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| Application for Declaration of Maritime Labour Compliance Part I(FORM DMLC) | | | |
| Name of Ship | | Official Number | IMO Number |
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| **NOTES**   1. This form provides shipowners with a means to apply for issuance of the ship specific DMLC Part I by the Administration after successfully carrying out a gap analysis of the ship and company policies against the national requirements for the 16 areas as detailed in the DMLC for implementation of MLC 2006. 2. Any areas where substantial equivalency or exemption may be required should be highlighted to the Administration for consideration and insertion into the ship specific DMLC Part I. | | | |

1. **Minimum Age (Regulation 1.1)**

The minimum age to be employed for work on board a Niue flagged ship is 18 years old except where such employment is for educational purposes in which case the minimum age will be 16 years old.

1. **Medical Certification (Regulation 1.2)**
   1. Seafarers on board a Niue flagged ship shall hold a valid medical certificate proving that they are medically fit for their duties.
   2. Medical certificates issued in accordance to the requirements of the STCW Convention 1978, as amended, or a medical certificate meeting the substance of those requirements, in the case of seafarers not covered by the STCW Convention 1978, as amended, are accepted.
   3. A medical certificate shall be valid for a maximum period of two years except if the seafarer is under the age of 18 years old, in which case the maximum period of validity shall be one year. A certification of colour vision shall be valid for a maximum period of six years.
   4. For urgent cases when the medical certificate has expired, a permit can be applied provided that the medical certificate has not expired for greater than 6 months. Such permit shall not exceed 3 months.
2. **Qualifications of Seafarers (Regulation 1.3)**
   1. Seafarers shall hold the appropriate training and qualifications, as well as certificate(s) accrediting their professional competences and other qualifications to perform their functions duly issued or endorsed by the Competent Authority in accordance with the STCW Convention 1978, as amended and revised from time to time.
   2. Any seafarer who forges or fraudulently alters or procures the forgery or fraudulent alteration of any such official document, shall forfeit all wages to the employer for the period of employment under such forged or altered document, and shall be banned from serving on Niue flagged ships.
3. **Seafarers’ Employment Agreement (SEA) (Regulation 2.1)**
   1. Seafarers shall have a SEA signed by the seafarer and the shipowner, or a representative that guarantees decent working and living conditions on board the ship, and each shall retain an original copy of the signed SEA for the duration of its term.
   2. All seafarers shall have the opportunity to review the conditions stated on the SEA and, if necessary, seek advice before signing.
   3. Shipowners must ensure that clear information as to the conditions of employment can be easily obtained on board by the seafarers and the ship’s master, and such information, including a copy of the SEA, is accessible for review by port state control officers.
   4. All SEAs shall remain in effect even when a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery.
4. **Use of Certified Seafarer Recruitment and Placement Services (SRPS) (Regulation 1.4)**
   1. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ships without charge to the seafarer.
   2. SRPS operating in countries that have ratified to MLC 2006 shall be certified to conform to the standards as set out in the Convention.
   3. Shipowners who engage SRPS that are not located in countries or territories where the MLC 2006 applies, are required to demonstrate, as far as practicable, that such services meet the relevant requirements set forth in Regulation 1.4 of Title 1 of the MLC 2006, and shall be solely responsible for any detention, as well as any penalties imposed by such detention, by Flag State or Port State, that is the result of the use of a SRPS located in a country where MLC 2006 does not apply.
   4. Shipowners shall engage SRPS that have established 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 a recruitment and placement service or the relevant shipowner under the SEA to meet its obligations to them, and ensure that seafarers are informed, prior to or in the process of engagement, of their rights under that system
5. **Hours of Work or Rest (Regulation 2.3)**
   1. Shipowners shall ensure that every seafarer is entitled to a minimum number of hours of rest of not less than:
      1. 10 hours in any 24-hour period; and
      2. 77 hours in any 7-day period.
   2. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
   3. The daily records of the resting hours shall be written in the working language or languages of the ship and in English. Each seafarer shall receive a copy of the records pertaining to her or him, which shall be endorsed by the master, or a person authorized by the master and the seafarer. Nonetheless, in passenger ships, the daily records of resting hours can be electronically sent to seafarers, as long as these had been approved by the master or by the person that he authorizes.
6. **Manning Levels for the Ship (Regulation 2.7)**

Every ship shall be manned by sufficient crew that is adequate, in terms qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordancewith minimum safe manning certificate issued by Niue Ship Registry (NSR).

