

## 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 authority of the Government of the Cayman Islands by*

**THE CAYMAN ISLANDS SHIPPING REGISTRY**

*of*

**THE MARITIME AUTHORITY OF THE CAYMAN ISLANDS**

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

Name of ship	IMO number	Gross tonnage

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

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

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are in 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.

<b>Title</b>	<b>National Legislation</b>
1. Minimum age (Regulation 1.1)	<p>Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004, prohibits employment of persons under the age of sixteen.</p> <p>The Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014 prohibit seafarers under the age of 18 from being employed for “hazardous work” which means any work undertaken on board or in relation to the ship which, by its nature or the circumstances under which it is to be carried out, is likely to harm the health or safety of the seafarer, and includes-</p> <ul style="list-style-type: none"> <li>• working in enclosed spaces;</li> <li>• working adjacent to open holds or tanks;</li> <li>• working over the ship's side;</li> <li>• working aloft such as on masts, mast tables, or samson posts etc.;</li> <li>• operating machinery, winches or lifting equipment with heavy loads;</li> </ul>

Title	National Legislation
	<ul style="list-style-type: none"> <li>• work in the vicinity of cargo operations;</li> <li>• mooring operations or other such similar work; and</li> <li>• employment as a ship's cook</li> </ul> <p>Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014 restricts night work for under 18s and defines “night” as a period of at least nine consecutive hours, including the period from midnight to 0500 hours.</p> <p>A seafarer of the age of 16 or 17 may work at night if the work forms part of an established programme of training the effectiveness of which would be impaired by the prohibition above.</p>
2. Medical certification (Regulation 1.2)	<p>The Merchant Shipping (Maritime Labour Convention)(Medical Certification) Regulations, 2014, require every seafarer to have a valid medical fitness certificate and prohibits the employment of a seafarer who does not hold such a certificate, except in the circumstances provided for in regulations 5(3) and (4).</p> <p>In urgent cases (regulation 5(4)) the seafarer’s medical certificate must have expired no more than 1 month prior to joining the ship, and must have been issued for the full validity appropriate to the seafarer’s age (i.e. 1 year for a seafarer under 18 years of age at the time of issue, and 2 years for other seafarers).</p> <p>A valid medical certificate is a Certificate issued under the authority of one of the list of countries whose medical certificates are accepted listed in Shipping Notice CISN 05/2011 (as amended).</p> <p>Any medical fitness certificate shall be valid for no more than two years; or no more than one year if the seafarer is under the age of 18 years.</p> <p>If the seafarer is employed at the time of their medical examination, the employer must bear the cost.</p> <p>The certificate must be in English.</p> <p>The Approved Doctor may issue a seafarer with a “Fit” certificate with restrictions on the geographical locations or duties in which the seafarer is fit to work – for example, the restriction “not fit for lookout duties” where the seafarer has a colour vision deficiency.</p>
3. Qualifications of seafarers (Regulation 1.3)	<p>Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004 set training requirements in accordance with STCW 1978 (as amended).</p> <p>All officers to be qualified as specified on the safe manning document (MSMD).</p> <p>All seafarers shall receive on board safety familiarisation training prior to commencing their duties on board the ship. More information is provided in Shipping Notice CISN 05/2011 (as amended).</p>

Title	National Legislation
<p>4. Seafarers' employment agreements (Regulation 2.1)</p>	<p>The Merchant Shipping (Maritime Labour Convention)(Seafarer Employment Agreement, Shipowner's Liabilities and Wages) Regulations, 2014, requires all seafarers to have a Seafarer's Employment Agreement (SEA).</p> <p>If the SEA is signed by a representative of the shipowner (e.g. a manning agent or management company), that representative must be named as an authorised representative in the shipowner's DMLC Part 2.</p> <p>Other documents can form part of the SEA. The SEA itself and any documents forming part of the SEA, if they are not in English are to be available on board in English translation.</p> <p>Minimum period of notice: 7 days, except by mutual agreement.</p> <p>Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1992, Part 4 Discharge of Seamen requires that the master or authorised person shall record details of the ship and the voyage from which the seafarer is being discharged.</p> <p>Wages: See section 14.</p> <p>Annual leave: Regulation 10 of the Merchant Shipping (Maritime Labour Convention)(Seafarer Employment Agreement, Shipowner's Liabilities and Wages) Regulations, 2014 provides that every seafarer is entitled to at least 30 days leave per year of employment, or pro rata if the seafarer is not employed for a full year, within each year of employment. Seafarers will also be entitled to 8 days public holidays per year, or pro rata if the seafarer is not employed for a full year, within each year of employment.</p> <p>Repatriation: The Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations, 2014 provide that a seafarer has a right to be returned to their home country:</p> <ul style="list-style-type: none"> <li>• when their employment contract ends or is cancelled;</li> <li>• when they're no longer able to carry out their duties;</li> <li>• in the event of shipwreck;</li> <li>• if their ship is bound for a war zone they haven't agreed to go to.</li> </ul> <p>In addition:</p> <ul style="list-style-type: none"> <li>• Owners of Cayman Islands ships are required to provide financial security to ensure that seafarers are duly repatriated in accordance with the MLC;</li> <li>• Shipowners are prohibited from requiring seafarers to make an advance payment towards the cost of repatriation at the beginning of their employment;</li> <li>• Where the shipowner fails to arrange or pay for repatriation, the Flag State has to do so.</li> </ul> <p>Where a seafarer's employment is terminated on grounds of misconduct on the part of the seafarer, the shipowner may recover repatriation and ancillary costs from the seafarer up to \$1000.</p>

