

MLC 2006 and RECRUITMENT & PLACEMENT SERVICE OF SEAFARERS

Presented by



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Indian Register of Shipping

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MLC 2006 & RPSL Training Session

SUBJECTS

1. INTRODUCTION & BACKGROUND
2. MLC REGULATION 1.4 – RECRUITMENT & PLACEMENT SERVICES
3. M.S. (RPS) RULES 2016
4. GOOD PRACTICES FOR RPS
5. Q & A



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MLC 2006 – Seafarer’s Bill of Rights

Before MLC 2006 Convention was ratified – there were many ILO Maritime conventions, laws and standards pertaining to seafarers welfare - varied in acceptance and enforcement across the world.

MLC, 2006 Convention - An instrument which incorporates general fundamental principles, to ensure decent working and living conditions for all seafarers.

Maritime Labour Convention (MLC, 2006) - entered into force internationally on 20 August 2013.

For Govt. of India – entered into force on 09 October 2016.



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MLC 2006 – Seafarer’s Bill of Rights

MCL 2006 Convention is considered the fourth “pillar” in addition to STCW, SOLAS and MARPOL having been adopted by the International Maritime Organization (IMO).

“No favourable treatment than the ship that fly the flag of any state that has ratified it.”

MLC 2006 contains various minimum requirements with respect to, for example hours of rest, length of tours of duty, the right to repatriation, medical help, welfare and occupational health, and for wages to be paid monthly. MLC 2006 also includes requirements for seafarers to have schemes providing for them financially with pensions, maternity/paternity leave and in the event of sickness, industrial injury, etc.



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MLC 2006 – Seafarer’s Bill of Rights

The MLC 2006 convention deals with the standards and guidelines being incorporated in five areas:

- Title 1:** minimum requirements for seafarers to work on a ship - age, and medical and training certificates
- Title 2:** conditions of employment – wages, working hours, rest and leave; career development
- Title 3:** seafarers’ accommodation, leisure facilities, and on board catering standards
- Title 4:** health and safety, medical care, access to on-shore welfare facilities
- Title 5:** complaints, inspections, responsibilities of the flag and port states
- Title 1 , Regulation 1.4 defines the requirements for RPS companies so that seafarers have access to an efficient and well-regulated Seafarer Recruitment and Placement System.**

Recruitment and Placement – MLC Regulation 1.4

Purpose: to ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system.

Note: India already had a regulated system of Recruitment and Placement Services vide MS (RPS) Rules 2005.

Obligations on Member states- India :

India ratified the MLC on 9th October 2015 and enforced on 9th October 2016.

It is therefore required to ensure Indian legislation is in line with Convention standards. The requirements on India based RPS contained in the mandatory aspects of Title 1.4 of the MLC have been incorporated in the **MS(RPS) Rules 2016 notified vide Gazette Notification G.S.R 169 (E) dated 15th February, 2016**. The legislation imposes the relevant MLC standards on RPS companies and enforces a mandatory licensing and Inspection regime for RPS companies.

Recruitment and Placement – MLC Regulation 1.4

Regulation requirements:

- All seafarers to have access to efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.
- Seafarer recruitment and placement services (SRPS) operating in a Member’s territory to conform to the standards set out in the Code.
- Each Member require, w.r.t. seafarers who work on ships that fly its flag, that shipowners who use SRPS that are based in countries or territories where this Convention does not apply, to ensure that these services conform to the standards set out in the Code.

Standard requirements:

- Each Member that operates a public SRPS to ensure that the service is operated in an orderly manner that protects and promotes seafarer’s employment rights as provided in this Convention.

Recruitment and Placement – MLC Regulation 1.4

Standard requirements: Contd....

- Where a Member that operates private SRPS, are to operate only in conformity with a standardized system of licensing or certification or other form of regulation.
- SRPS operated by a seafarers’ organization.
- Nothing in this Standard shall be deemed to:
 - Prevent a Member from maintaining a free public SRPS whether the service forms part of or is coordinated with a public employment service for all workers and employers; or
 - Impose on a Member the obligation to establish a system for the operation of private seafarer recruitment or placement service in its territory. (for example Owner managed ships).

