

STANDARD

DNVGL-ST-0030

Edition March 2015

Crew manning offices, private recruitment and placement services

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FOREWORD

DNV GL standards contain requirements, principles and acceptance criteria for objects, personnel, organisations and/or operations.

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CHANGES – CURRENT

General

This document supersedes DNV Standards for Certification No. 3.404, October 2007.

Text affected by the main changes in this edition is highlighted in red colour. However, if the changes involve a whole chapter, section or sub-section, normally only the title will be in red colour.

On 12 September 2013, DNV and GL merged to form DNV GL Group. On 25 November 2013 Det Norske Veritas AS became the 100% shareholder of Germanischer Lloyd SE, the parent company of the GL Group, and on 27 November 2013 Det Norske Veritas AS, company registration number 945 748 931, changed its name to DNV GL AS. For further information, see www.dnvgl.com. Any reference in this document to "Det Norske Veritas AS", "Det Norske Veritas", "DNV", "GL", "Germanischer Lloyd SE", "GL Group" or any other legal entity name or trading name presently owned by the DNV GL Group shall therefore also be considered a reference to "DNV GL AS".

Main changes

- **General**
 - The standard has been updated to comply with the DNV GL merger and the current guidelines for DNV GL service documents.
 - It has been stated that records shall be made available to auditors.
- **Sec.1 Part 1: Crew manning offices**
 - [1.1.1.1]: Two options for documenting compliance with MLC, 2006 have been described.
 - [1.1.1.3]: A new paragraph has been added to clearly define the entity subject to certification.
 - [1.1.2.1]: Validity of certificate may be reduced to three years when combined with ISO 9001.
 - [1.2.1.5]: Change from data analysis to root cause analysis.
 - [1.2.1.6]: Has been clarified regarding how to deal with non-compliant seafarers.
 - [1.2.3.1]: Requirement for manning agreement has been changed.
 - [1.2.5.1]: Requirements for appraisal system have been slightly expanded.
 - [1.2.5.2]: The seafarer's employment agreement has been included for review during the recruitment process.
- **Sec.2 Part 2: Private recruitment and placement services**
 - [2.2.1.1]: The footnote in the previous edition of the document has been deleted as it was found not to add value.
 - [2.2.1.2]: Footnote has been amended as the MLC, 2006 now is in force.
 - [2.2.1.5]: The text has been amended to address how to deal with incompetent seafarers and disciplinary matters.
 - [2.2.1.6]: The note regarding Seafarers Employment Agreement has been lifted to make it a requirement.
 - [2.2.1.7]: A new paragraph has been added to reflect the need for "Record of Employment".
 - [2.2.1.8]: More specific training requirement has been added.
 - [2.2.1.11]: As a result of the DNV GL merger, a new paragraph "Repatriation" has been added.
 - [2.2.1.12]: Requirements for Complaint Procedure has been amended.
 - [2.2.1.13]: The footnote in the previous edition of the document has been deleted as the MLC has now entered into force.

Editorial corrections

In addition to the above stated main changes, editorial corrections may have been made.

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SECTION 1 PART 1: CREW MANNING OFFICES

1.1 Application and certification

1.1.1 Scope and application

1.1.1.1 Scope

“Standard” when used in Part 1 shall be understood as referring only to Part 1 of this standard.

This standard gives requirements to crew manning offices (CMO) and recruitment and placement services (RPS). The standard is aimed at ensuring safety against hazards to ships, personnel, passengers and cargo, and against hazard to the environment as a consequence of sea transport.

Part 1 of this standard does not seek in any way to define or embrace detailed regulatory requirements. Crew manning offices are to comply with international and national requirements and with what is considered to be good practice.

The crew manning office may include quality objectives additional to those covered by the scope of this standard. The certification services may then be extended to verify that the arrangements needed for the achievement of such objectives are implemented and maintained.

All CMOs and RPS certified by DNV GL have to comply with the Maritime Labour Compliance, 2006 (MLC, 2006) Regulation 1.4 and DNV GL offers two certification options for CMO/RPS to do so:

- Part 1 of this standard + Part 2 of this standard
- ISO 9001 certification by DNV GL + Part 2 of this standard.

