
INTERNATIONAL LABOUR ORGANIZATION
Sectoral Activities Programme

**High-level Tripartite Working Group
on Maritime Labour Standards
(Third meeting)**

**Consolidated maritime labour Convention (First draft)
Code, Part A**

Geneva, 2003



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CODE, PART A

Mandatory Standards for implementing the Regulations of the maritime labour Convention, 2005

1. This part of the Code contains mandatory provisions that set out in greater detail the standards required to be maintained by Members in order to give full and complete effect to the Convention. (modified STCW Annex 1, Part A, 1)

2. Where there is no specific standard provided in the Code the applicable Regulation and any applicable Article in the Convention constitute the standard.

3. When implementing the standards Members are encouraged to take into account the guidelines in Code B for further detailed guidance on effective implementation of their responsibility to protect seafarers' employment rights.

4. The standards and guidelines in this Code adopt the five groupings of rights and principles found in the Regulations and are numbered accordingly, namely,

- Title 1, Code, Parts A and B: Minimum requirements for seafarers to work on a ship
- Title 2, Code, Parts A and B: Conditions of employment and crewing
- Title 3, Code, Parts A and B: Accommodation, welfare facilities, food and catering
- Title 4, Code, Parts A and B: Health protection, welfare, medical care and social security protection
- Title 5, Code, Parts A and B: Compliance and enforcement

Title 1. Minimum requirements for seafarers to work on a ship

Standard A1.1 – Minimum age

1. The employment of any person under the age of 16 from working on board a ship covered by this Convention shall be prohibited.

2. The employment of seafarers under 18 years of age for work at night shall be prohibited. For the purposes of this standard “night” means a period of at least nine consecutive hours, including the interval from midnight to 5 a.m. (modified C.180A6)

3. An exception to strict compliance with the night work restriction may be made by the competent authority when the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and the authority determines, after consultation with the organizations of the shipowners and of the seafarers concerned, that the work will not have a detrimental impact on their health or well-being.

4. The employment of seafarers under 18 years of age for work which is likely to jeopardize their health or safety shall be prohibited. (modified C.138A3/1) The types of employment or work which is considered “hazardous” shall be determined by standards in national laws or regulations or by the competent authority, after consultation with the organizations of the shipowners and of the seafarers concerned. (modified C.138A3/2)

Standard A1.2 – Medical certificate

1. The competent authority shall require that, prior to their beginning work on a ship, seafarers hold a valid certificate attesting that they are medically fit to perform the duties they are to carry out at sea. This certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning their eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. (modified C.73A3/1)

2. The competent authority may make exceptions for single voyages in urgent cases. (modified C.73A6)

3. In order to ensure that the medical certificate genuinely reflects the seafarers’ state of health, in light of [their age and] the duties they are to perform, the competent authority shall, after consultation with the organizations of the shipowners and of the seafarers concerned, prescribe the nature of the medical examination, as well as safeguards against an unjustified refusal of a certificate, (C.73A8) giving due consideration to the Guidelines for medical examinations and medical certificates provided in Code B. (modified C.73A4/1)

4. Where relevant to the duties of the seafarer a mandatory medical certificate issued in accordance with the requirements of the International Convention on Seafarers’ Training, Certification and Watchkeeping, 1978, as amended, may be accepted by the competent authority, for the purpose of Regulation 1.2.

5. A medical certificate shall be valid for a maximum period of two years (C.73A5/1) unless the seafarer is under 18 years of age, in which case the maximum period of validity shall be one year. (C.16/A2)

6. A certification of colour vision shall be valid for a maximum period of six years. A shorter maximum period shall be prescribed if required by reason of the specific duties to be performed by the seafarers concerned or if required under the International Convention on Seafarers' Training, Certification and Watchkeeping, 1978, as amended. (modified C.73A5/2)

7. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage. (C.73A5/3)

Standard A1.3 – Training and qualifications

1. All seafarers shall be required to [have undertaken the familiarization and basic safety training required by the Seafarers' Training and Certification and Watchkeeping Code adopted by the International Maritime Organization or] have a certificate or other evidence establishing that they have undertaken designated training or courses in matters pertaining to basic safety on board ship and emergency responses before beginning work on board a ship.

2. With respect to seafarers who carry out the duties of master, navigating officer in charge of a watch, chief engineer, engineer officer in charge of a watch, and deck and engine ratings forming part of a watch each Member shall implement its obligations under Regulation 1.3 of this Convention by accepting and carrying out the relevant provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

3. A seafarer who is to be engaged as an able seaman or a ships' cook must be qualified and found competent for these positions in accordance with requirements set out in detail in the laws and regulations of the Member concerned. When evaluating a seafarer's qualifications for these positions the competent authority shall take full account of the Guidelines dealing with qualifications in Part B of this Code.

4. The competent authority shall, after consulting the organizations of shipowners and seafarers concerned, establish clear objectives for the vocational guidance, education and training of seafarers whose duties on board ship primarily relate to the safe operation and navigation of the ship, including lifelong training, taking full account of the guidance contained in Appendix B-I to this Code.

