*CBA for UK seafarers has been negotiated by ITF, with input from Nautilus*", and that "*Nautilus does have some CBA's with certain lines, i.e. P&O and Maersk*". In Greece there are 6 CBAs for Greek officers and crew (three for cargo ships 4500 dwt and over,

⁸⁵ International Transport Workers' Federation, UK. Personal interview, March 2015.

⁸⁶ Philippine Transmarine Carriers Inc., Philippines. Interview script May 2015



and three for passenger ships), the validity of which is under question, since they have not been revised nor re-validated since 2012 (Progoulaki, 2014).

The Collective Bargaining Convention (C154)⁸⁷ (and its accompanying Recommendation, i.e. R163)⁸⁸ were adopted by the ILO to complement the Right to Organise and Collective Bargaining Convention (C 98). According to C154 (Article 2) the term collective bargaining "extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations." In terms of the methods of application, the provisions of C154 (Article 4) "shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations." Further, C154 requires that measures adapted to national conditions shall be taken to promote free and voluntary collective bargaining (Preamble and Article 5). While C154 has not been consolidated in the MLC, 2006, eight of the countries under examination have ratified it⁸⁹.

Alderton (2005:90) notes that "there are no data series listing seafarers' trade unions and their memberships on a world regional or global basis. Neither there are any regular surveys of the extent of collective bargaining. The best available indication of the scale of trade unions can be gleaned by looking at the number of trade unions affiliated to the ITF, according to which around 50 seem to be directly related to seafarers' trade unions⁹⁰. Apart from the absence of the state-controlled trade unions of China, most of the world's eligible organizations are ITF affiliates.

The seafarers' survey showed that more than half of the seafarers are covered by CBAs, and more than a third of the 133 responses claim not to have been given a chance to examine and seek advice on their SEA before signing. More than 70% of the respondents say that their contracts were explained to them, mostly by the manning agent.

CBAs availability in English

⁸⁷ ILO (1981), C154 Collective Bargaining Convention, ILO, Geneva. Online: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312299:NO

⁸⁸ ILO (2015), Promoting collective bargaining (C154 and R163), International Labour Office, April 9. Online: http://www.ilo.org/travail/areasofwork/WCMS_244335/lang--en/index.htm

⁸⁹ Among the 46 ratifying states are: Cyprus, Greece, Morocco, Netherlands, Romania, Russia, Spain and Ukraine. Full list of C154 ratifications: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312299:NO.

⁹⁰ The full list of the 274 affiliated unions to the ITF per country is available online: <http://www.itfglobal.org/en/about-itf/itf-affiliates/?s=5542>



Within the EU MLC-ratifying States, in Greece and France the CBAs are only available in the native language, while in Croatia, Cyprus and the UK it is available in English. Among the examined countries outside the EU, the CBAs are available in English in Philippines and Russia (MLC ratifying countries), and India, China (MLC non ratifying countries).

7.6. Social security benefits for seafarers

National social security systems

With regard to seafarers' social security protection, the MLC, 2006 states that "at the time of ratification, the protection to be provided by each Member in accordance to Regulation 4.5, paragraph 1, shall include at least three of the nine branches" (Standard A 4.5 §2). The branches to be considered with a view to progressively comprehend social security protection under Regulation 4.5 are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, complementing the protection provided for under Regulation 4.1, on medical care, and 4.2 on shipowners' liability, and under other titles of the MLC, 2006 (Standard A4.5 § 1).

At the time of ratification, 4 EU members (i.e. Croatia, France, Greece, Luxembourg) covered all 9 of the social security branches, while only one (Malta) covered the minimum 3/9 branches. Italy, the Netherlands, Poland and the UK also covered almost all branches (8/9) at the time of ratification. Also, in the case of Poland (EU member, MLC ratifying) a representative of the competent authority⁹¹ mentioned that "All branches [are offered] for Polish flagged ships. It differs for foreign flagged ships – eg in the EU - Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems." More details about the way that the social security branches are covered in the case of Cyprus, can be found in Annex I. section 8.

Romania, EU member who has not ratified the MLC, 2006 currently covers 5/9 branches. In the case of Romania, the representative of a private RPS⁹² mentioned that "due to the MLC, 2006 the Ministry of Transportation in Romania was persuaded to revise the medical examination procedures and approve also private clinics."

Among the selected MLC ratifying countries of the study outside the EU, Russia and the Philippines cover 8/9 branches, Morocco 7/9, while Malaysia covers the minimum 3/9 social security branches. More details concerning the way that the social security

⁹¹ Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, Poland. Interview script May 2015.

⁹² AB Crewing, Romania. Questionnaire reply in April 2015.



branches may be covered in the Philippines, based on the input from a private RPS in the Philippines⁹³, are presented in Annex 1, section 8.

Among the countries outside the EU, who have not ratified the MLC, 2006, Turkey covers 7/9, China 6/9, Ukraine and Myanmar 4/9, while India offers several benefits, but not identical to the MLC, 2006 social security branches. Information on social security schemes in Indonesia and Myanmar is under examination by the study team.

In the case of Turkey, a representative of the Seafarers' Trade Union mentioned that *"Social security for Turkish seafarers is provided through the national social security system of Turkey which applies to them, but they have to pay for it and it costs approximately 42-48% of their salaries. Further, there is not much social security provision for foreign nationals under the Turkish system"*. With special regard to medical care, he noted that *"most shipowners use P&I clubs for cover and in respect to injury the seafarer gets private medical treatment which is far better than that provided by the State cover."*

Overall discussed during the workshop were the issues of social contribution payments into different social security systems worldwide. In particular, problems seem to arise with regard to contributions for pension among the various national pension systems, although the MLC, 2006 already exempts the relevant ILO's Convention C071⁹⁴. The main proposal regarding this point was to *"exempt the seafarers and let them stay in the social security system of their country of residence"*. Also, one shall consider that the stated as covered social security branches in the national country profiles of the ILO do not clarify if the covered social security branches apply to all citizens, to national seafarers who work on national flagged ships or seafarers who work on ships flying any flag. In the context of the EU rules on the coordination of social security, a problem was signalled with the A1 forms⁹⁵, which either were not given out by the competent national social security organisation, or where given out too late.

Bilateral or multilateral agreements on social security

The MLC, 2006 states that "Each Member shall take steps according to each national circumstance to provide the complementary social security protection referring to in A4.5 §1 to all seafarers ordinarily resident in its territory. This responsibility could be satisfied, for example through bilateral or multilateral agreements or contribution-based systems." (Standard A4.5 §3). The interviews with representatives of the Seafarers' Trade Union in Greece showed that – within the EU - seafarers' trade unions in Greece and Italy are in discussion of a bilateral agreement concerning the social security of

⁹³ Philippine Transmarine Carriers Inc., Philippines. Interview script May 2015.

⁹⁴ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C071

⁹⁵ A1 Form: Statements proving that seafarers pay their social contributions in another EU country, in case the worker is a posted one or works in several countries at the same time. Further information: http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm



seafarers who are employed on Greek-flagged ships having trips from and to Greece and Italy. Also, a form of a multilateral agreement is considered the EU coordination rules on social security systems⁹⁶.

Further, between EU and non EU member states having ratified the MLC, 2006, Croatia has a bilateral agreement with Norway on seafarers CBA, thus social security may be included in the agreement's terms. Apart from the case of EU members in bilateral agreements with the Philippines (see below), similar cases are under examination by the study team.

Among the MLC ratifying LSS outside the EU, the Philippines has 43 bilateral agreements with other countries for seafarers- related issues⁹⁷. Among these are 11 EU members (Cyprus, Denmark, Italy, Greece, Luxembourg, Malta and other), and non EU members (such as South Korea, Indonesia, Malaysia and Ukraine). The CEACR has recently requested from the Philippines competent authorities to submit copies of MLC-relevant bilateral agreements, relevant to social security, or other MLC-related areas (CEACR, 2015b).

The case of Panama (MLC ratifying FS) is herein presented in short, as provided by a representative of the Panama Maritime Authority:

"Briefly, Panama Maritime Authority require compulsory that seafarers engaged in national navigation been register in the Panamanian Social Security System with a complete coverage like the shore workers (but it do not include the Unemployment Benefit). Nevertheless, for seafarers engaged in international navigation, Panamanian Social Security System through article 88 of Resolution No.39, 489-2007-J.D. offers only a voluntary program with all the branches included except for the "Employment Injury Benefit" and the Unemployment Benefit". Seafarers can select the modality or branch of his preference. Regarding the "Unemployment benefit", this branch is no part of our Social Security System, neither for shore workers nor for seafarers."

Shipowners' obligations regarding insurance and social security

With regard to any problems encountered by shipowners in complying with the MLC, 2006 requirements concerning the seafarers' social security and insurance, an ICS representative⁹⁸ mentioned that *"The MLC does not place any requirements directly on shipowners as only ILO Member States can ratify the convention. Therefore, it is only through implementation via national laws and regulations of an MLC Party that certain responsibilities and obligations will be placed on shipowners whose ships fly their flag. Furthermore, ILO Member States required flexibility (otherwise we might have expected considerably lower ratification) on the subject of social security which is why the 'three*

⁹⁶ Further information available online: <http://ec.europa.eu/social/main.jsp?catId=26&langId=en>

⁹⁷ http://www.poea.gov.ph/blas/BLA_Seafarers.pdf

⁹⁸ International Chamber of Shipping. Pre-workshop questionnaire, June 2015.



of nine' rule was drafted⁹⁹. To date, there are no reported problems or difficulties with any shipowner responsibilities regarding social security or shipowner's liability provisions."

However, in a question raised to an RO representative¹⁰⁰ with regard to how the classification society validates that the social security offered to the seafarer from his/her country (either MLC ratifying country or not) is in compliance with the MLC, 2006 requirements, he commented that *"this has been a difficult issue for ILO Member States and for classification societies in their role as Recognised Organisations for those States, simply because the principle of social security provision for seafarers has only now come to be addressed through MLC, 2006. Where a country has ratified MLC, 2006 they will have to specify the branches of social security that apply. An RO will then expect to see these areas addressed in a Seafarers Employment Agreement. There must be three branches of social security provided by the Member State at the time of ratification and these are usually recorded as medical care, sickness benefit and employment injury benefit, the reason being that these areas are provided for in the shipowner's P&I Club cover. Where the seafarer is resident in a non-MLC ratifying country, this is a more difficult issue and the RO will typically look for a Certificate of Entry from the P&I Club to satisfy the inspector that there is some social security provision available.*

The representative of a private RPS in Croatia (EU member, MLC ratifying country) mentioned that from his experience there are shipowners in EU member FS and MLC ratifying (mentioned the UK) and outside the EU, in non-MLC ratifying FS (mentioned Singapore) that seem to not care for the fact that Croatian seafarers are employed without social security; *"They believe this is a Croatian administration problem but Croatia is only following EU 883/2004. [...] If the crew wants this, it is on their account"*. He further commented that *"seafarer RPS believe that changing the state responsible for social security (to EU State and not flag state) will increase cost of EU crews on EU flagged ships."*

On the issue of the perceived lack of social security and poor treatment of seafarers of Philippines origin in particular, the comment of a representative of shipping associations was that *"it was better for these seafarers to have jobs with bad labour conditions than no jobs at all."*

⁹⁹ See Standard A4.5 §2, which states that *'the protection to be provided by each Member in accordance with Regulation 4.5 §1, shall include at least three of the nine branches listed in §1 of this Standard.*

¹⁰⁰ Lloyd's Register Marine, pre-workshop questionnaire, June 2015.



Repatriation and abandonment

MLC, 2006 Amendments relating to Standard A2.5 concerning repatriation, mention that the "each Member shall ensure that a financial security system meeting the requirements of this Standard is in place for ships flying its flag [...] in the form of a social security scheme or insurance or a national fund or other similar arrangements. [...] The financial security system shall provide direct access, sufficient coverage and expedited financial assistance [...] to any abandoned seafarer on a ship flying the flag of the Member". (Standard A2.5.2 § 3 and 4).

Among the MLC ratifying LSS outside the EU, a Filipino private RPS representative¹⁰¹ noted that "The protection of the seafarer being stranded in foreign port are clearly defined in the POEA Standard Employment Contract and in the R.A. 10022 -Amended Migrant Workers Act."

While in the non EU non MLC ratifying LSS of China, a Chinese private RPS representative¹⁰² mentioned in relation to this, that "in according to our company system, we inform seafarer of the emergency contact information and make sure they fill the 'Manning Agency-Customer-Seafarer Emergency Contact List', a copy of which is carried onboard by seafarer so that seafarer is able to reach the RPS or shipowner in case of any emergency in a foreign port." Further, he indicated that in the case of China and with respect to the Chinese seafarers they provide services to, the company ensures that they are insured for abandonment by shipowner via the following three means: "(a) RPS deposit an amount of one million U.S. dollar at the Competent Authority's nominated bank a/c, to insure cost of crew repatriation, in case of abandonment by shipowner; (b) Seafarers are covered with five branches of social insurances, as per China Labor Law and MLC 2006 compliance, and (c) As per China MSA requirement, additional accident insurance is required for seafarers before they join the vessels."

The seafarers' survey revealed that 27% (15 out of 55 respondents) claimed that they were not repaid in full for repatriation at the end of their contracts. 15% of 117 respondents claimed that they had to pay themselves for travel to and from the ship

Insurance or other measure to compensate for monetary loss

In the case of the Philippines, an MLC-ratifying LSS outside the EU, the representative of a private RPS¹⁰³ mentioned that "employers are asked to provide Protection & Indemnity certificate of cover and under Philippine Overseas Employment Administration rules, the RPS is jointly and severally liable for the claim of the seafarer."

¹⁰¹ Philippine Transmarine Carriers Inc., Philippines. Interview script May 2015.

¹⁰² Sinocrew Maritime Services Co., Ltd., China. Interview script May 2015.

¹⁰³ Philippine Transmarine Carriers Inc., Philippines. Interview script received in April 2015.



Outside the EU and in a non MLC-ratifying LSS, a Chinese private RPS representative¹⁰⁴ mentioned that *"as the requirement of 'Act of People Republic of China Ministry of Transport No.3 in 2011', RPS shall provide a financial security one million U.S. dollar at China MSA nominated bank a/c, which ensure compensation to seafarers for monetary loss that they may incur as a result of the failure of RPS or the relevant shipowner under the SEA to meet its obligations to them"*.

Compensation for the ship's loss or foundering

The MLC, 2006 states that "Each Member shall make rules ensuring that, in every case of loss or foundering of any ship, the shipowner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering" (Standard A2.6 § 2).

In the case of the Philippines, an MLC-ratifying LSS outside the EU, the representative of a private RPS¹⁰⁵ commented that *"vessels are covered by Protection & Indemnity, copy of the certificate of cover is a requirement of POEA before a vessel can be enrolled."*

In relation to this, a non EU non MLC ratifying Chinese private RPS representative¹⁰⁶ mentioned that *"this is according to the Owner's CBA and the terms are included in SEA. Normally, seafarers would be compensated for 2 months basic wages for their unemployment, in case of ship's loss or foundering."*

The seafarers' survey revealed that 33% of 100 respondents did not know if they were entitled to compensation for ships loss or foundering, with 38% claiming that they are not entitled to such compensation.

P&I and private insurance

Among the liabilities stemming from Regulation 2.5 and Regulation 4.2, a set of insurance and other obligation are on the shipowner. As noted by the representative of the International Group of P&I Clubs¹⁰⁷, *"P&I clubs do not provide insurance cover arrangements for crewing agencies, but provide cover only for shipowners' liabilities to third parties (ship owners and ship operators). A shipowner's liability under Standards 2.5 and 4.2 of the MLC, 2006 (e.g. repatriation and death and injury contractual claims) are risks that have always been covered by the International Group of P&I Associations (i.e. the 13 principal marine mutual underwriting associations providing such cover), and the introduction of the MLC 2006 has had no bearing on that cover."*

The only burdensome issue we dealt with was a procedural one, which involved contacting the marine administrations in each of the MLC Parties. This was done to facilitate the entry into force of the MLC in August 2013 and obtain confirmation from

¹⁰⁴ Sinocrew Maritime Services Co., Ltd., China. Interview script May 2015.

¹⁰⁵ Philippine Transmarine Carriers Inc., Philippines. Interview script May 2015.

¹⁰⁶ Sinocrew Maritime Services Co., Ltd., China. Interview script received May 2015.

¹⁰⁷ International Group of P&I Clubs, UK. Personal interview in March 2015.



Administrations that they would accept a standard from certificate as evidence of a shipowner's financial security. This was administratively time consuming and necessitated a process of educating marine surveyors, class societies and officials on the vagaries of marine insurance."

While RPSs are not eligible to enter P&I clubs, they seem to be in need of an insurance cover against the risks they are exposed to due to the MLC, 2006. According to Regulation 1.4 of the MLC, 2006 private RPS are responsible for unpaid wages, which is a major liability and needs to be insured.

The case of a private insurance company that offers services specializing to the requirements of the MLC, 2006 was analysed via an interview with the representative of Crewsure¹⁰⁸ who explained that the private insurance scheme he offers is a "specialised insurance policy written in name of the seafarer, guaranteeing his/her rights under MLC, 2006, that is paid for by the shipowner". More specifically, the company is offering a health, injury, repatriation cover that is written in the name of the seafarer. In that case the seafarer is insured in his/her own individual right, with payment made by the shipowner. He claimed that "P&I club MLC insurance creates a conflict of interest as the club of shipowners is underwriting the insurance of their employees, the seafarers."

Further, "P&I clubs will only cover MLC risks for shipowners and ship operators but not for RPS, Manning/ Crewing Agents (who are not operating the ship) or Concessionaires (on cruise ships) and thus there is still a need for additional cover." He noted that "Private insurance seeks to handle the bits of the medical and other social security aspects that P&I clubs are less keen to handle, but so far with not much success." Thus, he is also looking into reaching agreements with pension companies.

7.7. Seafarers' complaints investigation and handling

Complaints investigation

The certification criteria of two major classification societies operating as Recognised Organisations (i.e. Bureau Veritas and Det Norske Veritas) require that the RPS operate complaint-handling procedures (Progoulaki, 2012). Thus, the certified RPS shall, by default develop, follow and maintain a complaint handling process. However, this does not ensure that complaints of seafarers concerning their professional relationship with the RPS reach the competent authorities of the FS or LSS or PSC.

Most seafarers who responded in the online questionnaire mentioned that they have received the official complaint procedure of the shipping company and the RPS they work for, and that they are aware of the contact details of port and state authorities in case they want to issue a complaint. However, Port Chaplains who were interviewed by

¹⁰⁸ Crewsure, UK. Personal interview in March 2015.



the study team shared their concern over the Filipino (and other nationalities' of) seafarers unwillingness to complain against an RPS, under the fear of being blacklisted; so many of them accept illegal fees and charges in order to have access to gaining a position on-board a ship. The same applies to complaints against the shipowners.

Thus, input from the chaplains' interviews showed that all seven chaplains¹⁰⁹ indicated that *"Seafarers do not utilise formal complaints procedures and prefer to discuss issues under conditions of anonymity. The record in seafarers book/captains logbook goes against the complainant seafarer (blacklist), and the complaint is seen as an act of disloyalty to the ship's Captain."* Moreover, chaplains may report issues to the ITF and PSC inspectors (and can receive reports from ships agents) who have no other way of reporting.

The role of port chaplains in the process of seafarers' complaints recording was highlighted by the representative of Nautilus International¹¹⁰ in the UK, who mentioned that *"accepted practice is that Chaplains will go to IFT to inform of [seafarers'] complaints."* Also, a representative of ITF in the UK¹¹¹ noted that *"recording of complaints is a key MLC support activity for ITF – as informal channel, used by Port Chaplains, seafarers themselves and also by ILO. There is a 24/7 hot line in operation. Internal data base of complaints is maintained with information on the vessel, on category of issue. Moving to new database in summer that will be able to identify category of MLC violation"*.

Further, a representative of Paris MOU¹¹² commented that *"when [Paris MOU is] notified by seafarer to PSC inspector, inspector first encourages seafarer to use formal on-board complaint procedure, before looking into it. If seafarer does not do so, then inspector can do so in own right, but this is discouraged"*.

With regard to FS and LSS complaint recording and investigation obligation, only one country from the sample, has recorded and investigated complaints concerning the MLC, 2006 standards. Denmark (EU member and MLC ratifying state) has recorded up to date four complaints from seafarers; three of the complaints were related to non-Danish ships, while one of the complaints resulted in detention of the vessel due to a serious breach of the MLC, 2006 requirements.

In the case of Poland (EU member, MLC ratifying) a representative of the competent authority¹¹³ mentioned that with regard to the appropriate steps followed to safeguard

¹⁰⁹ Telephone interviews in March 2015 with Port Chaplains in Zbrugge, Belgium, Antwerp, Belgium, Dundee, Scotland, Leith, Scotland, Ukraine, Rio de Janeiro, Brazil.

¹¹⁰ Nautilus International, UK. Personal interview in March 2015.

¹¹¹ International Transport Workers' Federation, UK. Personal interview in March 2015.

¹¹² Paris MOU. Telephone interview in March 2015.

¹¹³ Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, Poland. Interview script May 2015.



the confidentiality of complaints made by seafarer there are "internal procedures for data access in Maritime Office and Ministry of Infrastructure and Development". In the case of Cyprus (EU member, MLC ratifying), the confidentiality is safeguarded with particular law¹¹⁴.

In the case of Romania, an EU member that has not ratified the MLC, the representative of a private RPS¹¹⁵ mentioned that "a major impact had the Complaint procedures to the agents and shipowners who had to be very cautious dealing with crew problems."

The seafarers' survey showed a low response rate in the questions relevant to complaints. The fact that less than 1/3 of the respondents does not clearly indicate the seafarers' perceptions towards this topic. From the responses there are indications that seafarers are aware of the formal complaints procedures, and prefer less formal and more autonomous approaches to the reporting of complaints. About a third of those who responded do not have contact details of competent authorities in their country (30%) nor the flag state (32%) nor port state authorities (35%).

Workshop delegates representing trade unions mentioned that seafarers coming from Black Sea Region are generally not aware of the complaint procedures. During onboard inspections it needs to be explained to them, by ITF Port State Inspectors how to fill out forms and relevant documentation, as they seem to be unaware of the procedure. Further, it was noted that in Russia "there is no official procedure for complaints onboard due to bureaucracy problems. Nevertheless almost every ship owner has a procedure for complaints on board, but no particular complaint procedure for crewing agencies exists".

Finally, during the workshop it was discussed that the problem relies not to the complaint handling processure, but rather on the implementation of this procedure. An example where a complaint was handled by flag state and handed to the company showing the name of the seafarer was given. This shows that "special confidentiality needs to be given, to make a complaint procedure effective and useful, otherwise the seafarers could face problems, as their name is given together with the complaint".

Information to seafarers on the risks of signing on a ship that flies the flag of a State which has not ratified the MLC, 2006.

Among the EU MLC ratifying states, one can note two cases. In Cyprus, the representative of the competent authority¹¹⁶ mentioned that this is achieved through the official web site of the Department of Merchant Shipping¹¹⁷. Also, in Greece, the

¹¹⁴ Section 18, Part II, Law 6(III)/2012, provided by Cyprus Dept. of Merchant Shipping, Ministry of Transport, Communications and Works, Associated with interview script received May 2015.

¹¹⁵ AB Crewing, Romania. Questionnaire reply in March 2015.

¹¹⁶ Cyprus Dept. of Merchant Shipping, Ministry of Transport, Communications and Works. Interview script May 2015.

¹¹⁷ www.shipping.mcw.gov.cy



representative of the competent authority¹¹⁸ mentioned that "Seafarers' Labour Recruitment Office (public RPS) has been assigned with the task of informing seafarers on possible issues arising from signing on a ship that flies the flag of a State which has not ratified the MLC, 2006, if information collected is in place that alludes to that State not maintaining equivalent standards with those established by the Convention."

Seafarers' awareness MLC, 2006 provisions

The seafarers' survey showed that more than 40% of the respondents are not aware if the RPS that they are using are state licensed or certified; however only 60% of respondents answered this question. Similarly, it was repeatedly emphasized during the workshop that seafarers should know which are the certified/licensed RPS and should be aware of the importance of using only regulated agencies. "There are some RPS that just promise services, and when they take the money, they disappear". Moreover "shipowners are more trained to find reliable information and are more capable of finding trustworthy agencies, while the seafarers do not have so much experience and it is more difficult for them". The importance of raising the seafarers' awareness about the problem was stressed by many workshop delegates. Some interesting examples were mentioned by representatives of trade unions from India and Philippines, according to which workshops are organised for seafarers to raise awareness. It was also underlined that "this is perhaps more crucial for the new seafarers who are inexperienced; they should have a reliable source of information to check which RPS is certified".

A representative of the EC¹¹⁹ mentioned that "Seafarer awareness of rights under MLC is not well defined nor well implemented – hence their willingness to use Web based services that have no track record, and may be fraudulent". Also, in relation to this, a representative of ITF in the UK¹²⁰ mentioned that "Seafarers are not qualified or able to determine if a manning agent is certified or if it has been audited by a third party and whether or not it is reputable. They are also not able to read the MLC, 2006 requirements for accreditation of RPS, nor understand how countries handle certification". He further suggested that "Seafarers can use ITF's "ship look up" system¹²¹ to check on status of a ship, for instance if the ship is covered by ITF agreement, inspection results etc." Workshop participants agreed that due to the rather short time that the MLC is in force (only two years), it takes more time before all seafarers are aware and all mechanisms pertaining to the MLC, 2006 are implemented.

In order to raise the level of seafarers' awareness, the workshop delegates discussed the role of training the seafarers on their rights and obligations under the MLC, 2006. It

¹¹⁸ Hellenic Coast Guard, Ministry of Finance, Infrastructure, Shipping and Tourism, Greece. Interview script May 2015.

¹¹⁹ European Commission, Belgium. Interview via telephone in May 2015.

¹²⁰ International Transport Workers' Federation, UK. Personal interview in March 2015.

¹²¹ <http://www.itfseafarers.org/howtolook.cfm>



was pointed out by many delegates that seafarers need to receive such training before getting on board, most possibly by the RPS, because signing on board where other seafarers do not have the time to train them. The relevant training cost was a topic under discussion among the workshop delegates, where the following aspects were pointed: (a) should the cost be covered by the seafarer? (b) should seafarers receive wages during any on-shore training period. One proposal was that short training should be provided to seafarers by educational institutions, for example in the form of brief professional orientation programme at school (i.e. marine academies). Further examination on the maritime education and training programmes of the various FS and LSS is needed in the future in order to investigate of such knowledge is provided and to what extent.

The example of the Philippines was discussed, where *"the RPS have the responsibility for a predeparture orientation programme for seafarers, and the RPS issues a document that the seafarer has undergone training before boarding a ship"*. EU RPS representatives in the workshop thought that the approaches used in the Philippines could also work in the EU, although the conditions in European countries are very different. Another suggestion was that predeparture seminars should be organised for seafarers before signing the contract, so that seafarers are aware of their right before they put their signature. Also, ITF internationally, ETF in Europe and the national trade unions, where such exist, could play a role in awareness raising of seafarers in terms of their rights and obligations under the MLC.

7.8. Overall experience from the implementation of the MLC, 2006

RPS compliance to MLC, 2006

A point concerning the RPS compliance to the MLC, 2006 was raised many times during the workshop. It was mentioned that *"we are in a transition period, and these are first achievements, there is no confidence yet on the system functioning. There are problems with countries, which have not ratified the MLC, 2006 yet."* The whole system is relying on the cooperation of flag and port states, seafarers and ship owners. There are enough standards, most important remains their enforcement in terms of MLC, 2006. It was highlighted by most of the delegates that no new regulation is needed.

As the need for more training regarding the requirements of the MLC, 2006 has arisen, RPS operational costs and workload have increased and there is more "red tape"¹²². Further, the representative of a manning agency claimed that it is difficult for RPS to become compliant with the MLC, 2006; especially for the small RPS which do not have established quality standards. Difficulties arise also from the fact that there are no clear

¹²² Generally assumed to refer to additional clerical work due to certifications and approvals that must be obtained and reviewed



explanations of the MLC requirements and there is no understanding. For example, he raised that question *"in cases of abandonment who has the responsibility to pay the crew?"* In this respect reference was made to the 2014 Amendments to the MLC, 2006¹²³ which concern, among others, a financial security system in case of abandonment, but the cost of such insurance increases the overall operational cost of the companies. A workshop delegate representing an RPS commented that *"RPS agencies are held responsible for third party mistakes. While in the MLC, 2006 there is no limitation of liabilities, national governments need to put limitation of liability; otherwise it is too heavy a burden for the RPS to bear"*. The cost of RPS certification was raised by several RPS representatives during the workshop, as it is considered high, especially for small RPS.

RPS based in the EU, in MLC-ratifying countries

The representative of a Bulgarian shipmanagement company¹²⁴ noted the following issues: *"(a) the absence of common legislation across the EU, especially for Social Security, (b) the responsibilities of Shipowners and RPS which are considered not clear in the MLC, 2006, and (c) the perception that the MLC, 2006 is designed to force disreputable RPS out of business"*.

RPS based in the EU, in MLC non-ratifying countries

In Romania, an EU member that has not ratified the MLC, 2006, the opinion of a private RPS¹²⁵ reflected that: *"Owners actively approached the MLC convention requirements and took steps to comply even before ratification. Most of them required Class support for audits and DMLC I certification. Basically for the good shipowners the changes were minimal, but the less reliable Shipowners had to improve massively the onboard conditions and employment conditions. Major impact had also the Complaint procedures and agents and shipowners had to be very cautious dealing with crew problems. In case of Romania, MLC also supported Association to persuade Ministry of Transportation to revise the medical examination procedures and approve also private clinics. Many owners, including cruise ships operators, employing crew directly, approached manning agencies to act as their SRPS."*

7.9. Other stakeholder's comments concerning the implementation of MLC, 2006 and Reg 1.4

The representative of BIMCO¹²⁶ noted that there is a *"need to implement generic database for certified RPS that satisfy a set of generic criteria"*, and to shed light on

¹²³ http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_246823/lang--en/index.htm

¹²⁴ Stargate Maritime Ltd., Bulgaria. Telephone interview in April 2015.

¹²⁵ AB Crewing, Romania. Reply to Pre-Workshop Questions, received in May 2015.

¹²⁶ BIMCO, Denmark. Telephone Interview in April 2015.



existing "issues with 'equivalence' of measures across ratifying states". Also, BIMCO launched a one-stop section on the MLC, 2006 for each members in order to provide a comprehensive set of related services¹²⁷. A Special Circular on recommended additional MLC, 2006 clauses for BIMCO contracts was circulated in June 2013, prior the MLC, 2006 implementation¹²⁸.

A representative of ICS¹²⁹ noted that "The fact that all aspects of the MLC have not been fully adopted in the 20 +/- months since August 2013 does not imply that the MLC is not working, just that it is taking time to be implemented." She also expressed the fear that "if a specific "best practice" relating to the implementation of Reg 1.4 was identified through our interviews to be applicable in one State, the [European] Commission could require this to be applied in all states, and this practice may not be appropriate in all states."

The representative of ITF in the UK¹³⁰ provided his overall opinion concerning the status of RPS in a variety of countries and some major issues concerning the access of seafarers from certain LSS to the world maritime labour market. He noted that "Shipowners are beginning to avoid employing seafarers from MLC-non ratifying countries as they are unable to trust the crewing agents in these countries. Thus they are putting pressure on these countries to be ratified- especially in countries where corruption is endemic, such as Ukraine (non MLC ratifying LSS outside the EU).

With regard to other non MLC ratifying LSS outside the EU:

Madagascar is considered as an LSS with good quality of seafarers, but crewing agents are very powerful and charge fees to seafarers.

In India RPS generally operate under good standards, especially where large companies are involved. However smaller independent manning agents are charging fees and are not compliant with the MLC, 2006 requirements; there are problems with the seafarers employed on fishing vessels.

In Myanmar the IFT is establishing a seafarers' trade union supported by the ILO; one of its aims is to address the problem with very strong management power of crewing agents.

In Indonesia the operation of RPS is generally good (Bali is an established centre), but seafarers working in South-East Asia use crewing agents that are small operators and are non compliant with the MLC, 2006 standards.

¹²⁷ Online:

https://www.bimco.org/sitecore/content/home/technical/news/2015/0320_mlc_launch?RenderSearch=true

¹²⁸ https://www.bimco.org/~media/Chartering/Special_Circulars/SC2013_02_R030713.ashx

¹²⁹ International Chamber of Shipping, UK. Personal interview in February 2015.

¹³⁰ International Transport Workers' Federation, UK. Personal interview in March 2015.



In Dubai, Emirates Abu Dhabi there is a growing problem of the quality of crewing agents, due to lack of bargaining power of 'guest' labourers'.¹³¹

In Bangladesh and Pakistan the conditions are problematic and politics stop IFT from getting involved. With regard to MLC ratified LSS outside the EU:

In the Russian Federation there are no problems concerning the RPS for seafarers working on international vessels, but Black Sea sailors have problems with local manning agents.

Concerning the Philippines, there is no problem in Manila, but in outlying islands. The major problem noted in the Philippines is that there is practice of using two contracts signed with the seafarer – one with the manning agent, and a second contract with worse terms signed between seaman and ship when he goes on board.

The representative of a private insurance company¹³² commented that while "the goal of MLC, 2006 was to ensure that the cover of seafarers was equivalent to that of their land based co-nationals, this has not yet being achieved. The issues of on-going and long time benefits due to illness (inability to work) and pensions were not being adequately addressed". He also noted that according to his opinion, "the new MLC amendment is problematic as it defines abandonment very loosely, and could be construed by the seafarer to cover the case where he/she feels badly treated by the shipowner, who refuses to allow the seafarer to leave the vessel." Generally he does not believe that the real social security and wages situation of seafarers has improved much since August 2013.

Recommendations from stakeholders

Addressing the aims of the study, the representative of a classification society¹³³ suggested the following: (1) EU countries need to provide web sites with lists of certified RPS for their country - each EU country is different and there is no easy way to find this information; (2) Commission could consider some form of higher level "seal of approval" (white list) world wide of RPS's that achieve this standard, which would be a world wide "seal" (as is done for equipment suppliers) and not dependent on the work of ratified or state authorities; (3) Commission could push for annual reports of (EU) Flag states to be comprehensive and to include details of the RPS they have certified, the certification process, and all violations that they have found, in order to explain there "sufficient" and "equivalent" interpretation of Reg 1.4; and (4) A 'shame and blame' approach could be adopted to 'bad' RPS and seafarers could be educated as to where to look for RPS certificates".

¹³¹ This term is used to define contract workers who are working in the Gulf States generally in labouring or other manual tasks, that pay fees to contractors to organize work for them in the Gulf States. They may be susceptible to illegal employment activities.

¹³² Crewsure, UK. Personal interview in March 2015.

¹³³ DNV-GL. Personal interview in the European Manning and Training Conference in April 2015.



8. Additional Materials

8.1. RPS certified by DNV- GL

The table below presents the number of RPS certified by DNV- GL before and after 20th August 2013 for compliance with Reg. 1.4 in MLC ratifying and non ratifying countries.

Table 9 - Number of SRPS certified before and after 20th August 2013 by DNV-GL

Number of certified private RPS by DNV-GL before August 2013	
Based in countries that <u>have ratified the MLC, 2006</u>	Based in countries that <u>have not ratified the MLC, 2006</u>
<p>70 in total</p> <p>EU members: Bulgaria, Cyprus, Germany, Greece, Hungary, Latvia, Netherlands, Poland, Switzerland, UK</p> <p>Non EU members: Norway, Philippines, Russia, Sweden, Vietnam</p>	<p>45 in total</p> <p>EU member: Romania, Estonia</p> <p>States of the study's sample outside the EU: China, India, Indonesia, Myanmar, Ukraine</p> <p>Other States outside the EU: Angola, Nepal, Sri Lanka Bangladesh</p>
Number of certified private RPS by DNV-GL after August 2013	
Number of certified RPS based in countries that <u>have ratified the MLC</u>	Number of certified RPS based in countries that <u>have not ratified the MLC</u>
<p>53 in total</p> <p>EU members: Cyprus, France, Latvia, Malta, Netherlands, Poland, Switzerland, UK</p>	<p>22 in total</p> <p>EU members: none</p> <p>States of the study's sample outside the EU:</p>



Non EU members: Australia, Bangladesh, Congo, Nigeria, Norway, Panama, Philippines, Russia, Singapore, Vietnam	India, China, Indonesia Other States outside the EU: Angola, Bangladesh, Monaco, Nepal, Sri Lanka
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8.2. Remarks concerning the social security system and insurance

Social security system according to the Panamanian Law

Attending to address each one of the nine branches of the social security, below is a list of the relevant references to the Panamanian Law:

- Medical Care: The Panamanian Social Security System brings medical care to all seafarer affiliate to this system.
- Sickness Benefit: It consists in health protection and economic protection.

The health protection includes medical treatment, ambulatory treatment, dental care, surgery, therapeutic appliances, necessary medicines, and other services of diagnostic and treatments, like laboratory, x radiations and scanners.

The economic protection consist in the payment of a subsidiary amount to the seafarers that become sick or suffered an illness that produce a long term disability which is not a consequence of a labor accident.

Article 144 of Law 51 of December 27 of 2005: Sickness Subsidy is provided as an economic benefit to all seafarers incorporated to the mandatory and the voluntary social system, as far as it results in a disability for work. The economic subsidy is equivalent to a 70% of the average of the daily salary of the seafarer from the two last month's dully accredited. To be granted with this benefit the seafarers must be registered in the social system at least 6 months before.

The subsidy will be pay from the fourth day of incapacity until it remains but not exceeding 26 weeks for the same illness. Nevertheless this deadline should be extended to one year in certain justified cases.

- Old-Age Benefit: There exist invalidity, old age and death benefits according to articles 150 and follows of the Law 51 of December 27 of 2005. Additionally, our social security system grants benefits over dental prosthesis, glasses and funerary relief thought out Resolution No.38.845-2006-J.D of July 11 of 2006.
- Employment Injury Benefit: The Republic of Panama issued the Resolution No.39, 489-2007-J.D. by which the general membership and registration in



Social Security System is regulated. Regarding this branch it is available only for seafarers working on ships indoors service (Arts. from 84 to 101, Title III-compulsory affiliation).

Article 87 of same regulation established that all seafarers that permanent or eventually works on ships indoors service must be affiliate to the Social Security System under the compulsory affiliation and registration of employers.

- Family Benefit: This kind of benefits is included in the branches of invalidity or disability, old age and death benefits. Chapter II, arts. From 150 and follows of Law 51 of December 27th of 2005.

- Maternity Benefit: This branch includes health benefits and economic benefits.

The health protection includes medical treatment, ambulatory treatment, dental care, surgery, therapeutic appliances, necessary medicines, and other services of diagnostic and treatments, like laboratory, x radiations and scanners.

This health protection is given during all the pregnancy period, during the birth and for some time after birth. Also include specialized care when it is needed.

The economic benefits include a maternity allowance to cover the period of rest that is credited to the pregnant employee.

- Invalidity Benefit: This branch is developed and detailed in Chapter II, on Disability, old age and death branches (Law 51 of December 27th of 2015).

Also, there are benefits regarding dental prosthesis, glasses and death expenses.

- Survivors Benefit: This branch is developed and detailed in Chapter II, on disability, old age and death branches (Law 51 of December 27th of 2015).

Social Security also grants benefits for the funeral expenses (Resolution No. 38,845-2006 J.D. of June 11 of 2006).

Additionally, those for which seafarers are responsible also has access to the Panamanian Social Security System, according to what is established in Law 51 of December 27th of 2005, Official Gazette No. 25, 456 of December 28th, and depending on the covered benefit.

Source: Maritime Labour Affairs, Seafarers General Directorate, Panama Maritime Authority. Interview script received May 2015.



Social security system in Cyprus

Table 10 - Social security coverage in Cyprus

	Covered in the CBA- Collective Bargaining Agreement	Covered by a national social security cover	Other way (describe):
a) Medical care	✓		✓ Law 6(III)/2012
b) Sickness benefit	✓		✓ Law 6(III)/2012
c) Employment injury benefit	✓		✓ Law 6(III)/2012
d) Unemployment benefit			
e) Old-age benefit			
f) Family benefit			
g) Maternity benefit			
h) Invalidity benefit	✓		✓ Law 6(III)/2012
i) Survivor's benefit			

		Explain/ Describe/ Make reference to CBA or law or other measure:
a. The shipowner protects the seafarers for being stranded in foreign port.	Y/N	Seafarer Employment Agreements ,CBA chapter 8 , P&I club Certificate of entry
b. Seafarer is insured for being compensated for monetary loss that they may incur as a result of the failure of the RPS or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.	Y/N	
c. Seafarers are insured for abandonment by shipowner.	Y/N	Budget Law Section 21.10.04123 Repatriation of Indigent Seamen
d. Are seafarers insured against unemployment in case of ship's loss or foundering	Y/N	section 68 of Law 6(III)/2012

Source: Dept. of Merchant Shipping, Ministry of Transport, Communications and Works. Interview script received in May 2015.



Social security coverage in the Philippines

Table 11 - Social security coverage in the Philippines

	Mentioned in the seafarer's contract	Covered in the CBA- Collective Bargaining Agreement	Covered by private insurance cover	Covered by national insurance cover	Other way (describe): _____
Medical care	✓	✓		✓	P&I
Sickness benefit	✓	✓		✓	P&I
Employment injury benefit	✓	✓		✓	P&I
Unemployment benefit				✓	
Old-age benefit				✓	
Family benefit	✓	✓			
Maternity benefit					
Invalidity benefit	✓	✓			
Survivor's benefit	✓	✓			

Source: Philippine Transmarine Carriers Inc., Philippines. Interview script received in April 2015.



8.3. Possible overlap between ILO MLC, 2006 requirements and Regulation EU 883/2004 on the coordination of social security systems

Regulation EU 883/2004 states:

Article 11.4 - *"For the purposes of this Title, an activity as an employed or self-employed person normally pursued on board a vessel at sea flying the flag of a Member State shall be deemed to be an activity pursued in the said Member State. However, a person employed on board a vessel flying the flag of a Member State and remunerated for such activity by an undertaking or a person whose registered office or place of business is in another Member State shall be subject to the legislation of the latter Member State if he resides in that State. The undertaking or person paying the remuneration shall be considered as the employer for the purposes of the said legislation. "*

Article 16 - Exceptions to Articles 11 to 15

1. Two or more Member States, the competent authorities of these Member States or the bodies designated by these authorities may by common agreement provide for exceptions to Articles 11 to 15 in the interest of certain persons or categories of persons.
2. A person who receives a pension or pensions under the legislation of one or more Member States and who resides in another Member State may at his request be exempted from application of the legislation of the latter State provided that he is not subject to that legislation on account of pursuing an activity as an employed or self-employed person

Regulation EC 987/2009 states:

Article 21:

Obligations of the employer

1. An employer who has his registered office or place of business outside the competent Member State shall fulfil all the obligations laid down by the legislation applicable to his employees, notably the obligation to pay the contributions provided for by that legislation, as if he had his registered office or place of business in the competent Member State.
2. An employer who does not have a place of business in the Member State whose legislation is applicable and the employee may agree that the latter may fulfil the employer's obligations on its behalf as regards the payment of contributions without prejudice to the employer's underlying obligations. The employer shall send notice of such an arrangement to the competent institution of that Member State.



A1/S1 - Forms

<p>A1 (formerly E 101 E 103)</p>	<p>Statement of applicable legislation. Useful to prove that you pay social contributions in another EU country – if you are a posted worker or work in several countries at the same time.</p>	<p>Contact your <u>national liaison office for posted workers</u> to find out which authority can issue this document.</p>
<p>S1 (formerly E 106, E 109 and E 121)</p>	<p>Certificate of entitlement to healthcare if you don't live in the country where you are insured. Useful for cross-border workers, pensioners and civil servants and their dependents.</p>	<p>Health insurance authority Submit it to any health insurance authority in the country where you live.</p>

Employment, Social Affairs and Inclusion

Frequently Asked Questions

To the question:

“What rules apply to seafarers?”

Answer:

“If you work on board a sea vessel, you will be insured in the country flying the flag of that vessel, even if you reside in a different country. You will be insured in the country where you reside if the registered place of business of your employer is also situated there, even if this is a different country than the one flying the flag of the vessel”.

Request and experience provided to the Study Team

(by the representative of an association of EU Crewing Agents).

Request:

Seafarers residing in an EU member state and employed on board a vessel flying the flag of another EU member state, if they so desire, should be subject to the social security legislation of their country of residence.



Experience in European States supplying labour to the Maritime Industry

- Shipowners are reluctant to pay full social security payments for European seafarers, as these costs are placing European seafarers "out of the market" (European seafarers replaced by Asian seafarers)
- Shipowners claim national administrations of the ship flag "have issues" to accept social security funds and issue S1 form and/or European social security cards
- Article 11.4 says that the A1 can be issued if the Employer is local i.e. same domicile/residence as the seafarer.
- Shipowners having place of business residing outside EU and owning/operating vessels with EU flag usually require that EU seafarers assume their own responsibility to ensure for social security payments be obtained on their behalf from the Flag State of the ship (which is in practice very difficult)
- Are there any consequences to Shipowners not fulfilling their obligations to pay social security for European seafarers *by the EU flag state of the vessel no matter if the shipowner has business inside or outside EU borders?* Is this controlled?
- Generally there is not a good relationship between the Competent Institutions of the Member States – unwillingness to agree on Article 16 (1) and not providing any solutions to retain European seafarers on European flag vessels.
- EU seafarers are in fear of losing their jobs and remaining without social security insurance in cases where social security as per EU Regulation 883/2004 is not in place (which is most common with some exceptions) - EU seafarers request themselves (or through RPS) exemptions as per Article 16 to remain under the social security system of their country of residence
- In most cases there are no answers (link between competent institutions of the flag state and state of residence is not established or it is very slow in obtaining responses). As a result European seafarers sailing on European flag ships have no social security insurance (Shipowners who are in fear of violation of the European Directive use this as an "excuse" to engage Asian seafarers)
- Even if there is consent from the flag state competent institution for a seafarer to remain under social system of his or her residence (*domicile*), this process is so long that a seafarer may in fact take on a couple of contracts (tours of duty), changing ships flag, Employer etc, while this process is on-going.
- As per Article 11.4 if the Employer is located in the same EU state as the seafarer an A1 form can be issued and seafarer remains under social security in the country of residence. However this Article implies many uncertainties relating to the RPS actually being the Employer of the seafarer when it comes to National Legislation, insurance etc. This is further influenced/complicated by



Shipowner not being willing to allow another entity (RPS) act as the Employer (on its behalf) for many reasons such as loyalty, commercial issues, etc

- Even if there is S1 issued by the Flag state, what are the benefits for a seafarer residing in a different country when it comes to the health insurance (i.e. how to Member States exchange information and share the costs with special cases, such as surgery, sick pay etc., and how do they calculate pension contributions and pension income for this seafarer when he or she retires.
- Seafarers are not “shore workers” going to another EU state and residing there where it is obvious that social contributions should be paid by the Employer to the country of residence (*and place of business?*) of the worker.
- Seafarers may be resident in a country other than the flag state of the vessel, generally at sea and normally not even calling the in the location of the flag state. While on sea they are covered by the P&I Insurance of the shipowner in case of death, injury and illness. When at home (holiday, between contracts etc) seafarers and their families need local social security support in their country of residence for health and pension. **Now in most cases they have nothing and no idea on how the EU social security system does and should work.**
- There are less and less European seafarers on European flagged ships. This is a tragedy for the European labour market. Instead of having more Europeans we are losing them against Asians and one of the big reasons is the social security mess and discrepancy between the EU countries where most of the European seafarers remain socially not covered with no basic health insurance and pension.
- In order to preserve and protect working places for the European seafarers on European flag vessels they should have the right, as a special category of international workers (sailors) to remain under the national social security system of their country of residence.

Additional issues (raised by the study team)

Issuance of A1 forms requested by RPS

- The requirement to obtain an A1 form for a seafarer is a problem for European RPS employing EU seafarers that are not domiciled in the state of the RPS.
- The A1 form that has to be issued by the EU state to which social security payments need to be remitted – Many EU countries take time to provide this and by the time they do so the contract with the seafarer may be over

Issues relating to SS deductions by Ship Management companies not located in EU

- Ship management companies not located in the EU can use the requirement to remit social security payments to the home state of EU Seafarer “against” the EU seafarer when negotiating employment terms



- They can then refuse to include EU social security payments as part of the remuneration package for these seafarers on the grounds that this makes them more expensive to employ than lower cost LSS seafarers
- Should the EU seafarer wish to have SS paid on his or her behalf, the “costs” of any SS payments will be deducted from the salaries offered and paid to the EU seafarers
- The question then arises if the RPS working in this way will actually go to the trouble to apply for the necessary EU forms to enable the payments to be remitted to the relevant national social security authority?

8.4. Example of dual salary payments

Message 1.

From: XYW (Manning Agency)

To: Shipmanagement Companies

Attn.: Shipowner/Crew Manager

Ref: How you can lower your running costs / Capable Bangladeshi Crew

Dear shipping friends,

Our crew manning agency, with offices in Bangladesh and Europe, cooperates exclusively with Bangladeshi crew and the provision of our services is done at cost competitive prices.

Having already established a large database of experienced Bangladeshi Sr. Deck Officers, Engineers and Ratings we are in a position to provide our customers with Senior and Junior Ranking Officers and Engineers within short notice. (24 – 48 Hours).

Why Bangladeshi crew? Bangladeshi seamen are hard working, obedient, and loyal with good command in English. There is 0% probability of crew desertion in European, Australian, USA & Canadian ports (no need to place extra security guard). They are widely able to accommodate with any nationality.

What makes our crew worth employing? Highly experienced, well trained, educated, qualified and flexible candidates with fluency in the English language (please note that English is regarded as the co-official language of Bangladesh) are ready to adapt to each ship owner’s specific needs and vessel types.

What happens if the principal/ship owner is NOT satisfied with the seaman’s services?

The first two contractual months are considered as trial. Any requested substitution, based on the contractual scope, by the principal, shall be executed at the expense of XYW (Manning Agency), upon short notice.

One more thing... Our crew wages which we follow as Bible

RANKS	SALARIES IN USD
MASTER	6500
C/E	6400
C/O, 2/E	4800
2/O, 3/E, E/E	2700
3/O, 4/E	2200



FITTER, BOSUN, PUMPMAN	750
C.COOK	700
A/B,OILER	490
O/S, WIPER, MOTORMAN, DECK BOY	390
STEWARD, G/S, MESSBOY	370

Message 2.

From: XYW (Manning Agency)

To: ABC (Shipmanagement Company)

RE: SEA

Further to our telecommunication today, please note the following in regards to the seamen's contracts:

The seaman brings his SEA on board vessel. We keep copies of all SEA's and upon request from port Authorities we present the ILO standard wage scale for their perusal.

RANKS	SALARIES IN USD	ILO STANDARD WAGES
MASTER	6500	3361
C/E	6400	3055
C/O, 2/E	4800	2170
2/O, 3/E, E/E	2700	1738
3/O, 4/E	2200	1675
FITTER, BOSUN, PUMPMAN	750	1114
C.COOK	700	1738
A/B,OILER	490	998
O/S, WIPER, MOTORMAN, DECK BOY	390	742
STEWARD, G/S, MESSBOY	370	850



8.5. Website examples

(4 organisations contacted by the study team)

Example #1

- One EU Member State Competent Authority than has not directly certified a based web service, operating within its territory as an RPS.
- The company is, however, listed as a SRPS on the homepage of the Maritime Development Center (MDCE) of Europe that has been authorized by the EU Member State authority to issue such certificates.
- This MDCE certification is **not** mentioned on the public web site of the company.

Example #2

- A second web site located in the Philippines, includes a disclaimer that it is not operating as a RPS

"xxx is not in any manner engaged in the recruitment, placement or referral of domestic or overseas contract workers. xxx merely accepts advertisements from POEA licensed manning agencies, which are solely responsible for the recruitment and placement of workers. Manning agencies are responsible for ensuring that job openings submitted for inclusion on xxx complies with all relevant laws and regulations. xxx will not take responsibility for any error, omission or inaccuracy in these information. For the updated status of recruitment agencies in the Philippines, please visit the official website of the Philippine Overseas Employment Administration (POEA) at www.poea.gov.ph."

(<http://www.xxxxxxx.xxx/disclaimer.php>)

Example #3

- One web-board accepted a registration fee from the Study team to become a member;
- thereafter ignored all requests for additional information;
- there is no mention on the web site relating to the domicile of the company; and,
- since becoming registered on this site, the Study team has been receiving a steady flow of e-mails from seafarers seeking job opportunities

Example #4

- *"we do charge some fees to both seafarers and shipping companies for the services we offer.*



- Although we are not considered RPS as per MLC, 2006 definition, I am interested in learning more about the compliance of our entity with MLC, 2006.
- There are free-of-charge services to the seafarers, and there are premium services for which there are charges to the seafarer.
- Such additional packages may include for instance, consultation on the structure of the CV, background information on the possible employer and other.”