Title	National Legislation
	Financial security: for compensation in case of death or long term disability of seafarers due to occupational injury, illness or hazard is the responsibility of the shipowner.
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)	The Merchant Shipping (Maritime Labour Convention)(Survey and Certification) Regulations, 2014, require that Cayman Islands flagged ships using private recruitment and placement services may recruit only from crewing agencies which meet MLC requirements.
6. Hours of work or rest (Regulation 2.3)	<p>Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004, provide for minimum rest of at least 10 hours in any 24 hour period, which may be divided into no more than two (2) periods – one of which shall be at least six (6) hours in length, and no more than 14 hours between any consecutive periods; and 77 hours an any 7 day period.</p> <p>Any exception from the above requirements authorised by MACI must be recorded in the DMLC Part 2.</p> <p>More information is provided in Shipping Notice CISN 05/2014 (as amended).</p>
7. Manning levels for the ship (Regulation 2.7)	<p>Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004 require a MSMD for all ships of 500 GT and above.</p> <p>Owners of ships under 500 GT may also choose to hold a MSMD.</p> <p>The MSMD must be carried on board the ship and be made available for inspection.</p> <p>The number of seafarers on board must comply with or exceed the MSMD in terms of both the number and qualifications of seafarers.</p> <p>If a ship changes trading area, construction, machinery or equipment, operation and/or method of maintenance, or seafarers persistently fail to comply with hours of rest requirements, the MSMD should be reviewed.</p>
8. Accommodation (Regulation 3.1)	<p><b>For existing ships:</b> Merchant Shipping (Crew Accommodation) Regulations, 1988, set standards for ships with keels laid before 20 August 2013.</p> <p>Accommodation shall be inspected at least weekly.</p> <p>For Ships with a keel laid after 20 August 2013: the standards are set by the Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations, 2014, and Shipping Notice CISN 03/2014 (as amended) and require the shipowner to comply with regulations with regard to –</p> <ul style="list-style-type: none"> <li>• The size of rooms and other accommodation spaces;</li> <li>• Heating and ventilation;</li> <li>• Noise, vibration and other ambient factors;</li> </ul>

