



सत्यमेव जयते

भारत सरकार / GOVERNMENT OF INDIA  
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING  
नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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F.No.16 (1)/CR/2013

Dated: 30.07.13

Merchant Shipping Notice No.18 of 2013

Sub: Implementation of the Maritime Labour Convention, 2006 – Voluntary inspection of Recruitment and Placement of seafarers [RPS] service providers – reg.

The Maritime Labour Convention (MLC), 2006, will be entering into force, globally, on 20.08.13, following its ratification by the required number of Member-States. Post 20.08.13, merchant ships which will be inspected, globally, under the Port State Control (PSC) regime, will also be inspected for the purpose of compliance of MLC, amongst other things. The ratification of the said convention by India is at an advanced stage, currently. However, Indian ships may not have an adequate lead time before the said convention enters into force, for them to be able to be subjected to an inspection &, consequently, render them MLC compliant. Mindful of this situation, by which, Indian ships merchant vessels may be subjected to a tighter inspection regime, the Directorate General of Shipping [DGS], Govt. of India, as the Indian Maritime Administration, by its M. S. Notice No. 07 of 2013 [F. No. 16(5)/CR/2010] dated 01.02.13, had facilitated the Indian merchant ship owners to subject their ships for ‘Voluntary inspection and resultant issuance of ‘Statement of Compliance’ to demonstrate their compliance of the MLC, 2006, till it is ratified by India.

2. The Merchant Shipping [Recruitment and Placement of Seafarers (RPS)] Rules, 2005, promulgated vide the Ministry of Shipping, Govt. of India’s gazette notification No.GSR 82(E) [F. No. SR-11012/7/2004-MA] dated 18.03.05, as amended, gives details of the duties and responsibilities of a RPS service provider while recruiting a seafarer. The MLC, 2006, casts an incremental obligation on a RPS provider especially on employment agreements & collective bargaining agreements with minimum standards as per Flag State laws, maintenance of records of seafarers employed & ships on which placements are made, procedures related to followance of various seafarers welfare related measures like contact with family in emergency etc. Regulation 1.4 of MLC, 2006, deals with recruitment & placement of seafarers and Regulation 1.4.3. ibid particularly emphasizes that;

Quote: “Each Member shall require, in respect of seafarers who work on ships that fly its flag, that ship owners who use seafarer recruitment and placement services that are based in countries or territories in which this Convention does not apply, ensure that those services conform to the requirements set out in the Code.” Unquote. This makes it incumbent on the RPS operators in India to comply with the standards set out in the regulation 1.4 of MLC, 2006, while recruiting seafarers.

3. A MLC compliant RPS provider, therefore, may be preferred by the shipping sector employers, as an engagement of seafarers serviced by such a service provider facilitate a comparatively ,more hasslefree & convenient clearance of such a ship during MLC inspections.

4. The ratification of the said Convention, by India, involves the completion of associated legislative and regulatory formalities. However, in the interim, a arrangement is essential to enable the smooth operation of the shipping industry including hassle-free recruitment of Indian seafarers, worldwide. Therefore, it is hereby, decided to provide in the interim, a 'Statement of Compliance' [SoC] to the RPS providers licensed by this office, under the M.S.[RPS] Rules, 2005, in force. The eligibility and methodology for an application, inspection and issuance of a 'Statement of Compliance' to the licensed RPS providers on the basis of a 'voluntary inspection' paradigm is elaborated hereunder;

4.1. A recruitment and placement services provider, holding a valid RPS license, who wishes to obtain a 'Statement of Compliance' (RPS) for the purpose of the MLC 2006, shall apply, in the prescribed form (Annexure I: 2 pages), to the jurisdictional Director, Seamens' Employment Office (DSEO) which has issued the original RPS license to the said firm, under an intimation to the Indian Register of Shipping (IRS), the Recognized Organization which is entrusted with an authority of an inspection of such RPS entities under the M.S. (RPS) Rules, 2005, in terms of this office Crew Branch Circular No. 5 of 2005 (F. No.8(8)CR/2003 dated 09.09.2005).

