

Commonwealth of Dominica



Office of the Maritime Administrator

- TO:** All owners, operators, masters, and crew of Dominica flagged vessels; Recognized Organizations; Flag State Inspectors; Seafarers holding or seeking Dominica licensing and/or training; and Seafarer Recruitment or Placement Agencies.
- SUBJECT:** MARITIME LABOUR CONVENTION COMPLIANCE
Title 5: Compliance and Enforcement
- REFERENCE:**
- (a) Maritime Labour Convention, 2006;
 - (b) Dominica Maritime Act, 2002, as amended;
 - (c) Dominica Maritime Regulations, as amended;
 - (d) CDP – 300 Mariner Training and Certification;
 - (e) CDP -800 Dominica Maritime Labour Compliance;
 - and
 - (f) ILO Convention No. 178 (Labour Inspection).
- APPLICABILITY:** All Dominica flagged ships whether publically or privately owned ordinarily engaged in commercial activities and international voyages; all seafarers; all shipowners and shipowners' associations providing employment to Dominica vessels or Dominica credentialed seafarers; and all seafarer recruitment and placement agencies providing services to Dominica credentialed seafarers.

EXCEPTIONS: **The following ships are exceptions to the requirements of this policy letter:**

- **Ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered water or areas where port regulations apply;**
- **Ships not ordinarily engaged in commercial activities or international voyages;**
- **Ships engaged in fishing or in similar pursuits;**
- **Ships of traditional build such as dhows and junks; and**
- **Warships or naval auxiliaries.**

PURPOSE:

The purpose of this Circular is to bring to the attention of all concerned the new regulations regarding compliance and enforcement of the Maritime Labour Convention as it applies to seafarers, shipowners, recruitment and placement agencies, port States, flag States, and ships. Compliance and enforcement provisions are made to the following areas:

1. General Principles
2. Authorization of Recognized Organizations
3. Maritime Labour Statement of Compliance and Declaration of Maritime Labour Compliance
4. Inspection and Enforcement
5. On-board Complaint Procedures
6. Marine Casualties
7. Labour Supplying Responsibilities

BACKGROUND:

On 7 February 2006 the 94th Session of the General Conference of the International Labour Organization (ILO) was convened in Geneva by the governing body of the ILO in order to consolidate existing international maritime labour Conventions and Recommendations, including the fundamental principles in other international labour Conventions. On 23 February 2006, the resultant document was adopted by the General Conference of the International Labour Organization as the Maritime Labour Convention, 2006.

CDP 800 *Dominica Maritime Labour Compliance* has been adopted by the Commonwealth of Dominica Maritime Administration as a national instrument to effectively implement provisions of Maritime Labour Convention, 2006. The following information corresponds to the provisions of Title 1 of CDP 800.

DEFINITIONS:

1. *Able Seafarer* means any seafarer who is deemed competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a supervisory or specialist rating, or who is defined as such by national laws, regulations or practice, or by collective agreement;
2. *Basic Pay or Wages* means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;
3. *Consolidated Wage* means a wage or salary which includes the basic pay and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
4. *Seafarer* means any person who is employed or engaged or works in any capacity on board a ship;
5. *Hours of work* means the time during which seafarers are required to do work on account of the ship;
6. *Hours of rest* means the time outside hours of work; this term does not include short breaks;
7. *Night* is the period of time between 9 PM (2100) to 6 AM (0600);
8. *Overtime* means time worked in excess of the normal hours of work;
9. *Seafarer Employment Agreement* includes both a contract of employment and articles of agreement;
10. *Seafarer Recruitment and Placement Service* means any person, company, institution, agency or other organization, in the public or private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners;

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11. *Ship* means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
 12. *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 *CDP-800 Maritime Labour Compliance*, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the shipowner;
 13. *Ships Cook* means a seafarer with responsibility for food preparation.

REQUIREMENTS:

General

1. The Dominica Maritime Administration requires that all commercial ships over 500 gross tonnage (per ITC) are inspected and documented in accordance with this policy letter. Dominica Maritime Administration highly recommends that all ships less than 500 gross tonnage are documented as well in order to reduce the likelihood of more detailed or expanded inspection or possible detention by port State officials.

Compliance with Dominica Maritime Labour requirements will be achieved through issuance of a Maritime Labour Statement of Compliance, Declaration of Maritime Labour Compliance Part I (DMLC Part I), and Declaration of Maritime Labour Compliance Part II (DMLC Part II).

The DMLC Part I will be prepared by Dominica Maritime Administration and outlines current policy and legislation giving effect to provisions of the Maritime Labour Convention. Upon request, a DMLC Part I will be issued to the vessel.

