

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 4: Health Protection, Medical Care, Welfare and Social Security Protection
- 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;
 - (f) ILO Convention No. 55 (Shipowners’ Liability, Sick and Injured Seamen);
 - (g) ILO Convention No. 56 (Sickness Insurance);
 - (h) ILO Convention No. 70 (Social Security);
 - (i) ILO Convention No. 134 (Prevention of Accidents);
 - (j) ILO Convention No. 163 (Seafarers’ Welfare Convention);

(k) ILO Convention No. 164 (Health Protection and Medical Care); and

(l) ILO Convention No. 165 (Social Security, Revised).

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 Dominca 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 guidance regarding changes to the requirements of health protection, medical care, welfare and social security protection. Health protection, medical care, welfare and social security includes but is not limited to the following:

- 1. Medical Care on Board Ship and Ashore**
- 2. Shipowner's Liability**
- 3. Health and Safety Protection and Accident Prevention**
- 4. Access to Shore-Based Welfare Facilities**

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;

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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;
 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. Medical Care on Board Ship and Ashore

- a) All seafarers working on board a ship must be covered by adequate measures for the protection of their health and must have access to prompt and adequate medical care that is as comparable as possible to that which is generally available to onshore workers in the Commonwealth of Dominica;
- b) The protection and care under paragraph (a) must, in principle, be provided at no cost to the seafarers;

- c) Shipowners must adopt measures to provide for health protection and medical care, including essential dental care, for seafarers working on board. These measures must:
- i. Ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions specific to work on board a ship;
 - ii. Ensure that seafarers are given health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;
 - iii. Give seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;
 - iv. Ensure that, to the extent consistent with national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and
 - v. Not be limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programmes;
- d) A standard medical report form (CDVR-5012, as amended), adopted by the Dominica Maritime Administration, in order to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury, must be used by ships' master and relevant onshore and on-board medical personnel. When completed, the form and its contents must be kept confidential and must only be used to facilitate the treatment of seafarers;
- e) The following minimum requirements for on-board hospital and medical care facilities and equipment and training on ships apply:

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- i. All ships must carry a medicine chest, medical equipment and a medical guide, the specifics of which are prescribed by Dominica Maritime Administration and shall be subject to regular inspection, taking into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards (See CD-MS-C 05-05). In particular:
 - a. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, must be properly maintained and inspected at intervals, not exceeding 12 months, by responsible persons designated by the master, who must ensure that the labeling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required.
 - b. As a minimum the approved medical guides that must be kept on board are the most recent edition of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance – An International Maritime Training Guide, and the medical section of the International Code of Signals; where a cargo, which is classified dangerous, has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes must be made available to the seafarers; the antidotes and personal protective devices must be on board whenever dangerous goods are carried; this information must be integrated with the ship's policies and programmes on occupational safety and health as set out below in Section 3.
 - ii. Ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration must carry a qualified medical doctor who is responsible for providing medical care;
 - iii. Vessels carrying 15 or more seafarers and engaged in a voyage of more than three (3) days' duration shall provide separate hospital

accommodations to be used exclusively for medical purposes and that will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention. Vessels engaged in coastal trade and capable of reaching qualified medical care and medical facilities within eight (8) hours may be exempted from this requirement.

- iv. Ships which do not carry a medical doctor must have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties and at least one seafarer on board competent to provide medical first aid; persons in charge of medical care must meet the requirements of the STCW Convention; seafarers designated to provide medical first aid must have satisfactorily completed training in medical first aid that meets the requirements of the STCW Convention; without prejudice to any further standards that may be adopted by Dominica Maritime Administration taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board:
 - a. Ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours must have at least one designated seafarer with the approved medical first-aid training required by the STCW Convention which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship and to make use of medical advice by radio or satellite communications; and
 - b. All other ships must have at least one designated seafarer with approved training in medical care required by the STCW Convention, including practical training and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board;

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- v. The medical training referred to in subparagraph (iv) above must be based on the contents of the most recent editions of the medical guides referred to in subparagraph e(i)(b) above;
 - vi. Persons referred to in subparagraph (iv)(a) and (b) above and such other seafarers as may be required by Dominica Maritime Administration must undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments;
 - vii. Dominica Maritime Administration shall ensure that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, is available to all ships. In addition:
 - a. All ships must carry a complete and up-to-date list of radio stations through which medical advice can be obtained and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained;
 - b. Seafarers with responsibility for medical care or medical first aid on board must be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals so as to enable them to understand the type of information needed by the advising doctor as well as the advice received;
 - f) Seafarers on board foreign ships in the territory of the Commonwealth of Dominica who are in need of immediate medical care will be given access to medical facilities on shore including:
 - i. Outpatient treatment for sickness and injury;
 - ii. Hospitalization when necessary;
 - iii. Facilities for dental treatment, especially in cases of emergency;