4.2. Any such licensed RPS provider, whose license is under suspension and/ or which stands issued with a show-cause-notice for irregularity [its] and the same is under process, and/ or which has pending issues on payment of wages of seafarers already recruited/ engaged by it is not eligible to apply for a 'Statement of Compliance' under this provision.

4.3. Such RPS providers shall to follow all the applicable provisions of the M.S. (RPS) Rules, 2005, as amended as also the additional minimum prescribed guidelines required under the MLC 2006 [Annexure II: 2 pages], to obtain a 'Statement of Compliance' for MLC, 2006.

4.4. Such RPS providers shall also submit a bank guarantee drawn on a scheduled bank in India, in favour of the jurisdictional Director, Seamens' Employment Office, for an admissible amount, as indicated below, for the purpose of financial security to compensate seafarers for any monetary loss that they may incur as a result of the failure of a recruitment and placement service provider or relevant ship-owner to meet their obligations to them [seafarers], limited to the payment of 2 months gross wages i.e., basic wage, leave wage and overtime, in accordance with the collective bargaining agreement [CBA] concerned or as per the seafarer's employment agreement, concerned, whichever is less, coupled with provision for required emergency medical assistance to seafarers prior to their repatriation back to India;

Serial no.	Number of seafarers jobs taken by the RPS	Amount of bank guarantee [Indian Rupees]
(1)	(2)	(3)

1.	Up to 50	05.00 lakh
2.	51-250	07.50 lakh
3.	251-500	10.00 lakh
4.	501-750	12.50 lakh
5.	751-1000	15.00 lakh
6.	1001 and above	20.00 lakh

4.5. Such RPS providers shall submit their original applications, enclosing an affidavit [in ₹ 100/- (Rupees one hundred only) non-judicial stamp paper] that they are following all the procedures and stipulations prescribed in accordance with the requirements of the MLC, 2006, in the format of affidavit set out (Annexure III: 2 pages).

**5. Process of application and issuance of ‘Statement of Compliance’:**

5.1 Any RPS provider licensed [under the M.S. [RPS] Rules, 2005, as amended], with the Directorate General of Shipping, Govt. of India and is desirous of obtaining a ‘Statement of Compliance’ covering the required aspects of Regulation 1.4 of the MLC, 2006, shall apply, electronically [e-mail] in the prescribed format (Annexure-I: 2 pages), followed by the submission of a hard copy of the said application to the jurisdictional Director, Seamens’ Employment Office [DSEO], from whom it has obtained its original RPS license. A copy of the said application should also be simultaneously forwarded to the Indian Register of Shipping [IRS] which is a Recognized Organization for the purpose, electronically, as well as by way of a hard copy.

5.2 An application requesting for an issuance of a Statement of Compliance, covering the required aspects of the MLC, 2006, should be complete in all respects and shall be accompanied by the following documents (scanned copies of such documents have to be submitted with the electronic version of the application and hard copies thereof shall be enclosed with the hard copy of the application);

5.2.1. Duly filled in application form [Annexure – I].

5.2.2. Copy of the valid RPS license of the firm.

5.2.3. Additional bank guarantee as specified in para 4.4 of this notice for the number of seafarers recruited by them.

5.2.4. A fee of ₹ 20,000 (Rupees twenty thousand only) to be submitted to the DSEO concerned, drawn in the form of a crossed / accounts payee demand draft from any scheduled bank in favour of the DSEO concerned.

5.2.5. A undertaking in non-judicial stamp paper as specified in para 4.5 of this notice.

6. The jurisdictional DSEO, on receipt of such an application for a ‘Statement of Compliance’ shall verify the application as per the specified check-list [Annexure IV: 2 pages) and after checking the track-record of the said RPS interms of para no. 4.2 here in before ,issue an authorization to the IRS in the prescribed format (Annexure – IV: 2 pages) to issue the ‘Statement of Compliance’ to the RPS.

7. The IRS, on receipt of an authorization, to that effect, from the DSEO shall issue a 'Statement of Compliance' valid up to the date of the next scheduled annual inspection of the RPS licensee or validity date of the RPS license, whichever is earlier, with copies thereof endorsed to the DSEO and DGS (Crew Branch). A specimen copy of the 'Statement of Compliance' to be issued by the IRS is enclosed (Annexure – V: 1 page).