The DMLC Part II is prepared by the shipowner or shipowner's representative. This document outlines the measures that have been taken by the shipowner to ensure ongoing compliance and improvements for Maritime Labour requirements. The DMLC Part II should be submitted in the provided format to the Dominica Maritime Administration or Recognized Organization for review and approval.

Following inspection by an authorized Flag State Inspector or authorized individual of a Recognized Organization and issuance/approval of the Declarations of Compliance, a Maritime Labour Statement of Compliance will be issued to a vessel. Annual Safety Inspections and verification inspections shall verify continued compliance with Dominica requirements.

Detailed

Flag State Responsibilities

1. General Principle

- a) The Commonwealth of Dominica Maritime Administration has established an effective system for the inspection and certification of maritime labour conditions, in accordance with CDP-800 *Dominica Maritime Labour Compliance*, on ships that fly the flag of the Commonwealth of Dominica;
- b) The Dominica Maritime Administration may, where appropriate in accordance with Section 2 below, authorize public institutions or other organizations which it recognizes as competent and independent to carry out inspection or to issue certificates or to do both;
- c) The Dominica Maritime Administration has established clear objectives and standards covering the administration of the inspection and certification system referred to in paragraph (a) above (refer to CDP-501 and the inspection checklist that is Appendix A to this policy letter), as well as adequate overall procedures for its assessment of the extent to which those objectives and standards are being attained;
- d) Ships must have a copy of CDP-800 available on board.

2. Authorization of Recognized Organizations

- a) The Dominica Maritime Administration has recognized public institutions or other organizations as competent and independent, for the purpose of carrying out inspections or certification of ships to determine compliance with the provisions of CDP-800;

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- b) Dominica Maritime Administration has reviewed the competency and independence of the organizations recognized for the purpose of carrying out inspections and certification of Dominica flagged ships and has determined that the organizations have demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred in it, that the organizations:
- i. Have the necessary knowledge of the requirements of CDP-800 as well as of applicable national laws and regulations and relevant international instruments; and have the necessary expertise in the relevant aspects of CDP-800 and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;
 - ii. Are of an appropriate size, structure, experience and capability commensurate with the type and degree of authorization; the organizations have demonstrated the technical, administrative and managerial competence and capacity to ensure the provision of timely service of satisfactory quality; in this respect, Dominica Maritime Administration has determined that the organizations:
 - a. Have adequate technical, managerial and support staff;
 - b. Have sufficient qualified professional staff to provide the required service, representing and adequate geographical coverage;
 - c. Have proven the ability to provide a timely service of satisfactory quality;
 - d. Are independent and accountable in their operations;
 - iii. Have the ability to maintain and update the expertise of its personnel; recognized organizations must develop a system for the qualification of staff employed by them as inspectors to ensure the timely updating of their knowledge and expertise.

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- c) Dominica has concluded written agreements with organization that have been recognized for purposes of an authorization. The agreements include the following elements:
- i. Scope of application;
 - ii. Purpose;
 - iii. General conditions;
 - iv. The execution of functions under authorization;
 - v. Legal basis of the functions under authorization;
 - vi. Reporting to the Dominica Maritime Administration;
 - vii. Specification of the authorization from the Dominica Maritime Administration to the recognized organizations; and
 - viii. The Dominica Maritime Administrations supervision of activities delegated to the recognized organization;
- d) A Recognized Organization is empowered to require the rectification of deficiencies that it identifies in seafarers' working and living conditions and to carry out inspections in this regard at the request of a port state;
- e) Recognized organizations must maintain records of the services performed by them such that they are able to demonstrate achievement of the required standards in the items covered by the services;
- f) Dominica Maritime Administration has established:
- i. A system to ensure the adequacy of work performed by recognized organizations, which includes information on all applicable national laws and regulations and relevant international instruments; and
 - ii. Procedures for communication with and oversight of Recognized Organizations that take into account the Guidelines for the

Authorization of Organizations Acting on Behalf of the Administration, adopted in the framework of the International Maritime Organization.

- g) The Dominica Maritime Administration has made appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' shipboard working and living conditions;

3. Maritime Labour Statement of Compliance and Declaration of Maritime Labour Compliance

- a) This section applies to every ship that flies the flag of the Commonwealth of Dominica and is:
- i. 500 gross tonnage and over engaged in international voyages;
 - ii. 500 gross tonnage or over and operates from a port, or between ports, in a country other than the Commonwealth of Dominica;
 - iii. For the purpose of these paragraphs, "international voyage" means a voyage from a country to a port outside such a country.
- b) This section also applies to a ship not covered by paragraph a(i) or (ii) above, at the request of the shipowner to the Dominica Maritime Administration;
- c) Every ship to which this Section applies must carry and maintain a current valid maritime labour statement of compliance issued to the ship by the Dominica Maritime Administration, or by a recognized organization duly authorized for this purpose, which shall complete the form for this statement of compliance, and affix to the form their signature and the seal or stamp of the issuing authority;
- d) A declaration of maritime labour compliance must be attached to the maritime labour statement of compliance. The declaration consists of two parts:

