



DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA
MERCHANT SHIPPING SECRETARIAT
MINISTRY OF PORTS AND SHIPPING

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MSN 01/2020

14th February 2020

Notice to All Ship-Owners, Operators, Training Institutes, Masters of Sri Lankan Flagged Ships, and Recognized Organizations.

Declaration of Maritime Labour Compliance (DMLC) *part I* and Format of DMLC Part 2 of the Maritime Labour Convention (MLC), 2006

References:

- (1) Maritime Labour Convention, 2006 as amended in 2014 which relate to financial security of seafarers in cases of abandonment (Reg 2.5), and contractual claims for compensation in the event of a seafarer's death or long term disability due to an operational injury, illness or hazard (Reg 4.2)
- (2) Annexes from 2 to 7 of MSN 01/2013 published by the Merchant Shipping Secretariat, Sri Lanka
- (3) MSN 32 of 2016 published by the Merchant Shipping Secretariat, Sri Lanka

1. Purpose

The Democratic Socialist Republic of Sri Lanka ratified the Maritime Labour Convention, 2006 (MLC, 2006) on 12th January 2017. Annexure 1 to this notice declare the DMLC part 1 and format of the DMLC part II which have to be used in the Inspection and Certification process to implement the MLC, 2006, which governs maritime labor conditions and sets minimum standards for the working and living conditions of seafarers on board ships as applicable. The approved Recognized Organizations (ROs), to carry out inspections and issue certificates under the MLC, 2006 on behalf of the Democratic Socialist Republic of Sri Lanka.

2. Applicability

2.1 Unless expressly provided that this notice applies to all Sri Lankan-flagged ships of 500 GT or over that are engaged in international voyages or ships of 500 GT or over that operate between a port or place of another country.

3. Requirements

3.1 Application of the Maritime Labour Convention, 2006

All ships of 500 gross tons or more to which the MLC, 2006 applies, engaged in international voyages or operating from a port, or between ports, in another country must be certified for compliance with the 16 areas of the MLC, 2006 which are subject to mandatory inspection. The working and living conditions of seafarers must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.3, paragraph 1. The 16 areas are set out in Appendix A5-I of the MLC, 2006, as amended in 2014.

3.2 A copy of the MLC, 2006 must be maintained on board the ship and made available to all seafarers.

Issued on 14th February 2020

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DIRECTOR GENERAL OF MERCHANT SHIPPING

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Maritime Labour Convention 2006

Declaration of Maritime Labour Compliance-Part I

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

Issued under the authority of: Director General of Merchant Shipping Office of Merchant Shipping of Government of Sri Lanka. For voluntary compliance of the requirements of MLC 2006.

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

Name of the Vessel	IMO Number	Gross Tonnage

Is maintained in accordance with standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements as per the Annexes from 2 to 7 of the Merchant Shipping Notice MSN 01 of 2013 dated 25th June 2013 and MSN 32 of 2016 dated 22nd December 2016 referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided under the corresponding national requirement listed below in the section provided for this purpose below (Strike out the statement which is not applicable).
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1.Minimum age (Regulation 1.1)	1. The minimum age for any seafarer to be employed, engaged or work onboard Sri Lanka - registered ship is 18years.
2.Medical Certification (Regulation 1.2)	<ol style="list-style-type: none"> 1. Ship owners shall ensure that, prior to beginning work on a ship; any seafarer employed holds a valid medical fitness certificate attesting that the seafarer is medically fit to perform the duties they are to carry out on board the ship. 2. Medical fitness certificates to seafarers are to be issued in accordance with provisions of section A-I/9 and guidelines in B-I/9 of the revised STCW Code as updated from time to time on DGMS website: www.dgshipping.gov.lk 3. The Director General Of Merchant Shipping accepts valid medical fitness certificate issued by the following: <ol style="list-style-type: none"> a) A medical practitioner recognized by a MLC State Party and familiar with guidelines for conducting pre-sea and periodical medical fitness examinations for seafarers published by IMO, ILO or WHO; or b) A medical practitioner recognized by a STCW State Party on the "STCW White List" (see IMO document MSC.1/Circ.1163/Rev.4 dated 8 June 2009, as updated from time to time); or c) Registered medical practitioners licensed to practice in Sri Lanka and familiar with guidelines for conducting pre-sea and periodical medical fitness examinations for seafarers published by IMO, ILO or WHO. d) A medical practitioner whose medical certifications are accepted by the Director General of Merchant Shipping – Sri Lanka. 4. The maximum validity for medical fitness certificate is two years; the maximum validity for color vision is six years. 5. The nature of the medical examination is to be in accordance with the ILO/ WHO Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/IMO/JMS/2011/12), including any subsequent versions. Medical certificate format is specified in MSN 01/2014
3.Qualifications of Seafarers (Regulation 1.3)	<ol style="list-style-type: none"> 1. All seafarers working on board any ship shall be trained or certified as competent or otherwise qualified to perform their Duties. 2. All seafarers prior to commencement of work on board any ship shall successfully complete trainings for Personal safety on board ship.