Standard A1.4 – Recruitment and placement

1. Each Member shall have laws and regulations that:

- (a) determine whether and under which conditions recruitment and placement services may place or recruit seafarers abroad;
- (b) require that the management and staff of recruitment and placement services for seafarers be adequately trained persons having relevant knowledge of the maritime industry;
- (c) specify, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by recruitment and placement services including the collection, storage, combination and communication of such data to third parties;
- (d) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment;

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- (e) ensure that no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer; for this purpose, costs of the national statutory medical examination, certificates, a personal travel document and the national seafarers' identity document shall not be deemed to be fees or other charges for recruitment;
 - (f) require that recruitment and placement services maintain a register of all seafarers recruited or placed through them, to be available for inspection by the competent authority; (C.179A5/1)
 - (g) require that all recruitment and placement services ensure that any seafarer recruited or placed by them is qualified and holds the documents necessary for the job concerned, that seafarers' employment agreements are in accordance with applicable laws, regulations and collective agreements;
 - (h) require that all recruitment and placement services ensure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreement before and after they are signed and for them to receive a copy of the agreement; (C.179A5/2)
 - (i) require that recruitment and placement services adopt measures to ensure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
 - (j) require that recruitment and placement services examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint (C.179A6/2) and, where complaints concerning working or living conditions on board ships are brought to the attention of the recruitment and placement services, they forward such complaints to the appropriate authority; (C.179A6/3)
 - (k) ensure that a system of protection, by way of insurance or an equivalent appropriate measure, is established to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service to meet its obligations to them; (C.179A4/2)
 - (l) determine the conditions under which the licence, certificate or similar authorization or recruitment and placement service may be suspended or withdrawn in case of violation of relevant laws and regulations;
 - (m) specify, where a regulatory system other than a system of licensing or certification exists, the conditions under which recruitment and placement services can operate, as well as sanctions applicable in case of violation of these conditions. (C.179A4/1)

2. Where private recruitment and placement services have been or are to be established, they shall be operated within the territory of a Member only in conformity with a system of licensing or certification or other form of regulation. This system shall be established, maintained, modified or changed only after consultation with the organizations of shipowners and seafarers concerned. Undue proliferation of such private recruitment and placement services shall not be encouraged. (C.179A2/2)

3. The competent authority shall closely supervise and control all recruitment and placement services operating in the territory and ensure that licences, certificates and similar authorizations are granted or renewed only after verification that the recruitment and placement service concerned meets the requirements of national laws and regulations. In regulating and supervising recruitment and placement services, each Member shall take full account of the Guidelines in Part B of this Code.

4. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers. (C.179A6/1).

5. Nothing in this standard shall be understood as diminishing the obligations and responsibilities of shipowners. (C.179A5/3)

Standard A1.5 – Seafarers’ identity document

(to be developed)

Title 2. Conditions of employment and crewing

Standard A2.1 – Seafarers’ employment agreements

1. Members shall adopt laws and regulations requiring:

- (a) that seafarers’ employment agreements are signed both by the other employer or the shipowner or a representative and by the seafarer. Reasonable facilities to examine the contract before it is signed shall be given to the seafarers and also to their advisers; (modified C.22A3/1)
- (b) that seafarers’ employment agreements do not contain anything that is contrary to the standards in this Convention; (modified C.22A3/5).
- (c) that measures be taken to ensure that clear information can be obtained on board by seafarers, including the ship’s master, as to the conditions of their employment, and is also accessible for review by officers of a competent authority, including those in ports to be visited. Where the language of the seafarers’ employment agreements is not English, an English language copy of a standard form of the agreement shall also be available (except for ships engaged only in domestic voyages); (modified C.22)
- (d) such other formalities and safeguards deemed necessary to ensure that seafarer employment agreements are entered into freely and that both parties are informed of their rights and responsibilities. (modified C.22A3/6)

2. The laws and regulations shall specify the particulars that are to be included in all seafarers’ employment agreements, as well as the essential matters that are to be agreed. (modified C.22A6/3)

3. The minimum period of notice required for termination of a seafarers’ employment agreement is [24 hours]. Notice must be in writing. The minimum period of notice referred to above is not required in circumstances, such as the total unseaworthiness of the ship, which are recognized in this Convention or national law or regulations as permitting either party to immediately terminate the employment relationship. (modified C.22A9/1)

4. All seafarers shall be given a document containing a record of their employment on board the ship. The document shall not contain any statement as to the quality of the seafarers' work or as to their wages. (modified C.22A5/2) The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law. (C.22A5/1)

Standard A2.2 – Wages

Members shall take any necessary measures to ensure that seafarers are able to transmit their earnings to their families. (new)

Standard A2.3 – Hours of work or rest and entitlement to leave

A2.3.1 Hours of work or rest

1. Each Member shall adopt laws and regulations specifying either the maximum number of hours of work that a seafarer is required to perform in a given period of time, or a minimum number of hours of rest that a seafarer must be allowed in a given period of time. (modified C.180A3)

2. In this Standard –

- (a) the term “hours of work” means time during which seafarers are required to do work on account of the ship; (C.180A2/b)
- (b) the term “hours of rest” means time outside hours of work; this term does not include short breaks. (C.180A2/c)

3. The normal working hours standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement or a seafarers' employment agreement which, based on the nature of the duties involved, determines a seafarer's normal working hours on a basis no less favourable than this Standard. (modified C.180A4)

4. [In determining the national standards Members shall take account of the danger posed by the fatigue of seafarers whose duties involve navigational safety and the safe and secure operation of the ship. (new)]

5. Subject to emergencies or the specific nature of the duties to be performed and taking into account the provisions in Title 1 regarding the health of young seafarers, Members shall require that:

- (a) the maximum hours of work shall not exceed 14 hours in any 24-hour period; and 72 hours in any seven-day period; or
- (b) the minimum hours of rest shall not be less than ten hours in any 24-hour period; and 77 hours in any seven-day period; (modified C.180A5/1)
- (c) the hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours; (C.180A5/2)
- (d) musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a

manner that minimizes the disturbance of rest periods and does not induce fatigue; (C.180A5/3)

(e) when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work. (C.180A5/4)