Recruitment and Placement – MLC Regulation 1.4

Standard requirements: Contd....

5. A Member adopting a system of private SRPS shall, in its laws and regulations or other measures, at a minimum:
 - i. Prohibit SRPS from using means, mechanism or lists intended to prevent or deter seafarer from gaining employment for which they are qualified;
 - ii. Require that no fees or other charges for seafarer recruitment or placement or for providing employment are borne directly or indirectly, in whole or in part, by the seafarer, other than cost of national statutory documents & travel document, not including, however the cost of visas, which shall be borne by the shipowner; and

Recruitment and Placement – MLC Regulation 1.4

Standard requirements: Contd....

- iii. Ensure that SRPS operating in its territory:
 - a) Maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the Competent Authority;
 - b) Ensure seafarers are informed of their rights and duties under their employment agreements (EA) prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their EA before & after they are signed and for them to receive a copy of agreement;
 - c) Verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned and that the SEA are in accordance with applicable laws and regulations and any CBA that forms part of the EA.

Recruitment and Placement – MLC Regulation 1.4

Standard requirements: Contd....

- d) Ensure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
- e) Examine and respond to any complaint concerning their activities and advise the competent authority (CA) of any unresolved complaint;
- f) Establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a RPS or the relevant shipowner under the SEA to meet its obligations to them.

Recruitment and Placement – MLC Regulation 1.4

Standard requirements: Contd....

6. The CA to closely supervise and control all SRPS operating in its territory. Any licences or certificates or similar authorization for the operation of private services in the territory are granted or renewed only after verification that the SRPS concerned meets the requirements of national laws and regulations.
7. The CA to ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of SRPS, involving as appropriate, representatives of shipowners and seafarers.
8. Each Member, as far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Convention, until it is satisfied that the standards equivalent to those fixed by this Convention are being applied.
9. Member which has ratified this Convention require that shipowners of ships that fly its flag, who use SRPS based in countries or territories in which this Convention does not apply, ensure, as far as practicable, that those services meet the requirements of this Standard.

Merchant Shipping (RPS) Rules 2016

Applicability of MS (RPS) Rules 2016: [Rule 3]

1. Apply to the seafarers recruited through licensed RPS.
2. Also apply to the Indian ship owners who are recruiting seafarers for any other employers, including recruitment for the foreign flag ships.
3. Does not apply to the seafarers who seek any employment through unlicensed entities or any employment directly with the foreign ship owners or employers.

Merchant Shipping (RPS) Rules 2016

MS (RPS) Rules 2016 require: [Rule 4]

No person shall, **directly or indirectly**, carry on the business, **in India**, of Recruitment and Placement of any seafarer on behalf of an employer or ship owner of Indian or foreign ship, unless it is registered and licensed under these rules.

Note:

A new MS Bill due for enforcement provides for criminal prosecution of Non-licensed RPS agents.

Merchant Shipping (RPS) Rules 2016

Obligations on ship owners :

Ship owners must use Recruitment and Placement Services which fall within one of the descriptions as below

- a) The RPS is based in the MLC ratifying country and certified.
- b) If the RPS is based in a country which has not ratified MLC 2006, **the shipowner is to ensure RPS company complies with the requirements of MLC Standard A1.4.**

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5]

1. **The RPS provider to:**
 - a) **maintain an up-to-date record** of all seafarers recruited or placed through it, which **shall be available for an inspection** by the inspecting authority, as and when required;

Common Non- Conformities recorded

- Data of seafarers recruited not maintained, not uploaded in DGS website.
- Seafarers sign-on , sign –off data not uploaded in DGS website.
- At times the seafarers have been signed –ON however not signed OFF . On-line status still shows seafarer onboard ship.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

b) ensure that its management and staff are adequately trained and have relevant knowledge of the maritime industry to the extent of the duties assigned to them in this context;