1.1.1.2 Application

The standard is applicable to crew manning offices responsible for selection, recruitment and training of ships personnel.

1.1.1.3 Terminology of scope

The standard terminology used in the standard is crew manning offices which is an entity responsible for selection, recruitment and training of ships personnel.

In the MLC, 2006 the terminology used is private recruitment and placement services (RPS) and in Standard A 1.4 paragraph 2 is stated that: “Private seafarer recruitment and placement services whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation”.

In this standard the term “crew manning office” covers both CMO and RPS.

1.1.2 Certification

1.1.2.1 Company management system certificate

Crew manning offices that comply with the requirements in this standard may receive a certificate for “Crew Manning Office”.

The “Crew Manning Office” certificate will be valid for 5 years or for a lesser period if the validity of the ISO certificate is less than 5 years. The validity of the certificate is subject to the crew manning office complying with the requirements for periodical audits. The certificate will be renewed following the satisfactory completion of a renewal audit.

1.1.3 Certification principles

1.1.3.1 General

The certification will include:

- assessment of the documentation of the management
- implementation audit

- annual periodical audits for retention of the certificate
- renewal audits.

1.1.3.2 Assessment of the documentation of the system

Assessment of the documentation of the management system is performed to verify conformity with the applicable requirements in this standard. Corrective actions shall be taken to possible non-conformities.

1.1.3.3 Implementation audit

An implementation audit shall be performed to verify conformity between the documented management system and the implemented management system.

Possible non-conformities will be reported in writing to the crew manning office. Corrective actions shall be taken to rectify non-conformities. When the corrective actions are closed out or a plan for the closing is available and accepted, certification will be recommended.

1.1.3.4 Periodical audits for retention of the certificate

Periodical audits shall be carried out annually. Periodical audits should be satisfactorily completed in the three month period either side of the certificate anniversary date.

Possible non-conformities shall be reported in writing to the crew manning office. Corrective actions shall be taken to rectify identified non-conformities within agreed time.

1.1.4 Definitions

Table 1-1 General

<i>Term</i>	<i>Definition</i>
<i>quality</i>	includes safety and environment protection
<i>crew contract</i>	the agreement between the crew manning office and the seafarer
<i>manning agreement</i>	the agreement between the crew manning office and the ship manager/owner
<i>review</i>	activity to determine the suitability, adequacy and effectiveness of the subject matter to achieve established objectives
<i>verification</i>	confirmation, through provision of objective evidence, that specified requirements are fulfilled
<i>validation</i>	confirmation, through provision of objective evidence, that the requirements for a specific intended use or application have been fulfilled
<i>guidance note</i>	an advice which is not mandatory, but which the society, in light of general experience, advises compliance, hence, it is for the client to decide whether to apply the note or not

1.2 Requirements for crew manning offices

1.2.1 Management responsibility

1.2.1.1 Policy and objectives

The crew manning office's top management shall establish a quality policy and ensure that it:

- is appropriate to the purpose of the crew manning office
- includes a commitment to comply with requirements and continually improve the effectiveness of the management system
- provides a framework for establishing and reviewing quality objectives
- is communicated and understood within the organisation
- is reviewed for continuing suitability.

Guidance note:

A review of the policy may be part of management review.

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The crew manning office's management shall ensure that quality objectives are established and that the objectives are measurable and consistent with the quality policy.

Guidance note:

Measurable objectives may be, but not limited to:

- level of customer satisfaction
- level of crew satisfaction
- turnover of crew
- benchmarking against other crew manning offices.

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The crew manning office's management shall ensure that customer requirements are determined and met with the aim of enhancing customer satisfaction.

Guidance note:

This may be determined through questionnaires to ship managers, appraisal interviews with crew, discussion with masters etc.

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The crew manning office's management shall ensure that planning of the management system is performed in order to:

- identify the needed processes
- determine the sequence between these processes
- ensure that operation and control of the processes are effective
- ensure availability of resources
- monitor, measure and analyse the different processes
- ensure continuous improvement of the processes
- maintain the integrity of the management system when modifications are planned and implemented.

Guidance note:

Typical output of planning might be the quality manual, documented procedures, instructions, flow-charts etc.

