



**INTERNATIONAL SHIP REGISTRY OF GABON**  
COMMISSIONAIRE OF MARITIME AFFAIRS

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MARCIR: 01/2020

DATE: 07<sup>th</sup> JAN 2020

**To** : Owners/Operators, Masters, Flag State Surveyors, Recognized Organizations.

**Subject** : Gabon Flag Requirements for Maritime Labour Convention 2006

**PART A – GENERAL PROVISIONS**

**1. Purpose**

1. The purpose of this circular is to provide guidance to the Gabonese Maritime Administration on implementing the requirements of the Maritime Labour Convention (MLC), 2006, including the inspection and certification of ships flying the Gabonese flag.

**2. Application**

1. Except as expressly provided otherwise, this ISRG MLC 2006 Requirements where ISRG is 'International Ship Registry of Gabon' applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. These ISRG MLC 2006 Requirements does not apply to warships or naval auxiliaries.

1. The following ships shall be inspected and certified to be in compliance with the requirements of the convention and carry and maintain a Maritime Labour Certificate (ML Certificate) and the Declaration of Maritime Labour Compliance (DMLC) Parts I and II issued in English:

- i. Ships of 500 gross tonnage or over, engaged in international voyages;
- ii. Ships of 500 gross tonnage or over, operating from a port, or between ports, in another country; and
- iii. Other ships, as may be voluntarily requested by a shipowner.

2 Inspection and certification procedures for these ships are provided in Part F of this ISRG MLC 2006 Requirements.

3 The Convention allows for flexibility in implementation by providing for national determinations, substantial equivalencies, and exemptions and variations under certain provisions.



- 4 The requirements of Regulation 3.1, Accommodation and recreational facilities apply only to ships constructed on or after the date when the Convention enters into force. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction. For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to that date.
6. Except as expressly provided otherwise, this ISRG MLC 2006 Requirements applies to all seafarers on board Gabonese flagged ships to which the Maritime Labour Convention applies.
7. The MLC, 2006 recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the Convention should be regarded as seafarers. Recognizing that there is need for clarification on this subject to help to provide uniformity in the application in the rights and obligations provided by the Convention, the 94<sup>th</sup> (Maritime) Session of the International Labour Conference adopted Resolution VII, to assist Administrations in resolving any difficulties that may arise.
8. The Gabonese Maritime Administration will consider the following issues, as provided for in Resolution VII, in determining whether certain persons or category of persons are considered seafarers:
- a. the duration of the stay on board of the persons concerned;
  - b. the frequency of periods of work spent on board;
  - c. the location of the person's principal place of work;
  - d. the purpose of the person's work on board; and
  - e. the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.
9. The Gabonese Maritime Administration considers that the following persons will not generally be considered as seafarers for the purpose of the MLC, 2006:
- a. Professional Pilots;
  - b. Port Workers;
  - c. Guest entertainers;
  - d. Ship Inspectors/Surveyors;
  - e. Ship Superintendents;
  - f. Repair and maintenance technicians; and



g. Technical personnel in platforms or MODU (Mobile Offshore Drilling Units)

10. For the purposes of this ISRG MLC 2006, and with regards to offshore drilling platforms or MODUs, persons who, due to their training and qualifications are covered by the regulations of the STCW Convention, shall be considered as Seafarers.

## Definitions

1. For the purposes of these ISRG MLC 2006 Requirements, unless the context otherwise requires:

1 “**the Convention**” means the Maritime Labour Convention, 2006 adopted by the International Labour Organization;

2 “**the competent authority**” means International Ships Register of Gabon (ISRG);

3 “**Declaration of Maritime Labour Compliance (DMLC)**” Document which states the national laws and regulations implementing the requirements of ML Convention for the working and living conditions for seafarers (Part I) and the measures put in place by the ship owner to ensure ongoing compliance with the requirements and the measures proposed to ensure that there is continuous improvement, on the ship concerned (Part II). Part I is drawn up by the Administration and Part II is drawn up by the shipowner ;

4 “**International Voyage**” A voyage from a country to a port outside such a country.

5 “**Recognized Organization (RO)**” An organization that meets MLC, 2006, A5.1.2 and has been authorized by ISRG to carry out maritime labour inspections or to issue ML Certificates or to do both on Gabonese ships.

6 “**foreign ship**” means a ship that is flying the flag of a country other than Gabon;

7 “**Maritime Labour Certificate**” means the certificate issued by ISRG, certifying that work and conditions of Seafarers aboard Ships with Gabonese flag comply with the provisions of these ISRG MLC 2006 Requirements.

8 “**seafarer**” means any person who is employed or engaged or works in any capacity on board a ship;

9 “**Cadet**” means any candidate for merchant marine officer, whose training program includes the development of academic and professional competences, as well as education in behaviour and attitudes under observance and faithful compliance of the existing rules and regulations.

10 “**seafarers’ employment agreement**” means any contract of employment for seafarers ; adopted by ISRG.

11 “**seafarer recruitment and placement service**” means any person, company, institution, agency or other organization, which is engaged in recruiting seafarers on behalf of shipowners



or placing seafarers with shipowners;

12 “**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;

13 “**New Ship**” A ship constructed on or after the date that MLC, 2006 enters into force. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

14 “**Existing Ship**” A ship constructed before the date that MLC, 2006 enters into force.

15 “**Gross Tonnage**” It is the gross tonnage calculated pursuant to the regulations concerning tonnage contained in the International Convention on Tonnage Measurement of Ships, 1969 or any convention

16 “**MODU**” Mobile Offshore Drilling Units.

17 “**IMO**” International Maritime Organization.

18 “**WHO**” World Health Organization.

19 “**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 the Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner;

20 “**STCW Convention**” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

2. Any determinations made by ISRG in the application of certain provision of these ISRG MLC 2006 Requirements to particular categories of the ship and particular category or categories of the persons, will be communicated by ISRG to the Director-General of the International Labour Office.

## **PART B Minimum Requirements for Seafarers to Work on a Ship**

### **1. Minimum Age**

1 The employment, engagement or work on board a ship of any person under the age of 16 is prohibited.

2 The employment, engagement or work of seafarers under the age of 18 is prohibited where the work is likely to jeopardize their health or safety.

3 Night work of seafarers under the age of 18 is prohibited subject to paragraph below. For the purposes of this provision, the term “night” covers the period between 9 p.m. and 6 a.m. or any other period that may be determined by ISRG of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.



4 An exception regarding night work may be made by ISRG in the following situations:

(a) when the effective training of the seafarers (Cadet) concerned, in accordance with established programs and schedules, would be impaired; or

(a) when the specific nature of the duty or a recognized training program requires that seafarers under the age of 18 perform duties at night and the authority determines, that the work will not be detrimental to their health or well-being.

5 No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.

## 2. Medical Certificate

1 Seafarers must hold a valid medical certificate attesting that they are medically fit to perform the duties that they are to carry out at sea. The medical certificate must have been issued prior to commencing work on a ship.