Common Non- Conformities recorded

- The company changes its management personnel, authorized signatories, however the changes have not been reported to administration. It is required that amended Form VI is submitted to concerned DSEO reflecting the changes in the company management.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

c) ensure that seafarers recruited or placed by it are informed of their rights & duties under their employment agreements, and also that they are provided with copies of the said agreements;

Common Non- Conformities recorded

- The employment agreement does not clearly highlight that the terms and conditions of employment have been understood by seafarer and he agrees to same.
- It is required that the SEA must have clear acknowledgement from seafarer that the terms and conditions of employment are understood by him and he agrees to work as per them.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

d) verify that seafarers are qualified & hold the necessary documents for the jobs concerned, and that the SEA are in accordance with the applicable flag state laws & regulations and any CBA that forms part of their SEA;

Common Non- Conformities recorded

- The employment agreement does not incorporate flag state requirements (Seafarers Health & Social security benefits given under MLC not incorporated in SEA)
- In absence of CBA, terms and conditions of Employment do not cover requirements as mentioned in MLC standard A2.1(4) (a) to (k).

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

e) ensure that the ship owner has the means to protect such seafarers from being stranded in a port; make adequate provisions for the repatriation along with his maintenance and emergency medical assistance and the transportation of the mortal remains of a seafarer in the event of his death, RPS shall also furnish a bank guarantee to cover the cost of repatriation of the seafarer on his abandonment and being stranded

Common Non- Conformities recorded

- P& I cover of vessels on which seafarers are placed are not available/or are expired.
- Bank Guarantee – Amount not as per number of seafarers recruited.
- Bank Guarantee – Does not include clauses as per MS Rule 15.5 (situations under which the guarantee can be invoked by administration).
- Bank Guarantee not drawn in favour of jurisdictional DSEO.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5 Contd....

- f) examine and promptly respond to any complaint concerning its activities and inform the Director-General about any unresolved complaint;
- g) bank guarantee to cover compensation to seafarers for any monetary loss

Common Non- Conformities recorded

- Unresolved seafarer complaints are not addressed , reported to administration.
- Bank Guarantee not covering the clause regarding monetary compensation to seafarers

It is suggested that at the time of Inspection, the RPS must make clear declaration towards all complaints received by them either resolved or not and furnish records relating to same.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- h) ensure that no means or mechanism or lists are used to prevent or deter seafarers from gaining an employment for which they are qualified;
- i) ensure that no fees or other charges is borne by the seafarer during recruitment process

Common seafarer complaints

- seafarer have been charged various fees for providing employment.

It is reminded that such a malpractice will invite penal action from the administration and prosecution under the law. There was a recent case where an FIR has been registered against the management of the RPS for engaging in such practice.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- j) ensure that any incident or casualty on-board causing injury (excluding minor injuries) or death, disappearance, loss overboard or homicide by or of an Indian National, is reported to the Director-General, at the earliest and not later than forty eight hours of the receipt of such information;

Common Non- Conformities recorded

- Casualty / accident and injury to seafarer not reported to administration OR not reported within stipulated time period of 48 Hrs.

It is required that any accident, injury to seafarer is reported at the earliest to Administration and Next of Kin of the seafarer and records maintained. [It is suggested to also report to DGS / DSEO where there have been cases of jump ship wherein the seafarer has abandoned the ship after it reaches a port.] Reporting to administration shall be done in specified Form II to the DGCOMM centre and to the Jurisdictional DSEO.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- k) develop & maintain operational practices to verify the seafarers' medical examination, identity documents and such other items as may be required for seafarers to gain an employment;
- l) maintain seafarer data with regard to the right to privacy & to protect confidentiality;
- m) maintain up-to-date lists of the ships and provisions to contact in case of emergency at all hours;