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- i. Part I summarizes the requirements of the Commonwealth of Dominica laws or regulations or other measures implementing the requirements of CDP 800 regarding the working and living conditions of seafarers on ships; it is drawn up by the Commonwealth of Dominica Maritime Administration;
 - ii. Part II identifies the measures adopted by the shipowner to ensure ongoing compliance on the ship with the national requirements and the measures proposed to ensure that there is continuous improvement; it must be drawn up by the shipowner based on the form contained in Appendix B below and certified by the Dominica Maritime Administration or recognized organization duly authorized for this purpose; the following requirements apply:
 - a. The measures drawn up by the shipowner, must, in particular, indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted;
 - b. Part II may take a number of forms and may make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, for example documents required by the International Safety Management (ISM) Code or the information required by Regulation 5 of the SOLAS Convention, Chapter XI-I relating to the ship's Continuous Synopsis Record;
 - c. The measures to ensure ongoing compliance must include general requirements for the shipowner and master to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work, and to inform the seafarer representatives accordingly;
 - e) A maritime labour statement of compliance, complemented by a declaration of maritime labour compliance, constitutes prima facie evidence that the ship has been duly inspected and that the requirements of CDP 800 relating

to working and living conditions of the seafarers have been met to the extent so certified;

- f) The maritime labour statement of compliance may be issued only where the Dominica Maritime Administration or a recognized organization duly authorized for this purpose has ascertained through inspection, as provided for in Section 4 below, that the ship concerned meets the standards of CDP 800;
- g) The maritime labour statement of compliance is issued for a period of five years.
- h) The validity of the maritime labour statement of compliance is subject to an intermediate inspection by the Commonwealth of Dominica, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance. One intermediate inspection shall be carried out and shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour statement of compliance. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the statement of compliance. The statement of compliance shall be endorsed following satisfactory intermediate inspection;
- i) The maritime labour statement of compliance may be renewed subject to a new inspection in accordance with paragraph (f) above to ascertain that the ship concerned continues to meet the standards of this Policy and CDP 800. When the renewal inspection has been completed within three months before the expiry of the existing maritime labour statement of compliance, the new maritime labour statement of compliance is valid from the date of completion of the renewal inspection for a period of five years from the date of expiry of the existing certificate. When the renewal inspection is completed more than three months before the expiry date of the existing maritime labour statement of compliance, the new maritime labour statement of compliance is valid for a period of five years starting from the date of completion of the renewal inspection.
- j) A maritime labour statement of compliance may be issued on an interim basis:

- i. To new ships on delivery;
 - ii. When a ship changes flag to the Commonwealth of Dominica;
 - iii. When a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.
- k) An interim maritime labour statement of compliance shall be issued for a period not exceeding six months by the Commonwealth of Dominica Maritime Administration or a recognized organization duly authorized for this purpose following verification that:
 - i. The ship has been inspected, as far as reasonable and practicable for the matters covered by the 14 items listed in the declaration of maritime labour compliance, taking into account verification of items under subparagraphs (ii), (iii) and (iv) of this paragraph;
 - ii. The shipowner has demonstrated to the Commonwealth of Dominica Maritime Administration or recognized organization that the ship has adequate procedures to comply with the standards of this Policy and CDP 800;
 - iii. The master is familiar with the requirements of this Policy and the responsibilities for implementation; and
 - iv. Relevant information has been submitted to the Commonwealth of Dominica Maritime Administration or recognized organization to produce a declaration of maritime labour compliance.
- l) An inspection in accordance with paragraph (f) above shall be carried out prior to expiry of the interim statement of compliance to enable issuance of the full-term maritime labour statement of compliance. No further interim statement of compliance may be issued following the initial six months. A declaration of maritime labour compliance need not be issued for the period of validity of an interim certificate.
- m) The results of all subsequent inspections or other verifications carried out with respect to the ship concerned and any significant deficiencies found during any such verification must be recorded, together with the date when

the deficiencies were found to have been remedied. This record must be appended to the declaration of maritime labour compliance and made available to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

