



BERMUDA

MERCHANT SHIPPING (INSPECTIONS OF SHIPS AND ISSUE OF MARITIME  
LABOUR CERTIFICATES) REGULATIONS 2013

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SCHEDULE

The Minister responsible for Maritime Administration, in exercise of the power conferred by section 3, 37A and 57 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Inspections of Ships and Issue of Maritime Labour Certificates) Regulations 2013.

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### Interpretation

2 In these Regulations–

“anniversary date” means the day and month of the year corresponding to the date of expiry of the ship’s Maritime Labour Certificate;

“Bermuda ship” means a ship which is a Bermuda ship within the meaning of section 2(1) of the Act;

“commercial activity” means any employment of the vessel for which a contract or charter party is in force and includes the carriage of any cargo or persons for reward;

“GT” means Gross Tonnage as measured under the International Tonnage Convention 1969 and as shown on the vessel’s International Tonnage certificate;

“Maritime Labour Convention” means the Maritime Labour Convention 2006 adopted at a general conference of the International Labour Organization in Geneva on 7 February 2006;

“Maritime Labour Certificate” means the certificate issued to a ship in accordance with Article V of the Maritime Labour Convention;

“Minister” means the Minister from time to time responsible for maritime administration;

“pleasure vessel” means–

(a) A vessel which, at the time that it is being used is -

(i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or immediate family or friends of the owner; or in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the passengers are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by or on behalf of users of the vessel other than by the owner; or

(b) any vessel wholly owned by or on behalf of a member’s club formed for the purpose of sport or pleasure which, at the time that it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and no other payments are made by or on behalf of users of the vessel other than by the owner and, for the purposes of this definition “immediate family” means in relation to

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an individual, the husband or wife of the individual and a relative of the individual or the individual's husband or wife, and "relative" means brother, sister, ancestor or lineal descendant.

"shipowner" means the owner of a ship or another organisation or person such as the manager, agent or bareboat charterer who has assumed the responsibility for the operation of the ship from the owner.

### Application

3 These Regulations apply to-

- (a) Bermuda ships wherever they may be other than:
  - (i) fishing vessels;
  - (ii) vessels owned and operated by a Government Department or Agency for non-commercial purposes;
  - (iii) pleasure vessels; or
  - (iv) vessels of less than 500 GT; and
- (b) subject to regulation 11, these regulations apply to ships that are not Bermuda ships when in a port in Bermuda other than-
  - (i) fishing vessels;
  - (ii) pleasure vessels;
  - (iii) warships, naval auxiliaries and other ships owned or operated by a state and not engaged on commercial activity;
- (c) in so far as the issue of a Maritime Labour Certificate is concerned these regulations may, at the request of the shipowner, be applied to other Bermuda ships for which that shipowner has the responsibility.

### Carriage of a Maritime Labour Certificate

4 (1) Every ship to which these regulations apply shall carry on board-

- (a) a valid Maritime Labour Certificate issued by or on behalf of the Minister;
- (b) a Declaration of Maritime Labour Compliance issued by or on behalf of the Minister and attached to the Maritime Labour Certificate; and
- (c) a copy of the Maritime Labour Convention including any amendments that may be made from time to time.

(2) A copy of the ship's Maritime Labour Certificate, including its attached Declaration of Maritime Labour Compliance shall be displayed in a conspicuous place on board and available for inspection by all the seafarers in the ship.

(3) A ship's Maritime Labour Certificate shall be available for inspection by the Minister or by any official authorised by him and copies shall be provided where reasonably

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requested by seafarers, Port State Authorities, and shipowner's and seafarer's representatives.

### Inspections of ships and issue of certificates

5 (1) An inspection of a Bermuda ship shall be conducted by an authorised person and shall examine the following areas–

- (a) minimum age of Seafarers;
- (b) medical certification;
- (c) qualifications of seafarers;
- (d) seafarer's employment agreements;
- (e) use of any licensed or certified or regulated private recruitment and placement service;
- (f) hours of work or rest;
- (g) manning levels for the ship;
- (h) accommodation;
- (i) on-board recreational facilities;
- (j) food and catering;
- (k) health and safety and accident prevention;
- (l) on-board medical care;
- (m) on-board complaint procedures; and
- (n) payment of wages.