	<p>3. Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization, including the STCW Convention, is considered as meeting the requirements of paragraphs 1 and 2 above.</p>
<p>4. Seafarers' employment agreements(Regulation2.1)</p>	<ol style="list-style-type: none"> 1. Prior to commencing work on board any ship, every seafarer shall have a seafarer's employment agreement Signed by both the seafarer and the ship owner or a Representative of the ship owner. The ship owner and the seafarer concerned shall each have assigned Original of the seafarer's employment agreement. Where the language of the SEA and any applicable CBA is not in English, the copies of standard form of Agreement and applicable CBA shall be available in English. 2. All seafarers shall have the opportunity to examine and seek advice on the terms and conditions in their seafarers' employment agreement including any collective bargaining agreement that forms all or part of it before signing. 3. Ship-owners shall ensure that clear information on the conditions of employment, including a copy of the seafarers' employment agreement and any applicable CBA are easily obtain able on board by seafarers, and Accessible for review by authorized officers of a competent authority, including those in ports to be visited. 4. Ship-owners shall ensure that all seafarers are given a document containing a record of their employment on board the ship (such as an appropriate "Seaman's Discharge Book"), and that this document shall not contain any information on the quality of the seafarer's work or their wages. 5. Relevant conditions and the format of the seafarers' employment agreement, prescribed by the Director General Of Merchant Shipping is given in Annex 6 to MSN of 01/ 2013, as updated from time to time on DGMS website: www.dgshipping.gov.lk 6. The minimum notice period to be given by the seafarers or the ship owners for early termination of seafarers employment agreements shall not be less than 7 days, A notice period shorter than 7 days may be given for compassionate or other urgent reasons 7. Any collective bargaining, agreement if in corporate as part or full of a seafarers' employment agreement where appropriate shall be in accordance with national laws, and shall in all cases contain the particulars specified in "standard A2.1/4 of the MLC 2006 convention

<p>5. Use of any licensed or certified or regulated private recruitment and placement service. (Regulation 1.4)</p>	<ol style="list-style-type: none"> 1. "Seafarer recruitment and placement service" refers to any person, company, institution, agency or other organization which is engaged in recruiting seafarers On behalf of ship owners or placing seafarers with Third party ship-owners. 2. All seafarer recruitment and placement services based in Sri Lanka shall apply for and attain approval from the Director General of Merchant Shipping Sri Lanka to provide seafarer recruitment and placement services, and shall only operate in accordance with requirements under national regulations & MLC 2006. <p>Services based in MLC State Parties</p> <ol style="list-style-type: none"> 3. Seafarer recruitment agencies based in and licensed by State Parties to the MLC 2006 are recognized by the Director General of Merchant Shipping Sri Lanka. 4. Ship-owners shall ensure that when using seafarer recruitment and placement services located in countries not party to the MLC 2006, such services are, as far as practicable, consistent with the requirements of the MLC 2006. <p>Services based in non-MLC State Parties</p> <ol style="list-style-type: none"> 5. Ship-owners may engage any of the Director General of Merchant Shipping recognized Organizations (appointed and authorized by the DGMS) to audit seafarer recruitment and placement services located in countries not party to the MLC 2006. Ship owners may engage seafarer recruitment and placement service already audited by any of the recognized Organizations. Ship owners are required to ensure that such services are consistent with the requirements of the MLC 2006.
<p>6.Hours of work or rest (Regulations 2.3)</p>	<ol style="list-style-type: none"> 1. The administration has adopted the minimum hours of rest standard. However with prior notice to the administration, ship owner may choose to apply the maximum hours of work standard, but shall not implement both on the same vessel. 2. Ship owners shall ensure that every seafarer on board is entitled to hours of rest, as stipulated in Annex 7 of MSN of 01/2013 3. "Hours of rest" means a period during which the seafarer is free to dispose of his time and movements. Meal breaks or short breaks of less than 01 hour taken during hours of works hall not be considered as "hours of rest". 4. Ship owners are recommended to use the model Format for recording daily hours of work/ rest and ship Board working arrangement as specified in the annex7 of MSN 01/2013 Ship owners may use their own