2 A valid medical certificate issued to a seafarer in accordance with the requirements of the STCW Convention will be considered as meeting the requirements of paragraph 1 above.

3 A medical certificate:

(a) must be issued by a duly qualified medical practitioner recognized by ISRG for the purposes of issuing seafarers' medical certificates or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. In order to be recognized, practitioners must enjoy full professional independence in exercising their medical judgment in undertaking medical examination procedures

(b) must state that:

(i) the hearing and sight of the seafarer, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and

(ii) the seafarer is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

(a) a medical certificate shall be valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year;

(b) a certification of colour vision shall be valid for a maximum period of six years.

4 In urgent cases ISRG may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:



(a) the period of such permission does not exceed three months; and

(b) the seafarer concerned is in possession of an expired medical certificate of recent date.

5 If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.

6 Medical certificates for seafarers working on ships ordinarily engaged on international voyages must, as a minimum, be provided in English.

### 3. Training and Qualifications

1 Seafarers must be trained or certified as competent or otherwise qualified to perform their duties.

2 All seafarers shall successfully complete training for personal safety on board ship, as well as any other requirements or conditions of international rules and conventions and national legislation in force.

3 Training and certification in accordance with the STCW Convention or other mandatory instruments adopted by the International Maritime Organization shall be considered as meeting the requirements in paragraph 3.1.

### 4. Recruitment and placement

1. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer, any contrary action against this provision shall result in the cancellation of the operations license issued by the competent Authority, as the case may be. Any public seafarer recruitment and placement service that may be operated in Gabon, shall be operated in an orderly manner that protects and promotes seafarers' employment rights as provided in the Maritime Labour Convention.

2. Any private seafarer recruitment and placement services operating in Gabon, whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, shall be operated only in conformity with the ISRG MLC 2006 Requirements. In the event of doubt as to whether these ISRG MLC 2006 Requirements applies to a private recruitment and placement service, the question shall be determined by the ISRG.

3. The Competent Authority shall supervise and control all seafarer recruitment and placement services operating in the territory of Gabon. Any licenses or certificates or similar authorizations for the operation of private services in the territory may be granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of these ISRG MLC 2006 Requirements.

4. The Competent Authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services.



5. A shipowner that makes use of a service based in a country that has not ratified the Convention must provide information to the competent authority regarding the regulation of the service to ensure that it is operated in conformity with the standards required by these ISRG MLC 2006 Requirements.

6. Private seafarer recruitment and placement services that operate in Gabon must be operated in accordance with the following requirements:

- (a) any means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified are prohibited;
- (b) no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers may be borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarers book and a passport or other similar personal travel documents, not including, however, the cost of visas, which must be borne by the shipowner;
- (c) an up-to-date register of all seafarers recruited or placed through them, must be maintained and available for inspection by the competent authority; in particular, information regarding but not be limited to:
  - (i) the seafarers' qualifications;
  - (ii) record of employment;
  - (iii) personal data relevant to employment; and
  - (iv) medical data relevant to employment;
- (d) seafarers must be informed of their rights and duties under their employment agreements prior to or in the process of engagement and proper arrangements must be made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
- (e) seafarers recruited or placed must be qualified and hold the documents necessary for the job concerned, and the seafarers' employment agreements must be in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;
- (f) the services must make sure as far as practicable that shipowners have the means to protect seafarers from being stranded in a foreign port;
- (i) the services must maintain up-to-date lists of the ships for which they provide seafarers, ensuring that there is a means by which the service can be contacted in an emergency at all hours;



**PART C      Conditions of employment**

1.    Seafarers' employment agreements

1 Seafarers working on board a ship flying the Gabonese flag must have a clear written legally enforceable agreement, referred to in these ISRG MLC 2006 Requirements as a seafarers' employment agreement (see annex V), which must be signed by both the seafarer and the shipowner or a representative of the shipowner and must provide them with decent working and living conditions on board the ship as required by these ISRG MLC 2006 Requirements.

2 Seafarers must be given an opportunity to examine and seek advice on the seafarers' employment agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities. The shipowner and seafarer concerned must each have a signed original of the seafarers' employment agreement.

3 Shipowners must ensure that clear information as to the conditions of employment can be easily obtained on board by the seafarers concerned, including the ship's master, and that such information, including a copy of the seafarers' employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited.

4 To the extent compatible with applicable law and practice, seafarers' employment agreements shall be understood to incorporate any applicable collective bargaining agreements.

5 Where a collective bargaining agreement forms all or part of a seafarers' employment agreement, a copy of that agreement must be available on board. Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following must also be available in English:

- (a) a copy of a standard form of the agreement;
- (b) the portions of the collective bargaining agreement that are subject to a port State inspection under the Convention.

6 Seafarers' employment agreements shall in all cases contain the following particulars:

- (a) the seafarer's full name, date of birth or age, and birthplace;
- (b) the shipowner's name and address;
- (c) the place where and date when the seafarers' employment agreement is entered into;
- (d) the capacity in which the seafarer is to be employed;
- (e) the amount of the seafarer's wages or the formula used for calculating it, including the type of currency;
- (f) the amount of paid annual leave or the formula used for calculating it;
- (g) the termination of the agreement and the conditions thereof, including:





(i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;

(ii) if the agreement has been made for a definite period, the date fixed for its expiry; and

(iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;

(h) the health and social security protection benefit to be provided to the seafarer by the shipowner,

(i) the seafarer's entitlement to repatriation;

(j) a reference to the collective bargaining agreement, if applicable; and

(k) any other particulars which the competent authority may require to be included.

7 The minimum notice period to be given by the seafarers and shipowners for the early termination of a seafarers' employment agreement shall not be less than fifteen (15) days.

8 A notice period shorter than the minimum may be given by the seafarer, without penalty, for compassionate or urgent reasons or in other circumstances that are recognized under employment law or practices or in applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice.

9 Seafarers must be given a document containing a record of their employment on board the ship. The document must not contain any statement as to the quality of the seafarers' work or as to their wages. The document must contain sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion. A seafarers' discharge book may satisfy this requirement.

## **2. Wages**

1. Seafarers must be paid at no greater than monthly intervals and in accordance with their seafarers' employment agreement and any applicable collective agreement.

2. Seafarers must be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

3. Shipowners must establish 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, all or proportion of their wages for remittance at regular intervals and in due time and directly to the person or persons nominated by the seafarers.

4. Any charge for the service under paragraph 3 above shall be reasonable in amount, and the rate



of currency exchange, unless otherwise provided, shall be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

### **3. Hours of work and hours of rest**

1 For the purpose of these resolution, the term:

(a) “hours of work” means time during which seafarers are required to do work on account of the ship;

(b) “hours of rest” means time outside hours of work; this term does not include short breaks of one hour or less or a break for a meal.

