

MARINE SAFETY MANAGEMENT SYSTEM

TIER II – PROCEDURE

MARITIME LABOUR CERTIFICATE & DECLARATION OF COMPLIANCE

1 Process Flowchart

Authorized Representative

- Complete an “Application for a *Maritime Labour Certificates and a Declarations of Compliance Document*” (form 82-0717);
- Complete Declaration of Maritime Labour Compliance (DMLC) Part II (form 82-0691), provide documentary evidence and supporting documents; and
- Forward the application package, documentary evidence and supporting documentation to the nearest TCMSS office.

Regional OPI-MLC

- Records and register the “Application for a Declaration of Maritime Labour Compliance document”; and
- Assign a Marine Safety & Security Inspector (MSSI) to complete the assessment of the procedures in place together with the support documents.

Marine Safety Inspector

- Reviews DMLC Part II and documentary evidence.
- Complete the assessment of the procedures in place.
- Conduct an onboard inspection and prepare reports.
(**Note:** For the existing fleet only and before coming into force of the MLC, 2006 on August 20, 2013, no onboard inspection is required. Unless the regional MLC-OPI has reasonable ground to do so before issuing the Certificate with the DMLC Part I.)
- Records and register certificates and reports in the system.
- Evaluate, with the Regional OPI-MLC, any substantial equivalencies or exemptions.
- Issue DMLC Part I (form 82-0690), and 2 copies of the inspection report to the Authorized Representatives.

Regional OPI-MLC

- Records and register certificates and report in the system.
- Review DMLC Part I, *Maritime Labour Certificate* and inspection report for national consistency.
- Evaluate any substantial equivalencies or exemptions in line with national consistency, Marine Technical Review Board(MTRB)
- Annually audit the Issuance of DMLC Part I, *Maritime Labour Certificate* and inspection to the Authorized Representative.

2 Definitions & Acronyms

In this document:

- 2.1 **Anniversary date** means the day and month of each year which will correspond to the date of expiry of the *Maritime Labour Certificate*.
- 2.2 **Authorized representative (AR)**: means a person who is responsible under the *CSA 2001* for acting with respect to all matters relating to the vessel that are not otherwise assigned by the *CSA 2001* to any other person.
- 2.3 **CSA 2001** means the *Canada Shipping Act 2001*
- 2.4 **DMLC** means *Declarations of Maritime Labour Compliance*
- 2.5 **Marine Safety Inspector (MSI)** means an officer appointed or deployed under the *Public Service Employment Act* and authorised by the Minister to carry out functions for the application and enforcement of the *CSA 2001*.

Note: Due to the involvement with regulations made under the Canada Labour Code; it's recommended that the assigned MSSSI hold an appointment as Occupational Health & Safety Officer (Marine HSO), authorised by the Minister of Labour to carry out functions for the application and enforcement of the Canada Labour Code Part II.

- 2.6 **MLC, 2006** means *Maritime Labour Convention 2006*
- 2.7 **MPR** means the *Marine Personnel Regulations*
- 2.8 **MSSE** means Marine Safety and Security Executive Committee
- 2.9 **QMS** means Quality Management System
- 2.10 **RDIMS** means Records, Document and Information Management System
- 2.11 **Regional OPI-MLC**: means a person assigned by the Regional Director for acting with respect to all matters relating to the implementation of Part 3 of the *Marine Personnel Regulations*.
- 2.12 **TCMSS** means Transport Canada Marine Safety & Security

3 Purpose

- 3.1 The purpose of these procedures is to provide guidance on the issuance process of a *DMLC Part I*, a *Maritime Labour Certificate* or an *Interim Maritime Labour Certificate*.

4 Authority

- 4.1 *Canada Shipping Act 2001*
- 4.2 *Marine Personnel Regulations*
- 4.3 *Maritime Labour Convention 2006*.
- 4.4 *Canada Labour Code*
- 4.5 *Marine Occupational Health and Safety (MOHS) Regulations*

5 Background

- 5.1 The MLC, 2006 is intended to help achieve decent working/living conditions for all seafarers. The MLC, 2006 sets out fundamental rights and principles with respect to their working and living conditions.
- 5.2 The MLC, 2006, which will come into force on August 20, 2013, establishes the labour working conditions and requirements on board vessels including, among other things, conditions of employment, hours of work and rest, accommodations, recreational facilities, food and catering, health protection, medical care, welfare, and social security protection. It combines rights and principles with specific standards and detailed guidance as to how to implement these standards at the national level.
- 5.3 In Canada, these requirements are consistent with Part 3 of the *Marine Personnel Regulations*, entitled "*Maritime Labour Standards*".