8. The IRS shall verify compliance of the said undertaking affidavit given, along with the application by the RPS concerned, and all other connected matters during the next scheduled annual inspection or renewal inspection of the RPS license, to ensure due compliance with the required aspects of Regulation 1.4 of the MLC, 2006, before renewing the SoC up to the date of the next scheduled annual inspection of the RPS or validity date of the RPS license, whichever is earlier, with a copy thereof each to the DSEO and DGS (Crew Branch).

9. An upto date list of the RPS providers who have been issued with '**Statements of Compliance**', covering the required aspects of the Maritime Labour Convention, 2006, as amended shall be electronically transmitted by the IRS every every fortnight, to the DSEO, concerned as well as to the DG Shipping, Govt. of India. The Assistant/ Deputy Director General of Shipping [Crew Branch] shall then arrange to have the same uploaded, within a week there after for display on the official website of the DG Shipping, i.e. [www.dgshipping.com](http://www.dgshipping.com) / <http://www.dgshipping.gov.in>

10. This issues with the approval of the Director General of Shipping & ex-officio Additional Secretary to the Govt. of India.

(C.Rethinadhas)

Encl: As above

Deputy Director General of Shipping (Crew)

I. Copy forwarded for an information & necessary action to;

1. All licensed RPS providers.
2. Indian Register of Shipping, Mumbai
3. Directors, Seamens Employment Offices, Mumbai, Kolkata & Chennai.
4. Principal Officers, Mercantile Marine Departments, Mumbai, Chennai, Kolkata, Kandla & Kochi.
5. [Surveyors-in-Charge](#), Merchantile Marine Departments, Jamnagar, Murmagoa, Mangalore, Tuticorin, Vishakapatnam, Paradip, Haldia, Port Blair & NOIDA.

II. Copy also forwarded for an information to the ;

1. [Secretary to the Govt. of India, Ministry of Shipping, New Delhi.](#)
  2. Nautical/Engineering/Naval Architecture/Training/SD branches of the Directorate
  3. NUSI/MUI
  4. INSA/FOSMA/MASSA.
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**Application for obtaining 'Statement of Compliance'**

(On the letter head of the licensed Recruitment & Placement Service)

To,

Director, Seamen's Employment Office  
Mumbai/Kolkata/Chennai

Subject:- Application for obtaining 'Statement of Compliance' with MLC 2006 for  
Recruitments & Placement Service Providers-Reg.

Sir,

We are hereby submitting the following application for obtaining Statement of Compliance for MLC 2006.

Sr. No	Details	
1	Name of the RPS Provider	
2	RPS License No.  (Attached copy of RPS license)	
3	Validity of RPS license	From                      To
4	Details of fee	DD No. Dated
5	Address of the RPS Provider  Phone No :  Fax No :  e-mail address:	
6	Details of show cause notices issued to the firm (if any)	
7	Details of pending	

	wages of seafarers ----- by the RPS (if any)	
8	Details of other complaints by seafarers (if any)	
9.	Additional Bank Guarantee for the requisite amount as per Para 3.4 of this M.S. Notice depending on the number of jobs.	Amount :  Bank Guarantee No:  Name of the Bank:  Date of issue:  Valid up to:
9	Undertaking in stamp paper	Attached

It is to certify that the information furnished above are true. The RPS firm -----  
----- may be issued with an Statement of Compliance.

Yours faithfully,

Authorized Signatory of  
Recruitment & Placement Service Provider

Place :

Date:

Encl: 1. Copy of valid RPS license

2. Demand Draft No----- dated----- towards the fee

3. Undertaking in stamp paper.

4. Additional Bank Guarantee.

Copy to : IRS, Mumbai for information.