Planning of resources might include:

- who shall perform the verification
- who shall perform the work
- identification of training needs.

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1.2.1.2 Responsibility and authority

The responsibility, authority and the interrelation of personnel responsible for any part of the selection, recruitment and training process for seafarers shall be defined and documented. At least the following items shall be included:

- initiate actions to prevent the occurrence of any non-conformities relating to their services as stated in the manning agreement
- identify and record deficiencies relating to their services
- initiate, recommend or provide solutions through designated channels
- verify the implementation of solutions
- control the further process until the deficiency has been corrected.

The crew manning office shall determine and provide resources needed to:

- implement and maintain the management system and continually improve its effectiveness
- enhance customer satisfaction by meeting their requirements.

1.2.1.3 Management representative

Top management shall appoint a member of the management who, irrespectively of other duties, shall have responsibilities and authority to:

- ensure that processes needed for the management system are established, implemented and maintained
- report on the performance of the management system to the company's top management for review and as a basis for improvement of the management system

- liaise with external parties on matters relating to the company's management system.
- ensure the promotion of awareness and handling of customers' requirements throughout the organisation.

1.2.1.4 Review

The management shall review the management system at defined intervals to ensure its:

- continuing suitability
- adequacy
- effectiveness in satisfying the requirements of this standard
- effectiveness in satisfying the crew manning office's policy and objectives
- assessment of opportunities for improvement.

Such reviews shall be performed at least annually, and records shall be maintained. Reviews shall consist of well structured and comprehensive evaluations which include, but are not limited to:

- considerations for up-dating the system in relation to changes in current and new regulations, market demands, changes in fleet, crew nationality etc.
- internal and external audit reports
- recommendations for improvement
- feedback from customers and other interested parties
- process performance and conformity of manning service
- status of preventive and corrective actions
- follow-up actions from previous management reviews.

Output from the management review shall include any decisions and actions related to:

- improvement of the effectiveness of the management system and its processes
- improvement of service related to customer requirements
- resource needs.

Records of reviews shall be maintained and be made available to the auditors on demand.

Guidance note:

Records of management review should include, but is not limited to:

- who performed the review
- date of review
- what was reviewed
- result of the review
- actions points
- assignment of action points
- status of previous actions
- conclusion.

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1.2.1.5 Improvement

The crew manning office shall continually improve the effectiveness of the management system through the use of quality policy and objectives, audit results, root cause analyses, implementation of corrective and preventive actions and management review.

The crew manning office shall establish procedures for reporting non-conformities and unintended events.

Records shall be maintained and be made available to the auditors on demand.

Guidance note:

The documented procedure might include, but is not limited to:

- how to report?
- who should report?
- what information to include in the report?
- follow up
- closing

- statistical use.

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The crew manning office shall identify the root cause of and initiate action(s) to eliminate the cause of non-conformities in order to prevent recurrence. A documented procedure shall be established for:

- review of non-conformities and complaints
- investigation to find the root cause
- evaluate actions to prevent recurrence
- determine and implement needed action
- records of action taken
- review of corrective action taken.

The crew manning office shall initiate actions to eliminate the cause of potential non-conformities in order to prevent their occurrence.

A documented procedure shall be established for:

- determine potential non-conformities and causes
- evaluate actions to prevent occurrence of non-conformities
- determine and implement needed action
- records of action taken
- review of preventive action taken.

1.2.1.6 Non-conforming seafarers

The crew manning office shall have a procedure for ensuring that seafarers comply with requirements set by the recruitment country authorities, the flag State authorities of the ship(s) in question and of the customer. The procedure shall also ensure that non-conforming seafarers are precluded from recruitment and serving on board ship.

1.2.2 Quality manual, document and data control

1.2.2.1 Quality manual

The crew manning office shall establish, document and maintain a management system as a means of ensuring that their services conform to specified requirements.

The management system shall include or make reference to procedures affecting safety and quality and outline the structure of the documentation used in the management system.

The following items shall be included:

- documented procedures consistent with the requirements of this standard, as well as the company's stated objectives and policy
- a description on how to effectively implement the management system and its documented procedures
- a description of interaction between the processes of the management system.

