



Technical Circular

No.: 012/2024

Date: 7th August 2024

Subject: Concentrated inspection campaign (CIC) by Tokyo and the Paris MoU on Crew Wages and Seafarer's Employment Agreement (MLC) beginning 1 September 2024 and ending on 30 November 2024.

1. A concentrated inspection campaign (CIC) on Crew Wages and Seafarer's Employment Agreement (MLC) will be initiated jointly by the member Authorities of the Tokyo and Paris Memoranda of Understanding (MoU) on Port State Control.
2. The inspection campaign will be held for three (3) months, commencing from 1st September 2024, and ending on 30th November 2024.
3. The purpose of the CIC is to;
 - a. To create awareness within the shipping industry about the requirements on Crew Wages and Seafarer Employment Agreement (MLC); and
 - b. To verify that ships comply with these requirements.
4. Port State Control Officers shall be using a questionnaire to assess that crew wages, seafarer's employment agreements (SEAs) and financial securities provided comply with the relevant MLC requirements.
5. Non-conformities found during the inspection will be recorded by the PSC officer and actions may vary from recording a deficiency and instructing the master to rectify it within a certain period of time, to detaining the ship until serious deficiencies have been rectified or until the Port State has accepted a proposal for a plan of action.
6. Accordingly, Owners / Managers and Masters are advised to ensure compliance to applicable requirements of Maritime Labour Convention and measures adopted in approved DMLC Part II.
7. Following guidance is provided in respect of seafarer's employment agreements (SEAs), crew wages, and financial securities as per the CIC questionnaire;

1) Seafarer's Employment Agreement (SEA):

- a. Shipowner and seafarer concerned each to have a signed original of the seafarers' employment agreement, signed by both the seafarer and the shipowner or a representative of the shipowner.



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. While we have taken utmost care to be as factual as possible, readers/ users are advised to verify the exact text and content of the Regulation from the original source/ issuing Authority.

- b. Where a CBA forms all or part of the seafarers' employment agreement, a copy of the applicable CBA is to be available on board for seafarers to review their conditions of employment.
- c. Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following are also to be available in English (except for ships engaged only in domestic voyages):
 - i. a copy of a standard form of the agreement; and
 - ii. the portions of the collective bargaining agreement that are subject to a port State inspection under Regulation 5.2.
- d. The seafarers' employment agreement to contain at least 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, where applicable, the formula used for calculating them;
 - (f) the amount of paid annual leave or, where applicable, 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 benefits to be provided to the seafarer by the shipowner;
 - (i) the seafarer's entitlement to repatriation;
 - (j) reference to the collective bargaining agreement, if applicable; and
 - (k) any other particulars which national law may require.

2) Wages and payment of wages:

- a. Seafarers are paid in full at no greater than monthly intervals and in accordance with their employment agreements.

- b. Seafarers are given a monthly account of the payments due and the amounts paid, including wages, any additional payments, and the rate of exchange used, if applicable.

3) Certificates of Financial Security:

- a. Certificate or other documentary evidence of financial security in respect of following is available onboard:
 - i. Regulation 2.5 - Repatriation - To address the specific problems faced in cases of abandonment of seafarers.
 - ii. Regulation 4.2 – Ship owners’ Liability - 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.
- b. Where more than one financial security provider supplies cover, the documents provided by each provider is to be available on board.
- c. A copy of the certificates or documentary evidence is to be posted in a conspicuous place on board the vessel where it is available to the seafarers.

Enclosure: Press Release by Paris MoU, dated 01 August 2024.

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1 August 2024

JOINT CONCENTRATED INSPECTION CAMPAIGN ON CREW WAGES AND SEAFARERS' EMPLOYMENT AGREEMENTS (MLC)

The Member Authorities of the Tokyo and the Paris Memoranda of Understanding (MoU) on Port State Control will launch a joint Concentrated Inspection Campaign (CIC) on Crew Wages and Seafarers' Employment Agreements (MLC, 2006)

The purpose of the campaign is:

- to create awareness within the shipping industry about the requirements on Crew Wages and Seafarer Employment Agreements (MLC); and
- to verify that ships comply with these requirements.

This inspection campaign will be held for three months, commencing from 1 September 2024 and ending 30 November 2024. The campaign will examine specific areas related to Crew Wages, Seafarers' Employment Agreements and financial securities (repatriation and shipowners' liability) (MLC, 2006) during regular Port State Control inspections.