Seafarers’ Internet Job Search

- A seafarer, of Indian nationality holding the rank of 3rd Engineer with valid
- Indian CDC and UK COC certificates is sending out mass e-mails at regular intervals to a total of 340 web-board addresses

```
<hmsdel@berald-maritime.com>; hmsmain@berald-maritime.com <hmsmain@berald-maritime.com>;  
ho@mngindia.in <ho@mngindia.in>; ho@moversintl.com <ho@moversintl.com>; hupl@bom2.vsnl.net.in  
<hupl@bom2.vsnl.net.in>; hqj@gac.com <hqj@gac.com>; hr@msiships.com <hr@msiships.com>; hr@dpship.com  
<hr@dpship.com>; hr@surakshahweb.com <hr@surakshahweb.com>; hr@toships.com <hr@toships.com>;  
hr@omcishipping.com <hr@omcishipping.com>; hr@executiveship.com <hr@executiveship.com>;  
hr@brukaanship.com <hr@brukaanship.com>; hr@abbmarineservice.com <hr@abbmarineservice.com>;  
hr@yaskindia.com <hr@yaskindia.com>; hr@nosindia.com <hr@nosindia.com>; hr@india.bibbyshipmanagement.com  
<hr@india.bibbyshipmanagement.com>; hr@danaos.com <hr@danaos.com>; hr@harleymarine.com  
<hr@harleymarine.com>; hr@oceanstarships.com <hr@oceanstarships.com>; HR Shipp <hrship.pvt@gmail.com>; hr-jo@ultra-  
maritime.com <hr-jo@ultra-maritime.com>; hr-lb@ultra-maritime.com <hr-lb@ultra-maritime.com>; hr-sy@ultra-  
maritime.com <hr-sy@ultra-maritime.com>; hr.vswestgarth@veoliawater.com  
<hr.vswestgarth@veoliawater.com>; hrd@greatship.com <hrd@greatship.com>; hrd@interocean.in  
<hrd@interocean.in>; hrdept@uniqueshipping.com <hrdept@uniqueshipping.com>;  
HRM@feederlines.nl <HRM@feederlines.nl>; hrsea@shimaship.com <hrsea@shimaship.com>;  
hrshipmarine.crew@gmail.com <hrshipmarine.crew@gmail.com>; hsm@eim.ae <hsm@eim.ae>; ial@ial-uae.com  
<ial@ial-uae.com>; ialle@ial.com <ialle@ial.com>; idn.vjain@cma-cgm.com <idn.vjain@cma-cgm.com>;  
ies@indopacificservices.com <ies@indopacificservices.com>; iimp@cal.vsn.net.in <iimp@cal.vsn.net.in>;  
imsarms@emirates.net.ae <imsarms@emirates.net.ae>; in-csc-che-man@bs-shipmanagement.com <in-csc-che-  
man@bs-shipmanagement.com>; in-csc-kol-man@bs-shipmanagement.com <in-csc-kol-man@bs-  
shipmanagement.com>; in-csc-mum-man@bs-shipmanagement.com <in-csc-mum-man@bs-shipmanagement.com>;  
inbox@goodwoodship.com <inbox@goodwoodship.com>; india@seawaysintl.com <india@seawaysintl.com>;  
india@toships.com <india@toships.com>; india@c-mar.com <india@c-mar.com>; indiahr@univan.com  
<indiahr@univan.com>; indiarecruit@stena.com <indiarecruit@stena.com>; info@iss-shiping.com <info@iss-  
shipping.com>; info@hireinternational.com <info@hireinternational.com>; info@nimbusmaritime.com  
<info@nimbusmaritime.com>; info@polarcus.com <info@polarcus.com>; info@ostarshipping.com  
<info@ostarshipping.com>; info@bahbalmulla.com <info@bahbalmulla.com>; info@dsbe.ae <info@dsbe.ae>;  
info@expressoffshore.com <info@expressoffshore.com>; info@bluebirdshipping.in <info@bluebirdshipping.in>;  
info@rieelmarine.in <info@rieelmarine.in>; info@hicomideast.com <info@hicomideast.com>;
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Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Annex II - Stakeholder Consultations

Prepared by: Innovative Compliance Europe Ltd &

Hochschule Wismar, University of Applied Sciences: Technology, Business and Design

& Dr. Maria Progoulaki



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Table 1 - Stakeholders Consulted¹

Category of Stakeholder	Organisation Represented and State	Country	
Classification Societies	DNV-GL	Netherlands	
	Lloyds Register	UK	
	DNV-GL	Norway	
	ABS	Greece	
Commission Staff	DG-MOVE	Belgium	
	EMSA	Portugal	
Ratified States	Panama Maritime Authority	Panama	
	Cyprus Department of Merchant Shipping	Cyprus	
	Ministry of Finance, Infrastructure, Shipping and Tourism	Greece	
	Transport Canada	Canada	
	Department of Maritime Transport and Shipping Safety	Poland	
	UK Maritime & Coastguard Agency	UK	
	Hellenic Coast Guard	Greece	
	RPS	Zorovic Maritime Services	Croatia
		Intermanager IOM	IOM
		Philippine Transmarine Carriers Inc.	Philippines
Magsaysay Maritime Corporation		Philippines	
AB Crewing		Romania	
Sinocrew		China	
Stargate Maritime		Bulgaria	
Barklav Manning		Romania	
Northern Marine Management		UK	
V-Ships		Poland	
Bibby Ship Management (Western Europe) Limited	UK		
	CONFIDENTIAL	Greece	

¹To protect the confidentiality of the stakeholders consulted, no individuals are named.



Category of Stakeholder	Organisation Represented and State	Country
	CONFIDENTIAL	Greece
	CONFIDENTIAL	Greece
	CONFIDENTIAL	Greece
Shipowners and Shipowners Associations	BIMCO	Denmark
	ECSA	Belgium
	International Chamber of Commerce	UK
	UK Chamber of Shipping	UK
	Union of Greek Shipowners	Greece
	KVNR – Dutch Shippers	Netherlands
	International Chamber of Commerce	UK
	Norwegian Shipowners' Association	Norway
	AAMC – Associação de Armadores da Marinha de Comércio (Portuguese Shipowners' Association)	Portugal
	Swedish Shipowner Employers' Association	Sweden
	VDR- German Shipowners' Association	Germany
	Maersk Line UK Ltd	UK
	Sealion Shipping	UK
	Serco Ltd	UK
	Absolute Shipping	UK
	CONFIDENTIAL	Greece
	Anangel Maritime Services Inc.	Greece
	Danish Shipowners' Association (DSA), Danish Car Ferry Association (DCFA) and Shipowners' Association of 2010 (SA2010)	Denmark
	The Maersk Company Ltd / Maersk Line UK Ltd	UK
	KVNR (Royal Association of Netherlands Shipowners)	Netherlands
	Sealion Shipping	UK
	Serco Limited	UK
	VDR German Shipowners' Association	Germany



Category of Stakeholder	Organisation Represented and State	Country
Seafarer Unions	DAD-DER – Turkish Seafarers Union	Turkey
	Nautilus International	UK
	International Transport Federation, UK	UK
	European Transport Workers Federation	Belgium
	IFSMA- International Federation of Shipmasters' Associations & VDKS-Verband Deutscher Kapitaene & Schiffsoffiziere	Germany
	Panhellenic Seamens' Federation (PNO)	Greece
PSC/FS	Paris MOU	France
Seafarer Welfare organisations	Sailors Society	UK
	Sailors Society	Belgium
	Sailors Society	Belgium
	Sailors Society	UK
	Sailors Society	UK
	Sailors Society	Brazil
	Sailors Society	Ukraine
	Human Rights at Sea (HRAS)	UK
International Organisations	International Labour Standards Department (ILO)	Switzerland
Other – Insurance	Crewsure UK	UK
	P & I Clubs UK	UK
Other-independent experts	Maritime lawyer	Cyprus



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Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Annex III - Country Profiles

**Prepared by: Innovative Compliance Europe Ltd &
Hochschule Wismar, University of Applied Sciences: Technology, Business and Design
& Dr. Maria Progoulaki**





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1. Targeted States

The breakdown of the main labour supplying states (LSS) or Flag States (FS) in the EU and outside according to their status [1 – MLC, 2006 ratified; 2 – MLC, 2006 not ratified; 3 – EU Member State; 4 – non-EU Member State; 5 – Labour Supplying State (LSS); 6 – Flag State (FS)] is depicted in the following table:

		LSS	Flag states
MLC ratified & in force	Non EU members	Philippines	
		Russia	
		Morocco	
		Malaysia	
	EU members	Bulgaria	Greece
		Croatia	UK
		Poland	Cyprus
			Germany
			Denmark
			France
			Italy
			Spain
			Netherlands
			Malta
	Luxembourg		



Non-MLC ratified	Non EU members	China ¹	
		Ukraine	
		Indonesia	
		Turkey	
		India ²	
		Myanmar	
	EU members	Romania	

The status of the implementation of the MLC, 2006 has been examined in terms of the following:

- a) Category of state (MLC ratifying/ non ratifying state, EU/ non EU member)
- b) National maritime labour information (fleet and seagoing labour statistics)
- c) Contact information of state's competent authorities
- d) Comments from ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR)³
- e) Results from THETIS, regarding MLC-related deficiencies (crew certificates, working and living conditions, and the 4 categories of labour conditions) for the period August 20, 2013 (except the countries when implementation started in a later date) to August 20, 2015.
- f) Status of RPS (public/ private/ job placement websites)

¹ China has ratified the MLC, 2006 at the end of this study on 8 September 2015 [in force: 8 September 2016] (Source: http://www.npc.gov.cn/englishnpc/news/Events/2015-08/31/content_1945568.htm). The country is examined throughout the analysis as a MLC non ratifying LSS.

² India has ratified the MLC, 2006 at the end of this study on 9 October 2015 [in force: 9 October 2016] (Source: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_414224/lang-en/index.htm). The country is examined throughout the analysis as a MLC non ratifying LSS.

³ The ILO body examining the application of ratified Conventions.



-
- g) RPS licensing/certification/ other regulatory system and RPS supervision results
 - h) Seafarers' insurance, social security and CBAs (if any)
 - i) Other issues (complaint handling procedures and results, cooperation with other countries)
 - j) Special notes and recommendations by the study team
 - k) Sources of primary and secondary data.



2. Country profiles of member states – MLC, 2006 ratified and in force

2.1. Non-EU labour supplying member states

2.1.1. Philippines

THE PHILIPPINES	
Category	Labour Supplying State
	Non-EU Member
	MLC, 2006 Ratified 20 August 2012; in force since 20 August 2013
National maritime labour information	
Fleet	<p>Number of ships (000s dwt): 367 (2.962) as of 1 January 2014⁴:</p> <p>The Philippine domestic merchant fleet (2012): 8.112 vessels [60% (or 4,837) for passenger service, most of which are motorbancas, 28% (or 2.291) cargo ships and 795 (10%) tankers and tugboats]⁵.</p> <p>The Philippine- registered overseas fleet (as of March 2014): 116 vessels⁶ (national statistics).</p>
Sea going labour	<p>97506 in total (57688 officers; 23492 ratings)⁷</p> <p>Filipino seafarers account for 28% of all seafarers onboard all international merchant in 2012 from 19% in 1995. For the last five years, the country's deployment of Filipino seafarers rose from 266.553 in 2007 to 369104 in 2011. Out of those deployed in 2011, 24,0% or 90.506 are officers, 38% or 140.681 are ratings and 37% or 136.971 are non marine like those undertaking hotel activities onboard passengers or</p>

⁴ UNCTAD (2014), Review of Maritime Transport, UNCTAD, p. 36.

⁵ Maritime Industry Authority (MARINA), Annual Reports available online: <http://www.marina.gov.ph/reports/report.htm> p.2.

⁶ <http://www.marina.gov.ph/reports/report.htm>

⁷ BIMCO/ISF (2010), Manpower Report.



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	<p>cruise ships, like chambermaids, cooks, waiters, casino personnel and entertainers and 2% or 946 are classified as others⁸.</p> <p>In 2013, the number of deployed Filipino seafarers reached 367.166 in total⁹. The numbers per flags of registries are: Panama (69.297), Bahamas (41.627), Italy (11.865), Cyprus (9.517), Greece (8.585), Netherlands (7.921).</p>
Competent Authorities	
Name	(a) Philippine Overseas Employment Administration (POEA)
Address	Blas F. Ople Building, Mandaluyong City, Mandaluyong City
Website	http://www.poea.gov.ph/
Telephone	722.11.44
Name	(b) Department of Labor and Employment (DOLE) ¹⁰
Address	5/f DOLE Building, Gen. Luna Wing, Intramuros, Manila
Website	http://www.dole.gov.ph/
Telephone	527-3456
Contact Name	Marc Igual
Name	(c) Maritime Industry Authority (MARINA)
Address	984 Parkview Plaza, Taft Avenue corner Kalaw Street, Manila
Website	http://www.marina.gov.ph/
MLC documentation	
DMLC I	Issued under the authority of the Department of Labour and

⁸ <http://www.marina.gov.ph/reports/report.htm> p.4.

⁹ Philippine Overseas Employment Administration (POEA), 2013 statistics, available online: http://www.poea.gov.ph/stats/2013_stats.pdf

¹⁰ DOLE is registered to the World Association of Public Employment Services (WAPES) (www.wapes.org).



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	Employment (DOLE) ¹¹
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel is the Department of Labour and Employment (DOLE).
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Response requested by CEACR due 2016 ¹²
Comments from ILO Supervisory body	<p>CEACR comments have been made¹³; see below.</p> <p>The Philippine Government's indication is to develop a "Magna Carta of Seafarers", which, when adopted, will be a comprehensive law implementing the Convention and applicable to all Filipino seafarers and ships; this is currently under consideration by the Congress of the Republic of the Philippines. <i>The CEACR Committee requested the Government to transmit a copy of the Magna Carta of Seafarers once it is adopted and to continue to provide information on the progress made in this regard.</i>¹⁴</p> <p>The Committee notes that the example of an approved DMLC Part II, which is intended to identify the measures adopted by shipowners to implement the national requirements, also mainly contains references to other documents. The Committee notes that it would be difficult for port State control officers or seafarers to understand what the national requirements are on these matters unless all of these referenced documents are carried on board ship and easily accessible to all concerned. Accordingly, the Committee is of the view that the DMLC, Part I, does not appear to fulfil the purpose for which it, along with the DMLC, Part II, is required under the Convention which is to help all persons concerned, such as flag State inspectors, authorized officers in port</p>

¹¹ Available online:

<http://www.dole.gov.ph/files/MLC%202006/Phil%20DMLC%20Part%201%20as%20of%20July%209%202013,%202010AM.pdf>

¹² http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102970

¹³ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80031:0::NO::P80031_COMMENT_ID:3190199

¹⁴ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3190199



THE PHILIPPINES

States and seafarers, to check that the national requirements on the 14 listed matters are being properly implemented on board ship.

Regarding Regulation 1.4 and the Code on Recruitment and placement

The Committee notes that the POEA Rules provide that seafarers who are subject to a pending disciplinary process may be disqualified from the maritime employment programme. Committee's earlier direct request (2007) concerning the POEA Rules, according to which the POEA had the discretion-on the basis of the evidence presented- to determine whether or not a seafarer should be placed on the watch list, the Committee still indicates that it found such a practice problematic, since the placement of a seafarer on such a watch list would occur while a disciplinary process was still pending, and not as a result of a final ruling of a judicial body with the necessary guarantees of due process. The Committee requests the Government to clarify whether steps have been taken to avoid the possibility that such a "watch list" could be used by private recruitment and placement services, contrary to paragraph 5(a) of Standard A1.4 of the Convention.

Regarding Regulation 4.5 and the Code on Social Security

The Committee notes that Rule VIII, Section 1, of DOLE DO No. 130 of 2013 provides that all seafarers must be entitled to compensation and benefits under the POEA standard employment contract and benefits provided for by the Welfare Fund for Overseas Workers, Pag-IBIG Fund, PhilHealth, Employee's Compensation Law, and the Social Security Law and other applicable laws. The Committee notes that this provision covers Filipino seafarers working on Philippines-registered ships. The Committee observes that the Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-board Ocean-Going Ships, contained in Memorandum Circular of the POEA No. 10 of 2010, does not appear to address the question of social security for seafarers who are ordinarily resident in the Philippines who are working on ships flying the flag of another country.

It notes that, in relation to Standard A4.5, paragraphs 3 and



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	<p>7 of the MLC, 2006, the Government refers in its report to bilateral agreements with various countries on social security, but copies were not provided. The Committee requests the Government to provide information on how social security protection is provided to seafarers, who are ordinarily resident in the Philippines, when they are working on ships flying the flag of another country. It also requests the Government to transmit copies of the bilateral agreements on social security.</p> <p><i>The Philippine Government is asked to reply in detail to the ILO CEACR Committee's comments in 2016.</i></p>
Outcome from PSC (THETIS)	<p>From 20 August 2013 to 20 August 2015, there were made 95 inspections by the PSC of ships running under the Philippine Flag. 0 detentions were recorded.</p> <p>With regard to crew certificate and documentation, living and working conditions, and labour conditions, 28 inspections were made with 0 detentions¹⁵</p>
Other Comments	<p>The MLC is implemented in the Philippines through two legal regimes, one covering seafarers working on ships engaged in domestic voyages and the other covering seafarers working on ships engaged in international voyages¹⁶.</p> <p>Certificates of competence of Filipino seafarers can be validated online¹⁷.</p>
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	None. The National Seamen Board, as defined in Article 20, The Labor Code of the Philippines, Presidential Decree N. 422 ¹⁸ does not offer RPS services.
No of Private RPS	824 manning agencies recorded by POEA ¹⁹ , from which 404

¹⁵ <https://portal.emsa.europa.eu/web/thetis/inspections>.

¹⁶ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3190199

¹⁷ Directly from the Maritime Industry Authority (MARINA) (www.marina.gov.ph),

¹⁸ <http://www.poea.gov.ph/rules/labcode.html>



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	are with a valid license as of September 3, 2015 ²⁰ .
No of Seafarer job placement internet web sites	Unknown. Official information not available.
RPS Licensing	<p>The RPS licensing is ruled by the SB Rules of 2003 (POEA) on Overseas Employment of Seafarers²¹. The procedure and documentation can be found online²².</p> <p style="padding-left: 40px;">(a) The National Seamen Board.</p> <p>The National Seamen Board develops and maintains a comprehensive program for Filipino seamen employed overseas. It shall have the power and duty (i) to provide free placement services for seamen, (ii) to regulate and supervise the activities of agents or representatives of shipping companies in the hiring of seamen for overseas employment and secure the best possible terms of employment for contract seamen workers and secure compliance therewith, (iii) to maintain a complete registry of all Filipino seamen. Also, the Board shall have original and exclusive jurisdiction over all matters or cases including money claims, involving employer-employee relations, arising out of or by virtue of any law or contracts involving Filipino seamen for overseas employment. The decisions of the Board shall be appealable to the National Labor Relations Commission upon the same grounds provided in Article 223 of the Labour Code Provisions on Overseas Employment (Presidential Decree N.422). The decisions of the National Labor Relations Commission shall be final and inappealable.</p> <p style="padding-left: 40px;">(b) Private RPS</p> <p>Private sector participation in the recruitment and placement of workers is allowed. Only Filipino citizens or corporations,</p>

¹⁹ <http://www.poea.gov.ph/cgi-bin/agList.asp?mode=allSB>

²⁰ <http://www.poea.gov.ph/cgi-bin/agList.asp?mode=actSB>

²¹ <http://www.poea.gov.ph/rules/SB%20Rules%202003.pdf>

²² http://www.poea.gov.ph/agency/licensing_manning.htm



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	<p>partnerships or entities at least seventy-five percent (75%) of the authorised and voting capital stock of which is owned and controlled by Filipino citizens shall be permitted to participate in the recruitment and placement of workers, locally or overseas.</p> <p>A schedule of fees for the registration of all applicants for license or authority is published by the Secretary of Labour. Any person applying with a private fee-charging employment agency for employment assistance shall not be charged any fee until he has obtained employment through its efforts or has actually commenced employment. Such fee shall be always covered with the appropriate receipt clearly showing the amount paid. The Secretary of Labor shall promulgate a schedule of allowable fees.²³</p> <p>The private RPS need to follow a procedure of application as defined in SB Rules of 2003 (POEA) on Overseas Employment of Seafarers²⁴. Every applicant for license to operate a manning agency shall submit a verified undertaking stating that the applicant shall "ensure that any seafarer recruited or deployed by them is qualified and holds the documents necessary for the job concerned²⁵. Also, there are specific rules and regulations for the employment of Filipino seafarers onboard Philippine-registered ships engaged in international voyage²⁶.</p> <p>List of licensed recruitment and placement services in the Philippines is published on the homepage of POEA (see details mentioned earlier).</p>
RPS Supervision	Unexpected checks were mentioned to be conducted by stakeholders. No specific regulatory framework available. No relevant results of any such monitoring/ inspections.

²³ <http://www.poea.gov.ph/rules/labcode.html> . Articles 30 and 32.

²⁴ <http://www.poea.gov.ph/rules/SB%20Rules%202003.pdf>

²⁵ DMLC Part I issued by DOLE, Section 5 on the use fo any licensed or certified or regulated provate RPS (Reg 1.4).

²⁶ DOLE DO 130-13, Rule III, Section 4 on Recruitment and Placement.
<http://www.dole.gov.ph/files/MLC%202006/DO%20130-13.pdf>



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Comments	<p>The CEACR (Committee) notes that Part VI, Rule II, section 5, of the POEA Rules provides that seafarers who are subject to a pending disciplinary process may be disqualified from the maritime employment programme. In this connection, the Committee recalls its direct request published in 2010 on the Philippines' application of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), in which it noted the Government's explanation, in its report on Convention No. 179, that this provision was intended to acquire jurisdiction over accused seafarers and not to deprive them of a means of livelihood. However, in the same direct request, the Committee noted the Government's earlier statements in its report of 2007 that under the POEA Rules, the POEA had the discretion, on the basis of the evidence presented, to determine whether or not a seafarer should be placed on the watch list. The Committee indicated that it found such a practice problematic, since the placement of a seafarer on such a watch list would occur while a disciplinary process was still pending, and not as a result of a final ruling of a judicial body with the necessary guarantees of due process. <i>The Committee requests the Government to clarify whether steps have been taken to avoid the possibility that such a "watch list" could be used by private recruitment and placement services, contrary to paragraph 5(a) of Standard A1.4 of the Convention.</i>²⁷</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>One Seafarer's Contract with standard terms and conditions governing the overseas employment of Filipino seafarers on-board ocean-going ships²⁸ (Memorandum Circular 10, Series of 2010).</p> <p>Currently there are 43 bilateral labour agreements for Filipino seafarers²⁹ between the Philippines and FSSs, such as Cyprus, Denmark, Greece, Indonesia, Italy, Japan, Liberia, Malaysia, Malta, Netherlands, Norway, Panama, Poland, Portugal,</p>

²⁷ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3190199

²⁸ http://www.poea.gov.ph/docs/sec_seafarers_new.pdf

²⁹ http://www.poea.gov.ph/blas/BLA_Seafarers.pdf



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	<p>Singapore, Sweden, and Ukraine.</p> <p>CEACR requested the Government of the Philippines to transmit copies of the 43 bilateral agreements on social security to the ILO.</p> <p>For seafarers working on ships registered in the Philippines engaged in international voyages, Rule IV, Section 2 of DOLE DO No. 130 of 2013, provides that the terms and conditions of employment must be governed by the Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-board Ocean-Going Ships (Memorandum Circular of POEA No. 10 of 2010, titled "POEA Standard Terms and Conditions"³⁰).</p> <p>All Philippines-registered ships engaged in international trade "shall be completely manned by Filipino seafarers" and "no foreign officers shall be allowed onboard unless approved by the [MARINA]" (Memorandum Circular of MARINA No. 137 of 1998).</p>
Social security branches covered (from date)	<p>At the time of ratification (2012), the Philippine Government specified that the following branches of social security are provided to seafarers ordinarily resident in the Philippines: medical care; sickness benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; and survivors' benefit³¹.</p> <p>The CEACR Committee noted that Rule VIII, Section 1, of DOLE DO No. 130 of 2013 provides that all seafarers must be entitled to compensation and benefits under the POEA standard employment contract and benefits provided for by the Welfare Fund for Overseas Workers, Pag-IBIG Fund, PhilHealth, Employee's Compensation Law, and the Social Security Law and other applicable laws. The Committee notes that this provision covers Filipino seafarers working on Philippines-registered ships. The Committee observed that the Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-board Ocean-Going Ships, contained in Memorandum Circular of the POEA No. 10 of 2010, does not appear to address the question of social</p>

³⁰ http://www.poea.gov.ph/docs/sec_seafarers_new.pdf

³¹ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102970



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	<p>security for seafarers who are ordinarily resident in the Philippines who are working on ships flying the flag of another country. It noted that, in relation to Standard A4.5, paragraphs 3 and 7 of the MLC, 2006, the Government refers in its report to bilateral agreements with various countries on social security, but copies were not provided. The Committee requested the Philippine Government to provide information on how social security protection is provided to seafarers, who are ordinarily resident in the Philippines, when they are working on ships flying the flag of another country. It also requested the Philippine Government to transmit copies of the bilateral agreements on social security³².</p>
Other social security and seafarers insurances	<p>All seafarers shall be entitled to compensation and benefits under the POEA SEC and benefits provided for by the Welfare Fund for Overseas Workers, Pag-IBIG Fund (Republic Act No. 7742), PhilHealth (Republic Act No. 7875, as amended by Republic Act No. 9241), Employees' Compensation Law (Presidential Decree No. 626, as amended), and the Social Security Law (Republic Act No 1161 as amended by Republic Act No. 8282), and other applicable laws³³.</p> <p>CEACR requested the Philippines to clarify as to the branches of social security and other benefits provided to seafarers and to the arrangements that have been made to ensure that seafarers who are ordinarily residents are provided with the same social security when they work on ships flying a foreign flag.</p>
Other issues	
Complaint handling procedure	<p>For onboard complaints the procedure as described in the DMLC II shall be followed.</p> <p>When onshore, seafarers may avail of the conciliation mediation services of the DOLE by filing for assistance before conciliation and mediation desks of the POEA or at the Regional Office or POLO Offices of the DOLE³⁴.</p>

³² http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3190199

³³ http://www.poea.gov.ph/rules/DO130_2013_ManilaTimes_6182013.pdf p.6

³⁴ DMLC II, Section 13 on onboard complaint procedures
<http://www.dole.gov.ph/files/MLC%202006/Phil%20DMLC%20Part%201%20as%20of%20July%209%202013>



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	No available results concerning seafarers' complaints monitoring and handling.
Cooperation with other countries relating to seafarer's recruitment and placement	Apart from the bilateral labour agreements for seafarers, no other information on further cooperation with other countries is available.
Special notes and recommendations	
Notes	<p><u>Regarding RPS regulatory framework:</u></p> <p>No RPS can operate without a licence, which lasts for four years. There is a clear legislation on control of compliance with the regulation, control of abuse of recruitment of seafarers. The Republic Act 10022³⁵ – Workers' Act that protects seafarers and other overseas workers.</p> <p>There are also many Government requirements to comply with in order to operate an RPS:</p> <ul style="list-style-type: none"> - RPS must be registered in the Security and Exchange Commission. If there is a foreign investor, only 25% of the share; 75 % must be owned by Philippines - There is a licence required from the Philippine Overseas Employment Agency – Department of Labour. - A copy of agency agreement between ship owner (foreign company) and RPS is needed. Copy must be authenticated in the country of ship owner residence (embassy). Ship owner should supply with ship particulars, positions and salaries. Salaries must be in compliance with the ILO minimum salaries. Otherwise, the registration will be denied and the crew cannot join the ship. One

[%2C%2010AM.pdf](#)), with references to DOLE DO 130-13, Rule X, Sections 6 and 7; POEA Governing Board Resolution N. 9 and POEA Memorandum Circular N. 10, s.2010; DOLE Department Order 127-13 on Conciliation- Mediation of Labor Disputes in the Overseas Shipmanning Industry.

³⁵ <http://www.poea.gov.ph/ptfair/ra10022.htm>



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	<p>ship owner can appoint maximum three RPSs with regard to Filipino seafarers. One vessel can be served only by one RPS (only for Filipino seafarers).</p> <ul style="list-style-type: none"> - Three government agencies working in the Philippines in case of dispute: <ul style="list-style-type: none"> i. National Labour Relation Commission in charge of all legal disputes; Commissioner lever; and Court and / Supreme Court for dispute solving. ii. National Conciliation and Mediation Board; and iii. PUA Legal regarding salaries, benefits, etc. Social security – ship owners must provide with copies of P&I coverage. <p><u>Regarding seafarers'social security:</u></p> <p>There is a law that requires all employers to pay social security contribution for Philippine seafarers. Social security system is a combination of Philippine Health Insurance and Overseas Workers Welfare Administration – government agencies covering social security of seafarers.</p> <p><u>Regarding seafarers'awareness on MLC, 2006 rights and duties:</u></p> <p><u>Private RPS offer seafarers'pre-employment familiarisation and awareness training on the MLC, 2006 rights and duties; seafarers also receive a certificate of attendance. No governmental policy or other regulatory framework concerning this.</u></p>
Recommendations concerning:	<p>Monitoring of RPS operation</p> <p>Monitoring of complaints and complaints handling procedures of RPS.</p>
Sectoral representatives interviewed and other sources used	
Sectors	Competent authorities, shipowners associations, seafarers'trade unions, RPS, MET
Stakeholders	Maritime Industry Authority (MARINA)



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	Filipino Association of Mariner'Employment (FAME) Associated Marine Officer's and Seamen's Union of the Philippines (AMOSUP) Magsaysay Maritime Corporation Philippines Transmarine Carriers, Inc. Maritime Academy of Asia and the Pacific (MAAP)
Sources	Competent authorities' (POEA, DOLE, MARINA) websites, EMSA, ILO. Sources of secondary data indicated in footnotes.



2.1.2. Russian Federation

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Category	Labour Supplying State (LSS)
	Non-EU Member State
	MLC Ratified 20 August 2012, in force since 20 August 2013
National maritime labour information	
Fleet	Number of ships: 2324 ³⁶ Number of ships (dwt) 1.734 as of 1 January 2014 ³⁷ Number of ships registered with the Russian Flag – 1.410 ³⁸ (as of 1 January 2014)
Sea going labour	65.000 in total (25.000 officers; 40.000 ratings) ³⁹ (Other sources indicate 55859) ⁴⁰ .
Competent Authority	
Name	Ministry of Transport of the Russian Federation (MINTRAS)
Address	109012 Moscow, ul.Rozhdestvenka, 1, p.1
Website	http://www.mintrans.ru
Telephone	+7 (495) 626 1010
MLC documentation	
DMLC I	Issued under the authority the Government of the Russian Federation and the Ministry of Transport RF by the Russian Maritime Register of Shipping, Marine Management Systems Division:

³⁶ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102884

³⁷ Review of Maritime Transport 2014, UNCTAD, p. 36.

³⁸ Ibid., p. 45

³⁹ UNCTAD, 2011, http://unctad.org/en/docs/rmt2011_en.pdf

⁴⁰ BIMCO/ISF (2010)



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	<p>Mr. Alexander Putraim, Head of Marine Management Systems Division 8, Dvortsovaya Naberezhnaya 191186, St. Petersburg RUSSIA</p> <p>Tel: +7 812 380 1955 Fax: +7 812 380 1958 Email: ism.dept@rs-class.org</p> <p>MLC Department Pavel L. Zemlyanskiy +7 812 3801957 +7 812 3801993 mlc.dept@rs-class.org</p>
DMLC II	<p>Responsible authority for issuing DMLC II after the control of the vessel is Russian Maritime Register of Shipping at the Ship Safety Administration</p> <p>Shipowner shall ensure on-going compliance between inspections related to the Regulations 1.1, 1.2, 1.3, 2.1, 1.4, 2.3, 2.7, 3.1, 3.2, 4.3, 4.1, 5.1.5, 2.2 and provide respective information relating to the above termed regulations. The name, address, name of the authorised signatory and signature of the shipowner must be provided in the DMLC II.</p> <p>After filling in, the above filled in measures in compliance have to be reviewed by the Russian Maritime Register of Shipping, and, following inspection of the ship, have been determined as meeting the purposes set out under (b) of paragraph 10 of Standard A5.1.3, regarding measures to ensure initial and on-going compliance with the requirements set out in Part I of this Declaration⁴¹.</p>
Results regarding MLC, 2006 implementation	
First ILO Progress Report	In the period of 2015-2019 there are no report requested in terms of MLC, 2006 ⁴²

⁴¹ <http://www.rs-class.org/en/register/services/ilc/>

⁴² http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102884



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Comments from CEACR	No country-specific comments as of September 3, 2015.
Comments from THETIS	<p>From 20 August to 20 August 2015, there were made 870 inspections by the PSC of ships running under the Russian Federation Flag, and 41 detentions were recorded.</p> <p>With regard to MLC-related deficiencies, 275 inspections were made with 35 detentions⁴³.</p>
Other Comments	<p>According to the DMLC I, the applicable national legislation is the following:</p> <ol style="list-style-type: none"> 1. Article 265 of Labour Code of the Russian Federation of 30 December 2001 No197-FZ: It is forbidden to engage the employees under 18 years old for work with unhealthy and/or dangerous conditions. 2. Decree of the Russian Federation Government dated February 25, 2000 No163 "On approval of the list of heavy work and work in harmful or dangerous conditions, which prohibits the employment of persons under eighteen years old": It is forbidden to engage the employees under 18 years old for work with harmful and (or) dangerous conditions which the seafarers' labour referred to. 3. Article 55. The Merchant Shipping Code of the Russian Federation of 30 April 1999 No81- FZ: Persons admitted to work on board a vessel shall have certificates confirming their health fitness to such work. 4. Order of the Russian Federation Ministry of Health and Social Development dated April, 12, 2011 No 302n "On approval of the lists of hazardous and (or) dangerous production factors and work during the performance of which mandatory preliminary and periodical medical examinations (supervision) should be carried out, and the Procedure of performing mandatory preliminary and periodical medical examinations (supervision) of employees engaged in heavy work and in work with hazardous and (or) dangerous working conditions". 5. Article 54. The Merchant Shipping Code of the Russian

⁴³ <https://portal.emsa.europa.eu/web/thetis/inspections>.



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	<p>Federation of 30 April 1999 No81-FZ:Persons admitted to work on board a vessel shall have diplomas and certificates of competence established by the Regulation on Certification of crew members, approved by the Government of the Russian Federation authorized federal executive body.</p> <p>6. Order of the Russian Federation Ministry of Transport dated March 15, 2012 No62 "On approval of the Regulation for Certification of crew members":This Regulation establishes the procedure for completing the training, taking into account seagoing service, qualification testing of candidates for certification, the procedure for issuing certificates, endorsements on the recognition of diplomas issued by a foreign country, qualification certificates, endorsements to diplomas for work on tankers (oil tankers, gas carriers, chemical tankers), Certification of ships' cooks required by the STCW Convention for the crew members of ships used for merchant shipping.</p> <p>7. Articles 2. 9,15,16,20, 56-90 of Labour Code of the Russian Federation of 30 December 2001 No197-FZ:Article 67. A labor agreement is concluded in a written form. Two copies of a labor agreement are made. Each of these copies must be signed by both sides. One copy of a labor agreement is given to employee, another one remains with employer.</p> <p>8. Article 80. An employee has right to terminate a labor agreement. Employee must warn employer about termination of the agreement in written form at least two weeks prior to termination.</p> <p>9. Article 57. The Merchant Shipping Code of Russian Federation of 30 April 1999 No81-FZ:The procedure of the employment of a vessel's crew members, their rights and duties, the conditions of service and payment for it, as well as the procedure and grounds for discharge of them shall be determined by the labour legislation of the Russian Federation, by this Code, by the statutes of service on vessels, by statutes on discipline, by general and branch tariff agreements, collective agreements and labour contracts.</p> <p>10. Decree of the RF Government, dated August 18, 2008 No628 "Regulations for seafarer's identity document", "Regulations for seafarer's discharge book, sample and</p>
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	<p>description of the seafarer’s discharge book sample”.</p> <ol style="list-style-type: none"> 11. Order of the Russian Federation Ministry of Health and Social Development dated December 2, 2009 No 939n “On approval of a model form of the employment agreement concluded by the employer (the ship owner) and the employee to work as crew members of ships flying the Russian Federation flag”:The Order puts into force a model form of the seafarers employment agreement. 12. Decree of the Russian Federation Government dated October 8, 2012 No1022 “On Approval of the Regulations for the licensing activities related to the provisions of employment services to citizens of the Russian Federation outside the territory of the Russian Federation”: These Regulations define the licensing activities related to the provision of employment services to citizens of the Russian Federation outside the territory of the Russian Federation by the Russian legal entities including seafarers of ships flying the foreign flag. 13. Order of the Federal Migration Service of the Russian Federation, dated 05.04.2013 No155 “On approval of the Administrative Procedure for the Federal Migration Service rendering of a state service on licensing the activities related to rendering job placement services for the citizens of the Russian Federation outside the territory of the Russian Federation”. 14. Order of the Russian Federation Ministry of Health and Social Development dated December 8, 2009 No 962n “On approval of the Procedure for the registration of employment agreements in the territorial bodies of the Federal Service for Labour and Employment concluded through the seafarer recruitment and placement services with Russian citizens, foreign citizens and stateless persons to serve in the crews of sea-going ships under the Russian Federation state flag” 15. Article 91-128 of Labour Code of the Russian Federation of 30 December 2001 No197-FZ:Working time is a period of time during which an employee has to Russian Federation perform his job duties according to internal rules of an organization and conditions of a labour agreement and other periods of time that are considered working time according
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	<p>to laws and other legislative standard acts. Normal length of working time cannot exceed 40 hours in a week.</p> <p>16. Order of the Russian Federation Ministry of Health and Social Development dated August 13, 2009 No 588n "On Approval of the Procedure for Calculating the norm of working time for certain calendar periods of time (month, quarter, year), depending on the fixed duration of the working hours per week": The normal working hours' standard for certain calendar periods shall be calculated under the estimated schedule of a five-day working week with two days of rest on Saturday and Sunday on the basis of duration of daily work (shift) at 40-hour work week - 8hours.</p> <p>17. Decree of the Russian Federation Ministry of Labour dated February 20, 1996 No11 "On approval of provisions on hours of work or rest for seafarers on the sea-going ships": The maximum duration for the crew members for hours of work on board ships between the two periods of rest on the shore (spent on vacation, use the summed rest days) shall not exceed 120 calendar days. In case of difficulties with the change of the crew or its individual members or foreign Arctic ports, delaying the ship during voyage, during anchorage at port where the crew change is associated with significant costs and time, duration of the crew on the ship or its individual members may be increased to 150 days.</p> <p>18. Article 53. The Merchant Shipping Code of the Russian Federation of 30 April 1999 No81-FZ:1. Each vessel shall have aboard a crew whose members have the appropriate qualifications and whose numbers are adequate for: ensuring safe navigation and protection of the marine - environment; meeting the requirements on work time on board the ship; prevention of overcharging the crew members with work.</p> <p>19. Order of the Russian Federation Ministry of Transport dated November 1, 2002 No138 "On Approval of the Regulations for the minimum safe manning of merchant ships": On a ship registered in the RUSSIAN FEDERATION State Register of Ships, the Minimum Safe Manning Certificate (hereinafter referred to as the Certificate), corresponding to the</p>
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	<p>minimum manning levels of the inland navigation ships and ships of the river – sea navigation shall be available.</p> <p>20. Articles 209, 212 of Labour Code of the Russian Federation of 31 December 2001 No197-FZ: The employer must ensure the attestation of working places in respect of labour conditions with following certification of labour safety measures taken in the organization.</p> <p>21. Official Letter of the Russian Federation Ministry of Transport dated 16.08.2013 No05-04-2915: During the design and construction of many ships being in service at present, the requirements of Accommodation of Crews Convention (Revised), 1949 (No92) and Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No133) adopted by International Labour Organization were not fully considered and were not applied during the construction of ships; therefore, the requirements for changing the structure or equipment of ships for their compliance with the above Conventions or granting exemptions to comply the requirements of the said Conventions shall not be applied.</p> <p>22. Technical Regulations on Safety of Sea Transport Items (approved by a Decree of the RF Government No. 620 of 12 August 2010): These Technical Regulations are applied to protect the life and health of the citizens, property of natural and legal persons, state or municipal property; environmental protection, protection of life and health of animals and plants, prevention of actions which misinform the purchasers of the items subject to technical regulation, against the risks which may be caused by the activity of marine transport and related infrastructure.</p> <p>23. Sanitary Norms. CH 2.5.2.048-96 "Vibration levels on sea-going ships". (Approved as amended by State Committee on Sanitary and Epidemiology Surveillance on February 21, 1996 No4)</p> <p>24. Sanitary Norms CH 2.5.2.047-96 "Vibration levels on sea-going ships" (Approved as amended by State Committee on Sanitary and Epidemiology Surveillance on February 21, 1996 No3)</p> <p>25. Official Letter of the Russian Federation Ministry of</p>
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	<p>Transport dated 16.08.2013 No05-04-2915: During the design and construction of many ships being in service at present, the requirements of Accommodation of Crews Convention (Revised), 1949 (No92) and Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No133) adopted by International Labour Organization were not fully considered and were not applied during the construction of ships; therefore, the requirements for changing the structure or equipment of ships for their compliance with the above Conventions or granting exemptions to comply the requirements of the said Conventions shall not be applied.</p> <p>26. Decree of the Russian Federation Government dated December 7, 2001 No861 "On food and catering of the crews of sea-going and river ships with the exception of fishing vessels and aircraft": The Decree approves the attached ration for crews of sea-going and river ships, with the exception of fishing vessels.</p>
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	<p>The Federal Service for Labour and Employment⁴⁴ is the responsible authority for licensing and supervision of RPS.</p> <p>No public RPS operate in Russia.</p>
No of Private RPS	<p>All RPS are private (even those which supply the seafarers for the vessel under Russian Flag).</p> <p>No official total number of private RPS, but two official lists which are available online indicate 391 private RPS (71 RPS registered by the Seafarers' Union of Russia⁴⁵ and 320 RPS registered by the Russian Federal Migration Service⁴⁶). Other unofficial sources indicate 109 crewing agencies⁴⁷.</p>

⁴⁴ <http://government.ru/en/department/238/events/>

⁴⁵ <http://www.sur.ru/en/moryak/crewing-companies>

⁴⁶ <http://www.fms.gov.ru/opendata/7701549553-reestrlicenzmoryaki/>

⁴⁷ CrewData. <http://crewdata.com/crewings.php?lang=eng&country=Russia> and http://sukhadol.narod.ru/r_j_abr.html (in Russian)



RUSSIAN FEDERATION	
No of Seafarer job placement internet web sites	<p>Private RPS registered in the above mentioned official lists may have a website for marketing purposes. No official data on websites acting solely as SRPS.</p> <p>560 were found through an unofficial source⁴⁸.</p>
RPS Licensing	<p>All crewing agencies must be licensed by Governmental Federal Migration Service which issues licences based on Governmental Order N. 1022.</p> <p>Additionally, the agencies can be certified by the Ministry of Transport's Autonomous non-profit organisation "Center for Coordination and certification services for the recruitment and employment of seafarers on ships under foreign flag" (ANO CFB) on voluntary basis.</p> <p>ISO certification is not mandatory, but some large RPS receive this type of certification by ANO CFB or the Russian Shipping Register. Small independent agencies usually have only the mandatory license by FMS, as it is costly to receive ISO or other similar non-mandatory certification⁴⁹.</p> <p>Order of the Russian Federation Ministry of Health and Social Development dated December 8, 2009 No 962n</p> <p>"On approval of the Procedure for the registration of employment agreements in the territorial bodies of the Federal Service for Labour and Employment concluded through the seafarer recruitment and placement services with Russian citizens, foreign citizens and stateless persons to serve in the crews of sea-going ships under the Russian Federation state flag".</p> <p>According to the Russian Maritime Register of Shipping, there exist a template for filling in a Request for voluntary Audit of Crewing Agency for Compliance with Russian Applicable Requirements. The Agency must provide valid documents and certificates related to: 1) State licence for crewing activity; 2) Certificate of Compliance ISO 9001:2008; 3) Certificate of Compliance with Russian applicable requirements.</p>
RPS Supervision	The Federal Migration Services (FMS) performs inspections to all

⁴⁸ <http://www.korabel.ru/catalogue/catalog/0/39/1.html> (in Russian)

⁴⁹ Source: ITF representative.



RUSSIAN FEDERATION	
	RPS once per 2-3 years or upon the request of the Public prosecutor . In case the Seafarers' Union of Russia is involved in unscheduled inspection , they published information regarding the results.
Comments	<p>A lot of former Ukrainian agencies in Crimea went out of business due to sanctions or non-compliance with Russian laws⁵⁰.</p> <p>In the Federal employment service (FMS) there is no special employment service of seamen.</p> <p>Special norms on employment of seamen in the legislation of the Russian Federation are not established. Thus those societies which have the license abroad can be engaged in employment of seamen⁵¹.</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>ITF CBAs are in use, and bilateral agreements with Norwegian Shipowners' Association⁵². Russian seafarers can be covered by Seafarers Union of Russia CBA, Union of Water transport workers, or any other Unions.</p> <p>Collective agreements can be developed between workers and the employer⁵³.</p> <p>Article 41 of the Labour Code of the Russian Federation (30 December 2001, №197-FZ)⁵⁴. Contents and structure of the collective agreement:</p> <p>The contents and structure of the collective agreement are defined by the parties. The collective agreement can join obligations of workers and the employer for the following questions:</p> <ul style="list-style-type: none"> • forms, systems and sizes of compensation; • payment of grants, compensations; • the mechanism of regulation of compensation taking into

⁵⁰ Source: Representative of the Seafarers' Union of Russia.

⁵¹ http://www.transport.ru/2_period/m_vest/9_11/bezrab.htm (in Russian)

⁵² Samples of CBAs can be found online with a translation in English: <http://www.sur.ru/en/moryak/agreements>

⁵³ Examples here: <http://www.trosur.ru/mft/dogovory/68-mft/dogovory.html>

⁵⁴ Labour Code of the Russian Federation of 30 December 2001 №197-FZ.



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	<p>account an increase in prices, a rate of inflation;</p> <ul style="list-style-type: none"> • employment, retraining, conditions of release of workers; • working hours and time of rest, including questions of granting and duration of holidays; • improvement of conditions and labour protection of workers, including women and youth; • observance of interests of workers at privatization of the state and municipal property; • ecological safety and health protection of workers on production; • guarantees and privileges to the workers combining work with training; • improvement and rest of workers and members of their families; • partial or full payment of food of workers; • control over the implementation of the collective agreement, order of introduction in it of changes and additions, responsibility of the parties, providing normal conditions of activity of representatives of workers, order of informing workers on implementation of the collective agreement; • refusal of strikes when performing the corresponding conditions of the collective agreement; • other questions determined by the parties⁵⁵. <p>These agreements are applicable for those shipowners who employ Russian seafarers⁵⁶:</p> <ol style="list-style-type: none"> 1. There is existing Collective Fleet Agreement on behalf of the owner for the vessels listed in Annex I (which may be amended as necessary), hereinafter "Company" and SEAFARERS UNION OF RUSSIA, an affiliated union of the International Transport Workers' Federation (ITF), London hereinafter "Union" 2012 -2014 Application 2. COLLECTIVE BARGAINING AGREEMENT between on behalf
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⁵⁵ Labour Code of the Russian Federation of 30 December 2001 №197-FZ:

⁵⁶ <http://www.sur.ru/en/moryak/agreements>.



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	<p>of the owners listed inside and Pacific Regional Organization, Vladivostok an affiliated union of the International Transport Workers' Federation (ITF), London 1 January 2012⁵⁷</p> <p>3. IBF TCC International Bargaining Forum Agreement</p> <p>4. ITF STANDARD COLLECTIVE AGREEMENT 1 January 2008</p> <p>5. ITF OFFSHORE COLLECTIVE AGREEMENT Effective 1 January 2012</p>
Social security branches covered	As of Septemembr 3, 2015, the following social security branches are stated as covered in the ILO website ⁵⁸ : medical care; sickness benefit; old-age benefit; employment injury benefit; invalidity benefit and survivors' benefit.
Other social security and seafarers insurances	<p>National social security system covers⁵⁹:</p> <p>1) payment of the medical organization of the expenses connected with granting to the insured person of necessary medical care;</p> <p>2) old-age pension;</p> <p>3) disability pension;</p> <p>4) pension on the occasion of loss of the supporter;</p> <p>5) temporary disability benefit;</p> <p>6) insurance payments in connection with an industrial accident and occupational disease, payment of additional expenses on medical rehabilitation, sanatorium treatment, social and professional rehabilitation;</p> <p>7) maternity allowance;</p> <p>8) a monthly allowance on care of the child;</p> <p>10) a lump sum to the women who were registered in the medical organizations in early terms of pregnancy;</p> <p>11) a lump sum at the child's birth;</p> <p>13) social benefit for burial.</p>

⁵⁷ <http://www.trosur.ru/mft/dogovory/68-mft/dogovory.html>

⁵⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102884

⁵⁹ The federal law of the Russian Federation "About bases of obligatory social insurance".



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Other issues	
Complaint handling procedure	<p>No inspections or complaints have been registered.</p> <p>Article 356, 357, 358 of Labour Code of the Russian Federation of 31 December 2001 №197-FZ:</p> <p>In accordance with basic tasks, delegated, the bodies of Federal Labour Inspection exercise the following authorities:</p> <ul style="list-style-type: none"> • receive citizens and process applications, letters, claims, complaints and other appeals of employees, referring to the infringement of their labour rights, take measures for the elimination of infringements disclosed and restoration of rights infringed; • State labour inspectors must keep the secret, protected by law (state, official, commercial and other), which became known to them in the course of fulfilment of their duties and also after their vacation from the position, treat the source of every complaint against the drawbacks or infringements of laws and other legal acts, containing labour regulations as strictly confidential, refrain from informing an employer of the claimant, in case the inspection is substantiating on his claim and the claimant expressly wishes that his employer is not to be informed of the source of claim. <p>Federal Law dated May 2, 2006 №59-FZ "On the procedure for handling complaints of citizens of the Russian Federation":</p> <p>Herewith the procedure for handling complaints of the citizens shall apply to all appeals of the citizens, with the exception of appeals to be considered in the order established by the federal constitutional laws and federal laws.</p> <p>Herewith the procedure for handling appeals of the citizens shall apply to legal relations connected with consideration of applications from foreign nationals and stateless persons, except for the cases established by an international treaty of the Russian Federation or federal law.</p>
Cooperation with other countries relating to	Seafarers' Union of Russia (Affiliated with ITF) ⁶⁰ .

⁶⁰ <http://www.sur.ru/en>



RUSSIAN FEDERATION	
seafarer's recruitment and placement	
Special notes and recommendations	
Notes	<p>A comprehensive accident insurance covers all crew members, regardless of their nationality.</p> <p>There is a system to register individual seafarers contract in the Ministry of Transport.</p>
Recommendations regarding:	<p>Official list of regulated private SRPS.</p> <p>Clear monitoring and supervision of te operation of SRPS.</p> <p>Findings of supervision of SRPS on public.</p> <p>Findings of complaints investigation and complaints.</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, Seafarers'trade unions, RPS
Organisations	<p>Ministry of Transport of the Russian Federation</p> <p>Russian Maritime Register of Shipping</p> <p>Seafarers' Union of Russia</p> <p>Shipbuilding and Shipping Technical Society (Academic Krilov)</p> <p>Russian Professional Seamen Union⁶¹</p>
Sources	Sources of secondary data indicated in footnotes.

⁶¹ <http://www.trosur.ru/mft/dogovory/68-mft/dogovory.html>



2.1.3. Morocco

MOROCCO	
Category	Labour Supplying State
	Non EU Member State
	MLC 2006 ratified on 10 September 2012; in force since 10 September 2013
National maritime labour information	
Fleet	Number of ships 34, dwt 209,000 (by beneficial owner location, as of 1 January 2014) ⁶² Number of ships registered under the Moroccan flag – 86 ⁶³ (as of 2014) Foreign flag, dwt 110 000 ⁶⁴
Sea going labour	4097 (897 officers, 3200 ratings) ⁶⁵ .
Competent Authority	
Name	Ministry of Equipment and Transport ⁶⁶
Address	Boulevard Houphouet Boigny, Casablanca, 20000
Website	http://www.mtpnet.gov.ma/en/Pages/home.aspx
MLC documentation	
DMLC I	Not available copy.
DMLC II	DMLC II approval is performed by Bureau Veritas ⁶⁷

⁶² Review of Maritime Transport 2014, UNCTAD, p. 35.

⁶³ Merchant fleet by flag of registration and by type of ship, annual, 1980-2014. UNCTAD.
<http://unctadstat.unctad.org/wds/TableViewer/tableView.aspx>

⁶⁴ Review of Maritime Transport 2014, UNCTAD, p. 35.

⁶⁵ Source: BIMCO/ITF2010

⁶⁶

http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102993



MOROCCO	
First ILO Progress Report	Received 2014 ⁶⁸
Comments from CEACR	No inspections or complaints have been registered
Results from THETIS	From 20 August 2013 to 20 August 2015 PSC made 21 inspections of ships registered under the Moroccan flag; no detentions were recorded. With regard to MLC, 2006, seven inspections were conducted with no detentions ⁶⁹
Other Comments	No further.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	1 but not specific to seafarers. National Agency for Promotion of Employment and Skills (ANAPEC) ⁷⁰
No of Private RPS	No available information.
No of Seafarer job placement internet web sites	No available information.
RPS Licensing	According to section 477 of the Labour Code, private recruitment agencies may participate in intermediary activities after

⁶⁷

<http://www1.veristar.com/veristar/Flag.nsf/frDocument?ReadForm&title=MOROCCO&id=D8769BF1CEBE7BF6C125654400384632>

⁶⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102993

⁶⁹ <https://portal.emsa.europa.eu/web/thetis/inspections>.

⁷⁰ L'Agence Nationale de Promotion de l'Emploi et des Compétences (<http://www.anapec.org>) is registered to the World Association of Public Employment Services (www.wapes.org).



MOROCCO	
	<p>authorisation has been granted by the government authority responsible for labour matters – the Ministry of Employment⁷¹.</p> <p>According to the Moroccan Government’s report, considerable experience of the maritime sector is a requirement for the grant of an authorisation to operate recruitment and placement services. The report provides no details as to the means of ascertaining the level of training to be acquired by staff of recruitment and placement services.</p> <p>According to section 487 of the Labour Code, the authorisation to carry out recruitment and placement may be withdrawn by the governmental authority.⁷²</p>
RPS Supervision	Supervision of recruitment services is performed by the Merchant Shipping Directorate which operates in close collaboration with the inspectors of the Ministry of Employment’s labour inspectorate. ⁷³
Comments	A list of all authorised private recruitment agencies is published on the official website of the Ministry of Employment and Social Affairs (Royaume du Maroc Ministère de l’Emploi et des Affaires sociales). The area of expertise of the agencies is not specified. ⁷⁴
Seafarers’ insurance and social security	
Seafarers CBA in Place	According to the Labour Code of Morocco, once a collective agreement has been drawn up, it remains open to any employer or professional organisation to join it (voluntary CBA). The field of application may be extended by government decree if the organisation covers at least half of the workers in the country or in the particular branch of activity concerned. This decision becomes law when the field of application of the agreement concerns at least 2/3 of the relevant workers. ⁷⁵

⁷¹ http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2283067

⁷² http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2326332

⁷³ Ibid.

⁷⁴ <http://www.emploi.gov.ma/index.php/fr/emploi/liste-des-agences-autorisees.html>

⁷⁵ http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_158358.pdf



MOROCCO	
	In 2014 a CBA was signed between the ITF-affiliated Moroccan National Union of Port Workers and global network terminal operator APM Terminals (APMT). The agreement lays out a commitment to social dialogue from both sides and respect for trade union rights and labour laws. Other stipulations include time and pay to participate in union activities and improvements around working conditions, health and safety, wages and training and promotion systems. ⁷⁶
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security: sickness benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit and survivors' benefit. ⁷⁷
Other social security and seafarers insurances	No information available.
Other issues	
Complaint handling procedure	The Merchant Shipping Code provides that inspectors may be notified of complaints from crew concerning the revision of the manning of the ship, conditions of navigability, safety, accommodation, hygiene or supplies (sections 36 and 38). However, the national legislation does not specify whether consultations were held with shipowners' and seafarers' organisations to establish a specific procedure for the investigation of complaints. ⁷⁸
Cooperation with other countries relating to seafarer's recruitment and	No information available.

⁷⁶ <http://www.itfglobal.org/en/news-events/news/2014/september/two-year-struggle-ends-in-new-agreement-for-moroccan-dockers/>

⁷⁷ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102993

⁷⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:2326337



MOROCCO	
placement	
Special notes and recommendations	
Notes	Nothing further.
Recommendations regarding:	Provision of information on the licensed RPS specific to seafarers. Monitoring and supervision of SRPS operation. Dissemination of results on SRPS and seafarers' complaints.
Sectoral representatives interviewed and other sources used	
Sector	National Authorities
Organisations	Ministère de l'Équipement, du Transport et de la Logistique (Ministry of Equipment, Transport and Logistics) Direction de la Marine Marchande (Directorate Merchant Marine) National Ports Agency (L'Agence Nationale des Ports - ANP) Royaume du Maroc Ministère de l'Emploi et des Affaires sociales (Ministry of Employment and Social Affairs, Kingdom of Morocco) L'Agence Nationale de Promotion de l'Emploi et des Compétences (National Agency for Promotion of Employment and Skills)
Sources	Sources of secondary data indicated in footnotes.



2.1.4. Malaysia

MALAYSIA	
Category	Non EU Member
	Labour Supplying State
	MLC Ratified 20 August 2013; in force since 20 August 2014
National maritime labour information	
Fleet	Number of ships (dwt) 602 (16,797,000) as of 1 January 2014 ⁷⁹ Number of ships registered with the Malaysian Flag –101 ⁸⁰ (as of November 2014) 4757 vessels permanently registered in Malaysian Ship Registry 13 vessels permanently registered in MISR (Malaysia International Ship Registry) until August 2012 ⁸¹
Sea going labour	8,123 local; 6,872 foreign; 232 government ⁸² 32990 (6313 officers, 28.687 ratings ⁸³)
Competent Authority	
Name	Marine Department Malaysia
Address	PORT KLANG, SELANGOR, MALAYSIA
Website	http://www.marine.gov.my/jlmeng/
Telephone	03-3346 7777

⁷⁹ Review of Maritime Transport 2014, UNCTAD, p. 34.

⁸⁰

http://www.marine.gov.my/jlmeng/pic/article/service/statistik/BKI/2014/TOTAL_NUMBER_OF_REGISTERED_SHIPS_UNTIL_NOV2014.pdf

⁸¹ <http://www.might.org.my/en/Event%20Documents/06%20-%20Ship%20Registration%202nd%20NMI%20Forum%20-%20Marine%20Dept.pdf>

⁸²

http://www.marine.gov.my/jlmeng/pic/article/service/statistik/HEPP/2014/Registered_Seafarers_New_Application_Until_Oct2014.pdf

⁸³ BIMCO/ITF 2010



MALAYSIA	
Contact Name	mhc@marine.gov.my.
MLC documentation	
DMLC I	Issued under the authority of the Government of Malaysia. ⁸⁴
DMLC II	<p>The DMLC Part II shall be completed by the shipowner and must identify the measures adopted to ensure ongoing compliance with the national legislation between inspections and the measures proposed to ensure that there is continuous improvement. The RO of the ship shall verify compliance with the national legislation and the requirements of the Convention, by examination of the DMLC Part II.</p> <p>The examination of the DMLC Part II shall be a two step process. The first step is verification that the proposed measures satisfy the national and Convention requirements. It shall include examination amongst other documents of the Seafarers Employments Agreements, and shipowners' management systems manual.</p> <p>The second step is the successful completion of an initial onboard inspection to verify that the shipowner has implemented the proposed measures documented in the DMLC Part II. If the RO is satisfied that all the requirements are met the Maritime Labour Certificate will be issued.⁸⁵</p>
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ⁸⁶ .
Comments from CEACR	No country-specific comments as of September 3, 2015.

⁸⁴

[http://www1.veristar.com/veristar/Dps_Info.nsf/0/0b42abcc525ff85bc1257bc00032465c/\\$FILE/DMLC%20Part-1%20Malaysia%20Flag.pdf](http://www1.veristar.com/veristar/Dps_Info.nsf/0/0b42abcc525ff85bc1257bc00032465c/$FILE/DMLC%20Part-1%20Malaysia%20Flag.pdf)

⁸⁵ <http://www.marine.gov.my/jlm/pic/article/service/notice/msn/2013/MSN072013.pdf>

⁸⁶ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102960



MALAYSIA	
Results from THETIS	<p>From 20 August 2013 to 20 August 2015, there were made 17 inspections by the PSC of ships running under the Malaysian Flag, with 2 detentions recorded.</p> <p>With regard to MLC (crew documentation, working and living conditions, labour conditions), 5 inspections were made with 1 detention.</p>
Other Comments	None.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	None
No of Private RPS	4 ⁸⁷
No of Seafarer job placement internet web sites	3 ⁸⁸
RPS Licensing	<p>Manning agents based in Malaysia shall ensure that they are licensed by the Marine Department of Malaysia.</p> <p>In applying the license, the manning agent shall apply a license from the Ministry of Human Resources of which the relevant procedures and requirements are mentioned in the Marine Notice NPM 07/13⁸⁹ (appendix 3).</p> <p>The manning agent is then required to submit an application form to the Marine Department of Malaysia. On receipt of the application, the Marine Department of Malaysia will inspect the manning office.⁹⁰</p>
RPS Supervision	No available information.
Comments	None.

⁸⁷ http://www.marine.gov.my/jlmeng/pic/article/MANNING_AGENCIES_15Dec2014pdf.pdf

⁸⁸ http://www.marine.gov.my/jlmeng/pic/article/MANNING_AGENCIES_15Dec2014pdf.pdf

⁸⁹ <http://www.marine.gov.my/jlm/pic/article/service/notice/msn/2013/MSN072013.pdf>

⁹⁰ <http://www.marine.gov.my/jlm/pic/article/service/notice/msn/2013/MSN072013.pdf> (see pp. 10-11).



MALAYSIA	
Seafarers' insurance and social security	
Seafarers CBA in Place	The Malaysian labour law does not require any shipowner to apply collective bargaining agreements to employees on board of the Malaysia-flagged ships.
Social security branches covered (from date)	3/9 including medical care; sickness benefit and employment injury benefit ⁹¹ .
Other social security and seafarers insurances	<p>Social security for seafarers</p> <p>(1) Every owner shall ensure all seafarers who is Malaysian or permanent resident of Malaysia engaged on Malaysian ships are covered by the social security scheme set out in the;</p> <p>(a) Employees Social Security Act, 1969 (Act 4)</p> <p>(b) Employee Provident Fund 1991 (Act 452)</p> <p>(2) Notwithstanding subsection (1) the owner shall ensure all seafarers engaged on Malaysian ships are covered by;</p> <p>(a) medical care,</p> <p>(b) sickness benefit,</p> <p>(c) employment injury benefit,</p> <p>(3) Owner shall ensure that the dependants of the seafarers referred to in paragraph (2) (a) and (b) above will also be covered by the social security protection enjoyed by the seafarers concerned.</p> <p>(4) Any owner who fails to insure himself in accordance with this section shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand ringgit or imprisonment to a term not exceeding two years or both.⁹²</p>
Other issues	

⁹¹ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102960

⁹² <http://www.marine.gov.my/jlm/pic/article/MLCES.pdf, p. 15-16>



MALAYSIA	
Complaint handling procedure	<p>On-board complaint procedure:</p> <p>Every owner of the ship shall maintain a complaint procedure approved by Director of Maritime in accordance with the requirements under this Part or any rules made under it for the fair, effective and well-documented and expeditious handling of seafarer complaints.⁹³</p> <p>In addition to the copy of their seafarers' employment, all seafarers shall be provided with a copy the on-board complaint procedures applicable on the ship. The procedures shall include contact information of the Competent Authority and the name of the person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint or otherwise assist them in following the complaint procedures available to them on board the ship. Furthermore, the seafarer shall have the right to seek redress through whatever legal means he considers appropriate.</p> <p>The onboard complaints procedures shall contain at least the following:</p> <p>Contact information for the company's Maritime Labour Convention, 2006 designated person or any other person appointed by the company;</p> <p>Contact information of the Director Of Marine;</p> <p>Contact information of the competent Authority in the seafarers country of residence; Name of a person or persons onboard the ship who can, on a confidential basis, advise and assist the seafarer to follow the complaint procedures.</p> <p>The contact details for lodging a complaint with the Director of Marine are as follows:</p> <p>Principal Assistant Director Seafarers Development Unit Malaysia Marine Department Email: mlc@marine.gov.my</p>

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[http://www1.veristar.com/veristar/Dps_Info.nsf/0/0b42abcc525ff85bc1257bc00032465c/\\$FILE/DMLC%20Part-1%20Malaysia%20Flag.pdf](http://www1.veristar.com/veristar/Dps_Info.nsf/0/0b42abcc525ff85bc1257bc00032465c/$FILE/DMLC%20Part-1%20Malaysia%20Flag.pdf)



MALAYSIA	
	<p>Fax: +603 – 3167 2882</p> <p>The complainant seafarer shall submit his complaint to his superior officer in writing. Where a solution cannot be found at the level, the superior officer shall refer the complaint to the head of department. The latter shall interview the seafarer with a view to solving the complaint. If the seafarer is not satisfied with the way his complaint has been handled, he may request an interview with the master. If no satisfactory resolution is obtained, the seafarer may appeal to the management of the company. If no satisfactory resolution is achieved the seafarer may resort to forwarding the appeal to the Director of Marine at mlc@marine.gov.my. Any complaint forwarded to the Director of Marine shall include particulars of the complaint lodged onboard the ship. This shall amongst others include the particulars of the ship, complainant's details, date or reference number of the complaint lodged onboard the vessel.</p> <p>In the event of a complaint being received by a RO from the complainant directly or via a third party, such complaint should be brought to the attention of the Director of Marine.⁹⁴</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
	Shipowners shall ensure that the dependants of the Malaysian seafarers will also be covered by the social security protection enjoyed by the seafarers concerned. Otherwise the owner is liable to a fine or imprisonment.
Recommendation regarding:	<p>Monitoring and supervision system for SRPS operation.</p> <p>National CBA</p> <p>Steps towards covering more social security branches for</p>

⁹⁴ <http://www.marine.gov.my/jlm/pic/article/service/notice/msn/2013/MSN072013.pdf>



MALAYSIA	
	seafarers.
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators
Organisations	Marine Department Malaysia Malaysia Shipowners' Association
Sources	Sources of secondary indicated in footnotes.



2.2. EU labour supplying member states

2.2.1. Bulgaria

BULGARIA	
Category	Labour Supplying State
	EU Member State
	MLC ratification: 12 April 2010; Entry into force: 20 August 2013
National maritime labour information	
Fleet	Total number of vessels with an IMO number - 66 ⁹⁵ Number of ships - 81, dwt 1 279 000 (by beneficial owner location, as of 1 January 2014) ⁹⁶ Number of ships registered under the Bulgarian flag - 273 ⁹⁷ (as of 2014) Foreign flag, dwt 1 026 000 ⁹⁸
Sea going labour	10 890 officers; 22 379 ratings (Estimated supply 2010) ⁹⁹
Competent Authority	
Name	Bulgarian Maritime Administration (BMA) ¹⁰⁰
Address	Diakon Ignatii Str. 9, Sofia,1000
Website	http://www.marad.bg/
Telephone	(+359 2) 930 09 10

⁹⁵ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

⁹⁶ Review of Maritime Transport 2014, UNCTAD, p. 33.

⁹⁷ Merchant fleet by flag of registration and by type of ship, annual, 1980-2014. UNCTAD.
<http://unctadstat.unctad.org/wds/TableViewer/tableView.aspx>

⁹⁸ Review of Maritime Transport 2014, UNCTAD, p. 33.

⁹⁹ Study on EU Seafarers Employment. Final Report, 2011, p. 11

¹⁰⁰ Bulgaria - MLC country profile. ILO.

http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102576



BULGARIA	
MLC documentation	
DMLC I	Issued under the authority of the Government of the Republic of Bulgaria by the Maritime Administration of Bulgaria
DMLC II	Maritime Administration of Bulgaria is the competent authority to review the measures drawn up by the shipowner in DMLC II to ensure initial and ongoing compliance with the requirements set out in DMLC I and, following inspection of the ship, issue the certificate.
Results regarding MLC, 2006 implementation	
First ILO Progress Report	No inspections or complaints have been registered by the ILO. Report due 2019 ¹⁰¹ .
Comments from CEACR	No country-specific comments.