	formats which shall contain at minimum the same information fields as found in the IMO/ ILO guidelines for the development of the tables of shipboard working arrangement and hours of work/rest.
7.Manning levels for the ships (Regulation 2.7)	<ol style="list-style-type: none"> 1. Ship owners shall ensure compliance with the Minimum Safe Manning Document issued by the Director General of Merchant Shipping Sri Lanka. 2. of Merchant Shipping Sri Lanka.
8.Accommodation (Regulation 3.1)	<ol style="list-style-type: none"> 1. Decent accommodations and recreational facilities should be provided for seafarers working or living on-board or both, consistent with promoting the Seafarers health and well-being. 2. Ships constructed on or after the date the MLC 2006 comes into force shall comply with the requirements of MLC 2006. 3. Ships constructed before the date when the MLC 2006 comes into force shall comply with the requirements of accommodation crew convention (revised), 1949 (No92) and the accommodation of crews (supplementary provisions) convention 1970 (No133) if applicable. 4. All other ships which are not covered under paragraph 2 and 3 above, shall comply with the minimum requirements specified in Annex 2 of MSN 01/2013
9.On/board recreational facilities (Regulation 3.1)	<ol style="list-style-type: none"> 1. Ships constructed on or after the date the MLC 2006 comes into force shall comply with the requirements of MLC 2006. 2. Ships constructed before the date when the MLC 2006 comes into force shall comply with the requirements of accommodation crew convention (revised), 1949 (No92) and the accommodation of crews (supplementary provisions) convention 1970 (No133) if applicable 3. Without prejudice to the requirements of the MLC, and taking into consideration the guidelines in Part B, the ship-owner should as a basic requirement provide equipment & facilities prescribed in Annex 2 of MSN 01/2013
10.Food and catering (Regulation 3.2)	<ol style="list-style-type: none"> 1. Ship-owners shall provide and maintain the following minimum standards for food and catering on board ships; <ol style="list-style-type: none"> a) The provision of food and drinking water shall be of appropriate quality, nutritional value, quantity and variety. The provision of food and drinking water shall also take into account the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the ship's voyage. b) The organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals

	<p>prepared and served in hygienic conditions.</p> <p>c) The catering staff shall be properly trained or instructed for their positions as specified in Annex3 to MSN 01/2013</p> <p>2. Ship-owners shall provide seafarers on board with food and drinking water free of charge during the period of engagement.</p> <p>3. Ship-owners shall ensure that seafarers, who are engaged as ships' cooks are trained, qualified and found competent in accordance with the requirements specified in Annex 3 to MSN 01/2013.</p> <p>4. Documented inspections, by or under authority of the master and at intervals not exceeding 7 days, shall be carried out on board as specified in Annex 3 of MSN 01/2013</p>
<p>11.Health and Safety and accident prevention (Regulation 4.3)</p>	<p>1. Ship-owners shall adopt, implement and promote occupational safety and health policies and programs on board ships, including risk evaluation as well as training and instruction of seafarers.</p> <p>2. Ship-owners shall provide and ensure reasonable Precautions to prevent occupational accidents, injuries and diseases on board, 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 diseases that may arise from the use of equipment and machinery on board ships.</p> <p>3. Ship-owners shall ensure that on-board programs for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, take into account preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.</p> <p>4. The ship-owner or the master of the ship are required to report and investigate occupational accidents, injuries and diseases on board ships, and to also unsafe conditions. Reporting and investigation of occupational safety and health matters shall be designed to ensure the protection of seafarers' personal data.</p> <p>5. Ship-owners shall 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 policies and programs. Ship owners shall also specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee to be held on</p>

	board at least once a month. Such a committee shall be established on board a ship on which there are five or more seafarers.
12. On-board medical care (Regulation 4.1)	<ol style="list-style-type: none"> Ship-owners shall ensure that: <ol style="list-style-type: none"> There are measures for seafarers to be given prompt and adequate medical care (including dental care) and occupational health protection relevant to their duties on board the ship; as specified in Annex 4 of MSN 01/2013 Seafarers have the right to visit a doctor or dentist without delay in ports of call, where practicable; Medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided at no cost to the seafarer; and There are measures for medical care to be of preventive character such as health promotion and education programs. The format of the medical fitness report form prescribed by the Director General Of Merchant Shipping Sri Lanka is contained in Annex 4 of MSN 01/2013
13. Onboard Complaint Procedure (Regulation 5.1.5)	<ol style="list-style-type: none"> Ship-owners shall ensure that all ships have the on board complaint procedures, as prescribed by the Director General of merchant shipping, for the fair, Effective and expeditious handling of seafarer complaints. The on board complaint procedures, as prescribed by the Director General of merchant Shipping Sri Lanka, is contained in Annex 5 of 01/2013 Ship-owners shall ensure that all seafarers working On board have a copy of on board complaint procedure as prescribed by the Director General of Merchant Shipping Sri Lanka.
14. Payment of wages (Regulation 2.2)	<ol style="list-style-type: none"> Ship-owners shall ensure that payments due to Seafarers are paid at no greater than monthly intervals and in accordance with the seafarer employment agreement, and where applicable, any collective bargaining agreement. Ship-owners shall ensure that seafarers are given a monthly account of the payments due and that the account contains the minimum information fields as prescribed in MLC guideline B2.2 – and Annex 6 of MSN 01/2013

