



Maritime Labour Convention, 2006

DECLARATION OF MARITIME LABOUR COMPLIANCE – Part I

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

Issued under the authority of the:
Department of Labor and Employment
Republic of the Philippines

With respect to the provisions of the Maritime Labour Convention, 2006, as ratified by the Philippine Government, the following referenced ship:

Name of ship	IMO number	Gross tonnage

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 Maritime Labour Convention 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 are provided where necessary; and
- (c) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. **MINIMUM AGE** (Regulation 1.1)

Department of Labor and Employment (DOLE) Department Order No. 130, series of 2013, otherwise known as the *Rules and Regulations on the Employment of Filipino Seafarers Onboard Philippine Registered Ships Engaged in International Voyage*, (DO 130-13), Rule III, Section 1 on Minimum Age of Seafarers.

No person below eighteen (18) years old shall work, be employed or be engaged onboard a ship.

2. **MEDICAL CERTIFICATION** (Regulation 1.2)

DOLE DO 130-13 Rule III, Section 2 on Medical Certificate.

The seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health (DOH) for that purpose, in accordance with its existing rules and regulations.

Department of Health (DOH) Administrative Order No. 2013-0006 (Guidelines to 'Rule XI: Role of DOH in the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as Amended by Republic Act No. 10022')

The Order applies to all accredited DOH medical clinics conducting Pre-Employment Medical Examination (PEME) for land based overseas work applicants and seafarers for domestic/overseas employment. All PEME for overseas work applicants shall be performed only in DOH-accredited medical clinics and health facilities utilizing the standards set forth by DOH. Medical Certificate for Service at Sea as annex D, aligned with the Regulation 1.2 of the MLC, 2006. The validity of the Certificates shall be for a maximum period of two (2) years subject to physician's recommendation and/or principal's requirements. (Important Integral Notes of annex D)

3. QUALIFICATION OF SEAFARERS (Regulation 1.3)

DOLE DO 130-13, Rule III, Section 3 on Training and Qualifications.

Only seafarers certified as competent and qualified shall work, be employed or be engaged onboard a ship.

Executive Order No. 75, s. 2012 (Designating the DOTC, through the Maritime Industry Authority, as the Single Administration in the Philippines Responsible for Oversight in the Implementation of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, As Amended)

4. SEAFARERS' EMPLOYMENT AGREEMENTS (Regulation 2.1)

DOLE DO 130-13, Rule IV, Sections 1 and 2 on Employment Agreement for Seafarers and Terms and Conditions of Employment.

Section 1. Employment Agreement for Seafarers. - The employment agreement shall be in English language and shall be executed in four (4) original copies before the commencement of employment. The said original copies shall be submitted to the DOLE through the POEA for approval.

The shipowner, the seafarer, the manning agency, as the case may be, and the POEA shall each have a signed and approved original copy of the agreement. A signed and POEA approved original copy of the employment agreement must be made available onboard the ship.

The seafarer shall be given an opportunity to examine and seek advice on the agreement before signing.

Section 2. Terms and Conditions of Employment - The terms and conditions of employment of seafarers shall be governed by the POEA SEC.

POEA Governing Board Resolution No. 9 and POEA Memorandum Circular No. 10 s. 2010 (Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-Board Ocean-Going Ships), Section 2 (Commencement and Duration of Contract)

2.B. The period of employment shall be for a period mutually agreed upon by the seafarer and the employer but not to exceed 12 months.

5. USE OF ANY LICENSED OR CERTIFIED OR REGULATED PRIVATE RECRUITMENT AND PLACEMENT SERVICE (Regulation 1.4)

DOLE DO 130-13, Rule III, Section 4 on Recruitment and Placement.

The DOLE and POEA existing guidelines on recruitment and placement and/or contracting and subcontracting work arrangement shall govern the recruitment and placement of seafarers. No fees or other charges for recruitment, placement or for providing employment to seafarers shall be borne directly or indirectly, in whole or in part, by the seafarer.

POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers, 2003, Part II (Licensing and Regulation)

Every applicant for license to operate a manning agency shall submit a verified undertaking stating that the applicant shall “ensure that any seafarer recruited or deployed by them is qualified and holds the documents necessary for the job concerned.

6. HOURS OF WORK OR REST (Regulation 2.3)

DOLE DO 130-13, Rule IV, Section 2 on Terms and Conditions of Employment.

The terms and conditions of employment of seafarers shall be governed by the POEA SEC.

The provisions of Title 2, Regulation 2.3 of MLC, 2006 on Hours of Work and Hours of Rest are also adopted.

7. MANNING LEVELS FOR THE SHIP (Regulation 2.7)

DOLE DO 130-13, Rule IV, Section 3 on Minimum Safe Manning Level.

The shipowner shall maintain a minimum safe manning level onboard in accordance with existing maritime laws and regulations.

MARINA Memorandum Circular No. 137 (Amendments to Chapter XVIII of the Philippine Merchant Marine Rules and Regulations (PMMRR) 1997 on Minimum Safe Manning for Seagoing Ships in International Trade)

8. ACCOMMODATION (Regulation 3.1)

DOLE DO 130-13, Rule V, Section 1 on Accommodation.

Seafarers shall be provided with decent accommodations and recreational facilities onboard in accordance with the standards set under applicable laws and regulations.

The applicable provisions of Title 3, Regulation 3.1 of MLC, 2006 on Accommodation, Recreational facilities, food and Catering are also adopted.

9. ONBOARD RECREATIONAL FACILITIES (Regulation 3.1)

DOLE DO 130-13, Rule V, Section 1 on Accommodation.