Results from THETIS	From 20 August 2013 to 20 August 2015 Port State Control (PSC) made 27 inspections of ships registered under the Bulgarian flag, with two detentions recorded. With regard to Crew certificates, living and working conditions, and labour conditions 12 inspections were made with 2 detentions ¹⁰²
Other Comments	Implementing the regulations of MLC 2006 in the national legislation, DMLC I and DMLC II were incorporated into the Bulgarian Maritime Law in 2013 with amendment to the Ordinance No. 5 on the ships documents of the Merchant Shipping Code. ¹⁰³ Ships flying the Bulgarian flag of 500 GT or over that are engaged in international voyages, or ships of 500 GT or over that operate from a port or between ports in another country are required to have Maritime Labor Certificate and DMLC Part I and Part II. Those documents should be carried on board together with English translations.

¹⁰¹ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102576

¹⁰² <https://portal.emsa.europa.eu/web/thetis/inspections>.

¹⁰³ Ministry of Transport, Information Technology and Communications of the Republic of Bulgaria. Amendment to Ordinance № 5 on the Ships Documents. State Gazette 36/26.04.2013.



BULGARIA	
	Copies of these documents should be made available to the seafarers, Port State control officers carrying out inspections, and representatives of Bulgarian shipowner and seafarer organisations. ¹⁰⁴
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	1 (the National Employment Agency- NEA) ¹⁰⁵
No of Private RPS	80 private RPS with a Certificate of Registration 8 RPS with terminated licence A list of all registered RPS is published on the official website of the National Employment Agency ¹⁰⁶
No of Seafarer job placement internet web sites	30 of the private RPS have their own websites, contact details of the others can be found on the official website of the National Employment Agency.
RPS Licensing	An intermediary performing recruitment and placement services for seafarers is subject to mandatory registration with the National Employment Agency and should obtain a Certificate of Registration by the Minister of Labour and Social Policy or by an official authorized thereby. Documents required for registration: <ol style="list-style-type: none"> 1. A written application to the National Employment Agency 2. Documents, certifying that the applicant has no financial liabilities to the state or the municipality 3. A copy of the registration document or unified identification code as per Art. 23 of the Commercial Register Act 4. Unique identification number for entry into the register, administered by the Commission for Personal Data Protection

¹⁰⁴ Ordinance №11 from 26 April 2004 on the inspection of ships and shipowners

¹⁰⁵ The National Employment Agency (<http://www.gli.government.bg>) is registered to the World Association of Public Employment Services (www.wapes.org).

¹⁰⁶ http://www.gli.government.bg/intermediaries/intermediary_activity/marine/?page=1



BULGARIA	
	<p>5. Notarized copies of documents for completed secondary or higher education of the representative of the entity, and of the people hired to perform recruitment and placement services</p> <p>Notarized copies of documents, certifying no less than three years of work experience in the field of marine transportation of the representative of the entity, and of the people hired to perform recruitment and placement services Provided that the application and the documents attached meet the requirements, the Minister of Labour and Social Policy issues a registration certificate The Certificate of Registration is valid for 5 years¹⁰⁷.</p>
RPS Supervision	Competent authority to conduct inspections is the General Labour Inspectorate Executive Agency ¹⁰⁸ .
Comments	The operation of RPS is regulated by the Employment Promotion Act and the Ordinance on the Terms and Conditions for Performing Labour Intermediary Services, implementing Regulation 1.4 – Recruitment and placement of MLC, 2006.
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Currently there is no Seafarers CBA registered.</p> <p>CBAs are registered with the General Labour Inspectorate Executive Agency and have two-year validity period.</p> <p>According to the Bulgarian Labour Code only one collective agreement may be concluded at the level of enterprise, branch and industry. The collective agreement shall not contain clauses which are more unfavourable to the seafarers than the provisions of the law. If the collective agreement on industry or branch level has been concluded between all representative organizations of shipowners and seafarers, the Minister of Labour and Social Policy may, upon their joint request, can extend the application of the agreement or of individual clauses thereof to all enterprises of the industry.¹⁰⁹</p> <p>If a Collective Bargaining Agreement is partly or wholly included in</p>

¹⁰⁷ Ordinance on the Terms and Conditions for Performing Labour Intermediary Services

¹⁰⁸ <http://www.gli.government.bg/>

¹⁰⁹ https://osha.europa.eu/fop/bulgaria/bg/legislation/law/kt_en.stm



BULGARIA	
	a seafarer employment contract, a copy of that CBA must be kept on board.
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security: medical care; sickness benefit; old-age benefit; employment injury benefit; maternity benefit and invalidity benefit ¹¹⁰ .
Other social security and seafarers insurances	n/a
Other issues	
Complaint handling procedure	<p>On board of a ship flying the Bulgarian flag, the employer is required to establish written procedures for handling individual complaints. The procedures are aimed at equitable, efficient and prompt resolving of any complaint submitted by crew members against possible violations of the requirements of the MLC 2006, including the seafarers' rights.</p> <p>The established procedures on board must ensure resolving complaints at the lowest possible level. Complaints must be first made to the immediate supervisor of the seafarer. The immediate supervisor shall take measures to resolve the problem within the time frame specified in the established procedures, corresponding to the seriousness of the matter.</p> <p>The procedures should not restrict the right of the seafarers to complain directly to the captain of the ship and, if they consider it necessary – to the employer, the Executive Agency Maritime Administration, or the General Labour Inspectorate Executive Agency.</p> <p>A seafarer has the right to claim their rights by bringing the complaint before courts in accordance with the Bulgarian</p>

¹¹⁰ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102576



BULGARIA	
	<p>legislation.</p> <p>A record of all complaints should be kept on board. Decisions on complaints shall be made in writing and copies of them should be provided to the crew member filing the complaint.¹¹¹</p>
Cooperation with other countries relating to seafarer's recruitment and placement	n/a
Special notes and recommendations	
Notes	No special notes.
Recommendations regarding:	<p>National CBA</p> <p>Social security coverage for seafarers and bilateral agreements</p> <p>Monitoring and supervision system for SRPS</p> <p>List of licensed SRPS in public.</p> <p>Analysis of complaints handling.</p>
Sectoral representatives interviewed and other sources used	
Sectors	<p>Competent authorities</p> <p>Seafarers' trade unions</p>
Organisations	<p>Maritime Administration of Bulgaria</p> <p>Ministry of Transport, Information Technology and Communications of Republic of Bulgaria</p> <p>Ministry of Labour and Social Policy</p> <p>National Employment Agency</p> <p>General Labour Inspectorate Executive Agency</p> <p>Bulgarian Seafarers Trade Union</p> <p>Seamen's Syndicate</p>

¹¹¹ Ordinance on Labor and Directly Associated Relations between the Crew and Shipowner



BULGARIA	
Sources	Sources of secondary data indicated in footnotes.



2.2.2. Croatia

CROATIA	
Category	Labour Supplying State (LSS)
	EU Member State
	MLC Ratified 12 February 2010; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 155 with an IMO number ¹¹² ; Number of ships (dwt) 112 (3,304,000) as of 1 January 2014 ¹¹³ Number of ships registered with the Croatian Flag – 2.315 ¹¹⁴ (as of 2014) Number of ships under the Croatian Flag as of 2015 – 2.258
Sea going labour	11.704 officers; 6.954 ratings ¹¹⁵
Competent Authority	
Name	Ministry of Maritime Affairs, Transport and Infrastructure
Address	Prisavlje 14, HR-10000, Zagreb
Website	http://www.mppi.hr/default.aspx?id=7397
Telephone	01 6169 111
Contact Name	Igor Butorac, Assistant Minister, igor.butorac@pomorstvo.hr
MLC documentation	
DMLC I	Issued under the authority of the Ministry of the Maritime Affairs, Transport and Infrastructure. Copy of DMLC I available online ¹¹⁶ .

¹¹² <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

¹¹³ Review of Maritime Transport 2014, UNCTAD, p. 33.

¹¹⁴ <http://unctadstat.unctad.org/wds/TableView/tableView.aspx>

¹¹⁵ Study on EU Seafarers Employment. Final Report, 2011, p. 16



CROATIA	
DMLC II	The measures listed under DMLC II have been drawn up by the shipowner, named in the Maritime Labour Certificate to which the DMLC II is attached, to ensure ongoing compliance between inspections. ¹¹⁷
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 out of circle (First report not received) ¹¹⁸
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 20 August 2013 to 20 August 2015, there were 84 inspections by the PSC of ships running under the Croatian flag, with one detention recorded. With regard to crew certificates, living and working conditions and labour conditions, 13 inspections were made with 1 detention ¹¹⁹
Other Comments	None.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	1 - HZZ - Croatian Employment Service (CES) ¹²⁰
No of Private RPS	40 ¹²¹

¹¹⁶

http://www.mppi.hr/UserDocsImages/Deklaracija%20o%20zadovoljavanju%20uvjeta%20rada%20pomoraca%2013-5_13.pdf

¹¹⁷

http://www.mppi.hr/UserDocsImages/Deklaracija%20o%20zadovoljavanju%20uvjeta%20rada%20pomoraca%2013-5_13.pdf

¹¹⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102700

¹¹⁹ <https://portal.emsa.europa.eu/web/thetis/inspections>.

¹²⁰ [The Croatian Employment Service \(http://www.hzz.hr/\)](http://www.hzz.hr/) is registered to the World Association of Public Employment Services (www.wapes.org).

¹²¹ Source: Interview with private SRPS.



CROATIA	
	90% of Croatian seafarers are employed over private agents ¹²²
No of Seafarer job placement internet web sites	As of number of private SRPS. No official information available. .
RPS Licensing	<p>Recruitment and placement of seafarers can be performed by licensed recruitment and placement service. The license shall be issued by the Ministry of Maritime Affairs, Transport and Infrastructure, after prior opinion of the Committee. The Committee is appointed by the Minister of Maritime Affairs, Transport and Infrastructure, consisting of two representatives of the Ministry of Maritime Affairs, Transport and Infrastructure, a representative of the ministry responsible for labour standards, one representative of the shipowners association and one representative of seafarers' union.¹²³</p> <p>Licenses verified by the Croatian Register of Shipping¹²⁴.</p> <p>Licensed Agencies for RPS (33): with majority (20) using ITF approved (TCC-IBF) Collective Agreements¹²⁵</p>
RPS Supervision	<p>Ministry of Maritime Affairs, Transport and Infrastructure, in collaboration with the Ministry of Labour, shall conduct a complete and detailed supervision of the recruitment and placement service, at least once in every two year.</p> <p>If some non-conformities are detected during the supervision, it shall be ordered their removal within a reasonable time, and if the recruitment and placement service does not correct the</p>

¹²² http://cronomar.hr/uploads/documents/feasibility_studies/fs_maritime_crewing.pdf

¹²³

http://www.mppi.hr/UserDocsImages/Deklaracija%20o%20zadovoljavanju%20uvjeta%20rada%20pomoraca%2013-5_13.pdf

¹²⁴ <http://www.danica-crewing.com/index.php?id=104>

¹²⁵

http://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=16&cad=rja&uact=8&ved=0CEIQFjAFOAo&url=http%3A%2F%2Factrav-courses.itcilo.org%2Fen%2Fa4-54167%2Fa4-54167-part-material%2Fcroatia-freedom-of-association-collective-bargaining-and-social-dialogue-in-croatia%2Fat_download%2Ffile&ei=k3E_Vd2FO8SxsQG1_YCQDw&usq=AFQjCNEk97cft0AYOOVRdAbaLU1OQcxL-Q&bvm=bv.91665533,d.bGg



CROATIA	
	deficiencies within the specific period, his permission will be withdrawn. ¹²⁶
Comments	<p>Relevant national legislation:</p> <ul style="list-style-type: none"> • Maritime Code for Croatia (1994)¹²⁷ and Amendments¹²⁸ (2008)¹²⁹ • Croatia ratified MLC before it entered the European Union - 2007/431/EC: Council Decision of 7 June 2007¹³⁰ authorising Member States to ratify, in the interests of the European Community, the Maritime Labour Convention, 2006, of the International Labour Organisation • Croatia - 2007 special regulation on seafarer health and pensions¹³¹
Seafarers' insurance and social security	
Seafarers CBA in Place	<p><i>National Collective Bargaining Agreement for Croatian Seafarers on Ships Engaged in International Voyages (2013- 2015)</i>¹³².</p> <p>This agreement was signed on June 21, 2013 by the Seafarers' Union of Croatia and Croatian Shipowners' Association „Mare Nostrum“, and it entered into force on July 1, 2013.</p> <p>The clauses of employment agreement governing the rights and obligations of the employer and the seafarer are an integral part of the employment agreement.</p> <p>The clauses of employment agreement that are contrary to the conditions set forth in the Agreement are not valid.¹³³</p>

¹²⁶

http://www.mppi.hr/UserDocsImages/Deklaracija%20o%20zadovoljavanju%20uvjeta%20rada%20pomoraca%2013-5_13.pdf

¹²⁷ http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/HRV_1994_Code.pdf

¹²⁸ http://www.maritimeadvocate.com/legislation/croatia_maritime_code_to_be_thoroughly_amended.htm

¹²⁹ <http://www.mvep.hr/zakoni/pdf/828.pdf>

¹³⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007D0431&from=EN>

¹³¹ http://www.toms.com.hr/archive/vol1/no2/toms_vol1no2_doi005.pdf

¹³² <http://www.nasemore.com/web/index.php/arhiv/2014/vo-61-no-5-6/383-national-collective-bargaining-agreement-for-croatian-seafarers-on-ships-engaged-in-international-voyages-2013-2015>



CROATIA	
	<p>National Collective Agreement can be found here¹³⁴</p> <p>Also, ITF CBAs are in use.</p> <p>10 000 seafarers in international shipping covered by CBA; 3 000 seafarers in national shipping covered by CBA.¹³⁵</p> <p>Due to the tradition and rich experience acquired worldwide and in the Republic of Croatia regarding the collective bargaining and collective agreements, Seafarers' Union and shippers in Croatia conclude collective bargaining agreements. Various issues concerning the life and work of seafarers are regulated by the new collective agreement which complies to the conventions and recommendations of the International Labour Organization and to the Constitution and laws in the Republic of Croatia.</p>
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security: medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit and survivors' benefit ¹³⁶ .
Other social security and seafarers insurances	By Croatian law operational from 01.01.2008 each seafarer must have health insurance and membership to pension arrangements for all the time spent on the sea, regardless under which flag the seafarer is sailing and it can be anticipated that this is now common practice. The individual seafarer is responsible for such arrangements, and in some cases the employer pays these costs

¹³³

http://www.mppi.hr/UserDocsImages/Deklaracija%20o%20zadovoljavanju%20uvjeta%20rada%20pomoraca%2013-5_13.pdf

¹³⁴ [http://www.nasemore.com/web/attachments/article/383/9.%20M.D.Ucur61\(5-6\)2014,-Supplement,p.118-125.pdf](http://www.nasemore.com/web/attachments/article/383/9.%20M.D.Ucur61(5-6)2014,-Supplement,p.118-125.pdf)

¹³⁵

http://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=16&cad=rja&uact=8&ved=0CEIQFjAFOAo&url=http%3A%2F%2Factiv-courses.itcilo.org%2Fen%2Fa4-54167%2Fa4-54167-part-material%2Fcroatia-freedom-of-association-collective-bargaining-and-social-dialogue-in-croatia%2Fat_download%2Ffile&ei=k3E_Vd2FO8SxsQG1_YCQDw&usq=AFQjCNEk97cft0AYOOVRdAbaLU10QcxL-Q&bvm=bv.91665533,d.bGg

¹³⁶ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102700



CROATIA	
	<p>(around EUR 1000/year). When employer is registered in a country where Croatia has an agreement for such matters, the employer is obliged to pay such costs.</p> <p>Croatia ratified the Convention for years ago but the majority of standards regulated by the Convention had been integrated into the national legislation far before the Convention came into force. In this way, all Croatian seafarers sailing around the world, regardless of the flag under which the ship operates, are included in Croatian general pension system and health insurance system, paying the contributions under favourable terms. They are also part of the Croatian tax system, having the possibility of total income tax exemption.</p> <p>In order to remain competitive on the EU labour market, it was necessary to provide the possibility to be included in Croatian social security system. Such possibility exists through national legal subjects.¹³⁷</p>
Other issues	
Complaint handling procedure	<p>Ministry of Maritime Affairs, Transport and Infrastructure is responsible for receiving the complaints regarding the work of the recruitment and placement service and for monitoring in order to determine the condition. All received complaints as well as the results of monitoring conducted shall be delivered to the Committee and familiarize the Committee on the condition identified through the process of monitoring.</p> <p>Crew members who believe that their rights have been violated regarding living and working conditions on board have the right to submit oral and written complaints to the superior officer, captain, shipowner, company and to the Ministry of Maritime Affairs, Transport and Infrastructure. If such a complaint is submitted on board, it shall be entered in the log book and at the presence of at least one crew member as a witness. The shipowner and the company shall ensure that each crewmember, when embarking the ship receives a copy of complaint procedures that apply on board, including information on the competent authorities of the State whose flag is ship flying, as well as names of the crewmembers who will provide appropriate assistance in the process of</p>

¹³⁷ <http://www.azara.hr/index.php/en/news/80-konvencija-o-radu-pomoraca-mlc-2006>



CROATIA	
	<p>complaints.</p> <p>A fine of 20.000,00 to 50.000,00 Kuna's shall be imposed on a legal person shipowner or company who does not comply with the above mentioned provision of the Maritime Code.</p> <p>A fine of 10.000,00 to 30.000,00 Kuna's shall be imposed on a physical person shipowner or company who does not comply with the above mentioned provision of the Maritime Code.</p> <p>A fine of 5.000,00 to 15.000,00 Kuna's shall be imposed on the responsible person of a legal person, the shipowner or company who does not comply with the above mentioned provision of the Maritime Code.¹³⁸</p>
Cooperation with other countries relating to seafarer's recruitment and placement	<p>Present Cooperation between Norway and Croatia</p> <p>Some examples of Norway-Croatian cooperation:</p> <ul style="list-style-type: none"> • Around 1000 Croatian seafarers (300-400 according to the Embassy but they do not have obligation to sign in their port in Croatia) are onboard NIS-vessels whereof more than 50% as higher ranked officers • Leif Hoegh & Co. has a long experience with Croatian seafarers and employs approximately 100 Croatians • Crewing manager Oddbjorn Lange employ 360 seafarers from Croatia all of whom are officers • Seatrains employ 70 Croatian seafarers mostly in top officers positions <p>Norway has a long lasting and very positive experience regarding Croatian seafarers for more than 15 years. There is a demand from Norwegian side for even more Croatian seafarers (officers, engineers and specialists like DP-operators)</p> <p>Some 5% are sailing on Norwegian flagged vessels. Norwegian ship managers prefer mainly top-officers and specialists from Croatia.¹³⁹</p>

¹³⁸

http://www.mppi.hr/UserDocsImages/Deklaracija%20o%20zadovoljavanju%20uvjeta%20rada%20pomoraca%2013-5_13.pdf

¹³⁹ http://cronomar.hr/uploads/documents/feasibility_studies/fs_maritime_crewing.pdf



CROATIA	
Special notes and recommendations	
Notes	<p>In this way, all Croatian seafarers sailing around the world, regardless of the flag under which the ship operates, are included in Croatian general pension system and health insurance system, paying the contributions under favourable terms. They are also part of the Croatian tax system, having the possibility of total income tax exemption.</p> <p>However, its the individual seafarer who is responsible for such arrangements, and only when the employer is registered in a country where Croatia has a bilateral agreement is the employer obliged to pay such costs.</p> <p>License for SRPS is to be issued by the Ministry of Maritime Affairs, Transport and Infrastructure, after prior opinion of the Committee. The latter consists of two representatives of the Ministry of Maritime Affairs, Transport and Infrastructure, a representative of the Ministry responsible for labour standards, one representative of the shipowners association and one representative of seafarers' union.</p>
Recommendations regarding:	<p>The cost of social security not to fall exclusively to the seafarer.</p> <p>Examine the applicability to other countries of the practice concerning the SRPS licensing system; according to which the issue of license requires the opinion of a special Committee comprising of representatives of the national authorities related to maritime an labour affairs, and representatives of shipowners and seafarers trade unions.</p>
Sectoral representatives interviewed and other sources used	
Sector	<p>Competent authorities</p> <p>Recognised Organisation</p> <p>Seafarers' trade union</p> <p>Private RPS</p>
Organisations	<p>Ministry of Maritime Affairs, Transport and Infrastructure</p> <p>Croatian Register of Shipping</p> <p>Seafarers' Union of Croatia</p>



CROATIA	
	Zorovic Maritime Services Ltd.
Sources	Sources of secondary data indicated in footnotes.



2.2.3. Poland

POLAND	
Category	Labour Supplying State (LSS)
	EU Member State
	MLC Ratified 03 May 2012; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 180 with an IMO number ¹⁴⁰ ; Number of ships (dwt) 140 (2803,000) as of 1 January 2014 ¹⁴¹ Number of ships registered with the Polish Flag as of 2010 – 9 ¹⁴² Number of ships under the Polish Flag as of 31 Dec 2013 – 22 Number of ships under the foreign flag as of 31 Dec 2013 – 88 ¹⁴³
Sea going labour	17.923 officers; 4 746 ratings ¹⁴⁴ The Polish Ministry of Transports estimates that 40000 Polish seafarers are employed around the world (information from Polish crewing agencies). ¹⁴⁵
Competent Authority	
Name	The Ministry of Transport, Construction and Maritime Economy (Maritime Transport and Shipping Safety Department)
Address	4/6 Chałubiński Street, Warsaw, 00-928
Website	n/a
Telephone	0048 22 630 10 00

¹⁴⁰ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

¹⁴¹ Review of Maritime Transport 2014, UNCTAD, p. 36.

¹⁴² Study on EU Seafarers Employment. Final Report, 2011, p. 88. Also, BIMCO/ISF 2010.

¹⁴³ <http://stat.gov.pl/en/topics/statistical-yearbooks/statistical-yearbooks/statistical-yearbook-of-maritime-economy-2014,8,7.html>, p.239-240

¹⁴⁴ Study on EU Seafarers Employment. Final Report, 2011, p. 11

¹⁴⁵ <http://ec.europa.eu/transport/modes/maritime/studies/doc/2011-05-20-seafarers-employment.pdf>



POLAND	
Contact Name	n/a
MLC documentation	
DMLC I	<p>The Shipowner requests from the Flag state the ship-specific Declaration of Maritime Labour Compliance Part I (DMLC Part I). This DMLC Part I will contain the list of matters to be inspected, together with the reference to the national requirements of the Flag State and special requirements concerning the specific vessel, together with the substantial equivalences or exemptions granted by the Administration.</p> <p>Along with such application Shipowner should provide the Flag State with the information specifying under which ILO Convention the vessel's accommodation has been built (Recognized Organization which certified the superstructure/accommodation may be contacted in order to obtain the relevant certificate). Alternatively PRS (Polish Register of Shipping) may carry out relevant survey to issue the statement, if required by Flag. If any substantial equivalence is to be applied or any exemptions should be issued, request for them should also be forwarded together with the request for issuance of DMLC Part I.¹⁴⁶</p>
DMLC II	<p>Upon receiving the DMLC Part I from the Flag State, the Shipowner develops the DMLC Part II, which must contain the measures adopted to ensure the ongoing compliance with the national legislation between the inspections and the measures proposed to ensure that there is continuous maintenance and improvement.</p> <p>Where it has been ascertained that the DMLC Part II complies with DMLC Part I and the Convention, and also having satisfied that the Seafarers are recruited meeting the requirements of the Convention, PRS (Polish Register of Shipping) will issue the Letter of Review of the DMLC Part II and will notify the Shipowner of the readiness to carry out the onboard initial MLC inspection.</p> <p>During initial inspection, inspector will verify that the Shipowner has implemented the measures proposed in the DMLC Part II. The inspector on board will verify if the documentation and various entries documenting the ongoing compliance with the Convention regulations are being made.</p>

¹⁴⁶ <http://www.prs.pl/ship-surveys/mlc-2006-certification.html>



POLAND	
	On successful completion of the initial inspection, the inspector will sign and stamp the DMLC Part II and will issue the Maritime Labour Certificate ¹⁴⁷
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Received in 2014. The Government is asked to reply in detail to the present comments in 2016.
Comments from CEACR	<p>First ILO Progress Report from CEACR¹⁴⁸ including country-specific comments¹⁴⁹.</p> <p>The Committee notes the Government's indication that the Ministry of Infrastructure and Development is currently working on a draft Maritime Labour Act concerning work on board seagoing merchant vessels, and that the Act of 23 May 1991 on Work on Maritime Merchant Vessels, as amended and consolidated by the Announcement of 20 February 2014, and the Act of 18 August 2011 on Maritime Safety, as amended, are currently the main legislation relevant to the implementation of the MLC, 2006. The Committee understands that this draft Act, which the Government refers to as "the bill on work on sea vessels", will replace the Act of 23 May 1991 and is expected to implement the provisions of the MLC, 2006.</p> <p>The Committee also observes that the Government is apparently carrying out inspections and certifying ships for compliance with its national requirements implementing the MLC, 2006, and is also implementing its responsibilities relating to the regulation of recruitment and placement services and provision of social security. However, it notes that the implementing legislation – which the Committee understands to have been in development since at least 2010 – has not yet been adopted to provide a legal framework for these regulatory activities.</p>

¹⁴⁷ <http://www.prs.pl/ship-surveys/mlc-2006-certification.html>

¹⁴⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:80031:0::NO:80031:P80031_COMMENT_ID:3188189

¹⁴⁹

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:3188189:NO



POLAND	
	<p>Regarding Regulation 1.4 and the Code on Recruitment and placement.</p> <p>The Committee notes that the Government indicates that there are approximately 70 recruitment and placement services operating in its territory. The Committee also notes, as mentioned above, that the Government, in connection with Convention No. 9, has previously indicated that new legislation is being developed to reflect the MLC, 2006 requirements with respect to any fees that seafarers can be expected to pay as well as the insurance requirements under paragraph 5(c)(vii) of Standard A1.4. However, the Committee understands that, in the interim, the Act of 23 May 1991 on Work on Maritime Merchant Vessels and the Act of 20 April 2004 on Employment Promotion and Labour Market institutions remain the applicable texts.</p> <p>Regarding Regulation 4.5 and the Code on Social security. The Committee notes the Government's statement that the social security protection provided to seafarers ordinarily resident in Poland covers the following nine branches: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit. It notes however that, in the declaration made at the time of ratification, in accordance with paragraphs 2 and 10 of Standard A4.5, the Government had not indicated family benefit as one of the branches of social security provided to seafarers. The Committee also notes the Government's indication that social security is related to employer contributions and that provision has been made for seafarers resident in Poland working on ships flying the flag of Poland and any employer "regardless of place of registered office". However, it is not clear whether seafarers ordinarily resident in Poland who work on ships flying the flag of another country are also protected under Poland's social security law and what arrangements have been put in place to receive contributions from shipowners who are not based in Poland. The Committee requests the Government to provide clarifications as to the branches of social security provided to seafarers and to the arrangements that have been made to ensure that seafarers ordinarily resident in Poland are provided with social security.</p> <p>The Government of Poland is asked to reply in detail to the ILO CEACR Committee's comments in 2016.</p>



POLAND	
Results from THETIS	<p>From 20 August 2013 to 20 August 2015, there were 102 inspections by the PSC of ships running under the Polish Flag, where 4 detentions were recorded.</p> <p>With regard to living and working conditions and labour conditions, 22 inspections were made with 3 detentions¹⁵⁰.</p>
Other Comments	<p>Regarding Issuance of DMLC II:</p> <p>The DMLC Part II prepared by the Shipowner, together with the DMLC Part I and formal request for certification should be submitted to PRS (Polish Register of Shipping) for review and approval. At this stage, the correspondence between the Shipowner and PRS will take place. PRS will verify if the measures proposed by the Shipowner are correct and sufficient and that they are in compliance with the provisions of the Convention and DMLC Part I.</p> <p>PRS will request the specimens of the Seafarers Employment Agreements, Collective Bargaining Agreements, if any and also the ISM Manual to be submitted in order to ascertain that they are not in contradiction to MLC provisions.</p> <p>After an initial inspection, the inspector will sign and stamp the DMLC Part II and will issue the Maritime Labour Certificate.</p> <p>This certificate needs to be carried on board at all times and shall be supplemented by DMLC (DMLC Part I and Part II). DMLC should be posted in the conspicuous places on the vessel.</p> <p>Certificate is issued for the period of 5 (five) years and is subject to one intermediate inspection between second and third anniversary.</p> <p>Certificate is renewed on the basis of the renewal inspection to be carried out not more than three months before expiry date. If the renewal inspection is carried out more than three months before expiry date of the existing certificate, new certificate will be valid for five years from the date of completion of the renewal inspection.</p> <p>Additional inspection may be required if there are clear grounds of non-compliance with the Convention (PSC deficiencies or</p>

¹⁵⁰ <https://portal.emsa.europa.eu/web/thetis/inspections>.



POLAND	
	recommendations/deficiency cards issued during intermediate or renewal inspection). ¹⁵¹
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	562 ¹⁵² . Each basic regional "polish administrative unit" has public RPS but practically only a few (Szczecin, Gdynia, Kołobrzeg, Ustka) can serve for seafarers ¹⁵³ .
No of Private RPS	67 private RPS registered ¹⁵⁴ , but and only 47 have certificate of approval from administration ¹⁵⁵ . Other sources state that the number of manning agencies in Poland is approx. 120, but it includes also those which work only for the ship manager of just one ship. 85% of Crew Manning Agencies is located in Gdynia. The Association of Polish Maritime Agents and Shipowners' Representatives (APMAR) located in Gdynia was established in 1993 as an initiative of nine leading private manning agencies. Today APMAR has 40 members and approx. 20000 seafarers are able to find a job on board vessels, what is half of Polish seafarers employed in worldwide market. ¹⁵⁶
No of Seafarer job placement internet web sites	No official information available. Most probably every RPS may also have its own website for seafarers.
RPS Licensing	All Seafarer's Recruitment and Placement Service registered in Poland by the Ministry of Economy and Labour have to fully comply with provisions set by MLC, 2006 and relevant Polish national regulations. Licensing is on a voluntary basis by three offices: in Szczecin, Slupsk and Gdynia. From January 1, 2016 it will be

¹⁵¹ <http://www.prs.pl/ship-surveys/mlc-2006-certification.html>

¹⁵² <http://psz.praca.gov.pl/wybor-urzedu>

¹⁵³ Source: Representative of Marine Safety Inspectorate, Poland.

¹⁵⁴ http://www.ums.gov.pl/karty/IBZ/wykaz_agencji.pdf or <http://stor.praca.gov.pl/porta/#/kraz/wyszukiwarka>

¹⁵⁵ Source: Representative of Marine Safety Inspectorate, Poland.

¹⁵⁶ <http://www.mastermariners.ca/newfoundland/Conf12/5bogumil.pdf>



POLAND	
	<p>mandatory, according to new act of law.</p> <p>A Declaration of Compliance with MLC 2006 for the recruitment agencies is issued by the Classification Society.</p> <p>PRS (Polish Register of Shipping) also offers certification of the private seafarer's recruitment and placement offices, but generally classification societies are not authorised to provide certification to Polish private RPS for MLC, 2006.</p>
RPS Supervision	Supervision is conducted by the Director of Maritime Offices (Gdynia, Szczecin and Slupsk) usually annually
Comments	No further.
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Only a minority of employees in Poland are covered by collective bargaining, which takes place largely at company or workplace level. This means that where there are no unions to take up the issue, pay and conditions are set unilaterally by employers – subject to the national minimum wage employees covered by collective agreements are approx. 25 %.¹⁵⁷</p> <p>There is no detailed information found about CBA's for seafarers. One example for an agreed CBA is a Model Agreement for Polish Seafarers serving on non Norwegian registered vessels.</p> <p>It was agreed and accepted between the unions and The Norwegian Shipowners' Association to renew the standard collective agreement with terms and conditions applicable to Polish seafarers who are members of PSU (Polish Seafarers' Union), serving on board non Norwegian registered vessels beneficially owned by Norwegian Companies. This Agreement shall be effective for non Norwegian vessels from 1 January 2015 until 31 December 2016.¹⁵⁸</p> <p>The main characteristics of employment relations in Poland include the decentralisation of collective bargaining, low collective bargaining coverage (currently less than 25% of employees), the low density of trade unions' and employers' organisations and the</p>

¹⁵⁷ <http://www.worker-participation.eu/National-Industrial-Relations/Countries/Poland>

¹⁵⁸ http://www.psu-pl.org/index.php?option=com_phocadownload&view=category&download=58:model-agreement-2015-2016&id=28:model-agreement-2015-2016-wage-scale-2015&lang=pl.



POLAND	
	limited relevance of cross-sector collective bargaining of any kind. Cross-sectoral collective bargaining per se is absent, unless tripartite social dialogue (as economy-wide bargaining) and some specific multi-employer agreements are taken into account. ¹⁵⁹
Social security branches covered (from date)	medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; maternity benefit; invalidity benefit and survivors' benefit ¹⁶⁰
Other social security and seafarers insurances	n/a
Other issues	
Complaint handling procedure	There is no complaint handling procedure or any other information regarding complaints available from the Polish government. Registered RPS have a complaint procedure available at their company's website (an example can be found online ¹⁶¹).
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	The Polish maritime activities accounts for a significant share of total GDP. The key strength of the Polish shipping sector is its human resources and highly trained officer crew. The main weakness has been mentioned to be an insufficient interest of the Polish policy-

¹⁵⁹ <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/poland/poland-representativeness-of-the-european-social-partner-organisations-in-the-cross-industry-social>

¹⁶⁰ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102809

¹⁶¹ http://marlow.pl/wp-content/uploads/2013/05/seafarer_complaint_procedure.pdf



POLAND	
	<p>makers in the maritime policy.</p> <p>The downward trend in employment can be partly explained by regulatory and fiscal factors. Poland has not introduced tonnage tax regime yet. Its absence, as well as national insurance and VAT legislation which are not favourable to the Polish ship owners, has resulted in a situation where most Polish ships are registered under flags of convenience. This trend has been intensifying since the beginning of the 1990s. The introduction of the tonnage tax and preferences to the Polish ship owners employing Polish crew would trigger a return of Polish ships to the national flag and thus employ more Polish seafarers under Polish employment conditions. Rising employment costs of Polish seafarers due to higher national insurance costs and fear of claims for higher wages from the part of the Polish trade unions have already caused some reductions in the employment of Polish seafarers and their replacement by non - EU seafarers. There has also been a noticeable decline in the number of Polish seafarers seeking employment on board Polish vessels.¹⁶²</p> <p>Participation to Polish social security system is recommended to seafarer but it remains his responsibility.</p> <p>Income of all Polish residents is subject of taxation in Poland. Specific regulation between two various countries are set in bilateral taxation treaty. For example Cyprus and Germany, both countries have signed taxation treaty with Poland and regulation let to contribute income taxes for seafarers in country of employment as per specific country of employment regulations.¹⁶³</p>
Recommendations regarding:	<p>National CBA</p> <p>Social security coverage for seafarers</p> <p>Monitoring and supervision system for SRPS</p> <p>List of licensed SRPS in public.</p> <p>Analysis of complaints handling.</p>
Sectoral representatives interviewed and other sources used	

¹⁶² http://ec.europa.eu/maritimeaffairs/documentation/studies/documents/poland_employment_trends_en.pdf
(see p. 9).

¹⁶³ <http://marlow.pl/faq>



POLAND	
Sector	Regulators and administrators Seafarers' Trade Unions
Organisations	Certification Bureau of Polski Rejestr Statków S.A. Marine Safety Inspectorate Polish Seafarers' Union
Sources	Sources of secondary data indicated in footnotes.



2.3. EU flag states

2.3.1. Greece

GREECE	
Category	Flag State
	EU Member State
	MLC Ratified 04 January 2013; in force since 04 January 2014
National maritime labour information	
Fleet	Total number of vessels 1321 with an IMO number ¹⁶⁴ ; Number of ships (000s dwt) 3.826 (258.484) as of 1 January 2014 ¹⁶⁵ Number of ships (000s dwt) registered under the Greek Flag – 803 (77078) ¹⁶⁶ (as of 2014) Number of ships (000s dwt) under the Greek Flag as of 30 December 2014 (ships over 100dwt)– 1855 (44800) ¹⁶⁷ Number of ships (000s dwt) under the foreign flag as of 1 January 2014 – 3.023 (181.406) ¹⁶⁸
Sea going labour	9.993 officers; 2.970 ratings (estimated supply 2010) ¹⁶⁹ Greek and foreign masters, officers and ratings employed, on 20th September 2012, on merchant ships of 100 GRT and over, under

¹⁶⁴ EMSA, <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

¹⁶⁵ UNCTAD (2014), Review of Maritime Transport, UNCTAD, p. 34.

¹⁶⁶ Ibid., p. 44

¹⁶⁷ Hellenic Statistical Authority (El.Stat.)
http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/A1104/PressReleases/A1104_SMA27_DT_MM_12_2014_01_P_GR.pdf

¹⁶⁸ Calculation based on data from UNCTAD (2014), p.34 and p. 44.

¹⁶⁹ European Commission (2011), Study on EU Seafarers Employment. Final Report, MOVE/C1/2010/148/SI2.588190, May 20, p. 11
<http://ec.europa.eu/transport/modes/maritime/studies/doc/2011-05-20-seafarers-employment.pdf> and BIMCO (2010).



GREECE	
	Greek flag or Greek-owned under foreign flag, contracted with the Seamen's Pension Fund- 22.880 (13.026 Greeks,9.854 foreigners) ¹⁷⁰
MLC documentation	
Name	Ministry of Shipping, Maritime Affairs & the Aegean
Address	Akti vaseliadi, Gates E1-E2, Piraeus, 18510
Website	http://www.yen.gr/wide/home.html
Telephone	0030-210 406 4701
Contact Name	Mrs Vanessa Antonakou
MLC documentation	
DMLC I	Issued under the authority of the Ministry of Shipping, Maritime Affairs and the Aegean, Seamen's Labour Directorate.
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel is the Seamen's Labour Directorate at the Ministry of Shipping, Maritime Affairs and the Aegean.
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ¹⁷¹
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 04 January 2013 to 20 August 2015, there were 505 inspections by the PSC of ships running under the Greek Flag, with 7 recorded detentions. With regard to crew certification and documentation, living and working conditions and labour conditions, 73 inspections were

¹⁷⁰ Hellenic Statistical Authority (El.Stat.) http://www.statistics.gr/portal/page/portal/ESYE/PAGE-themes?p_param=A1104&r_param=SMA12&y_param=2012_00&mytabs=0

¹⁷¹ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102643



GREECE	
	made with 5 detentions ¹⁷² .
Other Comments	<p>In terms of the DLMC I, the template provided by the responsible authority clearly aligns the applicable articles of the Law No. 4078/2012 (A' 179) with the compliance of the MLC 2006. Greece has introduced No. 3522.2/08/2013 Common Ministerial Decision (B' 1671) and No. 4113.305/01/2013 Common Ministerial Decision (B' 1553) for the implementation of the requirements of the MLC, concerning both Flag and Port State obligations.</p> <p>DMLC II is drawn up by the shipowner and identifies the measures adopted by him/her to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement. In particular, they may make reference to the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted. References to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, for example documents required by the <i>International Safety Management (ISM) Code</i> or the information required by the SOLAS Convention, relating to the ship's Continuous Synopsis Record, shall similarly be accepted for the intent of Part II. An example of the kind of information which may be included are set out in the Convention's Annex B5-I. Part II is certified by the duly authorized classification society.</p> <p>The documents required to be submitted by the shipowner include: (1) DMLC Part II completed, (2) List of training programs for seafarers under the age of 18 years engaged in night work, (3) List of hazardous work for young seafarers under the age of 18 years, (4) Where the seafarers' employment agreement is signed by a representative of the shipowner, a copy of the manning agreement between the shipowner and the representative of the shipowner, (5) CBA applicable to seafarers serving on the ship (sections in english), (6) Copy of the standard form of the SEA applicable to seafarers serving on the ship (sections in english), (7) Copy of attestation from Administration or authorized RO or copy of the</p>

¹⁷² <https://portal.emsa.europa.eu/web/thetis/inspections>.



GREECE	
	<p>'Seafarer recruitment and placement service' (SRPS) license or certificate to operate, if available, (8) Copy of evidence of shipowners' financial security for repatriation of seafarers, (9) Copy of evidence of shipowners' financial security to assure compensation in case of seafarer's death or long-term disability due to an occupational injury, illness or hazard, (10) Shipboard working arrangement, (11) Record of daily hours of rest, (12) Medical report form used onboard, (13) Copy of the shipowners' health and safety policy, (14) Copy of ship-owners on-board complaint procedures, (15) Medical certificate, (16) Minimum safe manning certificate, (17) Wage slip or similar document, (18) Copy of Cargo ship safety construction Certificate, or Safety Certificate or General Inspection Certificate, (19) ILO 92 or ILO 92/133 Statement of Compliance (with reference to exemptions, if applicable) issued by the editor of the aforementioned certificate, (20) Ship sanitation certificate (valid for a period of six months) according to International Health Regulations , (21) General arrangement plan.</p> <p>DMLC II Template and Checklist of required documents are available online¹⁷³.</p> <p>According to article 32 par. 12 of the National Regulation, Declaration's Part II may be written only in English when the ship is not engaged on domestic voyages.</p>
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	1The Seafarers' Employment Office (GENE) ¹⁷⁴ , established according to ILO Convention N.9/ 1920 (Law N.4369/29, A.N. 192/1936 and Ministry Decision N. 70055/2703/1982). The office is independent from the Hellenic Manpower Employment Organisation (OAED) ¹⁷⁵
No of Private RPS	Private RPS for Greek seafarers are not allowed to operate in the

¹⁷³ <http://www.hcg.gr/node/5914>

¹⁷⁴ <http://www.generg.gr/>

¹⁷⁵ The Hellenic Manpower Employment Organisation (www.oead.gr) is registered to the World Association of Public Employment Services (www.wapes.org), while GENE is not a member.



GREECE	
	<p>territory.</p> <p>Based on unofficial sources, private RPS for foreign seafarers operate as representatives of foreign RPS. There is no official system of the regulation, certification or licensing and operation of such, who are mainly certified on a voluntary basis by ROs..</p>
No of Seafarer job placement internet web sites	<p>No official information is available.</p> <p>Based on unofficial sources such entities operate, but they are not currently recognised as SRPS according to the MLC, 2006.</p>
RPS Licensing	<p>There is no official regulation, certification or licensing and operation system for the private RPS who offer services to foreign seafarers (acting as branch offices of foreign RPS).</p>
RPS Supervision	<p>There is no official monitoring, supervision and inspection system for the private RPS who offer services to foreign seafarers (acting as branch offices of foreign RPS).</p>
Comments	<p>Centrally public regulated system of recruiting and placing Greek seafarers.</p> <p>If seafarers are employed directly by the shipowner, that is without any mediation from any Recruitment and Placement Services, then this situation prima facie does not fall within the scope of the concerned Convention's Regulation/Standard and article 5 of the National Regulation and should be referred relatively by the shipowner in Part II of the Declaration of Maritime Labour Compliance. As such should be considered the case where a seafarer is employed by a recruitment department operated by the shipowner. Where a shipowner uses a private seafarer recruitment and placement service, he/she must take steps to ensure that the service is licensed or certified or regulated in accordance with the requirements under Regulation 1.4. This responsibility, which is subject to inspection and also certification, is particularly important and when the recruitment and placement service is in a country that has not ratified the MLC, 2006, the shipowner must, as far as practicable, take measures and provide documentation according to article 5 of the National Regulation.</p>
Seafarers' insurance and social security	
Seafarers CBA in	In total seven CBAs.



GREECE	
Place	<p>One national CBA for Greek seafarers working Greek- flagged ships (not officially available in English).</p> <p>There are 6 CBAs for different categories of Greek seafarers working on ocean going and short sea shipping ships and passenger ships (last updated 2012) with foreign flags (2 of which are available in English). A Seafarer’s Employment Agreement (SEA) is signed by both the seafarer and the shipowner or the shipowner's representative or the master (provided that the latter is not engaged) and takes effect by its entry/ registration in the ship's article. Except for cases where the shipowner or the master, acting on his/her behalf according to the national legislation, any other party contracting with the seafarer should be able to provide documentation showing that he/she is authorized to represent the shipowner. A SEA shall be deemed to incorporate any applicable labour Collective Bargaining Agreement and reference shall be made in the relevant fields of the SEA as well as to the collective agreement cited. In case no applicable collective bargaining agreement in force exists, seafarer's employment terms and conditions are agreed by contracting parties and are set in the seafarer's written employment agreement. In this context, if mutually agreed by the contracting parties, there may be made explicit reference, partially or on the whole, to terms of a previously applicable Collective Bargaining Agreement that has expired and a relevant entry shall be made to the appropriate fields of the SEA; Notwithstanding, by such an entry it shall not be considered that the Collective Bargaining Agreement which has expired is generally brought back into force, since the aforementioned are only binding the contracting parties. Each of the contracting parties shall receive a signed original of the agreement. It is recommended that SEA is carried on board either in its original form or in copy. At the end of the employment, the seafarer receives an “employment record document” containing details of his/her employment in accordance with article 6 of National Regulation.</p>
Social security branches covered	<p>The Greek competent authority has specified the following branches of social security: medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury</p>



GREECE	
	<p>benefit; family benefit; maternity benefit; invalidity benefit and survivors' benefit¹⁷⁶.</p> <p>The Seafarers' Trade Union noted that the old-age benefit does not apply in case of Greek seafarers, neither maternity benefit.</p>
Other social security and seafarers insurances	<p>According to Regulation for the implementation of the requirements of the MLC, 2006, approved by No. 3522.2/08/2013 Common Ministerial Decision (B' 1671) there are exemptions concerning the shipowners' liabilities.</p> <p>Also, there are additional social security branches concerning Greek seafarers, including contributions to a supporting pension's fund and contribution for the Seafarers' Home ("Estia Naftikon").</p>
Other issues	
Complaint handling procedure	<p>The central point of contact for complaints of seafarers on Greek-flagged ships is the Hellenic Coastguard and Seamen's Labour Directorate of the Ministry of Shipping, Maritime Affairs and the Aegean¹⁷⁷. Complaints can be filed at any time and are treated confidentially.</p> <p>According to article 33 of the National Regulation for the on-board complaint handling procedures, the shipowner or the master provides to all seafarers a copy of the complaint procedures applicable on-board the ship, which includes contact information of the Seamen's Labour Directorate of the Ministry of Shipping, Maritime Affairs and the Aegean.</p> <p>When country of residence is other than in Hellas, contact information of the relevant competent authority.</p>
Cooperation with other countries relating to seafarer's recruitment and placement	<p>No information available.</p> <p>Bilateral agreement on social security currently under discussion between the seafarers' trade unions of Greece and Italy.</p>
Special notes and recommendations	

¹⁷⁶ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102658

¹⁷⁷ <http://www.hcg.gr/node/5626>



GREECE	
Notes	No further.
Recommendations regarding:	Regulatory and supervision system for private SRPS Bilateral agreements on social security
Sectoral representatives interviewed and other sources used	
Sector	Competent authority, Seafarers' trade union, Shipowners Association, shipping companies, SRPS
Organisations	Ministry of Shipping, Maritime Affairs and the Aegean, Seamen's Labour Directorate. Hellenic Coast Guard Union of Greek Seafarers Panhellenic Seamen's Federation Private SRPS and shipping companies (confidential names)
Sources	Sources indicated in footnotes



2.3.2. United Kingdom

UNITED KINGDOM¹⁷⁸	
Category	Flag State
	EU Member State
	MLC Ratified 7 August 2013; in force since 7 August 2014.
National maritime labour information	
Fleet	Total number of vessels 1380 with an IMO number ¹⁷⁹ ; Number of ships (dwt) 1,233 (52,821,000) as of 1 January 2014 ¹⁸⁰ Number of ships registered with the UK Flag – 658 ¹⁸¹ (as of Jan 2014)
Sea going labour	14,657 officers; 8,563 ratings ¹⁸²
Competent Authority	
Name	Maritime and Coastguard Agency
Address	Spring Place 105 Commercial Road, Southampton, SO15 1EG
Website	Http://www.dft.gov.uk/mca
Telephone	0044 2380 329100
Contact Name	Niel Atkinson
MLC documentation	
DMLC I	Issued under the authority of the Maritime and Coastguard Agency ¹⁸³

¹⁷⁸ Including Bermuda, Cayman Islands, Gibraltar and Isle of Man, which have not been individually examined.

¹⁷⁹ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

¹⁸⁰ Review of Maritime Transport 2014, UNCTAD, p. 34.

¹⁸¹ Ibid., p. 44

¹⁸² Study on EU Seafarers Employment. Final Report, 2011, p. 11

¹⁸³ MSM 1848 (M)



UNITED KINGDOM¹⁷⁸	
DMLC II	Issued under the authority of the Maritime and Coastguard Agency ¹⁸⁴
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Delivered to ILO in 2015 ¹⁸⁵ .
Comments from CEACR	No country-specific comments as of 03 September 2015, since the report is under examination.
Results from THETIS	From 7 August 2014 to 20 August 2015, there were 464 inspections by the PSC of ships running under the UK Flag, with 4 recorded detentions ¹⁸⁶ . With regard to crew certification, working and living conditions and labour conditions, there were 4 detentions recorded out of 79 inspections.
Other Comments	In terms of the DLMC I, the template provided by the responsible authority clearly integrates applicable articles / and or paragraphs of the Maritime and Coastguard Agency regarding regulations 1-5 in compliance with the MLC, 2006. DMLC II shall be provided together describing the following measures to ensure Compliance with each of the items in DMLC Part 1: Minimum Age; medical certificates; qualifications; SEAs; Use of certified RPS; Hours of work and rest; manning levels; Accommodation; on-board recreational facilities; Food and catering; health & safety and accident prevention, on board medical care; on-board complaint procedure; Payment of wages
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	None ¹⁸⁷

¹⁸⁴ MSM 1848 (M)

¹⁸⁵ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102651

¹⁸⁶ <https://portal.emsa.europa.eu/web/thetis/inspections>.

¹⁸⁷ Jobcenter Plus- JCP (www.jobcentreplus.gov.uk) is registered as a member to the World Association of Public Employment Services (www.wapes.org), however there is no indication that this office acts as an SRPS.



UNITED KINGDOM¹⁷⁸	
No of Private RPS	30 RPS Dedicated to Seafarers 50 RPS Serving Both Seafarers and other professions
No of Seafarer job placement internet web sites	A considerable number are in operation, but no official database available.
RPS Licensing	Not performed in UK; UK has adopted "other forms of regulatory oversight" which the MCA believes is consistent with the oversight of employment agencies in the UK. The conduct of employment agencies in the UK is regulated by the Department for Business Innovation & Skills ¹⁸⁸ . The MCA also relies on a voluntary scheme for the certification of employment agencies, under which the operations of the RPS are audited. (MGN 475M – July 2014 ¹⁸⁹)
RPS Supervision	No available information.
Comments	UK considers two categories of seafarer employment entities: Employment Agencies (EAs), where the agency is providing a vehicle for seafarers to establish contact with potential employers, EG web placement of CV's and job opportunities (not considered to be an RPS by the UK authorities, and not subject to MLC, 2006) Employment Businesses (EB's) where the agency is the employer of the seafarer (considered to be an RPS by UK authorities and subject to MLC, 2006)
Seafarers' insurance and social security	
Seafarers CBA in Place	CBA for UK seafarers has been negotiated by ITF, with input from Nautilus

¹⁸⁸ <http://www.legislation.gov.uk/ukxi/2003/3319/contents/made>

¹⁸⁹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332856/MGN_475_Recruitment_Placement.pdf "The MCA therefore introduced a non-mandatory certification scheme for RPSs to help them to demonstrate MLC compliance."



UNITED KINGDOM¹⁷⁸	
Social security branches covered	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security: medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; invalidity benefit and survivors' benefit (8/9).
Other social security and seafarers insurances	n/a
Other issues	
Complaint handling procedure	<p>Every very ship to which the regulation applies must have an on-board complaints¹⁹⁰ procedure which must :</p> <ul style="list-style-type: none"> - seek to resolve the complaint at the lowest level possible - enable a seafarer to complain directly to the master and appropriate external authorities - include the right of the seafarer to be accompanied or represented when making a Complaint - ensure that the seafarer does not suffer any detriment for making a complaint <p>On- Shore Complaints Procedure ¹⁹¹</p> <ul style="list-style-type: none"> - The MLC makes provision for seafarers or other interested parties to make a complaint alleging a breach of the requirements of the Convention (including seafarers' rights) to an authorised officer. - Complaints may be raised by seafarers on UK ships, where MCA is the certifying authority, or by seafarers on non-UK ships in UK ports. - Such complaints will be investigated by the MCA and may lead to an inspection, which will be limited to the scope of the complaint. - However if there is evidence which indicates that the ship

¹⁹⁰ MSN 1894 (M)

¹⁹¹ MGN 487 (M)



UNITED KINGDOM¹⁷⁸	
	may not be compliant with the MLC the MCA may widen the scope of the inspection.
Cooperation with other countries relating to seafarer's recruitment and placement	No available information.
Special notes and recommendations	
Notes	Regarding MGN 476 (M): The notice sets out to raise awareness amongst seafarers to the Maritime Labour Convention, 2006 (MLC) and how this will impact on seafarers' working lives. It aims to inform them of their assured level of protection, their rights and entitlements under the MLC, and will enable seafarers to make an informed decision whether they choose to work on a ship registered with a country which has not ratified the MLC.
Recommendations regarding:	Clarification on the obligations of Employment agencies, employment business and web- job boards with regard to SRPS definition, SRPS licensing system. SRPS monitoring and supervision system. Results concerning SRPS operation. Results concerning seafarers' complaints handling. Example of Marine Notice on raising seafarers' awareness to be examined for application to other FS/ LSS.
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators Insurance organisation and private company Recognised Organisation Shipowners' Association (international and national) Shipping companies (international) seafarers' trade union



UNITED KINGDOM¹⁷⁸	
	NGOs
Organisations	UK Department of Transport Maritime and Coastguard Agency Nautilus International Lloyd's Register Group Ltd International Chamber of Shipping UK Chamber of Shipping International Federation of Transport Workers P&I Club UK Crewsure Insurance Services Ltd. Absolute Shipping Ltd. Bibby Ship Management (Western Europe) Ltd. The Maersk Company Ltd./ Maersk Line UK Ltd. Sealion Shipping Serco Ltd. Northern Marine Management (Stena Group) UK Sailors' Society
Sources	Sources of secondary data indicated in footnotes.



2.3.3. Cyprus

CYPRUS	
Category	Flag State
	EU Member State
	MLC Ratified 20 July 2012; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 1.220 with an IMO number ¹⁹² ; Number of ships (dwt) 355 (12,716,000) as of 1 January 2014 ¹⁹³ Number of ships registered with the Cyprus Flag 937 as of 1 January 2014 ¹⁹⁴
Sea going labour	2.907 officers; 514 ratings; 3.421 total ¹⁹⁵
Competent Authority	
Name	Ministry of Communications and Works Department of Merchant Shipping (DMS)
Address	P.O. Box 56193, Lemesos, 3305
Website	http://www.mcw.gov.cy/mcw/mcw.nsf/mcw11_en/mcw11_en?OpenDocument
Telephone	+357 25-823715
Contact Name	DMS/CYPRUS – MLC, 2006 CONTACT POINT, E- mailo:mlc@dms.mcw.gov.cy
MLC documentation	
DMLC I	Issued under the Department of Merchant Shipping (DMS) that is functioning under the Ministry of Communications and Works of

¹⁹² <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

¹⁹³ UNCTAD (2014) Review of Maritime Transport.

¹⁹⁴ UNCTAD (2014) Review of Maritime Transport.

¹⁹⁵ <http://ec.europa.eu/transport/modes/maritime/studies/doc/2011-05-20-seafarers-employment.pdf>



CYPRUS	
	Cyprus ¹⁹⁶
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel are RO's: American Bureau of Shipping (ABS), Bureau Veritas (BV), China Classification Society (CCS), DNV GL, Korean Register of Shipping (KR), Lloyds Register (LR), Nippon Kaiji Kyokai (NK), Polski Rejestr Statkow (PRS), Registro Navale Italiano (RINA), Russian Maritime Register of Shipping (RS) ¹⁹⁷
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due 2019 ¹⁹⁸
Comments from CEACR	No inspections or complaints have been registered by the ILO. No country- specific comments from CEACR.
Results from THETIS	From 20 August 2013 to 20 August 2015, there were 1387 inspections by the PSC of ships running under the flag of Cyprus, with 43 detentions recorded. With regard to crew certification, living and working conditions and labour conditions, 327 inspections were made with 34 detentions ¹⁹⁹
Other Comments	DLMC I is duly completed by the DMS The RO of the ship must ascertain compliance with the national requirements and the requirements of the Convention, by examination of the DMLC Part II. There is a two-step examination: (1) Verification that the proposed measures satisfy the national and Convention requirements. Examination of Seafarers Employment Agreements (SEA); Collective Bargaining Agreements (CBA) if any; Shipowner's management systems manuals amongst other documents. (2) Successful completion of an initial onboard

¹⁹⁶ [http://www.mcw.gov.cy/mcw/dms/dms.nsf/All/17DF4373026A65E2C2257A17003C7118/\\$file/24-2012%20\(08-06-2012\).pdf?OpenElement](http://www.mcw.gov.cy/mcw/dms/dms.nsf/All/17DF4373026A65E2C2257A17003C7118/$file/24-2012%20(08-06-2012).pdf?OpenElement)

¹⁹⁷ [http://www.mcw.gov.cy/mcw/dms/dms.nsf/All/17DF4373026A65E2C2257A17003C7118/\\$file/24-2012%20\(08-06-2012\).pdf?OpenElement](http://www.mcw.gov.cy/mcw/dms/dms.nsf/All/17DF4373026A65E2C2257A17003C7118/$file/24-2012%20(08-06-2012).pdf?OpenElement)

¹⁹⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:103070

¹⁹⁹ <https://portal.emsa.europa.eu/web/thetis/inspections>



CYPRUS	
	<p>inspection to verify that the shipowner has implemented the proposed measures documented in DMLC Part II.</p> <p>The shipowner shall prepare the DMLC Part II and request an authorized RO to approve it and then proceed with the inspection and the issue of the Maritime Labour Certificate (MLC).</p> <p>The DMS is responsible for the development of various maritime activities including (among others): qualifications of seafarers and living & working conditions of seafarers; inspection/surveys of foreign flag vessels in Cyprus ports; control and certification of coastal passenger and high-speed craft; control of ships and enforcement of international conventions ratified by the Government of Cyprus; investigation of accidents involving Cyprus ships or seafarers serving on those ships or foreign ships sailing within the territorial waters of the Republic; resolving labour disputes on board Cyprus ships; training, certification and registration of seafarers; international relations, participation in international organizations, bilateral agreements and cooperation with maritime authorities of other countries.</p>
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	Three public RPS belonging to the Ministry of Labour and Welfare ²⁰⁰ .
No of Private RPS	132, but no official list for seafarer RPS. A List of Licensed Private Employment Agencies (for 2012) is available online ²⁰¹ , but but is not specific to RPS for seafarers
No of Seafarer job placement internet web sites	No available information.
RPS Licensing	Shipowners who use Manning Agents based in a State party to the MLC, 2006, for the employment of seafarers to work on board Cyprus flag ships, shall only use Licensed or Certified or regulated Manning Agents in accordance with MLC, 2006 Standard A1.4

²⁰⁰ The Department of Labour of the Ministry of Labour and Social Insurance (DOL/MLSI) (www.misi.gov.cy/dl) is registered as a member to the World Association of Public Employment Services (www.wapes.org)

²⁰¹ http://www.eurescyprus.eu/downloads/licensed_private_employment_agencies_list.pdf



CYPRUS	
	<p>requirements. The License or Certificate issued by the State where the Manning Agent(s) providing seafarers to the ship, is/are established must be on board.</p> <p>If Manning Agents based in a State not party to the MLC, 2006 are used, these shall conform to MLC, 2006 Standard A1.4.5 and Standard A1.4.9. For these Manning Agent(s), either one of the following must be on board:(1) Company's Own Audit Report for Manning Agent (Stating that they have verified compliance with the Standard A.1.4); (2) Copy of the Manning Agency Quality Management Certificate (e.q. ISO 9001); (3) Copy of ROs Certificate Attesting Compliance with Standard A.1.4.</p>
RPS Supervision	No information available.
Comments	<p>Access of a seafarer to a recruitment and placement service.</p> <p>Subject to the provisions of The Private Employment Agencies Law,⁴ as amended from time to time, a seafarer who wishes to work on a Cyprus ship, has at no cost, access to a seafarer recruitment and placement service having an operating license issued by the Competent Authority.</p> <p>For the purposes of exercising due legal control, an endorsed copy of the operating license mentioned above is attached to the seafarers' employment agreement who have been recruited through private seafarer recruitment and placement services²⁰²</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Collective bargaining agreements apply only if so agreed in the employment agreement.</p> <p>One national CBA for Cypriot seafarers on-board Cyprus- flagged ships is available on a voluntary basis. Also available in English.</p>
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (4/9): medical care; sickness benefit; employment injury benefit and invalidity benefit ²⁰³

²⁰² The Maritime Labour Convention 2006 (Ratification) and for matters connected therewith Law of 2012, 1 Law 6(III)/2012.

²⁰³ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:103070



CYPRUS	
Other social security and seafarers insurances	n/a
Other issues	
Complaint handling procedure	<p>On-board-procedure:</p> <p>The shipowner must establish on-board procedures for the fair, effective and expeditious handling of seafarers' complaints alleging breaches of the requirements of the Convention, including seafarers' rights, in accordance with the national requirements and the requirements of the Convention. The shipowner must develop and provide all seafarers, with a copy of the on-board complaint procedures in English, or in the working language of the ship.</p> <p>On-shore-procedure:</p> <p>The DMS Cyprus, (MLC, 2006 Contact Point) will submit a Corrective Action Plan whenever it is notified by a foreign port authority, that a seafarer serving on a ship under Cyprus flag reported a complaint to that authority.</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No available information.
Special notes and recommendations	
Notes	Private RPS operating in the territory for the recruitment and placement of foreign seafarers are advised to receive certification from ROs or license from the countries that the (non-Cypriot) seafarers originate from.
Recommendations	Regulatory and supervision system for private SRPS Bilateral agreements on social security
Sectoral representatives interviewed and other sources used	



CYPRUS	
Sector	Competent authorities Private SRPS
Organisations	Cyprus Department of Merchant Shipping Columbia Shipmanagement Ltd.
Sources	Sources of secondary data indicated in footnotes.



2.3.4. Germany

GERMANY	
Category	Flag State
	EU Member State
	MLC Ratified 16 August 2013; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 882 with an IMO number ²⁰⁴ ; Number of ships (dwt) 3.699 (127,238,000) as of 1 January 2014 ²⁰⁵ Number of ships registered with the German Flag – 381 ²⁰⁶ (as of 2014) Number of ships under the German Flag as of 28 February 2015 – 362 Number of ships under the foreign flag as of 28 February 2015 – 2.682 ²⁰⁷
Sea going labour	3.997 officers; 6.256 ratings ²⁰⁸
Competent Authority	
Name	Berufsgenossenschaft fuer Transport und Verkehrswirtschaft (BG Verkehr)
Address	Dienststelle Schiffssicherheit der BG Verkehr, Brandstwiete 1, Hamburg, D-20457
Website	http://www.dienststelle-schiffssicherheit.de/
Telephone	+49-40-36137-0

²⁰⁴ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

²⁰⁵ Review of Maritime Transport 2014, UNCTAD, p. 34.

²⁰⁶ Ibid., p. 44

²⁰⁷ http://www.bsh.de/de/Schifffahrt/Berufsschifffahrt/Deutsche_Handelsflotte/Statistik_Fort.pdf

²⁰⁸ Study on EU Seafarers Employment. Final Report, 2011, p. 11



GERMANY	
Contact Name	Capt. Tilo Berger, ISM / ILO Department , tilo.berger@bg-verkehr.de
MLC documentation	
DMLC I	Issued under the authority of the Government of the Federal Republic of Germany by Berufsgenossenschaft für Transport und Verkehrswirtschaft (BG Verkehr)
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel is Dienststelle Schiffssicherheit (Shif Safety Division) ²⁰⁹ at German Ship Safety Administration
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ²¹⁰
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 20 August 2013 to 20 August 2015, there were 443 inspections by the PSC of ships running under the German Flag, with 5 detentions recorded. With regard to crew certification, living and working conditions and labour conditions, 57 inspections were conducted with three detentions ²¹¹
Other Comments	In terms of the DLMC I, the template provided by the responsible authority clearly integrates applicable articles, and/ or paragraphs of the German Maritime Labour Act regarding regulations 1-5 in compliance with the MLC, 2006. DMLC II shall be provided to the Ship Safety Division together with the following documents as parts of the safety management system; copies of the applicable collective bargaining agreements; applicable seafarers' agreements; copy of power of attorney; copy

²⁰⁹ <http://www.deutsche-flagge.de/de/download/besatzung/arbeiten-und-leben-an-bord-1/vorlagen-vordrucke-muster/dmlc-teil-ii/view>

²¹⁰ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102643

²¹¹ <https://portal.emsa.europa.eu/web/thetis/inspections>.



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	of the on-board complaint procedures; cost assumption declaration; evidence of the approval of seafarer RPS; in case of seafarer RPS located in a country that did not ratify MLC, 2006, a copy of statement according to the German Maritime Labour Act ("A private SRPS (agent) located in Germany will only be used if the agent provides a certificate issued by BG Verkehr that confirms that the requirements of the Seearbeitsgesetz are complied with" or "A shipowner may only use a placement agent domiciled in states which have not ratified the Maritime Labour Convention for placing seafarers if the placement agent has assured the shipowner in writing that it complies with the provisions for recruitment and placement in accordance with Regulation 1.4 of the Maritime Labour Convention").
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	One, The "Zentrale Heuerstelle Hamburg"(ZHH) ²¹²
No of Private RPS	66 ²¹³
No of Seafarer job placement internet web sites	As of 67. All private RPS in Germany must be approved by the Ship Safety Division- They are then published on the official website of the authority. No website for seafarer employment or RPS is allowed to operate in the territory, unless it is approved by the respective authority.
RPS Licensing	Provided by the Ship Safety Division of the BG Verkehr ²¹⁴ . Private maritime recruitment and placement services based in Germany must be approved by the ship safety division of the BG Verkehr. As confirmation the ship safety division issues the service with a certificate of approval.

²¹² Die Zentrale Heuerstelle Hamburg (ZHH), <http://www.arbeitsagentur.de/web/content/DE/dienststellen/rdn/hamburg/Agentur/BuergerinnenundBuerger/ZentraleHeuerstelle/index.htm> . Note: The Bundesagentur fuer Arbeit (BA) (www.arbeitsagentur.de) is registered as a member to the World Association of Public Employment Services (www.wapes.org)

²¹³ <http://www.deutsche-flagge.de/de/besatzung/seearbeit/arbeitsvermittlung-seeleute/arbeitsvermittlung#liste>

²¹⁴ http://www.deutsche-flagge.de/en/crew/working-and-living-on-board/recruitment-of-seafarers?set_language=en



GERMANY	
	<p>1. Approval requirements for private recruitment and placement services</p> <p>Private recruitment and placement services for seafarers in Germany may only be engaged for recruiting and placing seafarers when they provide evidence to the Dienststelle Schiffssicherheit that they comply with the requirements according to the German Maritime Labour Act.</p> <p>2. Certificate of approval</p> <p>The Dienststelle Schiffssicherheit will issue on written application a certificate of approval for the period of three years, if the verification reveals that the requirements for admission are fulfilled.</p> <p>3. The Dienststelle Schiffssicherheit reserves the right to carry out an inspection in the premises of the recruitment and placement service. If there is any doubt as to the correctness of the details submitted by the recruitment and placement service, the Dienststelle Schiffssicherheit may hear the representatives of shipowners and seafarers before issuing the attestation. Known complaints will be considered.</p> <p>4. List of authorised recruitment and placement services with an office in Germany is published on the homepage of the Dienststelle Schiffssicherheit.</p>
RPS Supervision	Not available
Comments	Centrally regulated system of recruiting and placing seafarers.
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Collective bargaining agreements apply only, if so agreed in the employment agreement. The German labour law does not require any employer/ shipowner to apply collective bargaining agreements to employees on board of his German-flagged ships. The collective bargaining agreements in the German shipping industry (Manteltarifvertrag See and Heuertarifvertrag See) only apply, if:</p> <ul style="list-style-type: none"> ▪ the shipowning company is a member of the tariff community of the German Shipowners' Association (VDR) and individual seafarers are members of the ver.di trade union (known as



