



**DECLARATION OF MARITIME LABOUR COMPLIANCE
DMLC - PART I**

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

Published by Libyan Ports & Maritime Transport Authority , with regard of Provisions of the Maritime Labor Convention, 2006, the ship referred to below

GRT	IMO Number	Ship's Name
XXX	XXX	XXX

. Enforced as per standard A 5-1-3 of agreement

Ports & Maritime Transport Authority of Libya , Declares the following :

A) The provisions of the Maritime Labor Convention 2006 are included in the national requirements referred to below;

B) These national requirements are contained in the national provisions referred to below; explanations are provided on the content of those provisions where necessary.

C) Details of any provision essentially equivalent under paragraphs 3 and 4 of Article VI are given under the corresponding national requirements set out below in the section provided for this purpose below

D) Any exemptions granted by the competent authority in accordance with Title 3 shall be clearly indicated in the section provided for this purpose below; and

E) Any ship- type specific requirements under national legislations shall also be referenced under the requirements concerned

1- Minimum age (Regulation 1-1).



- The minimum age for working on ships flying the Libyan flag is (18) eighteen years.
- A juvenile who is 16 years of age may be allowed to serve on board the vessels flying the Libyan flag for reasons of study or training, provided that his health conditions are taken into account and that he is not assigned any work during the night shift.
- The juvenile may not be assigned any work for more than six hours per day, with a period or more for rest and having a meal so that he does not actually work for more than four hours continuously.
- The juvenile may not be assigned any duties during weekends and public holidays
- In case of employing a juvenile, the employer shall put in place a copy of the provisions concerning the employment of juveniles, and shall inform the Labor Office of the names, age, date of employment and tasks assigned to them, and shall clearly establish a list showing hours of work and rest periods for them.

***Regulation 27, 28 and 29 of the Labor Relations Act No. 12 of 2010**

2- Medical certificate (Regulation 1-2).

The employers are obliged to perform a medical examination on the person who intends to contract with , before appointing to ascertain his fitness according to the nature of the work he will handle.

All employees on board national vessels must carry a valid medical certificate attesting their fitness to perform their duties on board.

The validity of the medical certificate shall be for a maximum period of two years for seafarers of 18 years of age or older and one year for seafarers under 18 years of age, for maximum of 6 years.

The medical certificate must be issued by a qualified doctor in accordance with the requirements of the International Convention on Standards of Training, Certification and Watch keeping for Seafarers at Sea STCW 1978, as amended

In case of emergency, the Maritime Authority may permit to a seafarer to work without a valid medical certificate.

If the period of validity of the certificate has expired during the trip, the certificate shall remain valid until the arrival of the next port of call where there is a recognized doctor by the flag State provided that such period does not exceed three months.

Article 32 of the Minister of Transport Decree No. 338 of 2016 on the adoption of the International Convention on Standards of Training, STCW 78 and its amendments.

Article 150 of the Maritime Law.

Qualifications of seafarers (Regulation 1-3)



The seafarers working on board a Libyan flagged ship must have the appropriate training and qualifications as well as a certificate of their professional competence and other qualifications for the performance of their functions which issued and approved by the Libyan Maritime Authority.

Training and certification must comply with the mandatory instruments adopted by the International Maritime Organization (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers STCW78 as amended) or the conditions provided for in national legislation.

-Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization (IMO) are in compliance with the requirements of national legislation. Decree of the Minister of Transport No. 338 of 2016 and its annexes on the adoption of the regulations of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ,STCW 78,as amended.

3. Agreement on the Use of seafarers (Regulation 2-1)

All seafarers who serve on board a Libyan flagged ships shall have work agreements signed by the seafarers & the owner of the vessel or representative guaranteeing suitable working conditions and decent living conditions on board the ship.

The seafarers are given the opportunity to review the conditions stipulated in the labor agreement for a period not less than two weeks, and if necessary the seafarers have the right to seek advice before signing and accepting them.

•Both the ship owner and the seafarer must keep a copy of the original signed labor agreement

•The owner of the vessel shall always keep a copy of the agreement on the employment of the seafarers on board the ship at the disposal of the seafarers, the captain of the ship & any other authority concerned, including the port authorities at which the ship is berthing, for review.

∴ Agreement should at least show the following :

A- Name of seafarer ,place& date of birth or age

B- .Name & address of ship's owner

C- Date & Place where agreement with seafarers signed

D-Capacity to employ seafarers

E- Seafarers wages & when required , methods of calculation

F- Annual paid leave & when required , methods of calculation

G-Terminating of agreement & its limitations , particularly



(1) If an indefinite agreement is reached, mention the conditions that any party is entitled to terminate, as well as the notice period required, which should not be less for the ship owner than that for the seafarers .