If the crew manning office decides to outsource any of these processes, it shall ensure control of these processes.

The crew manning office's management shall ensure that appropriate communication channels are established and maintained within the organisation and that communication regarding the effectiveness of the management system takes place.

Guidance note:

Examples might be:

- notice-boards
- web-sites
- meetings, briefings, orientations
- internal magazines

- suggestion forms.

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1.2.2.2 Document and data control procedures

The crew manning office shall establish and maintain documented procedures to control all documents and data related to the requirements of this standard.

The documents and data shall be reviewed and approved for adequacy by authorised personnel prior to issue. A master list or an equivalent document control procedure identifying the current revision status of documents shall be established and be readily available to preclude the use of invalid and/or obsolete documents.

The control shall ensure that:

- pertinent issues of appropriate documents/data are available at all relevant locations
- invalid and/or obsolete documents are promptly removed from all points of issue or use, or otherwise assured against unintended use
- changes to documents and data shall be reviewed and approved by the same functions that performed the original review and approval, unless specifically designated otherwise
- documents of external origin are identified and their distribution controlled
- documents remain legible and readily identifiable.

Arrangements shall also include:

- clear identification of which information is controlled
- clear responsibility for its upkeep.

Guidance note:

Controlled documents may be:

- quality manuals
- relevant legislation
- contracts.

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1.2.2.3 Records and filing

Records shall be established and maintained to provide evidence of conformity to requirements and of the effective operation of the management system. Records shall remain legible, readily identifiable and retrievable.

The crew manning office shall establish a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.

All records related to the seafarers shall be retained for defined retention time.

Guidance note:

Examples of records might be, but is not limited to:

- personnel records including those for qualification, experience and skill
- personnel records including employment details such as name of vessel, type of vessel, position onboard and contract details
- appraisal forms
- training schedule/records.

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Retention times for quality records shall be established and regulatory requirements shall be complied with.

Records may be kept in any media or format (electronically, hardcopies etc.)

When relevant, electronic backup procedures shall be established.

1.2.3 Manning agreement

1.2.3.1 General

The management shall sign with the client an agreement identifying and accepting roles and responsibilities for the crew management obligations. The terms and language of the agreement shall be clear,

unambiguous and easily understood by the contracting parties.

The crew manning office's responsibilities, authorities, obligations and services shall be clearly defined in the agreement.

The agreement shall comply with and nothing in the agreement shall be contrary to, or in violation of, applicable laws and regulations.

1.2.3.2 Review of manning agreement

The management shall establish and maintain documented procedures for review of the manning agreement.

Before the acceptance of an agreement, the contract or agreement shall be reviewed by the crew manning office to ensure that:

- the requirements are adequately defined and documented
- they have the capability to meet the agreed requirements
- the agreement describes how the crew manning office shall identify an amendment to an agreement and correctly transfer it to the functions concerned within the crew manager's organisation.

Record of reviews shall be maintained.

1.2.3.3 Development / modification of services

The crew manning office shall plan and control the development of new services or modifications to existing services.

Guidance note:

This may apply in case of:

- change in fleet
- change in nationality of crew
- new regulations
- new market strategies.

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Inputs related to the service requirement shall be determined and records maintained. Inputs shall include:

- functional and performance requirements
- applicable statutory and regulatory requirements
- previous experience
- market demands
- other requirements essential for development
- qualification of developers.

These inputs shall be reviewed for adequacy.

Reviews shall be performed during development of the manning service. The objective is to:

- evaluate if the result meets the requirements
- identify any problems and propose necessary actions.

Records are to be maintained and be made available to auditors on demand.

Verification shall be performed in accordance with established procedures to ensure that the output have met the input requirements.

Records are to be maintained and be made available to auditors on demand.

1.2.4 Evaluation of suppliers

The crew manning office shall ensure that purchased product or service conforms to specified purchase requirements. The type and extent of control applied to the supplier and the purchased product, shall be dependent upon the effect of the purchased product on the service provided.

Guidance note:

Examples of products and suppliers might be:

- travel agents
- computer software
- training suppliers.