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**Additional guidelines/requirements to be followed by the Recruitment & Placement of Seafarers for the issuance of 'Statement of Compliance' under MLC.**

The following all additional provisions for compliance with the procedures of MLC 2006 as stipulated below;

1. The seafarer's employment agreements are, as a minimum, in accordance with the applicable flag state laws & regulations and any collective bargaining agreements that forms part of their employment agreements;
2. We have procedures in place for the seafarer to examine their employment agreement before and after they are signed, to seek advice before signing, and to receive a signed original of the agreement.
3. We verify that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a ship owner and a representative seafarers organization and, as a matter of policy, supply seafarers only to ship owners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements, where applicable.
4. We verify that seafarers hold a valid medical certificate from a duly recognized medical practitioner attesting that they are medically fit to perform the duties they are to carry out at sea.
5. The cost of visa and charge for pre sign on and post-sign off medical examination, where required, is borne by the ship owner/ Manager/RPS.
6. To maintain up-to-date lists of the ships, owned by the ship owners for which the recruitment and placement service provides seafarers, and ensure that there are reasonable means by which the ships can be contracted in emergency, at all hours;
7. No exploitation of seafarers for their engagement on particular ships / companies or for joining advances or any other financial transaction.
8. Seafarers are advised of any particular condition(s) applicable to the jobs for which they are to be engaged and of the particular ship owner's policies relating to their employment;
9. Procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or discipline consistent with national laws and practice and, where applicable with collective agreement.
10. Procedures to ensure, as far as practicable that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained;

11. Procedures to ensure that requests for information or advise families of seafarers in need while the seafarers are at sea are dealt with promptly and sympathetically and at no cost;
  12. Death compensation of the deceased seafarers are paid without undue delay;
  13. Disability compensation of the seafarers are paid without undue delay;
  14. 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 to seafarers.
  15. (a) No seafarer below the age of 18 is engaged by us.  
(b) We engage seafarers of between 16 & 18 years of age (except ship's cook and have procedures in place to ensure that the restrictions on night work and work which is likely to jeopardize their health.  
(delete whichever is not applicable)
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**AFFIDAVIT ON RS. 100/- NON-JUDICIAL STAMP PAPER**

**Declaration – cum- undertaking for obtaining ‘Statement of Compliance’**

I \_\_\_\_\_ S/o/D/o \_\_\_\_\_ and authorized signatory of M/s. \_\_\_\_\_ do here solemnly affirm undertake and state that;

1. M/s. \_\_\_\_\_ is a licensed Recruitment and Placement Service provider having a license no. \_\_\_\_\_ valid from \_\_\_\_\_ to \_\_\_\_\_ issued by the Director Seamen Employment office, \_\_\_\_\_
2. We have applied for a ‘Statement of Compliance’ with MLC -2006 to the Director, Seamen Employment Office vide our letter No. \_\_\_\_\_ dated \_\_\_\_\_.
3. We hereby undertake that
  - 3.1 There is no case pending with us for non-payment of wages for the seafarers recruited by us.
  - 3.2 There is no unresolved complaint made by seafarers recruited by us pending with us.
  - 3.3 We are also following all provisions of Merchant Shipping (RPS) Rules 2005, as amended for the recruitment of the seafarers.
  - 3.4 We are following all additional provisions for compliance with the procedures of MLC 2006 as stipulated below;
    - 3.4.1. The seafarer’s employment agreements are, as a minimum, in accordance with the applicable flag state laws & regulations and any collective bargaining agreements that forms part of their employment agreements;
    - 3.4.2. We have procedures in place for the seafarer to examine their employment agreement before and after they are signed, to seek advice before signing, and to receive a signed original of the agreement.
    - 3.4.3. We verify that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a ship owner and a representative seafarers organization and, as a matter of policy, supply seafarers only to ship owners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements, where applicable.
    - 3.4.4. We verify that seafarers hold a valid medical certificate from a duly recognized medical practitioner attesting that they are medically fit to perform the duties they are to carry out at sea.
    - 3.4.5. The cost of visa and charge for pre sign on and post-sign off medical examination, where required, is borne by the ship owner/ Manager/RPS.
    - 3.4.6. To maintain up-to-date lists of the ships, owned by the ship owners for which the recruitment and placement service provides seafarers, and ensure that there are reasonable means by which the ships can be contracted in emergency, at all hours;