2 In accordance with these provisions, a maximum number of hours of work and minimum number of hours of rest shall be observed for seafarers.

3 The normal working hours’ standard for seafarers is based on an eight-hour day with one day of rest per week and rest on public holidays. The competent authority may authorize a collective agreement which determines seafarers’ normal working hours on a basis no less favourable than the paragraphs below.

4 The maximum hours of work shall be 14 hours in any 24-hour period and 72 hours in any seven-day period and minimum hours of rest shall be ten hours in any 24-hour period and 77 hours in any seven-day period. Taking into account the dangers posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship.

5 Hours of rest may be divided into no more than two periods, one of which must be at least six hours in length, and the interval between consecutive periods of rest must not exceed 14 hours.

6 Musters, firefighting and lifeboat drills, and mandatory drills, must be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

7 When a seafarer is on call, such as when a machinery space is unattended, the seafarer must have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

8 If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraph 3.6 or 3.7 are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

9 A table with the shipboard working arrangements must be posted in an easily accessible place on-board the ship. The table must contain for every position at least:

(a) the schedule of service at sea and service in port; and

(b) the maximum hours of work and minimum hours of rest required under paragraph 3.4 above.



10 This table must be at least in the form of Annex VII of these ISRG MLC 2006 Requirements, table approved by ISRG and in the working language or languages of the ship and in English.

11 Shipowners must maintain records of seafarers' daily hours of work or of their daily hours of rest in accordance with the form required under paragraph 10 above. Each seafarer shall receive a copy of the record pertaining to her or him which must be endorsed by the master, or a person authorized by the master, and by the seafarer.

12 The competent authority may authorize or register collective agreements permitting exceptions to the limits set out. Any exceptions shall, as far as possible, follow the standards set out in these ISRG MLC 2006 Requirements.

13 Nothing in the preceding paragraphs shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

14 The master may interrupt and suspend Seafarers' rest hours if necessary, in order to:

- a. Guarantee the immediate safety of the vessel, the persons on board, or the cargo, or to aid other vessels or persons that are in danger at sea, until normality has been restored.
- b. Carry out periodic exercises such as fire-fighting, rescue or abandonment, or others imposed by national and international rules; these must be carried out in a manner that disrupts rest hours as little as possible and do not cause fatigue.
- c. Carry out imperative operational tasks that are necessary and that cannot be postponed for safety or environmental reasons, or which were not possible to foresee at the start of the voyage.

15 After normality has been restored, the Master must ensure that an adequate compensatory rest period is granted to every Seafarer that worked during his/her rest hours.

#### **4. Entitlement to leave**

1 All seafarers shall be granted shore leave to benefit their health and wellbeing, whenever and wherever possible and with the operational requirements of their positions.

2 All seafarers shall receive annual leave with pay calculated on the basis of a minimum of 2.5 calendar days per month of employment.

3 Justified absences from work shall not be considered as annual leave.

.1 Any absence from work to attend an approved maritime vocational training course or for such reasons as illness or injury or for maternity should be counted as part of the period of service.

.2 The following are not to be counted as part of annual leave with pay:



- (a) public and customary holidays, whether or not they fall during the annual leave with pay;
- (b) periods of incapacity for work resulting from illness or injury or from maternity;
- (c) temporary shore leave granted to a seafarer while under an employment agreement;
- (d) compensatory leave of any kind.
- (e) time spent awaiting repatriation and repatriation travel time.

4 Any agreement which provides that seafarers agree in advance to forego annual leave in return for pay shall be prohibited, except in cases provided by ISRG.

5 A seafarer taking annual leave should be recalled only in cases of extreme emergency and with the seafarers consent.

## **5. Repatriation**

1 All Seafarers shall be entitled to repatriation, at no cost to themselves in the following circumstances:

- (a) if the seafarers' employment agreement expires while they are abroad;
- (b) when the seafarers' employment agreement is terminated:
  - (i) by the shipowner; or
  - (ii) by the seafarer for justified reasons;

2 The following cases where the seafarers employment agreement is terminated:

- (a) illness or injury or other medical condition which requires the seafarer's repatriation when found medically fit to travel;
- (b) shipwreck;
- (c) the shipowner not being able to continue to fulfil their legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;
- (d) the ship being bound for a war zone to which the seafarer does not consent to go; and termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

3 The cost for repatriation to the destination selected shall be borne by the shipowner.



- 4 Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave accrued to the seafarers.
- 5 All ships that fly the flag of Gabon must provide the competent authority with evidence of financial security to ensure that seafarers are duly repatriated.
- 6 Shipowners are responsible for repatriation arrangements by appropriate and expeditious means. The normal mode of transport is by air. Seafarers have the right to be repatriated, at their choice to one of the following destinations with which the seafarers have a substantial connection:
- (a) the place at which the seafarer agreed to enter into the engagement;
  - (b) the place stipulated by collective agreement;
  - (c) the seafarer's country of residence; or
  - (d) such other place as may be mutually agreed at the time of engagement.
- 7 The provisions in these ISRG MLC 2006 Requirements are without prejudice to any right of the shipowner to recover the cost of repatriation under third-party contractual arrangements.
- 8 If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers:
- (a) the competent authority will arrange for repatriation of the seafarers concerned;
  - (b) costs incurred in repatriating seafarers shall be recoverable from the shipowner concerned;
  - (c) the expenses of repatriation shall in no case be a charge upon the seafarers.
- 9 A copy of the present provisions regarding repatriation written in an appropriate language must be carried on board a ship that flies the flag of Gabon (Annex VI) and must be available to seafarers.
- 10 A Seafarer loses the right to be repatriated in the event of:
- (a) Voluntary and permanent abandonment of the vessel without the Shipowner's authorization.
  - (b) The Seafarer entering into a new employment agreement with the same Shipowner, after his/her disembarking.
  - (c) The Seafarer entering into a new employment agreement with a different Shipowner, within a week following of its disembarking.
  - (d) The Seafarer not claiming his/her right to be repatriated within a week following the time when he/she is entitled to be repatriated.



**6. Seafarer compensation for the ship's loss or foundering**

1 The shipowner shall provide for adequate compensation to each seafarer in the case of unemployment arising from the ship's loss or foundering, which should be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement but the total compensation payable to any seafarer may be limited to two (2) months wages or as agreed in any applicable collective bargaining agreement.

2 Shipowners shall provide adequate compensation for losses or injuries arising from a ship's loss or foundering.

**7. Manning levels**

1 All ships flying the Gabonese flag shall require on board a sufficient number of seafarers to ensure that they operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to:

(a) ensure the safety and security of the ship and its personnel, under all operating conditions in accordance with a safe manning certificate issued by ISRG, and in accordance with the rules of the SOLAS Convention

(b) comply with the standards provided for in these ISRG MLC 2006 Requirements.

2 ISRG shall determine or approve or revise manning levels taking into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue.