(2) A Bermuda ship that has been inspected in accordance with paragraph (1) and shown to comply with the regulations covering the areas listed in paragraph (1) shall be issued with a Maritime Labour Certificate.

(3) A vessel that is newly constructed and registered in Bermuda, or which has changed flag to Bermuda from another flag, or which has come into the management of a new shipowner may be inspected as far as reasonable and practical in the areas listed in paragraph (1) and provided that:

- (a) there is verification that the shipowner has adequate procedures to comply with the regulations covering the areas in paragraph (1);
- (b) the master is familiar with the Maritime Labour Convention;
- (c) relevant information has been submitted to the Minister sufficient to prepare a Declaration of Maritime Compliance; and
- (d) the ship shall be issued with an Interim Maritime Labour Certificate and an Interim Maritime Labour Certificate need not have attached to it a Declaration of Maritime Compliance.

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(4) A ship that is issued with an Interim Maritime Labour Certificate shall be subjected to the inspection described in regulation 5(1) before the expiry of the interim certificate and shall be issued with a Maritime Labour Certificate.

(5) No ship may be issued with a further Interim Maritime Labour certificate following expiry of the first one.

### Validity of a Maritime Labour Certificate

6 (1) A Maritime Labour Certificate issued after the inspection in regulation 5(1) shall be valid for not more than 5 years from the date of inspection provided that an intermediate inspection in accordance with regulation 5(1) shall be carried out between the second and third anniversary dates.

(2) The intermediate inspection shall be endorsed on the ship's Maritime Labour Certificate by the authorised person making the inspection.

(3) On the expiry of a ship's Maritime Labour Certificate the ship shall be subjected to an inspection as described in regulation 5(1) before a new Maritime Labour Certificate is issued.

(4) An Interim Maritime labour Certificate shall have a validity not exceeding 6 months from the date of the inspection in regulation 5(2).

(5) Notwithstanding the requirements of paragraph (1), in a case where the inspection for the renewal of a ship's Maritime Labour Certificate has been carried out during the three months immediately prior to the expiry date of the ship's Maritime Labour Certificate, a new Maritime Labour Certificate may be issued with an expiry date which is five years from the date of expiry of the existing certificate.

(6) A Maritime Labour Certificate shall cease to be valid whenever the-

- (a) expiry date has passed and the renewal inspection has not been carried out;
- (b) periodical inspection has not been carried out within the time period allowed for it;
- (c) ship ceases to be registered in Bermuda,
- (d) shipowner ceases to be responsible for the ship; or
- (e) (e) substantial changes have been made to the seafarers accommodation.

(7) In the case where a Maritime Labour Certificate has ceased to be valid as a consequence of paragraph 6(e) the Minister shall issue a new certificate on verification that the ship continues to meet the requirements of the applicable regulations.

### Format of the Maritime Labour Certificate

7 (1) A Maritime Labour Certificate issued to a Bermuda ship shall be in the form specified by the Minister and in conformity with the model format for such a certificate contained in the Code to the Maritime Labour Convention.

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(2) Every Maritime Labour Certificate, other than an interim Maritime Labour certificate, shall have attached to it a Declaration of Maritime Labour Compliance which shall be drawn up in a form specified by the minister and in conformity with the model form for such a declaration contained in the Code to the maritime labour Convention.

(3) Part 1 to the Declaration of Maritime Labour Compliance shall be drawn up by the Minister in accordance with the Code to the Maritime Labour Convention and Part 2 to the declaration shall be completed by the shipowner and certified by the inspector following the inspection referred to in regulation 5(1).

### Records of inspections

8 Following every periodical inspection or inspection for the renewal of a ship's Maritime Labour Certificate the person making the inspection shall prepare a record of the inspection including a note of any significant deficiencies that are found and the date when such deficiencies are found to be remedied and this record shall be retained with the ship's Maritime Labour Certificate and be available for inspection by the seafarers, by an official authorised by the minister or by a port state control officer or by the seafarer's or shipowner's representatives.

### Withdrawal of a Maritime Labour Certificate

9 In any case where the Minister has established that a Bermuda ship no longer complies with the requirements of the Maritime Labour Convention and where the shipowner has not rectified the deficiencies in a reasonable time, the Minister may withdraw the ship's Maritime Labour Certificate and shall not issue a further certificate until such time as the ship is in compliance with the applicable regulations.