6. Each Member shall require that a ship that flies its flag post a schedule of shipboard working arrangements, including for every position at least: the schedule of service at sea and service in port; and the maximum hours of work or the minimum hours of rest required by the laws and regulations or collective agreements in force in the flag State. (modified C.180A5/7)

7. The schedule and applicable legislation and applicable collective agreement, in a standardized format, shall be in an easily accessible location and understandable to seafarers and to officers of a competent authority, including those in ports to be visited. The schedule shall be in the working language or languages of the ship and in English. (modified C.180A5)

8. Members shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with these standards. The seafarers concerned shall receive a copy of the records pertaining to them, which shall be endorsed by the master, or a person authorized by the master, and by the seafarer. (C.180A8/1) The procedures and format for seafarers' on-board work records, including the intervals at which the information shall be recorded, shall take into account the Guidelines in Part B of this Code.

9. Nothing in this Standard shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages. (C.180A5/6)

10. Nothing in this Standard 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. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest. (C.180A7)

A2.3.2 Annual leave

1. Members shall adopt laws and regulations determining the minimum standards for annual leave for seafarers. The standards shall in no case be less favourable than the standards for shore workers. (modified C.146A3) The standards shall respect the seafarers' right, in principle, to take annual leave in the place with which they have a substantial connection. (based on C.146A10/2)

2. Subject to any collective agreement or law or regulation providing for an at least equivalent method of calculation, the annual leave with pay entitlement shall be calculated on the basis of a minimum period of 30 calendar days for one year of

service. The level of pay shall be at the seafarer's normal level of remuneration paid in advance of the leave, unless otherwise provided by national law or regulation or in the applicable seafarers' employment agreement. (modified C.146) For seafarers employed for periods shorter than one year or in the event of termination of the employment relationship, entitlement to leave shall be pro-rated. (modified C.146)

3. The manner in which the length of service is calculated shall be determined by the competent authority or through the appropriate machinery in each country. In this connection, absences from work for approved purposes or in otherwise justified circumstances as well as absences beyond the seafarer's control shall not be counted as annual leave. Full account shall be taken of the guidance provided in Part B of this Code. (C.146A5&6)

4. The time at which the leave is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the shipowner or other employer after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives, taking full account of the guidance provided in Part B of this Code. (modified C.146A10/1)

5. Provision may be made by the competent authority or through the appropriate machinery in each country for the annual leave due to be replaced by a cash payment at least equivalent to the remuneration that the seafarer is normally entitled to under paragraph 2. Any agreement to relinquish or forgo the entitlement to the minimum annual leave with pay prescribed in this Standard, except as provided by the competent authority, shall be prohibited. (modified C.146)

Standard A2.4 – Repatriation

1. Members shall adopt laws and regulations ensuring that seafarers are entitled to repatriation in the following circumstances:

- (a) if the seafarers' employment agreement expires while abroad;
- (b) when their seafarers' employment agreement expires or is terminated –
 - (i) by the shipowner; or
 - (ii) by the seafarer for justified reasons; and also
- (c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances. (modified C.166A2/1)

2. National laws and regulations or collective agreements shall prescribe:

- (a) the kinds of circumstances in which seafarers are entitled to repatriation in accordance with paragraph 1(b) and (c) above;
- (b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation; such periods shall be less than 12 months. (C.166A2/2)

3. Members shall prescribe by national laws or regulations the destinations to which seafarers may be repatriated. (C.166A3/1) The destinations shall include the

countries with which seafarers may be deemed to have a substantial connection. (C.166A3/2)

4. Members shall require that shipowners take responsibility for repatriation arrangements by appropriate and expeditious means. The normal mode of transport shall be by air. (modified C.166A4/1)

5. Seafarers who are to be repatriated shall be able to obtain their passport and other identity documents for the purpose of repatriation. (C.166A6)

6. The cost of repatriation shall be borne by the shipowner. (C.166A4/2) However, where repatriation has taken place as a result of a seafarer being found, in accordance with national laws or regulations or collective agreements, to be in serious default of the seafarers' employment obligations, nothing in this Code prejudices the right of recovery from the seafarer of repatriation costs or part thereof, in accordance with national laws or regulations or collective agreements. (modified C.166A4/3)

7. The costs to be borne by the shipowner shall include at least the cost of travel and of food, accommodation and necessary medical treatment or facilities during travel.

8. Members shall prohibit shipowners from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment and from recovering the cost of repatriation from the seafarers' wages or other entitlements except as provided for in paragraph 6. (C.166A4/5)

9. National laws and regulations shall not prejudice any right of the shipowner to recover the cost of repatriation of seafarers not employed by the shipowner. (C.166A4/6)

10. If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers who are entitled to be repatriated:

- (a) the competent authority of the Member whose flag the ship flies shall arrange for repatriation of the seafarers concerned; if it fails to do so, the State from which the seafarers are to be repatriated or the State of which they are a national may arrange for their repatriation and recover the cost from the Member whose flag the ship flies;
- (b) costs incurred in repatriating seafarers shall be recoverable from the shipowner by the Member whose flag the ship flies;
- (c) the expenses of repatriation shall in no case be a charge upon the seafarers, except as provided for in paragraph 6. (C.166A5)

11. Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board. (C.166A10)

12. The text of this Standard and the Regulation shall be available to seafarers on board ship in an appropriate language. (C.166A12)

Standard A2.5 – Safe crewing levels

1. Every ship shall be sufficiently, safely and efficiently crewed, in accordance with the minimum safe crewing [manning] document or an equivalent issued by the competent authority. (C.180A11/1)