Common Non- Conformities recorded

- RPS not maintaining contact numbers of ships and management of owners in case the ship is to be contacted in emergency.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- n) **ensure** that seafarers are **not subject to exploitation** by their personnel with regard to offer of engagement on particular ships or by particular companies;
- o) **put in place the procedures to prevent** the opportunities for **exploitation** of seafarers arising from the issue of joining advances or any other financial transaction between the ship owner and the seafarer which are handled by the RPS;
- p) **clearly publicize cost**, if any, which seafarer is expected to bear in the recruitment process;
- Required to display clearly:**
- that no fees or other charges is borne by seafarer in recruitment process, other than the cost in obtaining a medical certificates (yellow fever vaccination), seafarer's book (CDC) and passport or similar personal travel documents
 - RPS company/ Ship owner shall bear the cost of visa, and charges for pre-sign on and post - sign off medical examination

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- q) seafarers are **informed of any particular condition applicable** to the jobs and ship owners policies relating to their employment;
- r) **ensure** that the **procedures followed** in cases of incompetence or indiscipline **are consistent with the principles of natural justice**, the law of the land and practice and with CBAs;
- s) **ensure**, that **all mandatory certificates & documents** submitted for employment **are up to date** and have **not been fraudulently obtained** and that employment references are verified;
- Required:**
- RPS to have procedures and/or records to ensure verification of seafarer certificates, training and experience records.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- t) **Must attend promptly** any requests for information or advice by families of seafarers and at no cost to the seafarers;
- u) **verify** that the **labour conditions** on ships are **in conformity with flag requirements** / applicable CBAs
- v) **ensure** that the **terms & conditions** of employment to seafarers **comply with applicable laws** or regulations or CBAs;

Common Non- Conformities recorded

- Terms and conditions of employment of seafarers does not incorporate flag and/or CBA requirements (Like health and social security benefits to seafarers, Working in war-risk, war zone areas etc.)

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- w) **endeavour** that the death or disability **compensation** are paid by the ship owner **without undue delay**;
- x) **ensure** that a copy of the **license is prominently displayed** at a place accessible to public;
- y) **ensure** that the number, **date of issue and the validity period**, of the license are **mentioned in** all of their **advertisements published** and in all its communications;
- z) **ensure** that it sends the reminder to the Director for its annual inspection, three months before its due date and be prepared for the same.
- Common Non- Conformities recorded**
- Death / Disability compensation details/ status, records not available.
- Required:**
- 3 months notice to DSEO for annual inspection.

Merchant Shipping (RPS) Rules 2016

Requirements on Recruitment and Placement Services (RPS) operating in India: [Rule 5] Contd....

- 2) furnish a monthly report in Form-I (Page 22) by the 12th of every succeeding month,
- 3) cases of death or injury are reported in Form-II (Page 23) in online mode or paper form to the administration within forty eight hours of the incident.

Common Non- Conformities recorded

- Casualty / accident and injury to seafarer not reported to administration OR not reported within stipulated time period of 48 Hrs.

It is suggested that any accident , injury to seafarer is reported ALSO to Next of Kin of the seafarer, to the DGCOMM centre and to the jurisdictional DSEO.

Merchant Shipping (RPS) Rules 2016

Following mandatory inspections are to be carried out

- 1) **Initial Inspection** [Rule 9 (1)] –for issuance of License
- 2) **Annual Inspection** [Rule 5 (1) (z)]– shall be completed every year, during the period between two months prior to and one month after the anniversary date of the issue of License. (send reminder to DSEO, 3 months before due date)
- 3) **Renewal Inspection** [Rule 9 (5)]– The application for renewal of license shall be submitted during the period six months to three months prior to the date of expiry of the current license. This ensures the renewal process starts well in advance and the company can continue to operate without any break due to the expiry of their license. Renewal Inspections shall be conducted within the 3 months window prior to expiry of the License.
- 4) **Change of Name** [Crew Circular 3/2016]/ **Change of Address Inspections** [Rule 17]– Change must be intimated to jurisdictional DSEO within 7 days and Inspection conducted at earliest.