- g) Suitable measures shall be taken to facilitate the treatment of seafarers suffering from disease. In particular, seafarers shall be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements shall be made to ensure, when necessary, continuation of treatment to supplement the medical facilities available to them;

- h) Dominica Maritime Administration may participate in international cooperation activities, based on bilateral or multilateral agreements or consultations among countries, in the area of assistance, programmes and research in health protection and medical care for seafarers, including:
 - i. Developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a ship through such means as periodic ship position reporting systems, rescue coordination centres and emergency helicopter services, in conformity with the International Convention on Maritime Search and Rescue, 1979, as amended, and the International Aeronautical and Maritime Search and Rescue (IAMSAR) manual;
 - ii. Making optimum use of all ships carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;
 - iii. Compiling and maintaining an international list of doctors and medical care facilities available worldwide to provide emergency medical care to seafarers;
 - iv. Landing seafarers ashore for emergency treatment;
 - v. Repatriating seafarers hospitalized abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
 - vi. Arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
 - vii. Endeavoring to set up health centres for seafarers to:

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- a. Conduct research on the health status, medical treatment and preventive health care of seafarers; and
 - b. Train medical and health service staff in maritime medicine;
- viii. Collecting and evaluating statistics concerning occupational accidents, disease and fatalities of seafarers and integrating and harmonizing the statistics with any existing national system of statistics on occupational accidents and diseases covering other categories of workers;
- ix. Organizing international exchanges of the technical information, training material and personal, as well as international training courses, seminars and working groups;
- x. Providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services; and
- xi. Arranging for the repatriation of the bodies or ashes of deceased seafarers, in accordance with the wishes of the next of kin and as soon as practicable.

2. Shipowner's Liability

- a) Seafarers working on board a ship have a 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 a seafarers' employment agreement or arising from their employment under such agreement;
- b) The right under paragraph (a) does not affect any other legal remedies that a seafarer may seek
- c) Shipowners must provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out below or in the seafarers' employment agreement or any applicable collective agreement;

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- d) Shipowners are responsible for health protection and medical care of all seafarers working on board and are liable for the costs for all seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates to the extent provided below;
- i. Shipowners must 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 permanent character;
 - ii. Shipowners must pay the cost of burial expenses in the case of the death occurring on board or ashore during the period of engagement; these expenses may be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation;
 - iii. Where the sickness or injury results in incapacity for work, shipowners must:
 - a. Pay full wages (exclusive of bonuses) as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with CDP 800 Dominica Maritime Labour Compliance;
 - b. Pay wages in whole or in part as prescribed below or as provided for in collective agreements from the time when the seafarers are repatriated or landed until their recovery or if earlier, until they are entitled to cash benefits under the applicable social security legislation;
- e) The liability of the shipowner under paragraph (d)(i) is limited to 16 weeks from the day of the injury or the commencement of the sickness and shall cease from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents;

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- f) The liability of the shipowners to pay wages in whole or in part in respect of a seafarer no longer on board is limited to 16 weeks from the day of the injury or the commencement of the sickness and shall cease from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents;
 - g) Shipowners are not liable in respect of:
 - i. injury incurred otherwise than in the service of the ship;
 - ii. injury or sickness due to the willful misconduct of the sick, injured or deceased seafarer;
 - iii. sickness or infirmity intentionally concealed when the engagement is entered into;
 - h) Shipowners or their representatives must take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.

3. Health and Safety Protection and Accident Prevention

- a) Seafarers must be provided with occupational health protection consistent with their right to live, work and train on board ship in a safe and hygienic environment;
- b) Dominica Maritime Administration has – in accordance with the national occupational safety and health policy referred to in paragraph (c) below and keeping in mind the requirements of the present section – set and maintained standards for occupational safety and health protection and accident prevention to be observed on board;
- c) Dominica Maritime Administration has adopted and will keep under continuous review guidelines for the management of seafarer occupational safety and health on board. These guidelines are set out in CD-MSA 04-13, as amended. Relevant provisions or recommendations adopted by the appropriate national authorities or organizations or international organizations should be taken into account by those preparing texts of

occupational safety and health protection and accident prevention measures or recommended practices. In formulating occupational safety and health protection and accident prevention programmes, Dominica Maritime Administration has due regard to any code of practice concerning the safety and health of seafarers which may have been published by the International Labour Organization;