- n) A current valid maritime labour statement of compliance and declaration of maritime labour compliance shall be carried on board the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available upon request, to seafarers, flag State inspectors, authorized officers in port States, and shipowners' and seafarers' representatives.
- o) A maritime labour statement of compliance, including an interim statement of compliance where applicable, will cease to be valid in any of the following cases:
 - i. If the relevant inspections are not complete within the periods specified under paragraph (i) above;
 - ii. If the certificate is not endorsed in accordance with paragraph (h);
 - iii. When a ship changes flag;
 - iv. When a shipowner ceases to assume the responsibility for the operation of a ship;
 - v. When substantial changes have been made to the structure or - equipment covered in section Policy Letter 07-13, as amended.
- p) In the case referred to in paragraph (o)(iii), (p)(iv) or (p)(v), a new statement of compliance may only be issued when the Commonwealth of Dominica Maritime Administration or recognized organization issuing the new certificate is fully satisfied that the ship is in compliance with the requirements set out above.
- q) A maritime labour statement of compliance will be withdrawn by the Commonwealth of Dominica or a recognized organization duly authorized for this purpose, if there is evidence that the ship is not in compliance with

the requirements of this Policy Letter and CDP 800 and any required corrective action has not been taken.

- r) When considering whether a maritime labour statement of compliance should be withdrawn in accordance with paragraph (q) the Commonwealth of Dominica or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

4. Inspection and Enforcement

- a) The Commonwealth of Dominica Maritime Administration will maintain a system of inspection of the conditions for seafarers on ships that fly the flag of the Commonwealth of Dominica, including verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed;
- b) The Commonwealth of Dominica Maritime Administration has developed this compliance and enforcement policy to ensure consistency and otherwise guide inspection and enforcement activities related to this policy. Copies of this policy shall be provided to all inspectors and relevant law-enforcement officials and shall be made available to the public and shipowners and seafarers associations;
- c) Inspections shall take place at the intervals required under Section 3 above, where applicable. Intervals shall in no case exceed three years. Inspections of seafarer accommodation must be carried out when:
 - i. A ship is registered or re-registered; or
 - ii. The seafarer accommodation on a ship has been substantially altered.
- d) If the Commonwealth of Dominica Maritime Administration receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies the flag of the Commonwealth of Dominica does not conform to the requirements of this Policy and CDP 800 or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, Dominica Maritime Administration will investigate the matter and ensure that action is taken to remedy any deficiencies found;

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- e) The Commonwealth of Dominica Maritime Administration has established simple procedures to enable it to receive information in confidence concerning possible breaches of this Policy or CDP 800 presented by seafarers directly or by representatives of the seafarers (See CD-PL 04-13, as amended), and permit inspectors to investigate such matters promptly, including:
- i. Enabling masters, seafarers or representatives of the seafarers to request an inspection when they consider it necessary; and
 - ii. Supplying technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the requirements of this Policy and CDP 800 and of bringing about a continual improvement in seafarers' on-board conditions.
- f) The Commonwealth of Dominica Maritime Administration has appointed a sufficient number of qualified inspectors to fulfill the responsibilities in paragraph (a) above.
- g) The Commonwealth of Dominica Maritime Administration has adopted adequate rules that are effectively enforced to guarantee that inspectors have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences;
- h) Inspectors must not undertake duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties. In particular, inspectors:
- i. Are prohibited from having any direct or indirect interest in any operation which they are called upon to inspect; and
 - ii. Subject to appropriate sanctions or disciplinary measures, must not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties.

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- i) The Commonwealth of Dominica has established recourses necessary to fulfill its functions. In particular:
 - i. Duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of the inspectors; and
 - ii. Inspectors have been contracted with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.

 - j) Inspectors have qualifications and adequate training to perform their duties and where possible have a maritime education or experience as a seafarer. They have adequate knowledge of seafarers' working and living conditions and of the English language and are fully trained and sufficient in numbers to secure the efficient discharge of their duties with regard to:
 - i. The importance of the duties which the inspectors have to perform, in particular the number, nature, and size of ships subject to inspections and the number and complexity of the legal provisions to be enforced;
 - ii. The resources placed at the disposal of the inspectors; and
 - iii. The practical conditions under which inspections must be carried out in order to be effective.

 - k) Inspectors, with proper credentials acting in accordance with the policy referred to in paragraph (b) above have the following powers:
 - i. To board a ship that flies the flag of the Commonwealth of Dominica freely and without previous notice; when commencing the ship inspection, inspectors must provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives;
 - ii. To carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed, including the following:

- a. 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;
 - b. To require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance;
 - c. To enforce the posting of notices as required;
 - d. To take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled; when a sample is being taken or removed, the shipowner or the shipowner's representative, and where appropriate the seafarer, must be notified or must be present at the time the sample is taken or removed and the quantity of such sample must be properly recorded by the inspector;
 - e. To require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of this Policy and CDP 800, or represent a significant danger to the seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.
- l) Inspectors have the power:
- i. Following 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 those on board the ship;
 - ii. To alert the Commonwealth of Dominica Maritime Administration and, if applicable, the recognized organization to any deficiency or abuse not specifically covered by existing laws or regulations and submit proposals to them for the improvement of the laws or regulations; and