### Recognised organisations and powers of inspectors

10 (1) The Minister, having regard for the requirements in Standard A5.1.2 of the Maritime Labour Convention, may appoint a recognised organisation to carry out any of the inspections listed in regulation 5.

(2) Each appointment in accordance with paragraph (1) shall be in writing and extend for the conduct of one inspection.

(3) Any officer of the Bermuda Maritime Administration and any inspector from a recognised organisation appointed under sub-paragraph (1) in so far as the ship he is appointed to inspect shall have the power to-

- (a) board a Bermuda ship;
- (b) carry out such examinations, tests and inquiries which they consider necessary to establish that the applicable regulations covering the areas specified in regulation 5(1) are being complied with; and
- (c) require that any deficiency is rectified within a reasonable period of time.

(4) An inspector appointed from a recognised organisation and appointed by the Minister who establishes that there are deficiencies amounting to a serious breach of the Maritime Labour Convention or which constitute a danger to the health, safety, or security

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of the seafarers on the ship shall notify the Minister immediately on finding such deficiencies.

### On board complaints procedure

11 (1) The shipowner and the master of a ship shall ensure, as required under section 57 of the Act, that there is available to a seafarer on that ship a procedure to lodge a complaint alleging a breach of the requirements of the Maritime Labour Convention and that complaint to be resolved fairly, effectively and expeditiously.

(2) The complaints handling procedure established under paragraph (1) shall meet the standards for on-board complaint procedures as set out in A5.1.5 of the Code, and the Guideline B5.1.5.

### Penalties

12 (1) If a ship to which these Regulations apply proceeds or attempts to proceed to sea or on a voyage or excursion without a valid Maritime Labour Certificate and Part I and Part II of the Declaration of Maritime Compliance or an Interim Labour Certificate as required under these Regulations, the shipowner and master of the ship commit an offence and shall be liable on summary conviction to a fine not exceeding \$10,000.

(2) If the shipowner or master of a ship to which a Maritime Labour Certificate has been issued fails to maintain the validity of his certificate and continue to operate the ship without validating the certificate by conducting the required periodic inspections, they shall be committing an offence and shall be liable on summary conviction to a fine not exceeding \$5,000.

(3) Any contravention of regulation 5 is an offence by the shipowner and by the master of the ship and shall be punishable on summary conviction by a fine not exceeding \$5,000.

### Inspection of foreign ships in Bermuda waters

13 (1) Every foreign ship calling in a port in Bermuda in the normal course of business or for operational reasons may be the subject of inspection under Regulation 5.2.1 of the Maritime Labour Convention for the purpose of reviewing compliance with the relevant provisions of the Maritime Labour Convention.

(2) The inspections carried out pursuant to paragraph (1) shall be undertaken by the authorised officers of the competent authority and shall be based on the port State inspection and monitoring system operated under the Merchant Shipping (Port State Control) Regulations 2011, and standard A5.2.1 of the Labour Code, in order to ensure that the working and living conditions for seafarers on ships calling in Bermuda ports meet the requirements of the Maritime Labour Convention including seafarers rights.

(3) Where during the inspection, the authorised officer finds clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of the Maritime Labour Convention he may undertake a more detailed inspection as provided in the Code to ascertain the working and living conditions on board.

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(4) Where following the more detailed inspection the ship is found not to conform to the requirements of the Maritime Labour Convention and-

- (a) the conditions on board are hazardous to the safety, health or security of seafarers; or
- (b) the non-conformity constitute a repeated breach of the requirements of the Maritime Labour Convention (including seafarer's rights),

the authorised officer shall take steps to ensure that the ship shall not proceed to sea until the non-conformities identified during the detailed inspection have been rectified.

(5) On implementing the port state control inspection procedures under this regulation, all possible effort must be taken to avoid a ship being unduly detained or delayed.

### On-shore seafarer complaint-handling procedures

14 (1) The Department of Maritime Administration shall be the competent authority in Bermuda for handling complaints by a seafarer in Bermuda ports. There shall be established a documented procedure for handling seafarer complaints.