3 Shipowners shall ensure that there are adequate seafarers for food preparation and medical care on board the ship.

4 Shipowners shall ensure that through the shipboard table of working arrangements, the minimum safe manning requirements are being implemented.

**8. Career and skill development and opportunities for seafarers' employment**

1 The competent authority shall have national policies to promote employment in the maritime sector and to encourage career and skill development and employment opportunities for seafarers domiciled in Gabon, in order to provide the maritime sector with a stable and competent workforce.

**PART D Accommodation, recreational facilities, food and catering**

**1. Accommodation and recreational facilities**

1 Ships must provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being.

2 The requirements of these ISRG MLC 2006 Requirements which relate to ship construction and equipment apply only to ships constructed on or after the date the Convention on Maritime



Labour, 2006 entered into force.

3 For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92); shall continue to apply to the extent that they were applicable, prior to that date.

4 For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to that date.

5 For the purposes of the provision of this Part, it shall be deemed that the ship was constructed on the date on which its keel was installed, or the date on which the ship was in a similar stage of construction.

6 Ships must:

(a) meet the minimum standards for on-board accommodation and recreational facilities in these ISRG MLC 2006 Requirements, including the provisions on health and safety protection and accident prevention, to ensure that any accommodation for seafarers, working or living on board, or both, is safe, decent in light of the specific needs of seafarers that both live and work on board ship.

(b) be inspected in accordance with the provisions in Part F, Section 5 below and paragraph 7 below to ensure initial and ongoing compliance with those standards.

7 Frequent inspections must be carried out on board ships by, or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair. The results of each such inspection must be recorded and be available for review of the Competent Authority and the Port State.

8 ISRG may exempt ships of less than 200 gross tonnage from certain requirements as specified below in paragraphs 1.10 (b), 1.13 (a) (c), 1.16 (d) (j) of this Part, provided that all of the following conditions are met:

(a) the exemption must be expressly permitted below with respect to the requirement concerned;

(b) the exemption must be reasonable, taking account of the size of the ship and the number of persons on board;

(c) the exemption can be clearly justified on strong grounds due to particular circumstances; and

(d) the exemption is subject to the need to protect the seafarers' health and safety.

9 Accommodations:

(a) All seafarers accommodations must have sufficient headroom. The minimum



permitted headroom where full and free movement is necessary shall be not less than 203 centimeters; the competent authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:

- (i) is reasonable; and
  - (ii) will not result in discomfort to the seafarers;
- (b) the accommodation shall be adequately insulated;
- (c) in ships other than passenger ships, as defined in Regulation 2(e) and (f) of the International Convention for the Safety of Life at Sea, 1974, as amended (the SOLAS Convention), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;
- (d) in passenger ships, and in special ships constructed in compliance with the IMO Code of Safety for Special Purpose Ships, 1983, and subsequent versions (hereinafter called “special purpose ships”), the competent authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;
- (e) there shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight;
- (f) the materials used to construct internal bulkheads, panelling and sheeting, floors and joining must be suitable for the purpose and conducive to ensuring a healthy environment;
- (g) proper lighting and sufficient drainage must be provided; and
- (h) accommodation and recreational and catering facilities must meet the requirements set out below in Part E, Section 3, on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers.

#### 10 Ventilation and heating

- (a) sleeping rooms and mess rooms must be adequately ventilated; the system of ventilation for sleeping rooms and mess rooms must be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air circulation in any atmospheric and weather condition.
- (b) ships, except those regularly engaged in trade where temperate climatic conditions do not require this, must be equipped with air conditioning for seafarer accommodation, for any





separate radio room and for any centralized machinery control room;

(c) all sanitary spaces must have ventilation to the open air, independently of any other part of the accommodation;

(d) adequate heat through an appropriate heating system must be provided, except in ships exclusively on voyages in tropical climates;

11 With respect to requirements for lighting, subject to such special arrangements as may be permitted by the competent authority for passenger ships, sleeping rooms and mess rooms must be lit by natural light and provided with adequate artificial light.

12 Sleeping rooms:

(a) in ships other than passenger ships, an individual sleeping room must be provided for each seafarer; in the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by ISRG;

(b) Subject to the minimum floor area requirements set out below in paragraph 13:

(i) on ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers;

(ii) on passenger ships, sleeping rooms may be occupied by a maximum of four seafarers not carrying out the duties of ships' officers;

(iii) on special purpose ships sleeping rooms may accommodate more than four persons;

(c) separate sleeping rooms must be provided for men and for women;

(d) sleeping rooms must be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness; accordingly:

(i) for each occupant, the furniture, which must be of smooth, hard material not liable to warp or corrode, must include a clothes locker of ample space (minimum 475 liters) and a drawer or equivalent space of not less than 56 liters; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker must be 500 liters; it must be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy;

(ii) each sleeping room must be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary;

(iii) sleeping rooms must be fitted with curtains or equivalent for the sidelights, as well as a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks;



- (e) berths must comply with the following provisions:
- (i) a separate berth for each seafarer must in all circumstances be provided;
  - (ii) the minimum inside dimensions of a berth must be at least 198 centimeters by 80 centimeters;
  - (iii) Berths must be appropriate for allowing accommodation in the most comfortable condition possible to Seafarers, eventually accompanied by their partners.
  - (iv) No more than two berths may be superimposed, in the event that these are placed along the vessel's side; they may not be superimposed if they are located under an aperture.
  - (v) In the event of superimposed berths, the lower berth must not be placed less than 30 centimeters from the floor; the upper berth must be placed approximately midway from the bottom of the lower berth and lower face of the deckhead beams.
  - (vi) The frame of every berth and the safety rail, if any, must be of an authorized material, hard and smooth, that does not easily corrode, and that is not likely to harbour vermin.
  - (vii) In the event that tubular frames are used for building the berths, the tubes must be hermetically sealed, and not have any perforations that could allow the access of vermin.
  - (viii) Each berth must have a comfortable mattress with a soft bottom or a mattress and box spring set. Both the mattress and the filling must be made with suitable materials.
  - (ix) Filling materials that are likely to harbour vermin shall not be used.
  - (x) When there are superimposed berths, a base that does not let dust through must be placed under the mattress or mattress-box spring of the upper berth.
  - (xi) Shipowners must provide Seafarers with clean and good-quality berth sheets to be used onboard while at the service of the vessel, and Seafarers must return them when so provided by the Master and at the end of their service on board.
- 13 Seafarers individual sleeping rooms.
- (a) in single berth seafarers' sleeping rooms the floor area must not be less than:
    - (i) 4.5 square meters in ships of less than 3,000 gross tonnage;
    - (ii) 5.5 square meters in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
    - (iii) 7 square meters in ships of 10,000 gross tonnage or over;



(b) in order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the competent authority may allow a reduced floor area;

(c) in ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, where sleeping rooms are occupied by two seafarers, the floor area of such sleeping rooms must not be less than 7 square meters;