2. When determining, approving or revising crew levels, the competent authority shall take into account the need to avoid or minimize, as far as practicable, excessive hours of work to ensure sufficient rest and to limit fatigue. (C.180A11/2)

Standard A2.6 [– Continuity of employment

1. Members shall have a national policy to encourage all concerned to provide continuous or regular employment for qualified seafarers in so far as this is practicable and, in so doing, to provide shipowners with a stable and competent workforce. (C.145A2/1)

2. Every effort shall be made for seafarers to be assured minimum periods of employment, or either a minimum income or a monetary allowance, in a manner and to an extent depending on the economic and social situation of the country concerned. (C.145A2/2)]

Title 3. Accommodation, welfare facilities, food and catering

Standard A3.1 – Accommodation and on-board welfare facilities

1. Each Member shall adopt laws and regulations requiring that ships flying its flag meet minimum standards for safe and decent accommodation and welfare facilities for seafarers who are required to live on board and that ships are inspected to ensure initial and ongoing compliance with those standards.

2. In developing and applying the laws and regulations to implement these Standards, the competent authority shall consult with the relevant shipowner and seafarer organizations (modified C.92A3) and shall take full account of the guidance contained in Part B of this Code.

3. The inspections required under Title 5 of this Convention shall be carried out when –

- (a) a ship is registered or re-registered; or
- (b) the seafarer accommodation on a ship has been substantially altered.

4. The competent authority shall pay particular attention to ensuring implementation of the standards of this Convention relating to:

- (a) the size of [key rooms];
- (b) heating and ventilation;
- (c) noise and vibration;
- (d) sanitary facilities; and
- (e) lighting.

5. The competent authority of each Member shall require that ships meet the following minimum standards for on-board accommodation and welfare facilities:

- (a) there is adequate headroom in all seafarer accommodation to ensure full and free movement; (modified C.133) and there are no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas;
- (b) bulkheads separating such places from sleeping rooms and external bulkheads are efficiently constructed of steel or other approved substance and are watertight and gas-tight; (C.92A6/2) and that the fire prevention measures are compliant with the requirements of the International Convention on the Safety of Life at Sea, 1974, as amended, and of any codes of practice adopted pursuant to that Convention; (modified, replaces C.92A6/8)
- (c) the accommodation is adequately insulated, (C.92A6/3, 5, 6) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings are suitable for the purpose and are conducive to ensuring a healthy environment; (C.92A6/4, 7, 8, 9, 11, 12), properly lighted and sufficient drainage is provided; (C.92A6/13)
- (d) sleeping rooms and dining areas are adequately ventilated; (modified C.92A7/1) adequate heat through an appropriate heating system is provided, except in ships exclusively on voyages in tropical climates; (C.92A8/1) and all ships [of 1,000 gross tonnage or over], except those engaged exclusively in voyages in temperate climates, are equipped with air conditioning for seafarer accommodation, the radio room and any centralized machinery control room; (R.140P1)
- (e) ships regularly trading to mosquito-infested ports are fitted with suitable protective screens to side scuttles, ventilators and doors to the open deck; (C.92A15/3)
- (f) sleeping rooms are of adequate size (C.133A11/1) and properly equipped so as to ensure reasonable comfort and to facilitate tidiness; (C.92A10/21)
- (g) individual sleeping rooms (C.133A8) are provided to seafarers (C.133A5), to the extent that is practicable and reasonable, and with a berth for each seafarer in all circumstances. (modified C.92A10/12) [Separate sleeping rooms shall be provided for men and for women; (new)]
- (h) sleeping rooms are situated above the load line amidships or aft, except that
 - (i) 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; (C.92A10/1&2)
 - (ii) on passenger ships seafarer accommodation may be located below the load line, provided that they are not immediately beneath working alleyways; (C.92A10/3)
- (i) all seafarers 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 at least for men and for women; (C.92A13/1; C.133A8/1)

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- (j) mess rooms, located apart from the sleeping rooms and as close as practicable to the galley, (C.92A11/8) are of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time; (C.133A6/1&2, A11/9&10)
 - (k) all ships shall have a space or spaces on open deck to which the personnel can have access when off duty, which is of adequate area having regard to the size of the ship and of the number of seafarers on board; (modified C.92A12/1)
 - (l) appropriately situated and furnished recreation and laundry facilities are available; (modified C.133A7/1, C.133A8/6)
 - (m) ships of [1,600 gross tons or over] have separate sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre; (C.133A9/1)
 - (n) ships of [3,000 gross tons or over] are provided with separate offices for use by the deck and by the engine departments; (C.92A15/2)
 - (o) appropriate provision is made for the reduction of, and protection of seafarers from, excessive and harmful noise on board. (modified R141/1/2)

6. Each Member shall ensure that the welfare facilities and services on every ship that flies its flag are provided for the benefit of all seafarers on board. (C.163A4) Full consideration shall be given to providing facilities and services of the kind indicated in the relevant provisions of Part B of this Code. Welfare facilities and services shall be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry. (C.163A5)

7. In accordance with the ongoing compliance procedures under Title 5 of this Convention, the competent authority shall require that frequent inspections be carried out on board ships, by or under the authority of the master, to ensure that seafarer accommodation is maintained in a good state of repair, clean and decently habitable. (modified C.92A6/10, C.92A17/1). The results of each such inspection shall be recorded. (modified C.92A17/2)

8. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the competent authority may, after consultation with the organizations of shipowners and seafarers concerned, and provided that these two sides are in agreement, permit variations in respect of these Standards on the condition that such variations do not result in overall facilities less favourable than those which would result from the application of the provisions of this Standard. (modified C.133A12)

Standard A3.2 – Food and catering

1. Members shall adopt laws and regulations to provide minimum standards for the quantity and quality of food and for the catering standards that apply to meals provided to seafarers on ships that fly its flag.