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The crew manning office shall evaluate and select suppliers based on their ability to supply product in accordance with the crew manning office's requirements. Criteria for selection, evaluation and re-evaluation shall be established.

Records of evaluation and re-evaluation of suppliers shall be maintained and be made available to auditors on demand.

1.2.5 Recruitment of ship personnel

1.2.5.1 Recruitment procedures

The crew manning office shall establish and maintain procedures for the selection and recruitment of ship's crew. The procedures shall at least include:

- verification of qualifications and experience requirements for each position on board, that the crew manning office is responsible for, under the manning agreement
- verifying that each member of the crew, that the crew manning office supplies, has and can document appropriate qualifications according to mandatory rules and regulations, adequate experience and medical fitness when appointed to the ship
- verifying that crew members can adequately understand key instructions in English and/or the commanding language
- an objective appraisal system known to the customers and recruited personnel for assessment of crew members
- verifying the correctness of personal documents and certificates
- evaluation of the anticipated future demand for trained personnel (when considering the number of cadets/apprentices to recruit).

1.2.5.2 Review of crew agreement

The crew manning office shall establish and maintain documented procedures for review of the crew contract/the seafarer's employment agreement (SEA). The crew contract/SEA shall conform at least to flag administration requirements.

Before an agreement is accepted, it shall be reviewed by the management to ensure that the requirements are adequately defined and documented.

The seafarer shall be given time to review the agreement and also to seek advice on the content before signing.

Records of contract reviews shall be maintained and be made available to auditors on demand.

1.2.6 Training of ship's crew

The crew manning office shall make provisions for adequate crew training according to requirements stated in the manning agreement by:

- use of approved or accepted shore based training facilities or training programmes
- motivating crew members to improve and update their qualifications related to their present position on board
- encouraging crew members to up-grade their current qualifications
- ensuring that documented procedures for on board familiarisation with ship's machinery, equipment and systems are provided before taking responsibility onboard.

Training needs shall be assessed by the crew manager and individual training needs are to be assessed according to appraisals by the line manager.

1.2.7 Communication

The crew manning office shall define and maintain lines of communication and experience feedback between the crew manager and the ship manager/owner, including, but not limited to, the following:

- accident and near miss reports
- training scheme, seminars etc.
- assessment reports.

1.2.8 Emergency procedures

The crew manning office shall ensure that an emergency plan has been established. The purpose of this plan is to ensure that the crew manning office, as required, responds to an emergency in a co-ordinated and efficient way.

The emergency plan shall include, but not be limited to, the following:

- the composition and duties of the emergency response team
- procedures to assemble the emergency response team
- procedures for establishing contact between the ship and the crew manager
- procedures for establishing contact between the ship manager/owner and the crew manager
- procedures to obtain details of personnel on board the vessel
- list of names and telephone numbers, including after hours telephone numbers, of persons and organisations who must be notified
- procedures for notifying and liaison with the next of kin for crew on board the vessel
- an up-to date list with personal details on all employed seafarers on board.

1.2.9 Internal safety and quality audits

1.2.9.1 General

The crew manning office shall carry out internal audits to verify the implementation of the management system and to determine its effectiveness.

The audits and follow-up actions shall be carried out in accordance with documented procedures.

Audit frequency shall be established ensuring as a minimum annual audits

The results of the audits shall be brought to the attention of the personnel having responsibility of the area audited. The management responsible for the area shall take timely corrective actions on the deficiencies found during the audit.

The audit shall be carried out by qualified personnel.

The auditors shall, as far as possible, not be directly involved in the area being audited.

Records of internal audits shall be maintained.

1.2.9.2 Audit plan

An audit plan shall be established and cover the following items:

- the specific area and activity to be audited
- the qualifications of personnel carrying out the audit
- the basis for carrying out the audit (e.g. organisational changes, new ships, new personnel and reported deficiencies)
- procedures for reporting non-conformities, conclusions and recommendations.

1.2.10 Resources

The crew manning office shall determine and provide the resources needed to:

- implement, maintain and improve the effectiveness of the management system
- enhance customer satisfaction by meeting their requirements.

Personnel performing work affecting quality of the customer service shall be competent on the basis of education, training, skills and experience.