- 3.4.7. No exploitation of seafarers for their engagement on particular ships / companies or for joining advances or any other financial transaction.
- 3.4.8. Seafarers are advised of any particular condition(s) applicable to the jobs for which they are to be engaged and of the particular ship owner's policies relating to their employment;
- 3.4.9. Procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or discipline consistent with national laws and practice and, where applicable with collective agreement.
- 3.4.10. Procedures to ensure, as far as practicable that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained;
- 3.4.11. Procedures to ensure that requests for information or advise families of seafarers in need while the seafarers are at sea are dealt with promptly and sympathetically and at no cost;
- 3.4.12. Death compensation of the deceased seafarers are paid without undue delay;
- 3.4.13. Disability compensation of the seafarers are paid without undue delay;
- 3.4.14. 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 to seafarers.
- 3.4.15. (a) No seafarer below the age of 18 is engaged by us.  
 (b) We engage seafarers of between 16 & 18 years of age (except ship's cook and have procedures in place to ensure that the restrictions on night work and work which is likely to jeopardize their health.  
 (delete whichever is not applicable)

4. I further solemnly affirm, undertake and state that the above mentioned details RPS firm M/s. \_\_\_\_\_ are true, complete and correct in all reports and I have not concealed any fact while making this affidavit.

5. Solemnly affirmed at \_\_\_\_\_ on this day \_\_\_\_\_ of

Authorized Signatory

M/s. \_\_\_\_\_

Address: \_\_\_\_\_

**Annexure – IV**

**Checklist for Director, Seaman Employment Officers: for issuance of Interim Statement of Compliance / Statement of Compliance of Recruitment Placement Service Providers for MLC-2006.**

1. Details of the firm

Name of the RPS Provider:

Address :

RPS No. :

Validity of license : From : To:

2. Scrutiny

Sr. No	Details	
01.	i. Whether any complaint regarding non Settlement of wages pending:	Yes
		No
	ii. If yes no of cases	
02.	i. Whether any complaint by seafarers on other issues:	Yes
		No
	ii. If yes no of cases	
03.	Whether applicable fees submitted	Yes No
04	Whether additional Bank Guarantee submitted as per para 3.4 of this notice	Yes No
04.	Whether undertaking submitted	Yes No
05.	Whether undertaking is in order	Yes No
06.	i. Whether annual inspection carryout regularly	Yes No
		ii. If no, level of non conformity

3. Authorization / orders. (Strike out which ever para not applicable).

F. No.

Dated:

3.1 The application of M/s. \_\_\_\_\_ RPS No: \_\_\_\_\_ for obtaining a 'Statement of Compliance' for MLC 2006 is scrutinized and found to be in order. Authorization is hereby accorded to issue a 'Statement of Compliance' for MLC 2006 to the said RPS.

3.2 The Application of M/s. \_\_\_\_\_ RPS No \_\_\_\_\_ for obtaining a statement of compliance has been scrutinized and rejected due to the following reasons:

- i.
- ii.
- iii.

Signature

Director Seamen Employment Office  
Mumbai/Chennai/ Kolkata

To;



Indian Register Shipping.

Copy to;

M/s. \_\_\_\_\_ (RPS agency) for information & necessary action.

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**STATEMENT OF COMPLIANCE**  
**RECRUITMENT AND PLACEMENT SERVICE**

Issued under the provisions of the  
**Maritime Labour Convention, 2006**

Under the authority of the **Government of India by Indian Register of Shipping.**

**Name and address of R.P.S** :

**License No:**

**Valid until:**

This is to certify that the Recruitment and Placement Service (R.P.S) has been found to be in compliance with the requirements of Standard A1.4 of Title 1 of the Maritime Labour Convention 2006.

This Certificate is valid until \_\_\_\_\_

Issued at .....on the .....day of ....., 2013.

*Official seal*

***(Surveyor to Indian Register of Shipping)***

Note: This 'Statement of Compliance' remains valid subject to License issued to Recruitment and Placement Services remaining valid.

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