



Maritime Labour Convention 2006

Declaration of Maritime Labour Compliance – Part 1



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

This certificate is issued by (or on behalf of) Gibraltar under the responsibility of the United Kingdom as flag-state under the Convention.

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

Name of Ship	IMO Number	Gross Tonnage
TEST VESSEL	9997765	5000

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 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 provided under the corresponding national requirement listed 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.

Requirement and link to legislation Note references in this column are to the Regulations in the Convention	Description and Regulation Note references in this column are to the Gibraltar Regulations or MLN's
1. Minimum age (Regulation 1.1)	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended - Reg. 4 and 5.</p> <p>(Minimum Age) No person below the age of 16 years shall be employed, engaged or work on the vessel. A young seafarer is defined as a seafarer under the age of 18.</p> <p>(Hours of Rest) There is a prohibition on young seafarers working at night, which as a minimum must include a period of at least 9 hours starting no later than midnight and ending no earlier than 5.00am. However a seafarer aged 16 or 17 may work at night if the work forms part of an established training programme.</p> <p>(Health and safety protection and accident prevention) Measures shall be put into place to protect young seafarers from carrying out any work which is likely to jeopardise their health and safety.</p> <p>Maritime Labour Notice No 003</p>

<p>2. Medical certification (Regulation 1.2)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended - Reg. 6 and 7</p> <p>(Medical Certification) Seafarers must not work on the vessel unless they are certified as medically fit to perform their duties. Prior to beginning work on a ship seafarers must hold a valid medical certificate attesting they are medically fit to perform the duties they are to carry out at sea.</p> <p>Medical certificates shall be issued in accordance with at least one of the following Conventions; MLC 2006, STCW, ILO 73. Or in the case of seafarers not covered by STCW the medical certificate shall meet the substance of the STCW requirements.</p> <p>Medical Certificates shall be valid for a maximum period of 2 years and for seafarers under 18 years of age a maximum of 1 year.</p> <p>Maritime Labour Notice No 004</p>
<p>3. Qualifications of seafarers (Regulation 1.3)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 8</p> <p>STCW Administrative Instructions under the Merchant Shipping (Safety etc.) Act 1993 and MGNs 91, 92 etc. as amended set training requirements in accordance with STCW 78 (as amended).</p> <p>All officers and ratings to be qualified as specified on safe manning document.</p> <p>Maritime Labour Notice No 005</p>
<p>4. Seafarers employment agreements (Regulation 2.1 para 12 (a-k))</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 11 to 13</p> <p>(Seafarers Employment Agreements (SEA)) requires that shipowners and all seafarers they employ have a signed original SEA that includes the contents as stated in Convention at 2.1 para 12 (a-k).</p> <p>A model format of an SEA is available on the MLN 007(a) at Annex 2. The model format complies with Gibraltar regulations.</p> <p>The SEA and any document forming part of the SEA, if they are not in English should be available on board in English translation.</p> <p>Seafarers shall be given a document in English containing a record of their employment on board the ship. See Convention ref 2.1 for further guidance.</p> <p>Seafarer's employment agreements shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it.</p> <p>(Entitlement to Leave) requires that seafarers must be given a minimum of 2.5 days per month paid annual leave and public holidays calculated on the basis of 10 days earned for every 12 months worked. Seafarers are to be granted shore leave to benefit their health and well-being consistent with the operational requirements of their positions. See MLN 010 for further guidance.</p> <p>(Repatriation) Shipowners are required to provide financial security to ensure that seafarers they employ are duly repatriated.</p> <p>Shipowners are prohibited from requiring seafarers to make an advance payment towards the cost of repatriation.</p> <p>See MLN 011(a) for further Guidance</p>

<p>5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 9</p> <p>Shipowners must only use seafarer recruitment and placement services, certified by ratifying countries OR recruitment and placement services that can demonstrate conformity to the MLC requirements for recruitment and placement.</p> <p>Maritime Labour Notice No 006</p>
<p>6. Hours of work or rest (Regulation 2.3)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 15 and 16</p> <p>(Hours of Rest) The minimum limits on hours of rest provided by the shipowner shall be 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 in any seven-day period.</p> <p>Maritime Labour Notice No 009</p>
<p>7. Manning levels for the ship (Regulation 2.7)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 21</p> <p>Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 Regulation 4</p> <p>Every Gibraltar ship engaged in international voyages shall be required to be in possession of a safe manning document in compliance with the Reg.14 of Chapter V of the SOLAS Convention.</p> <p>The Large Yacht Code prescribes manning scales for commercial yachts. The number of seafarers on board must comply with or exceed the safe manning document 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 rest hour's requirements, the Safe Manning Document should be reviewed.</p>
<p>8. Accommodation (Regulation 3.1)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 23</p> <p>(Accommodation and Recreational Facilities) requires the shipowner to comply with regulations in regard to -</p> <ul style="list-style-type: none"> The size of rooms and other accommodation spaces; Heating and ventilation; Noise, vibration and other ambient factors; Sanitary facilities; Lighting; Hospital accommodation. <p>Maritime Labour Notice No 013</p>
<p>9. On-board recreational facilities (Regulation 3.1)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 23</p> <p>(Accommodation and Recreational Facilities) 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> <p>Maritime Labour Notice No 013</p>