(2) The Department of Maritime Administration, on receiving a complaint from a seafarer on a ship in a port in Bermuda, who alleges a breach of the requirement of the Maritime Labour Convention or that there are serious deficiencies in the implementation of measures set out in the maritime declaration of compliance, shall record the complaint and inform the Mercantile Marine Superintendent promptly.

(3) The Mercantile Marine Superintendent shall cause to undertake an investigation into the alleged complaint by an Authorised Person in accordance with Standard A5.2.2 and Guidelines B5.2.2 of the Maritime Labour Code for handling of complaints by seafarers, in order to facilitate a prompt and practical means of redress.

(4) In the event that the investigation conducted under Standard A5.2.2 and Guideline B5.2.2 reveals any non-conformity of a serious nature that falls within the scope of paragraph 6 of Standard A5.2.1 of the labour Code, the provisions of that paragraph shall be applied.

(5) Any seafarer may lodge with the Department of Maritime Administration a complaint alleging a breach of the requirements of the Maritime Labour Convention, and the Department of Maritime Administration shall treat the source of any such complaint as confidential.

### Commencement

15 These Regulations shall come into operation on the same date on which the Merchant Shipping (ILO) Amendment Act 2012 comes into operation.



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SCHEDULE

(Regulation 4)



**MARITIME LABOUR CERTIFICATE**

*(Note: This certificate shall have a Declaration of Maritime Labour Compliance attached.)*

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention 2006 (referred to below as “the Convention”) under the authority of the:

**GOVERNMENT OF BERMUDA**  
by  
The Department of Maritime Administration  
3F Global House, 43 Church Street,  
Hamilton HM12, Bermuda.

Particulars of the ship

Name of the Ship.				IMO No.	
Distinctive Number or Letters		Port of Registry	Hamilton	Gross Tonnage	
Date of registry		Type of ship	Passenger ship		
Name and address of the shipowner					

**This is to certify:**

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime labour Compliance.
2. That the seafarer’s working and living conditions specified in Appendix A5-1 of the Convention were found to correspond to the abovementioned country’s national requirements implementing the Convention. These national requirements are summarised in the Declaration of Maritime Labour Compliance, Part 1.

This certificate is valid until \_\_\_\_\_ subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This certificate is valid only when the Declaration of Maritime labour Compliance issued at \_\_\_\_\_ on \_\_\_\_\_ is attached.

The completion date of the inspection on which this Certificate is based was \_\_\_\_\_

Issued at \_\_\_\_\_ on \_\_\_\_\_ Official stamp

.....  
*Signature of the duly authorised official issuing the Certificate*

***This certificate is issued by Bermuda under the responsibility of the United Kingdom as flag state under the Convention.***

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*Endorsements for mandatory intermediate inspection and, if required, any additional inspection.*

This is to certify that the ship was inspected in accordance with Standards A51.3 and A5.1.4 of the Convention and that the seafarer's working and living conditions specified in Appendix A5-1 of the Convention were found to correspond to the above-mentioned country's national requirements implementing the Convention.

Intermediate inspection  
*To be completed between the  
second and third anniversary  
dates.*

Signed .....  
(Signature of authorised official)

Place .....

Date ..... Official stamp.

*Additional endorsements (if required).*

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of the accommodation) or for other reasons.

Additional inspection  
*(If required)*

Signed .....  
(Signature of authorised official)

Place .....

Date ..... Official stamp.

**Additional inspection  
(If required)**

Signed .....  
(Signature of authorised official)

Place .....

Date ..... Official stamp.

Additional inspection  
*(If required)*

Signed .....  
(Signature of authorised official)

Place .....

Date ..... Official stamp.