Guidance note:

Minimum competency requirement of personnel involved in the customer service should be defined. These requirements may be defined in job descriptions.

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The crew manning office shall:

- determine competence needs and provide training for personnel affecting the quality of the service provided
- evaluate effectiveness of actions taken
- ensure that all personnel in the organisation are aware of their importance and how they can contribute to achieve the quality objectives
- maintain records of training, education, skills and experience.

The crew manning office shall determine, provide and maintain the infrastructure needed to achieve conformity of service requirement stated in the manning agreement. This includes:

- buildings, workspace, work environment
- equipment (hardware and software)
- support services (IT-support, maintenance etc.)

1.2.11 Analyses and improvements

The crew manning office shall plan and implement the monitoring, analysis and improvement processes needed, to:

- demonstrate conformity of the manning service
- ensure conformity with the management system
- continually improve the effectiveness of the management system.

Guidance note:

This should include determination of applicable methods, including statistical techniques and the extent of their use.

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The crew manning office shall ensure that the manning service is performed to the satisfaction of its customers and seafarers.

Guidance note:

This could be, but is not limited to:

- any complaints
- direct communication with customer and seafarers
- questionnaires/evaluations
- appraisal interviews.

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The crew manning office shall apply suitable methods for monitoring and, where applicable, measurement of the management system process.

Guidance note:

This could be, but is not limited to:

- internal/external audits
- competence of seafarers
- masters appraisal of seafarers
- reports from customers.

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The crew manning office shall determine, collect and analyse data in order to demonstrate effective implementation of the management system and evaluate where continuous improvement can be made.

The analysis shall contain information about, but is not limited to:

- customer satisfaction
- conformity of service requirement
- trends of processes and opportunities for preventive actions
- suppliers.

Guidance note:

Example of inputs to such analyse may be, but is not limited to:

- master appraisal reports
- external audits
- internal audits
- input from group of experts
- media.

These might also be valuable inputs to management review.

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1.2.12 Customer property

The crew manning office shall exercise care with customer properties while it is under the crew manning office's control or being used by the crew manning office.

Guidance note:

Example of customer property might be:

- training records
- certificates
- ship drawings and documentation.

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If any customer belongings are lost or damaged, this shall be reported to the customer and records shall be maintained.

SECTION 2 PART 2: PRIVATE RECRUITMENT AND PLACEMENT SERVICES

The Maritime Labour Convention 2006

The Maritime Labour Convention 2006 (MLC 2006) was adopted by the International Labour Organisation in February 2006. The MLC requires that "private seafarer recruitment and placement services whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation."

"Shipowners, who use seafarer recruitment and placement services based in countries or territories in which the Convention does not apply, shall ensure, as far as practicable, that those services meet the requirements."

This service will enable governments, crew manning offices/recruitment and placement services and shipowners to document compliance with the MLC, 2006 requirements.

2.1 Application and certification

2.1.1 Scope and application

2.1.1.1 Scope

"Standard" in this Part 2 shall be understood as being limited to Part 2 of this standard.

This standard gives requirements to RPS. The standard is aimed at ensuring compliance with the requirements in the Maritime Labour Convention, 2006.

This standard does not seek in any way to define or embrace detailed regulatory requirements. The RPS must comply with international and national requirements and with what is considered to be good practice.

The RPS may include quality objectives additional to those covered by the scope of this standard. The certification services may then be extended to verify that the arrangements needed for the achievement of such objectives are implemented and maintained.

2.1.1.2 Application

The standard is applicable to private recruitment and placement services responsible for selection, recruitment, placement and training of ships personnel.

2.1.2 Certification

2.1.2.1 Company management system certificate

RPS that comply with the requirements in Part 2 may receive a certificate for "Private Recruitment and Placement Services".

The "Private Recruitment and Placement Services" certificate shall be valid for 5 years or for a lesser period if the validity of the ISO certificate is less than 5 years. Validity of the certificate is subject to the RPS complying with the requirements for periodical audits.

The certificate will be renewed following the satisfactory completion of a renewal audit.