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- iii. To notify the Commonwealth of Dominica Maritime Administration of any occupational injuries or diseases affecting seafarers in such cases and in such a manner as may be prescribed by laws and regulations.
 - m) Inspectors have the discretion to give advice instead of instituting or recommending proceedings when there is no clear breach of the requirements of this Policy or CDP 800 that endangers the safety, health or security of the seafarers concerned and where there is no prior history of similar breaches.
 - n) Inspectors must treat as confidential the source of any grievance or complaint alleging to a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and 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;
 - o) Inspectors must submit a report of each inspection to the Commonwealth of Dominica Maritime Administration. One copy of the Deficiency Notice in English or in the working language of the ship must be provided to the master of the ship and another copy must be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives;
 - p) The Commonwealth of Dominica Maritime Administration shall maintain records of inspections of the conditions for seafarers on ships of the Commonwealth of Dominica;
 - q) In the case of an investigation pursuant to a major incident, the report must be submitted to the Commonwealth of Dominica Maritime Administration as soon as practicable, but not later than one month following the conclusion of the investigation.
 - r) When an inspection is conducted or when measures are taken, all reasonable efforts must be made to avoid a ship being unreasonably detained or delayed;
 - s) Compensation shall be payable to the shipowner/operator for any loss or damage suffered as a result of the wrongful exercise of the inspectors'

powers by the inspector. The burden of proof in each case is on the complainant;

- t) The following penalties and other corrective measures for breaches of the requirements of this Policy and CDP 800 and for obstructing the inspector in the performance of their duties apply:
 - i. A fine and/or revocation of registration in accordance with the Dominica Maritime Act, 2002, as amended.
- u) Any action taken pursuant to paragraph (k)(iii) above is subject to a right of appeal to a judicial or administrative authority.

5. On Board Complaint Procedures

- a) Ships must have an approved on-board complaint procedure for the fair, effective, well-documented and expeditious handling of seafarer complaints alleging breaches of the requirements of this Policy (See CD-PL 04-13, as amended);
- b) Any adverse action taken by any person with respect to a seafarer for lodging a complaint, which is not manifestly vexatious or maliciously made, is considered victimization and is prohibited;
- c) Shipowners must provide all seafarers working on a ship with a copy of the approved on-board complaint procedures applicable on the ship;
- d) On-board complaint procedures that are approved by the Commonwealth of Dominica must:
 - i. Seek to resolve complaints at the lowest level possible; however, in all cases, seafarers must have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities;
 - ii. 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 order to help avoid problems of victimization of seafarers making

- complaints, the procedures should encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by the complainant seafarer, also attend any meetings or hearing into the subject matter of the complaint;
- iii. Include contact information for the Commonwealth of Dominica Maritime Administration and, where different, the competent authority of the seafarers' country of residence, as well as the name of a person or persons on board the ship who can, on a confident basis, provide the seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures to them on board the ship.
- e) Subject to any relevant provisions of an applicable collective agreement, the Commonwealth of Dominica has developed a model for fair, expeditious and well documented on-board complaint-handling procedures (See CD-PL 04-13, as amended); the following procedures are included in the on-board complaint process:
- i. Complaints should be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;
 - ii. The head of department or superior officer must then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;
 - iii. If the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter must refer to the master, who must handle the matter personally;
 - iv. Seafarers must at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned;
 - v. All complaints and the decisions on them must be recorded and a copy provided to the seafarer concerned;

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- vi. If a complaint cannot be resolved on board, the matter must be referred ashore to the shipowner, who must be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representative; and
 - vii. In all cases seafarers must have a right to file their complaint directly with the master and the shipowner and the Commonwealth of Dominica Maritime Administration.
- f) Any act of discrimination as defined in paragraph (b) is subject to a penalty in accordance with the Dominica Maritime Act, 2002, as amended;
 - g) The paragraphs set out above are without prejudice to a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

6. Marine Casualties

- a) The Commonwealth of Dominica Maritime Administration will hold an official inquiry into any serious marine casualty, leading to injury or loss of life that involves a ship that flies the flag of the Commonwealth of Dominica. The final report of an inquiry will normally be made public.
- b) The Commonwealth of Dominica Maritime Administration will cooperate with the competent authorities in other countries to facilitate the investigation of serious marine casualties.

7. Labour Supplying Responsibilities

- a) The Commonwealth of Dominica Maritime Administration has established an effective system for enforcing the requirements of this Policy and CDP 800 applicable to the operation and practice of seafarer recruitment and placement services, through inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for under section 1 of this Policy Letter.

