



# Guidance on Certification of Maritime Labour Convention

General guidelines for Application, Inspection and Certification

DOC. No. : MLC-01

Revision : 1

<b>Prepared</b>	<b>Reviewed</b>	<b>Approved</b>



**KOREAN REGISTER**

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# **Guidance on Certification of Maritime Labour Convention**

**General guidelines for Application, Inspection and Certification**

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## **Korean Register**

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## I . Revision Records

Rev. No.	Effectuated Date	Content
0	15. 07. 2011	- Established
<u>1</u>	<u>19.01.2015</u>	<ul style="list-style-type: none"> <li>- <u>Amended procedure for review and approval of DMLC Part II</u></li> <li>- <u>Add re-visit inspection</u></li> <li>- <u>Amended the application form</u></li> <li>- <u>Add inspection scenario</u></li> </ul>

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## 1. Objective and Scope

### 1.1 Objective

The objective of this guidance is to provide shipowners with procedures applicable to the shipowner for inspection for Maritime Labour Certificate & approval of Declaration of Maritime Labour Compliance in accordance with the Maritime Labour Convention, 2006.

### 1.2 Scope

- 1.2.1 This guidance shall apply to ships owned by shipowners who apply for approval of DMLC part II and issuance of Maritime Labour Certificate in compliance with Maritime Labour Convention, 2006.
- 1.2.2 This guidance generally describe the application of inspection, inspection scope, inspection procedures, approval of DMLC Part II, issue and maintenance of the Certificate, transfer of certification body etc.
- 1.2.3 Any inspection rules or other regulations which are specially required by an individual flag State shall be superseded this guidance.

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## 2. Definition

- 2.1 "Maritime Labour Convention, 2006" means the Maritime Labour Convention, 2006, adopted by the International Labour Organization on 23 Feb. 2006 at its International Labour Conference(94th session).
- 2.2 "Maritime Labour Certificate" means the certificate referred to Regulation 5.1.3 of the Maritime Labour Convention, 2006, certifying that the working and living conditions of seafarers on the ship have been inspected and are met the requirements of national laws or regulations or measures implementing the Maritime Labour Convention, 2006.
- 2.3 "Declaration of Maritime Labour Compliance" means a declaration which consists of Part I drawn by the competent authority and Part II drawn by the shipowner. Part I should identify the list of items and relevant provisions to be inspected in accordance with the Convention and Part II should identify the measures adopted to ensure the ongoing compliance between the inspections.
- 2.4 "Shipowner" means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the shipowner.
- 2.5 "Competent authority" means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned.
- 2.6 "Interim Maritime Labour Certificate" means a certificate issued to a ship after the satisfactory interim inspection in case new ships on delivery or a ship changes flag or a shipowner is changed.
- 2.7 "Seafarer" means any person who is employed or engaged or works in any capacity on board a ship to which the MLC, 2006 applies.
- 2.8 "Serious Deficiency" means deficiency which violates the requirement of the Convention and poses a serious threat to seafarers' health, safety and security and is required immediate rectification.
- 2.9 "Deficiency" means an observed situation that the objective evidence of non compliance with the requirement of the Convention and the measure on the DMLC for the decent working and living condition for all seafarers has been found.
- 2.10 "Observation" means a statement of fact made during inspection and substantiated by objective evidence. It is not serious as much as deficiency but if not rectified, it may lead to a deficiency in the future.

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- 2.11 "Substantial Changes" means a change of the structure of the accommodation and facilities such as heating, ventilation, noise, vibration and ambient factor, sanitary, lighting and hospital which affects to the seafarers' working and living condition.
- 2.12 "Anniversary Date" means the day and the month of each year which will correspond to the date of expiry of the certificate or relevant document.
- 2.13 "Interim Inspection" means an inspection, to use a ship for navigation temporarily before the initial inspection, carried out to verify the seafarers' working and living condition for issue of interim certificate.
- 2.14 "Initial Inspection" means an inspection carried out to verify that the shipowner implements the requirements of the Convention and DMLC satisfactorily for providing the decent working and living standard to all seafarers.
- 2.15 "Intermediate Inspection" means an inspection carried out between the second anniversary date and third anniversary date of the certificate to verify the ongoing compliance of the seafarers' decent working and living condition between inspections.
- 2.16 "Renewal Inspection" means an inspection carried out every 5 years to renew the certificate before its validity expires.
- 2.17 "Additional Inspection" means an inspection carried out to verify the working and living condition when substantial change has been made to the accommodation or labour dispute arise on the ship or etc.