Seafarers shall be provided with decent accommodations and recreational facilities onboard in accordance with the standards set under applicable laws and regulations.

The applicable provisions of Title 3, Regulation 3.1 of MLC, 2006 on Accommodation, Recreational Facilities, Food and Catering are also adopted.

10. FOOD AND CATERING (Regulation 3.2)

DOLE DO 130-13, Rule VI, Section 1 on Food and Catering.

The shipowner shall ensure protection and promotion of the health of the seafarer and ensure that ships carry onboard food and drinking water of appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship and take into consideration the differing cultural and religious backgrounds.

Implementing Rules and Regulations (IRR) of Chapter III (Food Establishments) of P.D. 856 or the Sanitation Code of the Philippines, 1995.

These implementing rules and regulations shall apply to all food establishments and facilities including those located in vessels, food containers and vehicles x x x.

The applicable provisions of Title 3, Regulation 3.2 of MLC, 2006 on Accommodation, Recreational Facilities, Food and Catering are also adopted.

11. HEALTH AND SAFETY AND ACCIDENT PREVENTION (Regulation 4.3)

DOLE DO 130-13, Rule VII, Section 1 on Occupational Safety and Health Policy and Program and Section 2 on Safety and Health Plan.

Section 1. Occupational Safety and Health Policy and Program. The shipowner shall adopt, implement, and promote occupational safety and health policies and programs on ships, consistent with the Philippine Maritime Occupational Safety and Health Guidelines and the 1996 ILO Code of Practice on Accident Prevention OnBoard Ship, at Sea and In Port.

Section 2. Safety and Health Plan. Shipowners shall be required to develop for its ships a safety and health plan. The shipowner shall designate a Safety and Health Officer onboard to implement the ship's safety and health plan.

12. ONBOARD MEDICAL CARE (Regulation 4.1)

POEA Governing Board Resolution No. 9 and POEA Memorandum Circular No. 10 s. 2010 (Standard Terms and Conditions), Section 1 (Duties), A (Duties of the Principal/ Employer/ Master/ Company); B (Duties of the Seafarer); Section 5 (Hygiene and Vaccination)

DOLE DO 130-13, Rule VII, Section 2 on Medical Care Onboard Ship and Ashore.

The shipowner shall provide adequate medical services and medicine chest onboard, and access to shore-based medical facilities for the protection of the health of the seafarers, as well as the corresponding medical and/or trained personnel who shall provide first-aid and medical care, pursuant to the Maritime Occupational Safety and Health Guidelines.

13. ONBOARD COMPLAINT PROCEDURES (Regulation 5.1.5)

DOLE DO 130-13, Rule X Section 6 and 7 (Onboard Complaint Procedures & Ashore Complaints)

Section 6. Onboard Complaint Procedures. – The grievance procedure provided in the POEA SEC shall be observed. When a CBA exists between the bargaining agent of the seafarers and the shipowner, the parties shall settle their grievances in accordance with the procedure or machinery provided therein.

Section 7. Onshore Complaints. – When onshore, seafarers may avail of the conciliation-mediation services of the DOLE by filing for assistance before conciliation and mediation desks of the POEA or at the Regional Office or POLO Offices of the DOLE.

POEA Governing Board Resolution No. 9 and POEA Memorandum Circular No. 10 s. 2010 (Standard Terms and Conditions), Section 1 (Duties), A (Duties of the Principal/ Employer/ Master/ Company); Section 16 (Grievance Machinery)

DOLE Department Order 127-13 on Conciliation-Mediation of Labor Disputes in the Overseas Shipmanning Industry.

14. PAYMENT OF WAGES (Regulation 2.2)

DOLE DO 130-13, Rule IV, Section 2 on Terms and Conditions of Employment.

The terms and conditions of employment of seafarers shall be governed by the POEA SEC.

POEA Governing Board Resolution No. 9 and POEA Memorandum Circular No. 10 s. 2010 (Standard Terms and Conditions), Section 6 on Wages and Section 8 on Allotments and Remittances.

15. SOCIAL SECURITY

DOLE DO 130-13, Rule VIII, Section 1 on Relevant Laws.

Without prejudice to established policy, collective bargaining agreement or other applicable employment agreement, all seafarers shall be entitled to compensation and benefits under the POEA SEC and benefits provided for by the Welfare Fund for Overseas Workers. Pag-IBIG Fund (Republic Act No. 7742), PhilHealth (Republic Act No. 7875, as amended by Republic Act No. 9241), Employees' Compensation Law (Presidential Decree No. 626, as amended), and the Social Security Law (Republic Act No. 1161, as amended by Republic Act No. 8282), and other applicable laws.

Name : **ROSALINDA DIMAPILIS-BALDOZ**
Title : Secretary
Department of Labor and Employment
Republic of the Philippines

Signature :
Place : Intramuros, Manila, Philippines
Date :

(Seal or stamp of the Authority)

SUBSTANTIAL EQUIVALENCIES

No equivalency has been granted.

Name : **ROSALINDA DIMAPILIS-BALDOZ**
Title : Secretary
Department of Labor and Employment
Republic of the Philippines

Signature :
Place : Intramuros, Manila, Philippines
Date :

(Seal or stamp of the Authority)

EXEMPTIONS

No exemption has been granted.

Name : **ROSALINDA DIMAPILIS-BALDOZ**
Title : Secretary
Department of Labor and Employment
Republic of the Philippines

Signature :
Place : Intramuros, Manila, Philippines
Date :

(Seal or stamp of the Authority)