1. **Accommodation (Regulation 3.1)**
   1. Shipowners shall ensure that ships are provided with decent accommodations for seafarersworking or living on board, or both, and maintained consistent with promoting their health and well-being.
   2. The provisions of MLC 2006 relating to ship construction andequipment apply only to ships constructed on or after 20 August 2013.
   3. Construction and equipment for ships constructed before 20 August 2013 shall comply with the provisionsset out in the Accommodation of Crews Convention No. 92, and the Accommodation of Crews Convention (SupplementaryProvisions) No. 133 of the ILO to the extent that they were applicable and practicable.
   4. The ship master or the person designated by him shall conduct frequent inspections on board ships to ensure that theaccommodation of seafarers is clean, decently habitable and maintained in a good state of repair. The results of eachinspection shall be recorded and available for review.
2. **On-board Recreational Facilities (Regulation 3.1)**
   1. Shipowners shall provide seafarers who live and work on ships with appropriate recreational facilities, amenities and services, including social connectivity, taking into account MLC 2006 Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention.
   2. The provisions of MLC 2006 for on-board recreational facilities will be applicable to ships constructed on or after 20 August 2013.
   3. For ships constructed before 20 August 2013, the provisions for on-board recreational facilities set out in the Accommodation of Crews Convention No. 92, and the Accommodation of Crews Convention (SupplementaryProvisions) No. 133 of the ILO shall continue to apply to the extent that they were applicable.
3. **Food and Catering (Regulation 3.2)**

Shipowners shall maintain the following standards:

* 1. food and drinking water supplies, having regard to the number of seafarers living 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, and shall be provided free of charge during the period of engagement;
  2. the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals prepared and served in hygienic conditions;
  3. catering staff shall be properly trained or instructed for their positions; and
  4. the master or a person designated by him shall conduct frequent documented inspections with respect to the supplies of food and drinking water in relation to their quantity, nutritional value, quality and variety.

1. **Health and Safety and Accident Prevention (Regulation 4.3)**

Shipowners have the obligation to:

* 1. adopt policies and programmes relating to occupational safety and health management that includes 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 ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;
  2. provide seafarers with appropriately-sized personal protective equipment or other accident prevention devices accompanied by provisions on the use of such equipment or protection devices;
  3. ensure that the machineries used on board are properly guarded and that their use without appropriate safety guards are prevented;
  4. ensure that a Safety Committee is established on board a ship that has five or more seafarers; and
  5. adequately investigate and record all deaths of seafarers for submission to NSR.