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### 3. Duties and responsibilities of the shipowners

3.1 The shipowner, ship' officers or ratings shall not be exempted from responsibilities of mandatory rules, regulations and conventions related to working and living conditions on board, even though an inspection and a certification have been executed in accordance with the MLC, 2006.

3.2 Shipowners shall draw up the DMLC Part II to identify the measures adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement.

3.3 Shipowners shall have a responsibility to ensure the followings in relation to MLC inspection and certification:

- .1 to provide inspectors with the information of personnel and organization for the purpose and scope of inspection and certification.
- .2 to designate the responsible person who will guide the inspection team.
- .3 to provide the inspection team with necessary resources for effective and efficient inspection process.
- .4 to allow inspectors access to, or provide them with evidence, when/as required.
- .5 to cooperate with the inspection team for attaining its inspection objective.
- .6 to implement the measures described in the DMLC Part I & II.
- .7 to verify the effectiveness of the corrective action for any deficiency identified during an inspection.

3.4 Maintenance of inspection records

Shipowners shall maintain and post inspection records on board for 5 years at least.

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#### 4. Inspector's authorities and responsibilities

4.1 1 MLC inspectors provided with proper credentials under the national law should at a minimum be empowered;

- .1 to board ships for MLC inspection; however, when commencing the ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives;
- .2 to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the requirements under laws and regulations, in the presence of any witness that the person may have requested;
- .3 to require the production of any books, log books, registers, certificates or other documents or information directly related to inspection, in order to verify compliance with the national laws and regulations implementing MLC, 2006;
- .4 to enforce the posting of notices required under the national laws and regulations implementing MLC, 2006;
- .5 to take or remove, for the purpose of analysis, samples of products, cargoes, drinking water, provisions, materials and substances used or handled;
- .6 Up on completion of an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, deficiencies which may affect the health and safety of seafarers on board;
- .7 to notify the competent authority to any deficiency or abuse not specifically covered by existing laws or regulations and to submit proposals for the improvement of the laws or regulations;
- .8 to notify the competent authority of any occupational injuries or diseases affecting seafarers which prescribed by laws and regulations;
- .9 if necessary, to require shipowner or shipowner's representative for the experts in a specific technical area for assistance; and
- .10 to require shipowner or shipowner's representative that any deficiency is remedied.

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## 5. Procedures for inspection and certification

### 5.1 General

- 5.1.1 MLC inspection shall be conducted to the ships which have the DMLC Part I issued by the flag State and DMLC Part II reviewed and approved by flag State or Korean Register of Shipping.
- 5.1.2 MLC inspection shall be conducted to the ships which registered in the Classification Society holding QSCS. However, the inspection can be conducted exceptionally where the Korean Register of Shipping is designated solely as a recognized organization by the flag State.
- 5.1.3 The inspection and certification of seafarers' working and living condition shall be conducted by an exclusive inspector of Korean Register of Shipping. However, if necessary, it may be required the experts in a specific technical area for assistance of the inspection.
- 5.1.4 The inspection shall be conducted by the requirements under each title of MLC, 2006. Where a ship is newly registered or re-register, or the seafarer accommodation on a ship has been substantially altered, the inspections required under Reg. 5.1.4 shall be carried out.
- 5.1.5 It is a principle that the inspection shall be carried out in condition that all seafarers are onboard to ensure the normal operation of the ship. However, interim inspection is an exception and the interim inspection can be conducted where the seafarers are onboard in accordance with the Safe Manning Certificate.

### 5.2 Application

- 5.2.1 The shipowner shall apply for MLC inspection utilizing the attached form 'Application for MLC inspection(Form SA-07-01). The inspection shall be carried out within 14 days after the receipt of the application for inspection.
- 5.2.2 The shipowner shall submit the DMLC Part II to Korean Register of Shipping in accordance with the paragraph 5.3 for its review and approval.

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### 5.3 Review and approval of DMLC Part II

5.3.1 The DMLC Part II shall be submitted to Korean Register of Shipping for its review and approval where the DMLC Part II is drawn initially or the approved DMLC Part II is amended.