Required Action by Owners/Operators

1. Shipowners and operators are instructed to review CDP 800 *Dominica Maritime Labour Compliance* to ensure that all provisions of CDP 800 are implemented specifically relating to the topics of this Policy Letter.

Required Action by Seafarers

1. Seafarers are invited to review CDP 800 to ensure that they are fully compliant with the requirements of the instrument and that they are aware of their rights and obligations.

Required Action by Recruitment and Placement Organizations

1. Recruitment and placement organizations are required to ensure that compliance with the Maritime Labour Convention, 2006 or with Annex A of this Policy Letter are demonstrated to interested parties, such as shipowners and operators where applicable.
2. Recruitment and placements organizations are also responsible for meeting the requirements of the Maritime Labour Convention, 2006 or CDP 800 through Annex A with respect to the services offered to seafarers and/or shipowners/operators.

Any questions can be directed to (as applicable):

Technical Department

Tel: + 1 508 992 7170

e-mail: technical@dominica-registry.com

Mariner Licensing and Certification

Tel: + 1 508 992 7170

e-mail: mariner@dominica-registry.com

seafarercomplaints@dominica-registry.com

Inspection Department

Tel: + 1 508 992 7170

e-mail: inspection@dominica-registry.com

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**Appendix A
COMMONWEALTH OF DOMINICA**



MARITIME ADMINISTRATION

Inspection Checklist for Maritime Labour Compliance

The Commonwealth of Dominica strives to ensure that compliance with international agreements is the foremost tenets of operations by their fleet of registered vessels. Our Inspectors are responsible to ensure that the fleet is meeting their goals and objectives in a safe, efficient and cost effective manner. The Inspector shall be impartial and understand that the goal of the Maritime Labour Compliance inspection is to ensure the safety and well-being of the crew and vessel. The Inspector shall provide guidance and impart education to the vessel's crew and ownership in a professional manner rarely dictating or demanding corrective action. The goal of a Maritime Labour Compliance inspection is to ensure a safe working environment for all concerned. With the focus on safety and education the inspection will not only eliminate detainments but ensure the safety of the personnel, vessel and prosperity of the owners/operators.

Vessel Name:		Call Sign:	
Port of Inspection:		Date(s) of Inspection:	
IMO Number:		Class Society:	

Summary:
 The inspector did not find any deficiencies.
 The inspector did not find any deficiencies, but does have some recommendations. Please see the list at the end of the report.
 The Inspector's list of deficiencies, recommendations and recommended corrective actions are listed at the end of the report. Please send your response to the Dominica Administration within thirty days.
 The inspector found serious deficiencies, which must be corrected before the vessel is allowed to sail. Deficiencies are listed at the end of the report. The vessel may also be required to complete a follow-up Special Inspection following rectification of deficiencies. This will be noted at the end of the report.

Gross Tons:		Net Tons:		Length:	
Breadth:		Build Date:		Keel Lay Date:	

Commonwealth of Dominica Maritime Administration

Office of the Deputy Maritime Administrator
 32 Washington Street Fairhaven, Massachusetts 02719
 Tel: 001-508-992-7170 Fax: 001-508-992-7120
inspection@dominica-registry.com www.dominica-registry.com

Owner Name:			Address:		
City:		Country:		Postal Code:	
Office Phone:		Fax Number:		Mobile:	
Operator Name:			Address:		
City:		Country:		Postal Code:	
Office Phone:		Fax Number:		Mobile:	

Officers Name	Position	Dominica Cert. No.	STCW Reg.	Expiration date
	Master			
	First Mate			
	Second Mate			
	Third Mate			
	Chief Engineer			
	First Engineer			
	Second Mate			
	Third Mate			
	Radio Operator			
	Radio Operator			

N°	Seaman's Name	Position	Dominica Certificate No.	Expiration date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

1. Are all members of the ships' crew of appropriate age and position in accordance with Dominica Maritime Labour Compliance?