Title	National Legislation
	<ul style="list-style-type: none"> <li>• Sanitary facilities;</li> <li>• Lighting;</li> <li>• Hospital accommodation.</li> </ul> <p>Commercial Yachts: For yachts constructed prior to MLC entering into force the crew accommodation has been constructed in accordance with the Large Commercial Yacht Code and as far as practical in accordance with ILO92/133.</p>
9. On-board recreational facilities (Regulation 3.1)	<p><b>For existing ships:</b> Merchant Shipping (Crew Accommodation) Regulations, 1988, set standards for ships with keels laid before 20 August 2013.</p> <p>For Ships with a keel laid after 20 August 2013: the standards are set by the Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations, 2014, and Shipping Notice CISN 03/2014 (as amended) and requires shipowners to provide appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships.</p> <p>Furnishings for recreational facilities should as a minimum include a bookcase and facilities for reading, writing and, where practicable, games.</p>
10. Food and catering (Regulation 3.2)	<p>Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014 and Shipping Notice CISN 07/2014 (as amended) set standards for food and water which must be free of charge to seafarers and suitable in terms of quantity, nutritional value, quality and variety.</p> <p>Merchant Shipping (Crew Accommodation) Regulations, 1988, set standards for galley requirements for ships with keels laid before 20 August 2013.</p> <p>For Ships with a keel laid after 20 August 2013: the galley requirements are set by the Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations, 2014, and Shipping Notice CISN 03/2014 (as amended).</p> <p>Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014 requires carriage of a fully certified ship's cook on all vessels with ten or more seafarers. Any substantial equivalence to this requirement must be recorded below.</p> <p>Cooks shall be trained and qualified and all catering staff shall have evidence of completion of a training course or of being instructed in food and personal hygiene and handling and storage of food.</p> <p>Catering departments shall be inspected at least weekly.</p> <p>Seafarers under 18 years of age shall not be employed as ships cooks.</p>
11. Health and Safety and accident prevention (Regulation 4.3)	<p>The Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014 places a responsibility on the employer to provide a safe working environment and:</p> <ul style="list-style-type: none"> <li>• Requires the appointment of safety officers and safety representatives;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Requires holding of regular safety committees on all vessels with five or more seafarers;</li> <li>• Requires suitable personal protective equipment to be provided;</li> <li>• Requires seafarers to be provided with adequate and appropriate health and safety training and instruction;</li> <li>• Sets the minimum requirements for risk assessments and health surveillance;</li> <li>• Sets safety requirements for equipment and machinery on ships;</li> <li>• Requires reasonable precautions to be taken for the prevention of risk of exposure to harmful levels of noise, vibration and chemicals.</li> </ul> <p>The Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014 requires that the Code of Safe Working Practices for Merchant Seamen is taken into account at all times.</p> <p>The Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014 requires reporting of occupational accidents, injuries and diseases.</p>
12. On-board medical care (Regulation 4.1)	<p>The Merchant Shipping (Maritime Labour Convention) (Medical Care) Regulations, 2014, requires that the cost of medical and emergency dental treatment for seafarers to be borne by the employer regardless of location.</p> <p>Ships with 100 or more persons on board operating on international voyages of more than 3 days shall carry a qualified medical doctor who is responsible for providing medical care.</p> <p>All other ships are required to have either at least one seafarer on board who is in charge of medical care or at least one seafarer on board competent to provide medical first aid.</p> <p>Seafarers have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.</p> <p>All ships shall carry a medicine chest, medical equipment and a medical guide (see Shipping Notice CISN 06/2014 (as amended)).</p> <p>The system for obtaining Radio Medical Advice to be used by Cayman Islands ships is detailed in Shipping Notice CISN 06/2014 (as amended).</p> <p>Confidential Medical Report Form (MRF3906) or similar shall be completed in all cases of illness or injury.</p> <p>The shipowner is required to provide financial security for compensation for death or long-term disability of seafarers due to an occupational injury, illness or hazard.</p>
13. Onboard Complaint Procedure (Regulation 5.1.5)	<p>The Merchant Shipping (Maritime Labour Convention)(Survey and Certification) Regulations, 2014, requires the maintenance of a procedure for on board investigation of complaints. Shipping Notice CISN 04/2014 (as amended) provides more information.</p>

Title	National Legislation
14. Payment of wages (Regulation 2.2)	<p>Merchant Shipping (Maritime Labour Convention)(Seafarer Employment Agreement, Shipowner's Liabilities and Wages) Regulations, 2014 defines the principles applying to the payment and calculation of basic pay and wages which are partially or fully consolidated.</p> <p>All seafarers shall receive a monthly account of their wages.</p> <p>Shipowners are required to take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.</p> <p>The following deductions from seafarer's wages are permitted –</p> <ul style="list-style-type: none"> <li>• Deductions permitted in relevant national laws, or agreed to in a Collective Bargaining Agreement (CBA);</li> <li>• on-board purchases, telecommunication calls and internet access;</li> <li>• cash advances, allotments, contributions by the seafarer in relation to any pension fund, charity, and in respect of membership of a body to any trade union and friendly society.</li> </ul> <p>No deductions can be made from a seafarer's wage in respect of obtaining or retaining employment.</p> <p>Monetary fines against seafarers other than those authorised in a CBA are prohibited.</p>
15. Financial Security for repatriation (Regulation 2.5)	<p>Shipping Notice CISN 01/2017 (as amended) requires a shipowner to provide a financial security system sufficient to meet his obligations in the event of abandonment of a seafarer. A seafarer is deemed to be abandoned if the ship owner:</p> <ul style="list-style-type: none"> <li>• fails to cover the costs of the seafarers repatriation; or</li> <li>• has left the seafarer without necessary maintenance and support; or</li> <li>• has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.</li> </ul> <p>A ship must carry on board a certificate or other documentary evidence of financial security issued by the financial security provider and a copy of this document must be posted in a conspicuous place on board where it is available to the seafarers.</p> <p>The provider of the financial security shall inform the Maritime Authority of the Cayman Islands in all cases where the financial security is to be cancelled or terminated. This notification shall be made at least 30 days prior to the cancellation or termination.</p> <p>The certificates or other documentary evidence of financial security shall be in English or accompanied by an English translation. Where more than one financial security provider provides cover, the documents provided by each provider shall be carried on board.</p>