(d) on passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers must not be less than:

(i) 7.5 square meters in rooms accommodating two persons;

(ii) 11.5 square meters in rooms accommodating three persons;

(iii) 14.5 square meters in rooms accommodating four persons;

(e) on special purpose ships sleeping rooms where more than four seafarers are accommodated, the floor area must not be less than 3.6 square meters per person;

(f) on ships other than passenger ships and special purpose ships, for seafarers who perform the duties of ships' officers where no private sitting room or day room is provided, the floor area per person must not be less than:

(i) 7.5 square meters in ships of less than 3,000 gross tonnage;

(ii) 8.5 square meters in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;

(iii) 10 square meters in ships of 10,000 gross tonnage or over;

(g) on passenger ships and special purpose ships, the floor area for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, the floor area per person for junior officers must not be less than 7.5 square meters and for senior officers not less than 8.5 square meters; junior officers are understood to be at the operational level, and senior officers at the management level;

(h) the master, the chief engineer and the chief navigating officer, and where practicable the second engineer officer, must have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by ISRG from this requirement.

14 Ships of less than 200 gross tonnage may, subject to the conditions set out in paragraph 8 above, be exempted from the requirements in subparagraphs (a) and (c) to of paragraph 1.13 in so far as those subparagraphs relate to floor area.

15 Mess rooms

(a) they must be separate from the sleeping rooms and as close as practicable to the galley; ships of less than 3,000 gross tonnage may be exempted by ISRG from this



requirement.

- (b) Mess room must be of adequate size and comfort and properly furnished and equipped, taking account of the number of seafarers likely to use them at any one time;
- (c) Vessels with a gross tonnage above 500 GT must have separate dining rooms for:
  - (i) The master and officers
  - (ii) The petty officers and other Seafarers.
- (d) ISRG shall evaluate which type of vessels, with regards to special circumstances, may be granted an exemption with regards to the separation of the mess rooms.
- (e) In non-passenger Ships, the mess rooms available for Seafarers shall not be less than 1.5 square meters per person for the number of intended posts.
- (f) In all vessels, mess rooms must be equipped with suitable tables and seats, fixed or mobile, enough to accommodate the largest possible number of Seafarers, likely to use them at the same time.
- (g) The surface of the tables and the seats must be of a damp-resistant material.

16 Sanitary facilities:

- (a) all seafarers must have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women;
- (b) there must be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control center; ships of less than 3,000 gross tonnage may be exempted by ISRG from this requirement;
- (c) in all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities must be provided at a convenient location;
- (d) with the exception of passenger ships, each sleeping room must be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided;
- (e) in passenger ships normally engaged on voyages of not more than four hours duration, the competent authority may approve special arrangements or a reduction in the number of facilities required;
- (f) hot and cold running fresh water must be available in all wash places;
- (g) All toilets must be provided with a strong water flush, or some other methods of



suitable discharge, that work at all times and are controlled independently.

(h) Sanitary facilities intended for use by more than one person must comply with the following:

- i. Floors must be made with an approved lasting material, impermeable to dampness and be provided with an adequate draining system;
- ii. Bulkheads must be of steel or any other material that has been authorized for use and be watertight to a height of at least 23 cm from the floor;
- iii. They must have sufficient lighting, heat and ventilation by means of direct communication with the free air; toilets must be placed in an easily accessible place from the sleeping rooms and from the bathrooms, but separate from them and not have any direct communication with either the sleeping rooms nor a corridor between the sleeping rooms and toilets that do not have any other access. However, this last provision must not apply to toilets located between sleeping rooms whose total number of occupants does not exceed four, and
- iv. When there are several toilets installed in a same place, they must be separated by partitioning walls that guarantee sufficient isolation.

(i) Shipowners must provide Seafarers with towels, soap and toilet paper.

(j) Shipowners must provide Seafarers with laundry services conveniently located and furnished that include:

- a. Washing machines.
- b. Drying machines or adequately heated and ventilated drying rooms.
- c. Irons and ironing boards or their equivalent.

## 17 Hospital Accommodation

(a) Ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration must provide separate hospital accommodation to be used exclusively for medical purposes.

(b) hospital accommodation must, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention; in particular:

- (i) it must be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases;
- (ii) the arrangement of the entrance, berths, lighting, ventilation, heating and water supply must be designed to ensure the comfort and facilitate the treatment of the occupants;



(c) The hospital should where practicable be provided with at least one bed for every 50 fractions of 50 seafarers carried on board.

(d) For ships engaged in coastal trade, separate hospital accommodation is not necessary, provided that a suitably appointed cabin is identified for use as a temporary hospital should the need arise.

18 Recreational Facilities.

(a) Shipowners must provide Seafarers with suitable recreational facilities, conveniences and services adapted to look after the specific needs of the Seafarers who must live and work in the ship, pursuant to the provisions regarding the protection of safety and health and the prevention of accidents.

(b) A Ship's recreational facilities must comply with the following requirements:

(i) Reserve on an open deck, a place or places sufficiently large to which Seafarers will have access to, when not in service.

(ii) Provide separate offices, or a common office for deck personnel and engine room personnel. ISRG may exempt Ships with a gross tonnage less than 3,000 GT from this requirement.

(iii) Include in the furniture at least a bookshelf and places for reading and writing.

(c) Whenever feasible, recreational facilities must have the following, free of charge to Seafarers:

(i) A smoking room

(ii) A place to watch television and listen to the radio.

(iii) The showing of films or videos, and the supply must be adequate for the duration of the voyage and be changed at reasonable intervals.

(iv) Sports equipment, including exercise equipment, table games, and deck games.

(v) Facilities for swimming.

(vi) A library with vocational and other types of books.

(vii) Means to carry out manual work of a recreational kind.

(viii) Electronic equipment such as radios, televisions, videos, DVD/CD players, personal computers and software programs, and cassette recorders.

(ix) Reasonable access to ship-to-shore telephone communications and e-mail and Internet facilities, where available at reasonable in amount.



- (d) ISRG shall authorize exemptions from the requirements on Recreational Facilities and only with regards to special circumstances, as long as each of the following conditions is fulfilled:
- (i) The exemption is expressly authorized by ISRG.
  - (ii) The exemption is reasonable, taking into account the size of the ship and the number of persons aboard.
  - (iii) The exemption can be clearly justified and supported by valid reasons.
  - (iv) The exemption is granted subject to the safety and health of Seafarers being protected.

## **2. Food and catering**

1 All Ships must provide Seafarers while onboard or during their employment period and free of charge, drinking water and food of suitable quality, variety, nutritional value and quantity, that adequately cover Seafarers' needs and take into consideration the different cultural and religious backgrounds, as well as the length and nature of the voyage.

2 The following minimum standards for food and catering apply:

- (a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, must be suitable in respect of quantity, nutritional value, quality and variety;
- (b) the organization and equipment of the catering department must be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions;
- (c) catering staff must be properly trained or instructed for their positions, and any seafarers engaged as ships' cooks must have completed a training course approved or recognized by ISRG, which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.