Yes No

2. Does the vessel have a copy of the Declaration of Maritime Labour Compliance, Part I?

Yes No

3. Has the shipowner completed the Declaration of Maritime Labour Compliance, Part II?

Yes No

4. Has the Flag reviewed and approved the Declaration of Maritime Labour Compliance, Part II?

Yes No

Inspection Checklist

Regulation – Title – Area to be inspected:	YES	NO	N/A
Regulation 1.1 Minimum Age			
1. Persons below the age of 16 are not employed or engaged in work on board the ship.			
2. Seafarers under the age of 18 are not employed or engaged in work that is likely to jeopardize their health or safety.			
3. Seafarers under the age of 18 are given due attention to their health and safety.			
4. Seafarers under the age of 18 are not engaging in night work except where an exemption from the Administration has been given.			
Regulation 1.2 Medical Certificate			
1. All seafarers carry valid medical certificates in compliance with <i>Dominica Maritime Labour Compliance</i> .			
2. All medical certificates are valid for not more than 2 years, 1 year for seafarers under the age of 18.			
Regulation 1.3 Training and Qualifications			
1. All seafarers hold valid certificates of competency/proficiency or otherwise have a Letter of Receipt of Application (LOR) or Certificate or Receipt of Application (CRA) on board the ship.			
2. All seafarers have undergone appropriate training for the duties they are to perform on board the ship.			
3. All seafarers have undergone training for personal safety on board the ship.			
Regulation 1.4 Recruitment and Placement			

Where a shipowner has used a private seafarer recruitment and placement service:			
1. Seafarers were not charged for the services of the private recruitment and placement agency.			
2. The recruitment and placement agency, if in a state that is not party to the Maritime Labour Convention, 2006, has provided sufficient evidence that it is compliant with the relevant requirements of <i>Dominica Maritime Labour Compliance</i> .			
Regulation 2.1 Seafarers Employment Agreements			
1. Seafarers all have copies of their Employment Agreement that have been signed by both the mariner and the shipowner or shipowner's representative.			
2. The Seafarers Articles of Agreement contain the minimum requirements as set out in CD-PL 06-13, as amended.			
3. All seafarers have been/will be provided with records of their employment on the ship.			
4. Where a collective bargaining agreement forms all or part of the Seafarers Articles of Agreement, the agreement is on board the ship with relevant provisions in English.			
Regulation 2.2 Wages			
1. Seafarers are paid at no greater than one month intervals in full for their work in accordance with their agreements.			
2. Seafarers are provided with an account each month indicating their monthly wage and any authorized deductions such as allotments.			
3. There have been no unauthorized deductions from their wages, such as payments for travel to or from the ship.			
4. Charges for remittances/allotment transmission services are reasonable and exchange rates are in accordance with Dominica requirements.			
Regulation 2.3 Hours of Work and Hours of Rest			
1. The minimum hours of rest are not less than 10 hours in any 24-hour period/maximum hours of work not more than 14.			
2. The minimum hours of rest are not less than 77 in any seven-day period/ maximum hours of work not more than 72.			
3. Hours of rest are not divided into more than two periods, one of which is not less than 6 hours.			
4. The interval between any two periods of rest does not exceed 14 hours in any case.			
5. It does not appear that the seafarers struggle with			

fatigue or that there are any conditions that may impair the seafarers ability to obtain regular and compliant rest.			
Regulation 2.4 Entitlement to Leave			
1. Seafarers are permitted paid annual leave in accordance with <i>Dominica Maritime Labour Compliance</i> and CD-PL 06-13, as amended.			
2. Seafarers are not permitted to forgo the minimum annual leave with pay.			
3. Seafarers' paid annual leave is calculated at a minimum of 2.5 calendar days per month of employment.			
4. Seafarers are also entitled to a number of public and customary holidays as recognized by the Dominica Maritime Administration.			
Regulation 2.5 Repatriation			
1. Evidence exists that seafarers, should they need to be repatriated, are repatriated at no cost to themselves in accordance with <i>Dominica Maritime Labour Compliance</i> and CD-PL 06-13, as amended.			
2. Seafarers are granted shore leave in order to benefit their health and well-being and is consistent with the operational requirements of their positions.			
3. A copy of <i>CDP-800 Dominica Maritime Labour Compliance</i> , or at a minimum, the provisions of repatriation under CD-PL 06-13, is carried on board and available in the working language of the ship.			
4. Evidence exists that seafarers are entitled to repatriation in the following circumstances: <ul style="list-style-type: none"> a. The seafarers employment agreement expires while they are abroad; b. When the seafarers employment agreement is terminated: <ul style="list-style-type: none"> i. By the shipowner; or ii. By the seafarer for justified reasons; and c. When the seafarer is no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances. 			
Regulation 2.7 Manning			
1. The ship has a sufficient number of seafarers employed on board to ensure that the ship is operated safely, efficiently, and with due regard to security under all conditions, taking into account concerns about fatigue and the particular nature and conditions of voyage.			
2. The ship is compliant with the manning levels listed on the Safe Manning Document or equivalent issued by			