2. Members shall ensure that ships meet the following minimum standards:

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- (a) food and water supplies, having regard to the number of seafarers on board, their religious and cultural requirements as they pertain to food, and the duration and nature of the voyage, are suitable in respect of quantity, nutritive value, quality, variety;
 - (b) the organization and equipment of the catering department are such as to permit the provision to the seafarers adequate, varied and nutritious meals prepared and served in hygienic conditions; (C.68A5/2)
 - (c) catering staff are properly trained and qualified for their positions.

3. In accordance with the ongoing compliance procedures under Title 5 of this Convention, the competent authority shall require that frequent inspections be carried out on board ships, by or under the authority of the master, with respect to:

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

4. A full record shall be kept of such inspections and will be available for review by flag inspectors and authorized officers in ports.

5. Officers of the competent authority shall also give particular attention to

- (a) the qualification of such members of the catering department as are required by laws and regulations to possess qualifications; (C.68A6) and
- (b) seafarer complaints that the minimum standards provided under applicable national law or this Convention are not being met.

6. The competent authority shall develop educational materials and on-board propaganda, taking into account the Guidelines in Part B of this Code, concerning methods of ensuring proper food supply and catering services. (C.68A2)

7. The competent authority shall work in close cooperation with the organizations of shipowners and seafarers concerned and with national or local authorities concerned with questions of food and health, and may where necessary utilize the services of such authorities. (C.68A3/1)

Title 4. Health protection, welfare, medical care and social security protection

Standard A4.1 – Medical care on board ship and ashore

- 1. Members shall adopt laws and regulations that:
 - (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 peculiar to work on board ship; (C.164A4/a)
 - (b) ensure that seafarers at sea and ashore 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.164A4/b)

- (c) give seafarers the right to visit a qualified doctor without delay in ports of call where practicable; (modified C.164A4/c)
- (d) ensure that, in accordance with national law and practice, medical care and health protection services while a seafarer is on board ship are provided free of charge to seafarers; and (C.164A4/d)
- (e) not be limited to treatment of sick or injured seafarers but include measures of a preventive character including health promotion and health education programmes. (C.164A4/e)

2. On ships of more than [500 gross tons], carrying [15 or more] seafarers and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided and used exclusively for medical purposes. (C.164A11/9) The competent authority may relax this requirement in respect of ships engaged in coastal trade. (C.164A11/1) In approving on-board hospital accommodation, the competent authority shall:

- (a) ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention; (C.164A11/4&5) and
- (b) take full account of the guidance contained in Part B of this Code.

3. All ships carrying [100 or more] seafarers and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care. (C.164A8/1) National laws or regulations shall determine which other ships shall be required to carry a medical doctor, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board. (C.164A8/2)

4. Ships which do not carry a doctor shall have at least one seafarer on board who is trained and qualified to provide medical care on board. (C.164A9/1) Persons in charge of medical care on board who are not doctors shall have satisfactorily completed a course covering elementary training in first aid and in following expert medical advice. In the case of larger ships or ships voyaging out of range of qualified medical assistance and facilities, the course shall also cover practical training in emergency and life-saving techniques and in standard medical care. (C.164A9/2) The course shall be approved by the competent authority taking due account of Part B of the Code.

5. In addition to the person in charge of medical care on board, specified seafarers shall receive elementary training in medical care to enable them to take immediate effective action in case of accidents or illnesses likely to occur on board a ship. (C.164A9/6)

6. All ships shall be required to carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed 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 international recommended standards. (C.164A5/3)

7. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who shall ensure that the labelling, expiry dates and conditions of storage of all medicines and direction for its use are checked and all equipment functioning as required. (C.164A5/4) In adopting or reviewing the ship's medical guide used nationally, the competent authority shall take into account international recommendations in this field, including the most recent edition of the *International medical guide for ships* and the *Medical first-aid guide for use in accidents involving dangerous goods*. (C.164A6/3)

8. 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* published by the International Maritime Organization, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes shall be made available to the master, seafarers and other interested persons. Such specific antidotes and personal protective devices shall be on board whenever dangerous goods are carried. (C.164A5/6)

9. The competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any hour of the day or night. (C.164A7/1) Medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly. (C.164A7/2)

10. All ships shall carry a complete and up-to-date list of radio stations through which medical advice can be obtained; (C.164A7/3a) and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained. (C.164A7/3b) Persons in charge of medical care on board shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the *International code of signals* published by the International Maritime Organization so as to enable them to understand the type of information needed by the advising doctor as well as the advice received. (C.164A7/4)

11. There shall be a standard medical report form specially designed to facilitate the exchange (on a confidential basis) of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury. (C.164A12/2)

Standard A4.2 – Shipowner's liability in the case of sickness or injury of seafarers or other misfortunes

1. Each Member shall adopt laws and regulations requiring that shipowners on ships flying its flag are responsible for medical care and maintenance of seafarers in accordance with the following minimum standards:

- (a) shipowners shall be liable to bear the costs for seafarers in their employ in respect of sickness and injury of the seafarer occurring between the date of commencing duty and the date that they are deemed to have been duly repatriated upon the termination of the engagement;