2.1.3 Certification principles

2.1.3.1 General

The certification will include:

- assessment of compliance with the requirements in the Maritime Labour Convention, 2006
- assessment of the documentation of the management
- implementation audit
- annual periodical audits for retention of the certificate

– renewal audits.

2.1.3.2 Assessment of the documentation of the system

Assessment of the documentation of the management system is performed to verify conformity with the applicable requirements in this standard. Corrective actions shall be taken to rectify non-conformities.

2.1.3.3 Implementation audit

An implementation audit shall be performed to verify conformity between the documented management system and the implemented management system.

Possible non-conformities shall be reported in writing to the RPS. Corrective actions shall be taken to rectify non-conformities. When the corrective actions are closed out or a plan for the closing is available and accepted, certification will be recommended.

2.1.3.4 Periodical audits for retention of the certificate

Periodical audits shall be carried out annually. Periodical audits should be satisfactorily completed in the three month period either side of the certificate anniversary date.

Possible non-conformities shall be reported in writing to the crew manning office. Corrective actions shall be taken to identified non-conformities within agreed time.

2.1.4 Definitions

Table 2-1 General

<i>Term</i>	<i>Definition</i>
<i>convention</i>	Maritime Labour Convention 2006
<i>RPS</i>	private recruitment and placement services as referred to in the Maritime Labour Convention 2006 Consequently it covers "Seafarer recruitment and placement service": meaning any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.
<i>seafarer</i>	any person who is employed or engaged or works in any capacity on board a ship to which the MLC, 2006 applies
<i>ship</i>	a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply
<i>shipowner</i>	the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the MLC, 2006, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner

2.2 Requirements from the Maritime Labour Convention, 2006

2.2.1 General administration

2.2.1.1 General

RPS shall not use means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified.

2.2.1.2 Fees

No fees or other charges for seafarer recruitment or placement, or for providing employment to seafarers shall be borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner.

Note:

The RPS should clearly publicize costs, if any (such as the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents), which the seafarer will be expected to bear in the recruitment process.

A statement from the top management of RPS that they do not charge any fees for such services from seafarers, should be issued.

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2.2.1.3 Data register

An up-to-date register of all seafarers recruited or placed shall be available for inspection.

Note:

Due regard should be taken to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by RPS, including the collection, storage, combination and communication of such data to third parties.

The RPS should maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which should include but not be limited to:

- 1) the seafarers' qualifications
- 2) record of employment
- 3) personal data relevant to employment
- 4) medical data relevant to employment.

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The RPS should maintain up-to-date lists of the ships for which they provide seafarers and ensure that there is a means by which the agency can be contacted in an emergency at all hours.

The RPS should ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically and at no cost.

2.2.1.4 Age limit

The RPS shall have procedures in place ensuring that no seafarer recruited by or through them are employed, engaged or permitted to work on board a ship unless they have reached the age of 16. Additional age requirements set by the recruitment country and/or the flag state authorities shall also be complied with.

2.2.1.5 Information on rights and duties

The RPS shall have procedures in place ensuring that:

- seafarers recruited or placed by them are informed of their rights and duties under their employment agreements prior to or in the process of engagement
- cases of incompetence or indiscipline are dealt with in consistence with national laws and practice and, where applicable, with collective agreements.

2.2.1.6 Employment agreements

The RPS shall have procedures in place ensuring that seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement.

The RPS shall also have procedures in place ensuring that proper arrangements are made for seafarers signing a seafarers' employment agreement to be given an opportunity to examine and seek advice on the agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities before and after they are signed and for them to receive a signed original of the agreement.

Note:

The employment agreement shall as a minimum contain the following particulars:

- a) the seafarer's full name, date of birth or age, and birthplace
- b) the shipowner's name and address
- c) the place where and date when the seafarers' employment agreement is entered into
- d) the capacity in which the seafarer is to be employed
- e) the amount of the seafarer's wages or, where applicable, the formula used for calculating them
- f) the amount of paid annual leave or, where applicable, the formula used for calculating it
- g) the termination of the agreement and the conditions thereof, including:
 - if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the

- required notice period, which shall not be less for the shipowner than for the seafarer
 - if the agreement has been made for a definite period, the date fixed for its expiry
 - if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged.
- h) the health and social security protection benefits to be provided to the seafarer by the shipowner
 - i) the seafarer's entitlement to repatriation
 - j) reference to the collective bargaining agreement, if applicable
 - k) any other particulars which national law may require.