3 Seafarers shall only be qualified as ships' cooks if they:

- (a) have served at sea for a minimum period to be prescribed by ISRG, which could be varied to take into account existing relevant qualifications or experience;
- (b) have passed an examination prescribed by ISRG or passed an equivalent examination at an approved training course for cooks or hold a certificate of qualification as ships' cook issued by countries which have ratified the Maritime Labour Convention, 2006.

4 On ships operating with a prescribed manning of less than ten which, by virtue of the size of



the crew or the trading pattern, may not be required by ISRG to carry a fully qualified cook, anyone processing food in the galley must be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

5 In circumstances of exceptional necessity, ISRG may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

6 Frequent documented inspections must be carried out on board ships, by or under the authority of the master, with respect to:

- (a) supplies of food and drinking water;
- (b) all spaces and equipment used for the storage and handling of food and drinking water;
- (c) galley and other equipment for the preparation and service of meals.

7 The results of the inspections shall be recorded on board and available for review.

## **PART E Health protection, medical care, welfare and social security protection**

### **1. Medical care on board ship and ashore**

1 Shipowners must provide coverage by means of an insurance policy that guarantees health protection as well as rapid and adequate medical care to Seafarers while working on board. The insurance policy coverage must be for the whole duration of the Seafarers' employment agreement.

2 The protection and care under paragraph 1 must, in principle, be provided at no cost to the seafarers.

3 Shipowners must adopt measures to provide for health protection and medical care, including essential dental care, for seafarers working on board. These measures must:

- (a) 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 ship;
- (b) 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;
- (c) give seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;





- (d) 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
- (e) not be limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programs.
- 4 A standard medical report form, adopted by ISRG, 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' masters 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.
- 5 All ships should carry a complete and up-to-date list of radio stations through which medical advice can be obtained. If the ship is equipped with a system of satellite communication, the ship should also carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained.
- 6 The following minimum requirements for on-board hospital and medical care facilities and equipment and training on ships apply:
- (a) all ships must carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed and subject to regular inspection by the competent authority, 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. In particular:
- (i) 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 programs on occupational safety and health.
- (b) 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.
- (c) 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 or at least one seafarer on board competent to provide medical first aid;
- (d) persons in charge of medical care on board who are not medical doctors must have



satisfactorily completed training in medical care that meets 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 taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board and the medical training must be based on the contents of the most recent editions of the medical guides.

- 7 Persons in charge of medical care on board and other seafarers with medical assigned tasks shall undergo, at intervals not exceeding five (5) years intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up to date with new developments. Documentary evidence of this refresher training shall be maintained
- 8 Seafarers on board foreign ships in the territory of Gabon who are in need of immediate medical care will be given access to medical facilities on shore.

## **2. Shipowners' liability**

1 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 seafarer's employment agreement or arising from their employment under such agreement.

2 The right under paragraph 1 does not affect any other legal remedies that a seafarer may seek.

- 3 Where the sickness or injury results in incapacity for work the shipowner shall be liable:

- (a) To pay full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with this Convention; and

- (b) To pay one-third of the basic wages from the time when the seafarers are repatriated or landed until their recovery.

4 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 in the seafarers' employment agreement or any applicable collective agreement;

5 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:

- (a) 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 have recovered, or until the sickness or incapacity has been declared of a permanent character;

- (b) The limit the liability of the shipowner to defray the expense of medical care and



board and lodging to a period which shall not be less than 16 weeks, from the day of the injury or the commencement of the sickness.

(c) The seafarers' employment agreement or any applicable collective agreement shall contain the information on the shipowners' liability to defray these expenses.

(d) Shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or in the case of death occurring ashore, if at the time the seafarer was entitled to medical care and maintenance.

(e) The seafarers' employment agreement or any applicable collective agreement shall contain the information on the shipowners' liability to pay the cost of such burial expenses.

6 Shipowners are not liable in the following circumstances:

a) injury incurred otherwise than in the service of the ship;

b) injury or sickness which resulted from a wilful act, default or misconduct of the seafarer; injury or sickness which developed from a condition that was intentionally concealed from the shipowner (employer) at or prior to engagement under the seafarers employment agreement;

c) death due to a wilful act of the seafarer; death which developed directly from a condition that was intentionally concealed from the shipowner (employer) at or prior to his engagement under the seafarers' employment agreement;

d) if the seafarer refused medical treatment for such sickness or injury or was denied such treatment because of misconduct or default;

e) if at the time of engagement, the seafarer refused to be medically examined; or

f) if death was caused directly by war or an act of war, declared or undeclared. But this clause shall not apply if at the time of the act the vessel had entered a known zone of international hostility for the purpose of trade.

<sup>7</sup>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**

1 Shipowners shall adopt and effectively implement and promote an occupational safety and health policy on board their ships.

2 Shipowners shall take reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including measures to reduce and prevent the risk of exposure to harmful levels of noise and vibration and other 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.

3 Shipowners shall adopt, effectively implement and promote an occupational health and



safety program taking into account the ILO code of practice entitled „Accident prevention on board ship at sea and in port...“, the MSC-MEPC.2/Circ.3 entitled „Guidelines on the basic elements of a shipboard occupational health and safety program...“, the IMO Resolution A.884(21) entitled „Code for the investigation of marine casualties & incidents...“ or other international standards and guidelines and codes of practice for the following, but not limited to:

- (a) hazard identification and risk evaluation taking account of appropriate statistical information from the shipowners' fleet and general accident and casualty statistics provided by the Administration;
- (b) initial vessel orientation or familiarization, covering shipowners' safety policy, emergency procedures, access and egress, fire protection, job hazards, and information on hazardous materials before beginning work;
- (c) periodic health and safety training and instruction of seafarers , including bringing to their attention information concerning particular hazards, which may include audio-visual material, display of posters, articles and periodicals;
- (d) periodic safety inspections at least once every three (3) months or more frequently if there have been substantial changes in the conditions of work;
- (e) reporting and correcting hazardous conditions and unsafe practices;
- (f) investigation and reporting of on-board occupational accidents and injuries while ensuring the protection of seafarers' personal data;
- (g) prevention of occupational accidents, injuries and diseases on board ship, and for continuous improvement in occupational safety and health protection, involving 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 and procedures for collective and individual tasks, and the use of personal protective equipment;
- (h) fire-prevention and fire-fighting;
- (i) handling anchors, chains and mooring lines;
- (j) the effects of drugs and alcohol abuse and dependency;
- (k) responding to accidents and emergencies;
- (l) loading & unloading equipment;
- (m) working on deck, below deck and in machinery spaces;
- (n) work involving electrical equipment, working at heights/overside & in enclosed spaces;
- (o) safe access to ship;



- (p) safe movement about the ship;
  - (q) dangerous cargo & ballast;
  - (r) HIV/AIDS protection and prevention; and
- 4 Each ship with five or more seafarers shall establish a safety and health committee.
- 5 Safety and health committee meetings shall be held at least once every month.
- 6 Record keeping documenting the effectiveness of the health & safety program for as long as necessary in light of their intended use.
- 7 Shipowners shall ensure that the issues raised by the safety committee and safety inspections are addressed in a timely manner.
- 8 The occupational health and safety program in 3.3. above shall also specify:
- (a) The duties & responsibilities of the ship owner to comply with the safety and health policy and program;
  - (b) The duties & responsibilities of the master to comply with the safety and health policy and program;
  - (c) The duties & responsibilities 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 program;
  - (d) The duties & responsibilities of the seafarers to comply with the safety and health policy and program; and
  - (e) The authority of the appointed or elected safety representative to participate in meetings of the safety & health committee, to have access to all parts of the ship, to participate in investigation of accidents, incidents and near-misses, to have access to all necessary documentation, including investigation reports, past reports of safety & health committee meetings.