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- (b) [shipowners shall be responsible for securing insurance coverage to provide compensation in the event of the death or the [long-term] disability of a seafarer occurring between the date of commencing duty and the date that they are deemed to have been duly repatriated upon termination of the engagement; (new)]
- (c) shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character;
- (d) shipowners shall be liable to defray the expense of death resulting from such sickness or injury, (C.55A2/1) including burial expenses in the case of death occurring on board, or in the case of death occurring on shore if the seafarer concerned was, at the time of death, entitled to medical care and maintenance at the shipowner's expense. (C.55A7/1)

2. National laws or regulations may 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 [12 weeks] [16 weeks] from the day of the injury or the commencement of the sickness. (C.55A4/2)

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 (C.55A5/1) or are left behind in the territory of a State other than the Member; (C.165A14)
- (b) to pay wages in whole or in part as prescribed by national laws or regulations from the time when the seafarers are repatriated or landed until their recovery or (if earlier) until they are entitled to cash benefits under the legislation of the Member concerned. (modified C.55A5/1, C.165A15)

4. National laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a seafarer not or no longer on board to a period which shall not be less than [12] weeks from the day of the injury or the commencement of the sickness. (C.55A5/2, C.165A14&15)

5. National laws or regulations may exclude the shipowner from liability in respect of –

- (a) injury incurred otherwise than in the service of the ship;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased seafarer;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

6. Members shall require that, in every case of loss or foundering of any ship, the shipowner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering. (C.8A2/1)

7. Shipowners or their representatives shall 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. (C.55A8, amended)

Standard A4.3 – Health and safety and accident prevention

1. Members shall adopt laws and regulations or other measures concerning:
 - (a) the prevention of occupational accidents on board ship, including requirements for occupational health and safety training;
 - (b) programmes for the prevention of such accidents, involving all parties concerned in their implementation; and
 - (c) requirements for investigating and reporting of on-board occupational accidents.

2. The above provisions shall cover all matters relevant to the prevention of occupational accidents that may be applicable to the work of seafarers and particularly those which are peculiar to maritime employment. (C.134A4/2) The accident-prevention provisions shall clearly specify the obligation of shipowners, seafarers and others concerned to comply with them, (C.134A5/1) with special attention being paid to the health and safety of seafarers under 18 years of age.

3. The competent authority shall ensure that occupational accidents are adequately reported, and that comprehensive statistics of such accidents are kept, analysed and published and, where appropriate, followed up by research into general trends and into the hazards brought to light. (C.134A2&3) All serious occupational accidents shall be investigated. (C.134A2)

4. All appropriate and practicable measures shall also be taken to bring to the attention of all seafarers information concerning particular hazards, for instance, by means of official notices containing relevant instructions. (C.134A9/2).

5. When implementing this Standard, full account shall be taken of the guidance contained in the Guidelines in Part B of this Code. (C.134A2/1)

Standard A4.4 – Access to shore-based welfare facilities

1. Members shall ensure that welfare facilities and services are provided in appropriate ports of the country for all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State of the flag flown by the ship on which they are employed. (modified C.163A3/1)

2. Each Member shall determine, after consultation with the organizations of shipowners and seafarers concerned, where such exist, which ports are to be regarded as appropriate for the purposes of paragraph 1 above. (C.163A3/2)

3. Full consideration shall be given to providing facilities and services of the kind indicated in the relevant provisions of Part B of this Code.

4. Welfare facilities and services shall be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry. (C.163A5)

Standard A4.5 – Social security protection

A4.5.1 General principles

1. The branches of social security to be considered with a view to full coverage in accordance with Regulation 4.5 are: medical care; sickness benefits; unemployment benefits; pensions or provident funds; employment injury benefits; family benefits; maternity benefits; invalidity benefits; and survivors' benefits.

2. Members shall cooperate with each other to ensure that seafarers and their families have adequate social security protection.

3. In principle, the protection afforded to seafarers in their country of residence shall not be less favourable than that enjoyed by shoreworkers in respect of the branch of social security concerned. (C.165A7)

4. With a view to avoiding conflicts of laws the legislation applicable in respect of seafarers who are or have been subject to the legislation of one or more Members shall be determined by the Members concerned in accordance with the following rules:

- (a) seafarers shall be subject to the legislation of one Member only;
- (b) in principle this legislation shall be –
 - (i) the legislation of the Member in whose territory the seafarer is resident; or
 - (ii) the legislation of the Member whose flag the ship is flying; or
- (c) the Members concerned may, however, determine, by mutual agreement, other rules concerning the legislation applicable to seafarers, in the interest of the persons concerned; (C.165A17+A16)
- (d) Members shall cooperate, as appropriate, in schemes for the maintenance of social security rights in course of acquisition; (C.165A21)
- (e) fair and effective procedures shall be established for the settlement of disputes.

Title 5. Compliance and enforcement

For the purposes of this Title the term “shipboard conditions of employment and living arrangements” refers to the areas of flag State certification and inspection responsibility listed in Appendix A5.1. (modified C.178A1/7)

Standard A5.1 – Flag state responsibilities

A5.1.1 General principles

A5.1.2 Certificates and documents of compliance

1. The general form and content of the certificate of compliance to be issued by the flag State, in accordance with paragraph 1 of Regulation 5.1.2, and of the document of compliance, referred to in paragraph 2 of that Regulation, shall be the same for all ships that fly the flag of the Member concerned. Members shall take full account of the guidance provided in Appendix B5.1 of this Code.

2. The certificate of compliance, complemented by the document of compliance, shall constitute prima facie evidence that the ship has been duly inspected and that the requirements of this Convention relating to seafarers' shipboard conditions of employment and living arrangements have been met to the extent so certified. A list of the matters that must be inspected and approved before a certificate can be issued to a ship is set out in Appendix A-I.