GERMANY	
	<p>"double tariff"), or</p> <ul style="list-style-type: none"> ▪ their application is expressly agreed in the employment agreement. <p>German maritime collective bargaining agreements (Manteltarifvertrag See and Heuertarifvertrag See)</p> <p>The Manteltarifvertrag See (MTV See) provides the recognized framework for working conditions of seafarers in German ocean shipping. It contains regulations of long-term and more general character and its period of validity has not been restricted. The MTV See does not address wage levels, as these are fixed in the Heuertarifvertrag See (HTV See). The HTV See is renegotiated in shorter intervals for adjustment of wages.</p> <p>Model for a crew member's employment agreement for ships flying the German flag is available online²¹⁵.</p>
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (4/9): medical care; sickness benefit; old-age benefit and employment injury benefit.
Other social security and seafarers insurances	<p>Information provided by stakeholders:</p> <ul style="list-style-type: none"> - Health and long-term care insurance; - Pension insurance; - Seafarer's special fund; - Unemployment insurance; - Accident insurance²¹⁶
Other issues	
Complaint handling procedure	<ol style="list-style-type: none"> 1. The central point of contact for complaints of seafarers on German-flagged ships is the ship safety division of the BG Verkehr. Complaints can be filed at any time and are treated confidentially.²¹⁷

²¹⁵ <http://www.deutsche-flagge.de/en/downloaden/crew/seafarers-employment-agreements/model-of-a-crew-members-employment-agreement>

²¹⁶ <http://www.deutsche-flagge.de/en/social-insurance>

²¹⁷ <http://www.deutsche-flagge.de/en/crew/seafarers-complaints>



GERMANY	
	<p>2. Onboard confidant for complaints The shipowner or the master on his behalf must appoint one person on board the ship who can on a confidential basis provide impartial advice to the seafarer in respect of a complaint. The seafarer may be accompanied or represented by this confidant or by another person enjoying his confidence on board the ship during the complaint procedure. A seafarer must not be victimised because of lodging a complaint.</p> <p>3. Shipowners responsibility to inform seafarers about the right of complaint. Shipowners must inform seafarers on board of their ships about the applicable complaint procedures in writing. The information must also include the contact details of the ship safety division and the name of the appointed on-board confidant. The name of this confidant may be posted up on board to keep it up to date.</p> <p>Proposal for the complaint procedure of a German-flagged ship in accordance with the Maritime Labour Act²¹⁸</p>
Cooperation with other countries	<p>The German Shipowners' Association cooperates with all European shipowners' associations, as well as –in the international level– with the International Chamber of Shipping, for the exchange of information about the maritime industry and labour market. Also, before and during the MLC negotiations, information on maritime labour legislation and the RPS and relevant policies and practices from other countries were examined. The German Shipowners' Association has participated during the tripartite committee's negotiations in the development of a model for onboard complaint handling procedures, along with VERDI. The Association was invited by the competent authority to develop training programmes for seafarers with the participation of VERDI.</p>
Special notes and recommendations	
Notes	<p>The single public RPS in Germany operates as an unemployment office for seafarers (registering long-time unemployed seafarers, offering unemployment benefits) but not as a recruitment and placement (i.e. searching job openings for unemployed seafarers). The private RPS in Germany must be approved by the Ministry of</p>

²¹⁸ <http://www.deutsche-flagge.de/en/crew/seafarers-complaints>



GERMANY	
	<p>Transport (Ship Safety Division). No website for seafarer employment or RPS is allowed to operate in the territory, unless it is approved by the respective authority.</p> <p>Seafarers under the German flag benefit from the public German social security system. A comprehensive accident insurance covers all crew members, regardless of their nationality. In case of accidents at the shipboard workplace the Berufsgenossenschaft (accident prevention and insurance association) provides support and takes care to restore a seafarer's fitness for work as fast as possible. The seafarer's special fund Seemannskasse is a unique institution providing an additional pension for elderly seafarers. The German Maritime Labour Act enforces decent working and living conditions for seafarers on board ships flying the German flag.</p>
Recommendations regarding:	<p>Monitoring and supervision system of private SRPS</p> <p>Examination fo bilateral agreements on social security</p> <p>Results concerning the operation of SRPS</p> <p>Clarifications on social security coverage provided to national and foreign seafarers, in comparison to German land-based workers</p> <p>Results concerning seafarers' complaints handling</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, Shipowners' association, seafarers' trade union
Organisations	<p>German Flag</p> <p>BG Verkehr (Ship Safety Division),</p> <p>The Federal Maritime and Hydrographic Agency (Bundesamt für Seeschifffahrt und Hydrographie, BSH),</p> <p>The "Bundesnetzagentur" (Federal Network Agency)</p> <p>The shipping registers</p> <p>VDR- German Shipowners' Association</p> <p>IFSMA- International Federation of Shipmasters' Associations</p> <p>VDKS- Verband Deutscher Kapitaene & Schiffsoffiziere</p>



GERMANY	
Sources	Sources of secondary data indicated in footnotes.



2.3.5. Denmark

DENMARK²¹⁹	
Category	Flag State
	EU Member State
	MLC Ratified 23 June 2011; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 833 with an IMO number ²²⁰ ; Number of ships (dwt) 955 (40,504,000) as of 1 January 2014 ²²¹ Number of ships registered with the Danish Flag – 381 ²²² (as of 2014) Number of ships under the Danish Flag (as of 2014) – 329 Number of ships under the foreign flag (as of 2014) – 626 ²²³
Sea going labour	2.762 officers; 1.176 ratings; 3.938 total ²²⁴
Competent Authority	
Name	Danish Maritime Authority
Address	Carl Jacobsens Vej 31, Valby, DK-2500
Website	http://www.dma.dk/
Telephone	9137 6000
Contact Name	n/a

²¹⁹ Includes Faroe Islands, which have not been individually examined.

²²⁰ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

²²¹ Review of Maritime Transport 2014, UNCTAD, Chapter 2: Structure, Ownership and Registration of the World Fleet, p. 8.

²²² Review of Maritime Transport 2014, UNCTAD, Chapter 2: Structure, Ownership and Registration of the World Fleet, p. 18.

²²³ <http://unctadstat.unctad.org/wds/TableViewer/tableView.aspx>

²²⁴ Study on EU Seafarers Employment. Final Report, 2011, p. 11.



DENMARK²¹⁹	
	E-mail: sfs@dma.dk
MLC documentation	
DMLC I	<p>Issued under the authority of Danish Maritime Authority, Carl Jacobsens Vej 31, 2 500 Valby, Denmark.</p> <p>Contact the Danish Maritime Authority at cfs@dma.dk with an application for the issuance of a DMCL, Part I.</p> <p>Forward the following:</p> <ul style="list-style-type: none"> • Application for the issuance of a DMLC, Part I, indicating ship's particulars (name, IMO no. or call sign). • Documentation of the ship's exemptions, if any, related to accommodation spaces and recreational facilities.
DMLC II	<p>Documentation of Compliance issued by the ship owner.</p> <p>Responsible authority for issuing DMLC II after inspection of the vessel is either the Danish Maritime Authority or a Recognised Organisation (RO).</p> <p>When a DMLC Part I has been issued by the Danish Maritime Authority, the shipowner is to contact a recognized classification society for approval of the shipowner's DMLC Part II and, in this connection, the holding of a inspection and certification for issuance of a MLC certificate by the RO²²⁵.</p>
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Direct request in 2014, due 2016 ²²⁶ .
Comments from CEACR ²²⁷	<p><u>Regarding definition of seafarer</u></p> <p>The Committee noted the Government's indication that although it appears that masters are not considered seafarers, they are covered by a special provision giving them a special status, and that this does not prevent the master from having the same protection and rights as other seafarers; in accordance with the Convention the</p>

²²⁵ <http://www.dma.dk/Ships/MLC/Documents/19032013%20Til%20rederiforeningerne-uk.pdf>

²²⁶ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102609

²²⁷ http://www.ilo.org/dyn/normlex/en/f?p=1000:80031:0::NO:80031:P80031_COMMENT_ID:3189953



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term “seafarer” is used for both the master and other seafarers. The Committee requested the Government to provide information with respect to any categories of persons that have been determined, in accordance with paragraph 3 of Article II, as persons that are not regarded as seafarers for purposes of the Convention.

The Committee also requested the Government to identify any national measures covering, in a different way, the question of when inspections will be carried out on ships which have been excluded from inspection in the absence of complaints.

Regarding collective bargaining

The Committee refers to its observations and direct requests with respect to the application of Conventions Nos 87²²⁸ and 98²²⁹ and requests that the Government provide information on the progress of tripartite national dialogue with the relevant workers’ and employers’ organisations on this issue and to provide information on the ways in which the Government has satisfied itself that the provisions of its laws and regulations respect, in the context of the Convention and in light of any observations of the seafarers’ and shipowners’ organisations concerned, the fundamental right to freedom of association and the effective recognition of the right to collective bargaining.

Regarding Regulation 1.4 and the Code on Recruitment and placement.

The Committee notes the observations made by the ILO with respect to the increasing number of private RPSs operating in Denmark of which only a few have been certified and that there has been no consultation with respect to the system for certification of such services. The Committee noted that the system for certification which has been adopted as provided for in section 8(a)–(c) of the Consolidated act on seafarers’ conditions of employment, etc. The Committee noted that section 8(a)–(c) of the Act does not set out specific requirements for the certification of services operating in

²²⁸ C087 - Freedom of Association and Protection of the Right to Organise Convention, 194. Online: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232

²²⁹ C098 - Right to Organise and Collective Bargaining Convention, 1949 . Online: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::no::P12100_Ilo_Code:C098



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Denmark, which as required under paragraph 5 of Standard A1.4 must be in laws and regulations or other measures. The Committee recalls that the Convention does not contain exactly the same provisions as Convention No. 179, particularly with respect to the requirements in paragraph 5(b) and (c)(vi) of Standard A1.4. The Committee requests that the Government provide information on the application of paragraphs 2 and 5 of Standard A1.4 to any private recruitment and placement service that may be operating in its territory and to clarify the situation with respect to the use of services operating in countries that have not ratified the Convention. The Government is also requested to consider amending the DMLC, Part I, to the extent that it appears to equate the requirements of the Convention and Convention No. 179 on this matter. The Committee also requested the Government to provide information regarding any consultations with shipowners' and seafarers' organisations concerned that has taken place when establishing the system of certification.

Regarding SEA and related clauses (annual leave, repatriation, and other)

The Committee requested the Government to clarify who are the parties under the Danish law on the seafarers' employment agreement and to consider amending the standard form agreement to ensure that seafarers have an original agreement signed by both the seafarer and shipowner or a shipowner's representative. The Committee requests the Government to provide information as to whether seafarers who are paid annual leave when "signing off" are also given the leave during a period when they are still covered by their employment agreement and to clarify whether seafarers are entitled to paid annual leave in accordance with paragraph 2 of Standard A2.4 during their first qualifying year. The Committee requested the Government to provide information on provisions in national laws or regulations or other measures or applicable collective agreements setting out the procedure to be followed and the standard of proof to be applied before a seafarer can be found to be in "serious default of the seafarers employment obligations", thereby entitling a shipowner, in accordance with paragraph 3 of Standard A2.5, to recover the cost of repatriation from the seafarer's



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	<p>wages or other entitlements.</p> <p><u>Regarding Regulation 4.1 and the Code on Medical care on board and ashore, and Regulation 4.2 and the Code on Shipowners' liability.</u></p> <p>The Committee requested the Government to provide detailed information with respect to the provision of essential dental care to seafarers working on board ships flying the flag of Denmark. The Committee requests the Government to clarify whether shipowners are required to continue to defray the expense of medical care after the sick or injured seafarers have returned home at the termination of their employment for at least 16 weeks from the day of the injury or the commencement of the sickness, or until recovery or the sickness or incapacity has been declared of a permanent character.</p> <p>Regarding Regulation 4.5 and the Code on Social security</p> <p>The Committee requested that the Government provide information on whether seafarers ordinarily resident in Denmark working on ships operating under the flag of another country are provided with social security protection as required under Regulation 4.5 and the Code.</p>
Results from THETIS	<p>From 20 August 2013 to 20 August 2015, there were 828 inspections by the PSC of ships running under the Danish Flag, with 6 detentions recorded.</p> <p>With regard to crew certification, living and working conditions and labour conditions, 111 inspections were made with 4 detentions²³⁰.</p>
Other Comments	<p>Extract from a DMA Circular for the Inspection and Certification Programme for MLC 2006 for ROs:</p> <p>The Declaration of Maritime Labour Compliance (DMLC) outlines the national laws or provisions that give effect to the 14 mandatory inspection items required for certification and the measures put in place by the ship owner/operator to ensure compliance with these inspection items.</p> <p>The DMLC consists of two parts.</p> <p>Part I: The statement, drawn up by the DMA, referencing or describing the national laws, regulations or provisions with respect to</p>

²³⁰ <https://portal.emsa.europa.eu/web/thetis/inspections>.



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	<p>the 14 mandatory inspection items required for certification. The DMLC, Part I, will also record any flexibility, substantial equivalencies or exemptions which may have been applied to the relevant ship.</p> <p>Part II: The statement, drawn up by the ship owner/operator, identifying the measures adopted to ensure ongoing compliance with the national requirements detailed in the DMLC, Part I, and enabling continuous improvement between inspections.</p> <p>The measures in the DMLC, Part II, should indicate: when ongoing compliance will be verified; the persons responsible for verification; the records to be taken; the procedures to be followed when non-compliance is noted.</p> <p>To ensure ongoing compliance, the DMLC, Part II, should also include general requirements for advances in technology and scientific findings concerning workplace design²³¹.</p>
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	None ²³² .
No of Private RPS	4 ²³³
No of Seafarer job placement internet web sites	As of 4. All private RPS in Denmark must be approved by the Danish Maritime Authority.
RPS Licensing	<p>Act on seafarers' conditions of employment, etc., sections 8a-8e, Provisions on the recruiting and placing of seafarers and order on the activities of private recruitment and placement services in Denmark</p> <p>Private recruitment and placement services for seafarers must be operated in Denmark only if they are certified for this purpose by the Danish Maritime Authority. The Danish Maritime Authority may approve that classification societies, other companies or individual</p>

²³¹ <http://www.sofart.dk/Skibe/Cirkulrer%20fra%20Sfartsstyrelsen/DMA%20002%20over%2002%20-%20MLC%202006%20Inspection%20and%20certification.pdf>

²³² The National Labour Market Authority (Arbejdsmarkedstyrelsen) (www.ams.dk) is registered as a member to the World Association of Public Employment Services (www.wapes.org)

²³³ <http://www.dma.dk/Manning/Sider/RecruitmentPlacementServices.aspx>



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	<p>persons issue certificates for private recruitment and placement services in Denmark.</p> <p>The price for certification to be paid to the Danish Maritime Authority is 21,058.00 DKK²³⁴.</p> <p>Certified SRPS are published on the website of DMA²³⁵.</p> <p>Shipowners using such Danish private recruitment and placement services must ensure that the relevant services hold a valid certificate issued by the Danish Maritime Authority. The certificate is normally valid for 5 years.²³⁶</p> <p>It is a condition for acquiring a certificate that the recruitment and placement service can prove to the Danish Maritime Authority that the service has established procedures ensuring compliance with the obligations resting with the recruitment and placement service, including procedures for ensuring the availability of the necessary knowledge in order to meet these obligations.</p> <p>Furthermore the Danish Maritime Authority shall monitor private recruitment and placement services in Denmark certified by the Danish Maritime Authority.²³⁷</p>
RPS Supervision	Denmark has implemented a 'risk-based' approach in the RPS supervision and monitoring. According to the 'risk-based approach', licensed private RPS are inspected by the Danish Maritime Authority only if there are complaints about an RPS. This approach has been questioned by the ILO. Following the CEACR observations, ILO has decided to have under a close look the States that choose the 'risk-based' approach in supervising RPS.
Comments	No further.
Seafarers' insurance and social security	
Seafarers CBA in	Collective bargaining agreements apply only, if so agreed in the

²³⁴ <http://www.dma.dk/Manning/Sider/RecruitmentPlacementServices.aspx>

²³⁵ <http://www.dma.dk/Manning/Sider/RecruitmentPlacementServices.aspx>

²³⁶ <http://www.dma.dk/Ships/MLC/Sider/UseLicensedCertifiedRegulated.aspx>

²³⁷ <http://www.dma.dk/SiteCollectionDocuments/Legislation/Orders/2013/BEK-228-07032013-private%20forhyrings%20og%20formidlingstjenesters%20virksomhed.pdf>



DENMARK²¹⁹	
Place	<p>seafarers employment agreement (SEA).</p> <p>For ships engaged in international voyages, the parts of the CBA(s) subject to PSC inspections and applicable to the employees on board must always be available in English²³⁸.</p> <p>Denmark has chosen tax incentives as a means of reducing manning costs. Seafarers, being Danish or non-Danish, are thus exempted from paying personal income tax in Denmark of their DIS salary.</p> <p>As a consequence collective agreements or individual contracts of agreement will be able to set wages as net wages.²³⁹</p>
Social security branches covered (from date)	<ul style="list-style-type: none"> • In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (4/9): medical care; sickness benefit; employment injury benefit and maternity benefit.²⁴⁰
Other social security and seafarers insurances	<p>Seafarers on Danish ships are covered by the Act on Seafarers' Conditions of Employment, etc. (also known as the Seafarers' Conditions of Employment Act).</p> <p>The Act on Seafarers' Conditions of Employment, etc. concerns social security and its purpose is to protect employed seafarers in, inter alia, the following areas:</p> <ul style="list-style-type: none"> • Conclusion and contents of the employment agreement. • Seafarers' right to resign in situations where their stay on board may pose a threat to the welfare on board the ship. • Seafarers' protection in case of illness. • Protection against unjustified dismissals, etc. <p>In addition, seafarers are covered by special provisions on unemployment benefits and sickness benefits administered by the Danish Maritime Authority. All seafarers are secured in case of industrial accidents. Furthermore, seafarers may be secured in case of illness and accidents by collective agreement²⁴¹.</p> <p>Danish industrial insurance act</p> <p>All seafarers (irrespective of nationality) on Danish ships are covered</p>

²³⁸ <http://dma.dk/Ships/MLC/Sider/FAQ.aspx>

²³⁹ ec.europa.eu/competition/consultations/2012_maritime_transport/dsa_4_en.pdf

²⁴⁰ www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80021:0::NO::P80021_COUNTRY_ID:102609

²⁴¹ <http://www.dma.dk/Manning/ConditionsEmployment/Sider/default.aspx#10insuranceact>



DENMARK²¹⁹	
	<p>by the act on industrial insurance.</p> <p>Owners of Danish ships are obliged to take out insurance for the seafarers. This insurance covers the risk of accidents and short-term harmful effects of no more than five days' duration. Furthermore, the shipowner has an obligation to join the Danish labour market insurance scheme for industrial diseases as regards industrial diseases and sudden lifting injuries. Almost all Danish shipowners meet their obligation to take out insurance against accidents through the Danish Shipowners Accident Insurance Association.</p> <p>In case of industrial injuries, seafarers have the possibility of receiving the following damages and compensation: Payment of expenses for treatment, rehabilitation and aids, etc. to the extent that the expenses are not covered under the hospital act, the act on health insurance, etc. ; Compensation for loss of capability for work. Compensation for permanent damage.</p> <p>Health insurance scheme for seafarers</p> <p>Seafarers on Danish ships not exclusively engaged on voyages between Danish ports are entitled to receive health insurance allowances outside Denmark for a period of up to 18 weeks from the first full day lost through illness.</p> <p>The health insurance allowances include, among other things, free medical assistance, medicine, hospital treatment and maternity care, home journey as well as assistance for a decent funeral. Furthermore, in special cases ill seafarers have a right to receive subsistence allowance.</p> <p>The provisions of the act on seafarers' conditions of employment, etc. on the shipowner's obligation to pay for care of seafarers correspond more or less to those stipulated in the provisions on health insurance. Consequently, the shipowner's obligation is actually an obligation to pay the expenses in advance on behalf of the State for the seafarer's treatment, care and home journey.²⁴²</p>
Other issues	
Complaint handling procedure	Danish Maritime Authority (DMA) received four on-shore complaints (regulation 5.2.2) in 2013 after the entry into force of the MLC, 2006 on 20 August 2013. Three of the complaints were related to non-

²⁴² <http://www.dma.dk/Manning/ConditionsEmployment/Sider/default.aspx#10insuranceact>



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Danish ships. One of the complaints resulted in detention of the vessel due to a serious breach of the requirements of the Convention.²⁴³

The DMA developed an electronic form for handling complaints. The form can be used by seafarers, Recognized Organizations (RO), Port State Control Officers (PSCOs) or other reporting parties such as port authorities, the police and ITF²⁴⁴.

Seafarers are always entitled to complain directly to the master of the ship or to the Danish Maritime Authority.

The shipowner is responsible that a written procedure is drawn up for the treatment of employee complaints. It must be stipulated in the complaint procedure that complaints must be given to the seafarer's superior. The complaint procedure must ensure that the complaint is promoted without any groundless delay to provide the employee with a reasonable possibility of bringing the complaint further. Furthermore it must contain protective measures against the risk of personal persecution. The procedure must at all times entitle the plaintiff to be accompanied or represented during the complaint procedure.

All complaints and decisions related to the complaints must be recorded on board and the plaintiff must receive a copy.

All employees must, as an addition to their employment contracts, be furnished with a copy of the procedures on complaints on board the ship.²⁴⁵

This shall include contact information for the Danish Maritime Authority and the responsible authority in the employee's country of residence if they are not the same. The addition shall also state one or more persons on board the ship who can, in confidentiality, provide the employees with impartial advice about their complaint and in other ways help them follow the complaint procedures of the

²⁴³ <http://www.soefartsstyrelsen.dk/Skibe/MLC/Documents/26062014%20Annual%20report%20MLC.pdf>

²⁴⁴

https://secure.capevo.net/XForm/frontend/irs.aspx?alias=klager&groupid=456&_CustomParameters=LanguageShortName|engel

²⁴⁵ <http://www.dma.dk/Ships/MLC/Sider/OnBoardComplaintProcedures.aspx>



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	<p>ship.²⁴⁶</p> <p>The Order on complaints on board Danish ships is to find here²⁴⁷.</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No available information.
Special notes and recommendations	
Notes	<p>DIS offers shipowners favourable economic conditions, including the possibility of low tonnage tax and tax exemption for seafarers, which enables them to compete on a global scale²⁴⁸.</p> <p>Taxation of seafarers in the Danish International Ship Register (DIS)</p> <p>Denmark has tax incentives as a means of reducing manning costs to an internationally competitive level. The seafarer is in general terms exempted from paying income tax of the DIS salary. As a consequence collective agreements or individual contracts of agreement will be able to set wages as net wages. The legal basis for this positive measure is provided by the EU Guidelines on state aid to maritime transport which allows for reduced rates of income tax, reduced rates of contributions to social protection etc. for seafarers onboard ships registered in a EU member state, for example Denmark. These Guidelines will normally be reviewed every seven years, and a review is taking place for the time being.²⁴⁹</p> <p>All in all the Danish Maritime Labour Act enforces decent working and living conditions for seafarers on board ships flying the Danish flag. Owners of Danish ships are obliged to take out insurance for the seafarers. This insurance covers the risk of accidents and short-</p>

²⁴⁶ <http://www.dma.dk/SiteCollectionDocuments/Legislation/Orders/2013/BEK-285-14032013-klage%20om%20bord%20i%20danske%20skibe.pdf>

²⁴⁷ <http://www.dma.dk/SiteCollectionDocuments/Legislation/Orders/2013/BEK-285-14032013-klage%20om%20bord%20i%20danske%20skibe.pdf>

²⁴⁸ <http://www.dma.dk/themes/jointheDanishmerchantfleet/Sider/JointheDanishMerchantFleet.aspx>

²⁴⁹ <http://www.dma.dk/themes/jointheDanishmerchantfleet/Sider/Tonnagetaxandseafarerstaxation.aspx>



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	<p>term harmful effects of no more than five days' duration.</p> <p>DMA's electronic form for handling complaints, can be used by seafarers, Recognized Organizations (RO), Port State Control Officers (PSCOs) or other reporting parties such as port authorities, the police and ITF²⁵⁰.</p>
Recommendations regarding:	<p>The example of DMA on the electronic form for handling complaints could be examined for applicability to other countries</p> <p>The example of analysing the results concerning complaints could be examined for applicability to other countries</p> <p>The 'risk-based' approach on SRPS monitoring and supervision to be further examined against flaws</p> <p>Bilateral labour agreements and agreements on social security</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, Shipowners' Association, shipping companies, other
Organisations	<p>Danish Shipowners' Association</p> <p>Danish Flag</p> <p>Danish Maritime Authority</p> <p>The Danish Register of Shipping</p> <p>The Danish International Register of Shipping (DIS)</p> <p>DFDS Seaways</p> <p>BIMCO</p>
Sources	Sources of secondary data indicated in footnotes.

²⁵⁰

https://secure.capevo.net/XForm/frontend/irs.aspx?alias=klager&groupid=456&_CustomParameters=LanguageShortName|engel



2.3.6. France

FRANCE	
Category	Flag State
	EU Member State
	MLC Ratified: 28 February 2013; In force: 28 February 2014
National maritime labour information	
Fleet	Total number of vessels 822 with an IMO number ²⁵¹ ; Number of ships (dwt) 442 (11.798) as of 1 January 2014; Number of ships registered with the France Flag – 7577 ²⁵² (as of 2014)
Sea going labour	4.568 officers; 9.128 ratings; 13.696 total ²⁵³
Competent Authority	
Name	Direction des affaires maritimes (DAM) Ministry of Ecology, Sustainable Development and Energy
Address	Grande Arche, Paroi Sud, Paris-La-Défense Cedex, 92055
Website	http://www.mer.gouv.fr
Telephone	+33 1 40 81 21 22
Contact Name	n/a
MLC documentation	
DMLC I	Issued under the authority of the Direction des affaires maritimes (DAM)
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel are RO's: Bureau Veritas (BV), Det Norske Veritas

²⁵¹ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>

²⁵² http://unctad.org/en/PublicationsLibrary/rmt2014_en.pdf

²⁵³ Study on EU Seafarers Employment. Final Report, 2011, p. 11. Also, BIMCO/ISF 2010.



FRANCE	
	Germanischer Lloyd (DNV GL AS), RINA Services S.p.A.
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ²⁵⁴ .
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 28 February 2014 to 20 August 2015, there were 142 inspections, with no detentions. With regard to living and working conditions and labour conditions, 26 inspections were conducted without detentions ²⁵⁵ .
Other Comments	MLC measures are integrated in law „LOI n° 2013-619 du 16 juillet 2013 portant diverses dispositions d'adaptation au droit de l'Union européenne dans le domaine du développement durable“ France has ratified nearly all the existing Conventions that have been revised by the Maritime Labour Convention, 2006 and has initiated the process for the ratification of the Work in Fishing Convention, 2007 (No. 188) ²⁵⁶
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	No official information available. Pôle emploi ²⁵⁷ is the public RPS registered to the World Association of Public Employment Services (WAPES ²⁵⁸) but is not specific to seafarers.
No of Private RPS	No official information available ²⁵⁹ .

²⁵⁴ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102632

²⁵⁵ <https://portal.emsa.europa.eu/web/thetis/inspections>

²⁵⁶ http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_205835/lang--en/index.htm

²⁵⁷ <http://www.pole-emploi.fr>

²⁵⁸ www.wapes.org

²⁵⁹ Unofficial sources indicate 9 private RPS. Source: <http://maritime-union.com/crewing-companies>



FRANCE	
No of Seafarer job placement internet web sites	No information available
RPS Licensing	<p>Following the ratification by France of the MLC,2006,Standard A1.4 provides that States ratifying the frame the activities of private recruitment and placement of seafarers, should be implemented in French law.</p> <p>The law n ° 2013-619 of July 16th 2013²⁶⁰ concerning various provisions in the law of the European Union in the field of sustainable development has taken that Standard in articles L. 5546-1-1 to L. 5546-1-9 code transport by providing for a national register of private recruitment and placement of seafarers which all of these services must register²⁶¹.</p> <p>Further information not available.</p> <p>Register of private recruitment and placement of seafarers is available online²⁶² but as of 4 September 2015 not in operational use.</p>
RPS Supervision	No information available.
Comments	No further.
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Conventions and collective agreements applicable to the merchant navy, sea fishing and shellfish farming exist²⁶³.</p> <p>There is a list of conventions and collective agreements for merchant marine industry sector available online (in French)²⁶⁴.</p> <p>Collective bargaining agreements apply only, if so agreed in the employment agreement. A contract of employment in the form of a</p>

²⁶⁰ Available online (in French):

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027713399&categorieLien=id>

²⁶¹ <http://www.developpement-durable.gouv.fr/Services-privés-de-recrutement-et,42066.html>

²⁶² <http://www.developpement-durable.gouv.fr/document%3C155805%3E>

²⁶³ <http://www.developpement-durable.gouv.fr/-Conventions-et-accords-collectifs-.html>

²⁶⁴ <http://www.developpement-durable.gouv.fr/Convention-et-accords-collectifs.html>



FRANCE	
	crew agreement must be made between the master and seafarers. This contract must include specific tariff, life on-board and work agreements. Before signing an agreement, seafarers need to have the chance to discuss agreements with lawyers, for instance.
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (9/9): medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit and survivors' benefit. ²⁶⁵
Other social security and seafarers insurances	n/a
Other issues	
Complaint handling procedure	<p>According „A5.1.5 – Procédures de plainte à bord” (DIRECTIVE 2009/13/CE DU CONSEIL du 16 février 2009)</p> <p>The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaint procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints which are neither manifestly vexatious nor maliciously made.</p> <p>All Crewmembers receive a document that is describing the on-board complaint procedure.</p> <p>Content of document:</p> <p>Contact numbers of responsible authorities, impartial consultants²⁶⁶</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.

²⁶⁵ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102632

²⁶⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:124:0030:0050:FR: PDF>



FRANCE	
Special notes and recommendations	
Notes	No special notes.
Recommendations regarding:	CBA for French seafarers in English SRPS monitoring and supervision system List of approved regulated SRPS available online in English Results of SRPS supervision Results concerning seafarers complaints handling
Sectoral representatives interviewed and other sources used	
Sector	International and European Organisations, Regulators and administrators
Organisations	International Labour Organization European Maritime Safety Agency Ministry of Ecology, Sustainable Development and Energy
Sources	Sources of secondary data indicated in footnotes.



2.3.7. Italy

ITALY	
Category	Flag State
	EU Member State
	MLC Ratified 19 November 2013; in force since 19 November 2014.
National maritime labour information	
Fleet	Total number of vessels 719 with an IMO number ²⁶⁷ ; Number of ships (dwt) 719 (20,022,000) as of 1 January 2014 ²⁶⁸ Number of ships registered with the Italian Flag: 675 Number of ships under the foreign: 44
Sea going labour	20.950 in total (9.560 officers; 11.390 ratings) ²⁶⁹
Competent Authority	
Name	Ministry of Transport - Ministero delle Infrastrutture e dei Trasporti (Personale della navigazione marittima ed interna - Affari generali) ²⁷⁰
Address	Viale dell'Arte 16, Roma
Website	http://www.mit.gov.it/mit/site.php?o=vh&id_cat=80
Telephone	06/5908.4514
Contact Name	Dott.ssa Stefania Moltoni /Email: stefania.moltoni@mit.gov.it
MLC documentation	
DMLC I	Issued under the authority of the Government of Republic of Italy. This Declaration must be attached to the ship's Maritime Labour

²⁶⁷ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

²⁶⁸ Review of Maritime Transport 2014, UNCTAD, p. 34.

²⁶⁹ Study on EU Seafarers Employment. Final Report, 2011, p. 11

²⁷⁰ <http://www.mit.gov.it/mit/site.php?p=cm&o=vd&id=2464>



ITALY	
	Certificate. ²⁷¹
DMLC II	The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections. Part II which will indicate the measures to be adopted towards compliance with regulatory texts included in Part I, as well as measures to ensure continuous improvement. ²⁷²
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ²⁷³
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 19 November 2014 to 20 August 2015, there were 309 inspections by the PSC of ships running under the Italian flag, with two recorded detentions. With regard to living and working conditions and labour conditions, 44 inspections were conducted, with two detentions ²⁷⁴
Other Comments	No further.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	1 ²⁷⁵ (28 sub offices that are hinged at the Harbor - Offices Coast Guard (Capitanerie di Porto - Uffici della Guardia Costiera))
No of Private RPS	No available information.

²⁷¹ <https://dadosav.files.wordpress.com/2013/07/dichiarazione-di-conformita-parte-i.pdf>

²⁷² <https://dadosav.files.wordpress.com/2013/07/dichiarazione-di-conformita-parte-ii.pdf>

²⁷³ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102643

²⁷⁴ <https://portal.emsa.europa.eu/web/thetis/inspections>.

²⁷⁵ Uffici di Collocamento della Gente di mare (UCGM). Note: The Ministry of Labour and Social Security, Directorate General of Labour Market (www.lavoro.gov.it) is registered as a member to the World Association of Public Employment Services (www.wapes.org), but it is not specific to seafarers.



ITALY	
No of Seafarer job placement internet web sites	No available information.
RPS Licensing	All private RPS in Italy must be approved by Ministry of Transport - Ministero delle Infrastrutture e dei Trasporti (Personale della navigazione marittima ed interna - Affari generali)
RPS Supervision	n/a
Comments	Decree No. 584 October 13, 1992. Regulations for the operation of the employment of seafarers (Regolamento recante norme per il funzionamento degli uffici di collocamento della gente di mare) ²⁷⁶ . Information is only available in Italian. The Ministry of Labour has a public web portal for employment called: Cliclavoro.com with information about Recruitment and Placement Services for seafarers.Placement offices are specified, however private RPS for seafarers are not specified. ²⁷⁷
Seafarers' insurance and social security	
Seafarers CBA in Place	No available information.
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (8/9): sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit, invalidity benefit and survivors' benefit ²⁷⁸ .
Other social security and seafarers insurances	Check for continuous personal assistance A support fund for the families of victims of serious accidents at work Maternity benefits

²⁷⁶ <http://www.portnet.it/livorno/inglese/capitaneria/collocamento/regolamento.html>

²⁷⁷ <http://www.cliclavoro.gov.it/Cittadini/Pagine/Cerca-Sportello.aspx?cerca=11IWcMwml2bgmN5HWGyLbQ%3d%3d&provincia=Fm%2bJI7NwOCdXa1HtKDAXew%3d%3d&findAllChecked=11IWcMwml2bgmN5HWGyLbQ%3d%3d&checkValue=426DrI94DqbY3SGIB0VcXA%3d%3d>

²⁷⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102709



ITALY	
	<p>Compensation for permanent damage</p> <p>Compensation for temporary disability from an accident at work</p> <p>Compensation for incapacity from temporary illness</p> <p>Compensation for temporary incapacity for critical illness</p> <p>Compensation for temporary inability to navigation Performance</p> <p>Contract Principal prosthetics and payment to survivors</p> <p>Reimbursement for blood donation</p> <p>Reimbursement of travel expenses²⁷⁹</p>
Other issues	
Complaint handling procedure	<p>In order to ensure compliance with the principles set out in the directive of the President of the Council of Ministers of 27.01.94 and to remove any possible cause of circumvention of the same, the IPSEMA placed at each delivery unit, the establishment of a dedicated Office of inspection with specific expertise in the field of user protection. Office said, in fact, has the task of receiving, educate, examine and decide about the complaint of direct presentation or by mail.</p> <p>It was decided to make available a special form, which, when received, will be associated (to allow you to more easily follow the course of the relevant proceedings), a progressive identification number.</p> <p>Moreover, in parallel, the Control Office will communicate, from time to time, the name of the designated official responsible for the investigation, who will report within 30 days, the complainant, about the status or outcome of the investigation, the adoption of measures deemed appropriate as well as any action to bring if the answer is negative or unsatisfactory.</p> <p>In this case, the user, may appeal to the Control Commission that was established as a body of second instance, separately from the increasingly challenged in appeal to the ordinary courts in the event of injury to individual rights or the administrative judge in the event of injury to legitimate interests , within the limits of the powers conferred on it by law, will coordinate the activities</p>

²⁷⁹ <http://www.ipsema.gov.it/Prestazioni>



ITALY	
	necessary to remove the irregularities found, placing the relevant measures to be adopted definitively. ²⁸⁰
Cooperation with other countries relating to seafarer's recruitment and placement	Indications that the Greek Seafarers' trade union (PNO) is under discussion with the Italian seafarers' trade union (FIT/CISL) on a bilateral agreement on social security.
Special notes and recommendations	
Notes	No special practices.
Recommendations regarding:	CBA for Italian seafarers in English SRPS monitoring and supervision system- information in English List of approved regulated SRPS available online in English Results of SRPS supervision Results concerning seafarers complaints handling Bilateral agreements on social security
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators
Organisations	Ministry of Transport - Ministero delle Infrastrutture e dei Trasporti Ministry of Labour Sindacato dei Marittimi Uffici di Collocamento della Gente di mare L'Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro e le malattie professionali (INAIL) – Settore Navigazione Capitanerie di Porto - Uffici della Guardia Costiera
Sources	Sources of secondary data indicated in footnotes.

²⁸⁰ http://www.ipsema.gov.it/Istituto/Attivita/La_carta_dei_servizi#serv9



2.3.8. Spain

SPAIN	
Category	Flag State
	EU Member State
	MLC Ratified 4 February 2010; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 1102 with an IMO number ²⁸¹ ; Number of ships (dwt) 217 (2,642,000) as of 1 January 2014 ²⁸² Number of ships registered with the Spanish Flag: 121 Number of ships under the Spanish Flag: 121 Number of ships under the foreign: 90 ²⁸³
Sea going labour	3.181 officers; 3.862 ratings ²⁸⁴
Competent Authority	
Name	Ministry of Development, Director General of the Merchant Marine
Address	C/ Ruiz de Alarcón, 1, Madrid, 28071
Website	http://www.fomento.es/MFOM/LANG_CASTELLANO/DIRECCIONES_GENERALES/MARINA_MERCANTE/NAUTICA_DE_RECREO/Organizacion_administrativa/DGMM/default.htm?lang=en
Telephone	91 597 90 20 // 91 597 90
Contact Name	D. Víctor Jiménez Fernández, Deputy Direct / vjfernandez@fomento.es
MLC documentation	

²⁸¹ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

²⁸² Review of Maritime Transport 2014, UNCTAD, p. 34.

²⁸³ Review of Merchant Marine and Maritime Transport 2013-2014, June 2014, p. 23.
http://www.anave.es/images/informes/marina_mercante/mmtm_2014_english.pdf

²⁸⁴ Study on EU Seafarers Employment. Final Report, 2011, p. 11



SPAIN	
DMLC I	Issued under the authority of the Government of the Kingdom of Spain by Directorate General of the Merchant Marine, prior binding report of the General Inspectorate of Labour and Social Security and the Social Marine Institute.
DMLC II	Shipowners will draft the Declaration of Maritime Labour Convention, Part II which will indicate the measures to be adopted towards compliance with regulatory texts included in Part I, as well as measures to ensure continuous improvement. This statement shall be certified by Directorate General of the Merchant Marine to Seafarer Manning Agency in order to compliment of the Maritime Labour Convention.
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ²⁸⁵ .
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 20 August 2013 to 20 August 2015, there were 133 inspections by the PSC of ships under the Spanish Flag, with 5 recorded detentions. With regard to living and working conditions and labour conditions, 32 inspections were conducted with 4 detentions ²⁸⁶ .
Other Comments	The Directorate General of Merchant Marine is regulated by the Royal Decree 1476/2004, of June 18 ²⁸⁷ , the basic organizational structure of the Ministry of Development.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	

²⁸⁵ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102643

²⁸⁶ <https://portal.emsa.europa.eu/web/thetis/inspections>.

²⁸⁷ Available in Spanish: <http://www.fomento.es/NR/rdonlyres/9D518A42-C185-46DF-92D8-41694214CC48/17484/RD14762005.pdf>



SPAIN	
No of Public RPS	One, the Social Marine Institute (ISM) ²⁸⁸ .
No of Private RPS	Unofficial information shows 13 agencies, with no clear indication on those that operate as SRPS ²⁸⁹ . There is no official register of RPS for seafarers.
No of Seafarer job placement internet web sites	As 14. Website for seafarer employment or RPS is allowed to operate in the territory with licensing.
RPS Licensing	Authorisation to General Directorate for the Merchant Marine to Seafarer Manning Agency in order to compliment of the MLC, 2006. All private RPS in Spain must be approved by Directorate General of the Merchant Marine.
RPS Supervision	No information available.
Comments	Employment agencies are companies that collaborate with the Public Employment Service in the labor mediation processes. Historically, they have had a dual purpose: to help workers find employment and help employers in selecting employees. Until the Royal Decree-Law 10/2010 could only work in Spain placement agencies nonprofit, who could require both employers and workers to economic compensation for their services. From the Royal Decree-Law 10/2010, by which employment agencies for profit were legalized, the service became free for both workers and employers in those activities related to the signing of a cooperation agreement with the Public Employment Service and, in the case of activities that could perform beyond cooperation agreements with public employment services, would be free for workers but not necessarily for employers. Royal Decree 1796/2010 regulated employment agencies, opening significantly its field, but maintained the obligation to be coordinated with the

²⁸⁸

http://www.seg-social.es/Internet_6/Trabajadores/Trabajadoresdelmar/EmpleoyDesempleo/index.htm Note: The Servicio Publico de Empleo Estatal (SEPE) (www.sepe.es) is registered as a member to the World Association of Public Employment Services (www.wapes.org), but is not specific to seafarers.

²⁸⁹ <http://www.webmar.com/foros/viewtopic.php?t=911>



SPAIN

Public Employment Services, who maintains the centrality of intermediation in the labor market. From Royal Decree 1796/2010 Placement Agencies can be public or private, having or not having profit, working in coordination or cooperation with the Public Employment Services, working with the candidates in person or online, and finally added to the classic intermediation processes (professional assessment of candidates, job search, guidance counseling and career information, and recruitment), the activity of relocating surplus workers that resulted in corporate restructuring processes. Royal Decree Law 3/1012 ETT allowed to operate as employment agencies, hoping thereby that they won intermediation process efficiency already had in other European countries. Until this openness the impact on the labor market of the agencies not profit was very low, not having assumed or effective and efficient response to the needs of staff incorporation of companies, nor response to the need for companies prospecting for candidates, having also been its very limited geographic distribution²⁹⁰.

In order to comply with the ILO Conventions and other applicable regulations, as well as its own foundational objectives, the Social Marine Institute (ISM) has a Network of Centres, which are mostly located at the Marine Centres along the coast, in accordance with the provisions of the organisational structure of the ISM. The aim of the Network of Centres of the ISM is, among others, to offer employment and unemployment services for workers included in the Special Social Security Scheme for Sea Workers, working together with the Employment Office network of the Public State Employment Service, the organisation responsible for implementing general employment policy.

The RPS licensing is regulated in Law No. 35/2010 of 17 September 2010, Royal Decree No. 1796/2010 of 30 December 2010 and Royal Legislative Decree No. 3/2012 of 10 February 2012, which establish urgent measures for the reform of the labour market. The legislation recognizes the action of private intermediaries in the placement of workers. Private employment agencies must have been granted authorisation and must provide services free of charge to workers. For jobseekers to be eligible, they must be registered with the public employment services. Persons who register as jobseekers are informed by the public

²⁹⁰ Source: ASEMPELO. http://www.aseempleo.com/ett_agencia.asp



SPAIN	
	employment services about authorized employment agencies that operate in the country. The rules regarding infringements and penalties are those laid down by Royal Legislative Decree No. 5/2000 adopting the amended text of the Act concerning infringements and penalties in the social order ²⁹¹ .
Seafarers' insurance and social security	
Seafarers CBA in Place	No available information
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (4/9): medical care; sickness benefit; unemployment benefit and employment injury benefit ²⁹² .
Other social security and seafarers insurances	<p>a) Health care in maternity cases, common or occupational diseases and accidents.</p> <p>b) Economic benefit for temporary incapacity.</p> <p>c) Disability benefits.</p> <p>d) Old-age benefits.</p> <p>e) Benefits for death and survival.</p> <p>f) Benefits under protection of the family.</p> <p>g) Compensation for injuries lump definitive character arising from accidents or diseases that do not cause disability.</p> <p>h) Unemployment benefits.</p> <p>i) Benefits and social services in response to contingencies and special situations.</p> <p>j) Social services Law 116/1969, of 30 December, as well as in the future be established in accordance therewith, in terms of assistance, preventive medicine, hygiene and occupational safety concerns, reeducation and rehabilitation of invalids, employment or placement and social promotion, and those where the</p>

²⁹¹ http://www.ilo.org/dyn/normlex/en/f?p=normlexpub:13100:0::no::p13100_comment_id:3127147

²⁹² http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102847



SPAIN

establishment of such services desirable or necessary by the exigencies of a better administrative coordination ²⁹³.

The Social Marine Institute will provide health care, for common diseases, maternity and non-work-related injuries, under the same scope and conditions as in the General Scheme, to employees and assimilated employees in this Special Scheme, to pensioners and non-pensioners who are receiving periodic benefits, as well as any dependent family members or assimilated family members of the aforementioned persons who meet the required conditions in said General Scheme.

In Spain beneficiaries of the Special Scheme for Sea Workers primarily receive health care from the Social Marine Institute (ISM) in the Autonomous Communities that have not transferred this power. This health care will be coordinated and supplemented by health care from the Health Management Institute (INGESA) or the Health Service of the Autonomous Communities and by the agreed support. Autonomous Communities that have been transferred the ISM health care will take on this responsibility themselves.

If workers on board ships are based in Spain, the foregoing model is applicable. At high seas they may request medical advice from the Radio Medical Centre, the ISM Overseas Centres, and the hospital ships *Esperanza del Mar* and *Juan de la Cosa*. These ships also provide direct health care to patients on-board vessels within their scope of action.

Sea workers located abroad receive ISM health care through its Health Care Centres in Dakar (Senegal) Nouadhibou (Mauritania), Seychelles and Walvis Bay (Namibia).

In those countries (outside the European Union and not subject to bilateral health care agreements) without ISM resources, the employer will be responsible for providing health care, for which the ISM will reimburse the costs incurred, as long as the cost is greater than 137.03 euros and goes up to a maximum limit set by the Ministry of Employment and Social Security, in the event of common diseases and non-work-related injuries when this latter contingency is insured by the ISM.

In European Union countries the employer can request

²⁹³ <http://www.boe.es/buscar/pdf/1970/BOE-A-1970-748-consolidado.pdf>



SPAIN	
	reimbursement of medical costs in accordance with the provisions of Regulation 1408/71 and Regulation 574/72 ²⁹⁴ .
Other issues	
Complaint handling procedure	No available information.
Cooperation with other countries relating to seafarer's recruitment and placement	No available information.
Special notes and recommendations	
Notes	No special points.
Recommendations regarding:	CBA for Spanish seafarers in English System for regulating private SRPS SRPS monitoring and supervision system- information in English List of approved regulated SRPS available online in English Results of SRPS supervision Results concerning seafarers complaints handling Bilateral agreements on social security
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators
Organisations	Directorate General of the Merchant Marine Spanish Maritime Safety Agency Spanish Ports Authority

²⁹⁴ http://www.seg-social.es/Internet_6/Trabajadores/PrestacionesPension10935/Asistenciasanitaria/RegimenesEspeciales/index.htm



SPAIN	
	Ministry of Public Works of Spain Ministry of Employment and Social Security of Spain Ministry of Foreign Affairs and Cooperation of Spain
Sources	Sources of secondary data indicated in footnotes.



2.3.9. Netherlands

NETHERLANDS²⁹⁵	
Category	Flag State
	EU Member State
	MLC Ratified 13 December 2011; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 1896 with an IMO number ²⁹⁶ ; Number of ships (dwt) 1.234 (17,203,000) as of 1 January 2014 ²⁹⁷ Number of ships registered with the Dutch Flag – 926 ²⁹⁸ (as of 1 January 2014)
Sea going labour	3574 in total (3.014 officers; 560 ratings) ²⁹⁹
Competent Authority	
Name	Netherlands Shipping Inspectorate (NSI), and Ministry of Social Affairs and Employment
Address	Anna van Hannoverstraat 4; 2595 BJ Den Haag
Website	http://www.ilent.nl/ http://www.government.nl/ministries/szw
Telephone	+31 88 489 00 00 +31 77 465 67 67
Contact Name	

²⁹⁵ Include Curaçao, which has not been individually examined.

²⁹⁶ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

²⁹⁷ Review of Maritime Transport 2014, UNCTAD, p. 34.

http://unctad.org/en/PublicationChapters/rmt2014ch2_en.pdf

²⁹⁸ http://unctad.org/en/PublicationChapters/rmt2014ch2_en.pdf (see page 18)

²⁹⁹ Study on EU Seafarers Employment. Final Report, 2011, p. 11



NETHERLANDS²⁹⁵	
MLC documentation	
DMLC I	<p>Issued under the authority of the Government of the Netherlands by the Minister of Infrastructure and Environment.</p> <p>The DMLC – Part I shall be drawn up by the Netherlands Administration and identifies the list of 14 matters to be inspected, the relevant national requirements, ship-type specific requirements under national legislation, any substantially equivalent provisions, and any exemption granted³⁰⁰.</p>
DMLC II	<p>The definite DMLC - Part II shall be drawn up by the shipowner taking into account the DMLC - part I and Annex to the DMLC - part I. The DMLC - part II is ship and shipowner specific and describes the way the shipowner complies with the MLC 2006. It shall be signed and stamped following a successful on- board inspection, to confirm compliance by the relevant RO prior to issuance of the Maritime Labour Certificate to the shipowner/operator³⁰¹.</p>
Results regarding MLC, 2006 implementation	
First ILO Progress Report	No information available on ILO website ³⁰² . May be submitted in 2015.
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	<p>From 20 August 2013 to 20 August 2015, there were 2137 inspections by the PSC of ships running under the Dutch Flag, with 32 recorded detentions.</p> <p>With regard to crew certification, living and working conditions, and labour conditions, 338 inspections were conducted with 14</p>

³⁰⁰

http://www.ilent.nl/Images/Instruction%20to%20RO%20No.%2022%20%20Maritime%20Labour%20Convention_tcm334-335423.pdf

³⁰¹

http://www.ilent.nl/Images/Instruction%20to%20RO%20No.%2022%20%20Maritime%20Labour%20Convention_tcm334-335423.pdf

³⁰² http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102768



NETHERLANDS²⁹⁵	
	detentions ³⁰³
Other Comments	The Maritime Labour Certificate, issued by the RO, affirms that seafarer working and living conditions aboard a ship meets all the Netherlands laws and regulations that govern the implementation of the MLC, 2006 ³⁰⁴ .
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	One but not specific to seafarers; UWV WERKbedrijf ³⁰⁵
No of Private RPS	<p>The Act on Allocation of Workers by Intermediaries (Wet allocatie arbeidskrachten door intermediairs - Waadi), art. 1 Paragraphs 1 (1 and 2), 1a, 3 and 4 and the Decree Claims of Seafarers, Recruitment and Placement and Temporary Agency Work of Seafarers, art. 9-11, regulate the operation of private recruitment and placement services, active in the Netherlands in accordance with the MLC, 2006.³⁰⁶</p> <p>There is no exact number of Private RPS for seafarers available. Also there is no official list of recruiting and placement services for seafarers in the Netherlands available by the government. All private employment agencies need to be registered in the Trade Register of the Chamber Commerce³⁰⁷.</p> <p>One example for an unofficial list of Recruiting and Crewing Agencies in the Netherlands and elsewhere can be found here.³⁰⁸</p> <p>According to the dutch "vlaggenbrochure"³⁰⁹ there is a high share of recruitment via temping agencies in the Netherlands, a number</p>

³⁰³ <https://portal.emsa.europa.eu/web/thetis/inspections>.

³⁰⁴

http://www.ilent.nl/Images/Instruction%20to%20RO%20No.%2022%20Maritime%20Labour%20Convention_tcm334-335423.pdf

³⁰⁵ https://www.werk.nl/werk_nl/werknemer/eu/working-netherlands . Note: The UWV Werkbedrijf (www.uwv.nl) is registered as a member to the World Association of Public Employment Services (www.wapes.org) but is not specific to seafarers.

³⁰⁶ http://www.ilent.nl/Images/DMLC-part%20I%2C%20existing%20ships_tcm334-343574.pdf

³⁰⁷ http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_231420.pdf (see page 21).

³⁰⁸ <http://crewdata.com/crewings.php?lang=eng&country=Netherlands>



NETHERLANDS²⁹⁵	
	<p>of which provide skilled staff in almost all professional business areas while others concentrate on certain sectors or posts.</p> <p>In October 2012, 12,000 Private Employment Agencies were registered in the Dutch Trade Register.</p> <p>1,400 are members of either ABU (the Dutch Federation of Private Employment Agencies) or NBBU (ssociation of Temporary Work and Placement Agencies), which are two organistation made up of several agencies. NBBU has more members (895) than ABU (500), but smaller markets share (25% against 65% for ABU). NBBU members are small and medium sized agencies. ABU groups above all the bigger, including the major, international agencies³¹⁰.</p>
No of Seafarer job placement internet web sites	<p>No official information can be found on whether these websites have to be approved by the government before operating online.</p> <p>All six crewing companies and maritime agencies listed on crewdata.com have their own website.</p>
RPS Licensing	<p>For the use of confirming compliance of the Recruitment and Placement (R&P) services with Regulation 1.4 – Recruitment and placement and temporary employment agencies under Regulation 2.1 and as indicated in paragraph 2.4 of this instruction, the RO shall verify if:</p> <p>1) the R&P service/temporary employment agency has been audited with a positive result, by one of the sixRO's (i.e. ABS, BV, ClassNK, DNV-GL, LR, RINA) authorised by the Dutch Administration; or</p> <p>2) the R&P service/temporary employment agency is located in and has been approved by a country that is a Member to the</p>

³⁰⁹ <http://www.rijksoverheid.nl/documenten-en-publicaties/brochures/2012/06/06/vlaggenbrochure-the-netherlands-home-to-leading-maritime-companies.html>

³¹⁰ http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_231420.pdf (see page 20).



NETHERLANDS²⁹⁵	
	Maritime Labour Convention, 2006; or 3) the shipowner shows proof that the R&P service/temporary employment agency complies with the stipulated regulations ³¹¹ ..
RPS Supervision	The Ministry for Employment and Social Affairs has set up a special inspection team to combat unscrupulous temporary work agencies ³¹² .
Comments	No further.
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>In 2013 seafarers' Collective Bargaining Agreements (CBAs) have been extended; in most cases for a further period of one year. Barring a few exceptions, the wage increase amounted to 2%. An identical wage increase for non-Dutch seafarers has been agreed on with Nautilus and the main foreign seafarers' unions and, accordingly, the trend of increasing personnel expenses has been curbed³¹³.</p> <p>Nautilus International is an international trades union and professional association representing seafarers and allied workers in the United Kingdom, the Netherlands and Switzerland. It has members in all of the waterborne transport sectors, from deep sea oil tankers to river cruises. Some members are transporting freight, others passengers; and members are also to be found on specialist vessels and working ashore - but all join together as one Union.</p> <p>This section gives an insight into the sectors where members of Nautilus are employed. In each featured sector there is a list of the companies with which Nautilus has a collective bargaining (recognition) agreement³¹⁴.</p> <p>Collective bargaining agreements apply only, if so agreed in the</p>

³¹¹

http://www.ilent.nl/Images/DMLC%20part%20I,%20Annex%20ships%20built%20from%20August%2020th_tcm334-343593.pdf

³¹² http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_231420.pdf (see page. 22)

³¹³ Annual Report 2013; <http://www.kvnr.nl/engels/about-kvnr/publications/publications>

³¹⁴ <https://www.nautilusint.org/en/where-we-work>



NETHERLANDS²⁹⁵	
	<p>employment agreement. The Dutch labour law does not require any employer/ shipowner to apply collective bargaining agreements to employees on board of his Dutch-flagged ships.</p> <p>The Civil Code Book 7, art. 675, 677, 694-695, 697-699, 717-720, 722-725, 734, 734a-734l, 735 and 738 and the Seafarers Act, art. 38 and 69c (1 and 2) en 69d, set the requirements of the seafarer's employment agreement in accordance with the MLC, 2006.</p> <p>The temporary agency labour force in the Netherlands is covered by two CLAs (Collective Labour Agreements). The one concluded by the main employer organization ABU has been declared generally binding except where the CLA concluded by rival organisation NBBU (Association of Temporary Work and Placement Agencies) applies.³¹⁵</p> <p>At present some 1020 Collective Labour Agreements CLAs are in effect in the Netherlands. Some 200 thereof are sector-wide CLAs and some 820 are company CLAs. Of the sector-wide CLAs, some 200 CLAs have been declared to be generally binding. Some 6 million employees fall under the area of application of all these CLAs, approx. 84% of the total. This percentage includes the "employees" (civil servants) who fall under a "public sector CLA". This covers some 10%. For the remaining employees, approx. 65% are directly subject to a CLA. In 11% of the cases the issue is a company CLA and in 54% a sector-wide CLA. The remaining 9% of the employees falls under the working of a (sector-wide) CLA after a declaration of general effect. This means that only 16% of the employees in the Netherlands do not fall under a CLA³¹⁶.</p>
Social security branches covered	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (8/9): medical care; sickness benefit; unemployment benefit; old-age

³¹⁵ http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_231420.pdf

³¹⁶

<http://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0CDgQFjAD&url=http%3A%2F%2Fwww.uva.nl%2Fbinaries%2Fcontent%2Fdocuments%2Fpersonalpages%2Fv%2Fe%2Fe.verhuip%2Fen%2Ftab-two%2Ftab-two%2Fcpitem%255B6%255D%2Fasset%3F1355373974656&ei=oj8IVffOOsKiPeW7gcgL&usq=AFQjCNG1v0Uujdh79BPIF3zhGkpJez4AWQ&bvm=bv.90237346,d.ZWU>



NETHERLANDS²⁹⁵	
(from date)	benefit; family benefit; maternity benefit; invalidity benefit and survivors' benefit. ³¹⁷
Other social security and seafarers insurances	No information available.
Other issues	
Complaint handling procedure	<p>The MLC incorporates a complaints procedure on-board and ashore. For complaints on-board every seafarer must receive a copy of the Model on-board complaint procedure.</p> <p>Seafarers on board of Dutch-flagged ships or seafarers on board of foreign-flagged ships in a Dutch port may lodge a complaint, only if they have followed the on-board complaints procedure unless they have good reason not to. The complaint must be made in Dutch or in English and the subject of the complaint may not have taken place more than 6 months ago.</p> <p>A complaint can either be submitted by email or by letter or by phone to: Inspectie Leefomgeving en Transport Human Environment and Transport Inspectorate; IPC 525; P.O. box 16191; 2500 BD The Hague; phone +3188 489 0000</p> <p>The complaint will only be investigated if it is related to the 14 items under inspection by a PSC, as defined in the DMLC.</p> <p>For ship under Dutch flag only: an unlawful order by the captain. Foreign seafarers may also lodge a complaint with the competent authority in their country of residence. These addresses can be found on Addresses of foreign authorities for lodging complaints³¹⁸.</p> <p>The On-board complaint form for seafarers of Dutch-flagged ships can be found online³¹⁹. An overview about On-Board Complaints Procedures according to the Dutch Seafarers Act is also available online³²⁰.</p>

³¹⁷ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102768

³¹⁸

http://www.ilent.nl/english/merchant_shipping/crew/legislation/mlc_maritime_labour_convention/index.aspx

³¹⁹ http://www.ilent.nl/Images/Form%20Complaint%20report%20by%20seafarer_tcm334-344177.pdf

³²⁰ http://www.ilent.nl/english/Images/Model%20on-board%20complaint%20procedures_tcm343-363411.pdf



NETHERLANDS²⁹⁵	
	<p>Where a complaint cannot be resolved on board or with the shipowner, a seafarer may lodge a complaint with the Netherlands Shipping Inspectorate (or directly if the seafarer deems it necessary). From the date of entry into force of the Maritime Labour Convention, 2006, complaints to the Administration shall be lodged through the dedicated e-mail address: MLC-Complaints@ilent.nl.</p> <p>If the Netherlands Shipping Inspectorate receives a complaint that obtains evidence that a ship that flies the flag of the Netherlands does not conform to the requirements of the MLC, 2006 or that there are serious deficiencies in the implementation of measures set out in the DMLC, the Administration may instruct (including detailed scope) the RO to carry out an additional inspection. However, the responsibility for resolution of a complaint remains with the Netherlands Shipping Inspectorate³²¹.</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	<p>There is a dedicated e-mail for seafaers' complaints that can be submitted directly to the Netherlands Shipping Inspectorate.</p> <p>Flexible manning regulations were made possible by the introduction in 1996 of the new Manning Act, incorporating international STCW requirements. Certification requirements for Dutch ships were simplified drastically. Captains and officers serving on Dutch ships must be in possession of a certificate of competency issued by Kiwa on behalf of the Dutch authorities.</p> <p>Kiwa is an international organisation that is active in quality assurance and certification all over the world. Captains and officers from countries the Netherlands have entered into an agreement with that is in accordance with STCW may be</p>

³²¹

http://www.ilent.nl/Images/Instruction%20to%20RO%20No.%2022%20%20Maritime%20Labour%20Conventi on_tcm334-335423.pdf



NETHERLANDS²⁹⁵	
	<p>employed on Dutch ships. Only captains and officers who have been issued an endorsement of recognition in the Netherlands will be employed in the Dutch merchant navy. The Netherlands has signed such agreements with Australia, Canada, China, Croatia, Hong Kong, India, Indonesia, New Zealand, Pakistan, the Philippines, the Russian Federation, Singapore, South Africa, Sri Lanka, Turkey, the Ukraine and Vietnam. The Netherlands has also recognised the EU and EEA countries in this respect.³²²</p> <p>The Netherlands has a sound social-security system that makes the proper provisions in the event of illness, disability, unemployment or retirement. The result is a workforce that is able to invest their best efforts in their work. Foreign management staff temporarily working for Dutch companies are able to enjoy tax exemption allowances of up to 30% of their gross salary, applicable to those possessing skills that are scarce or absent in the Dutch labour market³²³.</p>
Recommendations regarding:	<p>List of all licensed private SRPS available online by an official source.</p> <p>Results from SRPS monitoring and supervision.</p> <p>Results from seafarers' complaints handling.</p> <p>Bilateral agreements on social security.</p> <p>Other forms of bilateral or multilateral cooperation.</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, shipowners' association
Organisations	<p>Dutch Flag</p> <p>Dutch Maritime Authority / Inspectie Leefomgeving en Transport</p> <p>Ministry of Social Affairs and Employment</p> <p>Royal Association of Netherlands Shipowners (KVNR)</p>

³²² <http://www.rijksoverheid.nl/documenten-en-publicaties/brochures/2012/06/06/vlaggenbrochure-the-netherlands-home-to-leading-maritime-companies.html> (see page 8).

³²³ <http://www.rijksoverheid.nl/documenten-en-publicaties/brochures/2012/06/06/vlaggenbrochure-the-netherlands-home-to-leading-maritime-companies.html> (see page 12).



NETHERLANDS²⁹⁵	
	The shipping registers
Sources	Sources of secondary data indicated in footnotes.



2.3.10. Malta

MALTA	
Category	Flag State
	EU Member State
	MLC Ratified 22 January 2013; in force since 22 January 2014
National maritime labour information	
Fleet	Total number of vessels 1.963 with an IMO number ³²⁴ ; Number of ships (dwt) 33 (585,000) as of 1 January 2014 Number of ships registered with the Malta Flag 1698 as of 1 January 2014 ³²⁵
Sea going labour	2.272 officers; 2.164 ratings; 4.436 total ³²⁶
Competent Authority	
Name	Transport Malta, Ports & Yachting Directorate
Address	Malta Transport Centre, Marsa, MRS 1917
Website	http://www.transport.gov.mt/ports-marinas
Telephone	+356 21222203
Contact Name	
MLC documentation	
DMLC I	Issued under the Competent Authority means the Merchant Shipping Directorate, through the Registrar-General of Shipping and Seaman as defined in the Merchant Shipping Act ³²⁷ .

³²⁴ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>

³²⁵ http://unctad.org/en/PublicationsLibrary/rmt2014_en.pdf

³²⁶ <http://ec.europa.eu/transport/modes/maritime/studies/doc/2011-05-20-seafarers-employment.pdf>

³²⁷ <http://www.transport.gov.mt/admin/uploads/media-library/files/Notice%20105%20-%20Guidelines%20for%20the%20Implementation%20of%20the%20Maritime%20Labour%20Convention%20006.pdf>



MALTA	
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel are ten RO's: ABS, BV, CCS, NK, DNV-GL, KR, LR, PRS, RINA, and RS ³²⁸ .
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 ³²⁹ .
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 22 January 2014 to 20 August 2015, there were 2494 inspections by the PSC of ships running under the flag of Malta, with 71 detentions recorded. With regard to living and working conditions and labour conditions, 573 inspections were conducted with 57 detentions ³³⁰
Other Comments	<p>The Merchant Shipping Directorate will draw up a ship specific DMLC Part I. Subsequently, the shipowner shall develop and implement measures to ensure compliance with the national legislation in the ship specific DMLC Part II.</p> <p>The DMLC shall be carried onboard at all times together with the Maritime Labour Certificate, accessible to the seafarers. A copy of the DMLC must be made available upon request to seafarers, flag State inspectors, port State control officers, shipowners' and seafarers' representatives.</p> <p>The DMLC Part I shall be completed by the Directorate. The DMLC Part II shall be completed by the shipowner and must identify the measures adopted to ensure ongoing compliance with the national legislation between inspections and the measures proposed to ensure that there is continuous improvement.</p> <p>The RO of the ship shall verify compliance with the national legislation and the requirements of the MLC, by examination of</p>

³²⁸ <http://www.transport.gov.mt/admin/uploads/media-library/files/NOTICE96%20-%20Authorised%20Classification%20Societies.pdf>

³²⁹ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102643

³³⁰ <https://portal.emsa.europa.eu/web/thetis/inspections>.



MALTA

the DMLC Part II.

2-step examination: (1) Verification that the proposed measures satisfy the national and MLC requirements. It shall include examination amongst other documents of the Seafarers Employment Agreements, Collective Bargaining Agreements, if any, and shipowner's management systems manual; (2) Successful completion of an initial onboard inspection to verify that the shipowner has implemented the proposed measures documented in the DMLC Part II. If the RO is satisfied that all the requirements are met the DMLC Part II will be issued.

A new DMLC Part I shall be issued when there is a change in the ship's particulars as recorded on the DMLC Part I or when there are changes to the exemption or equivalent arrangements. A revised DMLC Part II needs to be issued than.

The shipowner shall request from the Directorate on mlc.tm@transport.gov.mt a ship specific DMLC Part I prior to developing and submitting the DMLC Part II for the issue of a Maritime Labour Certificate or a draft DMLC Part II for the issue of an interim Maritime Labour Certificate.

