



**REPUBLIC OF PANAMA
PANAMA MARITIME AUTHORITY**

DMLC-000000-PTY

MARITIME LABOUR CONVENTION, 2006.

DECLARATION OF MARITIME LABOUR COMPLIANCE – PART I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the Panama Maritime Authority

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

<i>Name of Ship</i>	<i>IMO Number</i>	<i>Gross Tonnage</i>
XXX	XXX	XXX

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 MLC, 2006 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 where they differ from the MLC, 2006 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.*

1. Minimum Age (Regulation 1.1)

- The minimum age to be employed or hired and able to work on board a Panamanian flagged vessel is 18 years old.*
- Any person under the age of 18 years who for educational reasons has been authorized to carry out his/her professional practice on board a vessel may not do so during the night shift.*

Executive Decree No. 86. February, 22, 2013. Title Second, Chapter I.

2. Medical certification (Regulation 1.2)

- The Panama Maritime Authority shall require 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.*
- The medical certificate shall be issued by a duly qualified medical practitioner in accordance with the requirements of the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, amended.*
- Unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under STCW:
(a) A medical certificate shall be valid for a maximum period of two years
(b) A certification of colour vision shall be valid for a maximum period of six years.*
- In urgent cases the Panama Maritime Authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:
(a) the period of such permission does not exceed three months; and
(b) the seafarer concerned is in possession of an expired medical certificate of recent date.*
- A medical certificate of recent expiry date is one that has not more than three months of expiry.*
- If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.*



Executive Decree No. 86. February, 22, 2013. Title Second, Chapter II.

3. Qualifications of Seafarers (Regulation 1.3)

- *Seafarers working on board a Panamanian flagged vessel must have the appropriate training and qualifications, as well as a certificate accrediting their professional competence and other qualifications to perform their functions, duly issued or endorsed by the Panama Maritime Authority.*
- *The training and certification must adjust to the mandatory instruments adopted by the IMO (STCW/78 as amended) or requirement established in the national legislation.*
- *Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of the National Legislation.*

Executive Decree No. 86. February, 22, 2013. Title Second, Chapter III.

4. Seafarers employment agreements (Regulation 2.1)

- *All seafarers working on board a Panamanian flagged vessel shall have an employment agreement signed by the seafarer and the shipowner or a representative that guarantees decent working and living conditions on board the ship.*
- *Opportunity shall be granted to seafarers to review the conditions stated on the employment agreement and, if necessary, request advice before signing and accepting them.*
- *Both, the shipowner and seafarer must keep their respective signed original employment agreement.*
- *The shipowner must always keep on board and at the disposal of seafarers, the captain of the vessel and any other corresponding authority, including authorities from ports where the ship stops, a copy of the seafarers employment agreements for their review.*
- *The employment agreements of seafarers shall contain at least the following information:*
 - a. *The seafarer's full name, date of birth or age, and birthplace;*
 - b. *The shipowner's name and address;*
 - c. *The place where and date when the seafarers' employment agreement is entered into;*
 - d. *The capacity in which the seafarer is to be employed;*
 - e. *The amount of the seafarer's wages or, where applicable, the formula used for calculating them;*
 - f. *The amount of paid annual leave or, where applicable, the formula used for calculating it.*
 - g. *The termination of the agreement and the conditions thereof, including:*
 - (i) *If the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period,*
 - (ii) *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; and*
 - (iii) *If the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;*
 - h. *The health and social security protection benefits to be provided to the seafarer by the shipowner;*
 - i. *The seafarer's entitlement to repatriation;*
 - j. *Maximum period of uninterrupted service on board at which seafarers shall have the right of repatriation.*
 - k. *Reference to the collective bargaining agreement, if applicable; and*
 - l. *Any other particulars which national law may require*

Executive Decree No. 86. February, 22, 2013. Title Third Second, Chapter I.