3. The model for the detailed document of compliance required under paragraph 2 of Regulation 5.2.2 shall be developed by each Member after consultation with the representative shipowners' and seafarers' organizations in its territory. The document of compliance to be maintained by each ship shall be based on that model and approved by the competent authority of the Member concerned.

4. Taking account of the guidance provided in Part B of this Code, the document of compliance shall:

- (a) reproduce the national requirements relating to the shipboard conditions of employment and living arrangements that are to be observed (to the extent applicable on the ship concerned) on all ships that fly the Member's flag, together with precise references to the relevant legislation of that Member, and indicate any provisions of that legislation which establish requirements that are substantially equivalent to those of this Convention;
- (b) state any additional, ship-specific requirements relating to the shipboard conditions referred to;
- (c) provide indications as to precisely how the requirements are to be implemented on the ship concerned, where this is not clear from the requirements as stated; and
- (d) provide a comprehensive and detailed description of the procedures or policies, including the maintenance of records where appropriate, that are to be followed on the ship in order to ensure that the requirements have been and will continue to be implemented between inspections.

5. Where the language of the flag State is not English, an English language translation of the document of compliance shall be also be provided.

6. When a document of compliance is first drawn up for a particular ship, it shall be submitted to the competent authority for review and to make a determination that:

- (a) the conditions of employment and living arrangements on board the ship to which the documentation relates have been inspected and have been found to correspond to the terms of the procedures or policies set out in the documentation; and
- (b) that the procedures or policies are adequate to ensure compliance with the requirements of this Convention.

7. A certificate of compliance and a document of compliance shall be valid for a period not exceeding [five] [three] years.

8. New certifications or any renewals shall record the results of all subsequent inspections or other verifications carried out with respect to the ship concerned. Any significant deficiencies found during any such verification shall be recorded in

the documentation relating to certification, together with the date when the deficiencies were found to have been remedied. This record shall, in accordance with national laws or regulations, be inscribed upon or appended to the document of compliance or posted in the same place.

9. An up-to-date copy of the certificate of compliance and document of compliance, accompanied by an English-language translation where it is not in English, shall be posted on the notice board of the ship concerned for the information of the seafarers. Persons with an interest in reviewing such documentation shall include inspectors of the flag State, authorized officers in port States, seafarers working on the ship and shipowners' and seafarers' representatives.

10. Provided that the requirements of this Convention are met as far as the conditions for issuance of a certificate are concerned, the document of compliance under Regulation 5.1.2 may be part of more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector.

11. The requirement for an English-language translation in paragraphs 5 and 9 above does not apply in the case of ships engaged only in domestic voyages.

A5.1.3 – Inspection and enforcement

1. Each Member shall maintain a regular system of inspection of the shipboard conditions of employment and living arrangements of seafarers, (modified C.178A2/1) including verification that the procedures or policies set out in the document of compliance are being followed and that the requirements of this Convention are met.

2. Such inspections shall take place at intervals not exceeding [three] years. (modified C.178A3/1)

3. With respect to construction or accommodation arrangements, the ship shall be inspected according to the schedule set out in Title 3 of this Convention. (modified C.178A3/3)

4. If a Member receives a complaint or obtains evidence that a ship that flies its flag does not conform to the standards of this Convention or that there are serious deficiencies in the implementation of the procedures or policies referred to above, the Member shall take measures to inspect the ship as soon as practicable. (C.178A3/2)

5. The competent authority shall in all cases be responsible for the inspection of shipboard conditions of employment and living arrangements. It may authorize public institutions or other organizations it recognizes as competent and independent to carry out these inspections on its behalf. It shall maintain and make publicly available a list of such institutions or organizations. (C.178A2/3)

6. Each Member shall appoint inspectors qualified for the performance of their duties and shall take the necessary steps to satisfy itself that inspectors are available in sufficient number to meet the requirements of this Convention. (C.178A4)

7. Inspectors shall have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences. (C.178A5/1)

8. Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

- (a) to board a ship flying the Member's flag and to enter premises as necessary for inspection;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the Standards are being strictly observed;
- (c) to require that deficiencies are remedied; and
- (d) where they have grounds to believe that a deficiency constitutes a significant danger to seafarers' health or safety or security, to prohibit, subject to any right of appeal to a judicial or administrative authority, a ship from leaving port until necessary measures are taken. (C.178A5/2)

9. When an inspection is conducted or when measures are taken under this Title, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed. (C.178A6/1)

10. The competent authority shall maintain records of inspections of seafarers' shipboard conditions of employment and living arrangements (C.178A8/1) and shall publish an annual report on inspection activities, within a reasonable time after the end of the year to which each inspection relates and in any case within six months. (C.178A8/2).

11. Inspectors shall submit a report of each inspection to the competent authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the vessel and another copy shall be posted on the ship's notice board for the information of the seafarers or sent to their representatives. (C.178A9/1)

12. In the case of an inspection pursuant to a major incident, the report shall be submitted as soon as practicable but not later than one month following the conclusion of the inspection. (C.178A9/2)

13. Inspectors shall have the discretion to give warnings and advice instead of instituting or recommending proceedings (C.178A7/2) [when the breach of the standard does not endanger the safety or health or security of the seafarers concerned and where there is no prior history of similar violations. A record shall be kept of such exercises of discretion.]

A5.1.4 – On-board complaint procedures

1. Without prejudice to any wider scope that may be given in national laws or regulations or collective agreements, complaints by seafarers may relate to any matter that is alleged to constitute a violation of the standards of this Convention.