The appropriate fee for the issue of a DMLC Part I shall be of €50.

Applications for the acceptance of an equivalence or exemption from the requirements of the MLC shall be submitted at the time of requesting the DMLC Part I.. If, subsequent to the issuance of the DMLC Part I, the shipowner requires consideration of an equivalency or exemption, a new application for DMLC Part I shall be submitted and subject to the approval of the application, an amended DMLC Part I, DMLC Part II and inspection for the issuance of the Maritime Labour Certificate will be required³³¹.

Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)

³³¹ <http://www.transport.gov.mt/admin/uploads/media-library/files/Notice%20105%20-%20Guidelines%20for%20the%20Implementation%20of%20the%20Maritime%20Labour%20Convention%20006.pdf>



MALTA	
No of Public RPS	No available information. The Employment and Training Corporation (ETC) ³³² is registered as a member to the World Association of Public Employment Services ³³³ but is not specific to seafarers.
No of Private RPS	No official information available. Unofficial sources indicate 20 private SRPS ³³⁴ .
No of Seafarer job placement internet web sites	No available information.
RPS Licensing	The competent Authority shall ensure that public and private seafarer recruitment and placement services be operated in an orderly manner that protect and promote seafarers' employment rights. The Registrar-General shall, through the application of rule 4, ensure that recruitment services in Malta comply with the Convention. Shipowners of Maltese flagged ships, who use seafarer recruitment and placement services based in countries or territories in which the Convention does or does not apply, shall ensure, as far as practicable, that those services meet the requirements of the Convention ³³⁵ .
RPS Supervision	No information available.
Comments	Shipowners operating ships under the Malta flag and who use manning agents based in a State which has ratified the MLC, for the employment of seafarers, shall only use licensed or certified or regulated manning agents in accordance with the Convention Standard A1.4 requirements. The license or certificate issued by

³³² www.etc.gov.mt

³³³ www.wapes.org

³³⁴ <http://maritime-union.com/crewing-companies/malta?p=1>

³³⁵ [http://www.transport.gov.mt/admin/uploads/media-library/files/Merchant%20Shipping%20\(Maritime%20Labour%20Convention\)%20Rules,%202013%20-%20DRAFT.pdf_20130220162231.pdf](http://www.transport.gov.mt/admin/uploads/media-library/files/Merchant%20Shipping%20(Maritime%20Labour%20Convention)%20Rules,%202013%20-%20DRAFT.pdf_20130220162231.pdf)



MALTA	
	<p>the State where the manning agent providing seafarers to the ship, is established must be available on board for inspection.</p> <p>If manning agents based in a State which has not ratified the MLC are used, these shall conform to Standard A1.4.5 and Standard A1.4.9. For these manning agents, any one of the following documents/certificates must be available on board for inspection: (i) Company's own audit report for manning agent (stating that they have verified compliance with Standard A.1.4); (ii) Copy of the manning agency quality management certificate; (iii) Copy of the RO's certificate attesting compliance with Standard A.1.4³³⁶.</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Collective bargaining agreements apply only, if so agreed in the employment agreement.</p> <p>A contract of employment in the form of a crew agreement must be made between the master and seamen.</p> <p>A crew agreement must contain the following details:</p> <p>Personal details of each member of the crew; time at which each seafarer is to be onboard or to begin work; capacity in which each seafarer is to serve; amount of wages for each seafarer; agreed leave; disciplinary provisions; a list of persons under the age of 18 years and their birth dates³³⁷.</p>
Social security branches covered (from date)	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security (3/9): medical care; sickness benefit and employment injury benefit ³³⁸
Other social security and seafarers insurances	No information available.
Other issues	

³³⁶ <http://www.transport.gov.mt/admin/uploads/media-library/files/Notice%20105%20-%20Guidelines%20for%20the%20Implementation%20of%20the%20Maritime%20Labour%20Convention%20006.pdf>

³³⁷ <http://www.transport.gov.mt/ship-registration/stcw/conditions-of-employment>

³³⁸ http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:103111



MALTA	
Complaint handling procedure	<p>All ships shall have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the rules.</p> <p>The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaint procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints which are neither manifestly vexatious nor maliciously made.</p> <p>All seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship.</p> <p>The onboard complaint procedures shall contain at least the following:</p> <ol style="list-style-type: none"> 1. Contact information for the company’s Maritime Labour Convention, 2006 designated person or any other person appointed by the Company; 2. Contact information of the Merchant Shipping Directorate; 3. Contact information of the competent Authority in the seafarers country of residence; 4. Name of a person or persons onboard the ship who can, on a confidential basis, advise and assist the seafarer to follow the complaint procedures. <p>The contact details for lodging a complaint with the Directorate are as follows:</p> <p>Registrar General of Shipping and Seamen, Merchant Shipping Directorate, Authority for Transport in Malta, Transport Centre, Marsa</p> <p>Email: mlc.tm@transport.gov.mt</p> <p>The complainant seafarer shall submit his complaint to his superior officer in writing. Where a solution cannot be found at this level, the superior officer shall refer the complaint to the head of department. The latter shall interview the seafarer with a view to solving the complaint. If the seafarer is not satisfied with the way his complaint has been handled, he may request an interview with the master. If no satisfactory resolution is obtained, the seafarer may appeal to the management of the company. If no</p>



MALTA	
	<p>satisfactory resolution is achieved the seafarer may resort to forwarding the appeal to the Directorate, on mlc.tm@transport.gov.mt or to a consular officer of Malta abroad.</p> <p>In the event of a complaint being received by a RO from a third party, such complaint should be brought to the attention of the Directorate³³⁹.</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	
Recommendations regarding:	<p>List of certified/ licensed SRPS available online by the competent authority.</p> <p>Results of SRPS supervision.</p> <p>Results of seafarers complaints' handling.</p> <p>Bilateral/ multilateral agreements on social security.</p>
Sectoral representatives interviewed and other sources used	
Sector	<p>Regulators and administrators</p> <p>International and European organisations</p>
Organisations	<p>Transport Malta – Merchant Shipping Directorate</p> <p>International Labour Organization</p> <p>European Maritime Safety Agency</p>
Sources	Sources of secondary data indicated in footnotes.

³³⁹ <http://www.transport.gov.mt/admin/uploads/media-library/files/Notice%20105%20-%20Guidelines%20for%20the%20Implementation%20of%20the%20Maritime%20Labour%20Convention%20006.pdf>



2.3.11. Luxembourg

LUXEMBOURG	
Category	Flag State
	EU Member State
	MLC Ratified 20 September 2011; in force since 20 August 2013
National maritime labour information	
Fleet	Total number of vessels 266 with an IMO number ³⁴⁰ ; Number of ships (dwt) 77 (1,519,000) as of 1 January 2014 ³⁴¹ Number of ships fully registered with the Luxembourg Flag – 193 (total gross tonnage 1.049.155 t) Number of ships with bareboat-in registration – 39 (total gross tonnage 1.950.828 t) Number of ships with bareboat-in registration – 8 (total gross tonnage 155.072 t) ³⁴²
Sea going labour	2.272 officers; 2.164 ratings ³⁴³ ; 4.436 total
Competent Authority	
Name	Luxembourg Maritime Administration
Address	19-21, Boulevard Royal, L-2449
Website	http://www.maritime.lu/
Telephone	+352 2478 4453
Contact Name	Not available.
MLC documentation	

³⁴⁰ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

³⁴¹ Review of Maritime Transport 2014, UNCTAD, p. 34.

³⁴² <http://www.maritime.lu/luxembourg-merchant-fleet>

³⁴³ Study on EU Seafarers Employment. Final Report, 2011, p. 11



LUXEMBOURG	
DMLC I	Issued under the authority of the Government of the Grand-Duchy of Luxembourg ³⁴⁴
DMLC II	Responsible authority for issuing DMLC II after the control of the vessel are six RO's (ABS, BV, DNV-GL, LR, NKK, RINA).
Results regarding MLC, 2006 implementation	
First ILO Progress Report	Due on 2015 – out of cycle (first report not received) ³⁴⁵
Comments from CEACR	No inspections or complaints have been registered by the ILO.
Results from THETIS	From 20 August 2013 to 20 August 2015, there were 154 inspections by the PSC of ships running under the flag of Luxembourg, with one detention recorded. With regard to living and working conditions and labour conditions, 28 inspections were conducted with one detention ³⁴⁶
Other Comments	No further.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	Not existent. The Aegence pour le Developpement de l'emploi (ADEM) ³⁴⁷ is registered to the World Association of Public Employment Services (WAPES ³⁴⁸), but is not specific to seafarers.
No of Private RPS	Not existent.
No of Seafarer job placement internet	No information available.

³⁴⁴ http://www.maritime.lu//sites/maritime.lu/files/files/pdf/DMLC_Lux_final.pdf

³⁴⁵ http://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102643

³⁴⁶ <https://portal.emsa.europa.eu/web/thetis/inspections>.

³⁴⁷ www.adem.public.lu

³⁴⁸ www.wapes.org



LUXEMBOURG	
web sites	
RPS Licensing	The services of a Recruitment and Placement Service outside of MLC parties must be in line with MLC A1.4 standards. This has to be verified and, if necessary, documented by the shipowner ³⁴⁹ .
RPS Supervision	No information available.
Comments	<p>Public (and private) services for the recruitment and/or placement of seafarers do not exist in the Grand-Duchy of Luxembourg. Shipowners are only allowed to use seafarers' recruitment and placement services that are in line with Standard A1.4³⁵⁰, thus:</p> <ul style="list-style-type: none"> • established in a country which has ratified the Convention, and operating only in conformity with a standardized system or licensing or certification or other form of regulation, issued by the competent authority in that country. • from States not party to MLC, 2006 whose conformity to the MLC can be fully demonstrated. The services must be in line with the standards set out in A1.4. This has to be verified and, if necessary, documented by the shipowner (verification and certification can be done by a duly recognized RO or an EU member state). <p>Private services for the recruitment and/or placement of seafarers shall not charge seafarers any fee for recruitment or placement or for providing employment to them, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport. The cost of obtaining any visas shall be borne by the shipowner.</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>Before starting work, a Seafarers' Employment Agreement must be signed by both the seafarer and the shipowner or his representative.</p> <p>Both the shipowner and the seafarer shall have a signed original</p>

³⁴⁹ http://www.maritime.lu/sites/maritime.lu/files/files/pdf/mlc_faq.pdf

³⁵⁰ http://www.maritime.lu/sites/maritime.lu/files/files/pdf/DMLC_Lux_final.pdf



LUXEMBOURG	
	of the SEA. The SEA may also incorporate or indicate any applicable collective bargaining agreement ³⁵¹ .
Social security branches covered (from date)	The Government has specified the following branches of social security (9/9): sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; survivors' benefit and dependency benefit ³⁵² .
Other social security and seafarers insurances	No information available.
Other issues	
Complaint handling procedure	<p>On Board Complaint Procedure (Regulation 5.1.5)</p> <ul style="list-style-type: none"> a seafarer shall, as soon as possible, after the alleged occurrence of the labour grievance, bring the matter to his immediate Supervisor or to the Head of Department. A solution to the grievance shall be given within seven days. If the complaint cannot be resolved by either the head of department or the superior officer to the satisfaction of the seafarer, then the seafarer may refer the matter to the master within two days. The master has further seven days to bring a solution to the complaint. <p>In any case, a seafarer has the right to lodge a complaint directly with the master and as soon as possible after the alleged occurrence of the labour grievance (same time to give solution).</p> <ul style="list-style-type: none"> if no resolution of the dispute can be obtained on board, the seafarer has ten days to bring it to the shipowner. The seafarer may present his case directly, when appropriate, to the shipowner for example if the complaint is related to the Master. In such a case, the seafarer must refer as soon as possible to the shipowner after the alleged occurrence of the labour grievance. The shipowner and the seafarer

³⁵¹ http://www.maritime.lu/sites/maritime.lu/files/files/pdf/DMLC_Lux_final.pdf

³⁵² http://www.ilo.org/dyn/normlex/en/f?p=1000:80021:0::NO:80021:P80021_COUNTRY_ID:102757



LUXEMBOURG	
	<p>concerned shall have a period of twenty days to solve the matter.</p> <ul style="list-style-type: none"> if the dispute can still not be resolved satisfactorily after the aforesaid twenty days, either party shall have further twenty days to bring the matter to the Government Commissioner for maritime affairs. <p>In any case, the seafarer is always entitled to complain directly to the master, the shipowner or the Government Commissioner for maritime affairs.</p> <p>Every seafarer shall be provided with the name of a person on board who can give impartial advice and on a confidential basis.</p> <p>Notwithstanding above-mentioned procedure, every seafarer has the right to file a complaint directly to an appropriate external authority, including competent Labour courts.</p> <p>Contact details of the Government Commissioner for maritime affairs</p> <p>Telephone (Office hours): + 352 2478 4453 Telephone (24/7): + 352 621 350490 / +352 621 501550 Facsimile: + 352 29 91 40 Email address: cam@cam.etat.lu Web: www.maritime.lu Post: 19-21 boulevard Royal, L-2449 Luxembourg</p>
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	No special notes.
Recommendations regarding:	<p>CBA for seafarers.</p> <p>Results from seafarers complaints' handling to be available by official sources.</p>
Sectoral representatives interviewed and other sources used	



LUXEMBOURG	
Sector	Regulators and administrators
Organisations	Luxembourg Maritime Administration
Sources	Sources of secondary data indicated in footnotes.



3. Country profiles of member states – MLC, 2006 not ratified

3.1. Non-EU labour supplying member states

3.1.1. China

CHINA	
Category	Flag State
	Non EU Member State
	China ³⁵³ has ratified the MLC, 2006 on 8 September 2015 ³⁵⁴ ; in force: 8 September 2016.
National maritime labour information	
Fleet	Total number of vessels 5 405 with an IMO number; Number of ships (thousand dwt) (188 356) as of 1 January 2014 Number of ships registered with the Chinese Flag – 1979 (as of 2014) Number of ships under the foreign flag as of 1 January 2014–3426 ³⁵⁵
Sea going labour	141807 in total (51511 officers; 90296 ratings) ³⁵⁶
Competent Authority	
Name	China Maritime Safety Administration - China MSA

³⁵³ The MLC, 2006 does not apply to the Hong Kong Special Administrative Region (SAR) and the Macau SAR for the time being, as highlighted by the China's National People's Congress Standing Committee. Source: <http://www.seatrade-maritime.com/news/asia/china-ratifies-maritime-labour-convention.html>

³⁵⁴ China has ratified the MLC, 2006 at the end of this study- 8 September 2015 (Source: http://www.npc.gov.cn/englishnpc/news/Events/2015-08/31/content_1945568.htm). There were indications that the country would ratify the MLC, 2006 until mid-2015 (mentioned by the representative of a Chinese RPS; interview script received in May 2015). The country is examined throughout the analysis as an MLC non ratifying LSS.

³⁵⁵ http://unctad.org/en/PublicationsLibrary/rmt2014_en.pdf p.48

³⁵⁶ BIIMCO/ ISF, 2010



CHINA	
Address	11#, Jianguomennei Avenue, Beijing, China 100736
Website	http://en.msa.gov.cn/index.html
Telephone	8610-65292966
Contact Name	wangruyan@msa.gov.cn
MLC documentation	
DMLC I	n/a
DMLC II	n/a
Results regarding MLC, 2006 implementation	
First ILO Progress Report	n/a
Comments from CEACR	n/a
Results from THETIS	<p>Although the MLC, 2006 is not ratified by China, the Chinese-flagged ships are under PSC inspection concerning the MLC, 2006 minimum standards.</p> <p>From 20 August 2013 to 20 August 2015, there were 159 inspections, and 2 detentions recorded.</p> <p>With regard to crew certification, living and working conditions, and labour conditions, 41 inspections were conducted with 1 detention³⁵⁷</p>
Other Comments	In accordance with Maritime Traffic Safety Law of the People's Republic of China, Chinese Citizens Exit and Entry Administration Law, Passport Law of the People's Republic of China, Regulations of the People's Republic of China on Seafarers, and relevant international conventions that China has accepted or accessed, Maritime Safety Administration of the People's Republic of China (China MSA) takes charge of formulating and implementing regulations and rules for seafarers, pilots, magnetic compass

³⁵⁷ <https://portal.emsa.europa.eu/web/thetis/inspections>



CHINA	
	<p>adjustment officers and staff of offshore facilities (hereinafter referred to as the seafarers).</p> <p>China MSA is in charge of developing seafarer competency standards, seafarer registration, training, examination and certification, verifying the qualification of seafarer training institutions, seafarer service institutions and seafarer assignment institutions and auditing quality system of seafarer training institutions.</p> <p>China MSA has revised Certificate of Competency, Certificate of Proficiency and Medical Certificate for Seafarers in accordance with Regulations on Examination and Certification of Competence for Seafarers of the People’s Republic of China (Decree No. 12, 2011 of Ministry of Transport), Provisions on Issuing Certificate of Proficiency for Seafarers of the People’s Republic of China, Provisions on Management of Medical Certificate for Seafarers of the People’s Republic of China³⁵⁸</p> <p>Ministry of Transport has set up a working group for the implementation of the Convention, which includes training administrative officers, ship owners and other stakeholders, preparation for the certificating procedure, and the drafting of guidance for shipowners. Furthermore, the MOT are liaising with the Ministry of Human Resources and Social Security for the ratification. Currently, the Regulation for the Career Security of Seafarers, which incorporates the major requirements of the MLC 2006, has been drafted and presented to the legislative authorities for enactment. It is anticipated that China will ratify the Convention in the near future.³⁵⁹</p>
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	<p>1³⁶⁰ indicated by a stakeholder’s interview.</p> <p>The Ministry of Human Resources and Social Security (MOHRSS)³⁶¹ is registered as a member of the World Association</p>

³⁵⁸ <http://en.msa.gov.cn/index.php?m=content&c=index&a=lists&catid=281>

³⁵⁹ <http://www.wjnco.com/eng/..%5CdownloadFile%5Cmt1306.pdf> (see p. 2).

³⁶⁰ <http://119.254.67.16/templates/e/index.aspx?nodeid=466&page=ContentPage&contentid=19349/rdn/hamburg/Agentur/BuergerinnenundBuerger/ZentraleHeuerstelle/index.htm>

³⁶¹ www.mohrss.gov.cn



CHINA	
	of Public Employment Services (WAPES) ³⁶² , but it is not specific to seafarers.
No of Private RPS	208 ³⁶³ , 97 certified by ROs Note: Other sources indicate 53 ³⁶⁴ .
No of Seafarer job placement internet web sites	As of 54.
RPS Licensing	<p>Mandatory system.</p> <p>The existing regulatory framework includes the Regulation for the Career Security of Seafarers, which incorporates the major requirements of the MLC 2006; this Regulation is expected to be the basis for the alignment of the national legislation to the MLC, 2006 requirements.</p> <p>There are also "Provisions on Manning Foreign-flagged Ships by Chinese Seafarers" which regulate the Chinese seafarers' overseas labour service³⁶⁵.</p> <p>In China, the competent authority for RPS is China Maritime Safety Administration or China MSA who is under the Ministry of Transport, China. All RPS shall follow the authority's requirements in according to "The People's Republic of China Regulation on the Management of Seafarers" (that has incorporated MLC 2006 requirements) when they apply for the manning license. China MSA audits every applicant for compliance, and also they conduct annual audit to the licensed RPS.</p>
RPS Supervision	<p>No official information available.</p> <p>Information from private RPS indicate that the China MSA (i.e. competent authority), inspects and audits private SRPS once a year.</p>
Comments	It is estimated that around 40,000 Chinese seafarers join the

³⁶² www.wapes.org

³⁶³ Source: Interview script by representative from Chinese private SRPS received May 2015.

³⁶⁴ <http://119.254.67.16/templates/e/index.aspx?nodeid=466&page=ContentPage&contentid=19351>

³⁶⁵ <http://en.msa.gov.cn/index.php?m=content&c=index&a=show&catid=25&id=3>



CHINA	
	<p>international labour market each year and most of these seafarers find their placement through Chinese private recruitment and placement services. Considering more than 68.8% of the world's gross tonnage of ships will fall within the ambit of the MLC 2006, it is critical for the Chinese private recruitment and placement service industry to carry out their business in compliance with the relevant regulations³⁶⁶.</p> <p>The laws and regulations relating to the operation of RPS in China, concerning seafarers' employment include:</p> <ul style="list-style-type: none"> • The Regulations of People's Republic of China on Seafarers • The Labor Law of People's Republic of China • The Labor Contract Law of People's Republic of China • Provisions of Occupational Security of Seafarers of the People's Republic of China • The People's Republic of China Regulations on the Management of Seafarers • Payment of Wages Tentative Provisions • Notice of the State Administration of Taxation on the Issue of Crew Personal Income Wage and Salary Income Tax Expense Deduction • Social Insurance Law of the PRC • Regulation on Work-Related Injury Insurances of the PRC • Regulations of the people's Republic of Seaman Service Management • The Crew Registration Regulation of the People's Republic of China • Regulations of the People's Republic of Seaman Service Management
Seafarers' insurance and social security	
Seafarers CBA in Place	The Collective Bargaining Agreement For Chinese Crew is made and entered into by and between the National Committee of the

³⁶⁶ <http://www.wjnco.com/eng/..%5CdownloadFile%5Cmt1306.pdf> (see p.2).



CHINA	
	<p>Chinese Seamen & Construction Worker’s Union on one part and China Shipowners’ Association on the other part.³⁶⁷</p> <p>One national CBA, and four bilateral. More specifically:</p> <ul style="list-style-type: none"> • China CBA (National flag) • China Hong Kong CBA • NCSU ITF (China Taiwan) • Norway NSA CBA (Model Agreement) • Singapore SMOU/SOS CBA
Social security branches covered (from date)	<p>The national security system covers six branches, i.e. medical care, sickness benefit, old-age, employment injury, maternity and unemployment benefit. Seafarers are covered based on this, as well as the CBA that covers medical care, sickness benefit and employment injury³⁶⁸.</p> <p>China has not had the specialised legal regulations on seafarer social security yet. Regulations on working protection and seafarer social security are officially introduced in 2007; State Council promulgated Regulations of the People's Republic of China on Seafarers (“Seafarer Regulations”) and “China Social Insurance Law”(“Social Insurance Law”), applying for all social workers.</p> <p>“Seafarer Regulations” stipulate social insurance, including salary, resting time, working and medical conditions, and social welfare for seafarer that is higher than other occupation benefits. Because the legal rank is still low, it is only administrative legal; the problem of ensuring seafarer social security needs to be specified clearly, ranked with the higher legal. Currently, China has built a policy system on social insurance such as health, unemployment, retirement, etc. Although it is in the process of refinement, it contributes partially to the guarantee of worker benefit. When applying this social insurance policy for seafarer, there are still shortcomings because:</p> <ul style="list-style-type: none"> • Seafarer has a big mobility; there are not any clear regulations for seafarer to pay social insurance fee, so it makes insurance revenue management complicated and chaotic. At the same time, some shipping companies do not pay insurance fee for seafarer.

³⁶⁷ <http://hyjs.acftu.org/template/10001/file.jsp?aid=7267>

³⁶⁸ Source: Interview script from representative of Chinese private SRPS received May 2015.



CHINA	
	<ul style="list-style-type: none"> The standard on defining China social insurance is basically regulated on the living standard of citizen on shore; there are different regulations for each region. Based on this point to set up insurance money for seafarer is totally unsuitable; the wage between seafarer and worker on shore is completely different, it can damage seafarer's benefits a lot³⁶⁹.
Other social security and seafarers insurances	<p>As the requirement of "Act of People Republic of China Ministry of Transport No.3 in 2011", the RPS shall provide a financial security at China MSA nominated bank account³⁷⁰, which ensure compensation to seafarers for monetary loss that they may incur as a result of the failure of RPS or the relevant shipowner under the SEA to meet its obligations to them.</p> <p>Private SRPS deposit an amount of money³⁷¹ at the Competent Authority's nominated bank account, to insure cost of crew repatriation, in case of abandonment by shipowner. Also, seafarers are covered with five branches of social insurances, as per China Labor Law and MLC 2006 compliance.</p> <p>As per China MSA requirement, additional accident insurance is required for seafarers before they join the vessels³⁷².</p>
Other issues	
Complaint handling procedure	<p>Article 12 Seafarer's Complaints and Labor Disputes</p> <p>54. The shipowner shall provide to seafarers decent working and living conditions on board ship. Each seafarer shall be entitled to work, train and live in an environment free from maltreatment and discrimination based upon race, color, sex, religion, national</p>

³⁶⁹ Le, N.T. (2013), Researching the system of Chinese and Vietnamese Law on Seafarers - From the Viewpoint of Maritime Labor Convention 2006, *Journal of Law, Policy and Globalization*, Vol.20, 2013. p. 38. Online: www.iiste.org/Journals/index.php/JLPG/article/download/9730/9943

³⁷⁰ The measure of insurance and the exact amount of one million USD have been stated by the representative of an SRPS. Details are to be found in the published Provisions on Manning Foreign-flagged ships by Chinese Seafarers of the People's Republic of China. Online: <http://en.msa.gov.cn/index.php?m=content&c=index&a=show&catid=25&id=3>

³⁷¹ The measure of insurance and the exact amount of one million USD have been stated by the representative of an SRPS. Details are to be found in the published Provisions on Manning Foreign-flagged ships by Chinese Seafarers of the People's Republic of China. Online: <http://en.msa.gov.cn/index.php?m=content&c=index&a=show&catid=25&id=3>

³⁷² Source: Interview script from representative of Chinese private SRPS received May 2015.



CHINA	
	<p>extraction or social origin.</p> <p>55. In cases of labor disputes, the seafarers shall submit the claim or dispute to the trade union on board ship or trade union at a higher level. When a labor dispute arises, the parties do not want, or unsuccessfully to negotiate a settlement agreement, or non-compliance, then they may apply for conciliation or mediation organizations have jurisdiction over the labor dispute arbitration committee for arbitration, and they may also take legal proceedings at the maritime court who has direct jurisdiction according to The People's Republic of China Maritime Law of the special procedures of the proceedings.</p> <p>56. The seafarers shall make complaints to the National Committee of the Chinese Seamen & Construction Worker's Union or China Shipowners' Association if they found the ship is not in accordance with the labor standard of this Agreement. Or they can complain to the maritime safety administrations where the ship called on or their labor contract signed.³⁷³</p>
Cooperation with other countries relating to seafarer's recruitment and placement	Bilateral labour agreements with Hong Kong, Taiwan, Norway, Singapore.
Comments	Means for examining validity of STCW and national seafarers' certificates and endorsements are established online; can be checked on China MSA's official website and via e-mail to the authority who ensures the validity of crew's STCW certificates.
Special notes and recommendations	
Notes	Private SRPS shall provide a financial security one million USD at China MSA nominated bank account, which ensure compensation to seafarers for monetary loss and cost of crew repatriation.
Recommendations regarding:	States' awareness and guidance on implementation of the MLC, 2006.

³⁷³ <http://hyjs.acftu.org/template/10001/file.jsp?aid=7267>



CHINA	
	<p>Bilateral/ multilateral agreements on social security and labour.</p> <p>Seafarers' awareness on rights and duties stemming from MLC, 2006.</p> <p>Results from SRPS supervision.</p> <p>Results from seafarers' complaints handling.</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, private RPS
Organisations	<p>China Maritime Safety Administration (China MSA)</p> <p>The National People's Congress of the People's Republic of China³⁷⁴</p> <p>Ministry of Human Resources and Social Security</p> <p>Maritime Safety Administration of the People's Republic of China</p> <p>Ministry of Transport</p> <p>Sinocrew Maritime Service Co. Ltd</p>
Sources	Sources of secondary data indicated in footnotes.

³⁷⁴ <http://www.npc.gov.cn/englishnpc/news/index.htm>



3.1.2. Ukraine

UKRAINE	
Category	Labour Supplying State (LSS)
	Non EU Member State
	Non-MLC
National maritime labour information	
Fleet	Number of ships (dwt) 409 (3381) as of 1 January 2014 ³⁷⁵
Sea going labour	38172 in total (27.172 officers; 11.000 ratings) ³⁷⁶
Competent Authority	
Name	Ministry of Infrastructure of Ukraine functioning as the Maritime Administration of Ukraine Department of Maritime and River Transport of Ministry of Transportation Ministry of Education and Science of Ukraine
Address	4, Peremohy str., Kyiv, Ukraine 01135
Website	http://www.mintrans.gov.ua
Telephone	+44 226-22-04
Contact Name	Not available
MLC documentation	
DMLC I	n/a
DMLC II	n/a
Results regarding MLC, 2006 implementation	
First ILO Progress	n/a

³⁷⁵ Review of Maritime Transport 2014, UNCTAD, p. 36.

³⁷⁶ Study on EU Seafarers Employment. Final Report, 2011, p. 11



UKRAINE	
Report	
Comments from CEACR	n/a
Comments from THETIS	<p>Although the MLC, 2006 is not ratified by Ukraine, the Ukrainian-flagged ships are under PSC inspection concerning the MLC, 2006 minimum standards.</p> <p>From 20 August 2013 to 20 August 2015, there were 107 inspections, and 5 detentions recorded.</p> <p>With regard to crew certification, living and working conditions, and labour conditions, 57 inspections were conducted with 5 detentions³⁷⁷</p>
Other Comments	
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	One, the State Employment Service (Central Office), acting more as an unemployment office ³⁷⁸ . It is registered in the World Association of Public Employment Services (WAPES) ³⁷⁹
No of Private RPS	No official number available. Unofficial sources indicate around. 77 ³⁸⁰ . Around 50 crewing agencies seem to be based in Odessa ³⁸¹ only.

³⁷⁷ <https://portal.emsa.europa.eu/web/thetis/inspections>

³⁷⁸ <http://www.dcz.gov.ua/control/en>

³⁷⁹ www.wapes.org

³⁸⁰ Including: <http://www.ukrcrewing.com.ua/faq/7/page2//&print> ; <http://www.mca.com.ua> ; <http://www.vships.com.ua> ; <http://www.concord.od.ua> ; <http://www.interbroker.com.ua> ; <http://www.ukrferry.com/service/crewing> ; <http://angloeasternukraine.com> ; <http://www.staff-centre.com/crewing> and, Apha Navigation, BARK, BSM Crew Service Centre (Ukraine) Ltd, Danica Crewing Services Ltd, Danica Maritime Services GmbH, Epsilon Maritime Services Ltd, Marlow Navigation Ukraine, Marstaff, Staff Centre Group of Companies, Stargate Ukraine, Sannikols, Ukrferry Shipmanagement, LLC, Vita Maritime Ltd., Maersk Crewing Ukraine

³⁸¹ <http://www.dockers-seafarers.org/news/ukrainian-crewing-agents-get-board-maritime-labour-convention>

³⁸² http://www.etc-odessa.com/docs/Catalog_ETC.pdf, p. 36



UKRAINE	
No of Seafarer job placement internet web sites	<p>No official information available.</p> <p>According to the survey, almost all RPS operate internet websites.</p> <p>Some key platforms are:</p> <ul style="list-style-type: none"> • Seamen Web Portal www.ukrcrewing.com.ua - job vacancies from crewing companies and ship operators, • Seafarer CV Database (more than 17 000 CVs), • Ship Operator Database, legal advice on maritime law, marine e-library, and job offers. • Portal traffic: 3000-4000 visitors per day, 25 000 – 35 000 click per day³⁸²
RPS Licensing	<p>The general framework for the operation of crewing companies receiving a license from the Ministry of Social Policy of Ukraine are found online³⁸³. Relevant law of Ukraine: "About licensing of certain types of economic activity".</p>
RPS Supervision	No available information.
Comments	<p>In public service of employment there is no special employment service concerning seafarers³⁸⁴.</p> <p>There are indications that the German Crewing Service company "Danica Maritime Services GmbH" is providing RPS in Ukraine and is based in Hamburg, Germany. However, this agency is not licenced by the competitive German Authority³⁸⁵.</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>The conclusion of the collective employment contract by the legislation is not obligatory. It consists under the agreement between workers and the employer³⁸⁶.</p>

³⁸² http://www.etc-odessa.com/docs/Catalog_ETC.pdf, p. 36

³⁸³ http://www.dcz.gov.ua/control/uk/publish/category?cat_id=292418

³⁸⁴ Results from desktop research. Source: <http://www.dcz.gov.ua/control/ru>

³⁸⁵ Results from desktop research. Source: <http://www.deutsche-flagge.de/de/besatzung/seearbeit/arbeitsvermittlung-seeleute/arbeitsvermittlung#grundsatz>

³⁸⁶ The code of laws on work, the Law of Ukraine "About collective agreements and agreements"



UKRAINE	
Social security branches covered (from date)	<ul style="list-style-type: none"> - pension insurance; - insurance in connection with the temporary disability and expenses caused by burial; - medical insurance; - insurance upon an industrial accident and occupational disease, entailed disability; - insurance on an unemployment case ³⁸⁷.
Other social security and seafarers insurances	No information available.
Other issues	
Complaint handling procedure	In case of violation of the rights abroad seafarers can complain to representatives of the ITF.
Cooperation with other countries relating to seafarer's recruitment and placement	<p>No information on bilateral/ multilateral agreements on labour or social security is available.</p> <p>Cooperation in seafarers' employment issues, with the following organisations.</p> <ul style="list-style-type: none"> • ITF-affiliated Maritime Transport Workers' Trade Union of the Ukraine (MTWTU)³⁸⁸ • Public council of the Odessa regional state • Ukrainian Marine Trade Unions ' Federation • Federation of Employers of Transport of Ukraine • Odessa Regional State Administration • State Inspection for safety at sea and river transport of Ukraine • Inspectorate for Training and Certification of Seafarers of Ukraine

³⁸⁷ Article 4 of Bases of the legislation of Ukraine about obligatory state social insurance

³⁸⁸ <http://mtwtu.org.ua>



UKRAINE	
	<ul style="list-style-type: none"> • Odessa National Maritime Academy • Maritime Arbitration Court • AVANT Training Centre of Seafarers • Classification Society "The Shipping Register of Ukraine"³⁸⁹ • Public Council under the State Inspectorate of Ukraine for Maritime and Inland Water Transport Safety³⁹⁰
Special notes and recommendations	
Notes	No special notes.
Recommendations regarding:	<p>States' awareness and guidance on implementation of the MLC, 2006.</p> <p>Regulatory framework of SRPS licensing, operation and supervision.</p> <p>List of licensed/certified SRPS from an official source.</p> <p>Results from SRPS supervision.</p> <p>System for Seafarers' Complaints and publication of relevant results.</p> <p>Seafarers' CBAs.</p> <p>Bilateral/ multilateral agreements on social security.</p>
Sectoral representatives interviewed and other sources used	
Sector	<p>Regulators.</p> <p>Seafarers' trade unions</p>
Organisations	<p>Shipping Register of Ukraine</p> <p>Maritime Transport Workers- Ukraine Union</p> <p>Black Sea primary trade union organization of seafarers</p> <p>Charitable Fund of Maritime Transport "Mortrans"</p> <p>Federation of Trade Unions of Ukraine</p>

³⁸⁹ <http://en.shipregister.ua/about/index.html>

³⁹⁰ http://umtuf.odessa.ua/en/?page_id=38



UKRAINE	
Sources	Sources of secondary data indicated in footnotes.

3.1.3. Indonesia

INDONESIA	
Category	Flag State
	NON-EU Member State
	Not ratified as of 08 September 2015. Toward to ratification ³⁹¹ .
National maritime labour information	
Fleet	Number of ships (dwt) 1.598 (15.511) as of 1 January 2014; Number of ships registered with the Indonesia Flag – 1.609 ³⁹² (as of 2014)
Sea going labour	77727 in total (15906 officers; 61821 ratings) ³⁹³
Competent Authority	
Name	Directorate of Sea Transportation Jendera
Address	Jl. Merdeka Barat No. 8, Jakarta 10110, Indonesia
Website	http://pelaut.dephub.go.id
Telephone	(021) 3451657
Contact Name	Direktorat Jenderal Perhubungan Laut Jl. Merdeka Barat No. 8 Jakarta 10110 Indonesia

³⁹¹ Indications that Indonesia is in the process of ratifying the MLC, 2006, as per information provided by the Directorate of Marine Safety and Seafarer's Affair, DGST- Ministry of Transportation, Republic of Indonesia, 13 October 2014. Online: <http://www.slideshare.net/popeyez/presentation-on-mlc-2006-ratification-progress-in-indonesia>

³⁹² http://unctad.org/en/PublicationsLibrary/rmt2014_en.pdf

³⁹³ BIMCO/ISF 2010



INDONESIA	
	Phone: (021) 3451657 Fax: (021) 3451657 Email: kepelautan@dephub.go.id
MLC documentation	
DMLC I	n/a
DMLC II	n/a
Results regarding MLC, 2006 implementation	
First ILO Progress Report	n/a
Comments from CEACR	n/a
Results from THETIS	Although the MLC, 2006 is not ratified by Indonesia, the Indonesian-flagged ships are under PSC inspection concerning the MLC, 2006 minimum standards. From 20 August 2013 to 20 August 2015, there were 3 inspections, with one detention recorded. With regard to living and working conditions and labour conditions, 3 inspections were conducted with 1 detention ³⁹⁴ .
Other Comments	None.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	No official information available.
No of Private RPS	No official information available. Unofficial sources indicate 34 private SRPS ³⁹⁵ .
No of Seafarer job placement internet	No official information available.

³⁹⁴ <https://portal.emsa.europa.eu/web/thetis/inspections>

³⁹⁵ <http://www.ship.gr/crew/indonesia.htm>



INDONESIA	
web sites	
RPS Licensing	No official information available.
RPS Supervision	No official information available.
Comments	Validation of seafarers' certificates available online ³⁹⁶ .
Seafarers' insurance and social security	
Seafarers CBA in Place	No official information available.
Social security branches covered (from date)	No official information available.
Other social security and seafarers insurances	No official information available.
Other issues	
Complaint handling procedure	No official information available.
Cooperation with other countries relating to seafarer's recruitment and placement	No official information available.
Special notes and recommendations	
Notes	Lack of available information.
Recommendations	States' awareness and guidance on implementation of the MLC,

³⁹⁶ <http://pelaut.dephub.go.id/index.php>



INDONESIA	
regarding:	<p>2006.</p> <p>Regulatory framework of SRPS licensing, operation and supervision.</p> <p>List of licensed/certified SRPS from an official source.</p> <p>Results from SRPS supervision.</p> <p>System for Seafarers' Complaints and publication of relevant results.</p> <p>Seafarers' CBAs.</p> <p>Bilateral/ multilateral agreements on social security.</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, international organisations.
Organisations	<p>EMSA</p> <p>ILO</p> <p>Directorate General of Sea Transportation of Indonesia.</p>
Sources	Sources of secondary data indicated in footnotes.



3.1.4. Turkey

TURKEY	
Category	Flag State
	EU Candidate Country
	MLC is not ratified by Turkey
National maritime labour information	
Fleet	Total number of vessels 1220 with an IMO number; Number of ships (dwt) 1 547 (29,266,000 DWT) as of of 1 January 2014 ³⁹⁷ Number of ships registered with the Turkish Flag - 632 (as of 2014) ³⁹⁸ Number of ships under the Turkish Flag as of 1 January 2013 - 485 Number of ships under the foreign flag as of 1 January 2013 - 1062 ³⁹⁹
Sea going labour	87743 in total (36 734 officers; 51 009 ratings) ⁴⁰⁰
Competent Authority	
Name	Ministry of Transport, Maritime Affairs and Communications Head of Department.
Address	Hakkı Turaylıç Caddesi No:5 Emek Çankaya / Ankara / TÜRKİYE
Website	http://www.udhb.gov.tr/
Telephone	+90 312 203 22 20
Contact Name	Mr. Giray Yüksel (psc@udhb.gov.tr, gemi.denetim@udhb.gov.tr)
MLC documentation	

³⁹⁷ http://unctad.org/en/PublicationChapters/rmt2014ch2_en.pdf

³⁹⁸ Ibid., p. 44

³⁹⁹ <http://rodaport.com/dosyalar/deniz-ticaret-filosu-buyudu.pdf>

⁴⁰⁰ <http://ec.europa.eu/transport/modes/maritime/studies/doc/2011-05-20-seafarers-employment.pdf>, p. 16



TURKEY	
DMLC I	n/a
DMLC II	n/a
Results regarding MLC, 2006 implementation	
First ILO Progress Report	n/a
Comments from CEACR	n/a
Results from THETIS	<p>From 20 August 2013 to 20 August 2015, there were 849 inspections, with 38 detentions recorded.</p> <p>With regard to crew certification, living and working conditions, and labour conditions, 281 inspections were conducted with 31 detentions⁴⁰¹.</p>
Other Comments	None.
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	1 ⁴⁰² . ISKUR, who handles the presidency of WAPES (World Association of Public Employment Services)
No of Private RPS	<p>No official information available.</p> <p>183 shipping-related firms⁴⁰³, but not specific crewing/ manning agencies.</p>
No of Seafarer job placement internet web sites	<p>Approximately 12, who are promoted nationwide in popular newspapers. They are considered to be offering maritime courses for beginners with a job guarantee.</p> <p>There is a growing number of RPS for maritime professionals (both seagoing and shore-based) which are neither certified, licensed or otherwise regulated.</p>

⁴⁰¹ <https://portal.emsa.europa.eu/web/thetis/inspections>

⁴⁰² <http://esube.iskur.gov.tr/>

⁴⁰³ <http://www.turkeybusiness.com/firmalar.asp?uid=103&CID=1147>



TURKEY	
RPS Licensing	<p>The public RPS was legally a monopoly in the past⁴⁰⁴, having the sole legal rights as an RPS. Recent changes in the legislation allow for private RPS to operate⁴⁰⁵.</p> <p>Any private RPS has to apply to ISKUR to receive approval of the authority in order to operate; Permission to operate is mandatory.</p> <p>However there is a legal restriction, as ISKUR permits RPSs that offer a permanent employment. Thus, the maritime sector that includes seafarers' employment for a defined period is legally prevented.</p> <p>No official list of licensed RPS available online.</p>
RPS Supervision	<p>The permission issued by ISKUR is valid for three years. ISKUR is responsible for supervision of private RPS.</p> <p>In terms of recruitment patterns and methods, it is possible to distinguish two groups of companies regarding their recruitment. In the first group, which mainly consists of those companies that have secure lines and freight, ships comply with good standards of safety and employment conditions. These companies are few in terms of quantity and constitute only the 5% of the shipping companies. The second group is mainly composed of smaller companies that tend to apply the lower standards of employment and safety. Most of the Turkish shipping companies fall into this category⁴⁰⁶.</p>
Comments	None.
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>There is no national CBA in Turkish Maritime Law.</p> <p>CBAs may be signed between a shipping company and the seafarers' union. Seafarers working on Turkish- owned and manned ships but under FOCs (this represents 70% of the national fleet) there is an ITF approved national CBA. So ITF CBAs are in use⁴⁰⁷.</p>
Social security	Medical care

⁴⁰⁴ Previous research confirms that there were no licensed crewing company or manning agents in Turkey in the past. Source: Parlak, Yildirim (2006). www.journals.istanbul.edu.tr/iuifm/article/download/.../1023006747

⁴⁰⁵ Source: Representative of Seafarers' Trade Union.

⁴⁰⁶ Enhancement Of Seafarer Loyalty to the Company in Different Countries. Gökçe Çiçek Ceyhun. DEN_ZC_L_K FAKÜLTES_ DERG_S_ 2/1 (2010), p.105

⁴⁰⁷ Source: Representative of Seafarers' Trade Union.



TURKEY	
branches covered (from date)	Sickness Benefit Old-age Benefit Employment Injury Benefit Maternity Benefit Invalidity Benefit Survivors Benefit ⁴⁰⁸
Other social security and seafarers insurances	No other information.
Other issues	
Complaint handling procedure	No information available.
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	Turkish Maritime Center of Excellence will be established for increasing maritime safety and ability to meet EU criteria in terms of the standards of seafarers; employment opportunities for Turkish seafarers and decreasing possible risks to marine environment ⁴⁰⁹ . Indications that websites acting as SRPS are involved in cases of fraudulence with unresolved trials since there is a difficulty to

⁴⁰⁸ Source: ILOLEX Database

⁴⁰⁹ Maritime Policy Developments in Turkey. Republic of Turkey, Ministry of Transport, Maritime Affairs and Communications, 30 October 2013, Brussels. P. 25.
https://webgate.ec.europa.eu/maritimeforum/sites/maritimeforum/files/Maritime%20Policy%20Developments%20in%20Turkey_Turkey_M.%20Karabiyik.pdf



TURKEY	
	identify the physical opponent, as they do not have offices based in a particular place ⁴¹⁰ .
Recommendations regarding:	<p>States' awareness and guidance on implementation of the MLC, 2006.</p> <p>Regulatory framework of SRPS licensing, operation and supervision.</p> <p>List of licensed/certified SRPS from an official source.</p> <p>Results from SRPS supervision.</p> <p>System for Seafarers' Complaints and publication of relevant results.</p> <p>Seafarers' CBAs.</p> <p>Bilateral/ multilateral agreements on social security.</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, MET, Seafarers' Union
Organisations	<p>Ministry of Foreign Affairs of Turkey</p> <p>Ministry of Transport, Maritime Affairs and Communications of Turkey.</p> <p>Dokuz Eylül Üniversitesi (Izmir). Denizcilik Fakültesi Dergisi.</p> <p>Türkiye Denizciler Sendikası (Seafarers ' Union of Turkey) (DAD-DER)</p>
Sources	Sources of secondary data indicated in footnotes.

⁴¹⁰ Source: Representative of Seafarers' Trade Union.



3.1.5. India

INDIA	
Category	Flag State
	Non EU Member State
	India has ratified the MLC, 2006 on 9 October 2015 ⁴¹¹ ; in force: 9 October 2016.
National maritime labour information	
Fleet	Total number of vessels 702 with an IMO number ⁴¹² ; Number of ships (dwt) 702 (15 245,000) as of 1 January 2014 ⁴¹³ Number of ships registered with the Indian Flag- 681 ⁴¹⁴ (as of 2014) Number of ships under the foreign flag as of 28 February 2015 - 21 ⁴¹⁵
Sea going labour	62673 in total (46497 officers; 16176 ratings) ⁴¹⁶
Competent Authority	
Name	Directorate General of Shipping
Address	9th Floor Beta Building, i-Think Techno Campus, Kanjurmarg (East), Mumbai - 400 042 (India)
Website	http://www.dgshipping.gov.in/index.aspx
Telephone	91-22-25752040/41/42/43/45

⁴¹¹ India has ratified the MLC, 2006 at the end of this study- 9 October 2015 (Source: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_414224/lang--en/index.htm). The country is examined throughout the analysis as an MLC non ratifying LSS.

⁴¹² <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

⁴¹³ Review of Maritime Transport 2014, UNCTAD, p. 34.

⁴¹⁴ Ibid., p. 44

⁴¹⁵ http://www.bsh.de/de/Schifffahrt/Berufsschifffahrt/Deutsche_Handelsflotte/Statistik_Fort.pdf

⁴¹⁶ BIMCO/ISF 2010



INDIA	
Contact Name	Shri Deepak Shetty, Tel: 91-022-25752005 / 25752010, E-mail: dshetty-dgs@nic.in
MLC documentation	
DMLC I	Not Ratified.
DMLC II	Not Ratified.
Results regarding MLC, 2006 implementation	
First ILO Progress Report	n/a
Comments from CEACR	n/a
Results from THETIS	<p>Although the MLC, 2006 is not ratified by India, the Indian-flagged ships are under PSC inspection concerning the MLC, 2006 minimum standards.</p> <p>From 20 August 2013 to 20 August 2015, there were 44 inspections by the PSC of ships running under the Indian Flag, with 2 detentions recorded.</p> <p>With regard to crew certification, living and working conditions, and labour conditions, 10 inspections were conducted with one detention⁴¹⁷.</p>
Other Comments	<p>The Indian Maritime Administration had facilitated the Indian Ships, owners to subject their ships to a voluntary inspection for MLC, 2006, vide M.S. Notice No. 07 of 2013 (F. No. 16(5)/CR/2010) dated 01.02.13, so that a 'Statement of Compliance' for MLC 2006 can be issued to such ships which will enable these ships to receive favorable treatment under MLC regime in foreign ports till the ratification of the convention by India⁴¹⁸.</p>
Regulation, certification or licensing and operation of Recruitment and	

⁴¹⁷ <https://portal.emsa.europa.eu/web/thetis/inspections>.

⁴¹⁸ <http://www.dgshipping.gov.in/Content/MaritimeLabourConvention.aspx>



INDIA	
Placement Services for seafarers (RPS)	
No of Public RPS	2 ⁴¹⁹
No of Private RPS	339 ⁴²⁰
No of Seafarer job placement internet web sites	As of 339.
RPS Licensing	Responsible is the Directorate General of Shipping. List of licensed SRPS is available online ⁴²¹ .
RPS Supervision	No available information.
Comments	<p>The Government of India has set up Seamen's Employment Offices in Mumbai and Calcutta, the major ports for regulating recruitment of seamen in India. The Seamen's Employment Board at Mumbai is headed by the Director General of shipping, while at Calcutta it is headed by the Principal Officer, Mercantile Marine Department, Calcutta. Besides the Government nominees the shipowners and seafarers are the members of the Seamen's Employment Board.</p> <p>This is a policy making body relating to the Seafarers' Employment Offices and gives direction for the smooth functioning of these offices. It prescribes guidelines for -among others-the appointment of seafarers, procedure regarding recruitment and selection of seafarers, prescribing education and age criteria for entering into seafaring profession⁴²².</p>
Seafarers' insurance and social security	
Seafarers CBA in Place	The International Transport Workers' Federation (ITF) and the Maritime Union Of India (MUI) signed the collective bargaining agreement for Indian officers.

⁴¹⁹ http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap20

⁴²⁰ http://www.dgshipping.gov.in/Content/RPSAgencies.aspx?menu_id=310

⁴²¹ <http://www.dgshipping.gov.in/Content/RPSAgencies.aspx>

⁴²² http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap20



INDIA	
	<p>The application is defined in Article 1 of the agreement:</p> <p>1.1 This ITF approved TCC Agreement sets out the standard terms and conditions applicable to Indian Officers serving on any ship owned or operated by a member of MASSA/FOSMA in respect of which there is an existence a Special Agreement made between ITF and the owner or operator.</p> <p>1.2 This Agreement is deemed to be incorporated into and to contain the terms and conditions of employment of Indian Officers to whom this Agreement applies whether or not the Company has entered into an individual Contract of Employment with the Officer.</p> <p>1.3 The Special Agreement requires the Owners (inter alia) to employ Officer on the terms and conditions of an ITF approved agreement and to enter into individual contracts of employment with any Officer to whom this Agreement applies, incorporating the terms and conditions of an ITF approved Agreement. The Company undertakes that it will comply with all the terms and conditions of this Agreement. The Company shall further ensure that signed copies of the applicable ITF approved agreement (CBA) and other ITF Special Agreements are available on board in English⁴²³.</p>
Social security branches covered (from date)	<ol style="list-style-type: none"> 1. Grant of monthly Ex gratia Monetary Assistance (MEMA) of Rs. 200/- to nearly 17,000 registered seafarers who have superannuated, have been declared medically unfit and to the widows/dependants of deceased seafarers. Every year there is an increase of about 1200 persons under this scheme. 2. Adhoc Exgratia one time financial assistance of Rs. 5000/- in respect of foreign-going seamen and Rs. 3000/- in respect of Home Trade seamen in the event of their death while in service. 3. Educational scholarships to children of seafarers. 4. Grants to various Seafarers Clubs/hostels/Homes for recreational and other welfare facilities. 5. Financial assistance to distressed seamen affected by natural

⁴²³ <https://abs.in.th/doc-b6-microsoft-word-itf-text-only-in-word>



INDIA	
	<p>calamities like cyclone/floods/riots, etc.</p> <p>6. Advance of wages to seafarers including to the vessels of ex-shipping companies who could not meet their liabilities due to financial strain or who have gone into liquidation or otherwise closed down.</p> <p>7. Death compensation to the widows/dependants of deceased seamen. A sum of Rs.40,000/- is paid to each widow/dependant of deceased seafarers⁴²⁴.</p>
Other social security and seafarers insurances	No other.
Other issues	
Complaint handling procedure	<p>The nature of the seafarers' job limits their opportunity to be ashore for only short durations, which put a time- constraint on them to resolve their individual/personal problems. The seafarers were approaching the DG Shipping and their allied offices for redressing their grievances The Maritime Labour Convention [MLC] addresses the issues and concerns entailing the resolution of grievances of seafarers through on-board [vessel] complaint procedures, as well as onshore seafarer complaint-handling procedures. A grievance redressal mechanism separately available for Indian seafarers that makes for their swift ground level resolution, will as a paradigm, effectively, further strengthen grievances redressal for Indian seafarers, as a confidence - building measure by providing wider access to the seafarers to address their grievances. Therefore, the Indian Maritime Administration has promulgated a well structured grievance mechanism for Indian seafarers vide Crew Branch Circular M.S. Notice No. 03 of 2013 (F. No. CR/Grievance Redressal/2013) dated 30.01.2013.</p> <p>The Maritime Labour Convention (MLC), 2006, under it's Regulation 5.1.5 also stipulates that each of its Member-State shall require that ships that fly its flag have their on-board procedures for the fair, effective and expeditious handling of seafarer complaints/grievances alleging breaches of the</p>

⁴²⁴ http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap21



INDIA	
	requirements of this Convention (including seafarers' rights). Hence, an on-board compliant mechanism has also been developed for seafarers serving on Indian flag vessel, vide M.S. Notice No. 04 of 2013 (F. No. CR/Grievance(on board)/75/12) dated 30.01.2013 ⁴²⁵ .
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	The Indian Maritime Administration had facilitated the Indian Ships, owners to subject their ships to a voluntary inspection for MLC, 2006 ⁴²⁶ . A well-established SRPS system, prior the ratification of MLC, 2006.
Recommendations regarding:	States' awareness and guidance on implementation of the MLC, 2006. Results from SRPS supervision. Publication of results concerning seafarers' complaints handling. Bilateral/ multilateral agreements on social security.
Sectorial representatives interviewed and other sources used	
Sector	Regulators and administrators, seafarers' trade union
Organisations	National Union of Seafarers of India (NUSI) The Directorate General of Shipping Ministry of Shipping Merchant Shipping

⁴²⁵ <http://www.dgshipping.gov.in/Content/GrievanceRedressal.aspx>

⁴²⁶ M.S. Notice No. 07 of 2013 (F. No. 16(5)/CR/2010) dated 01.02.13



INDIA	
Sources	Sources of secondary data indicated in footnotes.



3.1.6. Myanmar

MYANMAR	
Category	Labour Supplying State
	Non EU Member State
	MLC is <u>not Ratified</u> ⁴²⁷
National maritime labour information	
Fleet	Total number of vessels with an IMO number 422,883 ⁴²⁸ ; Number of ships (dwt) 36 (188) as of 1 January 2014 ⁴²⁹ Number of ships registered with the Myanmar Flag – 158 as of 1 January 2014 ⁴³⁰ Number of ships under the foreign flag ⁴³¹ 30 as of 1 January 2014
Sea going labour	31095 in total (10950 officers; 20145 ratings) ⁴³²
Competent Authority	
Name	Department of Marine Administration ⁴³³
Address	No.363/421, Corner of Merchant & TheinByu Road, Botataung Township, Yangon, Myanmar. P.O.Box: 194
Website	http://www.dma-mm.org/default.aspx

⁴²⁷

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312331:NO

⁴²⁸ <http://www.fleetmon.com/en/vessels>

⁴²⁹ Review of Maritime Transport 2014, UNCTAD, p. 36.

⁴³⁰ Review of Maritime Transport 2014, UNCTAD P.36

⁴³¹ Review of Maritime Transport 2014, UNCTAD P.36

⁴³² BIMCO/ISF 2010

⁴³³ www.dma-mm.org/PDFs/SRPS



MYANMAR	
Telephone	Tel: +95-01-397642 +95-01-397641
Contact Name	Email: dgdma@myanmar.com.mm dma.myan@gmail.com
MLC documentation	
DMLC I	Not available
DMLC II	Not available
Results regarding MLC, 2006 implementation	
First ILO Progress Report	n/a
Comments from CEACR	n/a
Results from THETIS	Although the MLC, 2006 is not ratified by Myanmar, the Myanmar-flagged ships are under PSC inspection concerning the MLC, 2006 minimum standards. From 20 August 2013 to 20 August 2015, there are no records on THETIS.
Other Comments	Verification of seafarers' certificates available online ⁴³⁴ .
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	Public SRPS are allowed but there are no such at present. Seamen Employment Control Division (SECD) ⁴³⁵ .
No of Private RPS	Officially 163 private RPS currently operate ⁴³⁶ . Some 53 are certified by class NK on a voluntary basis ⁴³⁷ .

⁴³⁴ <http://www.dma-mm.org/freeverify.aspx?id=6>

⁴³⁵ <http://www.mot.gov.mm/dma/contacts.html>

⁴³⁶ Interview with representative of the Department of Marine Administration, Myanmar.

⁴³⁷ https://www.classnk.or.jp/hp/pdf/activities/mlc/reg_mlc.pdf



MYANMAR	
No of Seafarer job placement internet web sites	No special requirement for online publishing. No official number.
RPS Licensing	SRPS Licence issuing authority is the Department of Maritime Administration (DMA) ⁴³⁸ , Ministry of Transport (MOT). Licensing is mandatory.
RPS Supervision	The Seafarer Division (SD) of DMA supervise the certified RPS ⁴³⁹ .
Comments	<p>In Myanmar, Seafarer Recruitment and Placement Services (SRPS) Licence was started to issue at 1st April 2014, by Department of Marine Administration (DMA), Ministry of Transport (MOT), in accordance with the DMA Notification No. 3/2013.</p> <p>Department of Marine Administration works directly under the auspices of the Ministry of Transport and was headed by the Director General. DMA is the only specialised executive arm of the Government to perform the implementation of the regulatory functions, embodied in the national maritime legislation. DMA has its own functions and manner of operating. The main functions of DMA are -among other-:</p> <ul style="list-style-type: none"> • Conducting of regular examinations for certificates of competency for deck and engineer officers of sea-going vessels; • Registration, recruiting and placement of seamen including officers; • Co-ordinating the work of classification societies to whom statutory work has been delegated; • General supervision of maritime matters; • Adopting and implementing of IMO Conventions; • Advising and assisting the Government on maritime matters; • Surveys and certification of ships. <p>Seamen Employment and Control Division (SECD) is one of the divisions of DMA and the only authorised crew manning department in the Union of Myanmar. Its objective is to control</p>

⁴³⁸ <http://www.dma-mm.org/Funct.aspx>

⁴³⁹ Interview with representative of the Department of Marine Administration, Myanmar.



MYANMAR	
	<p>and prevent discrimination against national seamen by shipowners and ship manning agencies. Due to no legal associations or seamen’s unions in Myanmar, this Division also takes care of seamen’s social welfare elsewhere. Moreover, SECD has a full responsibility for carrying out officers and ratings’ registration, recruitment, and employment on foreign vessels. SECD serves as a non-profit making governmental body, it regulates the employment of seafarers serving on ships owned by Myanmar Five Star Shipping Line (National Line) as well as foreign shipping companies. Furthermore, seafarers’ employment made by any shipping companies whether national or international must go through the regulations that are set up by this Division. In addition, the main task of SECD is to promote the employment of national seafarers internationally as well as nationally and also to protect their 11 entitlements, and make agreements with shipping and manning companies regarding terms and conditions. The Seamen’s Employment Control Division (SECD), which operates under the auspices of the Department of Marine Administration, is the sole organisation which enters into agreements with about 198 shipping companies concerned and has total control over the recruitment, welfare, and rights of all Myanmar seafarers⁴⁴⁰.</p>
Seafarers’ insurance and social security	
Seafarers CBA in Place	<p>One Myanmar CBA for Seafarers issue by Tripartite Committee .</p> <p>The main conditions of employment are standard to all agreements, with the main features such as leave pay, hours of work, and contract duration (hours of duty), public holidays, and family allotments. Examples of conditions are set out as follows:</p> <p>Leave pay. This is the rate of between 2 to 5 days per month, depending on rank.²⁷</p> <p>Hours of work. The standard working week is 44 hours, with overtime being paid for all hours in excess.</p> <p>Contract duration. The standard duration is 12 months, although it is customary for repatriation to be arranged after nine months’ service.</p> <p>Public holidays. There are 14 annual public holidays for which</p>

⁴⁴⁰ <http://dlib.wmu.se/jspui/bitstream/123456789/463/1/13197.pdf>



MYANMAR	
	overtime payments are made for non-essential duties. Family allotments. All seafarers are required to remitting at least 10% of their basic wages to their families at home ⁴⁴¹ .
Social security branches covered (from date)	Four social security branches are covered: Medical care, sickness benefit, employment injury and survival benefit.
Other social security and seafarers insurances	No information available.
Other issues	
Complaint handling procedure	No information available.
Cooperation with other countries relating to seafarer's recruitment and placement	No information available.
Special notes and recommendations	
Notes	The competent authority aims to improve the SRPS system for the support of seafarers' employment.
Recommendations concerning:	States' awareness and guidance on implementation of the MLC, 2006. Regulatory framework of SRPS licensing, operation and supervision. List of licensed/certified SRPS from an official source. Results from SRPS supervision. System for Seafarers' Complaints and publication of relevant

⁴⁴¹ Brooks, M.R., (1989) *Seafarers in the ASEAN region*, Singapore: Institute of Southeast Asian Studies.



MYANMAR	
	results. Seafarers' CBAs. Bilateral/ multilateral agreements on social security.
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators
Organisations	Ministry of Transport, Department of Maritime administration Myanmar Seaman Employment Association
Sources	Sources of secondary data indicated in footnotes.



3.2. EU labour supplying member states

3.2.1. Romania

ROMANIA	
Category	Labour Supplying State
	EU Member State
	MLC is <u>not Ratified</u> ⁴⁴² . Toward to Ratification ⁴⁴³ .
National maritime labour information	
Fleet	Total number of vessels 70 with an IMO 70 number ⁴⁴⁴ ; Number of ships (dwt) 94 (1 044) as of 1 January 2014 ⁴⁴⁵ Number of ships registered with the Romanian Flag – 55 as of 1 January 2014 ⁴⁴⁶ Number of ships under the foreign flag ⁴⁴⁷ 989 as of 1 January 2014
Sea going labour	24343 in total (18 575 officers; 5 768 ratings) ⁴⁴⁸
Competent Authority	
Name	Romanian Naval Authority
Address	RNA Building 1 Incinta Port No. 1 900900 CONSTANTA
Website	www.rna.ro
Telephone	Tel: +40 241 602229 Fax: +40 241 616229
Contact Name	Capt. Serban Berescu Director of Inspections Safety and Security

⁴⁴² http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102824

⁴⁴³ Inofficial information from workshop delegate stating that there are indications that the Committees of the Romanian Parliament are in the process of voting for the MLC, 2006 ratification in September 2015.

⁴⁴⁴ <http://www.emsa.europa.eu/work/jobs/items.html?cid=142&id=2314>.

⁴⁴⁵ Review of Maritime Transport 2014, UNCTAD, p. 36.

⁴⁴⁶ Review of Maritime Transport 2014, UNCTAD P.36.

⁴⁴⁷ Review of Maritime Transport 2014, UNCTAD p.36.

⁴⁴⁸ Study on EU Seafarers Employment. Final Report, 2011, p. 11. Also BIMCO/ISF 2010



ROMANIA	
	of Navigation Email: rna@rna.ro
MLC documentation	
DMLC I	n/a
DMLC II	n/a
Results regarding MLC, 2006 implementation	
First ILO Progress Report	n/a
Comments from CEACR	n/a
Results from THETIS	Although the MLC, 2006 is not ratified by Romania, the Romanian-flagged ships are under PSC inspection concerning the MLC, 2006 minimum standards. From 20 August 2013 to 20 August 2015, there were 1 inspections by the PSC of ships running under the Romanian flag without a deficiency. With regard to crew certification, living and working conditions and labour conditions, there are no records ⁴⁴⁹
Other Comments	Not available
Regulation, certification or licensing and operation of Recruitment and Placement Services for seafarers (RPS)	
No of Public RPS	None ⁴⁵⁰ .
No of Private RPS	114 ⁴⁵¹ licensed, but some of them are actually Ship-owners for Sea or River going ships. (1 certified from class NK) ⁴⁵²
No of Seafarer job	No special requirement for online publishing. No official

⁴⁴⁹ <https://portal.emsa.europa.eu/web/thetis/inspections>.

⁴⁵⁰ The Agentia Nationala Pentru Ocupare fortei de Munca (ANOFM) (www.anofm.ro) is registered to the World Association of Public Employment Services (WAPES) (www.wapes.org), however it is not specific to seafarers.

⁴⁵¹ <http://portal.rna.ro/SiteAssets/PDF/crewing.pdf>

⁴⁵² https://www.classnk.or.jp/hp/pdf/activities/mlc/reg_mlc.pdf



ROMANIA	
placement internet web sites	information available.
RPS Licensing	<p>RPS's are mandatory licensed by the Romanian Naval Authority and most of them are voluntary certified by RO's, as MLC, 2006 is not yet in force.</p> <p>Companies that provide services selection and placement of personnel seafarers and inland waterway vessels flying the Romanian flag or foreign, called agents can operate the selection and placement of seafarers only if authorised by the Romanian Naval Authority. Operating authorisation to carry out the selection and placement of personnel seafarers is issued at the request of the legal representative of the agency crew.</p> <p>Crewing agencies are required to keep a record of seafarers selected and placed through them.</p> <p>Permits shall be signed by the Director General of the Romanian Naval Authority. Permits shall be given to crew agency based driver signature that activity or a delegate authorized for this purpose, once a commitment signed in two copies, one of which remains the trader. In order to obtain authorisation, crewing agency will address Romanian Naval Authority, a public institution subordinated to the Ministry Public Works, Transport and Housing. Activity selection and placement of seafarers must be conducted by a person specialised in maritime transport or inland.</p> <p>a) Application for issuing the operating license;</p> <p>b) Incorporation of the company, showing that the activity is included activity for which authorisation is requested;</p> <p>c) the certificate of registration with the Trade Registry, which contains the unique recording;</p> <p>d) Diploma and / or certificate / certificate driver specific activity of the Agency. The crew, certifying training needed to execute this function;</p> <p>e) a statement of the work that will carry the company concerned about activity selection and placement of seafarers;</p> <p>f) copy of the brokerage contract concluded with the owner or contractual form;</p> <p>g) Proof that the security deposit in an account opened with a bank or certified copy of the insurance policy worth at least \$ 100,000, with all the risks and terms referred to in art. 7-9 of judgment;</p> <p>h) notarised statement given on oath, according to Art. 10 of the judgment</p>



ROMANIA	
	<p>The license issued by the Romanian Naval Authority is valid for 5 years from the date issue, provided annual reconfirmation.</p> <p>Reconfirmation authorisation is done by applying annual visa. If the annual reconfirmation is not performed, the authorisation to withdraw from office. The license may be suspended for up to 30 days in cases where it is found that the operator no longer meets the criteria under which it was granted and / or have not been complied with legal regulations on activities for which it was authorized, period in which to remedy the shortcomings noted, failing which the authorisation to be withdrawn upon termination of the term of suspension</p> <p>Throughout the duration of the authorisation agency crew is required:</p> <ul style="list-style-type: none"> a) comply with specific technical operating conditions that are contained in the contract specifications drawn up by the Romanian Naval Authority as an annex to the permit; b) to provide security to assure the payment of repatriation expenses and money due to two months seafarers crewing agency place, where vessel owner or operator fails to fulfill this obligation. <p>Crewing agencies may perform selection and placement of personnel crew if they have provided in association, the object of activity, selection and job placements</p> <p>The reference legislative framework to be respected crewing agencies It will provide internal norms on labor law and conventions international and bilateral agreements to which Romania is a party, apply. Technical conditions specific operating- It states that the agency crew crew can place only on the basis of firm offers of employment made by shipowners or comparable categories. The firm offer of employment on board, made by shipowners or comparable categories accurate means of minimal elements of nature, as follows:</p> <ul style="list-style-type: none"> a) the duration and nature of embarkation; b) function on-board salary, including bonuses and allowances to be transferred to the country, allowances abroad, working time and rest, overtime, leave rest pay, working conditions, safeguards and safety at work; c) the dates for payment of salary and other emoluments payable; d) the dates for payment of allowances abroad; e) Indemnification crew for occupational accidents and diseases professional; f) the obligations of seafarers;



ROMANIA	
	<p>g) accommodation and food during boarding contract;</p> <p>h) ensuring formalities, bearing the cost and terms of transport in Romania and return to the ship for crew and family members that may accompany or visit.</p> <p>Agencies providing services crew selection and placement of personnel or river seafarers on ships flying the flag Romanian or foreign, hereinafter crew, based on firm job offers submitted by shipowners. The shipowner means, for the purposes of this decision, a legal person, Romanian or foreign, performing activities river and shipping times, taking responsibility operation of a ship, has agreed to pay all duties and obligations.</p> <p>Crewing agencies can employ crew for a period determined by individual employment contract concluded under the collective agreement negotiated with the union representative in the law.</p> <p>Legally constituted as legal entities operating in Romania, which self-selection and placement of seafarers on ships or barges Romanian or foreign flag, hereinafter crewing agencies will be carry out this work only under the authorization issued by the Romanian Naval Authority and compliance with the specific technical conditions of operation, contained in the contract specifications drawn up by the Romanian Naval Authority as an annex to the authorization, according to the methodology set in the annex to the present decision. Authorizing economic agents carrying out the activities referred to in para. (1), Romanian Naval Authority has the right to charge fees that are approved by the Minister Transports, Constructions and Tourism.</p> <p>Agency crew detaches the owner applicant under a personal supply contract, which stipulated the mutual obligations of the Agency and the shipowner. Seafarers on board concludes with a shipowner or his representative boarding agreement, which sets out specific working and living conditions on board. Crewing agencies may conduct employment intermediation crew only under a contract with the owner requesting called contract intermediation, which establishes criteria for the selection and placement of seafarers in board shipowner.</p> <p>All expenses for the selection and placement of seafarers shall be borne crewing agency. The costs of mandatory national medical examinations, certificates, document personal travel and national documents certifying the quality and not professional will be considered for recruitment fees or other expenses being borne by seafarers. Authorization crew operating agency must proof of establishing a measure of financial security in case of abandonment outside Romanian crew placed it through the provision of security, called warranty financial security, worth at least \$ 100,000 Guarantee financial security must be established</p>



ROMANIA	