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**Declaration of Maritime Labour Compliance – Part I**

*(Note: This Declaration must be attached to the ship's Maritime labour certificate)*

Issued under the authority of  
The Bermuda Department of Maritime Administration

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of the ship	IMO Number.	Gross Tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4 are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

<p><b>(1) Minimum age (Regulation 1.1)</b></p>	<p><b>- Merchant Shipping (Minimum Age at Sea and Employment of Young Persons at Sea) Regulations 2013</b></p>
	<ul style="list-style-type: none"> <li>• <b>Section 67, Merchant Shipping Act 2002</b></li> <li>• <i>Minimum ages are those referred to in the Convention.</i></li> <li>• <i>Merchant Shipping Act, 2002 section 67 (Young Persons)</i></li> <li>• <i>No young person under the age of 16 may be employed.</i></li> <li>• <i>Night means a period of nine consecutive hours including the period between 0000 local time and 0500 local time.</i></li> <li>• <i>Young persons may work at night as part of training but not alone.</i></li> <li>• <i>Prohibited work includes stoking, trimming, work in dangerous enclosed spaces, work with dangerous chemicals requiring special protective equipment, operators of lifting equipment and work in breathing apparatus.</i></li> <li>• <i>Persons under 18 may not be employed as a ship's cook.</i></li> <li>• <i>Every young person must hold a young person's medical certificate.</i></li> <li>• <i>Master shall maintain a list of young people on board.</i></li> </ul>

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<p><b>(2) Medical Certification</b> <b>(Regulation 1.2)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Medical Certification of Seafarers) regulations 2013.</b></li> <li>- <b>Bermuda Shipping Notice No. 2012-007.</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Section 59 (1) (c) of the Merchant Shipping Act, 2002</b></li> <li>• <i>Medical certificates are required for all seafarers on all Bermuda ships.</i></li> <li>• <i>Validity is 2 years for persons over 18, and 1 year for persons under 18.</i></li> <li>• <i>Medical Fitness Certificate to be issued by a medical practitioner recognised and registered in country of practice.</i></li> <li>• <i>List of acceptable countries is contained in the Annex to the Merchant Shipping (Medical Certification of Seafarers) regulations 2013.</i></li> <li>• <i>Medical standards as required by ILO/WHO Guidelines and by STCW Convention (Regulation I/9, and Section A-9.2)</i></li> <li>• <i>The minimum in-service eyesight standards are set out in STCW section A-1/9 and Table A-1/9</i></li> <li>• <i>Seafarers without a valid medical fitness certificate may not be employed.</i></li> <li>• <i>Situations as described in Regulation A1.2.8 and A1.2.9 of the Maritime Labour Convention are permitted.</i></li> </ul>
<p><b>(3) Qualifications of Seafarers</b> <b>(Regulation 1.3)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Training, Certification, Manning and Watchkeeping) Regulations 2005</b></li> <li>- <b>Bermuda Shipping Notice No. 2011-015</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Section 59 of the Merchant Shipping Act, 2002</b></li> <li>• <i>Training and certification requirements for master, officers and ratings of ships</i></li> <li>• <i>Radio communication, GMDSS qualification requirements for radio personnel</i></li> <li>• <i>Bermuda is not a STCW Certificate issuing county, it only recognises certificates issued by those countries listed in Bermuda Shipping Notice 2011-015</i></li> <li>• <i>All Watchkeeping Officers holding certificates of Competency issued by recognised countries other than the UK are to have a Bermuda endorsement.</i></li> <li>• <i>Ratings forming part of a watch to be certificated as Navigational Watch rating or Engineering Watch Rating as appropriate.</i></li> <li>• <i>Watch rating Certificates issued by any other party to the Convention are accepted.</i></li> <li>• <i>Personnel on tankers to have training and certification as required by the STCW Convention.</i></li> <li>• <i>Personnel on Passenger ships and Ro-Ro passenger ships to have the additional training as specified in A/V2 and A/V.3 of the STCW Convention.</i></li> <li>• <i>All seafarers to receive familiarisation training per STCW A. VI.1.</i></li> <li>• <i>Mandatory minimum requirements for proficiency in survival craft, rescue boats, fast rescue boat, advance fire fighting, medical first aid, medical care.</i></li> <li>• <i>Mandatory minimum requirements for manning training and qualifications for masters, officers and ratings on large commercial yachts</i></li> </ul>

