

Subject: CIRCULAR. 2015-09

Declaration of maritime labor compliance- part 1

Number: 32/94/0033
Date: 04.10.2015

موضوع: بخشنامه ۲۰۱۵-۰۹

ابلاغ اصلاحیه بخش اول اظهار نامه انطباق کار دریایی

شماره: ۳۲/۹۴/۰۰۳۳
تاریخ: ۱۳۹۴/۸/۱۲



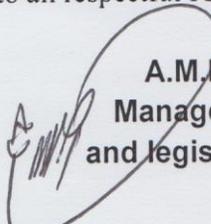
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According to reformation on Declaration of Maritime Labor Compliance, the last updated edition of subjected item has been attached hereby

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کلیه بازرسین محترم ICS

با سلام و احترام

با توجه به اصلاحات انجام گرفته در متن اظهار نامه انطباق کار دریایی، پیوست آخرین ویرایش ابلاغیه و متن اظهار نامه کار دریایی و دامنه شمول کشتیها، حضورتان ارسال می گردد.

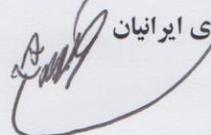
نسخه الکترونیکی بخشنامه های مذکور در شبکه داخلی موسسه با آدرس ذیل قابل دسترسی می باشد:

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همچنین نسخه الکترونیکی این سند از طریق پست الکترونیکی به کلیه بازرسان محترم موسسه ارسال می گردد.

رضوان پناه

مدیر واحد کنوانسیون ها و مقررات دریایی


موسسه رده بندی ایرانیان

ترک دعوی: اگرچه در گردآوری کلیه راهنماهای فنی ارائه شده توسط موسسه رده بندی ایرانیان، تا حد ممکن تلاش در دقت و صحت محتوا صورت گرفته است، این موسسه متحمل مسئولیتی در قبال هرگونه اشتباهات، خسارت های احتمالی و جرائمی که ممکن است در ارتباط با بکار گیری مفاهیم و مطالب ارائه شده رخ دهد، نمیباشد.

Code: ICS32F016/2

موسسه رده بندی ایرانیان

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ISLAMIC REPUBLIC OF IRAN

MINISTRY OF ROAD & URBAN DEVELOPMENT

PORT & MARITIME ORGANIZATION

MARITIME LABOUR CONVENTION, 2006

DECLARATION OF MARITIME LABOUR COMPLIANCE-PART I

(Note: this Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the Ports & Maritime Organization

With respect to the provisions of the Maritime Labour Convention, 2006 the following referenced ship:

<i>Name of ship</i>	<i>IMO Number</i>	<i>Gross Tonnage</i>

Is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the above mentioned competent authority, that:

- a) The provisions of the MLC, 2006 are contained in the national provisions referenced below;*
- b) These national requirements are contained in the national provisions referenced below; Explanations concerning the content of those provisions where they differ from the MLC 2006 are provided where necessary;*
- c) The details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided the section provided for this purpose below;*
- d) Any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and*
- e) Any ship-type specific requirements under national legislation are also referenced under the requirements concerned.*

1. Minimum Age (Regulation 1.1)

- The minimum age of person to be employed (except Master and Chief Engineer) on board an Iranian flagged vessel is 18 years old.*
- The minimum age of person to be employed as a Master or Chief Engineer on board an Iranian flagged vessel is 25 years old.*

*Reference: Iranian code of practice for Issuing, Revalidating and Renewing Certificates for Seafarers
(Document number P6-W22).*

2. Medical Certification (Regulation 1.2)

- The Iranian Ports & Maritime Organization shall require that prior to beginning work on an Iranian flagged vessel, seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.*
- The medical certificate shall be issued by a duly qualified and approved by Iranian Port & Maritime Organization medical practitioner in accordance with the requirements of the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended.*
- Unless a shorter period is required for specific duties to be performed by the seafarers, a medical certificate shall be issued with validity of maximum two years, which also includes color vision examination.*
- In urgent cases the Ports & Maritime Organization may permit a seafarer to continue to work if the period of validity of a medical certificate expires in the course of a voyage. The certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.*