	<p>to cover the costs of repatriating crew, crewing agency placed, and two months of non-payment rights its money due, determined by the individual or by contract boarding intermediation, if the default of the owner thereof. The security referred to in Art. 7 may be either by depositing that amount in a deposit account opened at a bank in Romania, licensed in accordance with legal provisions force or as an insurance policy concluded for this purpose, issued by a company Romanian insurance in compliance with legal regulations, provided that the amounts needed to be made available at the request of the Romanian Naval Authority. Crewing agencies are required to extend the system of financial security cases of abandonment of seafarers outside Romania so that staff crew selected and placed after the authorization to be effective and nominal cover for such risks. Crewing agencies will extend the warranty provided in art. 7, as provided in art. 8, in a sufficient amount so that it covers, from the moment of ordering the the travel agency to the ship for embarkation and return to any member of staff placed on board vessels flying. Agency crew will present to obtain an operating license notarised statement given on oath shareholder / administrator, stating that that in case of impossibility guarantee is \$ 100,000 fault exclusive agency crew, it will hold its own expense payment of unpaid money owners, for a period of two months from boarding, and pay the costs of repatriation seafarers.</p> <p>The proper application of Government Ordinance no. 9/1992 on organisation of official statistics, approved with amendments by Law no. 11/1994, republished, crewing agencies will send up to April 25 of the following year period reporting to the Romanian Naval Authority information on:</p> <ul style="list-style-type: none">a) income from the activity for which authorisation has been obtained, profit / loss, as were communicated through annual balance sheet the general direction of public finances in the territory;b) Persons selected and placed - crew sent Romanian flag vessels or alien during the reporting period, divided into pavilions and functions. <p>The specification will be signed on each page by the responsible department head authorizations of the Romanian Naval Authority.⁴⁵³</p>

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<http://portal.rna.ro/SiteAssets/servicii/autorizari/HG%2083%20din%202003%20privind%20autorizarea%20agentiilor%20de%20crewing.pdf>



ROMANIA	
RPS Supervision	Inspection or audit of SRPS is not mandatory for re-certification. However, random inspection performed regularly.
Comments	Operating Permits issued crewing agencies to date into force of this decision, pursuant to Government Decision no. 10/1997 regarding the authorization companies engaged in mediation for hiring or river seafarers on ships under foreign flags remain valid until their expiry date terms of validity of the insurance policy, but not more than 60 days from the date of entry into force of this Decision. If the period of validity of the insurance policy expires after 60 days from the date entry into force of this Decision, crewing agency shall complement, out within these 60 days, the documentation required authorization according to this decisions ⁴⁵⁴ .
Seafarers' insurance and social security	
Seafarers CBA in Place	<p>There are ITF agreements, but Romanian CBA is pending.</p> <p>Seafarers concluded individual contract directly with the owner or boarding legal representative, which establishes the length and nature of boarding, compensation, compensation for accidents at work and occupational diseases, transport to and from the board ship specific working conditions and life on board, and obligations of cockpit for the feature, based on collective agreement, but not below accepted standards of the International Labour Organisation.</p> <p>Crewing agencies to which seafarers are employed under contract individual work required to establish beneficial owner by way of transfer agency crew of the funds needed to ensure the payment of wages, the contribution of social security contribution for health insurance, unemployment insurance contribution and insurance contribution for work accidents and occupational diseases. Seafarers, vessels flying the flag placed on Romanian or foreign, not is employed with individual labor contract crewing agencies can benefit from benefits provided by the public pension system and other social insurance rights, the system social health insurance or unemployment insurance system, insurance for accidents at work and occupational diseases, as provided by law⁴⁵⁵.</p>

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<http://portal.rna.ro/SiteAssets/servicii/autorizari/HG%2083%20din%202003%20privind%20autorizarea%20agenticilor%20de%20crewing.pdf>

455

<http://portal.rna.ro/SiteAssets/servicii/autorizari/HG%2083%20din%202003%20privind%20autorizarea%20agenticilor%20de%20crewing.pdf>



ROMANIA	
Social security branches covered (from date)	Maritime transport international health insurance is for sailors who prefer to secure health in its own name and not by shipowners. ⁴⁵⁶
Other social security and seafarers insurances	Medical care Sickness benefit Old age benefit Family benefit Maternity benefit ⁴⁵⁷
Other issues	
Complaint handling procedure	No information available.
Cooperation with other countries relating to seafarers' recruitment and placement	No information available.
Special notes and recommendations	
Notes	Crewing agencies to which seafarers are employed under individual contract are required to establish beneficial owner by way of transfer agency crew of the funds needed to ensure the payment of wages, the contribution of social security contribution for health insurance, unemployment insurance contribution and insurance contribution for work accidents and occupational diseases.
Recommendations regarding:	States' awareness and guidance on implementation of the MLC, 2006. Regulatory framework of SRPS licensing, operation and supervision. List of licensed/certified SRPS from an official source.

⁴⁵⁶ <http://priorimed.ro/asigurari-bupa/pentru-marinari/>

⁴⁵⁷ <http://maritimesun.com/news/wp-content/uploads/2012/02/GUIDANCE-ON-IMPLEMENTING-social-security-for-seafarers-MLC-2006.pdf> (see p.28).



ROMANIA	
	<p>Results from SRPS supervision.</p> <p>System for Seafarers' Complaints and publication of relevant results.</p> <p>Seafarers' CBAs.</p> <p>Bilateral/ multilateral agreements on social security.</p>
Sectoral representatives interviewed and other sources used	
Sector	Regulators and administrators, private RPS, Crewing agencies association
Organisations	<p>Ministry of Transport</p> <p>Autoritatea Navală Română - The Romanian Naval Authority</p> <p>Free Trade Union of Seafarers of merchant fleet⁴⁵⁸</p> <p>Association of Romanian Crewing Agencies</p>
Sources	Sources of secondary data indicated in footnotes.

⁴⁵⁸ <http://www.lnr.ro/site/static/sindicatul-liber-al-navigatorilor>



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Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Final Report

Annex IV - Detailed results of Seafarers' Survey

**Prepared by: Innovative Compliance Europe Ltd &
Hochschule Wismar, University of Applied Sciences: Technology, Business and Design
Supported by Dr. Maria Progoulaki**





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1. Introduction

Background

A survey of seafarers was undertaken as part of a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union.

The study has the following goals:

- Provide an assessment on how the main labour EU and non EU seafarers' supplying countries having ratified the MLC or being in the process of ratifying it are complying, or intend to comply with the requirements laid down in the MLC and the new obligations to establish an effective inspection and monitoring system for enforcing labour supplying responsibilities under the MLC;
- Identify the main policy options which will allow the EU and EU Flag States to ensure that the most important labour supplying States implement those responsibilities under the MLC pertaining to seafarer recruitment and placement, as well as the social security protection of its seafarers; and
- Assess the need or not of having a European Union legislative framework aimed at ensuring that the most important labour supplying States implement their responsibilities under the MLC as pertaining to seafarer recruitment and placement.

Introduction to the survey provided to respondents

"The Maritime Labour Convention (MLC), 2006 adopted by the International Labour Organisation (ILO) in February 2006, entered into force on 20 August 2013. The enforcement of working conditions standards by all ships calling into EU ports is achieved through port state control inspections by verifying that all ships, irrespective of their flags, comply with the minimum requirements of the MLC. The goal of MLC 2006 is to safeguard the rights of seafarers, irrespective of their nationality and/or the ownership of the vessel on which they are employed.

The objective of this questionnaire is to understand the changes that you personally have experienced since 20 August 2013. We will utilise the information that you provide us to make recommendations that could further enhance the protection that is provided under the MLC 2006. It should take no longer than 15 minutes to complete. We thank you for your assistance in this task"



2. Conduct of the survey

An initial English version of the text for the Survey of Seafarers was developed as a Microsoft Excel¹ file and distributed to the Commission, the project team, and a small number of stakeholders who offered to review the text. After obtaining feedback and suggestions for improvements, the text was 1) translated into Russian and Tagalog and 2) the three versions of the survey were loaded into the Survey Monkey² toolkit to establish web versions of the survey.

The questionnaires were reviewed by native English, Russian and Tagalog speakers in order to safeguard easy level of understanding of the topic with avoidance of any complicated technical terms of phrases, etc. The original translations were found to require further review and correction. The completed questionnaires contain 74 questions, which cover each of the areas under investigation in the frame of this study related to the seafarers' view.

Introductory text was prepared to introduce the survey and provide web-links to the survey questionnaires in each language.

The online surveys in three languages were accessible under the links:

- <https://www.surveymonkey.com/s/seafarersEN> (English)
- <https://www.surveymonkey.com/s/seafarersPH> (Tagalog)
- <https://www.surveymonkey.com/s/seafarersRUS> (Russian)

Seafarer and shipowner organisations were contacted by the project team, the introductory text was provided, and we requested that information on the survey would be made available to seafarers. Nautilus International, a number of the trade union organisations that are members of the IFT, Intermanager, and the Associated Marine Officer's and Seamen's Union of the Philippines (AMOSUP) informed their members of the survey, distributed our introductory materials, and requested participation. In addition a number of other stakeholders may have distributed information on the survey to their members, but we were not informed directly of this.

In addition, the study team paid fees to two commercial organisations :

- **Job2Sea**³, a web based maritime "job board" with a mailing list of more than 8,000 seafarers, of a variety of nationalities. Job2Sea is based in Copenhagen,

¹ <https://products.office.com/en-us/excel>

² <https://www.surveymonkey.com>

³ From the corporate web site of the company - *JOB2SEA has established itself as the world's largest maritime job board. Now the company is changing gears to be more focused on qualitative development through services within recruitment, personal profiles, an upgraded CV database, and an even closer dialogue with the industry and its HR departments. Internationalization, 24-7-365°, and the most advanced technology platform, prepared for all social media, continues as the norm. New Managing Director, Helle Drachmann, has*



Denmark. On the Job2Sea web site are listed some 36 shipowner and maritime industry clients⁴; and

- **Seaman Jobsite**⁵, a web based maritime “job board” located in Manila, Philippines offering services predominantly to Philippine seafarers.

to distribute the survey to internal lists of seafarers. Finally, a link to the survey was communicated through the Group “ILO Maritime Labour Convention (MLC 2006)” in LinkedIn⁶.

After the Implementation Workshop held in Berlin in June, workshop participants from the Philippines offered to obtain additional responses from Philippines seafarers waiting to transfer to ships outside the Philippines. These seafarers, who were predominantly Deck/Engine Cadets completed hard copies of the English questionnaire, which were then fed into the web based survey engine by the project team.

This Annex to the final report does not include the responses entered in the Tagalog language by Philippines seafarers. Although 46 responses were obtained in Tagalog, the quality of the responses was very poor, less than 30% of the questions had been answered, and including these partial answers in this report would have been counterproductive. The 170 Philippines seafarers who answered the English version of the Survey provided us with a sufficient sample, without using the Tagalog submissions.

taken over the helm. JOB2SEA has established itself as the world’s largest job board for the maritime sector. With 1,000 jobs per month, 5,000 CVs listing specific maritime skills and more than 100,000 monthly broadcasts to over 17,500 job seekers, many large and respected maritime companies today are regular users of JOB2SEA.

⁴ <http://job2sea.com/employers/>

⁵ <http://www.seamanjobsite.com>

⁶ https://www.linkedin.com/groups?home=&gid=3091190&trk=my_groups-tile-grp



3. Description of the respondents

As of September 24, 2015 a total of 519 seafarers had responded to the survey in the English (478) and Russian (41) language versions. Of these responses, 303 completed the survey in full, having answered a majority of the 74 questions. The majority of the questions that were not addressed by the 216 respondents who did not fully answer the survey, related to contracts and related terms of employment.

3.1. Nationality, crew positions and vessel categories

Nationality & crew positions

The following table provides an analysis of the nationalities and crew positions of the seafarers who responded to the survey in English. This table has been organised by the following categories of states:

- Non-EU Labour Supplying States (LSS)
- EU LSS
- EU Flag States

Category	Nationality (Primary)	Counts										Total
		Captain /Master	First Officer	Second Officer	Third Officer	Cadet	Eng, Officer	Steward	Rating	Other	No Response	
Non EU LSS	China											
	India	2	3		1	2	5	1	1	2		16
	Indonesia	1			1		1		1			4
	Malaysia								1			1
	Morocco											0
	Myanmar			1								1
	Philippines	4	4	5	7	105	6	7	8	23	1	170
	Russian Federation	10	6	6	3	1	15		3	1	2	47
	Ukraine	2		1								3
	Turkey		2									2
EU LSS	Bulgaria	2	1		1							4
	Croatia	4	1							1		6
	Greece	1					1			1		3
	Italy						1					1
	Poland	6	2	1			3		1			13
	Romania		1	1			2		1	1		6
	Other State	21	7	13	4	6	27	4	4	4	2	92
EU Flag States	Denmark	4	6	1		1	1	1	2	4		20
	Cyprus	1										1
	France	5	7				1	1				14
	Luxembourg											0
	Germany	1			1							2
	Malta											0
	Netherlands	1		1			1					3
	Spain											0
	United Kingdom	3	1	1	1	3	2	1	8	5		25
No State	2	5	1	5	8	11	4	4	3	42	85	
Total		70	46	32	24	126	77	18	34	45	47	519



The vast majority of the respondents to the survey were officers and officer cadets. In the table above, entries under “other state” related to respondents whose nationalities were not included in the Target Countries of the study. Entries under “no state” referred to the respondents who did not answer the “nationality” question.

“Other” Countries Listed

Country	Country
Austria	Mauritius
Bangladesh	Nigeria
Egypt	Norway
Estonia	Pakistan
Faroe Islands	Panama
Fiji	Serbia
Finland	Slovenia
Honduras	South Africa
Iceland	Sri Lanka
Iran	Sweden
Kenya	Tanzania
Korea	UAE
Latvia	USA
Lithuania	

“Other” Crew Positions Mentioned

AB-Motorman	Medic
Accounts Manager	Medical officer (Doctor)
Airport Services Supervisor	MTM
Bosun	Oiler
Butcher	Musician
Barista	On Board Training Specialist
Change management	Plumber
Chef de partie baker	Pumpman, Boatswain
Chief cook	Repair heavy engine
Cook	Rider
DPO	REFA
Electrician	Seinor Offshore Surveyor
Engine Fitter	Security
Fitter	wiper
Hotel comptroller	welder
Printer	Welder and laundryman



Number of years a seafarer

Half of the seafarers responding to the survey indicated that they had between 6 – 30 years of sea-going experience.

Answer Options	Response Per cent	Response Count
less than 5	35.77%	176
6 to 10	17.28%	85
11 to 20	20.53%	101
21 to 30	14.63%	72
more than 30	11.79%	58
<i>answered question</i>		492
<i>skipped question</i>		27

Ages of Respondents

90% of respondents were in the 21 - 64 year age range.

Answer Options	Response Percent	Response Count
over 65	2.19%	11
50-64	18.69%	94
40-49	21.87%	110
30-39	18.69%	94
25-29	11.53%	58
21-24	19.68%	99
18-20	7.36%	37
16-17	0.0%	0
Under 16	0.0%	0
<i>answered question</i>		503
<i>skipped question</i>		16

Sex of Respondents

Only 5.6% of the respondents were women seafarers. None of the seafarers who answered the Russian language version of the survey were female.

Answer Options	Response Percent	Response Count
Male	94.38%	470
Female	5.62%	28
<i>answered question</i>		498
<i>skipped question</i>		21



Latest or Current Vessel

Slightly more than 55% of the respondents served in either Bulk Carriers, Tankers or Container ships; of the 24% of the respondents who answered “other” many served on “off-shore” vessels.

Answer Options	Response Percent	Response Count
Bulk Carrier	21.76%	109
Tanker	23.15%	116
Container	11.18%	56
Roll on/Roll off	3.59%	18
Liquefied gas (LNG/LPG)	3.99%	20
Cruise Liner	6.99%	35
Passenger Ferry	2.79%	14
Commercial Yacht	1.40%	7
Private Yacht	1.40%	7
Other (please specify)	23.75%	119
<i>answered question</i>		501
<i>skipped question</i>		18

“Other” Vessel categories included:

AHTS	Military vessel
Airport Services Supervisor	MODU
Anchor Handling Towing Supply	Multitroll offshore supply vessel
Coaster	Multipurpose/Heavy lift
Crane Vessel Offshore	Naval Auxiliary
CTV	Naval Service Patrol vessels
DC,GC,MPV, Coaster	Office
DLB Barge	Offshore
Dp2 multi purpose	Offshore - MPSV (Crane - ROV and Construction)
Dredger	OFFSHORE FPSO
Drill ship	Offshore supply
DSV - Diving Support Vessel	Offshore vessel/chemical/bulk
Dry Cargo “socol” type	Offshore/Guard
dynamic positioning vessel/offshore vessel	Passanger
ERRV	Passenger/ cargo vessel
Floating Transport Offshore Platform	Pipelaying vessel
General Cargo	PSV
General Cargo/Heavy Lift	Research and survey
guardian vessel for oil platform	Research Vessel
Heavy Lift Vessel	RoRo/cont/pallet LNG Powered Cargo Vessel
Jack-Up Barge	Semi jack up (offshore)
Landingcraft	Semi-submersible heavy lift
Lighthouse supply	
Live fish carrier/previous ERRV & Various	



Supply & anchorhandling

Supply ship

Survey Vessel

Tow boat

Tug Boat

Utility

Wagon ferry

Well stimulation vessel



4. Findings from the survey

4.1. Obtaining your current employment

The responses relating to current employment indicate considerable use of web-boards. It is difficult to determine the extent to which these services consider themselves to be subject to Regulation 1.4 of the MLC, 2006, and to date we have not been able to identify many of these services that are subject to any form of regulation.

How did you hear about your current job?

With the exception of a large contingent of Deck/Engine Cadets from the Philippines who all had studied at a Maritime Academy, the major source of job information was recommendations, followed by RPS advertisement and Internet search.

Answer Options	Response Percent	Response Count
Position advertised by Crewing/Manning agent [Recruitment and Placement Service (RPS)]	19.83%	94
Recommendation	21.52%	102
Maritime Academy	30.59%	145
Published Advertisement in newspaper/magazine (not RPS, not any website)	4.01%	19
Internet search initiated by yourself	17.93%	85
Other (please specify)	6.12%	29
<i>answered question</i>		474
<i>skipped question</i>		45

Most frequent "other" responses were, friends and family and head hunted

Did you register on a web board in order to make your CV available to employers?

Removing the influence on the results of the Philippines Deck/Engine Cadets, roughly 50% of respondents registered with a web-board Internet service.

Answer Options	Response Percent	Response Count
Yes	35.94%	156
No	64.06%	278
<i>answered question</i>		434
<i>skipped question</i>		85



Were you contacted by a prospective employer as a result of posting your CV?

We found that 43% of the 327 respondents who answered this question were contacted by a prospective employer, as a result of having posted their CV's on web-board services. The total number of respondents to this question was 327 whereas the number of respondents who claimed to have posted their CV's on a web board in the previous question was only 156. This supports the study finding that seafarers are not aware of the differences between the offerings of RPS and web based services.

Answer Options	Response Percent	Response Count
Yes	42.81%	140
No	57.19%	187
<i>answered question</i>		327
<i>skipped question</i>		192

Did you believe that this website was operated by a Crewing/Manning Agent?

As only 60% of the survey respondents answered this question, and the result was evenly split between those that believed the website was operated by an SRPS and these that did not. It is therefore difficult to conclude that this indicates a trend – Why do respondents use web sites that are not operated by RPS? Is the fact that the SRPS is certified according to MLC, 2006 not of interest to seafarers?

Answer Options	Response Percent	Response Count
Yes	49.66%	147
No	50.34%	149
<i>answered question</i>		296
<i>skipped question</i>		223

Were you required to pay a fee for this web service?

Out of the 276 respondents who answered this question relating to **web service fees**, only 7.6% admitted to being charged a fee. However, it must be noted that some 45% of the respondents did not answer this question, which is markedly different from the average rate of non-response that is nearer to 10 – 15% of respondents. We must assume that the subject of payment of fees remains an open issue, especially where this may be related to fees charged by “web-boards” who fall outside the current definition of RPS.



Answer Options	Response Percent	Response Count
Yes	7.61%	21
No	92.39%	255
<i>answered question</i>		276
<i>skipped question</i>		243

Seafarers who answered that they paid a fee mentioned the following sums:

\$ 20	£700
500	50
\$ 20	10
¢ 15	13,000 Rand (SA)
£19.99	£800

Additional comments recorded:

*I do not trust any website for employment as they are all brokers. What comes to me direct from the owners I accept those jobs alone.
All Norwegian companies - a waste off time due to no reply...*

How were you finally recruited to your current position?

Most were hired in their current position directly by the shipping company or through an RPS, each accounting for more than 36% of the responses, with some 19% being recruited through a ship management company. It is not totally clear from these responses if the differences between these categories of employers is truly understood. Are ship management companies not considered by seafarers to be a category of RPSs?

Answer Options	Response Percent	Response Count
Directly by the shipping company	37.94%	162
Through a ship management company	14.52%	62
Through a Crewing/Manning agent (RPS)	37.70%	161
Other (please specify)	9.84%	42
<i>answered question</i>		427
<i>skipped question</i>		92



“Other” answers to this question included:

By the owner	
By the master	
Recommendation	
Educated by my shipping company and got contract after graduation	
Sent my application and CV directly to the Company	
Permanent contact with shipping company	
Subcontractor	
By e-mail	

If you were recruited by a Crewing/Manning Agent (SRPS), were you required to pay a fee?

Although the actual number of respondents who paid a fee is low (5.82% of respondents to the question), this number, taken into account with the number paying fees to web-boards further indicates that there may still be an issue with charging of placement fees.

Answer Options	Response Percent	Response Count
Yes	5.82%	22
No	94.18%	356
<i>answered question</i>		378
<i>skipped question</i>		141

Seafarers who answered that they paid a fee mentioned the following sums:

3 weeks
100
800
15,000 Philippines Peso (PHP) = \$ 350
\$ 100 – 200 each time to join ship as Document fees (prior to 2010 \$ 700 fee)
50,000 Indian Rupees (\$800)
\$ 1000 USD



If you were recruited by a Crewing/Manning Agent (RPS), what was the location of the RPS?

Answer Options	Response Count
	184
<i>answered question:</i>	184
<i>skipped questions:</i>	335

List of Locations:

Country	Count	Country	Count
Bangladesh	1	Pakistan	1
Croatia	1	Philippines	83
Denmark	2	Poland	8
Egypt	1	Romania	4
Faroe Islands	1	Russia	4
France	2	South Africa	1
Germany	1	Spain	1
Guernsey	1	Singapore	1
Honduras	1	Sri Lanka	1
Iceland	1	Sweden	1
India	4	Switzerland	1
Indonesia	3	Ukraine	1
Latvia	3	United Kingdom	5
Lithuania	3	OSM maritime services	1
Marinesee	1		
Monaco	2		
Netherlands	2		
Norway	1		

Are you aware if the Crewing/manning agency that you used is certified in the state in which it operates?

Until the Philippines Deck/Engine Cadets were entered into the survey, more than two-fifths of the respondents are not aware if the RPS that they are using was state certified. At that time only 60% of respondents answered this question. Including the Philippines Deck/Engine Cadets the responses changed completely to 62% being aware of state certification. However the number of respondents not answering the question remained unusually high. This supports the study finding that not all seafarers are sufficiently aware of the benefits of MLC, 2006 as these relate to the operations of SRPS.



Answer Options	Response Percent	Response Count
Yes	62.24%	211
No	37.76%	128
<i>answered question</i>		339
<i>skipped question</i>		180

How did respondents who answered "yes" know that the RPS was licensed/certified:

English Language Respondents:

- Printed license
- MLC certificate by Lloyd and french list of registered
- I have been working for the same company for last 14 years and I know it is certified
- I can check license in the crewing
- The manning agency was certified by Philippine Overseas Employment Agency which means to say it is with licensed.
- Printed license
- it can be found on official web site of National Maritime Authorities
- All certificates were printed on web site
- info on recruit forms
- certificate in the office visible for every visitor
- From Letter of Compliance issued by Polish Authorities
- It is registered at philippine overseas employment agency
- Certification/license displayed.
- Poea license posted
- visit in the company itself
- Information given by the Philippine Government through Philippine Overseas Employment Administration OFFICE or POEA
- i know bcoz i've work already in that cmpony...and its good cmpony..
- Accredited by POEA
- through the government agency
- A Copy of Certificate from POEA is posted on common area.
- Master also
- Ive checked on poea.
- I saw their licensed is printed and show on the wall .
- Sweden has not ratifierat Recruitment and Placement of Seafarers Convention, 1996 (No. 179), and has not yet implemented that part of the MLC 2006
- license number
- printed license number on forms
- Not applicable , as I reside in Singapore and work as a freelance consultant .
- yes by company forms and his advertise
- They have POEA license no.
- license on the wall of the office
- This crewing agencies is certified by Romanian Naval Authority
- registered as manning agent
- Because it is the national job market
- Approved by V.Ships Head Office Glasgow U.K.



On it's literature.

One of the biggest Company with many crewings

I received a copy with a licence.

MLC certified

DGS approval number is printed in their website.

I saw in their office all the licences and certificates on the walls.

Not Sure.

an old established agency

Printed licence no on forms

The romanian crewing agency approved by Naval Authority.

Russian Language Respondents:

License No 1520160155 of the Russian Ministry of Internal Affairs, license No 0000979 of Russian Ministry of Transport

Licenses are hanging in the office. I have heard about them from other seafares

License number is on the official letterheads and documents

On information from colleagues

I do not remember the license number, but when I took a note for mortgage loan, there was a license number of my crewing in it

A copy of the license on the office wall. There is a number on the official website and on all documents.

A copy of the license on the information stand in the company's office, on official website

License

Official website of crewing agency of Latvia

Information from colleagues

4.2. Contracts of Employment

Do you have a signed copy of your Seafarers Employment Agreement?

Ten percent of the 328 respondents who answered this question reported not having a signed copy of their SEA. And, more significantly almost 40% (191) of all respondents did not answer this question. Why would a seafarer who has a signed copy of his or her SEA not wish to admit to this? Are seafarers not aware that this is a basic right? If they are not in possession of signed contracts, who is? And, the vast majority of the seafarers completing the survey were officers and or cadets.

On further investigation we found that there was no concentration of the seafarers who did not answer this question in one or other nationality; the seafarer officers who did not provide this information included officers of American, British, Croatian, Danish, Croatian, Filipino, French, Greek, Indian, Norwegian, Russian, Polish and in fact almost all nationalities.



Answer Options	Response Percent	Response Count
Yes	89.94%	295
No	10.06%	33
<i>answered question</i>		328
<i>skipped question</i>		191

Who signed your contract of employment?

51% of the respondents answered that their contract of employment was signed by crewing/manning agent and 21% by the shipowner, with 25% by both crewing/manning agent and shipowner. The number of non-respondents was questionably high.

Answer Options	Response Percent	Response Count
Crewing/Manning Agent	50.89%	171
Ship Owner	20.54%	69
Both	24.40%	82
Other (please specify)	4.17%	14
<i>answered question</i>		336
<i>skipped question</i>		183

Seafarer who answered "other" specified the following:

I don't know, I signed the contract with crewing.

What kind of Seafarers Employment Agreement do you have?

The majority of the seafarers who responded to this question (59.13%) had a contract with a CBA attached. However, once again the numbers of seafarers not responding, which matches the number who did not have a signed copy of their agreement, raises questions as to the effectiveness of MLC, 2006 in this area.

Answer Options	Response Percent	Response Count
Contract with Collective Bargaining Agreement (CBA)	59.13%	191
Individual Contract (no CBA)	37.15%	120
Other (e.g. verbal agreement), please specify:	3.72%	12
<i>answered question</i>		323
<i>skipped question</i>		196



“Other” answers to this question included:

Not Known
I don't know. MLC2006 compliant contract.
After MLC most contracts secrets with Captains or Companies, all helps to not show seafarers the contracts even they sign contracts by themselves, some serveries helping in that. (Egyptian Chief Engineer)
I am a member of NTUC in Singapore and do not accept anything other then the scale of SMOU

Is the agreement in a language known to you?

The language used in the seafarers agreement was known to the seafarers who responded to this question. Once again the same 190 seafarers did not respond to the question.

Answer Options	Response Percent	Response Count
Yes	98.78%	323
No	1.22%	4
	<i>answered question</i>	327
	<i>skipped question</i>	192



Were you given the opportunity to examine and seek advice on the SEA before you signed it?

Twenty seven percent of the respondents claimed that they did not have the opportunity to examine and seek advice on their contract of employment prior to signing it. This is a high number. Once again the same number of respondents, (even a slightly higher number) who did not answer the previous questions relating to their contracts also did not answer this question.

Answer Options	Response Percent	Response Count
Yes	72.96%	232
No	27.04%	86
<i>answered question</i>		318
<i>skipped question</i>		201

Answers to “from whom did you seek advice” included:

English Language Respondents

Company Crew Manager and Dad-Der	unemployed
Crewing Officer	CBA STANDARDS
The captain	nobody
Registry office & survey	Danish Maritime Officers
Manning agent	IO did not seek advice, but I had an opportunity to do so if I wished.
From Crew manager	From my experience
Manning Agency and Orientation from PDOS	No one
Marine Personnel Officer - MPO	Crewing agent
Crewing agent	from diff agencies
I have been working for this company 27 years - well before MLC, therefore I had plenty of time to read my contract, and did not feel any need to consult it with anyone.	From the agency of unemployment.
Final briefings conducted by manning agency Office	Engineer Fleet Superintendent GM of V.Ships Asia Group Karachi Office
Crewing	Arab Academy for Science, Technology & Maritime Transport
crewing agent	Did not it was self explanatory
Union	Union
crewing manager	I needed no advise
Trade Union representative	Union
It's not possible here, we are in another world	From the ITF representative in my city.



Russian Language respondents

Help from seafarers working on this contract	From my manager
BTO RPSM	Internet and colleagues
ROEA	By myself

Were the contents of the contract explained to you?

More than 82% of the respondents answering the contract of agreement questions confirm that their contracts were explained to them, mostly by the Manning Agent.

Answer Options	Response Percent	Response Count
Yes	82.61%	266
No	17.39%	56
<i>answered question</i>		322
<i>skipped question</i>		197

If yes, who explained them to you?

Answer Options	Response Percent	Response Count
Crewing/Manning Agent	70.48%	191
Ship Owner	15.87%	43
Trade Union representative	6.27%	17
Seamans Welfare Organisation	1.11%	3
Other (please specify)	6.27%	17
<i>answered question</i>		271
<i>skipped question</i>		248

Which of the following terms are included in your employment agreement?

Of the 324 respondents who answered this question there indicate that significant elements required by MLC, 2006 are missing from their employment agreements. The answers indicate missing information relating to annual leave, voyage agreement port of destination and time before discharge; other terms of repatriation. As for previous questions relating to employment agreements, 190 + seafarers did not answer.



#	Element	Yes	No	Response count
1	your full name, date of birth and birthplace	312	10	322
2	the shipowners name and address	305	13	318
3	the place where and date when your employment agreement is entered into	311	6	317
4	the capacity in which you are employed e.g. mate, officer	312	6	318
5	the amount of your wages or, where applicable, the formula used for calculating them	300	15	315
6	the amount of annual paid leave or, where applicable, the formula used for calculating it	231	69	300
7	If indefinite period agreement are the termination conditions and the required notice period (equal for both parties) noted	242	45	287
8	if definite period agreement, is the date of expiry noted	235	42	277
9	If voyage agreement: Is the port of destination and the time after arrival before discharge noted	166	81	247
10	the health and social security protection benefits to be provided to you by the shipowner	254	40	294
11	your entitlement to repatriation from place of engagement/agreement	256	32	288
12	your entitlement to repatriation from place stipulated by the collective agreement	227	45	272
13	your entitlement to repatriation from your country of residence	264	24	288
14	Other terms of repatriation	139	107	246
15	Reference to any applicable collective bargaining agreement	184	85	269
16	other particulars required by national law	154	88	242
<i>Answered question</i>				324
<i>Skipped question</i>				195



If you have an indefinite period agreement, which period of notice are you required to give?

It is difficult to extract useful data from the response to this question.

Answer Options	Response Count
	96
<i>answered question</i>	96
<i>skipped question</i>	413

Answers to "Response text" included:

English Language Respondents

1 month	7 months
12 month	9+1
15 days	as per German law
2 months	at present not employed
2 weeks	Dont Know
28 days	never happened
3 months	Null
3-4 months at the most	None
4 months	Not applicable.
6 months	
7 days	

Russian Language Respondents

2 months	1 month
none	1 month
none	14 days
None	Not applicable
as per Ver.di	None
as per POEA	as per Ver.di
as per Ver.di	No



Is the notice period that the shipowner is required to give you different from the period you are required to give?

One fifth of the respondents to this question claimed that their periods of notice differed from those of their employers.

Answer Options	Response Percent	Response Count
Yes	19.84%	49
No	80.16%	198
<i>answered question</i>		247
<i>skipped question</i>		272

Answers to "Response text" included:

1 month	n/a
1-6 Months period.	nil
3 months	Not specified
6 months	Sometimes but mostly relieved on time and as agreed
9 months	unknown
Depending on age	
depends availability of the person	
It depends on how long you have been in the company.(seniority)	

4.3. Wages

Who pays your wages?

Shipowners and ship management companies are the primary payers of wages.

Answer Options	Response Percent	Response Count
Shipowner	30.57%	96
Ship management company	39.49%	124
Crewing/Manning agent (RPS)	28.34%	89
Other (please specify)	1.59%	5
<i>answered question</i>		314
<i>skipped question</i>		205



Are you paid according to the wage scale in your SEA/CBA?

Only 6% of the 309 respondents to this question claimed that wages are not paid according to the scale in his seafarer agreement. Once again the same seafarers who did not answer questions relating to their contracts of employment did not answer this question.

Answer Options	Response Percent	Response Count
Yes	93.85%	290
No	6.15%	19
<i>answered question</i>		309
<i>skipped question</i>		210

Pay has undergone reform recently
 More
 Very low
 but there is a small discrepancy
 First deal is 3300 us\$/ month, but now 4500 /month
 unemployed
 Arab Academy for Science, Technology & Maritime Transport
 our wages is totally different from wich the company declared....they are not giving the exact figure and they say the other payment in other forms we have

Are there any deductions from your wages?

54% respondents report deductions from their wages mostly mentioning union dues and taxes, social security and other government mandated items as deductions. Once again the same seafarers who did not answer questions relating to their contracts of employment did not answer this question.

Answer Options	Response Percent	Response Count
Yes	54.17%	169
No	45.83%	143
<i>answered question</i>		312
<i>skipped question</i>		207



Deductions" included:

15 usd month	service charges
6% is going for pension. The company pays 10% in additional to my wages.	Slop chest, cost of private communication
Allotment	Slopchest
Bank charges	Social fees and taxes
benefits like Philhealth, SSS and Pag ibig	Social security according Italian law
consumption of drinks and snacks on board, call cost etc.	social security tax and income tax
for insurance and tax	Some miscellenous items.
for membership in amosup phils.	SSN, insurance, taxes
German Taxes & Social Security	Sss, phil. Health, pagibig contribution
Government Deductions	SSS, Union dues
Insurance, Loan, Union Levy, Tax	Tax
leave wages	TAX + Social Security + Pension + Union
Monthly National Contributions - for health, insurance, housing	TAX, SOCIAL SECURITY
National tax, pension, bond issued on board	Telephone, bar bills
pension and food - my wages are included food.	there is a clause state the right of the owner to not pay some amount if you do not perform your duties
Pension, social security, cash advance,	Union dues
Pension, tax, welfare	

Who pays the following charges?

The same seafarers who did not answer questions relating to their contracts of employment did not answer this question.

Answer Options	Seafarer (you)	Shipowner/ Manager	Crewing/ Agent (RPS)	Response Count
Medical certificate	62	137	111	310
Seamen's Book	228	62	20	310
Passport/Travel document	247	41	23	311
Visas	70	134	90	294
Remittance fees/Bank transfer charges	98	113	86	297
<i>answered question</i>				312
<i>skipped question</i>				207



Do you consider Bank Charges/Remittance Fees to be too high?

Very small number of answers (over and above the “no agreement” respondents) – vast majority did not consider fees too high.

Answer Options	Response Percent	Response Count
Yes	12.11%	23
No	87.89%	167
<i>answered question</i>		190
<i>skipped question</i>		329

“How much” answer included:

only on the single allotment- about 3\$ for US Dollar account
 usd 1500
 But they not transfer our salary to bank to remove any evidence show we are working with them
 7 usd each transfer
 do not know/deducted vary amount remitted
 Say about \$30

Are you provided with a monthly statement of any deductions?

Number of non-respondents better corresponds to the “no agreement” respondents; and, slightly larger number of respondents (12%) are not being provided with a monthly statement of deductions.

Answer Options	Response Percent	Response Count
Yes	87.91%	269
No	12.09%	37
<i>answered question</i>		306
<i>skipped question</i>		213



Have you authorized anyone to use your e-signature?

Five percent of seafarers admitted having parted with their e-signatures.

Answer Options	Response Percent	Response Count
Yes	5.30%	16
No	94.70%	286
<i>answered question</i>		302
<i>skipped question</i>		217

Since Aug 2013, did you have a contract lasting more than 12 months?

Of the respondents having contracts of employment who answered this question 15.5% have contracts lasting more than 12 months.

Answer Options	Response Percent	Response Count
Yes	15.51%	47
No	84.49%	256
<i>answered question</i>		303
<i>skipped question</i>		216

If yes, did your employer paid the full expenses of repatriation upon completion of the contract?

Very low number of responses – 26% of respondents claim to not having repatriation expenses re-imbursed or paid.

Answer Options	Response Percent	Response Count
Yes	74.07%	100
No	25.93%	35
<i>answered question</i>		135
<i>skipped question</i>		384



Were you required to pay to travel to and from the ship?

Only 35% of respondents answered the question – 9.42 % of these claim that they have to pay for travel to/from the ship. None of the respondents in the Russian language were required to pay for travel to/from the ship.

Answer Options	Response Percent	Response Count
Yes	9.42%	29
No	90.58%	279
<i>answered question</i>		308
<i>skipped question</i>		211

If yes, please confirm the circumstances?

Answer Options	Response Percent	Response Count
Join/Leave the ship	48.28%	14
Travel home on leave	51.72%	15
<i>answered question</i>		29
<i>skipped question</i>		490

Details provided:

Paid for airfare from Egypt to Britain to join Agency said the Owner would pay but Owner refused.
When signing on/off inside the home country, the travel day and hotel stay is not reimbursed,
 even a travel of 6 hours is required in my case until arrival at the port of signing on/off.

If you paid for your own travel home on leave, how long was this after you joined/left the ship? (define number of days or hours)?

Answer Options	Response Percent	Response Count
Questions answered		57
<i>answered question</i>		57
<i>skipped question</i>		462



Details provided:

28
120 days or more
220 days
3 weeks
30 days
6 hours
8 month after
every times I had days off, but from my regulary port
maximum 66 days as per agreed on the contract
more or less than a month
One day

4.4. Social Security

Is basic cover provided and who provides for it?

Only 50% of respondents answered the question, and a small number (but more than 10% of respondents) claimed that they do not enjoy basic cover.

Answer Options	No	Private Insurers	State of Residence	State of Employment	Other	Response Count
medical care	32	79	39	105	13	268
sickness	32	69	37	108	14	260
injury benefit	25	77	23	117	17	259
<i>answered question</i>						269
<i>skipped question</i>						250

Other details provided:

Obligatory Medical Insurance Union
 As per Ver.di
 As per POEA
 Only within the term of the contract
 Union benefits from AMOSUP
 Company pays a private insurance
 Arab Academy for Science, Technology & Maritime Transport



Which additional social security benefits are provided?

The following additional social security benefits are provided according to the 247 respondents who answered this question

Answer Options	No	Private Insurers	State of Residence	State of Employment	Other	Response Count
Unemployment	156	25	33	27	1	242
Old-age	144	25	35	27	4	235
Family	127	32	29	41	2	231
Maternity	130	23	27	33	3	216
Invalidity	125	35	26	32	4	222
Survivors	109	44	17	48	5	223
<i>answered question</i>						247
<i>skipped question</i>						272

Other details provided:

Union - AMOSUP/ POEA (if when contract is active)/ P&I
 Ship owner company / private insurers
 P&I

Are you entitled to compensation for ships loss or foundering (indemnity against unemployment)?

Just over half of the respondents in the survey answered this question. The split between those who answered yes, no and don't know was almost equal. This would appear to be another vote for increasing the awareness of seafarers relating to MLC, 2006.

Answer Options	Response Percent	Response Count
Yes	30.28%	86
No	34.15%	97
Don't know	35.56%	101
<i>answered question</i>		284
<i>skipped question</i>		235



Have you had cause to claim disability payments?

Less than 4% of respondents to the question had claimed disability payments.

Answer Options	Response Percent	Response Count
Yes	3.89%	11
No	96.11%	272
<i>answered question</i>		283
<i>skipped question</i>		236

Have you had to pay for having mail re-directed to your ship?

3.5% of respondents to the question had been charged for re-addressing of mail.

Answer Options	Response Percent	Response Count
Yes	3.50%	10
No	96.50%	276
<i>answered question</i>		286
<i>skipped question</i>		233

Have you experienced cases where you have not been allowed to bring partners/family/visitors on board ship?

11.6% of respondents to this question reported not having been allowed to bring family and partner on board and a slightly smaller percentage claim being refused possibility of extended visits for partners.

Answer Options	Response Percent	Response Count
Yes	11.62%	33
No	88.38%	251
<i>answered question</i>		284
<i>skipped question</i>		235



Have you been refused the possibility of bringing a partner on board a ship for an extended stay?

Answer Options	Response Percent	Response Count
Yes	9.75%	27
No	90.25%	250
<i>answered question</i>		277
<i>skipped question</i>		242

newborn child / baby for seavoyage
yes any visitors not for maintenance were forbidden onboard
Not tried yet
Completely stupid and senseless security measures in ports and terminals do not allow any family members/partners to visit a ship when in port. Many places (especially in US Terminals) special fee is required from crew for security escort to a gate. Fee can reach 400USD one way escort (sometimes 50 metres only). Most of Oil Terminals in US do not allow any shore leave for crew.
Due to nature of cargo and trading area (HRA transits)
It's not possible
Not tried, and they would need special training. N/a
Aegean Experience Co. Ltd, Athens

4.5. Complaints

Does the Shipowner you work for have an on-board complaints procedure?

Only slightly over half of respondents answered the questions relating to complaints procedures, and the majority of the respondents who answered these questions believed that such a procedure was in place and they been provided with a copy of it. We do not believe that this indicates that these procedures have not been implemented, as required under MLC, 2006 Regulation 1.4. For the Russian Language survey, 32 out of 34 respondents answered "Yes".

However, we believe that these results support the findings of the study, that seafarers are wary of formal complaints procedures, and of the requirement that complainants be identified, and prefer less formal and more autonomous approaches to the reporting of complaints.



Answer Options	Response Percent	Response Count
Yes	83.67%	246
No	13.95%	41
Not applicable (ship not MLC certified)	2.38%	7
<i>answered question</i>		294
<i>skipped question</i>		225

Do you have a copy of the complaints procedure?

Answer Options	Response Percent	Response Count
Yes	65.17%	189
No	34.83%	101
<i>answered question</i>		290
<i>skipped question</i>		229

Is there a complaints log-book on board?

Slightly more of the respondents who answered this question answered “no” and “don’t know” than answered “yes”. A large percentage of the survey respondents did not answer, further re-enforcing the finding that the formal complaints procedures are not utilized in full.

Answer Options	Response Percent	Response Count
Yes	47.42%	138
No	28.18%	82
Don't Know	24.40%	71
<i>answered question</i>		291
<i>skipped question</i>		228



Does your SRPS provide a Complaints Procedure?

Fewer respondents answered “yes” to the question about SRPS than did to the same question about shipowners on board procedures.

Answer Options	Response Percent	Response Count
Yes	73.29%	203
No	26.71%	74
<i>answered question</i>		277
<i>skipped question</i>		242

Are, as far as you are aware, complaints handled in a timely, fair and effective way?

Similar to the answers to the question “Is there a complaints log book on board”

Answer Options	Response Percent	Response Count
Yes	53.42%	156
No	26.03%	76
Don't Know	20.55%	60
<i>answered question</i>		292
<i>skipped question</i>		227

Do you know the contact details for competent authority in your country of residence?

Roughly similar percentages of respondents answered “no” to the following 3 questions. The number of respondents not answering was also high. Fewer seafarers were aware of details of the PS authorities, which is to be expected.

Answer Options	Response Percent	Response Count
Yes	75.52%	219
No	24.48%	71
<i>answered question</i>		290
<i>skipped question</i>		229



Do you know the contact details for the flag state (for onshore complaints)?

Answer Options	Response Percent	Response Count
Yes	67.47%	195
No	32.53%	94
<i>answered question</i>		289
<i>skipped question</i>		230

Do you know the contact details for the port state authorities (for onshore complaints)?

Answer Options	Response Percent	Response Count
Yes	60.07%	173
No	39.93%	115
<i>answered question</i>		288
<i>skipped question</i>		231

4.6. MLC Documentation

The small number of overall answers could indicate that the availability of MLC documentation on board ship is not a high priority for seafarers.

Is there a copy of MLC, 2006 in English at least on board the ship?

High “yes” percentages of the responses to the question indicates that required MLC, 2006 documentation was on board and that this was known to seafarers.

Answer Options	Response Percent	Response Count
Yes	91.20%	259
No	5.28%	15
Not applicable (ship not MLC certified)	3.52%	10
<i>answered question</i>		284
<i>skipped question</i>		235



Is there a copy of the Declaration of Maritime Labour Certificate of Compliance on board the ship and is this visible?

Answer Options	Yes	No	Not applicable (ship not MLC certified)	Response Count
DMLC I	236	30	10	276
DMLC II	208	28	9	245
<i>answered question</i>				279
<i>skipped question</i>				240

4.7. Discrimination

Does your agency keep blacklists of seafarers?

The answers to this question raise additional queries. The majority of the seafarers responding to this question either believed that Blacklists were maintained and/or did not know the answers to the question. This could mean that they suspect that such lists do exist, and therefore would be reluctant to record a complaint.

Answer Options	Response Percent	Response Count
Yes	21.25%	61
No	15.33%	44
Don't Know	63.41%	182
<i>answered question</i>		287
<i>skipped question</i>		232

Have you personally been blacklisted?

About 3.55% of 282 respondents claimed to having experienced blacklisting.

Answer Options	Response Percent	Response Count
Yes	3.55%	10
No	96.45%	272
<i>answered question</i>		282
<i>skipped question</i>		237



If you answered “yes”, how to you know that you were blacklisted?

More seafarers explained how they knew that they had been blacklisted, than claimed to have experienced blacklisting. This would indicate that knowledge about blacklisting is more common than the experience of this.

Answer Options	Response Percent	Response Count
I was warned by the agent/agency	13.33%	8
I was warned by someone else	23.33%	14
I was shown a list	43.33%	26
Other (please specify)	20.00%	12
<i>answered question</i>		60
<i>skipped question</i>		459

Did you request help in the case of being blacklisted?

Answer Options	Response Percent	Response Count
Yes	2.59%	3
No	97.41%	113
<i>answered question</i>		116
<i>skipped question</i>		403

“Details provided”:

age limit

I contacted the CNIL in France to obtain all my registered information recorded on crew agencies to bring evidences of this discrimination to the court, but the right investigations have not been done !!

After August 2013, have you been unable to obtain work/ refused work though a specific RPS without your understanding why this happened?

This may be primarily a way of registering displeasure that these seafarers are not able to obtain employment, but it could be more significant.

Answer Options	Response Percent	Response Count
Yes	6.97%	17
No	93.03%	227
<i>answered question</i>		244
<i>skipped question</i>		275



Details provided”:

I did not get job to several applications because I am not English Mother Tongue or I do not have the Visa B1/B2 which is not a Maritime qualification.

I am a woman and was looking for engineer position.

As cabins were shared with another engineer (always male) they were refusing me.

As I am unionist and employee defender, nobody wanted to employ me or propose my candidacy

They said I refused to join the ship, when that was not the case.

age limit

Have ever had problems in the past with Crewing/Manning agencies (RPS) (i.e. Action taken against you after you registered a complaint)? If yes, please provide date and details of the incident/incidents:

“Details provided” (14 responses with 505 skipped questions)

12 April 2014 - vsl was docked when three of the Myanmar crew started breaking bulkheads under strong influence of alcohol. in order to control and calm them down they started fighting , abusing etc.

Complaint about master and provisions Dec 2014, Jan 2015

Report of Management addressed to PTCI

2000-2014 Blue Water Crew =, never been placed, discrimination regarding nationality

2013-2014 Luxyacht Group, not applying their own registration terms by not sending my CV to potential employers

2012 YCO Crew (now named Y Crew) condemned by the Fre.ch justice for discrimination because of nationality after my complaint

2000-2015 Monaco Equipage, never been placed while many applications for 15 years

Complain about Master, Nov 2014 - Jan 2015



4.8. General observations relating to MLC

These observations are reproduced without editing.

Positive Observations
Not a lot of agencies are fair but some are very respectful of MLC, controlling qualification and purpose of SEA
agencies in compliance with MLC apply MLC to placement for yachts despite if they are private status
Good cooperation with RPS, wages received always on time
They prepare the document and process the visas.
My manning agency provides me benefits of free medical insurance for me and parents, free training and allowances.
Satisfactory
Not applicable
Providing up-to-date information about changing rules and requirements; providing help in obtaining visas
I can't see any difference after implementation of MLC
No changes - been employed by the same people for last 27 years
No command
Faster connection with the principal
The rps agencies are located locally, so ease of employment.
None
More freedom to choose which company/ship type you work with
Easy to join a ship.
Help family members financially
IF the MLC works in its true spirits then it will be good. We still have organisations that take money and do wrong things. This can never be stopped in any country and especially more in developing countries. Its a Hide and seek game. Like smugglers the organisations will find newer ways.
Individual choice to accept work or not.
Arranging and guiding me to get an employment. Finding employment for me. Helping me with all the preparation and courses.
80% Authentic
Only to get job through them



Negative Observations
Most of recruiters are unexperienced of all positions aboard yachts because an ex-stewardess with 2 years maritime experience cannot have the experience to judge a captain with 23 years professional maritime career (it is like a ex-trainee nurse was recruiting a heart surgeon). Crew agencies always hide themselves behind the owners wishes to practice discrimination, and to not forward CV as they are supposed to do. In the yachting industry, crew agencies do not provide enough informations about their job offers in order to discriminate candidates. There are not enough controls and sanctions against crew agencies.
Agencies unfair don't want to discuss with the ship owner if the SEA is not in accordance with MLC many agencies are making discrimination against nationality they don't interfere with overtime solution by consolidated salaries
None
Biased.
Being on the multinational vessel, Filipinos are not so exposed or the last on the line. No Filipino management level officer in the top 4 which it feels more discriminating for us. I may also say that its not only from part of Prinicipal but also from seafarers side. They stop aiming and which makes the rest also stop from their position. I hope that being a lady engr. aiming for top can break that wall.
not much
not applicable
none
no command
wages are variable
They try arm twisting tactics for making us join. For eg, if i needed a letter of experience from the company to renew my DCE, the company asks us to submit a document or passport or cdc, to make sure that, the seafarer joins through that agency. If we dont oblige, the agency will harass us ,by not giving the document back. The letter of experience, has to be given whether i join through the agency or not.The worst part is ,we do the hard work on the ship, but the agencies always try to take advantage given a chance.this is unacceptable.
Poor employment security, less responsibility, no feeling of belonging etc, etc
Less pay
In case of temporary contract in Romania I don't have health insurance or pension contribution
Waiting list may be too long or maybe not having vacancies. If the last company was bankrupted and seafarer not having much experience ,looks like RPS not taking any responsibility for recruit again.
with stiff competition, lowering of wages and politics and so many requirements required? urged me to hanged my gloves permanently> renewal of certificates etc..
None
Hire & fire.no fringe benefits just daily rate. No guatantee of work.
n/a
20% Confused
In every respect
Not really proactive in assisting with unfair dismissals. Also, there are complaints where certain agencies do offer the positions only to whites.



Which opinion most closely describes your overall experience on the following issues, since August, 20 2013

More than 75% of respondents were favourable towards the implementation of MLC, 2006.

Answer Options	Very much agree	Somewhat agree	Do not agree	Strongly disagree	Response Count
your social and employment situation has improved?	64	135	44	14	257
RPS in general have well represented my interests	63	144	27	15	249
My SEA is clear and understandable	112	111	25	5	253
My SEA is fair and ensures all of my rights	96	122	26	8	252
Action is promptly taken to address complaints	69	128	35	13	245
				<i>answered question</i>	262
				<i>skipped question</i>	257

The additional comments are reproduced without editing:

Additional Comments
no major changes in employment
agencies most time are on ship owner side, because payment come from ship owner side they are not enjoying the part of discuting of respecting payment for overtime on rate over basic salary and also to pay leaves or about including a consolidated part add over basic salary.
no any action and refusal of any feedback from Company for complains against psychopathic behaviour of captain
MLC created additional paperwork which in turn did not give us any benefits in compare with previous situation and terms of employment. What it gives is additional items to be checked during inspections by different bodies with possibilities of heavy penalties which can be imposed on vessel.
issues like late payment of allotment, actions are only made when crew started to question
The contract we sign, is very very very (3 times) vague, not written in laymans english. The terms and conditions are difficult to understand. And also, there is no one to explain all these. The best part is most of these agencies, sign the contract, at the last moment ,even at the airport or while going there. So that, we wont be able to read or understand anything, which is exactly what the agencies wants.
Here Owners, RPS and some in marine Authorities Agreed together to not Followers MLC



All contract have different form from company to company. You must provide one single form applicable for all companies. In this way you have control for all this particular cases and you can follow if the companies respect your requirements.
You get the job. Because of your religious bakground or origin or colour of your skeen you get targeted of your colleags first, than isolated than the company start looking for excuses to fire you.when you are not blond with blue eyes you are analphabet and uncapable at the scandinavians boys.
I still hear plenty of complaints where crew are working more then their prescribed hours and told to write the incorrect time.
No seafarers agreement

4.9. Inspections

Have you ever been questioned by a Port State Control Officer relating to the MLC?

81% of all respondents answering this question had not been questioned during a PSC inspection. It is interesting to note that for the Russian language respondents 50% had been questioned during a PSC inspection.

Answer Options	Response Percent	Response Count
Yes	18.89%	51
No	81.11%	219
	<i>answered question</i>	270
	<i>skipped question</i>	249



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Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Final Report

Annex V – Implementation Workshop

Prepared by: Innovative Compliance Europe Ltd

Hochschule Wismar, University of Applied Sciences: Technology, Business and Design

& Dr. Maria Progoulaki





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Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Keynote Address





Implementing Labour supplying responsibilities under the MLC, 2006

Dr Cleopatra Doumbia-Henry

Director, International Labour Standards Department, ILO

22 June 2015

I am very pleased to have been invited by the EC Directorate-General for Mobility and Transport to speak to you at this important, and in my view, timely, workshop to discuss the implementation of what can be described as the “labour-supplying responsibilities” under the Maritime Labour Convention, 2006 (MLC, 2006).

The European Union was a key supporter of the MLC, 2006 during its development and its adoption in 2006. The various EU Directives adopted to implement its provisions, including the most recent with respect to the compliance and enforcement responsibilities under Title 5 have certainly helped to ensure wider ratification and, importantly for an international industry such as shipping, greater uniformity in national implementation. Undoubtedly this study (which will help to inform a report that is called for under the Directive on flag State enforcement responsibilities) will also further enhance efforts to achieve the twin goals of the Convention - decent working and living conditions for seafarers and a level playing field for shipowners.

Certainly the information that will be gathered on practices in a number of countries, particularly with respect to the regulation of private seafarers’ recruitment and placement services and the provision of social security will be very useful also to the ILO and, of great interest, to many others.

Unfortunately my schedule did not permit me to remain with you for the full two days of discussions in the workshop. You had very productive discussions today and that even more interesting and useful discussions are expected tomorrow.

I just noted the importance and timeliness of this workshop and study. Why do I have that view? Let me provide some context.

As you know, the MLC, 2006 has now been ratified by 66 countries which includes one pending registration, which together, are responsible for more than 80 per cent of the world fleet of ships based on gross tonnage. In terms of flag State regulatory responsibility alone, this means that seafarers employed on more than three-quarters of the world’s fleet should have working and living conditions that, at a minimum, meet the standards set out in the Convention. Of course, change does not happen overnight and there are still problems in implementation at the ship-board level. The impact, however, of port State control and improved inspection systems including training for flag State inspectors will result in improvement.



When considering seafarer numbers and coverage, it is also important to consider the extent to which this ratification level includes countries that are home to the world's seafarers and how they are implementing their labour-supplying responsibilities under the MLC, 2006.

While a number of countries that have this as their primary maritime interest, such as, most notably the Philippines, there are more ratifications still to come from this group. For example, I expect that we will see the Ukraine, as well as India, Indonesia, Myanmar and before too much longer, also China, ratify.

Ratification and effective national implementation by countries that are flag States and by countries that have labour-supplying interests is very important for this globalized work force. It is also essential to the achieving the goals of the Convention.

You are all already familiar with many aspects of the MLC, 2006 and you have been considering it in detail today. I would, therefore, like to take the opportunity to highlight a few matters from my perspective as Director of the International Labour Standards Department of the International Labour Office, the secretariat of the ILO. I will just mention that the Standards Department is responsible for supporting the operation of the supervisory system of the ILO. For those of you who may not be as familiar with the ILO, it is important to recall that it was established in 1919 and this supervisory system, which is based on the ILO's Constitution, was established in 1926. It is unique among the UN organizations and, since its inception, has proved to be a very effective system for reviewing and improving national implementation of obligations by ILO member States under ILO Conventions including all the predecessor maritime instruments and now, of course, the MLC, 2006.

In fact, the supervisory system's review of national reports on implementation is very important under the MLC, 2006 and plays a complementary role to the flag State and port State inspections of ships in helping to ensure effective and consistent implementation of Convention obligations in national legislation and practice. It helps to ensure that the national regulatory systems that apply to those ships and the conditions for seafarers are also in line with the Convention.

In its report to the International Labour Conference which just ended a week ago, the Committee of Experts on the Application of Conventions and Recommendations- (the "Committee of Experts") - an independent body of eminent international jurists which plays a key role in the supervisory system - once again clarified its mandate which all the ILO tripartite constituents accept.

In paragraph 29 of this year's report the Committee of Experts states that it is:

"... an independent body established by the International Labour Conference and its members are appointed by the ILO Governing Body. It is composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO member States. The Committee of Experts undertakes an impartial and



technical analysis of how the Conventions are applied in law and practice by member States, while cognizant of different national realities and legal systems. In doing so, it must determine the legal scope, content and meaning of the provisions of the Conventions. Its opinions and recommendations are non-binding, being intended to guide the actions of national authorities. They derive their persuasive value from the legitimacy and rationality of the Committee's work based on its impartiality, experience and expertise. The Committee's technical role and moral authority is well recognized, particularly as it has been engaged in its supervisory task for over 85 years, by virtue of its composition, independence and its working methods built on continuing dialogue with governments taking into account information provided by employers' and workers' organizations. This has been reflected in the incorporation of the Committee's opinions and recommendations in national legislation, international instruments and court decisions.

In 2014, the first reports on the national implementation of the MLC, 2006 were requested from the first group of countries (31) for which the Convention entered into force in 2013 of which 22 were examined by the Experts last year. The ILO's Committee of Experts examined these reports including any observations made by workers' and employers' organizations in each country.

The Committee of Experts made, for the first review of country reports in accordance with standard procedures, a number of specific comments (called "Direct Requests" issued for first reports from countries ratifying an ILO Convention) for each government on the basis of its report¹. These Direct Requests are published on the ILO's website in the Standard Department general database and also on the country information page on the MLC database on the ILO's dedicated MLC, 2006 website. The Committee also made number of General Observations with respect to common issues it had noted in the national implementation. These Observations were intended to provide guidance to all countries on implementing the MLC, 2006.

Several of these Observations are particularly relevant to the concerns of this Workshop and study.

On the issue of implementation of requirements under Regulation 1.4 and the Code, which are also tied to obligations under paragraph 5 of Article V, and Regulation 5.3, The Committee had this to say:

¹In subsequent years, the Committee is expected to make Observations based on the review of countries' laws and practice and as a follow-up to its first review based on the Direct Request it has issued. Observations are published in the Committee of Experts annual report which is submitted to the International Labour Conference for discussion by the tripartite Committee on Application of Standards, which could select an a country that has ratified the MLC, 2006 for discussion.



“... the Committee observes that, where ratifying Members with recruitment and placement services operating in their territory, have not implemented these requirements, it is important to recall that shipowners and flag State inspectors of other ratifying Members are relying on all ratifying Members to effectively implement these requirements. A failure to move forward on this matter can result in an unfair advantage for a Member that has ratified the MLC, 2006, relative to Members that have not ratified, but whose seafarer recruitment and placement services are required to comply with the Convention’s requirements in order for seafarers to be able to obtain employment through these services. The Committee has also noted that a number of countries rely on certification of recruitment and placement services, and in some cases appear to equate ratification of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), with the ratification and implementation of the MLC, 2006. The Committee recalls that the MLC, 2006 does not contain exactly the same provisions as Convention No. 179, particularly with respect to the requirements in paragraph 5(b) and (c)(vi) of Standard A1.4 of the MLC, 2006.”

In my view these comments highlight the concern for the level playing field aspects of the MLC, 2006. Flag States that have ratified the MLC, 2006 are relying on the effective implementation of the MLC, 2006 obligations under Regulation 1.4 and the Code by other ratifying members when seafarer are recruited through services in those countries. If the service is not properly regulated this will not only have an impact on the seafarers’ involved – for example, being charged fees to gain employment - it also places the ships operating under the flag of the other ratifying Member at risk of delay or detention during PSC or other problems during flag State inspections.

This year another 34 first reports are expected to be examined by the Committee of Experts if they are received on time in addition to the nine deferred reports. This makes a total of 43 first reports to be examined to review how these countries are implementing the MLC, 2006 in law and practice.

Another development relates to the decision taken by the 48th Session of the Paris MOU on Port State Control Committee, at its meeting in the Netherlands in May 2015, to launch in late 2016 an MLC, 2006 concentrated inspection campaign. The focus of the campaign will be on recruitment and placement provisions of the MLC, 2006 in particular concerning Standard A.1.4, paragraph 9. This standard provides that: “

“Each Member which has ratified this Convention shall require that shipowners of ships that fly its flag, who use seafarer recruitment and placement services based in countries or territories in which this Convention does not apply, ensure, as far as practicable, that those services meet the requirements of this Standard.”



This campaign should contribute to ensure compliance with the Convention.

With respect to social security under Regulation 4.5 and the Code, the Committee of Experts also noted common difficulties or gaps in implementation, although they are probably solved by regional arrangements for EU resident seafarers working on ship flagged in a country that is part of the EU. This main gap relates to social security coverage especially for seafarers who are working on foreign flag ships and who do not have access to social security in their home country.

In the case of the obligations under Regulation 4.5 and the Code, however, the flag State obligations differ and are related to international cooperation. As the Committee pointed out:

“...although the primary obligation rests with the Member in which the seafarer is ordinarily resident, under paragraph 6 of Standard A4.5 Members also have an obligation to give consideration to the various ways in which comparable benefits will, in accordance with national law and practice, be provided to seafarers in the absence of adequate coverage in the nine branches of social security. ...[I]n accordance with paragraph 7, this can be provided in different ways, including laws or regulations, in private schemes, in collective bargaining agreements or a combination of these.”