5.3.2 Where the shipowner applies for the review and approval of DMLC Part II, the following documents should be attached on DMLC Part II and submitted to Korean Register of Shipping with the copy of DMLC Part I issued by competent authority;

- where ISM system documents are referred to DMLC part I, the relevant part of the ISM document;
- a copy of collective bargaining agreement which applicable to the ship's seafarers( if applicable)
- standard Seafarer Employment Agreement applicable to the ship's seafarers
- where shipowner's representative is to sign on the seafarer employment agreement, the contract or documents showing contractual relationship between shipowner and its representative;
- complaint handling procedure

5.3.3 DMLC Part II shall be written in the ship's working language. However, it should be accompanied by an English-language translation where the working language is not English.

5.3.4 Upon the receipt of application for review and approval of DMLC Part II, Korean Register of Shipping shall notify the reception of DMLC Part II after review the relevant documents.

5.3.5 Upon the completion of review for DMLC Part II, Korean Register of Shipping shall endorse "KR Endorse" on the upper right side of each page of DMLC Part II and shall make a letter of review of DMLC Part II and dispatch it to shipowner with reviewed DMLC Part II.

5.3.6 The interim MLC inspection shall be carried out where the relevant information has been submitted to Korean Register of Shipping for review and approval of

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DMLC Part II in accordance with para. 5.3.4. Initial MLC inspection shall be carried out upon the completion of review of DMLC Part II in accordance with para. 5.3.5.

5.3.7 As a result of initial MLC inspection, the inspection team leader shall approve the DMLC Part II, provided that all the measures have been implemented to ensure the ongoing compliance with national requirements and constant improvement between inspections.

5.3.8 The DMLC Part II shall be submitted for re-approval of it in case of change of measures, change of ship's name and its address. Additional MLC inspection may be carried out as stated in para. 5.10 where on-scene inspection is necessary to verify the compliance with the requirements.

## 5.4 MLC inspection procedure

### 5.4.1 Review and approval of plan for accommodation

5.4.1.1 The requirements related to ship's construction and equipment apply only to ships constructed on or after the date when the Convention comes into force.

5.4.1.2 The ship's plans which subject to the inspection of accommodation shall be reviewed and approved by Korean Register of Shipping verifying the ship's structure and facilities are comply with the accommodation requirements of MLC, 2006.

5.4.1.3 Where the seafarer accommodation on a ship has been substantially altered, the accommodation plan should be reviewed and approved by above procedure.

## 5.5 MLC inspection process

### 5.5.1 MLC inspection plan

5.5.1.1 The inspection scope is to seafarers' working and living condition of a

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ship prescribed in MLC, 2006.

5.5.1.2 In principle, Korean Register of Shipping shall notify the inspection plan at least 2 days before the inspection. However, where the ship's schedule is changed unexpectedly, it is an exception.

5.5.1.3 Inspection team may accompany provisional inspectors for training purpose under the shipowner's consent.

#### 5.5.2 Opening meeting

The MLC inspection may be initiated by opening meeting for introducing following purpose;

- .1 introduce the inspectors to seafarers;
- .2 explain the MLC inspection and the scope of it;
- .3 explain the process and procedure of an inspection;
- .4 identify the resource, documents and facilities for inspection and certification;
- .5 identify other items related to the inspection.

#### 5.5.3 Inspection

5.5.3.1 The inspector shall verify the followings to confirm the implementation of MLC is in compliance with requirement of MLC, 2006.

- .1 whether comply with the requirements of MLC, 2006
- .2 requirements of seafarers' working and living condition are implemented in accordance with the DMLC Part I and Part II
- .3 working condition on seafarers' employment agreements are implemented appropriately
- .4 the accommodation and recreational facilities are maintained properly

5.5.3.2 The MLC inspection shall be carried out by checking relevant documents, private interview with seafarers, accommodation and facilities on sampling basis and/or other necessary means that need to be checked for verifying the conformity with the Convention.

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#### 5.5.4 Sampling process and analysis

5.5.4.1 The shipowner or shipowner's representative shall collect and transfer the sample of products, cargoes, fresh water, provisions and materials and the inspector shall not conduct above activity.

5.5.4.2 If the sample is collected as prescribed in paragraph 5.5.4.1, the representative sample shall be provided to the MLC inspector. The MLC inspector shall record the information such as the quantity of the sample, location and time.