The DSEO, if deemed necessary, order for special inspection for the specific purpose by the inspecting authority or any person authorized by the DGS.

Merchant Shipping (RPS) Rules 2016

Procedures for Issue / Renewal of License: [Rule 9]

- I. An application is to be made to the Director for
 - i. Initial license in Form-III (Page 24)(including documents as per list of enclosure);
 - ii. Renewal in Form-IV (Page 25)(including documents as per list of enclosure);
 - iii. Forms III & IV is to be accompanied by declarations in Form-V (Page 26) and Form-VI (Page 27) and an agreement in Form-VII (Page 28).
 - iv. Copies of application & forms are also to be submitted to the Inspecting authority.

Merchant Shipping (RPS) Rules 2016

Procedures for Issue / Renewal of License: [Rule 9] Contd.....

2. The inspecting authority carries out the required inspection on the basis of the submission of documents and forwards the inspection report to the jurisdictional DSEO.
3. Director, on receipt of the Inspection report from the Inspecting authority may issue the license.
4. The license shall be issued in Form-VIII (Page 28).
5. The application for renewal shall be submitted by the applicant within six months prior to the date of expiry of license.

Merchant Shipping (RPS) Rules 2016

Procedures for Issue / Renewal of License: [Rule 9] Contd.....
Notes:

- a) Applications for Issue / Renewal of Licenses shall be submitted to the office of the Jurisdictional Director, Seamen Employment Office (DSEO Mumbai, Chennai and Kolkata).
 For e.g. A company based in South India should apply with DSEO Chennai and not Mumbai .
- b) If the application for renewal of license is submitted by the applicant after the expiry of license, RPS provider shall be liable to pay late fees of INR 3 lakhs.
- c) The license under these rules shall be issued for a period not exceeding five years.
- d) The license issued under these rules shall not be transferable.
- e) Jurisdictional DSEO is the first point of contact for reporting any unresolved seafarer complaints or any issues related to recruitment of seafarers

Merchant Shipping (RPS) Rules 2016

Procedures for change of place of business [Rule 17] or change of name of RPS Company [Crew circular 3/2016]

1. The RPS shall, intimate in writing to the Director, of any change in its place of business or Name, within 7 days of such change, failing which the Director may suspend or withdraw the registration granted and licence issued to the RPS.
2. For change of place of business or Name, the RPS shall follow the procedure prescribed for a renewal of licence.

Merchant Shipping (RPS) Rules 2016

Procedures for Annual Inspection of RPS Company [Rule 5 (z) & Crew circular 3/2016]

RPS company shall ensure that it sends the reminder to the Director with a copy to Inspecting Authority for its Annual Inspection, three months before its due date.

Annual Inspections shall be completed every year, during the period between two months prior to and one month after the anniversary date of the issue of RPS License .

Merchant Shipping (RPS) Rules 2016

Preparation for RPS Inspection

- a) Make necessary notification to jurisdictional DSEO and organize inspection with IRS on a mutually convenient date.
- b) Following to be kept readily available for verification
 - (i) Company procedure manuals / SOPs.
 - (ii) All records of seafarers recruited.
 - (iii) RPS forms/ Copy of Bank guarantees submitted with Administration/ Manning agreements with Ship owners , CBAs (If applicable)
 - (iv) Records of SWFS payments and calculation sheets.
 - (v) Prepare a draft declaration to be submitted to the Inspector regarding any seafarer complaints/Death & Disability occurrences and compensations paid / status of compensations/ any communications received from administration.

Merchant Shipping (RPS) Rules 2016

Procedures for License: Duplicate license [Rule 11]

The RPS provider shall apply for issuance of a duplicate license for a valid reason with an application fee of INR 5,000/-, payable to Seamen's Employment Office, together with a copy of FIR, where applicable, and such payment shall be made by a DD drawn on a scheduled bank or e-payment as may be specified by the Director-General.