Dominica Maritime Administration.			
Regulation 3.1 Accommodation and Recreational Facilities			
1. The ship is in compliance with the minimum standards established by <i>CDP-800 Dominica Maritime Labour Compliance</i> and CD-PL 07-13, as amended.			
2. Decent accommodation and recreational facilities are provided and maintained for seafarers working and/or living on the ship consistent with promoting seafarers' health and well-being.			
3. Frequent inspections are carried out by the master or other designated person and are recorded with the record being available for review.			
4. For ships coming into service: a. The plans for ships coming into service have been reviewed and appear to be compliant with the minimum requirements for accommodation and recreational facilities. (Subsequent inspections following delivery will also verify).			
5. For existing ships: a. Appropriate accommodation and recreational facilities are provided and maintained in accordance with <i>CDP-800 Dominica Maritime Labour Compliance</i> , CD-PL 07-13.			
Regulation 3.2 Food and Catering			
1. Food and drinking is of appropriate quality, nutritional value and quantity, taking into account the requirements of the ship and differing cultural and religious backgrounds of seafarers on the ship.			
2. Food is provided free of charge to seafarers during the period of engagement.			
3. The ships cook is trained, qualified, and certified for his/her position.			
4. The ships cook is not less than 18 years of age.			
5. Frequent and documented inspections of food, water, and catering facilities are carried out by the ships master or other designated person.			
Regulation 4.1 Medical Care on Board Ship and Ashore			
1. Seafarers are covered by adequate measures for the protections of their health and have access to prompt and adequate medical care, including essential dental care, whilst working on board.			
2. Health protection and care are provided at no cost to the seafarer.			
3. The seafarers are permitted the right to visit a qualified medical doctor or dentist without delay in ports of call,			

where practicable.			
Regulation 4.2 Shipowners' Liability			
1. Seafarers are provided the right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury, or death occurring while they are serving under the Seafarers Employment Agreement or arising from their employment under such agreement.			
2. Evidence exists that the shipowner is liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.			
3. The shipowner is to provide financial security to assure compensation in the event of the death or long-term disability of a seafarer due to an occupational injury, illness or hazard, as set out in national law, the Seafarers Employment Agreement or collective agreement.			
4. Measures are in place to safeguard the property of seafarers left on board by sick, injured, or deceased seafarers.			
Regulation 4.3 Health and Safety Protection and Accident Prevention			
1. The working, living, and training environment on the ship is safe and hygienic and conform to the minimum standards, regulations, and other measures for occupational safety, health protection, and accident prevention.			
2. Reasonable precautions are taken to prevent accidents, injuries, and diseases including the risk of exposure to harmful ambient factors and chemicals that present a risk of injury or disease.			
3. The ship has an occupational safety and health policy and program to prevent occupational accident injuries and diseases, with a particular concern for the safety and health of seafarers under the age of 18.			
4. A safety committee that includes participation by the seafarer safety representative has been established.			
5. The company and crew have undertaken a risk evaluation for on board occupational safety and health management.			
Regulation 5.1.1			
1. The ship has on board a copy of <i>CDP-800 Dominica</i>			

<i>Maritime Labour Compliance.</i>			
Regulation 5.1.5			
1. The ship has on board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of <i>Dominica Maritime Labour Compliance.</i>			
2. Seafarers have been provided a copy of the on board complaint procedures applicable to the ship and is in the working language of the ship.			
3. No evidence exists of victimization of seafarers for filing complaints under <i>Dominica Maritime Labour Compliance.</i>			

In the professional and educated opinion of the undersigned inspector, it is suggested:

- Issue Interim Certificate of Maritime Labour Compliance
- Issue Certificate of Maritime Labour Compliance
- Do NOT issue Certificate of Maritime Labour Compliance

Be issued based on the results of this inspection.

Signed this date of:

Authorized Flag State Inspector

Appendix B

COMMONWEALTH OF DOMINICA
Office of the Maritime Administrator



DECLARATION OF MARITIME LABOUR COMPLIANCE – PART II

***MEASURES ADOPTED TO ENSURE ONGOING COMPLIANCE BETWEEN
INSPECTIONS***

The following measures have been drawn up by the shipowner, named in the Maritime Labour Statement of Compliance to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum Age
2. Medical Certification
3. Qualifications of Seafarers
4. Seafarers' Employment Agreements
5. Use of any licensed or certified or regulated private recruitment and placement services
6. Hours of Work and Rest.

-
- 7. Manning Levels for the Ship

 - 8. Accommodation

 - 9. On-board Recreational Facilities

 - 10. Food and Catering

 - 11. Health and Safety and Accident Prevention

 - 12. On-board Medical Care

 - 13. On-board Complaint Procedures

 - 14. Payment of Wages

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of Shipowner:

Company Address:

Name of Authorized Signatory:

Title:

Signature: _____

Date:

The above measures have been reviewed by the Commonwealth of Dominica Maritime Administration and, following inspection of the ship, have been determined as meeting the purposes set out under CD-PL 09-13, Section 5, regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name: _____

Title: _____

Place: _____

Signature: _____