	<ol style="list-style-type: none"> 3. The rate of currency exchange shall not be un favorable to the seafarers. 4. Ship-owners shall take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependents' or legal beneficiaries. Measures to ensure that seafarers are able to transmit their earnings to their families include: <ol style="list-style-type: none"> a) A system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and b) A requirement that allotments should be remitted in Due time and directly to the person or persons nominated by the seafarers 5. Ship-owners shall ensure that transmissions of earnings by seafarers to an account/ accounts by the seafarer shall be provided at reasonable charge.
15. Financial security for repatriation (Regulation 2.5)	<ol style="list-style-type: none"> 1. Ship-owners shall ensure there is in force a contract of liability insurance with a P&I club or other financial security adequate to ensure that the ship-owner would meet any liabilities from his obligation to repatriate a seafarer under according to Regulation 2.5.2, Standard A2.5.2 and as specified in the MSN 32/2016 2. A copy of the certificate or other documentary evidence of financial security issued by a P&I club or financial security provider shall be posted in a conspicuous place on board and easily available to all the seafarers. If there is more than one financial security providers providing the cover, then the certificate or other documentary evidence of each provider shall be carried onboard and a copies shall be posted in a conspicuous place on board; as specified in the MSN 32/2016
16. Financial security relating to ship owners' liability (Regulation 4.2)	<ol style="list-style-type: none"> 1. Ship-owners' liability shall covers the requirements to provide financial security to assure compensation in the event of death or long-term disability of a seafarer due to occupational injury, illness or hazard and the adopted amendments shall include as specified in the MSN 32/2016; <ol style="list-style-type: none"> a) Financial security to ensure contractual compensation is paid in full and without delay, in accordance with the Seafarer's Employment Agreement. b) For long-term disability, an interim payment shall be provided, where the full compensation is difficult to assess. c) Seafarers shall receive a notification if the ship-owner's financial security is to be cancelled or terminated.

	<p>d) Financial security as a social security scheme, insurance or fund; determined by the member state in question in consultation with the ship-owners' and seafarers' organizations concerned.</p> <p>e) A copy of the certificate or other documentary evidence of financial security issued by a P&I club or financial security provider shall be posted in a conspicuous place on board and easily available to all the seafarers. If there is more than one financial security providers providing the cover, then the certificate or other documentary evidence of each provider shall be carried onboard and copies shall be posted in a conspicuous place on board.</p>
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Signature:

Date:

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

~~The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):~~

.....

.....

No equivalency has been granted

Signature:

Date:

Exemptions

(Note: Strike out the main statement which is not applicable)

~~The following exemptions granted by the competent authority as provided in Title 3 of the Convention are~~
~~noted:~~

No exemption has been granted.

Signature:

Date:

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 Certificate 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 (Regulation 1.1)	
2	Medical certification (Regulation 1.2)	
3	Qualifications of seafarers (Regulation 1.3)	
4	Seafarers' employment agreements (Regulation 2.1)	
5	Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)	
6	Hours of work or rest (Regulation 2.3)	
7	Manning levels for the ship (Regulation 2.7)	
8	Accommodation (Regulation 3.1)	
9	On-board recreational facilities (Regulation 3.1)	
10	Food and catering (Regulation 3.2)	
11	Health and safety and accident prevention (Regulation 4.3)	
12	On-board medical care (Regulation 4.1)	
13	On-board complaint procedures (Regulation 5.1.5)	
14	Payment of wages (Regulation 2.2)	
15	Financial security for repatriation (Regulation 2.5)	
16	Financial security relating to ship owners' liability (Regulation 4.2)	

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: 1

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Company address:

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Name of the authorized signatory:

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Title:

Signature of the authorized signatory:

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Date:

(Stamp or seal of the shipowner¹)

The above measures have been reviewed by (insert name of competent authority or duly recognized organization) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

.....

.....

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

¹ Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.