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<p><b>(4) Seafarer's Employment Agreements</b> <b>(Regulation 2.1)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Seafarer's Employment) Regulations 2013.</b></li> <li>- <b>Merchant Shipping (Repatriation) Regulations 2013.</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Section 38 of the Merchant Shipping Act 2002</b></li> <li>• <i>Each seafarer to have a written employment agreement signed by the seafarer and shipowner or representative. Terms and conditions may be separate document. Seafarer to have a copy.</i></li> <li>• <i>An electronic copy of the original document on board is accepted as evidence of the original document.</i></li> <li>• <i>Each seafarer to have access to a copy of the agreement and terms and conditions before signing.</i></li> <li>• <i>Collective bargaining agreement can be all or part of the employment agreement.</i></li> <li>• <i>Each seafarer to be given a record of employment at end of employment on board – may be a discharge book entry or may be a separate paper document. Content and limitations to be as per Regulation 2.1</i></li> <li>• <i>Minimum content of employment agreement is to be as stated in Standard A2.1.4 of the Maritime Labour Convention.</i></li> <li>• <i>Minimum notice periods are 7 days for single voyage contracts, 14 days for multi-voyage contracts for the first voyage, and one month for time limited and indefinite agreements after the first voyage.</i></li> <li>• <i>Maximum length of voyage is 10 months for a single voyage contract, 6 months for others. Plus or minus one month allowed for practicality.</i></li> <li>• <i>Provisions given in the regulations for the termination of employment agreement must be adhered to.</i></li> <li>• <i>Annual leave to be at 2.5 days per month employed, or pro rata plus 8 days for public holidays.</i></li> <li>• <i>Repatriation – a seafarer shall be entitled to repatriation as per Regulation 5 of the Merchant Shipping (Repatriation) Regulations 2013.</i></li> <li>• <i>Financial Security- ship owner to carry on board every ship evidence of financial security in regards to repatriation of seafarers in its employ.</i></li> </ul>
<p><b>(5) Use of any licensed or certified or regulated private recruitment and placement service</b> <b>(Regulation 1.4)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Seafarer's Employment) Regulations 2013</b></li> <li>- <b>Bermuda Shipping Notice No. 2011-002.</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Section 38 of the Merchant Shipping Act 2002</b></li> <li>• <i>Shipowner to use recruitment and placement services conforming to Standards set out in the Convention, based in countries Party to the Convention.</i></li> <li>• <i>Written procedure for verification of standards of recruitment and placement services for the purpose of engaging seafarers from a country which is not a signatory to the Convention, must be developed.</i></li> <li>• <i>Requirement to maintain evidence of verification of standards by the owner.</i></li> <li>• <i>Shipowner may use external vetting organizations such as ROs for verification of standards of recruiting and placement services.</i></li> </ul>

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<p><b>(6) Hours of work and hours of rest</b> <b>(Regulation 2.3)</b></p>	<p>- <b>Merchant Shipping (Hours of Rest) Regulations 2011</b></p> <ul style="list-style-type: none"> <li>• <b>Section 93, Merchant Shipping Act 2002.</b></li> <li>• <i>Definitions of work and rest as per the Convention.</i></li> <li>• <i>Minimum hours of rest specified to be as stated in the Convention.</i></li> <li>• <i>Time when a seafarer is on-call is rest but if that rest is disturbed the seafarer is to receive compensatory rest.</i></li> <li>• <i>Musters and drills are not work but the Master is to plan and organise them to minimise the disturbance to rest.</i></li> <li>• <i>Exceptions are permitted where agreed in a collective bargaining agreement.</i></li> <li>• <i>Schedule of working hours is to be posted up and records of hours are to be kept monthly and both may be electronic provided the seafarers have ready access.</i></li> </ul>
<p><b>(7) Manning levels for the ship.</b> <b>(Regulation 2.7)</b></p>	<p>- <b>Merchant Shipping (Manning of Ships) Regulations 2011</b> - <b>Merchant Shipping (Training, Certification, Manning and Watchkeeping) Regulations 2005</b></p> <ul style="list-style-type: none"> <li>• <b>Section 59, Merchant Shipping Act 2002.</b></li> <li>• <i>All vessels over 500 GT to carry a Safe Manning Document, smaller vessels may opt for voluntary compliance.</i></li> <li>• <i>Assessment of manning to be in line with IMO Guidelines.</i></li> <li>• <i>Safe Manning Document is valid for 5 years.</i></li> <li>• <i>Safe manning is to be reviewed whenever there are changes in work patterns / employment etc affecting safe manning.</i></li> <li>• <i>Commercially operated yachts up to 3000 GT may be manned by personnel holding appropriate Yacht Master certificates endorsed with the commercial endorsement,</i></li> </ul>
<p><b>(8) Accommodation</b> <b>(Regulation 3.1)</b></p>	<p>- <b>Merchant Shipping (Seafarer's Accommodation) regulations 2013</b></p> <ul style="list-style-type: none"> <li>• <b>Section 56, Merchant Shipping Act 2002.</b></li> <li>• <i>Seafarer's Accommodation to be in accordance with the Standards in the Convention.</i></li> <li>• <i>Due consideration must be given to prevent risk of exposure to hazardous levels of noise and vibration in the accommodation.</i></li> <li>• <i>Accommodation in existing ships permitted to meet the standards set by the regulations in force prior to the application of the Convention.</i></li> <li>• <i>Hospital to be provided in every ship with 15 or more seafarers.</i></li> <li>• <i>Inspection of seafarer's accommodation must be carried out by the Master or under his authority to ensure accommodation is clean decent and habitable.</i></li> <li>• <i>Records of inspections must be maintained on board for inspection by the Administration Officials or the Port State Control officers</i></li> </ul>