2. In its national laws or regulations, each Member shall ensure that appropriate procedures are in place to meet the requirements of paragraph 1 of Regulation 5.1.4. Such procedures shall include the right of the seafarer to be accompanied or represented, as well as safeguards against the possibility of victimization for filing a complaint. The right of direct complaint to an external authority specified in the paragraph 1 referred to shall include the right of direct access to the shipowner, as well as the right to bring the matter before the courts or

other relevant tribunals of the Member if the complaint cannot be promptly resolved by other methods.

3. All seafarers must be provided, together with a copy of their seafarers' employment agreement, with:

- (a) a copy of the on-board complaint procedures applicable on the ship;
- (b) the address, telephone number and other contact details for lodging a complaint with the shipowner; and
- (c) information on the right of complaint to the authorities in ports, provided for under Regulation 5.2.2.

4. Seafarers shall also be periodically supplied with:

- (a) the name of a person or persons on board the vessel who can, on a confidential basis, provide seafarers with impartial advice on their complaint and on the prohibition against victimization for filing a complaint and otherwise assist them in following the complaint procedures available to them on board the ship; and
- (b) the address, telephone number and other contact details of persons able to provide advice to seafarers wishing to take legal proceedings.

Standard A5.2 – Port state responsibilities

A5.2.1 Inspections in port

1. Where a more detailed inspection is carried out on a foreign ship in the port of a Member by authorized officers in the circumstances set out in paragraph 2(a) or (b) of Regulation 5.2.1, it shall, in principle, cover the matters listed in Appendix A-II.

2. An inspection carried out pursuant to a complaint under paragraph 2(c) of Regulation 5.2.1 shall be limited to the subject-matter of the complaint. For the purpose of that paragraph, "complaint" means information submitted by a seafarer, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to seafarers on board. (C.147A4/3)

3. The ship may be required to remain in port until the inspection has been completed.

4. Where the conditions of employment and living arrangements on the ship are found not to conform to the standards of this Convention –

- (a) the authorized officer shall forthwith send a report to the master of the ship, stating the deficiencies found as well as the measures needed to rectify them;
- (b) the authorized officer shall at the same time notify the nearest maritime, consular or diplomatic representative of the flag State –
 - (i) inviting the competent authority of that State to send a representative to discuss the matter; (C.147A4/2)

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- (ii) referring to paragraph 3(c) of Regulation 5.2.1 of this Convention and to the provisions in this Standard, and drawing attention to the possibility that the authorized officer's report, accompanied by the flag State's reply, may be sent to the Director-General of the International Labour Office with a view to appropriate action;
 - (iii) requesting the maritime, consular or diplomatic representative of the flag State, inter alia, to outline the measures taken by the flag State to verify or to require the correction of the reported deficiencies; and
 - (iv) setting a deadline for the reply from the competent authority; the deadline, which shall be of at least three weeks, shall take account of the time that may reasonably be needed for the ship to remedy all the reported deficiencies;
- (c) a copy of the authorized officer's report shall be sent to the competent authority of the next port of call, together with information on any undertakings that the ship may have made to remedy the defects found.

5. Where the conditions on board are clearly hazardous to safety or health [or security], (C.147A4/1) the authorized officer carrying out the control shall take steps to ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the ship or persons on board. (SOLAS, Reg. 19(c))

6. Where the non-conformity with the standard concerned –

- (a) could, in all likelihood, cause serious material hardship to seafarers or their families; or
- (b) constitutes a serious violation of any right or standard under this Convention, and there is clear evidence that the ship concerned has on several recent occasions been in serious violation of principles or rights laid down in this Convention,

the authorized officer carrying out the control shall take steps to ensure that the standard concerned is properly observed before the ship leaves the port.

7. Each Member shall ensure that its inspectors are given guidance, of the kind indicated in Part B of the Code, as to the kinds of circumstances justifying detention of a ship under paragraph 6 above.

A5.2.2 On-shore complaint handling procedures

1. Complaints by seafarers alleging a violation of the standards of the Convention relating to shipboard conditions of employment or living arrangements may be dealt with by authorized officers in the port at which the seafarer's ship has called.

2. In such cases, the officers shall take into account the desirability, where appropriate, given the nature of the complaint, that:

- (a) on-board complaints handling procedures should have been explored;
- (b) complaints that could not be appropriately handled on board or are not resolved on board are investigated with expedition and confidentiality and, where possible, resolved;

-
- (c) the flag State is informed of unresolved substantiated complaints, particularly those regarding matters that are outside the jurisdiction of the port State and cases of victimization of seafarers for alleging violations of the standards of this Convention; and
- (d) all possible steps are taken to safeguard the confidentiality of complaints made by seafarers.

Standard A5.3 – Labour-supplying responsibilities

(to be developed)

Title 5, Code, Part A: Appendices

Appendix A-I

Shipboard conditions of employment and living arrangements that must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.2, paragraph 2.*

**This is a proposed list only. It will be finalized after the content of the Titles is determined.*

Minimum age

Medical certification

Qualifications of seafarers

[Seafarers' identity documents]

Seafarers' employment agreements

Hours of work or rest

Crewing levels for the ship

Accommodation

On-board welfare facilities

Food and catering

Health and safety and accident prevention

On-board medical care

On-board complaint procedures

Appendix A-II

General areas that are subject to a detailed inspection by an authorized officer in a port State carrying out an inspection pursuant to Standard A5.2.1*

**This is a proposed list only. It will be finalized after the content of the Titles is determined.*

Minimum age

Medical certification

Qualifications of seafarers

[Seafarers' identity documents]

Seafarers' employment agreements

Hours of work or rest

Crewing levels for the ship

Accommodation

On-board welfare facilities

Food and catering

Health and safety and accident prevention

On-board medical care

[On-board complaint procedures]