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

- *Natural or legal persons that are interested in offering private services for the recruitment and placement of seafarers in the Republic of Panama, whose main purpose is the recruitment and placement of seafarers or that recruit and place an important number of seafarers must have an operations license.*
- *The Panama Maritime Authority shall require shipowners using services of recruitment and placement of seafarers that are located in countries or territories where the Maritime Labour Convention, 2006 applies, to make sure that those services comply with the provisions established on Regulation 1.4 of Title 1 of the Maritime Labour Convention 2006.*
- *When shipowners employ services of a placement agency located in a State that is not part of the Maritime Labour Convention, 2006, they shall be the sole responsible in case of detention of the vessel at the time of survey either by the Flag State of Port State Control, as well as for the penalties implied by such detention.*

Executive Decree No. 86. February, 22, 2013. Title Second, Chapter IV.



6. Hours of work or rest (Regulation 2.3)

- *The minimum number of resting hours shall not be less than:*
 - *10 hours for every 24- hour period, nor*
 - *77 hours for every seven-day period*
- *The resting hours can be grouped in two periods at the maximum, one of each shall have at least six non-interrupted hours and the interval between two consecutive resting periods shall not exceed 14 hours.*
- *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.*
- *Every Panamanian flagged vessel shall count and place at an easily accessible location and at the disposal of the competent authorities, a chart describing the organization of the work onboard.*
- *Every Panamanian flagged vessel shall have a record of the seafarers daily resting in accordance to the format adopted by the Competent Authority for such purpose, taking into account the guidelines of the ILO, in order to ensure control and compliance. These shall serve as documentary evidence that the seafarer's minimum resting hours are met.*
- *Nothing of this Standard shall prevent a Member from having national laws or regulations or a procedure for the Panama Maritime Authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard 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.*
- *The daily records of the resting hours shall be written in the working language or languages of the ship and in English. Seafarers shall receive a copy of the records pertaining to them, which shall be endorsed by the captain or by the person that he authorizes, and the seafarer. Nonetheless, in all Panamanian flagged vessels, the daily records of resting hours can be electronically sent to seafarers, as long as these had been approved by the captain or by the person that he authorizes.*

Executive Decree No. 86. February, 22, 2013. Title Third, Chapter VI.

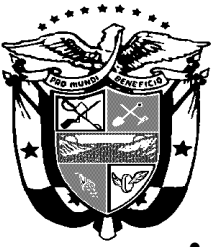
7. Manning levels for the ship (Regulation 2.7)

- *All Panamanian flagged vessels shall require have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of the international instrument.*
- *When determining, approving or revising manning levels, the Panama Maritime Authority shall take into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments, especially those of the International Maritime Organization, on manning levels.*

Executive Decree No. 86. February, 22, 2013. Title Third, Chapter IX.

8. Accommodation (Regulation 3.1)

- *Every ship shall maintain decent and safe accommodations, as well as recreational facilities for seafarers working or living on board, consistent with the promotion of the seafarers' health and well-being.*
- *The provisions of the current Executive Decree related to the ship construction and equipment apply only to ships constructed after the date in which the Maritime Labour Convention, 2006 enters into force.*
- *The requirements in the Code implementing this Regulation which relate to ship construction and equipment apply only to ships constructed on or after the date when this Convention comes into force for the Member concerned. For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), shall continue to apply to the extent that they were applicable, prior to that date, under the law or practice of the Member concerned. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.*
- *The Captain or the person designated by him shall conduct frequent surveys on board ships in order to ensure that the accommodation of seafarers is clean, in adequate conditions of habitability and kept in good shape. The outcome of each survey shall be kept in a record and be available for verification by the Competent Authority and the Port State Control.*



- *The competent authority shall pay particular attention to ensuring implementation of the requirements of this Convention relating to:*

- (a) the size of rooms and other accommodation spaces;*
- (b) heating and ventilation;*
- (c) noise and vibration and other ambient factors;*
- (d) sanitary facilities;*
- (e) lighting; and*
- (f) hospital accommodation.*

Executive Decree No. 86. February, 22, 2013. Title Fourth, Chapter I. Section I.