#### **4. Access to shore-based welfare facilities**

1 Seafarers shall be granted shore leave, taking due account of the operational requirements of their positions, to access shore based welfare facilities, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work.

#### **5. Social security**

1 MLC 2006, Regulation 4.5 requires that social security protection include at least three of the following branches: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors'



benefit, complementing the protection provided for under MLC Regulation 4.1, on Medical care on board ship and ashore and Regulation 4.2, on shipowners' liability and under other sections of these ISRG MLC 2006 Requirements.

2 Shipowners that employ seafarers on board their ships that are from a country or territory that is not a party to MLC, 2006, must ensure the seafarers are provided with the health and social security protection benefits required under MLC Regulation 4.5, as noted in 3.5.1 above.

3 The Convention provides for arrangements to be developed through bilateral or multilateral agreements or other arrangements, to ensure the maintenance of social security rights, provided through contributory or non-contributory schemes, which have been acquired, or are in the course of acquisition, by all seafarers regardless of residence.

## **PART F Compliance and Enforcement**

### **1. Flag State responsibilities**

#### **1.1. General principles**

1 ISRG shall carry out Flag inspections that allow it to verify that work and life conditions of Seafarers onboard ship that the Convention of Maritime Labour 2006 applies to, are being complied with.

2 When there is evidence that a ship is not complying with the rules contained in the ISRG MLC 2006 Requirements, the Competent Authority may order restrictions, condition its navigation or detain said ship until it receives satisfactory evidence that the deficiencies that caused the measures have been corrected.

3 Competent Authority may, where consider appropriate, authorize organizations to carry out inspections or to issue certificates or to do both.

4 Ships must have a copy of the Convention available on board.

#### **1.2. Authorization of recognized organizations**

1 ISRG may recognize organizations as competent and independent, for the purpose of carrying out inspections or certification of ships to determine compliance with the provisions of the ISRG MLC 2006 Requirements.

2 ISRG shall review the competency and independence of the organization concerned and determine whether the organization has demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred on it, that the organization:

- (a) has the necessary knowledge of the requirements of the Convention as well as of applicable national laws and regulations and relevant international instruments; and has the necessary expertise in the relevant aspects of the Convention 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;

(b) is of the appropriate size, structure, experience and capability commensurate with the type and degree of authorization; the organization seeking recognition must demonstrate the technical, administrative and managerial competence and capacity to ensure the provision of timely service of satisfactory quality; in this respect, the competent authority must determine whether the organization:

- (i) has adequate technical, managerial and support staff;
- (ii) has sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;
- (iii) has proven ability to provide a timely service of satisfactory quality;
- (iv) is independent and accountable in its operations;

(c) has 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.

3 ISRG will conclude a written agreement with any organization that it recognizes for purposes of an authorization. The agreement shall include the following elements:

- (a) scope of application;
- (b) purpose;
- (c) general conditions;
- (d) the execution of functions under authorization;
- (e) legal basis of the functions under authorization;
- (f) reporting to ISRG;
- (g) specification of the authorization from ISRG to the recognized organization; and
- (h) ISRG's supervision of activities delegated to the recognized organization.

### **1.3. Maritime labour certificate and declaration of maritime labour compliance**

1 This Section applies to every ship that flies the flag of Gabon and is:

- (a) 500 gross tonnage or over and engaged in international voyages;
- (b) 500 gross tonnage or over and operates from a port, or between ports, in a country other than Gabon.



(c) For the purpose of these paragraphs, “international voyage” means a voyage from a country to a port outside such a country.

2 Every ship to which this Section applies must carry and maintain a current valid maritime labour certificate issued to the ship by ISRG, or by a recognized organization duly authorized for this purpose, which shall complete the form for this certificate that is contained in the ISRG MLC 2006 Requirements, and affix to the form their signature and the seal or stamp of the issuing authority.

3 A declaration of maritime labour compliance must be attached to the maritime labour certificate. The declaration consists of two parts:

(a) Part I summarizes, in accordance with Standard A5.1.3, paragraph 10(a) of the Convention, the requirements of Gabon regulations implementing the requirements of the Convention regarding the working and living conditions of seafarers on ships; it is drawn up by ISRG using the form contained in Annex I;

(b) 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 Annex II and certified by a recognized organization duly authorized for this purpose;

4 A maritime labour certificate, complemented by a declaration of maritime labour compliance, constitutes prima facie evidence that the ship has been duly inspected and that the requirements of the Convention relating to working and living conditions of the seafarers have been met to the extent so certified.

5 The maritime labour certificate may be issued only where ISRG or a recognized organization duly authorized for this purpose has ascertained through inspection, that the ship concerned meets the standards of the ISRG MLC 2006 Requirements.

6 The maritime labour certificate is issued for a period of five years or any shorter period that may be considered appropriate by ISRG or recognized organization in a particular case.

7 The validity of the maritime labour certificate is subject to an intermediate inspection by the competent authority, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance. If only one intermediate inspection is carried out and the period of validity of the certificate is five years, it must 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 certificate. The scope and depth of the intermediate inspection must be equal to an inspection for renewal of the certificate. A certificate must be endorsed following satisfactory intermediate inspection.

8 When the renewal inspection has been completed within three (3) months before the expiry of the existing maritime labour certificate, the new maritime labour certificate is valid from the date of completion of the renewal inspection for a period not exceeding 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 certificate, the new maritime labour certificate is valid for a period not exceeding five years starting from the date of completion of





the renewal inspection.

9 A maritime labour certificate may be issued on an interim basis:

- (a) to new ships on delivery;
- (b) when a ship changes flag;
- (c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

10 An interim maritime labour certificate (Annex IV) may be issued for a period not exceeding six (6) months by the competent authority or a recognized organization duly authorized for this purpose following verification that:

- (a) 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 (b), (c) and (d) of this paragraph;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the standards of the ISRG MLC 2006 Requirements;
- (c) the master is familiar with the requirements of the ISRG MLC 2006 Requirements and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a declaration of maritime labour compliance.