(2) If the agreement has been determined for a specified period, the date specified for its expiry is indicated ; and

(3) If a trip is agreed upon, the destination port should be recorded and the time that should be completed after arrival before the seafarer leaves .

I - Health care and social security benefits to be provided by the ship owner to the seafarer ;

J- The seafarer's right to return to his native country

The maximum period of uninterrupted service on board the vessel where the seafarer has the right of return to his native country .

Reference to collective bargaining if possible &

Any other details that may be required by national legislation

*Article 134 and 135 of the Libyan Maritime Law.

*Article 67 of the Labor Relations Act 2010

5- The recourse to any licensed, accredited or appointed recruitment and employment organization (Regulation 1-4)

• Any person or entity providing special services for the employment of seafarers in Libya should aim to employ seafarers and have , in particular a valid work permit .

The Ports & Maritime Transport Authority shall require the ship owners to use the employment and recruitment services of the seafarers located in countries or territories where the Maritime Labor Convention of 2006 is applicable to ensure that such services comply with the provisions of § 4.1 of Title 1 of the Maritime Labor 2006

When ship owners use the services of an employment agency located in a State not part of the Maritime Labor Convention of 2006, they shall be solely liable in the case of the detention of the ship at the time of the inspection by either the Flag State or the Port State control as well as the penalties involved in such detention

*Article 6 and 7 of the Labor Relations Act No. 12 of 2010.

*Article 138 and 139 of the Maritime Law

6- Working and rest hours (Regulation 2-3)

• Working hours shall not exceed :

• -14 hours for each 24 hours



. - And not to exceed 72 hours in 7 days

Rest periods can be combined in a maximum of two periods, each of which has at least six hours without interruption, and the interval between consecutive breaks is not more than 14 hours. Muster list drills, fire fighting, lifeboats, training provided for in national laws & regulations and international instruments are carried out in such a way as to reduce disturbance of rest periods and not cause fatigue.

• Each ship flying Libyan flag shall calculate and place in an accessible location at the disposal of the competent authorities, a chart describing the organization of work on board the ship.

• Each vessel with the flag of Libya shall have a record of the daily rest of the seafarer in accordance with the format adopted by the competent authority for this purpose, taking into account the ILO guidelines, in order to ensure control and compliance. These shall be a documented evidence of the minimum rest time for the seafarers.

• Nothing in this Standard shall prevent the Port and Maritime Transport Authority from establishing national laws or regulations or procedures for the issuance or registration of collective agreements allowing for exceptions to the limits set forth. Such exceptions shall, to the extent possible, correspond to the provisions of this Standard but may take into account more frequent or longer periods of leave or the granting of compensatory leave to the watchkeeping or seafarers employed on board ships on short voyages.

• Daily records of hours of rest shall be written in the working language or languages of the vessel and in English. The seafarers obtain a copy of their records, approved by the master or an authorized person by him and the seafarer. The daily records of the rest hours can be sent to the seafarer electronically, as long as the master or the person authorized by him, has approved and signed the seafarer.

***(Article 14 of the Labor Relations Act 2010)**

***Article 51 of the Minister of transport's Decree No. 338 of 2016 on the adoption of the amendments to the International Convention on Standards of Training, Certification and watch keeping STCW of seafarers 78 and its amendments.**

7- Manning levels for ships (Regulation 2-7)

• All ships carrying the Libyan flag shall have a sufficient number of seafarers to ensure the safe and efficient operation of those ships, taking into account the security aspect. Each vessel shall have an appropriate crew, in terms of size and qualifications, to ensure the safety and security of the vessel and its personnel in all operating conditions in accordance with the Minimum Safe Manning document or its equivalent issued by the competent authority and comply with international instruments standards.

• In determining, approving or revising operating standards, the Port and Maritime transport



authority, shall take into account the need to avoid or reduce excessive working hours to ensure adequate rest and reduce fatigue, as well as the principles contained in applicable international instruments, in particular IMO instruments, on manning levels.

***Article 42 Paragraph 3 and Appendix C of the Minister of Transport decree No. 338 of 2016 on the adoption of amendments to the International Convention on the Training, Qualification, Certification and Workplace for Workers 78 and its amendments.**

- 8- Accommodation (Regulation 3-1)

- Each ship shall maintain adequate accommodation and suitable living conditions.
- The provisions of the Minister of Transport Decree 175 of 2017 on the adoption of regulations on accommodation, recreation, food and complaints procedures on ships constructed prior to the date of entry into force of the Maritime Labor Convention 2006

The master or person designated by him, shall conduct frequent inspections on board the ship in order to ensure that the accommodation of the seafarers are clean and in appropriate conditions. The results of inspections shall be kept in a register available for verification by the competent authority and port State control.