*Reference: Iranian Code of Practice for Medical Fitness Standards for Seafarers and issuing the Relevant Certificate
(Document number P6-W35).*

3. Qualification of Seafarers (Regulation 1.3)

- Seafarers working on board an Iranian flagged vessel must have the appropriate training and qualifications as well as a certificate accrediting their professional competence and other qualifications to perform their functions, duly issued or endorsed by the Ports & Maritime Organization.
- The training and certification must adjust to the mandatory instruments adopted by the IMO (STCW/78 as amended) and requirement established in the National Legislation.
- For the National Legislation, Training and certification shall be in accordance with the Iranian Port & Maritime Organization requirements.

Reference: Iranian Code of Practice for Seafarers and issuing the Relevant Certificate
(Document number P6-W22).

4. Seafarers employment agreements (Regulation 2.1)

All seafarers working on board an Iranian flagged vessel shall have an employment agreement and specifies the information to be included there in:

- All seafarers working on board an Iranian flagged vessel shall each have a signed original of the seafarer's employment agreement, and the agreement is to be signed by both the seafarer and the ship-owner or a representative of the ship-owner.
- All seafarers shall have the opportunity to examine and seek advice on the terms and conditions in their seafarer's employment agreement before signing.
- Ship-owners shall ensure that clear information as to the conditions of their employment are easily obtainable on board by seafarers, including the ship's Master, and that such information, including a copy of the seafarers employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited. The seafarers' employment agreements may be kept on board in electronic format provided they are readily available and can be printed off if required by individual seafarer or flag State or port State inspectors.
- Ship owners shall ensure that all seafarers are given a document containing a record of their employment on board the ship (such as an appropriate seafarer's discharge book), and that this document shall not contain any information on the quality of the seafarer's work or their wages.
- Ship owners shall ensure that the seafarer's employment agreement must, at minimum, contain the required information as listed in Standard A2.1.4 of the Maritime Labour Convention, 2006.
- The minimum notice period for early termination is not less than 7 days.

References: Iranian Labour Law (chapter II).

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

- "Seafarer recruitment and placement service" refers to any person, company, institution, agency or other organization which is engaged in recruiting seafarers on behalf of ship-owners or placing seafarers with ship-owners.
- All seafarer recruitment and placement services based in Iran shall apply for and attain approval from the Ministry of Cooperatives, Labour and Social Welfare as the Administrator for regulating seafarer recruitment and placement services, and shall only operate in accordance with requirements under the Maritime Labour Convention, 2006 (MLC) and PMO requirements.
- All seafarer recruitment and placement services based in Iran that intend to carry out recruitment and placement activities for third parties shall apply for and attain an Employment Registration License, issued by Home office according to the Agencies Act of Ministry of Cooperatives, Labour and Social Welfare or PMO Attestation Services based in MLC State Parties.
- Seafarer recruitment agencies based in and licensed by State Parties to the MLC are recognized by the Administrator.
- Ship-owners shall ensure that when using seafarer recruitment and placement services located in countries not party to the MLC, such services are, as far as practicable, consistent with the requirements of the MLC.
- Ship-owners may engage any of the Recognized Organizations (appointed and authorized by the Administrator) or the ship owner's internal audit mechanism to audit seafarer recruitment and placement services located in countries not party to the MLC. Ship-owners may engage seafarer recruitment and placement service already audited by any of the Recognized Organizations. Ship-owners are required to ensure that such services are consistent with the requirements of the MLC.

References: Iranian Labour Law-Act on I.R. of Iran ratification of MLC Convention 2006, approved in 2010

6. Hours of work or rest (Regulation 2.3)

- The minimum hours of rest shall not be less than:
 - a) 10 hours in any 24-hour period; and
 - b) 77 hours in any seven-day period.
- The rest hours can be grouped in two periods at the maximum, one of each shall have at least six non-interrupted hours and the interval between two consecutive resting periods shall not exceed 14 hours.
- Musters, fire-fighting and lifeboat drills and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.
- Every Iranian flagged vessel shall prepare and place at an easily accessible location and at the disposal of the competent authorities, a chart describing the organization of the work onboard.

