

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

REFERENCE:

- (a) Maritime Labour Convention, 2006;
- (b) Dominica Maritime Act, 2002, as amended;
- (c) Dominica Maritime Regulations, as amended; and
- (d) CDP 300 – Mariner Training and Certification.
- (e) CDP 800 – Dominica Maritime Labour Compliance

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:

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- **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 Policy Letters that have been issued regarding the implementation of the Maritime Labour Convention, 2006 as it applies to Dominica flagged ships, Dominica licensed and endorsed seafarers, owners and owners association's related to Dominica flagged ships, and recruitment or placement agencies offering services to Dominica licensed or endorsed seafarers. The abovementioned Policy Letters also detail the revised Dominica Maritime Act, 2002, the revised Dominica Regulations, and revised CDP 300 (Maritime Training and Certification Publication) and the Introduction of CDP 800 (Dominica Maritime Labour Compliance).

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.

GUIDANCE:

General

1. The Commonwealth of Dominica has issued five (5) Policy Letters related to the implementation of the Maritime Labour Convention, 2006 as it relates to Dominica flagged vessels as follows:
 - a. CD-PL 05-13 *Title 1: Minimum Requirements for Seafarers to Work on Board Ships*
 - b. CD-PL 06-13 *Title 2: Conditions of Employment*
 - c. CD-PL 07-13 *Title 3: Accommodation, Recreational Facilities, Food and Catering*
 - d. CD-PL 08-13 *Title 4: Health Protection, Medical Care, Welfare and Social Security Protection*
 - e. CD-PL 09-13 *Title 5: Compliance and Enforcement*
2. The Dominica Maritime Administration has also drafted a new publication (CDP-800 *Dominica Maritime Labour Compliance*) that contains the requirements for compliance.
3. The Maritime Labour Convention, 2006 will enter into force on 20 August 2013. This convention consolidates most of the International Labour Organizations maritime Labour conventions into a single instrument. This instrument will be enforced by all states party to the Convention regardless of the Flag of the ships entering its waters.

Commercial vessels over 500 gross tonnage (per ITC) are required to carry a Maritime Labour Certificate and Declaration of Maritime Labour Compliance consisting of two parts. These documents would normally constitute prima facie evidence of compliance with the convention to Port State authorities. Vessels under 500 gross tonnage trading commercially in international waters are not required to carry the Certificate and Declaration but will be subject to inspection for compliance with the Convention.

The Commonwealth of Dominica has not ratified the Convention but has developed measures for ensuring compliance to facilitate trade to states that are or may become party to the Convention while limiting the risk of a more detailed inspection or detention.

To assist shipowners, operators, and crews avoid unnecessary delays and possible detainment, Dominica Maritime Administration will require that all Dominica flagged ships regardless of tonnage be inspected for compliance, and require that all Dominica flagged ships greater than 500 gross tonnage be documented in accordance with Policy Letter CD-PL 09-13, as amended or be inspected and certificated by an approved RO in accordance with the Maritime Labour Convention. Upon successful completion of an inspection, ships will be issued a Statement of Compliance with Dominica Maritime Labour Compliance or the Maritime Labour Convention. Although these documents may not be accepted as prima facie evidence of compliance to port State officials, they will provide evidence of compliance to facilitate an inspection.

For more detailed information on how to request an inspection, complete the required documents, or for technical matters, please review the policy letters outlined below or contact the Dominica Maritime Administration Technical Department.

Detailed

1. *CD-PL 05-13 Title 1: Minimum Requirements for Seafarers to Work on Board Ships*

This Policy Letter provides guidance regarding minimum requirements for seafarers to work on ships. The provisions for minimum requirements include but are not limited to the following:

1. Minimum Age
2. Medical Certificates
3. Training and Qualifications
4. Recruitment and Placement

The ILO Conventions affected by Policy Letter CD-PL 05-13 include the following:

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1. **ILO Convention No. 7 (Minimum Age);**
 2. **ILO Convention No. 9 (Placing of Seaman Convention);**
 3. **ILO Convention No. 16 (Medical Examination of Young Persons);**
 4. **ILO Convention No. 53 (Officers' Competency Certificates);**
 5. **ILO Convention No. 58, (Minimum Age, Revised);**
 6. **ILO Convention No. 73 (Medical Examination);**
 7. **ILO Convention No. 74 (Certification of Able Seaman);**
 8. **ILO Convention No. 147 (Merchant Shipping);**
 9. **Protocol of 1996 to ILO Convention No. 147; and**
 10. **ILO Convention No. 179 (Recruitment and Placement of Seafarers).**

2. CD-PL 06-13 Title 2: Conditions of Employment

This Policy Letter provides the requirements regarding conditions of employment of seafarers. Conditions of employment include but are not limited to the following:

1. Employment Agreements
2. Wages
3. Hours of Work and Hours of Rest
4. Entitlement to Leave
5. Repatriation
6. Compensation for the Ship's Loss or Foundering
7. Manning Levels
8. Career and Skill Development and Opportunities for Seafarers' Employment

The ILO Conventions affected by Policy Letter CD-PL 06-13 include the following:

1. **ILO Convention No. 8 (Unemployment Indemnity);**
2. **ILO Convention No. 22 (Seaman's Article of Agreement);**
3. **ILO Convention No. 23 (Repatriation of Seamen);**
4. **ILO Convention No. 54 (Holidays with Pay);**
5. **ILO Convention No. 57 (Hours of Work and Manning);**

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6. **ILO Convention No. 72 (Paid Vacations);**
 7. **ILO Convention No. 76 (Wages, Hours of Work and Manning);**
 8. **ILO Convention No. 91 (Paid Vacations, Revised);**
 9. **ILO Convention No. 93 (Wages, Hours of Work and Manning, Revised);**
 10. **ILO Convention No. 109 (Wages, Hours of Work and Manning, Revised);**
 11. **ILO Convention No. 145 (Continuity of Employment);**
 12. **ILO Convention No. 146 (Seafarer's Annual Leave with Pay);**
 13. **ILO Convention No. 166 (Repatriation of Seafarers, Revised); and**
 14. **ILO Convention No. 180 (Seafarer's Hours of Work and the Manning of Ships).**

3. CD-PL 07-13 Title 3: Accommodation, Recreational Facilities, Food & Catering

This Policy Letter provides information about the requirements regarding accommodation, recreational facilities, and food and catering. Accommodation, recreational facilities, and food and catering include but are not limited to the following:

1. Accommodation and Recreational Facilities
2. Food and Catering

The ILO Conventions affected by CD-PL 07-13 include the following:

1. **ILO Convention No. 68 (Food and Catering);**
2. **ILO Convention No. 69 (Certification of Ships' Cooks);**
3. **ILO Convention No. 75 (Accommodation of Crews);**
4. **ILO Convention No. 92 (Accommodation of Crews, Revised); and**
5. **ILO Convention No. 133 (Accommodation of Crews, Supplementary Provisions).**

4. CD-PL 08-13 Title 4: Health Protection, Medical Care, Welfare and Social Security Protection

This Policy Letter provides information about the requirements regarding health protection, medical care, welfare, and social security protection. Health protection, medical care, welfare and social security include but are 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

The ILO Conventions affected by CD-PL 08-13 include the following:

1. **ILO Convention No. 55 (Shipowners' Liability, Sick and Injured Seamen);**
2. **ILO Convention No. 56 (Sickness Insurance);**
3. **ILO Convention No. 70 (Social Security);**
4. **ILO Convention No. 134 (Prevention of Accidents);**
5. **ILO Convention No. 163 (Seafarers' Welfare Convention);**
6. **ILO Convention No. 164 (Health Protection and Medical Care); and**
7. **ILO Convention No. 165 (Social Security, Revised).**

5. CD-PL 09-13 Title 5: Compliance and Enforcement

This Policy Letter provides information regarding the requirements related to compliance and enforcement. Compliance and enforcement includes but is not limited to the following:

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

The ILO Conventions affected by CD-PL 09-13 include the following:

1. ILO Convention No. 178 (Labour Inspection).

Any questions can be directed to (as applicable):

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