Merchant Shipping (RPS) Rules 2016

Suspension or withdrawal of License: [Rule 12]

The Jurisdictional Director, who has issued the license, on receipt of a report by the inspecting authority, or a complaint by a seafarer concerned or otherwise, if he has a reason to believe that the activities of the RPS are against the provisions of the Act or these rules or against the interest of the seafarer, may issue a show cause notice in Form-IX to the RPS, requiring it to show cause within a period of thirty days from the date of issue of such notice, as to why the license shall not be suspended or withdrawn.

Merchant Shipping (RPS) Rules 2016

Suspension or withdrawal of License: [Rule 12] Contd....

Points of Discussion/ Good Practices

- a) Resolution of all seafarer complaints must be carried out as early as possible and records maintained.*
- b) Any unresolved seafarer complaint / grievance must be reported to administration in a timely manner and records maintained.*
- c) Any such unresolved seafarer complaints to be declared to inspector at the time of RPS Inspection.*

Merchant Shipping (RPS) Rules 2016

Bank Guarantee: Requirements [Rule 15]

- 1) The RPS shall submit a bank guarantee to the Director in accordance with the table provided in MS RPS Rule 15*
- 2) The bank guarantee shall be drawn on a scheduled bank in India in favour of the concerned Seamen's Employment Office.*
- 3) The bank guarantee shall be in commensurate with the number of jobs and shall be valid for the license period.*
- 4) In case of any change in the number of jobs, the RPS shall furnish requisite bank guarantee along with the application.*
- 5) Bank Guarantee to cover the sub-rule 15.5 (a, b, c & d)*

Merchant Shipping (RPS) Rules 2016

Seafarers' Welfare Fund Society (SWFS) [Rule 6]

1. For the purpose of promoting the welfare of seafarers, RPS to pay to the SWFS, Mumbai, a welfare fund contribution of Rs. 6000/- per seafarer per annum, for every seafarer excluding trainees, engaged on board foreign flag ships, on the basis of the actual period of the seafarers employed.
2. The RPS to ensure that the Indian ship owner pays the welfare fund contribution for every seafarer engaged by them on-board Indian flag ships as per the Merchant Shipping (Levy of seamen's Welfare Fee) rules, 1974, as amended.
3. The welfare contributions are to be paid by 15th of the month following the end of every quarter.

Good Practices for RPS Companies

1. Ensure the seafarer is covered in all respects against any eventuality. All vessels on which seafarers are recruited/proposed to be recruited must have valid P & I cover.
2. While entering into a manning agreement with an EMPLOYER/ SHIP OWNER make a thorough background check of the owner. Avoid entering into agreement with owners having shady records. It will put seafarers on risk while onboard their ships.
3. RPS must make sure, as far as practicable, that the ship owner has the means to protect seafarers from being stranded in a foreign port. Give all possible support to seafarers in cases of seafarer abandonment and maintain records of all events and support provided
4. RPS must establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss .

Good Practices for RPS Companies *Contd.....*

5. All vessels on which seafarers are recruited are MLC compliant . If not the SEA must at least incorporate MLC convention requirements as detailed in MLC standard A2.1 (4) (a) to (k).
6. Seafarer wages are paid by Owner /Employer in a timely manner and maintain records of wage payments. Terminate manning agreements with employers/ owners who have defaulted on seafarer wage payments / terms of engagement of seafarer and inform administration accordingly.
7. Changes in Management of RPS Company/ Changes in manning agreements with Ship owners / Change in Place of business, Change in Name of RPS Company are duly reported to administration and amended RPS forms duly submitted. Change in address /Change in name of company requires an additional inspection to be conducted.