- *Every Iranian flagged vessel shall have a record of the seafarers daily rest hours in accordance to the format adopted by the Competent Authority for such purpose taking into account the guidelines of the ILO, in order to ensure control and compliance. These shall serve as documentary evidence that the seafarer's minimum rest hours are met.*
- *Nothing of this Standard shall prevent a Member from having national laws or regulations or a procedure for the Ports & Maritime Organization to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watch keeping seafarers or seafarers working on board ships on short voyages.*
- *The daily records of the rest hours shall be written in the working language or languages of the ship and in English. Seafarers shall receive a copy of the records pertaining to them, which shall be endorsed by the Master or by the person that he authorizes, and the seafarer. Nonetheless, in all Iranian flagged vessels the daily records of rest hours can be electronically sent to seafarers, as long as these had been approved by the Master or by the person that he authorizes.*
- *Masters of Iranian flagged vessel may allow exception from the required minimum hours of rest in above paragraphs, provided that the minimum rest period is not less than 70 hours in any 7-days period. Exceptions from the minimum weekly rest period provided for in first paragraph shall not be allowed for more than two consecutive weeks. The interval between two periods of exceptions on board shall not be less than twice the duration of the exception. The minimum hours of rest provided for in first paragraph may be divided into no more than three periods one of which shall be STCW Convention, as amended (Document number P6-W29).*

7. Manning levels for the ship (Regulation 2.7)

- *All Iranian flagged vessels shall have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every Iranian flagged vessel shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of the international instruments.*
- *When determining, approving or revising manning levels, the Ports & Maritime Organization shall take into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments, especially those of the International Maritime Organization on manning levels.*

References: Ports & Maritime Organization standards (Document number P16-W4).

8. Accommodation (Regulation 3.1)

- *Every Iranian flagged vessel shall maintain decent and safe accommodations for seafarers working or living on board in accordance to the provisions related to the protection of security, health and prevention of accidents.*
- *The requirements which relate to ship construction and equipment apply only to ships constructed on or after the date when the ILO Convention comes into force for the member concerned (for Islamic Republic of Iran this date is 12.09.2015). For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the national and international instruments shall continue to apply to the extent that they were applicable, prior to that date, under the law or practice of the Islamic Republic of Iran. A ship shall be deemed to have been constructed on the date when its keel laid or when it is at a similar stage of construction.*
- *The Master or the person designated by him shall conduct frequent inspections on board ships in order to ensure that the accommodation of seafarers is clean, in adequate conditions of habitability and kept in good shape. The outcome of each inspection shall be kept in a record and be available for verification by the Competent Authority and the inspector of flag and port State control.*
- *The competent authority shall pay particular attention to ensuring implementation of the requirements of this Convention relation to:*
 - a) *the size of rooms and other accommodation spaces;*
 - b) *heating and ventilation;*
 - c) *noise and vibration and other ambient factors;*
 - d) *sanitary facilities;*
 - e) *lighting; and*
 - f) *Hospital accommodation.*

References: Ports & Maritime Organization standards (Document numbers P16-W6, P16-W3, P16-C3).

9. On board recreational facilities (Regulation 3.1)

- *The ship owners shall provide appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on board ships.*
- *In addition to the requirements relevant to recreation facilities as stated above, the ship owners shall provide as a minimum, a television, reading materials, containing vocational and other books and space for recreational activities at no cost to the seafarer.*
- *The seafarers shall be given reasonable access to ship-to-shore telephone communications, and e-mail and Internet facilities, where available, with any charges for the use of these services being reasonable in amount.*

References: Iranian Labour Law (Articles 91, 95, 96 &176).