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<p><b>(9) On-board recreational facilities</b> <b>(Regulation 3.1)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Seafarer's Accommodation) Regulations 2013</b></li> <li>• <b>Section 56, Merchant Shipping Act 2002.</b></li> <li>• <i>Recreation rooms in accordance with the Convention to be provided.</i></li> <li>• <i>Swimming pool where practicable in vessels over 8000 GT.</i></li> <li>• <i>Facilities and equipment for watching films in vessels over 8000 GT.</i></li> </ul>
<p><b>(10) Food and catering</b> <b>(Regulation 3.2)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Food, Catering and Ship's Cooks) Regulations 2013</b></li> <li>• <b>Sections 56A, 59 of the Merchant Shipping Act 2002.</b></li> <li>• <i>No charges to be made for food,</i></li> <li>• <i>Supplies to be of suitable quality and quantity adjusted to suit ethnic / religious needs.</i></li> <li>• <i>All catering staff to receive basic instruction in personal and food hygiene and safe food handling.</i></li> <li>• <i>Cooks to be over 18 and have attended a recognised course of training. Recognised courses are those recognised by Bermuda or by a signatory to the Convention.</i></li> <li>• <i>Dispensation may be given to non-fully qualified cook in emergency for up to 1 month.</i></li> <li>• <i>Monthly inspections of stores and galleys to be made and recorded.</i></li> </ul>
<p><b>(11) Health and safety and Accident prevention</b> <b>(Regulation 4.3)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Health and Safety at Work) Regulations 2004,</b></li> <li>- <b>Merchant Shipping (Health and Safety at Work) (Amendment) Regulations 2011</b></li> <li>• <b>Sections 93,94, Merchant Shipping Act 2002</b></li> <li>• <i>Person on whom duties are imposed</i></li> <li>• <i>General duties</i></li> <li>• <i>Health and safety policy</i></li> <li>• <i>Risk assessment</i></li> <li>• <i>Night work</i></li> <li>• <i>Health surveillance</i></li> <li>• <i>Capabilities and training</i></li> <li>• <i>Duties of the company</i></li> <li>• <i>Appointment of Safety Officer and safety committee when 5 or more seafarers</i></li> <li>• <i>Duties of Safety officer</i></li> <li>• <i>Duties of Safety Officer</i></li> <li>• <i>Duties of the company and the master</i></li> <li>• <i>General duties of seafarers</i></li> </ul>