The competent authority shall pay particular attention to ensuring the implementation of the requirements of this Convention in respect of:

A - Size of cabins and other accommodation

B- Heating and ventilation;

C-Noise, vibration and other factors surrounding the workplace

D- Health facilities;

E-Lighting.

F- The hospital.

***The second part of the decree of the Minister of Transport 175 of 2017 on the adoption of regulations for accommodation, recreation, food and complaints procedures on board ships.**

***Article 23 of the Labor Relations Act 2010**

9- On-board facilities (item 1.3)

The ship owner shall provide the seafarers with appropriate facilities, amenities & recreational services to meet the special needs of the seafarers who live and work on ships in accordance with the provisions of Part III of the Minister of Transport Resolution decree 175 of 2017 on the adoption of regulations on accommodation, recreation , feeding & complaints procedure on board ships.

10 -Food and catering (Regulation 3-2)

- The Ports and Maritime Transport Authority shall ensure that vessels flying Libyan flag meet the following minimum standards:



- 1 - The supply of food and drinking water shall be adequate in quantity, nutritional value, quality and variety, taking into account the number of seafarers on board the ship, religious requirements and cultural practices in relation to food, duration and nature of the voyage;**
- 2 Organizing and equipping the catering department so as to allow the supply of adequate, varied and nutritious meals prepared and serviced under sanitary conditions; and**
- 4 Ship owners must ensure that the seafarers who serve as cooks are well trained and qualified , for this position in accordance with the requirements of national legislations, including the completion of an accredited or recognized training course from one of the accredited training centers for the cooks, as well as passing the Food Safety and Personal Hygiene Course**
- In accordance with the continuous compliance procedures under Regulation 5 of the 2006 King's Convention, the Port and Maritime Transport Service requires frequent and documented inspections on ships by or under the master's authority in respect of:
 - Food and drinking water supplies;
 - All the spaces and equipment used to store and handling food and drinking water. &
 - Galley and other equipments used for the preparation and delivery of meals .
- *Section IV of the Minister of Transport Resolution 175 of 2017 on the adoption of regulations on accommodation, recreation, lunch and complaints procedures on board ships.**

11- Health, Safety and Incident Prevention Item 4-3

- The ship owner shall adopt effective occupational safety and health policies and programs, including risk assessment, as well as the training and qualification of seafarers to prevent accidents, injuries and occupational diseases, including measures to reduce and prevent the risk of exposure to harmful levels of environmental and chemical agents, As well as the risk of injuries or diseases that may arise from the use of ship-based equipment's and machinery.
- Ship owners shall provide the seafares with protective equipments or other equipments to prevent accidents accompanied by instructions regarding the use of such equipments or protective equipments.

The ship owner shall ensure that the machinery used on board the ship is properly and safely guarded and that it is prohibited to use it without proper safety guard.

- Each ship flying a Libyan flag with at least five seamen shall establish a safety committee composed of crew members
- Ship owners shall report to the Ports and Maritime Transport Authority any occupational accident, injury or occupational disease appropriately using the ILO Standard for the Reporting and Registration of Occupational Illnesses and Occupational Diseases

*** Law No. 93 of 1976 Concerning Industrial Safety and Labor Safety**



***Article 39 of the Labor Relations Law No. 12 of 2010**

12- On-board medical care (Regulation 4-1)

- Ship owners shall provide coverage through an insurance policy that ensures health protection, as well as quick and adequate access to health care for the seafarers during their stay on board ships.
- Insurance shall cover the duration of the work agreement of the seafarers .
- Social protection and health care shall be provided to seafarers and their families at no cost to the seafarers.
- On-board health care and on shore to be provided at the ship owner's expense to the seafarers working on Libyan flagged vessels include:
 - . Providing the necessary medications in addition to the medical equipments and services for diagnosis, treatment, information and medical advice.
 - . Right without any delay in visiting a qualified doctor or dental doctor at the port of arrival, whenever possible.
 - . Programs for enhancing health and health education, such as preventive measures.
- All vessels registered in Libya shall carry a medicine cabinet, medical equipments and a medical manual, along with the specifications in the latest edition of the WHO / IMO / WHO Manual of First Aid for Ships from the Medical Assistance Manual For the use of IMO dangerous goods accidents and the guidance document - the International Training Manual for IMO / IMO / WHO seafarers, as well as any similar national guides, consistent with the dimensions of the vessel.
- On board ships with 100 persons or more, usually engaged in international voyages lasting for more than three days, there shall be a qualified doctor who is responsible for the provision of medical care.
- Other vessels shall rely on at least one seafarer who has completed appropriate training in medical care in accordance with the requirements of the International Convention on Standards of Training ,Certification and Watchkeeping for Seafarers, STCW, 78 as amended and those adopted by the competent authority.