5.5.4.3 Where the analysis for sample is needed, it should be carried out by laboratories which are licensed by the flag State or publicly recognized. The expense for analysis shall be born by the shipowner.

#### 5.5.5 Wages

5.5.5.1 The MLC inspector shall verify following and may carry out the calculation of wages if it is necessary.

- .1 The seafarers are paid in full in accordance with seafarers' employment agreement
- .2 The seafarers are paid regularly(at least monthly)
- .3 Minimum wage, paid leave, overtime allowance, and etc.

5.5.5.2 The MLC inspector may conduct the interview with seafarers or check relevant documents to verify the requirement of paragraph 5.5.5.1.

#### 5.6 MLC initial inspection

5.6.1 MLC initial inspection shall apply to the ships which do not possess the MLC certificate but are the subject of the MLC, 2006 or possess interim MLC certificate. Where the MLC interim certificate was issued, the MLC initial inspection shall be conducted within the date of expiry.

5.6.2 The scope and purpose of the MLC initial inspection is to verify the requirements stated in Appendix A5-1 of Maritime Labour Convention are in

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compliance with the relevant national requirements and regulations.

#### 5.7 MLC intermediate inspection

5.7.1 The purpose of MLC intermediate inspection is to verify the ongoing compliance with the national requirements and regulations and the scope and depth of inspection is same to MLC renewal inspection.

5.7.2 If the MLC intermediated inspection is carried out once, it shall be carried out between the second and third anniversary date of the MLC certificate.

5.7.3 The MLC certificate shall be endorsed if the MLC intermediate inspection is completed satisfactorily.

#### 5.8 MLC renewal inspection

5.8.1 All requirements regarding seafarers' working and living condition shall be checked during the MLC renewal inspection.

5.8.2 MLC renewal inspection shall be carried out within three months before the expiry date of the existing certificate. Where MLC renewal inspection is conducted more than three months before the expiry date of the existing certificate, the new certificate shall be issued from the date of the completion of the MLC renewal inspection.

#### 5.9 MLC interim inspection

5.9.1 A MLC interim certificate shall be issued on an interim basis;

- .1 to new ships on delivery;
- .2 when a ship changes flag; or
- .3 when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner

5.9.2 MLC interim certificate shall be issued for a period not exceeding six months.

5.9.3 MLC interim certificate shall be issued following verification that;

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- .1 the shipowner has adequate procedures to comply with the Convention (if necessary, a copy of DMLC)
- .2 the master is familiar with the requirements of this Convention and the responsibilities for implementation
- .3 relevant information have been submitted to the competent authority or recognized organization to be approved the DMLC
- .4 the ship has been inspected, as far as practicable, to seafarers' working and living conditions. However, in case of inspection of accommodation and recreational facilities, it may be substituted to check the certificate of accommodation or statement of compliance issued by flag State or recognized organization.

5.9.4 No further interim certificate may be issued following the initial six months referred to in paragraph 5.9.2.

#### 5.10 MLC additional inspection

5.10.1 Additional inspection shall be carried out by following cases;

- .1 when substantial changes have been made to accommodation;
- .2 when the Administration has instructed it due to the PSC detention or other reason;
- .3 when the MLC certification body has been changed
- .4 the measures on DMLC Part II are amended which needed to be verified by on-scene inspection

#### 5.11 Re-visit inspection

5.11.1 The scope of re-visit inspection shall be confined to the identified the identified serious deficiencies.

#### 5.12 Inspection report

5.12.1 Korean Register of Shipping shall make inspection report upon completion of the inspection. The inspection report shall be written in English and the inspection scope shall be identified on it. However, the report for serious

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deficiency, deficiency and observation shall be made during onboard and they shall be provided to the ship's master.

5.12.2 Korean Register of Shipping shall report the inspection report to the Administration. A copy of inspection report shall be provided to the shipowner and it may be provided the seafarer's representatives upon their request. The shipowner shall provide 2 copies of inspection report to relevant ship for master and notice purpose.

5.12.3 Korean Register of Shipping shall maintain the inspection reports by database system or other adequate means for ensuring that inspection and certification requirements are effectively maintained and its responsibilities are observed properly.

### 5.13 Handling of deficiency

5.13.1 The shipowner(including master) shall check the corrective actions and agreed time period for identified deficiencies during the inspection.