A ship will be subject to only one inspection under this CIC during the period of the campaign.

Port State Control Officers (PSCOs) will use a pre-defined questionnaire to assess that crew wages, seafarers' employment agreements (SEAs) and financial securities provided comply with the relevant MLC requirements.

If non-conformities are found, actions by the port State may vary from recording a deficiency and instructing the master to rectify it within a certain period of time to detaining the ship until the serious deficiencies have been rectified or until the port State has accepted a proposal for a plan of action. In the case of detention, publication in the monthly detention lists of the Tokyo and Paris MoU websites will take place.

The results of the campaign will be analysed and findings will be presented to the governing bodies of both MoUs for possible submission to the ILO and IMO.

Paris MOU	Tokyo MOU
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Notes to editors:

Paris MOU	Tokyo MOU
<p>Regional Port State Control was initiated in 1982 when fourteen European countries agreed to coordinate their port State inspection effort under a voluntary agreement known as the Paris Memorandum of Understanding on Port State Control (Paris MOU). Currently 28 countries are member of the Paris MOU (The membership of the Russian Federation is currently suspended). The European Commission, although not a signatory to the Paris MOU, is also a member of the Committee.</p> <p>The Paris MoU is supported by a central database THETIS hosted and operated by the European Maritime Safety Agency in Lisbon. Inspection results are available for search and daily updating by MoU Members. Inspection results can be consulted on the Paris MoU public website and are published on the Equasis public website.</p> <p>The Secretariat of the MoU is provided by the Netherlands Ministry of Infrastructure and Water Management and located in The Hague.</p>	<p>The Memorandum of Understanding on Port State Control in the Asia-Pacific Region, known as the Tokyo MOU, was signed among eighteen maritime Authorities in the region on 1 December 1993 and came into operation on 1 April 1994. Currently, the Memorandum has 22 full members, namely: Australia, Canada, Chile, China, Fiji, Hong Kong (China), Indonesia, Japan, Republic of Korea, Malaysia, Marshall Islands, Mexico, New Zealand, Panama, Papua New Guinea, Peru, Philippines, Russian Federation, Singapore, Thailand, Vanuatu and Viet Nam.</p> <p>The Secretariat of the Memorandum is located in Tokyo, Japan. The PSC database system, the Asia-Pacific Computerized Information System (APCIS), was established. The APCIS centre is located in Moscow, under the auspices of the Ministry of Transport of the Russian Federation.</p>
<p>Port State Control is a check on visiting foreign ships to verify their compliance with international rules on safety, pollution prevention and seafarers living and working conditions. It is a means of enforcing compliance in cases where the owner and flag State have failed in their responsibility to implement or ensure compliance. The port State can require deficiencies to be corrected, and detain the ship for this purpose if necessary. It is therefore also a port State's defence against visiting substandard shipping.</p>	



CIC on Crew Wages and Seafarer Employment Agreement (MLC)

Inspection Authority			
Ship Name		IMO Number	
Date of Inspection		Inspection Port	

No.	Item	Yes	No	N/A	Detention
Q1*	Is the seafarer given a SEA signed by both the seafarer and the shipowner or a representative of the shipowner?				
Q2*	Is the seafarer able to access information regarding their employment conditions on board?				
Q3	Are standard form of seafarers' employment agreements and parts of any applicable collective bargaining agreements subject to port State control under Reg.5.2, available in English?				
Q4*	Does the seafarers' employment agreement include all the required elements specified in the MLC, 2006?				
Q5*	Do particulars included in the seafarers' employment agreement comply with MLC, 2006 requirements?				
Q6*	Are wage or salary payments made to the seafarer at no greater than monthly intervals?				
Q7*	Have seafarers been given a status of accounts and wages paid on at least a monthly basis?				
Q8*	Are wage or salary payments in accordance with any applicable CBA or SEA?				
Q9*	If payments made to a seafarer include deductions, are they in accordance to the MLC, 2006?				
Q10a*	Is a certificate or documentary evidence of financial security, issued by the financial security provider, available on board in the event of compensation for death and long-term disability?				
Q10b*	Is a certificate or documentary evidence of financial security, issued by the financial security provider, available on board in the event of the repatriation?				

Note:

- Questions 1 to 10b answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection.
- If the box "NO" is ticked off for questions marked with an "**", the ship may be considered for detention.