- d) The guidelines under paragraph (c) shall take account of Guidelines B4.3.2 to B4.3.10 of the Maritime Labour Convention, 2006 as well as the ILO code of practice entitled Accident prevention on board ship at sea and in port, 1996, and subsequent versions and other related ILO and other international standards and guidelines and codes of practice regarding occupational safety and health protection, including any exposure levels that they may identify. The guidelines shall give priority to the following matters, in particular.
- i. Structural features of the ship, including means of access and asbestos-related risks;
 - ii. Machinery;
 - iii. The effects of the extremely low or high temperature of any surfaces with which seafarers may be in contact;
 - iv. The effects of noise in the workplace and in shipboard accommodation;
 - v. The effects of vibration in the workplace and in shipboard accommodation;
 - vi. The effects of ambient factors, other than those referred to in subparagraphs (iv) and (v), in the workplace and in shipboard accommodation, including tobacco smoke;
 - vii. Special safety measures on and below deck;
 - viii. Loading and unloading equipment;
 - ix. Fire prevention and fire-fighting;

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- x. Anchors, chains, and lines;
 - xi. Dangerous cargo and ballast;
 - xii. Personal protective equipment for seafarers;
 - xiii. Work in enclosed spaces;
 - xiv. Physical and mental effects of fatigue;
 - xv. The effects of drug and alcohol dependency;
 - xvi. HIV/AIDS protection and prevention; and
 - xvii. Emergency and accident response.
- e) The assessment of risks and reduction of exposure on the matters referred to in paragraph (d) above shall take account of the physical occupational health effects, including manual handling of loads, noise and vibration, the chemical and biological occupational health effects, the mental occupational health effects, the physical and mental health effects of fatigue, and occupational accidents. The necessary measures shall take due account of the preventive principle according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the non-dangerous or the less dangerous, have precedence over personal protective equipment for seafarers;
- f) In addition, Dominica Maritime Administration has taken into account the implications for health and safety, particularly in the following areas:
- i. Emergency and accident response;
 - ii. The effects of drug and alcohol dependency; and
 - iii. HIV/AIDS protection and prevention.

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- g) Compliance with the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programmes will be considered as meeting the requirements set out in this section;
- h) Shipowners must adopt and promote on-board occupational safety and health management policies and programmes, consistent with the guidelines referred to in paragraphs above, that:
- i. Include reasonable precautions to prevent occupational accidents, injuries and diseases on board ships, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;
 - ii. Include training and instruction of seafarers and other on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, that involve seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; the curriculum for the training must be reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in manning practices, nationality, language and the organization of work on board ships;
 - iii. Require the inspection, reporting and correcting of unsafe conditions and provide for the investigation and reporting of on-board occupational accidents and occupational injuries and diseases; all such events must be reported so that they can be investigated and comprehensive statistics can be kept, analyzed and published, taking account of protection of the personal data of the seafarers concerned; reports must not be limited to fatalities or to accidents involving the ship; due regard should be had to any international system or model for recording accidents to seafarers which may have been established by the international Labour Organization;

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- iv. Provide special attention to the safety and health of the seafarers under the age of 18;
 - v. Specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policy and programme;
 - vi. Specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee; such a committee must be established on board a ship on which there are five or more seafarers;
 - vii. Include risk evaluation in relation to management of occupational safety and health that refer to appropriate statistical information from their ships and from general statistics.
- i) With respect to young seafarers referred to under paragraph (h)(iv), except where they are recognized as fully qualified in a pertinent skill by Dominica Maritime Administration, the standards set in accordance with paragraph (b) must specify restrictions on young seafarers undertaking, without appropriate supervisions and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill. In determining the types of work to be restricted by the regulations, Dominica Maritime Administration might consider in particular work involving:
- i. The lifting, moving or carrying of heavy loads or objects;
 - ii. Entry into boilers, tanks or cofferdams;
 - iii. Exposure to harmful noise and vibration levels;
 - iv. Operating hoisting and other power machinery and tools, or acting as signalers to operators of such equipment;
 - v. Handling mooring or tow lines or anchoring equipment;

- vi. Rigging;
- vii. Work aloft or on deck in heavy weather;
- viii. Nightwatch duties;
- ix. Servicing of electrical equipment;
- x. Exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
- xi. The cleaning of catering machinery; and
- xii. The handling or taking charge of ships' boats.

4. Access to Shore-Based Welfare Facilities

- a) Dominica Maritime Administration shall promote the development of welfare facilities in appropriate ports of the Commonwealth of Dominica that take into account the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.

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):

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