5.13.2 The shipowner and master shall have the responsibility to establish the corrective actions and to implement them for deficiencies identified by Korean Register of Shipping. The result of corrective actions shall be submitted to Korean Register of Shipping within the agreed time frame and the corrective actions shall be implemented within 3 months at the most from the date which the deficiencies are identified.

5.13.3 If serious deficiencies are identified, immediate corrective actions shall be taken by the shipowner. Immediate corrective action means the deficiency has been closed out or downgraded to deficiency. Serious deficiency can be downgraded to deficiency provided that the corrective action plan is submitted to and approved by the flag State and the corrective action is acceptable so that the MLC inspector regards it to be an appropriate response to the serious deficiency. Where the serious deficiency is downgraded, the agreed time frame of corrective action shall not exceed 3 months to the maximum referred to in paragraph 5.12.2 and the immediate corrective action for serious deficiency shall be taken before the ship sails.

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- 5.13.4 Following the downgrading of serious deficiency, at least one additional inspection shall be carried out on board the ship within the agreed time frame to verify that effective corrective actions have been taken.
- 5.13.5 Corrective actions for deficiency shall be submitted to and be accepted by the inspection team leader before the Maritime Labour Certificate is issued or endorsed.
- 5.13.6 If the shipowner does not agree to the deficiency, the issuance and endorsement of the Maritime Labour Certificate shall be suspended.
- 5.13.7 If the effectiveness of the corrective action is verified, the Korean Register of Shipping shall send “Notification of completion of corrective action” to the shipowner.
- 5.13.8 If observation is identified, the shipowner shall review it but does not have the responsibility to correct it.

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## 6. Issuance, endorsement and maintenance of Maritime Labour Certificate

### 6.1 Issuance date and validity

- 6.1.1 The Maritime Labour Certificate shall be issued upon verifying the seafarers' working and living conditions are in compliance with national requirements which implement the Maritime Labour Convention, 2006.
- 6.1.2 The Maritime Labour Certificate shall be issued at the date of completion of inspection. If serious deficiencies are identified, the Maritime Labour Certificate shall be issued at the date that the effectiveness of corrective actions has been verified.
- 6.1.3 The Maritime Labour Certificate shall be valid for a period not exceeding five years. However, the interim Maritime Labour Certificate shall be valid for a period not exceeding 6 months.
- 6.1.4 Where the renewal MLC inspection has been completed out within three months before the expiry of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal MLC inspection for a period not exceeding five years from the date of expiry of the existing Maritime Labour Certificate.
- 6.1.5 Where the renewal MLC inspection is completed more than three months before the expiry date of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal MLC inspection.

### 6.2 Invalidation of Maritime Labour Certificate

- 6.2.1 Maritime Labour Certificate shall cease to be valid in any of the following cases:

- .1 if the intermediate inspection is not completed within the designated periods;

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- .2 if the certificate is not endorsed in consequence of intermediate inspection;
- .3 when a ship changes flag;
- .4 the shipowner has been changed;
- .5 when a substantial change has been made to the structure or equipment covered in Title 3 of the MLC, 2006;
- .6 corrective actions for deficiencies identified during MLC inspection has not been taken within the agreed period of time;
- .7 where there is an unresolved (neither completed nor downgraded) serious deficiency.

6.2.2 Maritime Labour Certificate shall be invalidated by deliberation of steering committee.

- .1 when the inspection fee is not paid;
- .2 when a public censure arises out of serious labor dispute
- .3 where a ship is detained by PSC, when the ship does not ensure the effective implementation of MLC,2006 considering the seriousness or frequency of detention, or when flag State or port State do not trust the effectiveness of implementation of MLC,2006 due to the foresaid reason.

6.2.3 If the Maritime Labour Certificate has been invalidated in accordance with paragraph 6.2.1 and 6.2.2, Korean Register of Shipping shall notify to shipowner, Administration and other relevant parties.

6.2.4 As a result of the paragraph 6.2.1, 6.2.2, 6.2.3, if Administration has approved or instructed to withdraw the Maritime Labour Certificate, the shipowner shall return the Maritime Labour Certificate to Korean Register of Shipping without delay.