<p>10. Food and catering (Regulation 3.2)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 26</p> <p>(Food and Catering) requires that food and water is supplied free of charge to seafarers and be suitable in terms of quantity, nutritional value, quality and variety.</p> <p>Cooks should be trained and qualified and all catering staff shall be competent in their positions. A ship's cook must be onboard ship for any ship with 10 or more seafarers; on voyages of more than three days; or travelling more than 36 hours from a safe port.</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> <p>Maritime Labour Notice No 014(a), as amended.</p>
<p>11. Health and Safety and accident prevention (Regulation 4.3)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 30</p> <p>(Health and safety protection and accident prevention)</p> <p>The shipowner shall ensure as far as is reasonably practicable, the health and safety of seafarers on board the ship.</p> <p>In carrying out this duty the shipowner shall ensure reasonable precautions are taken to prevent occupational accidents, injuries and diseases on board ship.</p> <p>Account should also be taken of the latest version of the Guidance on eliminating shipboard harassment and bullying jointly published by the International Chamber of Shipping and the International Transport Workers Federation.</p> <p>Implementing the GMA's health and safety guidelines will be taken to constitute reasonable precautions for the prevention of risk of exposure to harmful levels of noise, vibration and chemicals on board the ship.</p> <p>The health and safety guidelines also include -</p> <p>All ships are to have a safety officer;</p> <p>Ships in which there are five or more seafarers the Master shall appoint a safety committee, and the officers or ratings shall elect or appoint a safety representative;</p> <p>Suitable personal protective equipment shall be provided;</p> <p>Seafarers shall be provided with adequate and appropriate health and safety training and instruction;</p> <p>The requirements for risk assessments and health surveillance;</p> <p>Safety requirements for equipment and machinery on board ships; and procedures for reporting occupational accidents, injuries and diseases.</p> <p>Maritime Labour Notice No's 017(a) to 021</p>

<p>12. On-board medical care (Regulation 4.1)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 28</p> <p>(Medical care on board and ashore) requires that the cost of medical and dental treatment for seafarers is borne by the ship owner.</p> <p>Ships with 100 or more persons on board operating on international voyages of more than 3 days shall carry a medical doctor.</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.</p> <p>A standard medical report form (MLC003) or similar shall be completed in all cases of illness or injury.</p> <p>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 ship owner.</p> <p>Maritime Labour Notice No 015</p>
<p>13. Onboard Complaint Procedure (Regulation 5.1.5)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg. 42</p> <p>(On-board Complaint Procedure) requires that shipowners must ensure their ships have on-board procedures for the fair, effective and expeditious handling of seafarer complaints.</p> <p>They must allow for complaints directly to the Master or an appropriate external authority, including the Gibraltar Maritime Administration.</p> <p>Seafarers must not be victimised for raising complaints and have the right to be accompanied or represented.</p> <p>Shipowners must ensure all seafarers are provided with a copy of the on-board complaint procedures.</p> <p>Maritime Labour Notice No 023 & 023(b)</p>

<p>14. Payment of wages (Regulation 2.2)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg.14</p> <p>(Payment of Wages) defines the principles applying to the payment and calculation of basic pay or wages and wages which are partially or fully consolidated.</p> <p>Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated, or, where the seafarer dies while in captivity, until the date of death.</p> <p>All seafarers shall receive a monthly account of their wages. Shipowners are required to take measures to provide seafarers with a means to transit 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> <p>Deductions permitted in relevant national laws, or agreed to in a CBA, on-board purchases, telecommunication calls and internet access, 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.</p> <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> <p>Maritime Labour Notice No 008(a)</p>
<p>15. Financial Security (Regulation 2.5)</p>	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg.32B and Reg.32M</p> <p>(Financial Security - Repatriation) The shipowner of a Gibraltar ship must ensure that there is in force a contract of insurance or other financial security in respect of the liabilities arising from the shipowner's duty to make provision for the repatriation of seafarers, including provision for repatriation and the payment of outstanding wages in the event of abandonment of the seafarer.</p> <p>Abandonment may be defined as:</p> <ol style="list-style-type: none"> 1. when the shipowner fails to cover the cost of the seafarer's repatriation; or 2. when the shipowner has left the seafarer without the necessary maintenance and support; and 3. when the shipowner has otherwise unilaterally severed their ties with the seafarer, including failure to pay contractual wages for a period of at least two months. <p>Ships are required to carry a certificate or other documentary evidence of financial security on board, as issued by the financial security provider.</p> <p>A copy of the certificate or documentary evidence is to be displayed on board.</p> <p>Maritime Labour Notice No 030 as amended</p>

16. Shipowners' Liability (Regulation 4.2)	<p>Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013, as amended – Reg.29A</p> <p>(Shipowner's Liability) The shipowner of a Gibraltar ship which is going to put to sea or is at sea must have in force a contract of insurance or other security adequate to ensure that the shipowner will be able to meet any liabilities the ship owner may have in accordance with the Regulations, including any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard.</p> <p>The standard sets out the minimum requirements for a system of financial security that assures compensation in the event of a contractual claim (see the definition under Standard A4.2.2 below).</p> <p>Ships are required to carry a certificate or other documentary evidence of financial security issued by the financial security provider.</p> <p>A copy of the certificate or documentary evidence is to be displayed on board.</p> <p>Maritime Labour Notice No 030 as amended</p>
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Martin Caruana

Surveyor

For and on behalf of the Maritime Administrator.

Date: 09 December 2022

Substantial equivalencies

(Note: Strike out the 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):

No equivalency has been granted.

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Martin Caruana

Surveyor

For and on behalf of the Maritime Administrator.

Date: 09 December 2022

Exemptions

(Note: Strike out the main 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.

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