1. **Medical Care on-board Ship and Ashore (Regulation 4.1)**
   1. Shipowners shall ensure that health protection and medical care (including essential dental care) are providedfor seafarers working on board ships taking into consideration cultural and religious backgrounds are maintained which:
      1. ensures the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions specific to work on board ships;
      2. gives health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;
      3. gives seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;
      4. ensures that, to the extent consistent with the national law and practice, medical care and health protection services while a seafarer is on board a ship or landed in a foreign port are provided free of charge to seafarers;
      5. are not limited to treatment of sick or injured seafarers but include measures of a preventive nature;
      6. ensure prompt disembarkation of seafarers in need of immediate medical care from ships in its territory and access to medical facilities ashore for the provision of appropriate treatment; and
      7. shall facilitate the repatriation of the body or ashes of a seafarer, in accordance with the wishes of the seafarer or their next of kin (as appropriate), who has died during a ship’s voyage.
   2. Every ship shall carry a medicine chest, medical equipment and a medical guide in accordance tointernational recommendations including the latest edition of the International Medical Guide for Shipsand other relevant guides, considering the type of ship, number of persons on board and the nature,destination and duration of voyage, and subject to regular inspection of intervals not exceeding 12months by the competent authority or competent local authorities providing this service.
   3. Ships carrying 100 or more persons and normally engaged on international voyages of more thanthree days’ duration shall carry a qualified medical doctor who is responsible for providing medicalcare. Ships that do not have a medical doctor shall be required to have at least one seafarer on boardwho is in charge of medical care and administering medicine as part of their regular duties and hassatisfactorily completed training in medical care that meets the requirements of the STCW Convention 1978, as amended.
2. **On-board Complaint Procedures (Regulation 5.1.5)**
   1. There shall be on board complaint procedures that allow for the fair and effective handling of seafarer complaints allegingviolations of the provisions of MLC 2006.
   2. Seafarers shall be provided, together with a copy of their SEA, a copy of the on boardcomplaint procedures applicable to the ship as prescribed in NSR circular NMC4.2013.
   3. Utilization of on board compliant procedures shall not prejudice a seafarer’s right to seek redress through conciliation andmediation, arbitration or legal means.
   4. Any victimization of a seafarer for filing a complaint is strictly prohibited. Victimization is understood to mean any adverseaction taken or threatened by any person with respect to a seafarer for lodging a complaint which is not manifestlyvexatious or maliciously made.
3. **Payment of Wages (Regulation 2.2)**

Shipowners shall ensure that all seafarers are:

* 1. paid at no greater than monthly intervals and in accordance with their SEA and anyapplicable collective bargaining agreement (CBA);
  2. given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rateof exchange used where payment has been made in a currency or at a rate different from the one agreed to;
  3. allowed to, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages forremittance at regular intervals to their families by bank transfers or similar means. Allotments must be remitted in duetime and directly to the person or persons nominated by the seafarers; and
  4. continued to be provided wages and other entitlements under the SEA and relevant CBA including payment of allotments as provided in 14.3 during the entire period of captivity as a result of piracy or armed robbery until the seafarer is released and duly repatriated, or where the seafarer dies while in captivity, until the date of death.

1. **Financial Security for Repatriation (Regulation 2.5)**
   1. Shipowners shall ensure that all seafarers are covered by a financial security provider to facilitate prompt repatriation, including when they are deemed abandoned, and the financial security shall cover:
      1. Outstanding wages and other entitlements due from the ship owner to the seafarer in accordance with their SEA and any applicable CBA, limited to four (4) months of any such outstanding wages and four (4) months of any such outstanding entitlements;
      2. All expenses reasonably incurred by the seafarer, including the cost of repatriation which shall cover travel by appropriate and expeditious means; and
      3. The essential needs of the seafarer which includes items such as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care, passage and transport of personal effects, and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer’s arrival home.
   2. A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers and shall be in English or accompanied by an English translation. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.
2. **Financial Security relating to Shipowners’ Liability (Regulation 4.2)**
   1. Shipowners shall ensure that all seafarers are covered by a financial security provider for contractual claims which refer to any claim relating to death or long-term disability of a seafarer due to an occupational injury, illness or hazard as set out in the SEA or any applicable CBA.
   2. A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers and shall be in English or accompanied by an English translation. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.

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| **OWNER DECLARATION** | | |
| **SECTION 1 - Are there any Substantial Equivalencies ? No  Yes  (please specify below)** | | |
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| **SECTION 2 - Are there any Exemptions required ? No  Yes  (please specify below)** | | |
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| I declare that the particulars and information furnished above are correct and true. | | |
| Name & Signature of authorized signatory of Shipowner | Date | Seal or Stamp of Shipowner |