6.2.5 If the Maritime Labour Certificate has been withdrawn in accordance with paragraph 6.2.4, initial MLC inspection shall be applied to re-instate the Maritime Labour Certificate. However, an additional MLC inspection shall be applied as stated in paragraph 5.10.1 when a substantial change has been made to the structure or equipment covered in Title 3 of the MLC, 2006.

6.2.6 If new Maritime Labour Certificate has been issued in accordance with

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paragraph 6.2.5, the validity of new certificate succeeds the validity of the withdrawn certificate.

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## 7. Preliminary MLC inspection

- 7.1 The shipowner may apply for a preliminary inspection to Korean Register of Shipping in preparation for an initial inspection.
- 7.2 Although any deficiencies are found as a result of a preliminary inspection, the shipowner has no obligation to take any corrective actions.
- 7.3 The favorable results of a preliminary inspection will not necessarily ensure a successful certification at an initial inspection. Korean Register of Shipping shall not provide shipowners with advice in any form such as documentation.

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## 8. Complaints handling procedure

### 8.1 Receipt and handling of onboard complaint

8.1.1 Where an inspector receives a verbal complaint, the complainant should be referred to the Onboard Complaint Procedure and encouraged to seek resolution of the complaint at the shipboard level. If the seafarer feels unable to use the complaints procedure (perhaps for fear of victimization or lack of faith in its effectiveness) the inspector should point out that the Onboard Complaint Procedure (a copy of which should be in the seafarer's possession) contains contact details of the competent authority in the flag State and, where different, in the seafarer's country of residence, and the name of a person or persons on board who can provide confidential assistance.

8.1.2 If the seafarer insists that he/she does not want to use Onboard Complaint Procedure and would like to register the complaint with the inspector, as the flag State's representative on board, the inspector should not refuse to pass on a complaint to the flag State. However, the seafarer should be advised that the inspector can do so only if the complaint is made in writing and signed by the complainant.

8.1.3 If a seafarer written complaint is received during a MLC inspection, the inspector should not intervene to resolve the complaint but instead check to see if the seafarer is aware of the Onboard Complaint Procedure and whether the seafarer has made use of the procedure. Additionally, the inspector should conduct the inspection taking into account the seafarer complaint(s) by selecting the appropriate sample size for the inspection and areas to be inspected in order to ascertain if the seafarer working and living conditions on board comply with the requirements of the Convention and the national requirements of the flag State, and whether the Onboard Complaint Procedure is effective.

8.1.4 A written complaint received by the RO other than during a MLC inspection should be forwarded to the competent authority in the flag State for resolution. No further action by RO is required unless instructed otherwise by the flag State.

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## 8.2 Report of onboard complaint

8.2.1 Any non-compliance discovered during the inspection, including deficiencies pertaining to the seafarer complaint should be documented in the inspections report keeping in mind the confidentiality requirements of the Convention. A written complaint provided by seafarer should nevertheless form a part of report to be submitted to Administration.

8.2.2 Where the working and living conditions are alleged to be defective to the extent that a clear hazard to the safety, health or security of seafarers exists, the written complaint should be forwarded to the flag State without delay.

## 8.3 Investigation into onboard complaint

8.3.1 Korean Register of Shipping may in some circumstances be specifically authorized by Administration to carry out an investigation following a particular seafarers' onboard complaint. However, the responsibility for resolution of a complaint remains with the Administration.

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## 9. Transfer of Certification(TOC)

9.1 In case of transferring Maritime Labour Certification from Classification Society holding a QSCS certificate to Korean Register of Shipping (hereinafter called "TMLC"), following procedures shall be adhered to:

9.1.1 In case of TMLC inspection, the on-site verification shall be executed..

9.1.2 TMLC inspection can only take place when the following conditions are met:

- .1 existing certificate has not been withdrawn or otherwise invalidated,
- .2 any serious deficiencies have been closed out or down-graded,
- .3 the inspection by the previous certification body have been satisfactorily completed, and
- .4 corrective actions for deficiencies have been completed.

9.1.3 TMLC inspection shall be carried out in accordance with MLC,2006 and flag State's requirements. Where any deficiencies were identified during the last inspection by previous certification body, it shall be verified.

9.1.4 Where TMLC inspection is requested along with a periodical inspection, those inspections shall be carried out respectively and additional inspection for TMLC shall be carried out prior to the periodical inspection.

