

GUIDANCE NOTE 06/2024

PSC CONCENTRATED INSPECTION CAMPAIGNS 2024 (CREW WAGES AND SEAFARER EMPLOYMENT AGREEMENTS)

To: OWNERS, MANAGERS AND MASTERS OF CAYMAN ISLANDS SHIPS SUBJECT TO MLC

1. BACKGROUND

- 1.1 Port State Control regions have announced an upcoming Concentrated Inspection Campaign (CIC) on Crew Wages and Seafarer Employment Agreements (SEAs) under MLC from 1 September until 30 November 2024.
- 1.2 The questionnaires for these CICs are usually published in early August each year.
- 1.3 The purpose of this Guidance Note is to highlight areas that will be of interest to Port State Control Officers conducting the CIC.

2. AREAS OF INTEREST (ALL SHIPS)

2.1 Medical Certification, Training and Qualification (Regulation 1.2 and 1.3)

- Do all seafarers hold necessary records of training, certification and qualification, including refresher courses?

2.2 Seafarer Employment Agreements (Regulation 2.1)

- Is the Flag State approved version of the SEA available?
- Do all seafarers on the [Crew List](#) have a signed SEA, and is it as per the approved version?
- Does the SEA accurately reflect the seafarer's position onboard?

2.3 Payment of Wages (regulation 2.2)

- Are all seafarers paid at regular intervals not exceeding one month?
- Are seafarers provided with documentary evidence of payment of wages?
- Are wages paid free of deduction (i.e. for food, repatriation costs, medical costs, agency fees)?

- Are all the elements of the employment contract (basic wages, leave pay, allowances, overtime etc.) reflected in the seafarer's wage account?
- Are there only one set of wage accounts in use?
- Has the seafarer authorised the master/owner to make an allotment? If so, evidence of this authorisation must be available on board.
- Are any charges for converting and transmitting currencies for allotments reasonable (i.e. at market rates)?

2.4 **Hours of Work and Rest (Regulation 2.3)**

- Is a schedule of normal hours of work and rest (both at sea and in port) posted?
- Are records of hours of work and rest being maintained onboard?
- Do seafarers sign and receive copies of records of their own hours of work and rest?
- Are seafarers being granted sufficient shore leave where appropriate?

2.5 **Financial security 2014 amendments (Regulation 4.2)**

- Are the certificates of financial security in the event of abandonment and the certificates in the event of compensation for death and long-term disability posted in a conspicuous position on board?

3. **AREAS OF INTEREST (YACHTS)**

3.1 **Occasional workers (REG Yacht Code Annex E)**

It is not unusual for vessels to carry occasional additional staff, working in service for the owner or charterer for example, a nanny, masseuse or bodyguard. If the individual normally works on shore, and is onboard for a short period of time, with no emergency duties, they may not fall within the definition of a "seafarer" for the purposes of the MLC.

Occasional workers should not be included on the 'Crew List' but on a [Record of Occasional Workers](#).

3.1.1 In such cases, these Occasional Workers must:-

- have no emergency duties;
- have familiarisation training onboard such that they are capable of being self-sufficient in an emergency both for their own protection, and the safety of other members of the crew;
- be accommodated in a cabin and have access to mess areas and sanitary facilities of a standard which are in accordance with the crew accommodation standards applicable to the keel laying date of the yacht;
- be medically fit to carry out their duties and to be self-sufficient in an emergency, although a seafarer's medical fitness certificate is not required;
- have a contract of employment, providing equivalent protection to that available under the MLC, taking into account their duties, pattern of working, normal place of work, and other relevant factors. It is recommended that the contract make reference to working in some capacity onboard the named yacht - this could be an addendum to the employee's shore-based contract.

3.2 Day Workers

3.2.1 Temporary (day) workers employed to assist the crew with maintenance should not be included on the on the 'Crew List' or 'Record of Occasional Workers', nor be provided with an SEA.

3.2.2 Employment arrangements for day workers should be compliant with all local employment, immigration and fiscal laws, as if they are shore-based workers. Advice should also be sought from the vessel's insurance company.

4 FURTHER INFORMATION

4.1 For any queries regarding the above items, masters should contact – technical@cishipping.com

4.2 For any issues arising at an examination as part of the CIC, masters should contact – reporting@cishipping.com