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The RPS shall take into account the seafarers' needs to terminate, without penalty, the employment agreement on shorter notice or without notice for compassionate or other urgent reasons.

2.2.1.7 Record of employment

The RPS shall, as far as applicable, arrange application of the seafarers' discharge book and ensure that shipowners have procedures in place to ensure that seafarers shall be given a document containing a record of their employment on board the ship.

The above mentioned procedures shall ensure that the document contain sufficient information, with a translation into English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion. A seafarers' discharge book may satisfy the requirements for the record of employment.

2.2.1.8 Qualifications

The RPS shall have procedures in place ensuring that seafarers recruited or placed shall not work on a ship unless they are trained or certified as competent or otherwise found qualified to perform their duties. Seafarers shall hold the documents necessary for the job concerned. Only seafarers who have successfully completed training for personal safety on board a ship shall be permitted to work on board ships.

2.2.1.9 Medical certificate

The RPS shall have procedures in place ensuring that prior to beginning work on a ship, seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.

Note:

The medical certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. Practitioners must enjoy full professional independence in exercising their medical judgement in undertaking medical examination procedures.

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2.2.1.10 Shipowners' means

The RPS shall, as far as practicable, ensure that the shipowner has the means to protect seafarers from being stranded in a foreign port.

2.2.1.11 Repatriation and travel arrangements

The RPS shall have procedures in place ensuring that seafarers are properly repatriated in accordance with their entitlement. The RPS shall monitor that travelling arrangements from the place of engagement to the vessel and vice versa are made. It shall undertake all necessary arrangements in preparing the seafarer for joining the vessel in time, with all required documents, certificates, travel documents, guarantee letter and employment contract. The cost for travel allowances, accommodation and food, as well as luggage allowance of 30 kg shall not be borne by the seafarer.

Transport mode shall be of appropriate and expeditious means. The normal mode of transport to repatriate seafarers should be by air and the time spent awaiting repatriation and repatriation travel time should not be deducted from paid leave accrued to the seafarers.

Expenses for repatriation shall at no time be borne by the seafarer except where seafarers are found to be in serious default of their employment obligations. These cases of default can only be defined by national laws and regulations or applicable collective bargaining agreements.

2.2.1.12 Complaints

The RPS shall have procedures in place ensuring that they examine and respond to any complaint

concerning their activities and advise the competent authority of any unresolved complaint. All complaints and the decisions on them shall be recorded and a copy provided to the complainant.

In addition to a copy of their seafarers' employment agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship they are assigned to. This complaint procedure shall include contact information of the competent authority in the flag state and, where different, in the seafarers' country of residence.

2.2.1.13 Compensation for monetary loss

The RPS shall 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 an agency or the relevant shipowner under the seafarers' employment agreement to meet its obligations to the seafarer.

2.2.1.14 Advice regarding employment on non-MLC ships

The RPS shall, in so far as practicable; advise seafarers on the possible problems of signing on a ship that flies the flag of a state which has not ratified the MLC, 2006, until it is satisfied that standards equivalent to those fixed by this convention are being applied.

Note:

Staff responsible for the supervision of private seafarer recruitment and placement service for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations should have had adequate training, including approved sea-service experience, and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labour standards.

The RPS shall verify that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative seafarers' organization and, as a matter of policy, supply seafarers only to shipowners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

Measures taken to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

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2.2.1.15 Obligations and responsibilities of shipowners and flag states

Nothing in Part 2 shall be understood as diminishing the obligations and responsibilities of shipowners or of a flag state, or any third party in relation to the seafarers.

2.2.1.16 Prevention of exploitation

Procedures shall be in place in order to ensure that seafarers are not subject to exploitation with regard to the offer of engagement on particular ships or by particular companies.

Procedures shall be in place in order to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarers which are handled by the RPS.

2.2.1.17 Seafarer documents

The RPS shall as far as practicable, ensure that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified.



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