9.1.5 When TMLC inspection has been successfully completed, Korean Register of Shipping shall issue a new certificate in accordance with the relevant procedure. The new certificate shall succeed the validity of the existing certificate. If the certificate has been issued by the flag State, the inspector may endorse on the certificate on behalf of the flag State if authorized to do so.

9.1.6 When TMLC inspection is not completed successfully due to the identified serious deficiencies, Korean Register of Shipping shall inform it to the certification body issuing the present certificate.

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## **10. Confidentiality**

**10.1** MLC inspectors shall treat the followings as confidential. However, necessary information may be submitted to the Administration, if requested.

.1 the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations. And inspectors shall give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

.2 any information acquired during a MLC inspection

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**Form**

- Application for MLC inspection

# Application for MLC inspection



Korean Register of Shipping

To : Ref. No. :  
Attn : Date :

We hereby apply for a MLC inspection after acknowledging the followings:

- ① the obligation of the company prescribed in the relevant KR rules and procedures;
- ② the condition of application of initial and interim inspection;
- ③ the relevant tariff rule of KR

## 1. Applicant

Shipowner			
Address			
Name/Signature		Dept.	
Telephone		FAX	
Tariff requested by	( ) INVOICE	( ) Tax Bill(VAT applied)	( ) Tax Bill(VAT not applied)
Recipient Address			
※ Please remark "O" in parentheses and any changes on the entity of business register has been made, contact KR without delay.			

## 2. Ship's details

Ship's name	Kind of inspection <sup>1)</sup>	Ship's type	Flag State	Seafarers' nationality	Desired inspection date
Date of Registry <sup>4)</sup>	Class No.	IMO No.	G/T	Validity of MLC <sup>2)</sup>	Desired inspection place <sup>3)</sup>

## 3. Agent contact detail and the person in charge (supplementary documents can be attached)

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### 1) Kind of inspection

①Approval of DMLC Part II / ②Initial / ③Intermediate/ ④Renewal / ⑤Interim / ⑥Additional/ ⑦Preliminary/⑧Preliminary

※ When the DMLC Part II has been approved by Administration, the relevant approving documents shall be attached.

※ For the approval of DMLC Part II, following documents shall be submitted. (E-mail: [kr-dmlc@krs.co.kr](mailto:kr-dmlc@krs.co.kr))

- If the ISM system documents has been referred to DMLC Part II, applicable parts of the documents
- A copy of applicable collective bargaining agreement, - A copy of standard seafarers' employment agreement which applies to the ship, - If shipowner's representative sign on the SEA, a copy of contractual documents between shipowner and shipowner's representative, - On-board complaint handling procedure

If the applicant is not the owner of ship, following documents should be submitted to prove the shipowner:

- A contract proving the owner of the ship has taken over the duties and responsibilities imposed on shipowner to the applicant, or BBC charter party
- Documents proving the applicant is the company defined in Chapter 9 of SOLAS. (except for the case SMC has been issued by KR)

2) If the existing MLC was not issued by KR, a copy of it shall be attached.

3) Please remark the ship's operation status additionally such as "navigation", "anchoring", "berthing" .

4) Date of registry can be found in Continuous Synopsis Record by ISPS Code.