***Article 38 of the Labor Relations Law No. 12 of 2010**

13- On-board complaint Procedures (Item5-1-5)

- Ships flying the Libyan flag , shall have procedures for fair, effective and expeditious handling of complaints by seafarers of violations of the provisions of the Maritime Labor Agreement and the maintenance of a copy of the Agreement in English or in the working language on board.
- Each ship flying the Libyan flag , shall provide the seafarers with a copy of the applicable internal complaint procedure, in addition to a copy of their employment agreement. The complaint procedure on board the vessel shall include contact information of the competent authority of the Flag State and the country of residence of the seafarers, if different from the flag State, as well as the name of one or more persons aboard the vessel who are able, on a confidential basis, to provide seafarers with impartial advice on their complaint and assistance with regard to procedures for handling complaints on board ships.
 - The complaint process begins when the seafarer first submits the complaint to the head of



the department or to the senior officer . The head of the department or the senior officer must attempt to resolve the matter within the time limit on board the ship which does not exceed five days.

- If the head of the department or the senior officer can not resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master who should personally address the matter; the seafarer may at all times have the right to be accompanied by another seafarer chosen by him on board the vessel concerned.

- The ship shall keep on board a record book to register the complaints and the decisions taken for them, and a copy must be submitted to the complaining seafarer. In the event that a complaint can not be resolved on board the ship, then it shall be referred to the ship owner, who will have a period of **ten (10) days**, to resolve by direct communication with the concerned seafarer or any person who he may appoint . In all cases the seafarer shall be entitled to raise their complaints directly with the master , the owner of the vessel and the competent authority such as the Flag State inspector or the Port State inspector, who must submit them to the Department of Maritime Affairs, and through the Division for Seafarers Affairs which undertakes to consider the complaint.

- If the complaint is not resolved on the ship within **ten (10) days**, then the seafarer has the right to address the competent Maritime Authority. In case the competent Maritime Authority cannot resolve the dispute amicably, the complaint shall be referred to the competent Libyan Courts to decide .

- Any kind of harassment or arbitrary action against any seafarer who filed a complaint on board the ship is prohibited.

***Article 145 of the Libyan Maritime Law**

***Chapter 5 of the Minister of transportation decree 175 of 2017 on the adoption of regulations concerning accommodation, recreation, feeding and complaints procedures on board ships**

14- Payment of wages (Regulation 2.2)

- The salary and the currency must be indicated at the labor agreement and must be determined according to the time unit, at regular intervals , not exceeding one month.

- Seafarers, shall be given a monthly statement of outstanding payments and payments, including wages, additional payments and the exchange rate used when payment is made in a currency or at a rate different from the agreed amount.

- Seafarers have the right to receive a periodic and full bonus for their work in accordance with their labor agreement.

***Chapter II of Part Five of the Maritime Law**

***Article 67 of the Labor Relations Law No. 12 of 2010**

The name : ___ Eng Omar Al Gawashi

Adjective : ___ President Of Libyan Ports And Maritime Authority ___

Signature : _____

the place : _____ Tripoli _____

Date : _____ 27-03-2019 _____



Substantial equations

(Note: Cancel the non-applicable statement)

~~The following substantive equations, submitted under Article VI, paragraphs 3 and 4, of the Convention, , Except as noted above, have been observed (enter description if possible);—~~

No equivalent was granted.

The name : ____ Eng Omar Al Gawashi

Adjective : ____ President Of Libyan Ports And Maritime Authority ____

Signature : _____

the place : _____ Tripoli _____

Date : _____ 27-03-2019 _____

Exemptions

(Note: Cancel the non-applicable statement)

~~- the following are Exemptions granted by the competent authority as provided for in Article 3— of the Convention-~~

- No exemptions were granted.

The name : ____ Eng Omar Al Gawashi

Adjective : ____ President Of Libyan Ports And Maritime Authority ____

Signature : _____

the place : _____ Tripoli _____

Date : _____ 27-03-2019 _____



See annex - complaints form on board the Libyan ships..



complaints form on board the Libyan ships

	IMO NO		SHIP NAME
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Details of the complainant

	Date of birth		Name and surname of the seafares
	Place of birth		
	Seaman book no		Nationality
	ID no		contact details [1]
	date of boarding the ship		contact details [2]

contact information

A) The person or persons to whom the complaint was lodged on board the ship ;
Supreme Adjuster.

Head of department.

The captain of the ship.

B) Contact information to the competent authority on land and designated by the shipowner, operator or lessee to deal with complaints on board ships.

Organization Name (Person or Administration):

phone:

E-mail:

C) Contact information for the competent authority of the maritime authority.

Name (Organization or Administration) of the Maritime Authority:



phone:
E-mail:

The complaint

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Date and Signature of the complainant