The requirements under the MLC, 2006 that this Workshop is concerned with can be difficult to implement, but they are central to progress in this sector. Problems with respect to both are related directly to the fact that this is a globalized workforce and it is primarily an international industry with many different actors and jurisdictions involved in the employment relationship.

Currently the international and national legal systems do not easily deal with this situation. The MLC, 2006, with its various requirements for insurance or other systems for financial security and international cooperation presents one approach to move forward to deal with these important issues.

Thank you and I am looking to reading of the outcome of your discussions.



MLC, 2006 Implementation Workshop
Break-out Session Discussions
Berlin, June 22, 23 2015

Distributed to workshop Participants on July 14, 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

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Contents

This presentation includes the recommendations resulting from the Implementation Workshop break-out sessions:

1. Theme A : State’s Implementation of MLC, 2006 - Reg 1.4
2. Theme B : Shipowners and RPS implementation of MLC, 2006 – Reg 1.4
3. Theme C : Seafarers’ awareness of social security rights incorporated in MLC, 2006

Theme A - States' implementation of Reg. 1.4

Discussion Topics

1. Licensing & Operation of public & private RPS
2. Certification or other regulatory mechanisms
3. Inspection, Supervision and control
4. The role of ROs
5. Recruitment & placements from non MLC ratifying LSS
6. MLC-related deficiencies in PSC inspections concerning RPS
7. Achieving results

Public RPS against or hand-in-hand with Private RPS?

1. Discussion on differences
 - Some countries moving from Public to Private
2. Compliance moving in the direction of “risk based” – ILO is reviewing these developments with interest, and asked if there were subject to tripartite discussions?
3. Issues raised and discussed
 - Contract duration and repatriation
 - Cruise line issues (small number of very large employers)
 - Payment of wages between arrival and leaving gangway
 - Flights not being paid to the vessel (sign on), only repatriation
4. Does “one size fit all” ?
 - Are Web-sites included?
 - Some EU states differentiate between Employment Agencies and Employment Businesses (transfer from EA to EB may be defined differently)
 - Subsidiaries of Shipowners are not considered as RPS

Private RPS: Voluntary or mandatory licensing/ certification

1. Explicit certification processes for SRPS
 - Not published & not well known
2. Which countries publish lists of licensed SRPS
 - Very few EU member states provide this
3. The main differences between the licensing system of the competent authority & the certification system of ROs?
 - RO explicit standards, competent authority verification methods not always published
4. Voluntary certification by ROs in non MLC ratifying states is common practice
5. One EU state does not license RPS's but require them to be licensed by the authority of the domicile of the seafarers

Private RPS: Voluntary or mandatory licensing/ certification - II

6. One CA placed strong limits on the number of RPS (1) operating on one ship; limited number of RPS per shipowner, and oversight of transfer of RPS between shipowners; this authority requires a copy of the commercial agreement between the RPS and the shipowner
7. One crew management company required that seafarers contracts included a statement that crew were aware that they were being employed by shipowner, but serving on a ship operated by a crew manager (without MLC responsibility)
8. Requirement to establish a “System of Protection” needs additional clarity from ILO

To assign or not to assign ROs

1. ROs are involved in mandatory and voluntary certification
 - where CA uses voluntary compliance, some RO's will only audit but require that the CA issues a certificate
2. RO's are dependent on National Competent Authorities
3. ROs look for documentary evidence to validate DMMLC on behalf of FS
4. ROs are reluctant to publish a list of certified RPS; they believe this is the responsibility of their clients

MLC - Deficiencies in PSC inspections related to RPS

1. PSC is not a panacea for MLC compliance
 - PSCOs should be better trained in MLC, 2006 Inspections (EMSA enhanced training)
2. PSC do not have ability to validate RPS compliance, SEAs and social security
 - Identify deficiencies only through complaints or follow on inspection
3. Complaints
 - Safety management meetings should not be used for complaints discussion
 - Increasing use of shore based complaint procedures, for complaints that cannot be solved through the on-board procedures
 - ships' detention is not generally possible from the shore based complaints

Achieving results - I

- Could the SRPS definition be enriched to cover all aspects, such as websites?
 - Definition is all encompassing, a “catch all” for all entities
 - based on role that they play & how involved they are in the recruitment process
 - ICS/ITF campaign on fraudulent RPS
- Can the MLC ratifying states publish lists of regulated private SRPS?
 - Other form of regulation/ certification/ licensing options exist, so difficult to create an overall list that is equivalent across states
 - Is there an opportunity for an industry initiative
 - Could the FL state publish a list of “approved” SRPS
- Can common standards be established for the SRPS supervision across MLC ratifying states?
 - not considered a good idea – undermining a key strength of MLC taking into account country diversity, goes against key MLC principles

Achieving results - II

- Would it help if the (diverse processes) of RPS, certification, licensing and other form of regulation be made explicit
 - Not considered as appropriate
- Is there a need for EU inspection of private RPS in MLC non ratifying states?
 - Could be similar to the EU team of STCW inspectors
 - This is not performed by the ILO
- Could a specialised team of EU experts provide assistance and guidance to MLC non-ratifying states?
 - Performed by ILO

Theme B – Shipowners’ and RPS Implementation of MLC, 2006 Reg 1.4

Discussion Topics

1. RPS operation & responsibilities from Reg. 1.4
2. Shipowners’ obligations stemming from Reg. 1.4
3. Shipowners’ obligations as a result of employing seafarers from MLC non ratifying States
4. Seafarers’ Employment Agreements and CBAs
5. Achieving results

Shipowners / RPS general reflections - I

1. Demand for quality demands sustainable and qualitative business relations, i.e.:
 - “Quality shipowners do business with quality RPS”
2. Efficiency has been increased / has been increasing
 - MLC motivate seafarers for working conditions
3. Costs and administrative burden connected to MLC implementation definitely increased
 - additional costs for special consulting and / or training services
 - MLC relevant “red tape”, paper workload

Shipowners / RPS general reflections - II

1. Some problems refer not directly to the MLC implementation, but to the general understanding of the MLC
2. **BUT(!!!)** there is an understanding for the MLC motivation and reasoning
3. Currently we face “MLC learning or transition” period, thus accumulating practices and experiences, i.e.:
 - optimistic future perspectives in terms of the compliance and implementation of the MLC 2006

Achieving results - I

1. Learning from each other, standardization may be an option
 - E.g. common understanding or definition of the seafarers or cadets
2. One/single/common certificate or “moving towards common standards” in terms of the RPS/RO licencing; based on example of ISO
3. Enforcement and compliance as a response to avoid proliferation of the RPS
4. In terms of RPS’ licencing, monitoring and auditing/inspection (Reg. 1.4) focus on implementing the **whole system** and not single procedures only (Reg. 1.4)
5. RPS are responsible for dealing with the complaints;
 - general reflection: complaints procedures that are being implemented function very well



Achieving results - II

1. Mandatory list of the certified RO / RPS in all countries
2. Improved quality control system for RPS, regulation by LSS
3. Shipowners expect professionalism from the seafarers also in terms of validation of the RO / RPS, i.e.:
 - E.g. “Seafarers have to contact authorities and make pre-checks”
4. MLC problem awareness lays on the seafarers, i.e. seafarers must recognize the problem themselves
5. Reference to 5c(ii) for the so called “Pre-Departure” Orientation Seminar” (Philippines example) as a required precondition for the seafarers
6. Seafarers are expected to fulfil the training Seminar before signing the CBA / EA
7. Insurance obligations fully covered by shipowners, but it remains the gap in terms to RPS responsibilities (acc. to Reg. 1.4)



Theme C - Seafarers' awareness of social security rights incorporated in MLC, 2006

Discussion Topics

1. Seafarers' complaints
2. Seafarers' employment agreements & CBAs
3. Social security & insurance coverage as per required by MLC, 2006
4. Cross country overlapping of social security payments
5. Suggestions on raising awareness of seafarers
6. Achieving results



Seafarers' complaints

- Several complaints procedures: specific applying for RPS, general on board complaints procedures – MLC, 2006 coverage.
- Sometimes cases with confidentiality problems (seafarers) with some Flag States.
- Seafarers complaints: ITF, PSC, seafarers' unions and on board.
- Awareness for seafarers: Seafarers to be given details on the complaint procedures on board the vessel, which is mostly used by seafarers.

Seafarers' complaints. Continued

- More PSC Officers focused on the MLC, 2006 to be appointed.
- Most common cases of complaints.
- Best practices (transparency on complaint procedure, way of getting feedback)
- More clarity on RPS and their certificates requirements (traditional, web platforms)

Social security & insurance coverage as per required by MLC, 2006

- Areas of responsibility
- Social security contribution paid – place of residence
- A1 Form on the EU not always working.
- In some social securities systems you can only voluntary register with the systems
- More training necessary on social security coordination both at EU level and international cooperation, taking into account the fragmentation of seafarers employment relations.
- More need on information bilateral and multilateral agreements.

Achieving results - I

1. Are there possible actions at EU level for the investigation of complaints:
 - Databases showing deficiencies
 - PSC inspections
 - Simpler guidelines to seafarers
 - Capacity building for non-ratifying member states
2. Could we provide a “whistle-blowing” approach for complaints to protect anonymity of seafarers:
 - ITF
 - PSC Officers
 - Availability of electronic communication measures
 - Access to personal assistance of seafarers

Achieving results - II

3. Is there a potential for common MLC social security system at the EU level
 - No. Different systems in member states. It needs more bilateral communication and exchange of information on the EU coordination rules on social security for seafarers and bilateral and multilateral agreements.
4. Could Guidance materials be developed for LSS without Collective Bargaining Agreements on development of CBAs
 - No. Matter for trade unions, because it is based on the cooperation between social partners (trade unions and employers)
5. Is there a need for EU capacity building measures for non ratifying states
 - Yes. Training provided by the ILO Training Centre in Turin.





Workshop on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC, 2006) within and outside the European Union

IMPLEMENTING PARTNERS:

Innovative Compliance Europe Ltd. &
Hochschule Wismar, University of Applied Sciences: Technology, Business and Design
supported by Dr. Maria Progoulaki, Maritime HR Consultant, Researcher & Instructor

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AGENDA

Event dates:	22-23 June 2015 Berlin
Event venue:	Vertretung des Landes Mecklenburg-Vorpommern beim Bund in Berlin / Representation of the Land Mecklenburg-Vorpommern to the Federation in Berlin, In den Ministergärten 3, 10117 Berlin (see map 1)
Scope of the event:	Two full days event.
DAY I:	MLC, 2006 Implementation Map – Mapping current practices
DAY II:	Insights, learnt lessons and future prospects for the MLC, 2006 – Moving Forward
Participants:	Member States of the International Labour organisation (ILO), ship owners and ship owner associations, seafarers' trade unions, public and private Recruitment and Placement Services (RPS), authorities responsible for maritime labour issues, maritime authorities and international organisations (International Maritime Organisation – IMO, etc.)
Project Team and Support:	
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Maritime HR expert	Dr. Maria Progoulaki m.progoulaki@aegean.gr

PRACTICAL INFORMATION

Arrival: Sunday, 21.06.2015 Berlin

BY PLANE.

Arrival at Berlin Airports: Schönefeld Airport / Tegel Airport.

SCHÖNEFELD Airport – AMANO / WINTERS

Schönefeld Airport – Transfer from the airport by local public transport: train (Airport Express and S-BAHN **S9** or **S45**) and bus.

BY PUBLIC TRANSPORT from the SCHÖNEFELD Airport to AMANO Hotel.

Take fast local train (S-BAHN) at the airport **S45** to the station HERMANNSTRASSE in direction "Birkenwerder" and change at HERMANNSTRASSE to metro (U-BAHN) **U8** in direction "Wittenau". Get out at the station ROSENTHALER PLATZ or WEINMEISTERSTR. The Amano Hotel is in walking distance (200-300 m).

If you take S-BAHN **S9**, you will have to change at the station OSTKREUZ to **S5** or **S7** and then to change at ALEXANDERPLATZ to metro (U-BAHN) **U8** in direction "Wittenau".

BY PUBLIC TRANSPORT from the SCHÖNEFELD Airport to WINTERS.

Take fast local train (S-BAHN) at the airport **S45** to the station TEMPELHOF in direction "Birkenwerder" and change at TEMPELHOF to metro (U-BAHN) **U6** in direction "Alt-Tegel". Get out at the station FRANZÖSISCHE STRASSE. The Winters Hotel is in walking distance (ca. 400-500 m).

BY AIRPORT EXPRESS: <http://www.berlin-airport.de/en/travellers-sxf/to-and-from/buses-and-trains/local-public-transport/index.php>

BY BUS: <http://www.berlin-airport.de/en/travellers-sxf/to-and-from/buses-and-trains/local-public-transport/index.php>

BY TAXI.

Distance: Schönefeld Airport – Amano Hotel – ca. 24 km.

Distance: Schönefeld Airport – Winters Hotel – ca. 16 km.

COST – ca. 2-3 EUR / km

TEGEL Airport – AMANO / WINTERS

BY PUBLIC TRANSPORT from the TEGEL Airport to AMANO Hotel.

Take TXL Jet Express Bus S+U Alexanderplatz – S+U Brandenburger Tor – S+U Hauptbahnhof – S Beusselstraße – Flughafen Tegel or TXL Bus 128.

If you take TXL Bus **128**, change to metro (U-BAHN) **U6** in direction “Alt-Mariendorf” at the station KURT-SCHUMACHER-PLATZ and get out at the station LEOPOLDPLATZ. Then take U-BAHN **U9** in direction “Osloer Str.” and change to U-BAHN **U8** in direction “Hermannstraße”. Get out at the station ROSENTHALER PLATZ or WEINMEISTERSTR. The Amano Hotel is in walking distance (200-300 m).

If you take **TXL X9** or **TXL 109**, change to metro (U-BAHN) **U7** at JAKOB-KAISER-PLATZ in direction “Rudow”. Then change to U-BAHN **U8** at the station HERMANNPLATZ in direction “Wittenau”. Get out at the station ROSENTHALER PLATZ or WEINMEISTERSTR. The Amano Hotel is in walking distance (200-300 m).

BY PUBLIC TRANSPORT from the TEGEL Airport to WINTERS Hotel.

Take TXL Jet Express Bus S+U Alexanderplatz – S+U Brandenburger Tor – S+U Hauptbahnhof – S Beusselstraße – Flughafen Tegel or TXL Bus 128.

If you take **TXL Bus 128**, change to metro (U-BAHN) **U6** in direction “Alt-Mariendorf” at, e.g. KURT-SCHUMACHER-PLATZ and get out at the station FRANZÖSISCHE STRASSE. The Winters Hotel is in walking distance (ca. 400-500 m).

If you take **TXL X9** or **TXL 109**, change to metro (U-BAHN) **U7** at JAKOB-KAISER-PLATZ in direction “Rudow”. Then change to U-BAHN **U2** in direction “Pankow” at BISMARCKSTRASSE and get out at the station STADTMITTE. The Winters Hotel is in walking distance (ca. 200 m).

You can also change from the bus to metro (U-BAHN) **U2** in direction “Ruhleben” at ALEXANDERPLATZ and get out at the station STADTMITTE. The Winters Hotel is in walking distance (ca. 200 m).

BY TAXI.

Distance: Tegel Airport – Amano Hotel – ca. 10 km.

Distance: Tegel Airport – Winters Hotel – ca. 9.2 km.

COST – ca. 2-3 EUR / km

Taxis are located outside the airports. Please be advised that **not all taxis in Germany provide non-cash payments. Please ask the taxi driver if it is possible to pay by a card before starting your travel.**

Airport Taxi BB: +49 30 810588888

Taxi Berlin: +49 30 202020

Würfelfunk: +49 30 210101

TaxiFunk Berlin: +49 30 443322

Quality Taxi: +49 30 263000

City-Funk Berlin: +49 30 210202

Funk Taxi Berlin: +49 30 261026

PUBLIC TRANSPORT TICKETS

Tickets machines for all kind of trains (S-Bahn, U-Bahn, airport Express and regional trains (RB or RE trains) including buses can be bought in the red “Deutsche Bahn (DB)” machines at the entrance to each of the stations. The machine accepts cash payments in Euro, EC and credit cards.

It is also possible to buy a day ticket, which can be used for as many as possible drives in all public transport, i.e. trains, buses, metro, tram, etc. until 3 a.m. of the following day.

You can download Route Map Berlin at http://www.berlin-airport.de/de/_dokumente/reisende/2015-01-16-vbb-liniennetz-berlin.pdf

The roadmap for local transport is also attached on page 7. Please note that due to some reconstruction works on metro (U-BAHN) and city train (S-BAHN) routes, there can occur deviations from the original schedules. The main changes are already incorporated into the city roadmap on page 7.

Departure: Wednesday, 24.06.2015 Berlin (varying on individual arrangements).

Accommodation: Amano Hotel Berlin, Auguststraße 43, junction Rosenthaler Straße, 10119 Berlin.
Winters Hotel Berlin am Gendarmenmarkt, Charlottenstraße 66, 10117 Berlin.

Please review the personal notification to see the hotel that you have been allocated.

Please note that your reservation in the hotels includes bed and breakfast. You will be transferred to and from the hotels to the workshop venue and to the dinner venue (from Winters hotel).

Your booking does not cover transport between the hotels and your arrival from / to the airport, nor any other expenses (meals, laundry, etc.) that you may wish to incur during your stay in Berlin.

If you face any problems upon your arrival in Berlin, please contact Laima GERLITZ, Mobile: + 49 178 203 5761.

Registration,
Contact for Information
and Assistance:

Registration upon invitation.

Dinner venue: MANI Restaurant, Torstraße 136, 10119 Berlin (ca. 300 m from the Amano Hotel)

Transfer to the workshop
venue:

You will be transferred from the hotel to the venue and from the venue to the hotel during the workshop days. The bus will be waiting with the sign "MLC, 2006 Workshop" outside the hotels and the venue. Please see the agenda for the transfer times.

The guests from the hotel "Winters" will be transferred to the dinner on 22nd June at 19:30 and back. For guests from the Amano Hotel, the restaurant is in walking distance, ca. 300-400 m.

For guests coming to the venue
by own transport:

Please note: **There are no direct parking places for visitors / guests** of the Representation of the Land Mecklenburg-Vorpommern to the Federation in Berlin. You can use the car parks indicated in map 2.

1	Wannsee <-> Oranienburg
2	Blankenfelde <-> Bernau
3	Teltow Stadt <-> Hennigsdorf
4	Erkner <-> Ostkreuz
5	Ring <-> Uhnzeigerstr.
6	Ring <-> Alexanderplatz
7	Flughafen Berlin-Schönefeld <-> Flughafen Berlin-Schönefeld
8	Königs Wusterhausen <-> Rudow
9	Königs Wusterhausen <-> Südkreuz
10	Spindlersfeld <-> Hermannstr.
11	Spindlersfeld <-> Schöneweide
12	Strausberg Nord <-> Spandau
13	Ahrensfelde <-> Potsdam Hbf
14	Warenberg <-> Westkreuz
15	Warenberg <-> Westkreuz
16	Warenberg <-> Westkreuz
17	Warenberg <-> Westkreuz
18	Warenberg <-> Westkreuz
19	Warenberg <-> Westkreuz
20	Warenberg <-> Westkreuz

S+U-Bahn-Nachverkehr
 nur Fr/Sa ca. 0:30-5:30 Uhr
 Sa/Su und Feiertage ca. 0:30-7:00 Uhr
 S+U-Bahn nighttime traffic
 Fr/Sa ca. 0:30 am-5:30 am
 Sa/Su and prior to holidays
 ca. 0:30 am-7:00 am

1	Wittenbergplatz <-> Uhländstraße
2	Wirschauser Straße <-> Ruhleben
3	Pankow <-> Gleisdreieck
4	Nollendorfplatz <-> Insrucker Platz
5	Hönow <-> Alexanderplatz
6	Alt-Tegel <-> Alt-Mariendorf
7	Rathaus Spandau <-> Südkreuz
8	Wittenau <-> Hermannstraße
9	Oskar Straße <-> Rathaus Steglitz

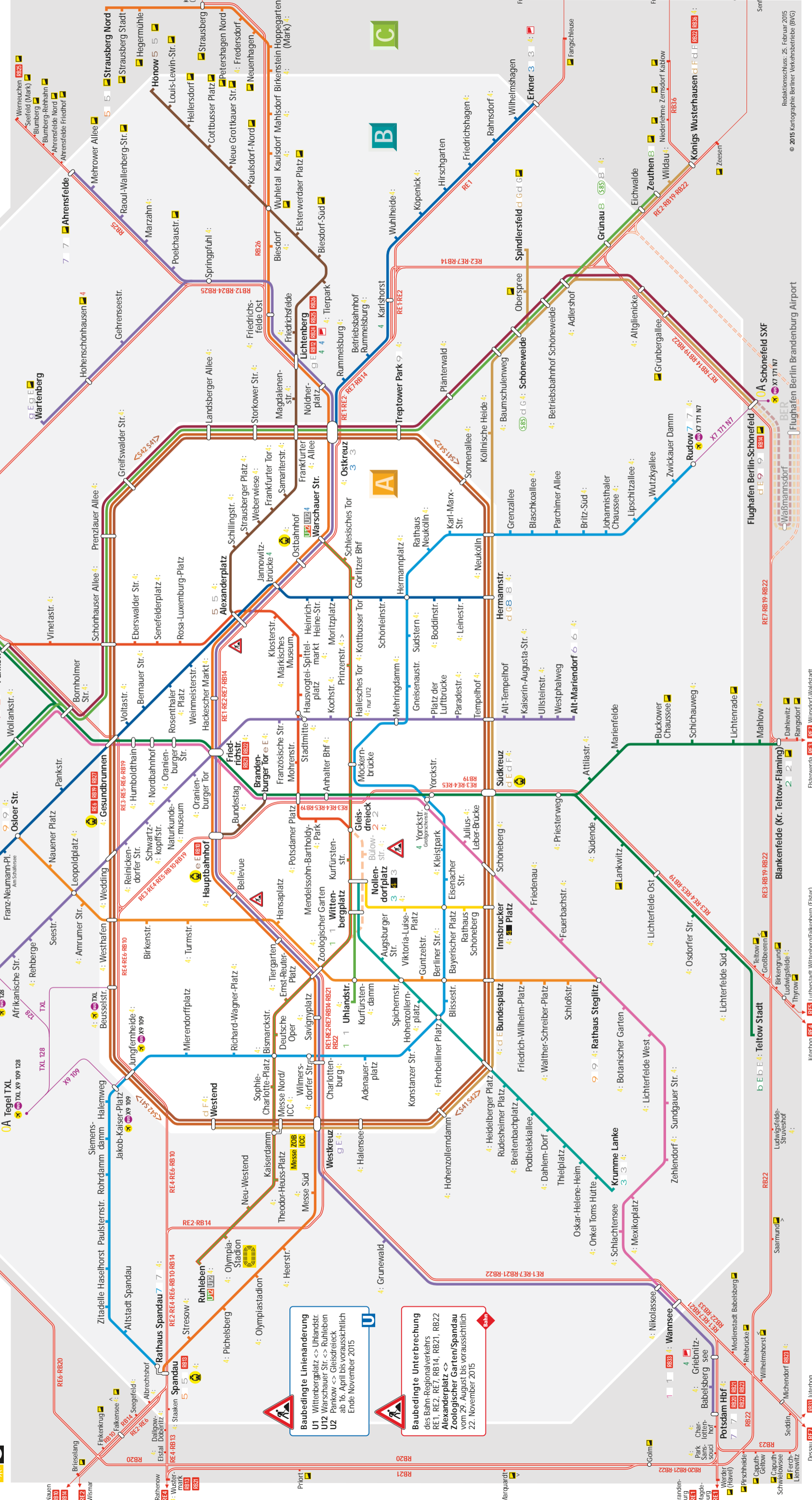
S+U-Bahn-Nachverkehr
 nur Fr/Sa ca. 0:30-5:30 Uhr
 Sa/Su und Feiertage ca. 0:30-7:00 Uhr
 S+U-Bahn nighttime traffic
 Fr/Sa ca. 0:30 am-5:30 am
 Sa/Su and prior to holidays
 ca. 0:30 am-7:00 am

Baubedingte Linienänderung
 U1 Wittenbergplatz <-> Uhländstr.
 U12 Wirschauser Str. <-> Ruhleben
 U2 Pankow <-> Gleisdreieck
 ab 16. April bis voraussichtlich
 Ende November 2015

Baubedingte Unterbrechung
 des Bahn-Regionalverkehrs
 RE1, RE2, RE7, RB14, RB21, RB22
 Alexanderplatz <-> Zoologischer Garten/Spandau
 vom 29. August bis voraussichtlich
 22. November 2015

Legende

- S+U-Bahn-Linie mit Umsteigemöglichkeit
- Urban Rail and Metro line
- Change of transport mode
- Change of transport mode optional
- Zugang über Rampe nur zu den angegebenen Verkehrsmitteln
- Access via ramp only to the specified means of transport only
- Line of regional train
- Line of regional train
- Construction site
- Construction site
- Bus-Anbindung zum Flughafen
- Bus service to airport
- Fernbahnhof
- Long distance railway station
- Zentraler Omnibusbahnhof
- Main bus station
- Barrierefrei durch Berlin
- Barrier-free service
- BVG
- Berliner Verkehrsbetriebe (BVG)
- www.bvg.de
- BVG Call Center: 030 19 44 9
- DB BAHN
- Bahn Berlin
- www.s-bahn-berlin.de
- S-Bahn Kundentelefon: 030 29 74 33 33
- Verkehrsverbund Berlin-Brandenburg
- VBB
- VBB Call Center: 030 25 41 41 41

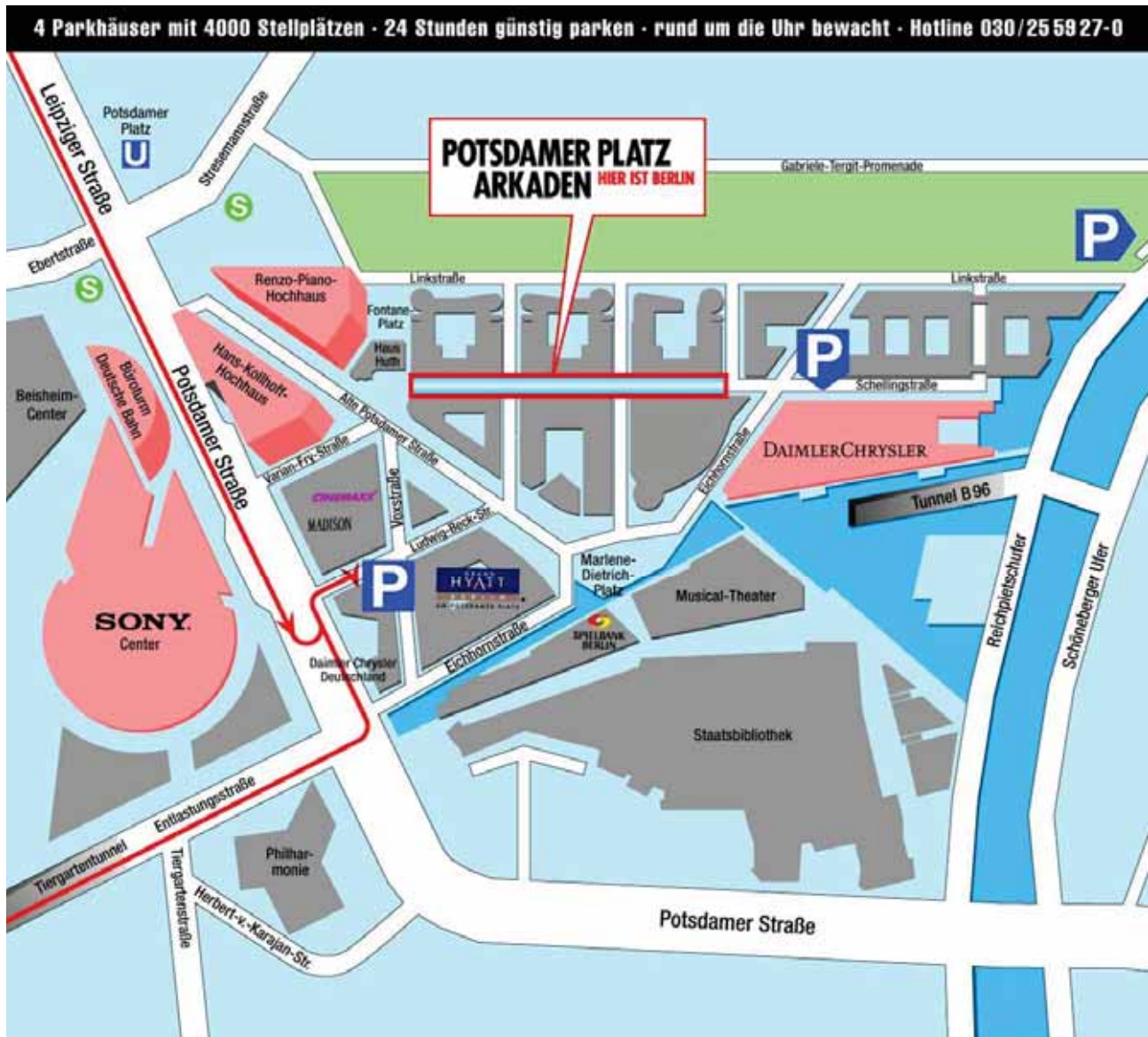


MAP 1: Workshop Venue



Service contract regarding a study on the Implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC, 2006) within and outside the European Union

MAP 2: Parking nearby the workshop venue



WORKSHOP PROGRAMME

DAY I: Monday, 22nd June 2015 – MAPPING CURRENT PRACTICES – MLC, 2006 Implementation Map

Start / End	Theme	Location
<i>Arrival (Sunday, 21st June 2015). Accommodation is provided in the hotels (see practical information)</i>		<i>Berlin</i>
<i>Monday (22nd June 2015)</i>		<i>Berlin</i>
08:00	Pick-up of the participants at the hotels WINTERS and AMANO for the transfer to the Meeting Venue by bus with the sign "MLC, 2006"	In front of the hotels entrance
08:30	09:00 Coffee & Registration	Foyer
09:00	09:30 Greetings from Dr. Marcus Waldmann <i>Representation of the Land Mecklenburg-Vorpommern to the Federation</i> Welcome from the European Commission <i>Head of the Unit D2 – Maritime Safety, Directorate-General for Mobility and Transport, Dr. Christine Berg</i>	Main Hall
09:30	10:15 Study methodology, rationale and operation of the workshop <i>Marcus Hallside, Innovative Compliance Europe Ltd.</i>	Main Hall
10:15	10:45 Coffee break	Foyer
10:45	12:30 Presentation of interim study findings <i>Dr. Maria Progoulaki & Marcus Hallside</i>	Main Hall
12:30	13:00 Presentation of subject areas for break-out groups, organisation of the sessions and introduction of session moderators: <i>Marcus Hallside, Innovative Compliance Europe Ltd.</i>	
	<ul style="list-style-type: none"> Theme A – States' Implementation of Reg. 1.4, MLC, 2006 <i>Moderator: Dr Maria Progoulaki, Maritime HR Consultant, Researcher & Instructor</i> <i>Rapporteur: Marcus Hallside, Innovative Compliance Europe Ltd.</i> 	Main Hall

Start / End	Theme	Location	
	<ul style="list-style-type: none"> Theme B – Shipowners’ and RPS implementation of Reg. 1.4, MLC, 2006 <i>Moderators: George Kirmizidis and Giancarlo Crivellaro, European Commission</i> <i>Rapporteur: Anatoli Beifert, Hochschule Wismar</i> Theme C – Seafarers’ awareness of social security rights incorporated in MLC, 2006 <i>Moderator: Ghislaine Widera-Stevens, European Commission</i> <i>Rapporteur: Laima Gerlitz, Hochschule Wismar</i> 		
13:00	14:00	Lunch (Buffet)	Foyer
14:00	15:00	Review and discussion of the Study findings relating to the break-out themes <i>Facilitation by Theme Moderators</i>	Theme A – Main Hall Theme B – Caspar-David-Friedrich Room Theme C – Fritz-Reuter Room
15:00	16:00	Initial break-out sessions on key MLC, 2006 topics <i>Facilitation by Theme Moderators</i>	Theme A – Main Hall Theme B – Caspar-David-Friedrich Room Theme C – Fritz-Reuter Room
16:00	16:30	Coffee break	Foyer
16:30	17:30	Continuation of break-out sessions <i>Facilitation by Theme Moderators</i>	Theme A – Main Hall Theme B – Caspar-David-Friedrich Room Theme C – Fritz-Reuter Room

Start / End	Theme	Location
17:30	End DAY I	
17:45	Transfer to the hotels by bus	Meeting point – in front of the main entrance
19:45	Pick-up from the hotel "WINTERS" for the Joint Dinner at "MANI RESTAURANT". For guests from AMANO Hotel, the restaurant is located at a walking distance (ca. 300 m) Keynote speech: Ms. Cleopatra Doumbia-Henry, ILO	MANI Restaurant
22:30	Transfer to the hotel "Winters" from the joint Dinner	

DAY II: Tuesday, 23rd June 2015 – MOVING FORWARD –
Insights, learnt lessons and future prospects for the MLC, 2006

Start / End	Theme	Location	
08:00	Pick-up of the participants at the hotels for the transfer to the Meeting Venue by bus with the sign "MLC, 2006"	In front of the hotels	
08:30	09:00	Coffee & Registration	Foyer
09:00	09:45	Continuation of break-out sessions <i>Facilitation by Theme Moderators</i>	Theme A – Main Hall Theme B – Caspar-David-Friedrich Room Theme C – Fritz-Reuter Room
09:45	10:30	Formulation of breakout sessions' findings and insights gathered from topics and issues discussed <i>Facilitation by Theme Moderators</i>	Theme A – Main Hall Theme B – Caspar-David-Friedrich Room Theme C – Fritz-Reuter Room
10:30	11:00	Coffee break	Foyer
11:00	12:00	Presentation and discussion of findings from Theme A – States' Implementation of Reg. 1.4, MLC, 2006 by Rapporteur	Main Hall
12:00	13:00	Presentation and discussion of findings from Shipowners' and RPS implementation of Reg. 1.4, MLC, 2006 by Rapporteur	Main Hall
13:00	14:00	Lunch (Buffet)	Foyer
14:00	15:00	Presentation and discussion of findings from Theme C – Seafarers' awareness of social security rights incorporated in MLC, 2006 by Rapporteur	Main Hall
15:00	16:00	Discussing policy options from findings and break-out sessions	Main Hall
16:00	16:30	Coffee break	Foyer



Start / End	Theme	Location
16:30 17:00	Closing remarks and farewell	Main Hall
17:00	End DAY II	
17:15	Transfer to the hotels by bus	Meeting point – in front of the main entrance



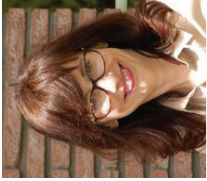
Departure (Wednesday, 24th June 2015)







NOTES



No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
1.		Mrs	Aguirre, Rosa María	Deputy Chief, Maritime Labour Affairs	Panama Maritime Authority	Panama	+507 501 5066 rmaguirre@amp.gob.pa	Analyzed IMO documents relating to fair treatment of seafarers in the event of maritime accidents and regarding the influence of fatigue in maritime casualties. Participated in work groups relating to the MITRADEL Regulation of recruitment and placement agencies, to achieve accordance with the MLC, 2006; regarding seafarers medical examination. Worked on quality control procedure of RPS agencies abroad and complaints handling.
2.		Mrs	Ananina, Olga	ITF Inspector/Novorossiysk	Seafarers Union of Russia	Russia	+ 79887 621232 Ananina_Olga@itf.org.uk	Mrs Olga Ananina was appointed to the position of ITF inspector in 2009. During last 3 years was engaged in ITF project "Black Sea of Shame
3.		Ms	Asik, Marietta	Policy Officer at the Maritime Safety Unit of the Directorate for Mobility and Transport	European Commission	Belgium	Marietta.ASIK@ec.europa.eu	Ms Asik is responsible for the implementation of the Directive 2008/106/EC on the minimum level of training of seafarers as set by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), and for the implementation of Regulation (EC) 336/2006 on the International Safety Management Code (ISM Code). She holds a Bachelor's Degree in 'Maritime Studies' from the University of Piraeus in Greece, a MSc in 'Marine Policy' from Cardiff University in the UK and a MSc in 'European Integration and Development' from the Vrije Universiteit Brussel (VUB) in Belgium. Before joining the European Commission, she was working in the Operations Department of shipping companies in Greece.

No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
4.		Dr.	Baylon, Angelica	External Relations Director	Maritime Academy of Asia and the Pacific(MAAP)	Philippines	+63920 966 9226 ambaylon@gmail.com	Prof Angelica M. Baylon, PHD, MBA, MS Chemistry holds a Master in Shipping Business Management (MSBM). She is a commissioned reserved officer of the Philippine Navy with the rank of Lieutenant Commander. She is the Development Contact Person & Secretary General of the Nautical Institute Philippine Branch
5.		Mr	Beifert, Anatoli	Head of EU Project Centre, Associate Professor Project Coordinator	Wismar University of Applied Sciences: Technology, Business and Design	Germany	+49 3841 753 7634 anatoli.beifert@hs-wismar.de	Anatoli Beifert is an Associate Professor at Wismar University of Applied Sciences, Department of Maritime Studies; Head of EU Project Center at Wismar University, Germany. Major assignments: Research, teaching, consulting and training activities in fields of: Strategic and Operational Management in Shipbuilding, Maritime Economics and Port Operations; Controlling in Maritime Industry, coordination of the EU funded research projects. He was a General Project Manager for the EU funded Project "Baltic-AirCargo.Net" (INTERREG IVB), 3,5 Mio Euro). Special language skills: German, Russian (native languages) and English.
6.		Dr	Berg, Christine	Head of Maritime Safety Unit of the Directorate General for Mobility and Transport	European Commission	Belgium	Christine.Berg@ec.europa.eu	The Maritime Safety Unit strives to develop and implement policies for the promotion of quality shipping, for the prevention of accidents and pollution caused by ships; deals with all aspects of ships' safety, safety of passengers and crews, training and certification of seafarers, and working conditions on board ships; coordinates the Commission's relations with the IMO. Ms Berg has previously headed the office of the Directorate General for Transport and Energy, and managed units in DG Energy and DG Enterprise and Industry. She has a PhD in Economic and Social Sciences.



No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
7.		Mr	Biesen, Marc	Crew Manager	DS Crewing GMBH	DS Crewing GMBH	+49 40 767 961 237 m.biesen@ds-crewing.de	2012- today : Responsible for the complete department of private RPS; 2004-2012 Crew Operator supervising 14 vesels under different flags for German Shipowner
8.		Mr	Boyle, Charles	Director of Legal Services	Nautilus International	UK	+44 208 989 6677 cboyle@nautilusint.org	Advising on legal issues in the maritime sector, such as employment law issues including consideration of MLC rights; membership of the UK's tripartite working group on implementation of the MLC; assisting the ETF in Brussels with the MLC enforcement Directives on flag state and port state control.
9.		Mr.	Brindle, Robert	Lead Specialist at Lloyd's Register	Lloyd's Register Group Ltd	UK	+44 330 414 0174 robert.brindle@lr.org	The Global Head for Lloyd's Register Group on the Maritime Labour Convention 2006 and on port state control. Responsible for Policies and Procedures relevant to the service delivery of MLC inspections and the monitoring of PSC Detentions in the LR Fulset.
10.		Mr	Cagirci, Ural	Chairman	Deniz Çalışanları Dayanışma Derneği (DAD-DER)	Turkey	+90 216 494 5175 ural@dadder.org	1994-1998 Officer on merchant ships 1998-2006 Lecturer in Istanbul Technical University Maritime Vocational School 2006 - Chairman of Dad-Der (Maritime Employees' Solidarity Association)





No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
11.		Mr	Costaras, Costakis	Senior Marine Surveyor	Cyprus Department of Merchant Shipping	Cyprus	+357 25 823 710 ccostas@dfs.mcw.gov.cy	Senior Marine Surveyor , Head of Seafarers Division (STCW, MLC, Registration), Department of Merchant Shipping , Ministry of Transport Communications and Works Studies: Naval Architecture and Marine Engineering, Technical University of Athens (1982-1987)
12.		Mr.	Cousley, John	Head of Maritime Employment and Pensions	UK Department for Transport	UK	+ 44 20 79 44 2011 John.Cousley@mcga.gov.uk	Working in Maritime in the UK's Transport Department for the last 5 years. Started in insurance and liability where he worked on UK's ratification of the Wreck Removal Convention. On completion he moved to maritime employment and training and has been acting Head of the Maritime Employment team for the last 9 months. Current work includes leading on the UK's position on draft seafarers employment Directive, working with the UK Home office on seafarer visa issues and Seafarers' Identity Documents Convention
13.		Mr	Crivellaro, Giancarlo	Policy Officer in the Passenger Rights Unit	European Commission	Belgium	Giancarlo.CRIVELLARO@ec.europa.eu	Giancarlo Crivellaro is working since June 2015 in the Passenger Rights Unit, but previously with the Maritime Safety Unit of the DG for Mobility and Transport where he was in charge of the social aspects of maritime transport, especially working and living conditions of seafarers. After graduation in political sciences and transport economy, he worked for two years as a consultant for the Commission in the unit in charge of Social Dialogue in the field of maritime Transport and Civil Aviation. From 1992, he worked at the European Transport Workers' Federation and for 8 years, acted as the Secretary of the Maritime Transport Section of the ETF.





No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
14.		Dr	Dacanay, Jabeth	Chief of Staff of MARINA and Deputy Head of of STCW office	MARINA	Philippines	+63 9399369822 or +632 526 0971 attyjabeth@gmail.com	Deputy Executive Director (DED) of the STCW Office and the Chief of Staff of MARINA Administrator Dr Maximo Q Mejia Jr. As DED, she assists the MARINA Administrator and the STCW Executive Director in ensuring Philippine compliance with the provisions of the STCW Convention. In relation to the monitoring of maritime higher education institutions (WHEIs) and maritime training institutions (MTIs), she assigns auditors/inspectors/evaluators, analyzes and approves reports for the purpose of proposing improvements. She also assists the STCW Executive Director in STCW-related curriculum development, and performs other duties as the MARINA Administrator may assign
15.		Ms	Dombia-Henry, Cleopatra	Director of International Labour Standards Department	International Labour Organisation (ILO)	Switzerland	+41 22 799 6503 dombia@ilo.org	Director of International Labour Standards Department
16.		Mr	Enrile, Ronaldo	Senior Vice President, Marine Management	Philippine Transmarine Carriers, Inc.	Philippines	+63-2-8981163 renrile@ptc.com.ph	Vice chairman of ANGKLA, Paly-list, Maritime sectoral representative in Philippine Congress. Achievement: Passing of RA 10635, An Act Establishing the Maritime Industry Authority (MARINA)
17.		Ms	Foo-Nielsen, Ai-Cheng	Marine Technical Officer	BIMCO	Denmark	+45 4436 6856 acfn@bimco.org	Participated in the IMO's Sub-Committee for Carriage of Cargoes and Containers as well as IMO's Editorial and Technical Meetings for legislation of solid bulk cargoes. Developed on the BIMCO's homepage, a section dedicated to MLC 2006 to assist BIMCO members with the necessary information, compliance and requirements.



No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
18.		Ms	Gerlitz, Laima	European project manager Project Coordinator	Wismar University of Applied Sciences: Technology, Business and Design	Germany	+49 3841 753 7297 laima.gerlitz@hs-wismar.de	Laima Gerlitz is a Senior Scientific Researcher at Wismar University of Applied Sciences in the fields of: Developments and Trends in International Maritime Industry, Inter-Regional Development and Cooperation of Maritime Industry. She has been involved in a number of relevant research projects (e.g. latest – "MarTech LNG" as Regional Project Coordinator, 1,5 Mio Euro). Further major assignments: Planning, preparation and carrying out studies on maritime industry, analysis, regional profiling and cross-referencing of the maritime related regional potentials and perspectives on inter-regional arena. Special language skills: Lithuanian (native language), German, English and Russian
19.		Mr	Giacomini, Matteo	Policy Adviser	Maritime and Coastguard Agency	UK	+44 23 8032 9538 matt.giacomini@mcga.gov.uk	5+ years working on the implementation of the ILO MLC in the UK. Worked on the ILO Work in Fishing Convention, MLC Crew Accommodation and has been leading for the UK on MLC Recruitment and Placement and Shipowner Liability. Negotiated the two MLC enforcement Directives on behalf of UK, represented UK at the ILO in Geneva, including submitting a paper to the ILO MLC Special Tripartite Committee on Recruitment and Placement.
20.		Mr	Hallside, Marcus	CEO	Innovative Compliance Europe Ltd	UK	+44 20 8144 2591 Marcus.Hallside@innovativecompliance.com	Marcus Hallside has over 20 years' experience in project managing and delivering assignments involving the design and implementation of questionnaires, surveys, data analysis and report writing. He was the Project Manager for a €300,000 aviation security legislative support project for DG-MOVE and a €200,000 data gathering and analysis programme to study the impact of international legislation on all categories of EU flagged ships' crews. Both of these projects had a global scope. Marcus has managed multidisciplinary projects for government authorities in the USA (€1.5 million over five years), Canada (€5 million over three years) and Australia (€500,000 over three years), where he was responsible for overseeing project delivery, quality control of delivered services, and client engagement. He has personally managed teams involving more than 15 project personnel.








No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
21.		Mr	Hindborg, Hemming	Quality Manager	Danish Maritime Authority	Denmark	+45 72196070 HH1@dma.dk	Central Point of Contact, VIMSAS of Denmark, VIMSAS Lead Auditor of IMO Members States, IMO Consultant participating in Mock Audits, IMO Workshop and VIMSAS/IMSAS Auditor, Training Courses Chairman of the Joint Working Group Member State Audit Scheme,
22.		Mr	Inglis, Stewart	Manning and Training Advisor	International Chamber of Shipping	UK	+44 783 742 5201 stewart.inglis@ics-shipping.org	Responsible for ICS engagement with all regulatory and technical issues related to seafarer training and the manning of ships. Formerly worked at the ILO in Geneva, including on the promotion of the MLC.
23.		Prof.	Ivanova, Natalia	Section Leader for staff development	Shipbuilding and Shipping Technical Society named Academic Krilov	Russia	+ 79 11211 3053 nataliv62@gmail.com	Leader of the Section of Shipbuilding and Shipping Technical Society named Academic Krilov for staff development for Shipbuilding and Shipping area. Current position also – Prof. of Saint-Petersburg State Transport University and invited Professor of HAMK University (Finland) – Transportation department and adviser for regional and staff development in Transport area including maritime, logistics and port activities.
24.		Mr	Johnston, Robert	Managing Director	Crewsure Insurance Services Ltd.	UK		1987-2000 Partner and Head of Underwriting at Steamship Mutual P&I Club 2001-2009 CEO of British Marine 2009-2012 Chairman of QBE Marine and Energy 2012 - Founder and MD of Crewsure Insurance


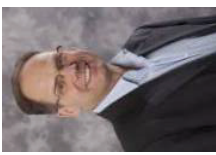






No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
25.		Ms	Jörgens, Runa	Director, Manning & Training	German Shipowners Association	Germany	+ 49 4 350 97 252 jorgens@reederverband.de	After Seagoing career, Mrs Runa Jorgens was working for a shipping company in the crewing department. Since 2011 she is working as Director Manning & Training for the VDR
26.		Mr	Kirmizidis, George	Policy Officer in the Maritime Safety Unit	European Commission	Belgium	George.KIRMIZIDIS@ec.europa.eu	George Kirmizidis is now the technical officer for study on the implementation of labour supplying responsibilities pursuant to the MLC, 2006. He has previously worked for the Unit of the DG for Mobility and Transport, regarding issues related to Classification Societies, and recently became in charge of the social aspects of maritime transport, working and living conditions of seafarers. Before this he worked as an apprentice ichthyologist for the Greek Ministry of Agriculture, as a Scientific Program Officer in the European Commission, and also for JRC-ISPPA. He has an MSc in Biomedical Nanotechnology, an MRes in Medical and Molecular Biosciences and a PhD in bone cell Biology.
27.		Mr	Koltsidopoulos, George	Legal Advisor	Union of Greek Shipowners	Greece	+30 210 42 91 159 ugs@ath.forthnet.gr	Lawyer at the Athens Bar Association; Legal Advisor at the Union of Greek Shipowners since 1977, dealing with social and labour issues; Member of the European Community Shipowners' Associations Social Affairs Committee of the International Chamber of Shipping. Represents employers at meetings of the ILO and the Legal Committee of the IMO. Participated in the negotiations of the MLC 2006.








No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
28.		Mr	Kovalchuk, Igor	1st Vice President	Seafarers Union of Russia	Russia	+ 7 4952299119 kovalchuk@sur.ru	1981-1994 Marine Electric Engineer (seafarer) 1994 to date Seafarers' Union of Russia (SUR) 2006 to date 1st Vice President of SUR Working in the Tripartite Commission under Ministry of Transport on implementation MLC in Russia. Union held the international conference on tripartite base on implementation of MLC in Russia. I took part in all recent ILO events concerning of MLC.
29.		Mr	Kuin, Paul	Principal Auditor	DNV GL - Maritime Services, Maritime Management System Audits	Netherlands	+31 653 828 099 paul.kuin@dnvgl.com	Management system certification regarding safety, environment protection, quality and health; liaison with authorities, Global governance department, auditors, MLC-inspectors and management companies; conducting training
30.		Mr	Kyaing, Thauang	Deputy Director General	Department of Marinen Administration, Ministry of Transport, Republic of the Union of Myanmar	Myanmar	+ 95 9 5104221 dma.myan@gmail.com; d-seeeed@myanmar.com.mm	Director(Seafarer Division, Department of Maritime Administration, Ministry of Transport).Professional activities in the maritime sector: Maritime Environment Protection, Management of Maritime Clusters, Development of Port-related Industries
31.		Capt	Leński, Marek	Head of Marine Safety Inspectorate	Maritime Office Szczecin	Poland	+48 91 440 3594 mleski@ums.gov.pl	1983 Graduate Maritime Academy - Navigation & Sea transport; 1983-2004 Servicing on bulk carriers and container ships; 2005- Flag State Inspector; 2006- Head of Maritime Safety Inspectorate, Auditor ISO 9001, ISM, ISPS





No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
32.		Mr	Liu, Shijun	Deputy Managing Director	Sinocrew Maritime Services Co., Ltd.	China	+86 10 6409 7786 jun@sinocrew.com	Over 20 years of experience in the manning field. Started his career in China Shipping, worked in Manila as Owner Representative, established the reputation of Sinocrew among multinational shipowners.
33.		Mr	Mandić, Mladen	Principal Inspector	Ministry of Maritime Affairs, Transport and Infrastructure	Croatia	+38 516169138 Mladen.Mandic@pomorstvo.hr	Captain, PSCO- 8 years service in HMO, Chief inspector- 4 years in HMO, Chief of Inspector Department Zagreb 5 years
34.		Mr	Nair, Sunil	Public Relations Officer	National Union of Seafarers of India	India	+ 91 22 22618368 nusi@vsni.com	Team member in core group to revise the Merchant Shipping Act inline with the implementation of MLC 2006. Have organised various seminars for the seafarers regarding the MLC 2006. Have been actively involved in the various activities of Nusi which includes often, foreign going cruise ships.






No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
35.		Mr.	O'Callaghan, Tom	Nautical Surveyor	Department of Transport, tourism and sport	Ireland	+ 35 316783464 tomcallaghan@ddtas.ie	Nautical Surveyor with specific responsibilities for the implementation of MLC 2006 in Ireland. Assisted with delivering legislation necessary for the application of MLC 2006.
36.		Mr	Partido, Emmanuel	Head, legal affairs Department	AMOSUP - Associated Marine Officers' and Seamens' union of the Philippines	Philippines	+63 2 527 3535 nolpartido@gmail.com	Participant in Conference of Seafarers Trade Unions, Asian Seafarers Summit Meeting in Tokyo, Japan 28-31 May 2015
37.		Capt	Perchel, Waldemar	President /Chairman of the Board	Döhle Marine Services Europe Ltd /Eurocrew Board	Poland	+48 605 588 568 wperchel@dohle-mse.com	President of Döhle Marine Services Europe in Poland, Director of the Döhle Manning Agencies on the Isle of Man. Directs and consults 5 manning agencies in Poland, Lithuania, Romania, Ukraine and Russia and provides a strong expertise for the marine industry. A member of the Polish Master Mariner Association (SKZM); Vice –president of Association of Polish Marine Agents and Shipowners' Representatives (APMAR); Chairman of Eurocrew Association









No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
38.		Prof. Dr.	Prause, Gunnar	Professor of International Business TSEBA	Tallinn University of Technology	Estonia	+372 5305 9488 gunnar.prause@ttu.ee	strong focus on the applied research in the fields of maritime economy, maritime logistics and maritime personnel management. Gunnar Prause was a responsible person for the Assessment Centre and Maritime Recruitment in the framework of the training-cooperation programme between AKKER YARDS Germany, Admiralty Shipbuilding Yards and Wisnar University of Applied Sciences (2007-2012).
39.		Dr	Progoulaki, Maria	1. Instructor 2. Part-time Lecturer 3. Research Associate, Expert Consultant	1. T&T Top Training, Athens 2. The American College of Greece, Deree, School of Business, Department of Management, Athens 3. The World Maritime University (WMU), Malmö, Sweden	Greece	+30 6974 967249 m.progoulaki@aegean.gr	Dr Maria Progoulaki is a Maritime Economist, working as a Maritime HR Consultant, Researcher and Instructor. Dr Progoulaki was awarded a doctorate on the strength of a thesis entitled "The Management of Multicultural Human Resources as a Shipping Company's Core Competence". She specialises in Maritime HR Management and the MLC 2006. Her interests include: maritime HR and crew management, ILO Maritime Labour Convention 2006, maritime education and cross-cultural training, maritime policy and management, and arctic shipping. She is the instructor of training courses for maritime professionals in Greece in cooperation with T&T Top Training, a Visiting Lecturer at the Department of Shipping, Trade and Transport, University of the Aegean, Greece and a Part-time Lecturer at the American College of Greece, Shipping Management undergraduate and postgraduate programmes. She is also a Research Associate in Shipping and Ports Laboratory (Re-SHIP), University of the Aegean.
40.		Mr	Reese, Sven	Assistant Department B.G. Verkehr, Germany	Berufsgenossenschaft für Transport und Verkehrswirtschaft	Germany	+49 40 36137 313 Sven.Reese@BG-Verkehr.de	Employee of the German Flag state authority B.G. Verkehr, Germany



No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
41.		Capt.	Regio, Emmanuel	Chairman of Joint Manning Group, Filipino Association For Mariners Employment (FAME)	Filipino Association For Mariners Employment (FAME)	Philippines	+ 632524 7337 fame@fame.org.ph	Chairman of Joint Manning, President of Filipino Association of Mariners Employment, Director Trustee/ Council Secretary of Philippine Japan Manning Consultative Council, Inc. and a Trustee of IMMAJ-P JMCC Foundation Inc., Present Director of the Philippine Association of Manning Agencies and the International Maritime Association of the Philippines
42.		Mr	Rono, Marlon R.	1. Board Secretary 2. President	1. Filipino Association for Mariners' Employment (FAME); 2. Magsaysay Maritime Corporation	Philippines	+63 2 526 8888 marlon.rono@magsaysay.com.ph	Actively involved in the maritime industry associations' efforts to promote seafaring as a career of choice. Past president and current director of the largest maritime employment association in the Philippines, FAME. Head of the Philippine Joint Manning Group
43.		Mr	Schmiedl, Norman	Crewing Director	Columbia Shipmanagement Ltd.	Cyprus	+357 25843259 N.Schmiedl@csnycy.com	Responsible for the employment of 12000 seafarers of 53 nationalities. Overseeing recruitment activities of group owned RPS.





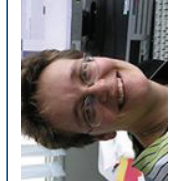


No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
44.		Ms	Schubert, Christiane	Head of Personnel Continent	TT-Line GmbH & Co. KG	Germany		At TT-Line GmbH & Co. KG since 2002. Head of Human Resources Continent. Responsible for HR Strategy and Policy at TT-Line Group (Germany, Sweden, Poland)
45.		Mr	Shahatit, Alexander	Deputy Head of Division Counselling, Job Placement, Temporary Agency Work	Federal Ministry of Labour and Social Affairs	Germany	+49 30 18 527 3545 alexander.shahatit@bmas.bund.de	Deputy Head of Division Counselling, Job Placement, Temporary Agency Work at the Federal Ministry of Labour and Social Affairs
46.		Mr	Sioulas, Evangelos	Crew & Quality Manager	Elvictor Group	Greece	+30 21 0422 4220 quality@elvictor.com	Current captain, graduate of Aspopyrgos Merchant Marine Academy, MSc in Technical Shipping Management by Strathclyde/Glasgow University. 18 years of experience as merchant marine officer, commercial operator, crew and training manager within Greek shipping companies, involved with PSC inspections on board and ISM/MLC matters regarding implementation of office maritime framework.
47.		Mr	Springett, Tim	Policy Director (Employment and Legal)	UK Chamber of Shipping	UK	+44 20 7417 2820 tspringett@ukchamberofshipping.com	Represented UK Shipowners in the MLC negotiations and in tripartite discussions on the implementation in the UK; Took part in negotiating the EU Social Partners' Agreement on the MLC; Participated in the Meeting on Maritime Occupational Safety and Health in October 2014.






No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
48.		Mr.	Storhaug, Haakon	Senior Adviser	Norwegian Maritime Authority	Norway		Head of Delegation to ILO meetings, Head of Delegation IMO HTW and III Deputy head IMO MSC IMO Coordinator at Norwegian Maritime Authority, Participated in ILO Meetings related to MLC 2006
49.		Capt	Trisno, Wasilan Slamet	Head of Officers Department	Kesatuan Pelaut Indonesia	Indonesia	+ 62 213141495 ppkpi@indosat.net.id wstrisno@yahoo.com	Marine Consultant November 2012 - present Marine Safety Manager, CSO, and Marine Superintendent DPA & Marine Advisor of PT, Pelayaran Sumatra Wakana Perkasa DPA/ Marine Safety & Crewing Management Manager
50.		Mr	Urziceanu, Florin	President	Association of Romanian Crewing Agencies	Romania	+40 241 551 700 florin_urziceanu@abcrewing.com	General Manager-AB Crewing SRL; Country Representative in Romania-NYK Shipmanagement PTE Ltd Singapore; President-ARCA-Association of Romanian Crewing Agencies; Council Member of Eurocrew; Vice President-UGIR –General Union of Industry Business Owners, Constanta Branch; Trainer- NYK Shipmanagement PTE Ltd, Romania Training Center



No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
51.		Mr	Waanders, Wim	Director	Dutch Shippers Association (KVR)	Netherlands	+ 3110 414 6001 waanders@kvr.nl	Responsible for labour affairs at KVR, Member of ECSA social affairs committee, ICS labour affair committee
52.		Mr	Whitlow, Jon	Seafarers Section Secretary	International Federation of Transport Workers	UK		Secretary of the Seafarers', Fisheries and Inland Navigation Sections at the International Transport Workers' Federation (London) since 2000; Secretary of the Seafarers' workers group on at the ILO, involved in the negotiations on such issues as the MLC and ILO Convention 185 ; Member of the Board of Governors of the World Maritime University
53.		Ms	Widera-Stevens, Ghislaine	Policy Officer in the DG Employment, Social Affairs and Inclusion	European Commission	Belgium	Ghislaine.WIDERA@ec.europa.eu	Ghislaine Widera-Stevens has a background in European law. Her area of expertise are the working and living conditions in different transport sectors, including the maritime sector.



No.	Photo	Title	Name	Position	Organisation	Country	Phone and E-Mail	Short Profile
54.		Prof. Dr.	Winkler, Joachim	Professor Wismar University of Applied sciences	Wismar University of Applied Sciences: Technology, Business and Design	Germany	joachim.winkler@hs-wismar.de	Director of European Project Center, Professor and Dean of Wismar Business School. Key research fields: sociology, organisations, social disparity and health.
55.		Ms	Zec, Dorothea	Union Officer International Relations	Seafarers Union of Croatia	Croatia	+ 385 51 325 340 dzec@sph.hr	Working in Department for International Affairs in Seafarer's Union of Croati. Engaged in work regarding international conventions, European law, implementation of conventions.
56.		Mr	Zorovic, Mario	Managing Director	Zorovic Maritime Services Ltd.	Croatia	+385 98 438 105 Mario.Zorovic@zorovic.hr	1992-1996 Worked as officer onboard tankers 1996-2015 Crew management Currently president of CROSMA, member of Council of Eurocrew Association.





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
1.	Aguirre	Rosa Maria	Panama Maritime Authority, Panama	<i>[Signature]</i>	yes
2.	Ananina	Olga	Seafarers Union of Russia / International Transport Workers Federation (ITF), Russia	<i>[Signature]</i>	yes
3.	Asik	Marietta	European Commission	<i>[Signature]</i>	YES
4.	Baylon, Prof. Dr.	Angelica M.	Maritime Academy of Asia and the Pacific (MAAP), Philippines	<i>[Signature]</i>	YES
5.	Belfert	Anatoli	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany	<i>[Signature]</i>	YES
6.	Berg, Dr.	Christine	European Commission	<i>[Signature]</i>	YES
7.	Biesen	Marc	DS Crewing GmbH, Germany	<i>[Signature]</i>	yes
8.	Boyle	Charles	Nautilus International, UK	<i>[Signature]</i>	YES
9.	Brindle	Robert	Lloyd's Register Group Ltd., UK	<i>[Signature]</i>	YES.





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
10.	Cagirdi	Ural	Maritime Employees' Solidarity Association (DAD-DER), Turkey		Yes used @dadder.org
11.	Costaras	Costakis	Department of Merchant Shipping, Cyprus		YES.
12.	Cousley	John	Department for Transport, UK		YES.
13.	Crivellaro	Giancarlo	European Commission		YES -
14.	Dacanay, Dr.	Jabeth	Maritime Industry Authority - MARINA, Philippines		Yes
15.	Doumbia-Henry	Cleopatra	International Labour Organisation, Geneva		Yes.
16.	Emmanuel Lusterio	Regio	Filipino Association for Mariner's Employment INC. (FAME), Philippines		YES
17.	Enrile	Ronaldo	Philippine Transmarine Carriers, Inc., Philippines		YES
18.	Foo-Nielsen	Al-Cheng	BIMCO, Denmark		YES





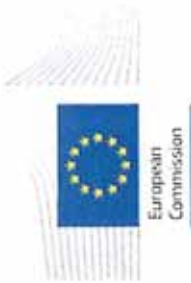
No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
19.	Gerlitz	Laima	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		Yes
20.	Giacomini	Matt	Maritime and Coastguard Agency, UK		Yes.
21.	Griffin	Gemma	DFDS Seaways, Denmark		
22.	Hallside	Marcus	Innovative Compliance Europe Ltd., UK		
23.	Hindborg	Hemming	Danish Maritime Authority, Denmark		YES.
24.	Inglis	Stewart	International Chamber of Shipping, UK		YES
25.	Ivanova	Natalia	Shipbuilding and Shipping Technical Society named Academic Krilov, Russia		natalive2@gmail.com
26.	Johnston	Robert	Crewsure Insurance Services Ltd., UK		
27.	Jørgens	Runa	German Shipowners' Association (VDR), Germany		YES





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
28.	Kirmizidis	George	European Commission		YES
29.	Koltsidopoulos	George	Union of Greek Shipowners, Greece		YES
30.	Kovalchuk	Igor	Seafarers Union of Russia, Russia		Yes
31.	Kuin	Paul	DNV GL, the Netherlands		yes.
32.	Kyaing	Thaung	Department of Marine Administration, Ministry of Transport, Myanmar		Yes
33.	Leski	Marek	Maritime Office in Szczecin, Poland		meski.
34.	Liu	Shi Jun	Sinocrew Maritime Services Co., Ltd., China		Jun Shi crew with the Republic of Poland. @pomorstwo. pl.
35.	Mandić	Mladen	Ministry of Maritime Affairs, Transport and Infrastructure, Croatia		Yes
36.	Martinez	Manuel Antequera	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		Yes





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
37.	Nair	Sunil	National Union of Seafarers of India, India		Yes
38.	O'Callaghan	Tom	Department of Transport, Tourism and Sport, Ireland		Yes
39.	Partido	Emmanuel Evangelista	Associated Marine Officers' and Seamens' Union of the Philippines (AMOSUP), the Philippines		Yes
40.	Perchel, Capt.	Waldemar	Döhle Marine Services Europe Ltd., Poland		Yes
41.	Peter	Cindy	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		Yes
42.	Prause, Prof. Dr.	Gunnar	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		Yes
43.	Progoulaki, Dr.	Maria	Maritime HR Consultant, Researcher and Instructor, Greece		Yes
44.	Reese	Sven	BG Verkehr – Ship Safety Division, Germany		Yes
45.	Riedel	Stefan	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		Yes





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
46.	Rono	Marlon R.	Magsaysay Maritime Corporation, Philippines		yes
47.	Schmiedl	Norman	Columbia Shipmanagement Ltd., Cyprus		YES
48.	Schubert	Christiane	TT-Line, Germany		
49.	Shabarkova	Dayana Ivanzhelova	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		yes
50.	Shahatit	Alexander	Federal Ministry of Labour and Social Affairs, Germany		yes
51.	Sioulas	Evangelos	Elvictor Group - Crew & Quality, Greece		YES
52.	Springett	Tim	UK Chamber of Shipping, UK		YES
53.	Storhaug	Haakon	Norwegian Maritime Authority, Norway		
54.	Ticheva	Velislava	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		yes





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
55.	Trisno	Wasilan Slamet	Kesatuan Pelaut Indonesia, Indonesia		W S R I S N O @ Y a h o o . C o m
56.	Urziceanu	Florin	Association of Romanian Crewing Agencies, Romania		YES
57.	Waanders	Wim	Dutch Shippers Association (KVRN), the Netherlands		YES
58.	Whitlow	Jon	International Transport Workers' Federation (ITF), UK		
59.	Widera-Stevens	Ghislaine	European Commission		YES
60.	Winkler, Prof. Dr.	Joachim	Hochschule Wismar, University of Applied Sciences: Technology, Business and Design, Germany		YES
61.	Zec	Dorothea	Seafarers' Union of Croatia, Croatia		YES
62.	Zorovic	Mario	Zorovic Maritime Services Ltd., Croatia		YES
63.					





No.	Surname	Name	Organisation represented	Signature	Consent to publication / circulation of your profile data to the workshop participants Please CHOOSE YES / NO
64.					
65.					
66.					
67.					
68.					
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71.					





Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the maritime labour convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Second Progress Report

Annex V – Workshop Participant Profiles

Prepared by: Innovative Compliance Europe Ltd

Hochschule Wismar, University of Applied Sciences: Technology, Business and Design

& Dr. Maria Progoulaki





PRIOVIED AS SEPARATE DOCUMENT DUE TO SIZE CONSTRAINTS



MLC, 2006 Implementation Workshop
Plenary Session 2:
Study Objectives and Methodology

Berlin, June 22, 23 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

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Outline

- Workshop Housekeeping
- Aspects of MLC, 2006 covered by this study
- Study Rationale and Methodology

Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859



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Housekeeping

- Thank you
- Who we are
- Transport arrangements
- Workshop materials & procedures
- Agenda



Implementation Workshop

- To examine the different perspectives of LSS in the implementation of the MLC, 2006, concerning the recruitment & placement of seafarers;
- Identify gaps, difficulties, problems;
- Identify points of general agreement;
- Exchange ideas & suggestions on resolving the defects in a policy level.



Agenda – Day 1

- 08:30 Coffee & Registration
- 09:00 Greetings
- 09:30 Study Methodology and Rationale
- 10:15 Coffee Break
- 10:45 Interim Study Findings
- 12:30 Introduction to the Break-out Sessions
- 13:00 Lunch
- 14:00 Break-out Session - I
- 15:00 Break-out Session – II



Agenda – Day 1 (continued)

- 16:00 Coffee Break
- 16:30 Break-out Session – III
- 17:45 Transfer to the Hotels
- 19:45 Bus pick-up from Winters Hotel
- 20:00 Workshop Dinner
- 22:30 Bus return to Winters Hotel



Agenda – Day 2

- 08:00 Pick up from Hotels
- 08:30 Coffee & Registration
- 09:00 Break-out Session - IV
- 09:45 Break-out Session – V
- 10:30 Coffee Break
- 11:00 Break-out Theme A – Presentation of Recommendations
- 12:00 Break-out Theme B – Presentation of Recommendations
- 13:00 Lunch
- 14:00 Break-out Theme C – Presentation of Recommendations
- 15:00 Policy Option – Brainstorming Discussion
- 16:00 Coffee Break
- 16:30 Closing Remarks



Break-out Sessions

	Theme
A	States' compliance with Reg. 1.4
B	Shipowners' & RPS compliance with Reg. 1.4
C	Seafarers' awareness on rights stemming from Reg. 1.4



Background to MLC, 2006

- The Maritime Labour Convention (MLC, 2006)
- Adopted by the International Labour Organisation (ILO) on Feb 23, 2006.
- Ratified in August 20, 2012 by 30 countries, representing more than 33% of world fleet
- Came in force in August 20, 2013
- 66 Countries have ratified the MLC as of June 15th, 2015



Background to MLC, 2006 - II

- Covers essential matters of maritime labour;
- Guarantees decent working and living conditions on board ships;
- Sets procedures to implement these provisions;
- Establishes a level playing field across the worldwide maritime industry by setting common minimum standards for all flags and seafarers & improving maritime safety.



MLC, 2006 requirement relating to the study

- Ratifying members shall establish an effective inspection & monitoring system for enforcing its labour supplying responsibilities under the MLC
- To meet requirements of the MLC applicable to the operation & practice of seafarer recruitment and placement services shall establish on its territory a system of inspection & legal proceedings for breaches of licensing & other operations



MLC, 2006 requirements - II

- All seafarers shall have access to an efficient, adequate & accountable system for finding employment onboard ship without charge
- Seafarer recruitment & placement services (RPS) operating in a Member's territory shall conform to the MLC, 2006 standards
- Each Member shall require in respect of seafarers who work on ships that fly its flag that shipowners who use seafarer RPS that are based in territories in which the MLC does not apply, ensure that those services conform to the MLC requirements.



Rationale for the Study

- Is there a consistent level of the implementation of MLC, 2006 in labour supplying states applied to manning agencies, and seafarers rights in the interest of the EU seafarers and shipowners, to facilitate a steady supply of seafarers working in a safe environment with appropriate levels of social security?
- If additional EU oversight is required, can this be achieved utilising existing regulatory frameworks, and without negatively impacting the professional prospects of EU seafarers and the profitability and competitiveness of EU shipowners?

Study Remit

- Assess how the main labour EU and non EU seafarers' supplying countries (having ratified the MLC or being in the process of ratifying it) are complying, or intend to comply with the obligations to establish an effective inspection and monitoring system for the operation of RPS and for enforcing labour supplying responsibilities under the MLC;
- Assess the need or not of having a European Union legislative framework aimed at ensuring that the most important labour supplying States implement their responsibilities under the MLC as pertaining to seafarer recruitment and placement;
- Identify the main policy options which will allow the EU and EU Flag States to ensure that the most important labour supplying States implement those responsibilities under the MLC pertaining to seafarer recruitment and placement, as well as the social security protection of its seafarers.

Study goals

To examine and describe:

- The various inspection & monitoring systems of RPS established by the main LSS;
- The conditions for obtaining licenses or certificates or similar authorisation by RPS, & whether they are properly compliant;
- The procedures for the investigation of complaints related to the activities of seafarer RPS.



Study goals (II)

- Examine if RPS are operated in an orderly manner that protects & promotes seafarers' employment rights in the States' territory as outlined in the MLC;
- Investigate policy options providing to the FS reassurance that shipowners who use seafarer RPS that are based in EU & non EU LSS are conform to the MLC requirements.



Significance of the study

- Analysis of the current conditions concerning the seafarers recruitment & placement
 - In major MLC ratifying LSS and EU members
 - In major non-MLC ratifying LSS, in respect of the potentials of complying with the MLC requirements & the prospects of ratifying the MLC;
- Identification of relevant policy options in legal, economic and social terms;
- Identification of trends characterising the EU shipping industry, the EU population in the EU & at a global level.



Methodology

- Desktop research
- LSS and FS profiles for target countries
- Stakeholder interviews
- Seafarers survey
- Initial findings
- Workshop
- Final report



Desktop Research

Data Sources

- Seafarers' questionnaire
- ILO MLC, 2006 and other ILO conventions
- ILO CEACR results
- EU Directives
- PSC and MOUs reports, THETIS database
- Previous studies in relevant topic
- National legislation on maritime labour



MLC, 2006 Ratification Status

25 in total	MLC		
	Ratified & in force (18)		Not Ratified (7)
EU Members (15)	UK , Spain, Poland, Netherlands, Luxembourg, Malta, Italy, Greece, Germany , Denmark, France , Cyprus, Croatia , Bulgaria		Romania (1)
Non EU Members (10)	Russia, Morocco, Philippines, Malaysia (4)		Turkey, Ukraine, Myanmar, India, China, Indonesia (6)



Stakeholders' Interviews

- Interviews based on scripts or semi-structured
 - International and EU organisations
 - FS, LSS relevant authorities
 - Shipowners' Associations
 - Seafarers' trade unions
 - Shipping companies and RPS
 - PSC and regional MOUs
 - Classification societies
 - Other (NGOs, Port Chaplains, P&I and private insurance companies, web-based RPS, etc.)



Seafarers Survey

- Web-based survey
- Launched in Job2Sea & Seaman Jobsite
- Supported by ITF Members
- 3 languages
- Main goal is to obtain information relating to :
 - Awareness of license/ certification validity of RPS
 - Awareness of rights stemming from MLC, 2006
 - Awareness of complaints procedure
 - Personal experiences



Survey Topics

- Profile of respondent
- Current Employment
- Seafarer Employment Agreement
- Questions related to payment of wages
- Social security and insurance coverage
- Complaints
- Statutory documents
- Discrimination
- Overall Experiences after MLC, 2006 implementation

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On line forms

The image shows three overlapping survey forms for seafarers from different countries: RUS, Tagalog, and EN. Each form has a 'Identification' section with a warning: 'DO NOT BE PERSONAL'. The EN form also includes a disclaimer: 'The identification information requested here is not required and if provided it will remain fully confidential. If you are willing to help us by being available for further questions, please enter your personal details below. ANY AND ALL PERSONAL INFORMATION WILL BE TREATED AS STRICTLY CONFIDENTIAL.' The forms contain various input fields for email, nationality, and crew position, along with radio button options for different roles.

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Thank You

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MLC, 2006 Implementation Workshop
Plenary Session 3:
Initial Study Findings

Berlin, June 22, 23 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

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Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859



Outline

- ILO's CEACR General Observations
- Results from MOUs on PSC
- Identification & role of SRPS
- Certification and licensing of SRPS
- Mandatory and voluntary inspection of RPS
- Inspection and Supervision of private SRPS
- Guidance to seafarers concerning RPS services in MLC non-ratifying States
- Social security & insurance
- SEA & CBA
- Complaints recording & investigation
- Seafarers' experiences

Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859



2

Competent authority & ROs' authorisation

- In most targeted countries 1 competent authority exists
 - Except Netherlands (2), Ukraine (3) and Philippines (3)
- Authorisation of ROs
 - EU, MLC members: less than half have notified the ILO that they have authorised certain ROs
 - Non EU, MLC members: only the Philippines has identified ROs
 - IACS members are generally chosen, 5-7 on average



CEACR General observations 2015

- The ILO CEACR requested 34 national reports concerning the MLC, 2006 implementation
- CEACR does not publish the national reports, but provided **general observations**
 - There is a significant level of implementation in practice, & a high level of engagement by relevant actors in the industry
 - A number of countries rely on **certification of recruitment and placement services**,
 - Cases where C179/ 1996 is equated with MLC, 2006
 - MLC, 2006 does not contain exactly the same provisions



CEACR General observations 2015

(continued)

- Attribution of responsibility for **social security** may be the subject of bilateral & multilateral agreements
 - Regional arrangements have been made among some Members
- These mechanisms do not appear to be widespread
- Members should consider the various ways in which **comparable benefits** will be provided to seafarers
- In some cases the states' governments would benefit from **technical assistance and cooperation**
 - especially on regulation of private RPS, and Port State responsibilities



PSC and MOU Reports on MLC-related deficiencies

- Paris MOU's first report (2015) on deficiencies specific to MLC, 2006
 - No similar reports have been published so far from other MOUs or the US Coast Guard.
- Consolidated Inspection Campaigns (CIC) on MLC organised
- Annual Reports of other MOUs include statistics on 7 categories of MLC-related deficiencies:
 - Crew certificates and documentation;
 - Working conditions;
 - Living conditions;
 - Labour conditions:
 - social security; conditions of employment; accommodation, recreational facilities, food and catering; and health protection and medical care



PSC and MOU Reports on MLC-related deficiencies: Paris MOU

- 20 August 2013- 20 August 2014
- 3447 MLC-related deficiencies/ 46798 total deficiencies (7.4%)
 - 113 ships were detained for MLC-related deficiencies / 649 total detentions(17.4%)
- Detainable deficiencies:
- Health, safety & accident prevention (43%), payment of wages (49%), manning levels (29%), food & catering (15%), accommodation (10%)
 - 17 deficiencies in Area 5- **“Use of any licensed or certified or regulated private SRPS”**- 0.5% of total MLC deficiencies (None led to detention)
 - 184 deficiencies in Area 4- **“Seafarers’ Employment Agreement”**- 5% of total MLC deficiencies (15 cases were detainable deficiencies)
 - 89 deficiencies in Area 13- **“Onboard Complaint Procedure”**- 3% (4 were detainable)

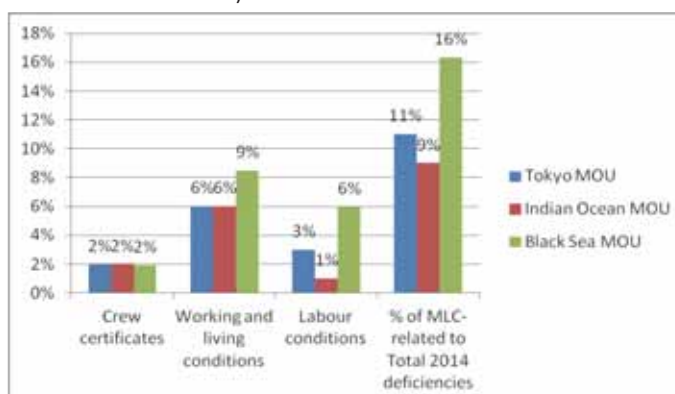
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PSC and MOU Reports on MLC-related deficiencies: Comparative deficiencies

- Period 1st January to 31 December 2014.
- MLC-related deficiencies in comparison to total deficiencies (Tokyo, Indian & Black Sea Memoranda)



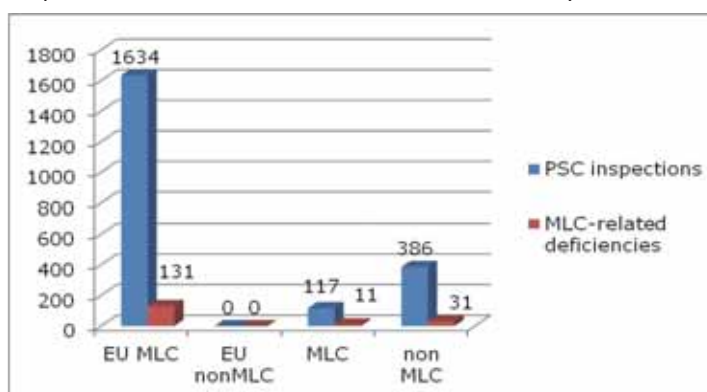
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THETIS: MLC-related deficiencies of ships flying the flags of the selected countries

- Number of MLC-related deficiencies to total number of inspections on ships registered to the selected countries of the study, from the implementation date of the MLC, 2006 until 12 May 2015.



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Findings concerning SRPS

- What is an SRPS
 - Primary purpose is the recruitment and placement of seafarers or where they recruit and place a significant number of seafarers.
 - In doubt, the question is to be determined by the competent authority in each Member
- Varieties of SRPS
 - Independent intermediary in the supply chain of maritime labour
 - Manning / crewing agent (not eligible for P&I insurance cover)
 - Signatory party in the employment agreement as representative and on behalf of the shipowner;
 - Ship / crew operator (eligible for P&I insurance cover)
 - Subsidiary / branch of a ship management or shipowning firm
 - Offer services online, without a physical presence in a particular location

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Websites' examples

(4 organisations contacted by the study team)

- **Example #1**
- One EU Member State Competent Authority than has not directly certified a based web service, operating within its territory as an RPS.
- The company is, however, listed as a SRPS on the homepage of the Maritime Development Center of Europe (MDCE) that has been authorized by the EU Member State authority to issue such certificates.
- This MDCE certification is **not** mentioned on the public web site of the company.



Web-board examples (Continued)

- **Example #2**
- A second web site located in the Philippines, includes a disclaimer that it is not operating as a RPS

“xxx is not in any manner engaged in the recruitment, placement or referral of domestic or overseas contract workers. xxx merely accepts advertisements from POEA licensed manning agencies, which are solely responsible for the recruitment and placement of workers. Manning agencies are responsible for ensuring that job openings submitted for inclusion on xxx complies with all relevant laws and regulations. xxx will not take responsibility for any error, omission or inaccuracy in these information. For the updated status of recruitment agencies in the Philippines, please visit the official website of the Philippine Overseas Employment Administration (POEA) at www.poea.gov.ph.”

<http://www.xxxxxxx.xxx/disclaimer.php>



Web-board examples (Continued)

- **Example #3**
- One web-board accepted a registration fee from the Study team to become a member;
- thereafter ignored all requests for additional information;
- there is no mention on the web site relating to the domicile of the company; and,
- since becoming registered on this site, the Study team has been receiving a steady flow of e-mails from seafarers seeking job opportunities



Web-board examples (Continued)

- **Example #4**
- *“we do charge some fees to both seafarers and shipping companies for the services we offer.*
- *Although we are not considered RPS as per MLC, 2006 definition, I am interested in learning more about the compliance of our entity with MLC, 2006.*
- *There are free-of-charge services to the seafarers, and there are premium services for which there are charges to the seafarer.*
- *Such additional packages may include for instance, consultation on the structure of the CV, background information on the possible employer and other.”*



One Seafarers' Internet Job Search

A seafarer, of Indian nationality holding the rank of 3rd Engineer with valid Indian CDC and UK COC certificates is sending out mass e-mails at regular intervals to a total of 340 web-board addresses