**Ad hoc certification scenario**

	<b><u>Scenario</u></b>	<b><u>Type of certification/inspection</u></b>	<b><u>Minimum scope of certification/inspection</u></b>	<b><u>Carried out by</u></b>	<b><u>Documents issued</u></b>
1	<u>Change of ship's name</u>	<u>Verification on board</u>	<p>1. <u>Verify new ship's name on the certificate of registry, CSR or DMLC Part I</u></p> <p>2. <u>If attendance by the surveyor, change ship's name in Maritime Labour Certificate and DMLC Part II, if applicable. Then send copies of amended documents to issuing office</u></p> <p>3. <u>If attendance by the RO MLC inspector, re-issue the DMLC Part II, if applicable, and Maritime Labour Certificate</u></p>	<u>surveyor/RO MLC inspector</u>	<p>1. <u>Surveyor: Amend existing Maritime Labour Certificate and DMLC Part II, if applicable, with new name</u></p> <p>2. <u>RO MLC inspector:</u></p> <p>1) <u>Re-issue amended DMLC Part II, if applicable</u></p> <p>2) <u>Re-issue Maritime Labour Certificate with the same expiry</u></p>
2	<u>Change of name of the shipowner</u>	:	<ul style="list-style-type: none"> <li><u>Verify new name in DMLC Part II.</u></li> <li><u>Confirm that there are no changes to the contents to the DMLC Part II, except the shipowner's name</u></li> </ul>	<u>RO MLC inspector</u>	<ul style="list-style-type: none"> <li><u>Re-issue amended DMLC Part II</u></li> <li><u>Re-issue Maritime Labour Certificate with the same expiry date</u></li> </ul>
3	<u>Change of shipowner's address</u>	:	<ul style="list-style-type: none"> <li><u>Verify new address in DMLC Part II</u></li> <li><u>Confirm that there are no changes in the revised DMLC Part II, except the shipowner's address</u></li> </ul>	<u>RO MLC inspector</u>	<ul style="list-style-type: none"> <li><u>Re-issue amended DMLC Part II</u></li> <li><u>Re-issue Maritime Labour Certificate with the same expiry date</u></li> </ul>
4	<u>Change of ship's type - no change to DMLC Part I</u>	:	<ul style="list-style-type: none"> <li><u>Verify correct ship's type</u></li> </ul>	<u>RO MLC inspector</u>	<ul style="list-style-type: none"> <li><u>Re-issue Maritime Labour Certificate with the same expiry date</u></li> </ul>
5	<u>Change of ship's type - change to DMLC Part I</u>	<u>Additional on-board inspection</u>	<ul style="list-style-type: none"> <li><u>Verify DMLC Part II has been amended as appropriate</u></li> <li><u>Verify implementation of the revised measures in DMLC Part II as appropriate</u></li> </ul>	<u>RO MLC inspector</u>	<ul style="list-style-type: none"> <li><u>Re-issue amended DMLC Part II</u></li> <li><u>Re-issue Maritime Labour Certificate with the same expiry date</u></li> </ul>
6	<u>Substantial changes have been made to the ship'</u>	<u>Additional on-board inspection</u>	<ul style="list-style-type: none"> <li><u>MLC.2006 Reg. A3.1 requirement</u></li> </ul>	<u>RO MLC inspector</u>	<ul style="list-style-type: none"> <li><u>Endorse to existing MLC</u></li> </ul>

	<u>structure or equipment</u>				
<u>7</u>	<u>Change to RO from a Classification Society not holding a QSCS certificate</u>	<u>Initial</u>	<ul style="list-style-type: none"> <li>• <u>MLC,2006 requirements</u></li> </ul>	<u>RO MLC inspector</u>	<u>Maritime Labour Certificate</u>
<u>8</u>	<u>Changes to RO from a Classification Society holding a QSCS certificate</u>	<u>Additional on-board inspection</u>	<ul style="list-style-type: none"> <li>• <u>Review the inspection report by losing society</u></li> <li>• <u>All deficiencies is to be closed out</u></li> </ul>	<u>RO MLC inspector</u>	<u>Maritime Labour Certificate with the same expiry date</u>
<u>9</u>	<u>Ship more than 3 months out of service</u>	<u>Additional on-board inspection</u>	<ul style="list-style-type: none"> <li>• <u>If fall within the window period of renewal or intermediate inspection, may apply for the relevant inspection.</u></li> <li>• <u>MLC,2006 requirements</u></li> </ul>	<u>RO MLC inspector</u>	<u>Endorse to existing Maritime Labour Certificate</u>
<u>10</u>	<u>Ship more than 6 months out of service</u>	<u>Interim</u>	<ul style="list-style-type: none"> <li>• <u>Requirements of MLC,2006 with the ship is manned with Safe Manning Certificate</u></li> </ul>	<u>RO MLC inspector</u>	<u>Interim Maritime Labour Certificate</u>
<u>11</u>	<u>Intermediate audits requested after the end of the audit time window</u>	<u>Intermediate</u>	<ul style="list-style-type: none"> <li>• <u>Extend the scope to initial inspection</u></li> <li>• <u>Serious deficiency is identified to failure of inspection due and it can be downgraded based on the completion of the inspection</u></li> <li>• <u>Revisit inspection within 3 months required</u></li> </ul>	<u>RO MLC inspector</u>	<u>MLC is to be endorsed with phrase "Validity reinstated with scope as initial"</u>

Remark : If there are specific instruction by flag State, they shall be superseded this scenario.