Title	National Legislation
16. Financial Security for Shipowner's Liability (Regulation 4.2)	<p>The Merchant Shipping (Maritime Labour Convention)(Seafarer Employment Agreement, Shipowner's Liabilities and Wages) Regulations, 2014 and Shipping Notice C1SN 01/2017 (as amended) requires that a shipowner to provide a financial security system to assure compensation in the event of a seafarer's death or long term disability of a seafarer due to an occupational injury, illness.</p> <p>A ship must carry on board a certificate or other documentary evidence of financial security issued by the financial security provider and a copy of this document must be posted in a conspicuous place on board where it is available to the seafarers.</p> <p>If the financial security is to be cancelled or terminated, the shipowner shall ensure that seafarers are notified of the cancellation or termination at least 30 days prior to the cancellation or termination taking effect.</p> <p>The provider of the financial security shall inform the Maritime Authority of the Cayman Islands in all cases where the financial security is to be cancelled or terminated. This notification shall be made at least 30 days prior to the cancellation or termination.</p> <p>The certificates or other documentary evidence of financial security shall be in English or accompanied by an English translation. Where more than one financial security provider provides cover, the documents provided by each provider shall be carried on board.</p>

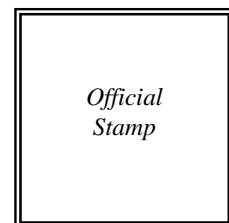
Signed: .....  
*(Signature of authorized official)*

Name:

Title: Surveyor of Ships

Place: Southampton, United Kingdom

Date: 16 January 2017





## SUBSTANTIAL EQUIVALENCIES AND EXEMPTIONS

### SUBSTANTIAL EQUIVALENCIES

(Note: strike out any statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (*insert description if applicable*):

#### **~~Substantial equivalencies for medical certification (Regulation 1.2):~~**

~~MACI accepts the following equivalent to the ENG 1 or non UK equivalent in particular circumstances:~~

- ~~(a) — for the master and crew of a small commercial vessel operating under the appropriate MCA Code of Practice which goes no more than 60 miles from shore, a ML5. (See MGN 264 (Medical Fitness Requirements for Those Employed on Boats Certificated under MCA Codes of Practice, Crew of Seagoing Local Passenger Vessels and Non-seagoing Boatmasters);~~
- ~~(b) — for divers working in the offshore industry, where their place of work is for the time being a ship, e.g. on a short transit between working stations, but where the work activity takes place only on a working station, a National Commercial Diver medical~~
- ~~(c) — for helicopter pilots working in the offshore industry, where their place of work is for the time being a ship, e.g. on a short transit between working stations, but where the work activity takes place only on a working station, a National Commercial Pilot Medical Certificate;~~
- ~~(d) — for offshore workers working in the offshore industry, where their place of work is for the time being a ship, e.g. on a short transit between working stations, but where the work activity takes place only on a working station, a National Offshore Worker's Medical Certificate.~~

#### **Substantial equivalency for hours of rest records: electronic records (Regulation 2.3):**

Electronic record keeping of hours of work may be accepted provided that the system provides satisfactory security, audit and access arrangements. For full details contact MACI.

#### **Substantial equivalency for ships cooks (Regulation 3.2)**

MACI will accept a recognised chef on the basis of their experience and standing as a ships' cook in compliance with A3.2.3 provided that they have a certificate in food hygiene.

#### **~~Substantial equivalencies for crew accommodation (Regulation 3.1):~~**

- ~~• — Yachts over 24m in length holding a certificate of compliance with the Large Commercial Yacht Code: Standards agreed with MLC Tripartite Working Group and Large Yacht Sub-Group will become Chapter 21 of LY3. Separate guidance to be issued.~~
- ~~• — Ships under 24m in length holding a certificate of compliance with the Code of Practice for the safety of small commercial vessels (sailing, motor, or workboat) operating on domestic voyages: MGN 280 Chapter 21 to be amended to address MLC requirements. Separate guidance to be issued.~~

#### **Substantial equivalence for crew accommodation for cadets (Regulation 3.1):**

MACI will consider case by case applications from a shipowner for a dispensation allowing him to accommodate maximum of two officer trainees in one cabin, subject to the following conditions:

- the floor space of the cabin in question must be at least 12 m<sup>2</sup>;
- officer trainees sharing a cabin must be of the same gender;

- the cabin must contain sufficient integral desk space for the two officer trainees or provide access to a separate study space on board the ship.
- The shipowner should avoid placing two officer trainees who undertake watchkeeping training in the same cabin at the same time, unless the shipowner can show that such will not be detrimental to the officer trainees concerned. In particular, the shipowner must take steps to ensure that a trainee's hours of rest are not unduly disturbed.
- Shipowners seeking dispensations should take account of relevant guidance from the Merchant Navy Training Board (MNTB), from the Maritime Training Trust and Maritime Educational Foundation and relevant surveys undertaken by Nautilus International.

### EXEMPTIONS

*(Note: strike out the statement which is not applicable)*

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

No exemption has been granted

Signed: .....  
*(Signature of authorized official)*

Name:

Title: Surveyor of Ships

Place: Southampton, UK

Date: 16 January 2017