Good Practices for RPS Companies *Contd.....*

8. Have a robust seafarer grievance redressal mechanism , maintain records of seafarer grievances and any unresolved seafarer complaint is reported to administration in good time.
9. Seafarer data is uploaded in DGS website in a correct and timely manner.
10. Maintain good system of record keeping of data of seafarers recruited (Employment contracts, Appointment letters, Medical records, Wage payment records , compensation records in cases of seafarer death and disability etc).
11. Any casualty, accident /injury to Indian seafarer is reported to the administration and Next of Kin of seafarer at the earliest. Such cases to be reported in Form II to administration (Concerned DSEO, DG COMMCENTRE) within 48 hours of the incident .

Good Practices for RPS Companies *Contd.....*

12. RPS company can also file a complaint against any seafarer in cases where the seafarers conduct has been unjust and against the requirements/obligations of the SEA.
13. Conduct Annual inspections within window (2 months prior and 1 month after the anniversary date of issue of License).
14. Initiate procedure for Renewal of License 6 months to 3 months prior to expiry of license.
15. Continuously train your staff w.r.t RPS Rule requirements / Administration requirements .
16. The SWFS contribution shall be paid quarterly in a timely manner.
17. SWFS contribution calculation sheet/ data shall be maintained by the RPS company and made readily available at the time of RPS Inspection.

MLC Regulation 1.4 & M.S. (RPS) Rules, 2016

Any Questions?

תודה
 Dankie Gracias شكرا
 Спасибо Merci Takk
 Köszönjük Terima kasih
 Grazie Dziękujemy Dëkujeme
 Ďakujeme Vielen Dank Paldies
 Kiitos Täname teid 谢谢
Thank You Tak
 感谢您 Obriqado Tesekkür Ederiz
 Σας धन्यवाद 감사합니다
 Bedankt Dëkujeme vám
 ありがとうございます
 Tack

Financial Security

Repatriation: (Standard A2.5.2)

Abandonment (defined)

Seafarer shall be deemed to have been abandoned where the shipowner:

- (a) fails to cover the cost of the seafarer's repatriation; or
- (b) has left the seafarer without the necessary maintenance and support; or
- (c) has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.

Coverage by financial security system:

- (a) outstanding wages and other entitlements due from the shipowner to the seafarer under SEA, the relevant CBA or the national law of the flag State, limited to four months of any such outstanding wages and four months of any such outstanding entitlements;
- (b) all expenses reasonably incurred by the seafarer, including the cost of repatriation; and
- (c) the essential needs of the seafarer including such items as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home.

Financial Security

Cost of Repatriation (defined):

To cover travel by appropriate and expeditious means, normally by air, and include provision for food and accommodation of the seafarer from the time of leaving the ship until arrival at the seafarer's home, necessary medical care, passage and transport of personal effects and any other reasonable costs or charges arising from the abandonment.

Validity of Financial Security:

The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the flag State.

Financial Security

Shipowners' liability: (Death & disability / Contractual Claims): (Standard A4.2.1 & A4.2.2)

Contractual Claim (defined):

Means - any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard as set out in national law, the seafarers' employment agreement or collective agreement.

Financial Security System to assure compensation meet the following minimum requirements:

- the contractual compensation, where set out in the SEA and without prejudice to subparagraph (c) of this paragraph, shall be paid in full and without delay;
- there shall be no pressure to accept a payment less than the contractual amount;
- where the nature of the long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim payment or payments shall be made to the seafarer so as to avoid undue hardship;

Financial Security

Financial Security System to assure compensation meet the following minimum requirements: contd....

- The seafarer shall receive payment without prejudice to other legal rights, but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident; and
- the claim for contractual compensation may be brought directly by the seafarer concerned, or their next of kin, or a representative of the seafarer or designated beneficiary.

The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

Financial Security

National laws and Regulations:

- Ensure that the competent authority of the flag State is notified by the financial security provider if a shipowner's financial security is cancelled or terminated.
- Ensure that seafarers receive prior notification if a shipowner's financial security is to be cancelled or terminated.
- Require that ships that fly its flag carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

Validity of Financial Security:

The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the flag State.