6 Scope

- 6.1 These procedures will provide the MSI and the authorized representative with a framework to achieve compliance with the regulatory requirements.
- 6.2 These procedures apply for the issuance of the *DMLC Part I*, a *Maritime Labour Certificate* or an *Interim Maritime Labour Certificate* to authorized representatives of Canadian vessels of 500 gross tonnage or more, engaged on international voyage, other than an inland voyage (as described in the MPR).
- 6.3 These procedures identify the steps to follow leading to the issuance of the *DLMC Part I*, a *Maritime Labour Certificate* or an *Interim Maritime Labour Certificate*.

7 Responsibility

- 7.1 The Director, Personnel Standards and Pilotage (AMSP), is accountable for the development, implementing, maintenance, and continuous improvement of these procedures.
- 7.2 Regional Directors are responsible for the application of these procedures.

8 Procedure

Issuance of DMLC, Maritime Labour Certificate or an Interim Maritime Labour Certificate

- 8.1 This process involve the conduct of an onboard vessels inspections to verify that working and living conditions of seafarers, and measures for ongoing compliance, meet the standards of the MLC, 2006. To maintain the validity of a *Maritime Labour Certificate*, renewal inspections are carried out by MSI upon request.
- 8.2 Vessels demonstrating compliance with Part 3 of the MPR will be issued a *Maritime Labour Certificate* (form # 82-0688) and be supplemented with a *Declaration of Maritime Labour Compliance (DMLC)*.
- 8.3 The DMLC is a unique two-part form. DMLC Part I, (form # 82-0690), is prepared by the MSI and references current Canadian laws and regulations against the relevant mandatory areas of compliance in the convention.
- 8.4 DMLC Part II (form #82-0691) is a document prepared by the AR and outlines the measures they have put in place to ensure continuous improvement and ongoing compliance.
- 8.5 The MSI will review the measures drawn up by the AR. Where applicable, following a successful inspection of the vessel for compliance with the relevant parts of the CSA, 2001 and the MPR, the MSI will endorse Part II of the DMLC by issuing a DMLC Part I, (form # 82-0690).
- 8.6 Once endorsed, Part II of the DMLC will not expire provided there are no changes to the compliance measures.
- 8.7 A onetime *Interim Maritime Labour Certificate* (form # 82-0688) is issued to AR, of a Canadian vessel, for a period which shall not exceed 6 months:
 - to new vessels on delivery.
 - when a vessels change flag.
 - when an authorized representative assumes responsibility for the operation of a vessel that is new to that authorized representative.
- 8.8 The *Maritime Labour Certificate* shall be valid for a period of 5 years and subject to an intermediate inspection between the second and third anniversary date of the certificate. Appropriate endorsements by TCMSS will be made to the certificate. It is recommended that certificates issued for the first time have their expiration dates harmonized with the current certificate of inspection expiration and/or class certificates.
- 8.9 Forms #82-0717, 82-0688, 82-0689 and 82-0690 are available on TC [internal forms catalogue](#). Form #82-0691 is available on TC [external forms catalogue](#).

9 Related Documents

- 9.1 Tier I - Policy - Maritime Labour Certificate & Declaration of Compliance (RDIMS: 8328004)
- 9.2 Tier III- Working Instruction - Maritime Labour Certificate & Declaration of Compliance (RDIMS: 8318649)
- 9.3 Maritime Labour Convention, 2006
- 9.4 Marine Personnel Regulations - Part 3 - Division 6
- 9.5 Application for a Declaration of Maritime Labour Compliance Document: (Form 82-0717)
- 9.6 Declaration of Maritime Labour Compliance - Part I (Form #82-0690)
- 9.7 Declaration of Maritime Labour Compliance Part II (Form #82-0691)
- 9.8 Interim Maritime Labour Certificate (Form #82-0689)
- 9.9 Maritime Labour Certificate (Form #82-0688)

10 Date of Application

- 10.1 These procedures become effective on July 1st, 2013.

11 Date for Review

- 11.1 These procedures should be reviewed twelve (12) months after the date of application and at a frequency of not less than three (3) years thereafter.

12 RDIMS Reference

- 12.1 The English version of this document is saved in RDIMS under reference number 8333833. This naming convention is: TIER II - Maritime Labour Certificate & Declaration of Compliance
- 12.2 La version française du présent document est dans le SGDDI et porte le numéro de référence 8570648. La règle d'affectation des noms est « Certificat de travail maritime et déclaration de conformité ».
- 12.3 This is the first approved and finalized English version of this document.

13 Keywords

- 13.1 Declaration of Maritime Labour Compliance
- 13.2 Interim Maritime Labour Certificates
- 13.3 Maritime Labour Certificate
- 13.4 Maritime Labour Convention 2006