```
<hmsdel@herald-maritime.com>; hmsmain@herald-maritime.com <hmsmain@herald-maritime.com>;
ho@mngindia.in <ho@mngindia.in>; ho@moversintl.com <ho@moversintl.com>; hopl@bom2.vsnl.net.in
<hopl@bom2.vsnl.net.in>; hqi@gac.com <hqi@gac.com>; hr@msiships.com <hr@msiships.com>; hr@dpship.com
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ies@indopacificservices.com <ies@indopacificservices.com>; iimp@cal.vsn.net.in <iimp@cal.vsn.net.in>;
imsarms@emirates.net.ae <imsarms@emirates.net.ae>; in-csc-che-man@bs-shipmanagement.com <in-csc-che-
man@bs-shipmanagement.com>; in-csc-kol-man@bs-shipmanagement.com <in-csc-kol-man@bs-
shipmanagement.com>; in-csc-mum-man@bs-shipmanagement.com <in-csc-mum-man@bs-shipmanagement.com>;
inbox@goodwoodship.com <inbox@goodwoodship.com>; india@seawaysintl.com <india@seawaysintl.com>;
india@toships.com <india@toships.com>; india@c-mar.com <india@c-mar.com>; indiahr@univan.com
<indiahr@univan.com>; indiarecruit@stena.com <indiarecruit@stena.com>; info@iss-shiping.com <info@iss-
shipping.com>; info@hireinternational.com <info@hireinternational.com>; info@nimbusmaritime.com
<info@nimbusmaritime.com>; info@polarcus.com <info@polarcus.com>; info@ostarshipping.com
<info@ostarshipping.com>; info@habibalmulla.com <info@habibalmulla.com>; info@dsbe.ae <info@dsbe.ae>;
info@expressoffshore.com <info@expressoffshore.com>; info@bluebirdshipping.in <info@bluebirdshipping.in>;
info@rieelmarine.in <info@rieelmarine.in>; info@hicomideast.com <info@hicomideast.com>;
```



Stakeholders' viewpoints

- *“Fly by night RPS establish web presence, take cash and disappear”.*
- *“The ability of individuals to set up web sites which act as if they are RPS but charge fees, and then “disappear” without providing any services is an issue for seafarers.*
- *Seafarers are not aware of the importance of certification of RPS, and the information about the certification status of RPS is not prominently displayed (other than in the Philippines).”*



Public & Private SRPS

	Public RPS	Private RPS
EU MLC Ratified	Poland (340) Cyprus (3) Bulgaria, Italy, Croatia, Germany, Greece, Netherlands, Spain (1) Denmark, Luxembourg, UK (0) France, Malta (unknown)	Bulgaria (80 - valid license/88) UK (80) Poland (69) Germany (66) Croatia (33) Spain (13) Netherlands (6 or more) Denmark (3) Cyprus, Luxembourg, Greece* (0) Italy, France, Malta (unknown)
EU non MLC	Romania (unknown)	Romania (114)

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Public & Private SRPS (continued)

	Public RPS	Private RPS
MLC Ratified outside the EU	Morocco, Russia (1) Malaysia (unknown)	Philippines (408 with valid license/ 822) Russia (109) Malaysia (4) Morocco (unknown)
MLC non Ratified outside the EU	India (2) China, Myanmar, Turkey (1) Indonesia (unknown)	India (339) China (210) Myanmar (53 or more) Indonesia (unknown) Turkey (183 <i>unofficially</i>)

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Certification and Licensing

- No consistent approach to certification
- Few ratifying states publish lists of certified RPS
- No ratifying states publish the standards for & methodology of RPS certification
- ROs' certification of SRPS is usually on a voluntary basis
- Certification & licensing schemes:
 - Voluntary from competent authority
 - Voluntary from authorised ROs & audited by competent authority
 - Obligatory from public authority



Voluntary licensing & inspection of RPS

- Optional scheme for the certification of employment agencies, under which the operations of the SRPS are audited, in the UK & Russia.



Voluntary licensing & inspection of RPS- Example: **the UK**



- Two categories of seafarers' employment entities
- indicated by the representative of the UK Maritime & Coastguard Agency & regulated by the Dept. for Business Innovation & Skills.
 - a) Employment Agencies (EAs): the agency is providing a vehicle for seafarers to establish contact with potential employers;
 - b) Employment Businesses (EB's): the agency is the employer of the seafarer, considered to be an RPS licensed by the UK authorities and subject to MLC, 2006 .



Authorisation of ROs to certify private SRPS

- EU and MLC ratifying states: Denmark, Cyprus*, the UK and the Netherlands
- Outside the EU, MLC ratifying: the Philippines (optional as additional)
- The FS & LSS authorities are still required to establish a monitoring system that will ensure that certified RPS are compliant to MLC

**although private SRPS not officially regulated in Cyprus*



ROs' certification of SRPS

- Half of the IACS members have particular certification standards for Standard A1.4
 - ABS, BV, DNV-GL, NK, RINA, and RS
- Publication of ROs' SRPS certificates:
 - Only Class NK publishes online the SRPS certificates



Mandatory licensing of SRPS from public authority

- EU members and MLC ratifying states:
 - Bulgaria, Italy, Croatia, Germany and Spain
- MLC ratifying states outside the EU:
 - Malaysia and the Philippines.



Publication of licensed SRPS by public authority

- EU members MLC ratifying:
 - Bulgaria, Denmark, Germany
- EU member MLC non-ratifying LSS:
 - Romania
- Non EU MLC ratifying countries:
 - Philippines
- Non EU non MLC ratifying country:
 - India



Mandatory licensing from public authority Example: **the Philippines**



- Crew Management Company must be registered with the Security and Exchange Commission, and
- Crew Management Company must secure license at the Philippine Overseas Employment Administration (POEA) before they can start recruiting and deploying seafarers onboard vessels.
- A list of all licensed SRPS are published online to official POEA website



Mandatory licensing from public authority

Example: Panama



- Licenses for the SRPS issued by the Ministry of Labour and Workforce Development (MITRADEL).
 - also in charge of the follow up, monitor and sanction of the SRPS.
- Resolution 041/1-12-2014: the RPS located abroad are regulated. Their authorization, follow up and monitor is a responsibility of the Maritime Labour Affairs Department, Seafarers General Directorate.
- To obtain operation license, the SRPS must:
 - Present a formal solicitude through a local lawyer, providing the legal existence of the company or natural person owning the agency with the appropriate documentation.
 - A guarantee to face repatriations, accommodations and meals for crew members who have been in disadvantage because of the negligence of the RPS to investigate or check the background of the ship and its owner, must be deposit in favor of the Ministry of Labor and Workforce Development; this guarantee must be replaced each time it runs.



Inspection and Supervision of private SRPS

- The supervision or inspection systems of licensed or certified or otherwise regulated RPS remains unclear to many of the countries under examination
- EU members and MLC ratifying countries:
 - Croatia, Netherlands, Poland
- Non EU MLC ratifying countries:
 - In Philippines there are unscheduled inspection taking place by POEA
 - In Morocco the supervision of RPSs is performed by the Merchant Shipping Directorate which operates in close collaboration with the inspectors of the Ministry of Employment's Labour Inspectorate.
- non EU non MLC ratifying states:
 - In China, the competent authority, inspects and audits private RPS once a year.



Inspection and Supervision of private SRPS

Example: **Panama**



- The Ministry has a team of inspectors visiting the agencies without notice from time to time to verify that the RPS keep the records required by Reg. 1.4 of the MLC, 2006
- When irregular situations are founded, the Ministry has two types of penalties to apply:
 - a) The temporary suspension with a fine, and
 - b) The definitive cancellation of the operating license.
- Among the major causes that can motivate a definitive cancellation of the operating license are:
 - the charging seafarers for the service given;
 - discrimination and
 - blacklisting.



Inspection and Supervision of private SRPS

Example: **Poland**



- *“Maritime offices [of the public authority] inspect the records of the private SRPS, and there are three kinds of audit:

 - initial,
 - renewal and
 - ad hoc audit”.*



Inspection and Supervision of private SRPS Example: **Croatia**



- Mandatory licensing of RPS system from the Ministry of Maritime Affairs, Transport and Infrastructure
 - Supervision takes place at least once per two years.
 - In case of non-conformities, corrective actions shall be taken, or else the license is withdrawn.



Inspection and Supervision of private SRPS Example: **the Netherlands**



- While the SRPS certification is provided by ROs, the Ministry for Employment and Social Affairs has set up a special inspection team to combat unscrupulous temporary work agencies.



Licensing/ Certification/ other regulatory scheme for Private SRPS

	Licensing from public authority	Certification from RO
EU MLC ratifying	Voluntary: UK, Denmark Mandatory: Bulgaria, Italy, Croatia, Germany, Spain Not applicable: Greece, Luxembourg Unknown: Poland	Voluntary: Denmark, Netherlands, UK, Cyprus Not applicable: Greece, Luxembourg Unknown: Italy, France, Malta, Cyprus, Poland
EU non MLC ratifying	Unknown: Romania	Unknown: Romania

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Licensing/ Certification/ other regulatory scheme for Private SRPS (continued)

	Licensing from public authority	Certification from RO
MLC ratifying outside the EU	Mandatory: Philippines, Russia (BUT using ISO certification) Unclear if voluntary/mandatory: Morocco, Myanmar Unknown: Malaysia	Optional as additional: Philippines Unknown: Malaysia
MLC non ratifying outside the EU	Mandatory: China, India Unknown: Turkey, Myanmar	Unknown: Turkey, Myanmar





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Guidance to seafarers concerning RPS services in MLC non-ratifying States

- Panama & the UK →

	<p>PANAMA MARITIME AUTHORITY MERCHANT MARINE CIRCULAR MMC-283</p>	<p>Facultad Building Albrook, Panama City Tel: (507) 361-0100 www.pma.gob.pa</p>		<p>MARINE GUIDANCE NOTE MGN 476 (M)</p>
<p>To: Ship-owners/Operators, Company Security Officers, Legal Representatives of Panama-flagged Vessels, Panamanian Merchant Marine Consulates and Recognized Organisations (ROs)</p>			<p>Maritime Labour Convention, 2006 (MLC): Important Advice for Seafarers signing on ships flying the Flag of a State which has not ratified the MLC</p>	
<p>Subject: Maritime Labour Convention, 2006 (MLC, 2006)-Seafarer Recruitment and Placement Services Guide</p>			<p>Notice to all Seafarers, Employment Agencies and Businesses</p>	
<p>References: Law No.2 of January 8, 2009, by which ratified the Maritime Labour Convention, 2006 (MLC, 2006) Executive Decree No.88 of February 26, 2013, by which regulates the Maritime Labour Convention, 2006 (MLC, 2006)</p>			<p>Summary The notice sets out to raise awareness amongst seafarers to the Maritime Labour Convention, 2006 (MLC) and how this will impact on seafarers' working lives. It aims to inform them of their assumed level of protection, their rights and entitlements under the MLC, and will enable seafarers to make an informed decision whether they choose to work on a ship registered with a country which has not ratified the MLC.</p>	
<p>1. The purpose of this Circular is to inform users of the Panamanian Registry about the "Guide for ship-owners or ship operators who use seafarer recruitment and placement services that are based in countries or territories in which the Maritime Labour Convention, 2006, does not apply. Regulation I.4, Number 1."</p>			<p> Innovative Compliance </p>	
<p>Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859</p>			<p>35</p>	

Guidance to seafarers concerning RPS services in MLC non-ratifying States (continued)

- Greece:
 - “Seafarers' Labour Recruitment Office (public RPS) has been assigned with the task of informing seafarers on possible issues arising from signing on a ship that flies the flag of a State which has not ratified the MLC, 2006, if information collected is in place that alludes to that State not maintaining equivalent standards with those established by the Convention.”
- Cyprus:
 - Provided through the official web site of the Department of Merchant Shipping

Seafarer awareness of MLC provisions

- *“Seafarers are not qualified or able to determine if a manning agent is certified or if it has been audited by a third party and whether or not it is reputable.*
- *They are also not able to read the MLC, 2006 requirements for accreditation of RPS, nor understand how countries handle certification.”*



Social security branches

	Country	Social security branches at time of ratification
EU members, MLC Ratified	Bulgaria	6
	Italy	8
	Netherlands	8
	Croatia	9
	Cyprus	4
	Denmark	4
	France	9
	Germany	4
	Greece	9
	Luxembourg	9
	Malta	3
	Poland	8
	Spain	4
United Kingdom	8	

Source: Official website of the ILO



Social security branches (continued)

	Country	Social security branches at time of ratification
EU, non MLC	Romania	5
non EU, MLC	Malaysia	3
	Morocco	7
	Philippines	8
	Russia	8
non EU, non MLC	China	6
	India	various, but not as per required by the MLC
	Indonesia	unknown
	Myanmar	unknown
	Turkey	7
	Ukraine	5



Social security - issues in practice

- There are cases that notwithstanding EU 883/2004, EU seafarers are employed without social security, because this is considered *“a local administration problem [...] If the crew wants this, it is on their account”*.
- *“SRPS believe that changing the state responsible for social security (to EU State and not flag state) will increase cost of EU crews on EU flagged ships.”*



Observations on P&I and Private Insurance

- *“P&I clubs do not provide insurance cover arrangements for crewing agencies, but provide cover only for shipowners’ liabilities to third parties (ship owners and ship operators).”*
- *“A shipowner’s liability under Standards 2.5 and 4.2 of the MLC, 2006 (e.g. repatriation and death and injury contractual claims) are risks that have always been covered by the International Group of P&I Associations”*



Observations on P&I and Private Insurance (continued)

- *“P&I club MLC insurance creates a conflict of interest as the club of shipowners is underwriting the insurance of their employees, the seafarers.”*
- *“Private insurance seeks to handle the bits of the medical and other social security aspects that P&I clubs are less keen to handle”*
- *“The private insurance scheme can offer a specialised insurance cover in name of the seafarer, guaranteeing his/her rights under MLC, 2006, that is paid by the shipowner.”*



Collective Bargaining Agreements (CBA)

- Generally difficult to trace them
- 8/16 EU MLC targeted states have at least 1 CBA for seafarers
- General inconsistency on the status of the CBA, varying
 - CBA equivalent to law (e.g. Greece, France) or Non-obligatory (e.g. Cyprus)
 - Bilateral agreements with EU and non EU countries
 - Philippines has 43 bilateral with 11 EU members (Cyprus, Denmark, Italy, Greece, Luxembourg, Malta, etc.) & non EU (Indonesia, Malaysia, Ukraine, etc.)
 - Bilateral with particular liner companies
 - Or limited to nationals working on national-flagged ships
- Availability of CBAs in English is still an issue



Seafarers' Employment Agreement (SEA)

- Dual contracts
 - *“two contracts signed with the seafarer – one with the manning agent, and a second contract with worse terms signed between seaman and ship when he goes on board.”*



Signatory party/parties of SEA

- The seafarers' online survey revealed that the SRPS may sign as a third contracting party to the SEA.
- Issue related to the definition of who the shipowner is
- The contractor party of the seafarer's SEA may be different from the ship owner, in the case of SRPS acting on behalf, or the rare cases of bareboat chartering.
- *"The deficiencies raised have been in respect to the information required to be recorded on the SEA and in particular the recording of the name of the MLC shipowner to establish the link between the SRPS and that entity."*



Identity of the Shipowner

- *"Changes [in flags] may have occurred where a Flag State is insistent that the MLC shipowner must be the ISM DOC holder."*
- *"In those circumstances it is possible that the ship manager (ISM DOC holder) has not accepted the responsibilities imposed under national laws and regulations and has moved the flag to a country that will allow the owner of the ship to take full responsibility for MLC."*



Complaints and blacklisting

- Fear of blacklisting prevents MLC complaints procedures being utilised by seafarers
- “Blacklists” exist in at least one LSS
- Seafarers prefer to utilise indirect means of recording complaints
- Where there are no formal blacklists, alternate approaches may be used to “not employ” seafarers who are considered to be “complainers”



Complaints and blacklisting (continued)

- *“Seafarers do not utilise formal complaints procedures and prefer to discuss issues under conditions of anonymity. The record in seafarers book/captains logbook goes against the complainant seafarer (blacklist), and the complaint is seen as an act of disloyalty to the ship’s Captain.”*
- *“In some states blacklist is operated ‘undercover’; the agent or shipowner requires only particular doctors to issue medical certificates, and the crew members who are known to have registered complaints will find that they are being refused medical certificates for no reason.”*



Complaint recording & investigation by States

- One EU Member State mentioned having recorded and investigated complaints concerning the MLC, 2006.
- This EU member and MLC ratifying State has recorded up to date 4 complaints from seafarers;
 - Three complaints related to non-State Flag ships,
 - One complaint resulted in detention of the vessel due to a serious breach of the MLC, 2006 requirements.



Seafarers' Experiences

- Preliminary findings from on-going online survey
- Respondents to English language survey reached 283 as of June, 15, 2015
 - Mainly Filipino and Indian, Danish, French, Polish, British
 - Mainly Officers
 - Mostly male
 - Aged mainly 30-64 years old (active seafarers)



Seafarers' Experiences: access to labour market & discrimination

After MLC,2006 implementation in August 2013:

- 14% are aware that the SRPS keeps a “blacklist” of seafarers
- 8.5% have been blacklisted in the past
- 5% have requested help after being blacklisted
- 15% have been unable to obtain job for which he/she was qualified
 - Due to gender (female), age, identified as “unionist”



Seafarers' Experiences: Using web job board

- 53.5% have registered to a web job board service
- 11% were charged fees for registration
- 62% believed that the web job board was an RPS
- 53.6% were contacted by a prospective employer as a result of posting online their CV



Seafarers' Experiences: Using SRPS

- Only 3% were required to pay a fee for SRPS services
 - From 100 to 1000 USD
- 57% were aware if the crewing/ manning agency was certified/ licensed as per MLC requirements
 - Registered in POEA, had published their certificate issued from RO



Seafarers' Experiences: SEA

- Signatory party to the SEA:
 - 38% crewing/ manning agent
 - 33% shipowner
 - 22% both
 - 7% other
- 85% of seafarers received copy of their SEA
- Type of SEA
 - 51% was SEA referring to CBA
 - 44% was individual contract
 - 5% was other type or seafarer was unaware
- 65% had the opportunity to examine & seek advice on the SEA before signing it
- 72% received explanation on the content of the SEA
- 7% authorised someone to use his/her e-signature



Seafarers' Experiences: Wages

- Payment of wages:
 - 41% wages paid by the shipowner
 - 36% paid from ship management company
 - 21% paid from the SRPS
 - 2% other
- 89% paid according to the wage scale in the SEA/ CBA
- 80% are provided with a monthly statement / pay slip



Seafarers' Experiences: Complaints

- 83% confirms that the shipowner - employer has an on-board complaint procedure
- 67% received a copy of the complaints procedure
- Complaints Logbook
 - 44% confirms there is a complaints log book onboard
 - 33% claimed there is no such logbook onboard
 - 23% were not aware
- 64% confirmed that their SRPS provide a complaints procedure
- Awareness of contact details of authorities for complaints:
 - 70% of the competent authorities of seafarer's origin
 - 67% of ship's flag authorities
 - 65% of PSC authorities



Thank you.





MLC, 2006 Implementation Workshop
Plenary Session 4 :
Break-out Sessions

Berlin, June 22, 23 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the
Maritime Labour Convention (MLC 2006) within and outside the European Union

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Outline

- Structure
- Participants
- Roles
- Themes

Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859



2

Structure of break-out groups

- Themes
- Moderators
- Rapporteurs
- Participants
 - Selected delegates for each session representing
 - Relevant stakeholders' groups
 - LSS/FS
 - EU Member State or outside the EU
 - MLC ratifying or non ratifying



Participant Roles

- Moderator
 - The moderator is asked to direct, guide & facilitate discussion.
- Rapporteur
 - The rapporteur follows the discussion with the objective of summarising the main ideas during and at the end of the break out sessions and attempting to highlight:
 - Main gaps or problems identified
 - Possible solutions and approaches to overcome them
 - Points of general agreement and disagreement
 - Moving to consensus or policy suggestions.
- Invited participants
 - The delegates are asked to:
 - Participate actively in the discussion,
 - Bring examples & experiences they have accumulated,
 - Share ideas on how to overcome identified gaps/problems.



The workshop process

- Questions to provoke discussion
- Understanding the issues from the viewpoint of different stakeholders
- Identification of gaps
- Development of results
- Preparation of presentations to deliver to Plenary sessions (Day 2)



Break-out themes

- A. States' compliance with Reg. 1.4
- B. Shipowners' & RPS compliance with Reg. 1.4
- C. Seafarers' awareness of rights stemming from Reg. 1.4



Theme A - States' compliance

- Theme focus on:
 - Licensing/Certification, Operation, Inspection, Supervision of RPS and
 - Compliance of FS and LSS States
- Primary stakeholder audience: *Regulators*
- Subjects for discussion
 1. Licensing & Operation of public RPS
 2. Inspection, Supervision and Control of private RPS
 3. Certification or other regulatory mechanisms; inspection and control
 4. The role of ROs
 5. Recruitment & placement from non MLC ratified LSS
 6. MLC-related deficiencies in PSC inspections concerning RPS
 7. Achieving results (in Day 2)



Theme A - States' compliance

- Moderator
 - Dr. Maria Progoulaki
- Rapporteur
 - Marcus Hallside
- Participant stakeholders:
 - Competent authorities from FS, LSS
 - ROs (classification societies)
 - PSC
 - ILO



Theme B - Shipowners' & RPS compliance

- Theme focus on:
 - RPS Operation & compliance
 - Shipowners' compliance
- Primary stakeholder audience: *Shipowners and RPS*
- Subjects for discussion
 1. RPS operation & responsibilities from Reg. 1.4
 2. Shipowners' obligations stemming from Reg. 1.4
 3. Shipowners' obligations as a result of employing seafarers from MLC non ratifying States
 4. Seafarers' Employment Agreements and CBAs
 5. Achieving results (in Day 2)



Theme B - Shipowners' & RPS compliance

- Moderator
 - George Kirmizidis and Giancarlo Crivellaro
- Rapporteur
 - Anatoli Beifert
- Participants
 - Shipowners' associations
 - Shipping companies
 - Crewing companies and manning agencies
 - Private insurance companies
 - BIMCO
 - Seafarer representatives



Theme C - Seafarers awareness

- Theme focus on:
 - Seafarers' awareness of rights stemming from Reg. 1.4
 - Seafarers' social security & insurance rights
 - Seafarers' complaints
- Primary stakeholder audience: *Seafarers' representatives*
- Subjects for discussion:
 1. Seafarers' complaints
 2. Seafarers' employment agreements & CBAs
 3. Social security & insurance coverage as per required by MLC, 2006
 4. Cross country overlapping of social security payments
 5. Suggestions raising awareness of seafarers
 6. Achieving results (in Day 2)



Theme C - Seafarers awareness

- Moderator
 - Ghislaine Widera-Stevens
- Rapporteur
 - Laima Gerlitz
- Participants
 - Seafarers' trade unions
 - ITF
 - Shipowners' associations
 - Other



Summary : Sessions & Logistics

	Theme	Moderator	Rapporteur	Location
A	States' compliance with Reg. 1.4	Dr Maria Progoulaki	Marcus Hallside	Main Hall
B	Shipowners' & RPS compliance with Reg. 1.4	George Kirmizidis and Giancarlo Crivellaro	Anatoli Beifert	Caspar-David-Friedrich Room
C	Seafarers' awareness on rights stemming from Reg. 1.4	Ghislaine Widera-Stevens	Laima Gerlitz	Fritz-Reuter Room



Themes in more detail

- A. States' compliance with Reg. 1.4
- B. Shipowners' & RPS compliance with Reg. 1.4
- C. Seafarers' awareness of rights stemming from Reg. 1.4



A. States' compliance with Reg. 1.4



A.1 - Licensing/Certification and Operation of public & private RPS

- Public & Private RPS
- Websites
- Inspection and supervision
- Is a “one size fit all” definition
- Publication of licensed/ certified private RPS
- Transparency of certification procedures



A.2 - Inspection, supervision & control

- Findings on national inspection
- Inspection / supervision
- Publication of inspection / supervision results
- Supervision of websites
- CBAs



A.3 - The role of RO's

- Is voluntary certification sufficient for ratifying states?
- How do ROs validate the social security and insurance for seafarers' coverage?
- Gaps or major differences

A.4 - Recruitment & Placement from non-ratifying LSS

- Voluntary certification
- Are RO's the appropriate vehicle
- Approaches to Guidance/ Assistance
- EU inspections



A.5 - MLC-Related deficiencies in PSC inspections concerning RPS

- General results
- Inspection processes onboard
- Need for Concentrated Inspection Campaigns
- Training of PSC inspectors on MLC
- Publications of PSC results

A.6 - Achieving results (Day2)

- Could SRPS definition be enriched to cover all aspects, such as websites?
- Could common standards be established for RPS supervision in MLC ratifying states?
- Could the MLC ratifying states publish lists of licensed private SRPS?
- Could ROs publish lists of certified private SRPS in MLC ratifying and non ratifying states?
- Is there a role for EU Experts?
- Is there a need for EU inspection of private RPS in MLC non ratifying states?
- Could a European CBA be effective?

B. Shipowners' and RPS Compliance



B.1 - RPS operation and responsibilities

- The impact of MLC
- Inspection, supervision and monitoring
- Missing key elements
- The role of web-boards
- Identification of deficiencies in compliance



B.2 - Shipowners' obligations

- Use of certified/ licensed RPS
- Transparency of RPS licensing/certification procedures
- Complaint procedures
- Seafarers awareness
- Insurance issues
- Financial guarantees



B.3 - Shipowners' obligations relating to non-ratified states

- RPS certification in non ratifying states?
- Are non-ratifying LSS compliance
- Impact on the availability of seafarers
- Shipowners inspections



B.4 - Seafarers Employment Agreements and CBAs

- Responsibilities and assignment of rights
- Insurance cover
- “User friendly” contracts
- Social Security Issues
- Contract duration and repatriation
- PSC inspection challenges



B.5 - Achieving results

- Establishing an EU inspection body
- Creating an EU rating system for RPS
- Setting up an EU common database of approved and certified/licensed RPS as per States' & ROs' issuances
- Establishing an EU database platform for publication of non compliant RPS as per EU inspection and rating system
- How non-compliant RPS be recorded as falling below MLC standards – introducing standards
- Alternative ways of ensuring RPS's compliance with the minimum MLC standards in non ratifying countries
- RPS's self-check compliance guides/guidance



C. Seafarers' Awareness



C.1- Seafarers' complaints

- Experiences
- Anonymity
- Rights
- Employer-employee relations
- Discrimination



C.2 – Seafarers employment agreements and CBA's

- Seafarers' understanding
- Exchange of information s
- Issues relating to signatory parties in SEA
- Are SEAs MLC compliant
- LSS without CBAs
- Inspections of SEAs



C.3 - Social security & insurance coverage

- Comparisons of social security cover
- Insurance and social security coverage
- Complexity of agreements



C.4 - Cross-country overlapping and cooperation with respect to social security payments

- Cross-country overlapping
- Non payment of social security
- Bilateral/ multilateral agreements
- Alternative approaches



C.5 - Raising awareness of seafarers

- Informing seafarers of their rights – MLC & SEAs
- Promoting seafarers' awareness
- Access to and investigation of complaints in a reliable and effective way



C.6 - Achieving Results

- Actions at EU level for the investigation of complaints
- A “whistle-blowing” approach to complaints to protect anonymity of seafarers
- Common MLC social security system at the EU level
- Guidance materials for LSS without Collective Bargaining Agreement on developing a CBA
- Capacity building measures for non ratifying states





THEME C: Seafarers' awareness of social security rights incorporated in MLC, 2006

WHERE: Fritz-Reuter Room // GREEN GROUP

No.	Surname	Name	Organisation
1.	Ananina	Olga	Seafarers Union of Russia / International Transport Workers Federation (ITF), Russia
2.	Baylon, Prof. Dr.	Angelica M.	Maritime Academy of Asia and the Pacific (MAAP), Philippines
3.	Boyle	Charles	Nautilus International, UK
4.	Cagirici	Ural	Maritime Employees' Solidarity Association (DAD-DER), Turkey
5.	Ivanova	Natalia	Shipbuilding and Shipping Technical Society named Academic Krilov, Russia
6.	Jörgens	Runa	German Shipowners' Association (VDR), Germany
7.	Kovalchuk	Igor	Seafarers Union of Russia, Russia
8.	Mandić	Mladen	Ministry of Maritime Affairs, Transport and Infrastructure, Croatia
9.	Nair	Sunil	National Union of Seafarers of India, India
10.	Partido	Emmanuel Evangelista	Associated Marine Officers' and Seamens' Union of the Philippines (AMOSUP), the Philippines
11.	Shahatit	Alexander	Federal Ministry of Labour and Social Affairs, Germany
12.	Whitlow	Jon	International Transport Workers' Federation (ITF), UK
13.	Zec	Dorotea	Seafarers' Union of Croatia, Croatia
14.	Zorovic	Mario	Zorovic Maritime Services Ltd., Croatia




THEME B: Shipowners' and RPS implementation of Reg. 1.4, MLC, 2006

WHERE: Caspar-David-Friedrich Room // RED GROUP

No.	Surname	Name	Organisation
1.	Biesen	Marc	DS Crewing GmbH, Germany
2.	Cousley	John	Department for Transport, UK
3.	Emmanuel Lusterio	Regio	Filipino Association for Mariner's Employment INC. (FAME), Philippines
4.	Foo-Nielsen	AI-Cheng	BIMCO, Denmark
5.	Inglis	Stewart	International Chamber of Shipping, UK
6.	Johnston	Robert	Crewsure Insurance Services Ltd., UK
7.	Koltsidopoulos	George	Union of Greek Shipowners, Greece
8.	Perchel, Capt.	Waldemar	Döhle Marine Services Europe Ltd., Poland
9.	Rono	Marlon R.	Magsaysay Maritime Corporation, Philippines
10.	Schmiedl	Norman	Columbia Shipmanagement Ltd., Cyprus
11.	Schubert	Christiane	TT-Line, Germany
12.	Sioulas	Evangelos	Elvictor Group – Crew & Quality, Greece
13.	Trisno	Wasilan Slamet	Kesatuan Pelaut Indonesia, Indonesia
14.	Waanders	Wim	Dutch Shippers Association (KVNR), the Netherlands
15.			
16.			
17.			
18.			





THEME A: States' Implementation of Reg. 1.4, MLC, 2006

WHERE: MAIN HALL // BLUE GROUP

No.	Surname	Name	Organisation
1.	Aguirre	Rosa María	Panama Maritime Authority, Panama
2.	Brindle	Robert	Lloyd's Register Group Ltd., UK
3.	Costaras	Costakis	Department of Merchant Shipping, Cyprus
4.	Dacanay, Dr.	Jabeth	Maritime Industry Authority – MARINA, Philippines
5.	Enrile	Ronaldo	Philippine Transmarine Carriers, Inc., Philippines
6.	Giacomini	Matt	Maritime and Coastguard Agency, UK
7.	Hindborg	Hemming	Danish Maritime Authority, Denmark
8.	Kuin	Paul	DNV GL, the Netherlands
9.	Kyaing	Thaung	Department of Marine Administration, Ministry of Transport, Myanmar
10.	Leski	Marek	Maritime Office in Szczecin, Poland
11.	Liu	Shi Jun	Sinocrew Maritime Services Co., Ltd., China
12.	O'Callaghan	Tom	Department of Transport, Tourism and Sport, Ireland
13.	Reese	Sven	BG Verkehr – Ship Safety Division, Germany
14.	Springett	Tim	UK Chamber of Shipping, UK
15.	Storhaug	Haakon	Norwegian Maritime Authority, Norway
16.	Urziceanu	Florin	Association of Romanian Crewing Agencies, Romania
17.			
18.			





MLC, 2006 Implementation Workshop
Break-out Session Theme A
States' compliance with Reg. 1.4
Berlin, June 22, 23 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

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Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859



Workshop Discussion

Project MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859



Theme A - States' compliance with Reg. 1.4

1. Licensing & Operation of public & private RPS
2. Certification or other regulatory mechanisms
3. Inspection, Supervision and control
4. The role of ROs
5. Recruitment & placement from non MLC ratifying LSS
6. MLC-related deficiencies in PSC inspections concerning RPS
7. Achieving results (Day 2)



Public RPS versus or hand-in-hand with Private RPS?

1. Are delegates able to provide examples from countries where:
 - only public RPS exist
 - only private RPS exist
 - both public and private RPS exist
2. Can we understand the key operational differences?
3. Can we identify the advantages and disadvantages?
4. Are there examples of cooperation between public and private RPS in any countries?



Private RPS: voluntary or mandatory licensing/ certification

1. Can delegates from countries where private RPS exist
 - discuss the number of SRPS
 - provide information on the operation of SRPS in countries where only public SRPS operate/are regulated
2. Are you aware of the certification processes for SRPS in the countries from where crews are sourced
3. Which countries publish lists of licensed SRPS
4. What in your country is the main difference between the licensing system of the competent authority & the certification system of ROs?
5. Does a combination of mandatory licensing and voluntary certification exist in your country and why is this the case?
6. Does voluntary certification by ROs in non MLC ratifying states truly work; does it provide the information that shipowners require
7. Can you tell us about gaps in the licensing/ certification process in your country?



To assign or not to assign ROs

1. Are you aware of countries where only ROs are used for the mandatory SRPS certification?
2. Are you aware of countries where ROs are used for voluntary SRPS certification?
3. Are ROs able to address issues relating to the validity of SEA's and social security provisions?
4. Are there any countries where ROs are not used?
5. Are there any advantages and/or risks concerning use of ROs
6. Should all ROs publish a list of certified RPS?



Non Ratifying LSS

1. Are delegates aware of the licensing procedures (mandatory or voluntary) that have been implemented in non ratifying LSS
2. What are the experiences of delegates regarding voluntary certification of RPS in non ratifying LSS
3. Are delegates able to provide examples from countries where:
 - Voluntary certification is performed at a high level
 - Voluntary certification is not adequately performed
4. Do delegates have examples of loopholes that they have identified in non ratifying LSS
5. What challenges have ROs identified in non ratifying LSS



MLC - Deficiencies in PSC inspections related to RPS

1. What can we learn from the PSC inspections
2. Are the delegates satisfied with the work of inspectors with respect to
 - SEA & Social Security
 - Interviews of seafarers & complaints
 - Other issues
3. Which particular PSC procedures may be needed to examine thoroughly the MLC- related issues concerning Seafarers' RPS?
4. Do delegates believe that the current complaints procedures are adequate, and fully protect seafarers and support shipowners



Achieving results – (Day 2)

1. Could SRPS definition be enriched to cover all aspects, such as websites?
2. Can the RPS supervision process be with common standards in MLC ratifying states?
3. Can the MLC ratifying states publish lists of licensed private SRPS?
4. Can ROs publish lists of certified private SRPS in MLC ratifying and non ratifying states?
5. Could a specialised team of EU experts monitor the compliance in MLC ratifying states in the EU?
6. Could EU experts provide assistance and guidance in a regional level to MLC ratifying states in the EU?
7. Could a specialised team of EU experts provide assistance and guidance to MLC non-ratifying states?
8. Is there a need for EU inspection of private RPS in MLC non ratifying states?
9. Could EU funding be made available for guidance / training / capacity building of RPS in non ratifying states?
10. Could a European CBA be effective?





MLC, 2006 Implementation Workshop
Break-out Session Theme B
Shipowners' and RPS compliance with Reg. 1.4
Berlin, June 22, 23 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

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Workshop Discussion



Theme B – Shipowners’ and RPS Compliance

1. RPS operation & responsibilities from Reg. 1.4
2. Shipowners’ obligations stemming from Reg. 1.4
3. Shipowners’ obligations as a result of employing seafarers from MLC non ratifying States
4. Seafarers’ Employment Agreements and CBAs
5. Achieving results (Day 2)



RPS Operation and responsibilities (Reg 1.4)

1. How has MLC impacted your RPS operations:
 - Efficiency
 - Cost of operations
 - Level playing field
 - Developing a maritime profession
2. What issues do delegates find with licensing, certification, inspection and monitoring
 - A burden or a benefit
 - How could it be improved
3. What are the key elements that MLC could provide to support your operational requirements that are not provided today
4. The role of Web-boards

RPS Operation and responsibilities (Reg 1.4) (cont'd)

5. Can the delegates explain how the following compliance requirements are met; where they see deficiencies in compliance and how these should be addressed with respect to:
 - Non use of means/ mechanisms that exclude seafarers from the labour market
 - Non charge of fees to seafarers
 - Registers of seafarers and handling of seafarers' personal data
 - Informing seafarers of rights under employment agreements
 - Protecting seafarers against being stranded
 - Examine and respond to complaints
 - Insurance against non compliance

Shipowners' obligations stemming from Reg 1.4

1. How do the delegates ensure that RPS licensing/ certification is valid ?
2. What is your approach to on-going compliance monitoring of RPS
3. Would it help delegates if the standards for certification of RPS in different states were more transparent or common?
4. Do delegates consider that the complaints procedures are of value for seafarers
5. Can you get information from ROs concerning certified SRPS in MLC ratifying states?
6. Where are the problems from the viewpoint of the shipowner
7. How could these be improved by avoiding over-regulation and focusing on practical solutions?

Shipowners' obligations stemming from Reg 1.4 (cont'd)

8. How do delegates make seafarers aware of their rights under MLC
9. Do you believe that this is sufficient; and if not what should be done to improve this
10. Do you believe that insurance against non compliance is appropriate and sufficient
11. Are seafarers sufficiently protected against being stranded
12. Are financial guarantees required and adequate

Shipowners' obligations as the result of employing seafarers from MLC non ratifying States

1. Is there a reluctance of EU shipowners
 - to employ crew from non-ratifying states
 - to employ EU seafarers due to cost issues
2. How do shipowners deal with RPS in non ratifying states
3. Can you get information from ROs concerning certified SRPS in MLC non ratifying states?
4. Are non-ratifying LSS in compliance with the minimum MLC standards
5. Does MLC non ratification of LSS affected availability of seafarers through the existing SRPS network
6. Have delegates encountered changes to different Flag States as a result of implementation of the MLC, 2006

Seafarers employment agreements and CBA's

1. Are the responsibilities of signatory parties to SEAs clearly understood
2. What are the implications of the assignment of shipowners' responsibilities to RPS (RPS signature on SEAs)
3. Are standard contracts between shipowners and RPS according to Reg. 1.4 a requirement
4. Are actions required to ensure that shipowners obtain appropriate insurance cover
5. Are all insurance obligations stemming from MLC, 2006 fully covered by P&I Clubs?

Seafarers employment agreements and CBA's (Cont'd)

6. Is there a need for private insurance cover for Reg. 1.4, MLC 2006 available to shipowners and RPS
7. Should private insurance cover be provided in the name of individual seafarers?
8. How can seafarer employment agreements be made more “user friendly”:
 - Use of CBAs, if any
 - Use of ITF’s agreements
 - Use of individual contracts
9. Do delegates encounter issues with the transfer of social security deductions from seafarers

Achieving results - (Day 2)

1. Is there a benefit in establishing an EU inspection body
2. In establishing an EU rating system for RPS (Gold/Silver/Bronze) with ongoing monitoring of compliance and obligation of industry to report cases of non compliance
3. In establishing an EU common database of approved and certified/licensed RPS as per States' & ROs' issuances
4. In establishing an EU database platform for publication of non compliant RPS as per EU inspection and rating system
5. How non-compliant RPS be recorded as falling below MLC standards – introducing standards (e.g. after a series of complaints, or after inspected and found deficiencies)
6. Are there alternative/better ways of ensuring RPS's compliance with the minimum MLC standards in non ratifying countries
7. The potential of creating a self-check compliance guide/ providing assistance for RPS's compliance



MLC, 2006 Implementation Workshop
Break-out Session Theme C
Seafarers' awareness of rights stemming from Reg. 1.4
Berlin, June 22, 23 2015

Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

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Workshop Discussion



Theme C - Seafarers' awareness of rights stemming from Reg. 1.4

1. Seafarers' complaints
2. Seafarers' employment agreements & CBAs
3. Social security & insurance coverage as per required by MLC, 2006
4. Cross country overlapping of social security payments
5. Suggestions on raising awareness of seafarers
6. Achieving results (Day 2)

Seafarers' Complaints

1. What are the delegates experience in the recording of complaints relating to:
 - Illegal fees and charges/ salary deductions for employment
 - Unreasonable high transfer fees
 - Not payment of repatriation/ stranding of seafarer
2. Have you experienced issues related to the recording of complaints through established system due to fear of blacklisting; is anonymity ensured?
3. Are employer-employee relations agitated (e.g. loyalty to the company /master questioned) by submitting a complaints
 - Is this a de-motivating factor?
4. Is there a problem with discrimination- being deterred access to the global maritime labour market?
5. How could these be addressed?

Seafarer employment agreements and CBAs

1. What could be done to make seafarers' better understand the terms in SEA/CBA
2. Is there an exchange of information concerning particular clauses (e.g. details on repatriation place, coverage of social security, etc.)
3. Are CBAs and SEAs available in English (for inspection, etc)
4. Are there still Issues relating to signatory parties in SEA (e.g. seafarers' signing blank or dual contracts, RPS signing on behalf of owner, use of seafarer's electronic signature)
5. How can we ensure that individual contracts (SEA without CBA) are compliant with MLC standards
6. How do LSS without CBA ensure that their seafarers are employed according to the MLC, 2006 minimum requirements?
7. Are inspectors able to review the validity of seafarer contracts during a PSC inspection?

Social security and insurance coverage

1. Can we compare social security cover provided in Ratifying and Non-ratifying States
2. What are the ways that insurance and social security is covered (i.e. in CBA, national law, private insurance, other)
 - Protection of seafarer for being stranded in foreign port
 - Seafarers' insurance for compensation for monetary loss that may incur as a result of the failure of the RPS or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them
 - Seafarers' insurance for abandonment by the shipowner
 - Seafarers' insurance against unemployment in case of ship's loss or foundering
3. Can we address the complexity of agreements SEA/CBA and understanding of seafarers (only looking at wages and not other terms)

Cross country overlapping and cooperation with respect to social security payments

1. Have you encountered cases of cross-country overlapping in social security coverage or other problematic coverage or gaps?
2. Are there instances of non payment of social security in EU country of domicile?
3. Are there alternative/ better approaches to collaboration between countries (in forms of bilateral or other agreements)

Raising awareness of seafarers

1. How can we better inform seafarers regarding the crewing/
manning agency, crewing company, website or other
organisation acting as RPS compliance to the MLC standards
2. How can we promote seafarers' awareness on the protection
and services that shall be offered by RPS according to the MLC
3. Is there a need to better inform seafarers of their rights
stemming from Reg. 1.4, MLC 2006
4. Are seafarers' sufficiently aware of the rights stemming from
their SEA
5. Can we improve the seafarers' complaints and investigation
procedures

Achieving results – (Day 2)

1. Are there possible actions at EU level for the investigation of complaints
2. Could we provide a “whistle-blowing” approach for complaints to protect anonymity of seafarers
3. Is there a potential for common MLC social security system at the EU level
4. Could we develop Guidance materials for LSS without Collective Bargaining Agreement on developing a CBA
5. Is there a case there be an EU capacity building measures for non ratifying states





Service contract regarding a study on the implementation of labour supplying responsibilities pursuant to the Maritime Labour Convention (MLC 2006) within and outside the European Union

MOVE/D2/SER/2013-51/2014-627/S12.698853/S12.698859

Final Report

Annex VI – Policy Recommendations

**Prepared by: Innovative Compliance Europe Ltd,
Hochschule Wismar, University of Applied Sciences: Technology, Business and Design
& Dr. Maria Progoulaki**





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1.1. Overview of policy recommendations

Table 1 – High-level grouping of policies to enhance the implementation of MLC, 2006

Group	Goal	Main Stakeholder(s) for implementing the policy	Stakeholders involved and impacted
A.	MLC awareness support		
	<i>A1 Increase the level of awareness of seafarers of rights under MLC, 2006</i>	<i>Social Partners in the EU level (ECSA & ETF); Social Partners at national level (EU Member States, seafarers' trade unions, shipowners' associations)</i>	<ul style="list-style-type: none"> • Seafarers • Seafarers' trade unions • Shipowners' associations • FS/LSS competent authorities • SRPS Maritime Education & Training institutions
B.	Definition, regulation and operation of SRPS		
	<p><i>B1 Develop a voluntary SRPS electronic self-assessment and compliance review process, utilising third party MLC experts</i></p> <p><i>B2 Develop an electronic "MLC SourceBook" to enable stakeholders to exchange information on implementation measures</i></p>	<p><i>ILO through their Local office network</i></p> <p><i>ILO Member States</i></p> <p><i>ILO</i></p>	<ul style="list-style-type: none"> • National competent authorities • PSC officers • International and European organisations (ILO, EC) Non-ratifying States (EU and non EU)



Group	Goal	Main Stakeholder(s) for implementing the policy	Stakeholders involved and impacted
C.	Supervision and inspection of SRPS and recording and handling of complaints		
	<p><i>C1. Enhance SRPS national reporting at the European level (Member States) for the certified/ licensed/ otherwise regulated SRPS</i></p> <p><i>C2. Develop a comprehensive database ("MLC ReportNet") containing inspection findings (PSC and MOU inspections), seafarers' complaints, and other relevant operational findings (from MLC ratifying and non ratifying States)</i></p> <p><i>C3. Enhanced MLC inspection training (CBT) materials integrated with test-case examples for PSC officials</i></p> <p><i>C4. Establish a new EU inspection regime for SRPS inside and outside the EU similar to the internationally based system of compliance applicable to the STWC Convention</i></p>	<p><i>EU Member States' competent authorities</i></p> <p><i>ILO</i></p> <p><i>Member States, National Port State Control authorities</i></p> <p><i>LSS and EU Member States' competent authorities, SRPS</i></p>	<ul style="list-style-type: none"> • SRPS • MLC ratifying States (EU and non EU) • MLC non-ratifying States • ROs • International and European organisations (ILO, EC) • EMSA
D.	Forum for the promotion of bilateral/ multilateral agreements for seafarers' employment, social security and insurance cover		
	<p><i>D1. Provide the basis for the discussion on the promotion of bilateral/ multilateral agreements for seafarers' employment, social security and insurance coverage</i></p>	<p><i>Member States; EU and non-EU FS, LSS; Social Partners</i></p>	<ul style="list-style-type: none"> • Member States (competent authorities and national labour administrations) • Social partners (seafarers' trade unions and shipowners' associations) • Seafarers • EU Administrative Commission for the Coordination of Social Security Systems • ILO



1.2. A - RPS and social security awareness support

Table 2: A - SRPS and social security awareness for seafarers

Policy ID and Name	A1 – Seafarer MLC, 2006 Awareness Campaign
Policy goal	Increasing the awareness of seafarers as to their rights under MLC, 2006 with respect to SRPS and social security
Policy description	An MLC, 2006 seafarer awareness campaign, focused on increasing seafarers' knowledge on how to select and work with SRPS and their rights stemming from Reg. 1.4 of MLC, 2006
Study findings being addressed by policy	Lack of sufficient awareness of MLC amongst seafarers; a lack of knowledge of the MLC, 2006 provisions relating to the operation of SRPS, especially amongst most vulnerable seafarers
Additional research prior to policy implementation	Undertake a survey of social partners and individual seafarers to determine deficiencies in current MLC introductory materials and study most effective approaches to the presentation of entitlement related subjects to different categories of employees
Differentiation from existing potentially similar initiatives	This initiative would be differentiated from similar offerings by seafarer unions by virtue of the quality of the graphic images and the intuitiveness of the methodology used to impart the information to seafarers with differing skill levels
Main Stakeholder(s) responsible for implementing the policy	Social Partners in the EU level (ECSA & ETF); Social Partners in national EU level (Member States, seafarers' trade unions, shipowners' associations)
Additional partners that could support the execution of the policy	ILO; MLC experts; other existing awareness initiatives; ILO training centre in Turin; national maritime education and training institutions
Stakeholders who will benefit from the policy / (level of benefit)	Seafarers (high); Seafarers' Trade Unions (high); Shipowners (medium)
States that will benefit from the policy	All
Implementation risks and challenges / (mitigating actions)	Creating sufficiently intuitive materials for all levels of seafarers (utilising educational psychology & high quality design support); Reaching seafarers who may not have internet access (printed materials in multi-lingual versions)
Delivery mechanism	1) Internet based - delivered as multi lingual user-friendly on-line self-learning/ tutorial courses listed on DG-MOVE internet portal linked externally to the internet portals of all relevant stakeholders and partners. High visibility on search engine platforms will be a key requirement. 2) Consider the development of mobile applications with relevant content if considered appropriate by Member States and social



Policy ID and Name	A1 – Seafarer MLC, 2006 Awareness Campaign
	<p>partners.</p> <p>3) Printing of attractive hard copy versions in languages of LSS to be distributed (by mail) to seafarers' welfare centers¹ .</p>
Staffing requirements to support the policy	<p><u>Set up:</u> MLC experts to assist in on line module design; IT learning and graphic experts to develop learning materials; translation will be required.</p> <p><u>On-going:</u> IT professionals to support internet delivery of materials; MLC experts or educators to update the learning material.</p>
New materials/services that would require to be developed	Highly visual and effective internet self-teaching/ learning materials utilising techniques that make the material intuitive to differing levels of computer literacy. Materials would include contact names and addresses of key authorities for additional information and complaints (e.g. Competent Authorities, ITF, Seafarer Chaplaincy organisations and other NGOs, etc.)
Set up costs associated with the policy	Cost of design and development of computer learning materials, educational technology expertise, production of brochures/pamphlets
On-going operational and maintenance costs associated with the policy	Provision of internet support to users; web hosting; periodic updates. One or more of the design and delivery functions required to support the initiative could be outsourced (under an approved tendering process).
Potential sources of funding	EU capacity building funds; funding could be sought from organisations wishing to have their contact details included in the materials being developed, funding from NGOs and social partners.
Timeline to implement ²	Immediate (2 years)
Projected life cycle of policy	Medium – Long Term (5 - 10 years)

¹ Such can be found registered in the International Seafarers' Welfare and Assistance Network. Online: <http://www.seafarerswelfare.org/what-we-do/seafarers-centre-directory>

² Implementation timelines take into account a tendering process of approximately nine months and an implementation period of 12 - 15 months.



1.3. B – Definition, regulation and operation of SRPS

Table 3: B – Definition, regulation and operation of SRPS

Policy ID and Name	B1 – SRPS Compliance self-assessment toolkit supported by third party compliance reviews
Policy goal	To enable SRPSs to evaluate their own compliance with MLC, 2006 by participating in a voluntary electronic review of their operations; and, have their details recorded in an EU database of "EU reviewed SRPS"
Policy description	SRPS compliance review system based on an initial SRPS self-assessment module that enables SRPSs to undertake electronic self assessments of their operational procedures and methods followed by a voluntary compliance review process utilising independent MLC evaluators (may be MLC experts with experience in PSC, classification societies or other). SRPS that are well managed and pass the compliance review would be visible to the seafaring community. Even small-sized SRPS would be encouraged to obtain this "Gold Standard" validation of their operations and services offered.
Study findings being addressed by policy	Lack of internationally accepted SRPS operations, certification and inspection standards that prevent the establishment of a central database of "reviewed" RPS operations; and, the inability of SRPS to self-validate their operations and establish a compliance gap-analysis prior to applying for certification and committing to "unknown certification" costs.
Additional research prior to policy implementation	Study of SRPS to 1) identify a set of common SRPS operation standards that could be applied across all EU and non EU MLC ratifying States, taking into account the differing national SRPS licensing/ certification and/or other regulatory forms and measures; and 2), determine the feasibility of the development of an "SRPS MLC Compliance Self-Assessment Guide" that will allow an SRPS to self-assess its MLC compliance based on commonly accepted standards.
Differentiation from existing potentially similar initiatives	No similar initiatives are implemented. Recommendation based on OCIMF's Tanker Management Self Assessment Guide ³ .
Main Stakeholder(s) responsible for implementing the policy	ILO through their Local Office Network ILO Member States
Additional partners that could support the execution of the policy	Social Partners; mechanism could be supported by contributions from FS and LSS that certify, license or regulate by other means the operation of public and private SRPS. Also a contribution in knowledge and expertise from ROs who certify SRPS globally should be considered. Seafarers will also benefit as they will have information about the reviewed SRPS.

³ Further information: <http://www.ocimf.org/media/8874/TMSA.pdf>



Policy ID and Name	B1 – SRPS Compliance self-assessment toolkit supported by third party compliance reviews
Stakeholders who will benefit from the policy / (level of benefit)	States (high); ROs (high); SRPS (high); seafarers (high)
States that will benefit from the policy	All ratifying States
Implementation risks and challenges / (mitigating actions)	<p>Push back from EU shipowners who apply pressure on their national administrations to avoid the development of additional standards, preferring the flexible rules of ILO; Push back from ROs who may see that as a way of diminishing their involvement in RSPS certification and who are unwilling to share information;</p> <p>(The objections of shipowners and ROs could be addressed by involving relevant representatives on an initiative steering committee);</p> <p>Willingness of SRPS operations to utilise the self assessment guide (obtain support from relevant stakeholders to promote the initiative and to make seafarers aware that working with SRPS who use this tool better ensures their MLC, 2006 rights);</p> <p>Privacy issues related to information being provided into an EU operated IT system by SRPS (provide full disclosure to SRPS as to the operation of the system and the security measures implemented – propose alternatives to assure SPRS that their data cannot be accessed by third parties);</p> <p>Push back from RPS representatives not wishing to participate in a scheme viewed as more onerous than the compliance requirements of their own state (being a member of the “gold seal” level of RPS);</p> <p>Reluctance of SRPS to have their data accessed by third parties (explicit security rules and limitations on use of SPRS data);</p> <p>Liability issues relating to claims against SRPS by seafarers who selected the SRPS from a list of reviewed SRPS (adoption of the term “reviewed” and not “certified” or “authorised”).</p>
Regulatory implications	<p>The STCW approach to non-EU inspections is considered a similar approach. Should this recommendation be considered for implementation as an EU initiative, it might be possible to consider amending Directive 2009/15/EC and the Regulation (EC) No 391/2009 on common Rules and Standards for Ship Inspection and Survey Organisations. This could be similar to the DG-MOVE aviation (ACC3) regulation⁴, but without the need for “on-site” inspections of RPS operations. Although this ACC3 initiative is implemented as an EU policy, this initiative was designed for future adoption by the International Civil Aviation Organisation (ICAO)⁵.</p>
Delivery mechanism	Web based delivery of multi-lingual compliance self-assessment mechanism and capture of associated data provided into a data

⁴ See: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R1082&from=EN> and http://ec.europa.eu/transport/modes/air/security/doc/new_acc3_regulation_final_report.pdf

⁵ See: http://ec.europa.eu/transport/modes/air/security/doc/new_acc3_regulation_final_report.pdf (Chapter 6, Page 98)



Policy ID and Name	B1 – SRPS Compliance self-assessment toolkit supported by third party compliance reviews
	<p>repository. Comprehensive internet management platform to enable organisations that have completed the self-assessment module to “sign-up” for an electronic review of their operations and pay required fees. Mechanism for enabling additional materials to support the review process to be submitted electronically and for “reviewer” to complete a review of the operations of the RPS using an internet web collaboration tool.</p> <p>Reviews would include basic level of electronic “background” checking on corporate entities – registration, payment of taxes, criminal proceedings, etc.</p> <p>Assigned reviewers would be guided through the review process on the management platform and would enter their findings into the programme management system.</p> <p>Credentialing and listing of approved reviewers with electronic reviewer assignment protocol would be required, avoiding conflicts of interest.</p> <p>Procedures for addressing complaints and resolution of disputes to be provided.</p> <p>A public database of reviewed SRPS operations would be maintained and available to stakeholders and seafarers.</p> <p>Period for validity of reviews to be defined as 12, 24 or 36 months.</p>
Staffing requirements to support the policy	<p><u>Set up:</u> MLC experts to support internet designers enhancing the IT platform developed; translation will be required.</p> <p><u>On-going:</u> MLC experts (third party reviewers) to operate the review mechanism using the dedicated IT review platform; user training and support as required; IT professionals to support the operation of the platform.</p>
New materials/ services that would require to be developed	<p>Design of the underlying self-assessment module and development of an internet delivery mechanism for multi lingual versions of the self- assessment guide; a review management platform with the necessary operational tools to support all of the required functionality.</p>
Set up costs associated with the policy	<p>Establish the web-based environment of the self-assessment tool with password protected areas for the SRPS utilising the self-assessment module and secure areas for operation by dedicated data management project team.</p> <p>Establishment of the web based programme management and operational platform;</p> <p>Development of a selection and training programme for qualified reviewers.</p>
On-going operational and maintenance costs associated with the policy	<p>On going operation of the platform and recruitment and management of review personnel. Provision of internet and professional support to users; web hosting; periodic updates.</p> <p>One or more of the design and delivery functions required to support the initiative could be outsourced (under an approved tendering process) to independent consultants.</p>



Policy ID and Name	B1 – SRPS Compliance self-assessment toolkit supported by third party compliance reviews
Potential sources of funding	Self – funding, after set up, by on-going fees being paid by RSPS using the Self-Assessment Tool and undertaking Compliance Reviews
Timeline to implement	Short Term (2 - 3 years)
Projected life cycle of policy	Long Term (10 years)



Policy ID and Name	B2 – MLC Implementation data sharing
Policy goal	To promote MLC, 2006 Reg 1.4 implementation data sharing across EU Member States and MLC-ratifying States that are not EU Member States
Policy description	<p>An MLC Reg 1.4 database (“MLC SourceBook”) that enables the structured sharing of information, legislation and procedures concerning the implementation of RPS and the provision of seafarers’ social security.</p> <p>The SourceBook facility will collect and make available key information concerning the SRPS licensing/ certification and supervision systems, contact details and relevant laws and policies applied in (MLC ratifying) LSS and FS.</p>
Study findings being addressed by policy	Lack of awareness of the certification and monitoring procedures and process that have been adopted in MLC ratifying States (and in EU Member States) and lack of available information for officials undertaking MLC validations and inspections as to the actual certification and inspection procedures that have been implemented in the different jurisdictions.
Additional research prior to policy implementation	Determination of elements missing from current ILO implementation documents.
Differentiation from existing potentially similar initiatives	No similar initiatives currently in operation.
Main Stakeholder(s) responsible for implementing the policy	ILO
Additional partners that could support the execution of the policy	ILO; Potential collaboration with ROs; EU States maritime administrations
Stakeholders who will benefit from the policy / (level of benefit)	States (high); Shipowners (high); Seafarer Unions (high); Seafarers (high); PSC inspectors (medium)
States that will benefit from the policy	All States
Implementation risks and challenges / (mitigating actions)	Willingness of MLC ratifying States to share information over and above what they are required to provide to the ILO; push back from EU Member States maritime administrations (establish steering committee of ILO and maritime administration officials to oversee the implementation of this policy recommendation)
Delivery mechanism	Pro-active data collection by dedicated team of MLC experts; publishing of an annual (or bi-annual) MLC Sourcebook publication (internet and hard copy)
Staffing requirements to support the policy	<p>Set up: MLC experts to support internet designers creating an underlying IT platform to support data entry and data sharing tasks.</p> <p>On-going: MLC experts to monitor the operation of the initiative and</p>



Policy ID and Name	B2 – MLC Implementation data sharing
	to support the input of new materials and to provide user training and support, as required IT professionals to support the operation of the service.
New materials/ services that would require to be developed	Establishing a web-based environment for data capture, mapping and information publishing, with public areas for downloading published information and secure areas for operation by dedicated EU data management project team.
Utilisation of materials developed during this study	This initiative could initially utilise the materials developed in the study relating to Study Annex III – Country Profiles
Set up costs associated with the policy	Establishment of data collection team and required IT platform
On-going operational and maintenance costs associated with the policy	<p>Provision of data management team; preparation of review publications; IT hosting and maintenance, technical and professional user support;</p> <p>One or more of the design and delivery functions required to support the initiative could be outsourced (under an approved tendering process) to independent consultants.</p>
Potential sources of funding	None identified.
Timeline to implement	Immediate (2 years)
Projected life cycle of policy	Long Term (10 years)



1.4. C – Supervision and inspection of SRPS and recording and handling of seafarer complaints

Table 4: C- Supervision and inspection of SRPS and recording and handling of seafarer complaints

Policy ID and Name	C1 – Enhance EU Member States SRPS national reporting
Policy goal	Enhance EU RPS national reporting in order to collect and process RPS compliance data at the European level
Policy description	A platform for standardised EU national reporting by maritime authorities of the RPS certification and monitoring procedures adopted in EU Member States, and lists of certified/ licensed/ otherwise regulated SRPS.
Study findings being addressed by policy	Lack of awareness by PSC and RO inspectors of the certification and monitoring procedures and process that have been adopted in each ratifying (and EU) State, and of the RPS operations that have been certified at a national level. Limited seafarers' awareness on the certification/ licensing status of the SRPS used for employment.
Additional research prior to policy implementation	None required.
Differentiation from existing potentially similar initiatives	Currently few EU Member States provide information on licensed/certified/ otherwise regulated SRPS in their territory; There is no standard format for the information currently provided.
Main Stakeholder(s) responsible for implementing the policy	EU Member States' competent authorities
Additional partners that could support the execution of the policy	Social Partners and ILO
Stakeholders who will benefit from the policy / (level of benefit)	States (high); ROs (high); Shipowners (high); Seafarers (low)
States that will benefit from the policy	All MLC-ratifying EU Member States
Implementation risks and challenges / (mitigating actions)	Push back from EU Member States maritime administrations (establish steering committee of maritime administration officials to oversee the implementation of this policy recommendation).
Delivery mechanism	On-line dynamic platform providing a standard format for reporting; support for EU Member State data input that would enable internet and hard copy delivery of reports per Member State.
Staffing requirements to support the policy	Set up: MLC experts to support internet designers creating the underlying IT architecture to support the service; translation will be required. On-going: MLC experts to monitor the operation of the initiative and support the input of new materials, to provide user-friendly training



Policy ID and Name	C1 – Enhance EU Member States SRPS national reporting
	and support as required; IT professionals to support the operation of the service.
New materials/ services that would require to be developed	Definition of the standards to be utilised and the design and development of an internet platform that would permit Member States to rapidly and efficiently input required data fields; provision of operational tools required to support query functionality.
Set up costs associated with the policy	Establishment of the required IT functionality to support the initiative.
On-going operational and maintenance costs associated with the policy	On going operation of the platform; provision of internet and professional support to users; web hosting; periodic updates. One or more of the design and delivery functions required to support the initiative could be outsourced (under an approved tendering process) to independent consultants.
Potential sources of funding	EU Member States competent authorities
Timeline to implement	Immediate (2 years)
Projected life cycle of policy	Long Term (10 years)



Policy ID and Name	C2- Development of a comprehensive overall database of MLC compliance data
Policy goal	Provide one central source of all MLC inspection data, complaints reports and findings relating to RPS and social security
Policy description	A comprehensive database (" MLC ReportNet ") that will include results from PSC and MOU inspections, and seafarers' complaints from LSS and FS (in MLC ratifying and non-ratifying States).
Study findings being addressed by policy	Lack of one integrated source of inspection and complaints information relating to the certification and operation of RPS, providing real time information and statistics for regulatory authorities, international maritime organisations and researchers.
Additional research prior to policy implementation	Undertake a survey to determine the elements missing from current sources of compliance data to determine which sources need to be integrated into the MLC ReportNet, and where necessary data elements are not being collected.
Differentiation from existing potentially similar initiatives	Information currently provided as "silos" from ILO, PSC inspections, MOU's, seafarers' trade unions and shipowners own complaints procedures (where published), but no comprehensive single compilation of all relevant materials exists. This prevents overall analysis of information and trends from being easily determined.
Main Stakeholder(s) responsible for implementing the policy	ILO
Additional partners that could support the execution of the policy	Member States; Social Partners; EMSA; PSC and MOUs.
Stakeholders who will benefit from the policy / (level of benefit)	States (high); ROs (high); Shipowners (high); ILO, CEACR and EC (high); Seafarers (low)
States that will benefit from the policy	All MLC-ratifying and EU Member States
Implementation risks and challenges / (mitigating actions)	<p>Willingness of MLC ratifying States and partner organisations to share information over and above what they are required to provide to the ILO;</p> <p>Push back from EU Member States maritime administrations (establish steering committee of ILO and maritime administration officials to oversee the implementation of this policy recommendation);</p> <p>Privacy issues relating to collected data must be adequately addressed.</p>
Delivery mechanism	Internet and hard copy delivery of reports per State and over all States; easy to use but powerful report generator available to inexperienced and advanced users of the system; download of reports.
Staffing requirements to support the policy	<u>Set up</u> : MLC experts to support internet designers creating the underlying IT architecture to support the initiative; translation will be



Policy ID and Name	C2- Development of a comprehensive overall database of MLC compliance data
	<p>required.</p> <p><u>On-going</u>: MLC experts to monitor the operation of the initiative and support the input of new materials where this is not forthcoming from partner organisations; partner stakeholders (ILO, EMSA, PSC and MOU, ITF, national competent authorities) representatives will be needed to provide input; IT professionals to support the operation of the service.</p>
New materials/ services that would require to be developed	Definition of the standards to be utilised and, the design and development of an internet platform that would permit partners to rapidly and efficiently input required data fields and the operational tools required to support advanced query functionality for end users.
Set up costs associated with the policy	Establishment of the required IT functionality to support the initiative.
On-going operational and maintenance costs associated with the policy	<p>On going operation of the platform and recruitment and management of review personnel. Provision of internet and professional support to users; web hosting and maintenance; periodic updates.</p> <p>One or more of the design and delivery functions required to support the initiative could be outsourced (under an approved tendering process) to independent consultants.</p>
Potential sources of funding	None identified.
Timeline to implement	Short term (2 – 3 years)
Projected life cycle of policy	Long Term (10 years)



Policy ID and Name	C3 Inspection Training (CBT) (MLC Enhanced inspectors' self-training course)
Policy goal	Improve the effectiveness and consistency of PSC inspections and the ability of the inspectors to address compliance with Reg 1.4 and social security
Policy description	A CBT training module integrated with real-life test-case examples for MLC inspections focused on Reg. 1.4 and social security issues (where these are able to be addressed by EU Member States) for EU Member State PSC officers including initial training and refresher training courses. Links to sources of relevant materials should be included.
Study findings being addressed by policy	Difficulties encountered by EU PSC officials in performing MLC inspections that can adequately address Reg 1.4 RPS and social security provisions.
Additional research prior to policy implementation	Undertake a survey of PSC officials and other authorities involved in MLC inspections to determine the elements missing from current training materials.
Differentiation from existing potentially similar initiatives	EMSA Training on the MLC, 2006. However the proposed approach would be differentiated by the use of case studies as the primary instruction material and CBT learning method.
Main Stakeholder(s) responsible for implementing the policy	Member States, National Port State Control authorities.
Additional partners that could support the execution of the policy	ILO Maritime Training Academy ⁶ , EMSA (Enhancement to proposed EMSA initiative), Member States, Social Partners, Competent Authorities, PSC and MOUs.
Stakeholders who will benefit from the policy / (level of benefit)	States (high); Seafarers (high); Classification Societies (high); Competent Authorities (high); PSC Officers (high).
States that will benefit from the policy	All States
Implementation risks and challenges / (mitigating actions)	Push back from EU Member States maritime administrations (establish steering committee of EU maritime administration officials to oversee the implementation of this policy recommendation, and include MLC experts and EU PSC officials in the team of developing the CBT materials).
Delivery mechanism	CBT training materials integrated with test case examples designed to ensure that PSC inspectors are aware of how to evaluate and take actions in specific circumstances; the test cases should be updated over time; the possibility of providing course certificates to successful trainees after undertaking an on-line examination should be examined.

⁶ <http://www.itcilo.org/en/training-offer/standard-courses/search?SearchableText=MLC%2C+2006> - Training of Trainers and maritime labour inspectors on the application of the ILO MLC 2006



Policy ID and Name	C3 Inspection Training (CBT) (MLC Enhanced inspectors' self-training course)
Staffing requirements to support the policy	<p><u>Set up:</u> MLC experts to assist CBT module design and graphic experts to develop training materials in English and if required a testing module.</p> <p><u>On-going:</u> MLC experts to monitor the operation of the training materials and provide updates when necessary; IT professionals will be required to support internet delivery of materials.</p>
New materials /services that would require to be developed	<ul style="list-style-type: none"> - CBT training materials - case study development modules - self-assessment sessions,if required
Set up costs associated with the policy	Development of advanced CBT materials, integrated with visual and dynamic case study examples; self-assessment sessions.
On-going operational and maintenance costs associated with the policy	<p>Updating with new test case examples and on-going delivery of materials; hosting; professional and technical user support.</p> <p>One or more of the design and delivery functions required to support the initiative could be outsourced (under an approved tendering process) to MLC experts and consultants.</p>
Potential sources of funding	None identified.
Timeline to implement	Short Term (3+ years)
Projected life cycle of policy	Long Term (10 years)



Policy ID and Name	C4 SRPS Inspection regime (New inspection regime for SRPS similar to the internationally based system of compliance applicable to the STCW Convention⁷)
Policy goal	Inspect the operations of EU and non-EU based SRPS
Policy description	Establish a bilateral (EU MS to third countries) inspection regime for SRPS similar to the internationally based system of compliance applicable to the STCW Convention.
Study findings being addressed by policy	Lack of transparency as to the actual certification and compliance procedures in place among most States, and lack of knowledge of actions being taken in States to ensure SRPS compliance.
Additional research prior to policy implementation	Undertake a survey among PSC officials, ROs and Member States' authorities involved in MLC inspections to determine the difficulties that are experienced in validating the operations of SRPS.
Differentiation from existing potentially similar initiatives	Current STCW inspections that are conducted by EMSA could provide a model for this
Main Stakeholder(s) responsible for implementing the policy	LSS and EU Member States' competent authorities
Additional partners that could support the execution of the policy	ILO; ROs; Social Partners
Stakeholders who will benefit from the policy /(level of benefit)	States (high); Seafarers (high); Classification Societies (high); Competent Authorities (high)
States that will benefit from the policy	All States
Implementation risks and challenges / (mitigating actions)	Push back from EU Member States maritime administrations (establish steering committee of EU maritime administration officials to oversee the implementation of this policy recommendation).
Delivery mechanism	Inspectors trained to undertake SRPS inspections
Staffing requirements to support the policy	Set up: Training modules (utilise Policy Recommendation C.3 – enhanced CBT inspection training materials) On-going: Inspectors
New materials /services that would require to be developed	CBT materials under Recommendation C.3 Addition to administrative capabilities to manage inspectors and record findings New Inspection Regime with a special focus on MLC, 2006 Reg. 1.4
Set up costs associated with the policy	Recruitment and training of inspectors

⁷ Standards of Training, Certification and Watchkeeping introduced by the International Maritime Organisation. For further information see: www.imo.org



Policy ID and Name	C4 SRPS Inspection regime (New inspection regime for SRPS similar to the internationally based system of compliance applicable to the STCW Convention⁷)
	Establishment of new Inspection Regime on MLC
On-going operational and maintenance costs associated with the policy	Personnel management of inspectors; recording of findings
Potential sources of funding	None identified.
Timeline to implement	Short Term (3+ years)
Projected life cycle of policy	Long Term (10 years)



1.5. D – Forum for the promotion of bilateral/multilateral agreements for seafarers' employment, social security and insurance cover

Table 5: D – Forum for the promotion of bilateral/ multilateral agreements for seafarers' employment, social security and insurance cover

Policy ID and Name	D1 – Forum for the promotion of bilateral/ multilateral agreements for seafarers' employment, social security and insurance cover
Policy goal	Provide the basis for the discussion among Social Partners of EU and non EU States for the promotion of bilateral or multilateral agreements on seafarers' employment conditions, social security coverage, and a comprehensive system for insurance coverage. This discussion could take place within the framework of the Special Tripartite Committee of the MLC.
Policy description	<p>An initiative to provide the basis for the discussion (through an establishment of an international forum) among social partners (Flag and Labour States within and outside the EU, seafarers' trade unions, shipowners' associations) on possible bilateral or multilateral agreements for employment on EU flagged ships or for EU nationals working on EU or foreign flagged vessels. the proposed discussion forum would investigate the promotion of bilateral or multilateral agreements on social security, or alternative contribution-based systems and coordination of insurance cover for seafarers working on EU flagged vessels and EU seafarers working on EU and foreign-flagged vessels.</p> <p>The forum will discuss the feasibility of forming bilateral or multilateral agreements for employment within the EU States as well as between EU and non EU States. Employment terms and conditions with regard to length of contract, period of notice for early termination, repatriation and leave are to be examined with the participation of the relevant social partners. The forum will examine the potential of comprehensive social security coverage through bilateral, multilateral agreements or contribution-based systems⁸. The forum will also examine a comprehensive system of protection (by way of insurance or an equivalent measure) with special interest on seafarers' compensation for ship's loss/ foundering, seafarers' compensation for monetary loss incurred as a result of the failure of SRPS/ relevant shipowners under SEA to meet their obligations to the seafarers.</p>
Study findings being addressed by policy	No national CBAs in many LSS, lack of clarity on the social security cover for seafarers in comparison to national shore-workers, foreigners working on national-flagged ships and nationals working on foreign-flagged ships. Also, lack of comprehensive insurance coverage for monetary loss, ship's loss/foundering. Lack of transparency from the point of view of the seafarer as to the relationship between the seafarer and the other parties to the SEA.
Additional research prior	Extensive research on the existing social security systems of Member States; research on the practical issues with regard to coordination

⁸ Following Standard A4.5 §3 of the MLC, 2006 and International Labour Standards Department (2012), p.11.



Policy ID and Name	D1 – Forum for the promotion of bilateral/ multilateral agreements for seafarers' employment, social security and insurance cover
to policy implementation	of social security systems concerning seafarers in the EU and at international level; focused research on issues that are to be covered by insurance of seafarers; examination of Member States' compliance with the MLC, 2006 Amendments on seafarers' abandonment to be implemented.
Differentiation from existing potentially similar initiatives	The forum is expected to discuss and where necessary to promote the need for bilateral/ multilateral agreements on employment and social security coverage, with a special emphasis on insurance coverage of seafarers' rights stemming from MLC, 2006 ⁹ . The expected outcomes of the discussions are bilateral/ multilateral agreements on seafarers' employment, social security and insurance coverage (the latter in a form of a fund or other system). The expected outcomes may enhance the current ITF agreements, or national CBAs (where available), as well as the clauses to be included in all SEA as per Standard A2.1 §4.
Main Stakeholder(s) responsible for implementing the policy	Flag States, Labour Supplying States, Social Partners (shipowners' associations and seafarers' trade unions)
Additional partners that could support the execution of the policy	ILO, EU Administrative Commission for the Coordination of Social Security Systems, in case of practical issues with the current EU provisions on coordination of social security for seafarers, ITF and ETF, P&I Clubs, BIMCO.
Stakeholders who will benefit from the policy / (level of benefit)	Seafarers (high); SRPS (high); seafarers' trade unions (high); Member States (high); Shipowners (medium); PSC (medium); ROs (low)
States that will benefit from the policy	All MLC-ratifying and EU Member States, and potentially all LSS/ FS
Implementation risks and challenges / (mitigating actions)	Willingness of the partners to participate in the proposed forum. Difficulty in establishing commonly accepted employment terms and conditions at the EU level (international coalition of stakeholders including ILO that could support this initiative, initiative of the EU Administrative Commission for the Coordination of Social Security Systems).
Delivery mechanism	Collaboration of tripartite committees in national level. Delivery can be supported by the ILO, MLC and national social security experts, and be supported by the EU Administrative Commission for the Coordination of Social Security Systems, as far as it concerns practical issues with regard to the implementation of the EU rules on coordination of social security. .
Staffing requirements to support the policy	<u>Set up:</u> MLC, legal and social security experts, regulators, and tripartite committees needed to collaborate to initiate the actions. <u>On-going:</u> Competent authorities and ILO to monitor the forum and the discussion outcomes.[1]

⁹ Particularly seafarers' rights stemming from Reg. 2.1, Reg. 2.2, Reg. 2.4, Reg. 2.5, Reg. 2.6, Reg. 4.2, Reg. 4.3 and Reg. 4.5 of the MLC, 2006.



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New materials/ services that would require to be developed	<p>Bilateral/ Multilateral agreements on seafarers' employment and the included terms and conditions.</p> <p>Bilateral/ Multilateral agreements on social security and possible comprehensive social security coverage.</p> <p>Comprehensive system of protection (by way of insurance or an equivalent measure) with special interest on seafarers' compensation for ship's loss/ foundering, seafarers' compensation for monetary loss that they may incur as a result of the failure of SRPS/ relevant shipowners under SEA to meet their obligations to them.</p>
Set up costs associated with the policy	Initiation of States and social partners' collaboration and decision-making.
On-going operational and maintenance costs associated with the policy	On going monitoring and decision making on bilateral/ multilateral agreements on seafarers' employment and/or social security, and insurance coverage comprehensive system (or fund).
Potential sources of funding	None identified.
Timeline to implement	Medium term (5 years)
Projected life cycle of policy	Long Term (10 years)