11 An inspection shall be carried out prior to expiry of the interim certificate to enable issue of the full-term maritime labour certificate. No further interim certificate may be issued following the initial six months. A declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.

12 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, accompanied by an English-language translation where it is not in English, must be appended to the declaration of maritime labour compliance or made available in some other way to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

13 A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on 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.

14 A maritime labour certificate, including an interim certificate where applicable, will cease to



be valid in any of the following cases:

- (a) if the relevant inspections are not completed within the periods specified under paragraph 9 above;
- (b) if the certificate is not endorsed in accordance with paragraph 8;
- (c) when a ship changes flag;
- (d) when a shipowner ceases to assume the responsibility for the operation of a ship;
- (e) when substantial changes have been made to the structure or equipment.

15 A Maritime Labour Certificate may be withdrawn at the determination of the Administration. Cause for certificate withdrawal may include, but is not limited to:

- (a) on recommendation of the Gabonese Officers or the authorized RO, that the ship concerned does not comply with the requirements implementing the provisions of the ISRG MLC 2006 Requirements;
- (b) any accepted corrective action plan to rectify serious deficiencies has not been implemented; and
- (c) the measures in the declaration of maritime labour compliance Part II are not implemented on board.

16 When considering whether a maritime labour certificate should be withdrawn in accordance with paragraph 15 the competent authority or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

17 ISRG or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

18 A new certificate may only be issued when the competent authority or a recognized organization issuing the new certificate is fully satisfied that the ship is in compliance with the requirements set out above.

#### **1.4. Inspection and enforcement**

1 ISRG shall maintain a system of inspection of the conditions for seafarers on ships that fly the flag of Gabon, 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.

2 Inspectors, with proper credentials acting in accordance with the policy of ISRG have the following powers and duties:

- (a) To board a Gabonese registered ship;
- (b) To carry out any examination, test or inquiry in order to satisfy themselves that the requirements of this resolution are being strictly observed;



- (c) To question the master, seafarer or any other person, including the shipowner or the shipowners' representative, on any matter concerning the application of the requirements under Gabonese regulations, in the presence of any witness that the persons may have requested;
- (d) To require the production of any books, log books, registers, records, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with Gabonese regulations implementing these requirements;
- (e) To enforce the posting of notices that may be required under Gabonese regulations implementing the ISRG MLC 2006 Requirements;
- (f) To require that the master make arrangements to take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;
- (g) Following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, any deficiencies which may affect the health and safety of those on-board ship;
- (h) To require deficiencies to be remedied;
- (i) On authorization from ISRG to prohibit a ship from departing port until any deficiencies which represent a significant danger to the safety, health or security of seafarers; or which constitute a serious breach of the requirements are rectified or an action plan to rectify the deficiencies has been accepted by ISRG or authorized RO;
- (j) To bring to the attention of ISRG and, if applicable to the RO any deficiency or abuse not specifically covered by existing Gabonese regulations and submit proposals for the improvement of the laws and regulations;
- (k) To notify the Administration of any occupational injuries or diseases affecting seafarers in such cases and in such manner as required by Gabonese regulations.

3 If the competent authority receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies the flag of Gabon does not conform to the requirements of ISRG MLC 2006 Requirements or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, the competent authority shall investigate the matter and ensure that action is taken to remedy any deficiencies found.

4 The competent authority shall maintain records of inspections of the conditions for seafarers on ships of Gabon.

5 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.



### **1.5. On-board complaint procedures**

- 1 Shipowners shall ensure that each ship flying the Gabonese flag has on-board an approved procedure for processing complaints on board that allows a fair, efficient, well-documented and speedy processing of all complaints that Seafarers submit with regards to alleged violations of the provisions of this resolution, and including all Seafarers' rights.
- 2 A model format for on-board complaint handling procedures is provided in Annex section. The Administration may accept other forms of the on-board complaint handling procedures, provided the required information is included.
- 3 The procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have the right to complain directly to the Master. If the complaint is to the prejudice of the Master, then the seafarer may complain directly to the shipowner or to ISRG Inspector or to the authorized RO.
- 4 Seafarers shall have the right to be accompanied or represented during the complaints procedure and shall not be victimized for filing complaints. No adverse action shall be taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.
- 5 In addition to receiving a signed original of their seafarers' employment agreement, each seafarer shall also receive a copy of the on-board complaint procedures applicable on the ship.
- 6 Each shipowner shall nominate a person or persons, who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.
- 7 A copy of the complaint together with the action and decision taken on it shall be provided to the seafarer concerned.

### **1.6. Marine casualties**

- 1 Whenever a Gabonese-flagged vessel is involved in a serious maritime casualty that causes injuries or loss to Seafarers, ISRG shall carry out the official investigation regarding the incident.
- 2 Likewise, the Competent Authority shall cooperate with the competent authorities of other Member States, in order to facilitate the investigation of serious maritime casualties.

## **PART G - PENALTIES**

- 1 ISRG shall apply administrative penalties for any non-compliance with the provisions of the ISRG MLC 2006 Requirements, in accordance with the seriousness of the violation, relapses and extenuating circumstances.
- 2 Any non-compliance corresponding to violations committed following the parameters established in these ISRG MLC 2006 Requirements shall be subject to a penalty imposed by ISRG.



**PART H - ENTER INTO FORCE**

1 These ISRG MLC 2006 Requirements are in force.

**ANNEX**

**ONBOARD COMPLAINT FORM**

<b>Vessel Name/ IMO No.</b>	
<b>Date / Place / Location</b>	

**COMPLAINT**

NAME & SIGNATURE:		SIGNATURE:		
	(PERSON INFORMED)		(ORIGINATOR)	
NAME & SIGNATURE:		SIGNATURE:		
	(PERSON INFORMED)		(REPRESENTATIVE IF ANY)	
NAME & SIGNATURE:				
	(PERSON INFORMED)			

**INVESTIGATION ONBOARD**

DATE OF COMPLETION:		SIGNATURE:		
			(INVESTIGATOR)	
			)	

**INVESTIGATION ASHORE (IF REQUIRED)**

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DATE OF COMPLETION:		SIGNATURE:		
			(DPA)	
<b><u>VERIFICATION AND CLOSE OUT</u></b>				
CLOSE OUT DATE:		SIGNATURE:		
		(ORIGINATORS ACCEPTANCE)		

**Note: For each complaint file, original to be kept onboard and copy handed to crew member filing the complaint.**

**Contact information of the Office of Commissioner of Maritime Affairs, Republic of Gabon:**

- a) Department in charge: MLC Investigations
- b) Telephone number : + 971 6 742 8120
- c) Email address: **[mlcomplaints@intershippingervices.com](mailto:mlcomplaints@intershippingervices.com)** (Email monitored 24 hours)

---End Of Circular---