10. Food and catering (Regulation 3.2)

- *Ship-owners shall provide and maintain the following minimum standards for food and catering on board Iranian flagged vessels:*
 - a) *The provision of food and drinking water shall be of appropriate quality, nutritional value, quantity and variety. The provision of food and drinking water shall also take into account the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the ship's voyage*
 - b) *The organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic condition.*
 - c) *The catering staff shall be properly trained or instructed for their positions.*
- *Ship-owners shall provide seafarers on board with food and drinking water free of charge during the period of engagement.*
- *Ship-owners shall ensure that seafarers who are engaged as ships' cooks are trained, qualified and found competent in accordance with the requirements in national law and hold a Certificate of Proficiency as a Ship's Cook issued by the Administration, or other certificate accepted as equivalent by the Administration.*
- *The Administration accepts valid ship's cook certificates issued by a foreign maritime administration party to the ILO Certification of Cooks Convention 1946, or party to the Maritime Labour Convention, 2006.*
- *Ship's cook certificates issued by other foreign maritime administration will only be recognized after assessment by Iranian Flag Administration*
- *Documented frequent inspections, by or under authority of the master shall be carried out on board with respect to:*
 - a) *Supplies of food and drinking water;*
 - b) *All spaces and equipment used for the storage and handling of food and drinking water; and*
 - c) *Galley and other equipment for the preparation and service of meals.*

*Reference: Iranian Code of Practice for conducting ship's cook training courses.
(Document number P6-W58)*

11. Health and safety and accident prevention (Regulation 4.3)

- *Ship-owners shall adopt, implement and promote occupational safety and health policies and programmes on board Iranian flagged vessels, including risk evaluation as well as training and instruction of seafarers.*
- *Ship-owners shall provide and ensure reasonable precautions to prevent occupational accidents, injuries and diseases on board, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or diseases that may arise from the use of equipment and machinery on board Iranian flagged vessels.*
- *Ship-owners shall ensure that on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, take into account preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.*
- *Ship-owners or masters are required to report to the Administrator occurrences of occupational accidents, injuries and diseases on board Iranian flagged vessels, and to also correct unsafe conditions.*
- *Ship-owners conducting risk evaluation in relation to management of occupational safety and health shall refer to appropriate statistical information from their ships and from general statistics provided by the Administrator*
- *Ship-owners shall specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policies and programmes. Ship-owners shall also specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be established on board a ship on which there are five or more seafarers.*

References: Iranian Labour Law (Articles 91,95,96 &176).

12. On board medical care (Regulation 4.1)

- Ship owners shall implement measures that provide for occupational health protection and medical care, including essential dental care, for seafarers working on board Iranian flagged vessels as follows:
 - a) Ship owners shall provide seafarers health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise. Seafarers shall be allowed to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.
 - b) Medical care and health protection services while a seafarer is on board ship or landed in a foreign port shall be provided by ship owners free of charge to seafarers.
 - c) Ship owners shall provide measures of a prevention character such as health promotion and health education programmes in addition to the treatment of sick or injured seafarers.
- Ship owners shall arrange that the "Medical report form for use by the ships' masters and relevant On-shore and on-board medical personnel" as recommended by "International Medical Guide for Ships" as amended from time to time, or equivalent is prepared and used by ship's masters and relevant on-shore and on-board medical personnel. The form, when completed, and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers.

References: Iranian Labour Law-Act on I.R. of Iran ratification of MLC Convention 2006, approved in 2010

13. On board complaint procedures (Regulation 5.1.5)

- All Iranian flagged vessels shall have on-board complaint procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the Convention.
 - On board complaint procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities.
 - The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints.
 - In addition to a copy of their seafarers' employment agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information of Ministry of Cooperatives, Labour and Social Welfare or Ports & Maritime Organization, and where different, the competent authority in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.
- Reference: Iranian Labour Law-Act on I.R. of Iran ratification of MLC Convention 2006, approved in 2010*
- b) A requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers.
 - Any charge for the service under last paragraph shall be reasonable in amount.

References: Iranian Labour Law (Chapter II)

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)