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<p><b>(12) On-board medical care (Regulation 4.1)</b></p>	<p><b>(1) Merchant Shipping Act 2002,</b>  <b>(2) Merchant Shipping (Seafarer's Employment) Regulations 2013</b>  <b>(3) Merchant Shipping (Ship's Doctors) Regulations 2004</b>  <b>(4) Merchant Shipping (Seafarer's Accommodation) regulations 2013</b>  <b>(5) Merchant Shipping (Medical Stores) regulations 2005</b>  <b>(6) Merchant Shipping (Health and Safety at Work) Regulations 2004</b>  <b>(7) Merchant Shipping (Manning of Ships) regulations 2011.</b></p> <ul style="list-style-type: none"> <li>• <b>Section 58, Merchant Shipping Act, 2002..</b></li> <li>• <i>Seafarers have the right to medical and dental treatment in ports without delay where practicable.</i></li> <li>• <i>Doctor to be carried when 100 or more persons are carried on board and on voyages of more than 3 days or more than 36 hours from medical facilities</i></li> <li>• <i>Requirements for a ship's hospital and medical facilities</i></li> <li>• <i>Requirements for carriage of medical stores and medicine chest as set out in a shipping notice.</i></li> <li>• <i>Application of health promotion, and occupational health</i></li> <li>• <i>When no doctor is carried one seafarer on board to be qualified to take charge of medical care as per STCW Code Section A-VI/4.</i></li> <li>• <i>Shipowner's liability for the cost of medical treatment for persons employed in a Bermuda ship by the employer while employed,</i></li> <li>• <i>Shipowner shall be required to provide financial security to ensure compensation for death or long term disability as a result of occupational illness, injury to a seafarer while on board,</i></li> <li>• <i>Evidence of financial security to be carried on board and available for inspection</i></li> </ul>
<p><b>(13) On-board complaint procedure (Regulation 5.1.5)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Seafarer's Employment) Regulations 2013</b></li> <li>- <b>Merchant Shipping (Inspection of Ships and Issue of Maritime Labour Certificates) Regulations 2013</b></li> </ul> <ul style="list-style-type: none"> <li>• <b>Section 57 – Merchant Shipping Act 2002</b></li> <li>• <i>Every ship to have a complaints procedure available and in writing.</i></li> <li>• <i>Procedures to include contact details for the Bermuda Marine Administration.</i></li> <li>• <i>A seafarer has the right to make a complaint of any alleged breach of the requirements of the Convention on board his ship to an authorised officer of a port at which the seafarer's ship has called, in order to facilitate a prompt and practical means of redress.</i></li> <li>• <i>Procedure to allow for complaints to be addressed at the lowest possible level but right of direct approach to Master.</i></li> <li>• <i>If no satisfaction right of appeal to the Maritime Administration with conditions.</i></li> <li>• <i>Any kind of victimization of a seafarer for filing a complaint shall</i></li> </ul>



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	<p><i>not be permitted.</i></p> <ul style="list-style-type: none"> <li>• <i>All seafarers shall be provided with a copy of the on-board complaint procedures as applicable on the ship</i></li> <li>• <i>Right to take separate legal action preserved.</i></li> </ul>
<p><b>(14) Payment of wages</b> <b>(Regulation 2.2)</b></p>	<ul style="list-style-type: none"> <li>- <b>Merchant Shipping (Seafarer’s Wages) Regulations 2013</b></li> <li>- <b>Merchant Shipping (Seafarer’s Employment) Regulations 2013</b></li> </ul> <ul style="list-style-type: none"> <li>• <i>Section 39, Merchant Shipping Act 2002.</i></li> <li>• <i>Seafarer’s Employment Agreement to contain the amount of wages to be paid and where overtime is separate from basic pay the rate for the overtime payment.</i></li> <li>• <i>Wages to be paid in accordance with the employment agreement at intervals of not exceeding one calendar month.</i></li> <li>• <i>Seafarers to be given an account of wages for each month.</i></li> <li>• <i>Account of wages to show basic wages, additions and deductions.</i></li> <li>• <i>Wages may be basic plus overtime, partial consolidated, or fully consolidated.</i></li> <li>• <i>Seafarers may allot a percentage of wages to up to two other people – must do so in writing and payment interval not less than monthly.</i></li> <li>• <i>Normal hours for basic wage are 8 hours per day.</i></li> <li>• <i>Overtime to be not less than 1.25 times basic rate.</i></li> <li>• <i>Wages to be paid by bank transfer but may exceptionally be by bank cheque or money order or Debit Card arrangements,</i></li> <li>• <i>Records of overtime to be endorsed monthly.</i></li> <li>• <i>No deductions except for telephone calls, necessities purchased on board and cash advances. Costs of these to be reasonable.</i></li> </ul>

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Made this 20th day of December 2013

Minister of Tourism Development and Transport