9. On-board recreational facilities (Regulation 3.1)

- *The shipowner shall provide seafarers with facilities, amenities, and recreational services both, appropriate and adapted to meet the specific needs of seafarers living and working on board ships in accordance to the provisions related to the protection of security, health and prevention of accidents.*

Executive Decree No. 86. February, 22, 2013. Title Fourth, Chapter I. Section II.

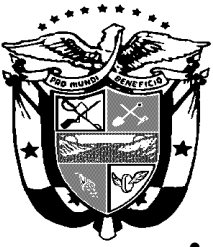
10. Food and catering (Regulation 3.2)

- *The Panama Maritime Authority shall ensure that ships that fly its flag meet the following minimum standards:*
 - *food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety;*
 - *the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and*
 - *catering staff shall be properly trained or instructed for their positions.*
- *Shipowners shall ensure that seafarers who are engaged as ships' cooks are trained, qualified and found competent for the position in accordance with requirements set out in the laws and regulations of the Member concerned.*
- *The requirements under of this Standard shall include a completion of a training course approved or recognized by the competent authority, which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.*
- *On ships operating with a prescribed manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required by the competent authority to carry a fully qualified cook, anyone processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.*
- *In circumstances of exceptional necessity, the competent authority may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.*
- *In accordance with the ongoing compliance procedures under Title 5 to the MLC, 2006, the Panama Maritime Authority shall require that frequent documented inspections be carried out on board ships, by or under the authority of the master, with respect to:*
 - *supplies of food and drinking water;*
 - *all spaces and equipment used for the storage and handling of food and drinking water; and*
 - *galley and other equipment for the preparation and service of meals.*

Executive Decree No. 86. February, 22, 2013. Title Fourth, Chapter II.

11. Health and safety and accident prevention (Regulation 4.3)

- *It is the duty of the shipowner to adopt effective policies and programs related to occupational safety and health, including risk evaluation as well as training and instruction of seafarers with the purpose to prevent occupational accidents, injuries and diseases, including measures to reduce and prevent the risk of exposure to harmful levels of environmental factors and chemicals substances, as well as the risk of injuries or diseases that may arise from the use of equipment and machinery on board ships.*
- *Shipowners have the obligation to provide seafarers with protective equipment or other accident prevention devices accompanied by provisions on the use of such equipment or protection devices.*



- *It is the obligation of the shipowner to ensure that the machineries used on board are properly guarded and that its use without appropriate safety guards is prevented.*
- *Every Panamanian flagged vessel on which there are at least five seafarers shall create a Safety Committee formed by members of the crew.*
- *The Shipowners shall to report to the Panama Maritime Authority any labour accident, injury or occupational disease adequately using the ILO standard for notification and registry of labour accident and occupational disease.*

Executive Decree No. 86. February, 22, 2013. Title Fifth, Chapter III.

12. On-board medical care (Regulation 4.1)

- *Shipowners shall provide coverage through an insurance policy that guarantees the protection of health as well as the rapid and adequate access of seafarers to healthcare while on board. The insurance coverage shall last the same as the working agreement of seafarers.*
- *The protection and healthcare stated in the previous paragraph shall be provided at no cost to seafarers.*
- *The healthcare on board vessels and on land provided at the shipowner's expense working on board vessels of the Panamanian registry, shall include:*
 - *The supply of necessary medicines as well as the medical equipment and services required for the diagnosis and treatment and the information and medical advice.*
 - *The right without any delays to a qualified medical or dentist visit in the port of call, whenever possible.*
 - *Health promotion programs and sanitary education, such as preventive measures.*
 - *Hospitalization services whenever necessary.*
- *All Panamanian registered vessel, shall carry on board a medicine chest, medical equipment and medical guide, with the specifications indicated on the most recent edition of the Medical First Aid Guide for Ships on board of the ILO/IMO/WHO, of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods of the IMO and the Document for Guidance - International Maritime Seafarers Training Guide of the ILO/IMO/WHO, as well as similar national guides, consistent with the ship's dimensions.*
- *Ships carrying one hundred or more persons on board, and ordinarily engaged on international voyages of more than three days' duration shall carry on board a qualified doctor who is responsible for providing medical care.*
- *Other ships shall count with at least one seafarer who has satisfactorily completed training in medical care in accordance to the requirements of the STCW Convention and those adopted by the Competent Authority.*

Executive Decree No. 86. February, 22, 2013. Title Fifth, Chapter I.

13. On-board complaint procedures (Regulation 5.1.5)

- *Panamanian flagged vessels shall have on board the procedure for the fair, effective and expeditious handling of seafarer complaints, related to breaches of the provisions of the MLC and keep a copy of the Convention in English or the language used on board.*
- *Every Panamanian flagged vessel shall provide seafarers with a copy of the On-Board Complaints procedure applicable, along with a copy of their employment agreement. The On-Board Complaints procedure shall include the competent authority contact information in the flag State and the seafarers' country of residence, if different from the State, as well as the name of one or more persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaints and also assistance regarding the procedure for the processing of complaints available on board the ship.*
- *The process of complaints begins when seafarers first refer to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer; the head of department or superior officer should then attempt to resolve the matter within prescribed time limits on board the ship, which shall not exceed five (5) days.*
- *If the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master, who should handle the matter personally; seafarers should at all times have the right to be accompanied by another seafarer of their choice on board the ship concerned.*
- *The vessel shall keep on board a record book for complaints, were all of these as well as the decisions made related to the same, should be recorded. Also a copy of this shall be provided to the seafarer; if a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who will have a period of eight (8) days, for resolving the matter, in consultation with the concerned seafarer or any person they may appoint as their representative; and in all cases seafarers should have a right to file their complaints directly with the master and the shipowner and competent authority, such as flag State surveyor, Port State Control surveyor or the representative of*



the Technical Office of Segumar in a foreign country, who shall submit the complaint to the International Technical Segumar Offices Panama, which through the Maritime Labor Section shall carry out the corresponding process.

- If within the period of eight (8) days, the complaint on board has not been resolved, then the period shall be extended for twenty two (22) more additional days, with the sole purpose to find a favorable solution, which shall be recorded on the registries of the ship and be available to the competent authorities.
- Any kind of harassment against seafarers filing complaints is banned.
- Seafarers may resort to procedures for the handling of complaints on board to submit claims related to any matter that is alleged to constitute a violation of the provisions of the MLC.

Executive Decree No. 86. February, 22, 2013. Title Seventh, Chapter II.
Merchant Marine Circular MMC 264.

14. Payment of wages (Regulation 2.2)

- The salary and type of currency must be stated on the employment agreement and it shall only be set by unit of time, at periods no greater than one (1) month.
- Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.
- Seafarers have the right to receive a periodical and complete remuneration for their work in accordance to their respective employment agreement.

Executive Decree No. 86. February, 22, 2013. Title Third, Chapter IV.

Name: _____
 Title: Chief of Maritime Labour Section
 Signature: _____
 Place: PANAMA
 Date: XXXXXXXXXX

(Seal or stamp of the authority, as appropriate)

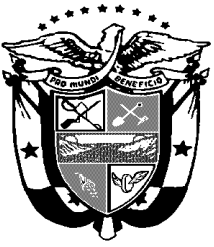
SUBSTANCIAL EQUIVALENCIES

(Note: Strike out the statement which is not applicable)

~~The following substantial equivalencies, and provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable);~~

No equivalency has been granted.

Name: _____
 Title: _____
 Signature: _____
 Place: _____
 Date: _____



(Seal or stamp of the authority, as appropriate)

EXEMPTIONS

(Nota: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

No exemption has been granted.

Name: _____

Title: _____

Signature: _____

Place: _____

Date: _____

(Seal or stamp of the authority, as appropriate)

SAMPLE - DO NOT COPY