

Circular 277/ 2023

To: Vessel Owners, MLC shipowners, Managers, Masters, Officers, Deputy Registrars and Other Interested Parties

Subject: ITF Inspection Campaign 2023 in Mediterranean Ports on Cook Islands Vessels and Commercial Yachts.

Date: 23rd March 2023

Summary

The International Transport Workers' Federation (ITF) has announced a campaign in the Mediterranean Sea to target more than 1000 vessels, including vessels registered with the Cook Islands.

ITF has announced that over the **next eight weeks (from 16th March 2023)**, an army of its own inspectors and those of other seafarers' unions and authorities dockers will carry out checks throughout the Mediterranean on the Safety and welfare of seafarers on board ships flying the flags of the Cook Islands, Palau, Sierra Leone and Togo.

The CIC will be focused on the MLC Application and on the Safety condition of the vessels.

Important note: ITF right to board our vessels.

Please be informed that ITF is entitled to board the vessels only in the following restricted cases:

- a) When an official MLC Complaint is received (and demonstrated by official documentation)
- b) When an agreement is signed and in place between the vessel crew and ITF
- c) When ITF cooperation requested by the Port State Control during a PSC inspection

MCI would highlight that the statistics and allegations published by ITF do not reflect neither the Cook Islands compliance standards nor the real official statistics.

In recent years MCI has enhanced its capacity as a Registry, improving its standing in the various Port State Control MoUs, reaching, and maintaining the Grey Flag Status in the Paris MoU for the last 3 years.

In the three-year period 2020-2022 vessels flying the Cook Islands flag have been inspected 122 times in the Paris MoU region; this resulted in 11 detentions and 536 deficiencies, with vessels averaging less than 5 deficiencies per inspection, which is one of the benchmarks used by the Paris MoU to assess vessels' risk.

For the same period, Cook Islands vessels have been inspected 102 times in the Mediterranean MoU, with 2 detentions being warranted and corresponding to a White Flag performance. None of the detainable deficiencies was related to welfare of seafarers.

As to what concerns abandonment cases MCI had 2 cases in 2021 and one case reported in 2022.

MCI has always been available to cooperate with all parties involved (including ITF) for any MLC complaint or abandonment case that was reported, in order to resolve them.

Action to be taken by the Fleet

You are kindly requested, as matter of preventive actions, to check and comply with following MLC Flag requirements and check their status onboard (non-exhaustive list, but to be considered in addition to the International requirements):

1. Medical certification

- a. all medical certificates onboard should be valid and original.

2. Qualification of seafarers

- a. All officers and ratings shall comply with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended and the STCW Code.
- b. All officers should be in possess of the Cook Islands Certification

3. Seafarer Employment Agreement

- a. All crew should have a copy of the SEA, in validity and not Expired.
- b. A record of employment should be available for the crew upon request
- c. No crew should be onboard for a period exceeding 11 months

4. Hours of work and rest

- a. Please check that all crew is in compliance with the Hours of Work and Rest as prescribed by the MLC, and that the calculation is in compliance with MCI Circular 274/2022 (please use the MCI tool for verification). <https://www.maritimcookislands.com/wp-content/uploads/2022/11/Fleet-Circular-Template-.pdf>
- b. Seafarer's daily hours of work/rest must be recorded in a format compliant with the Cook Islands relevant Circular and in the working language(s) of the ship and in any case, in English and need to be endorsed by both the seafarer (who receives a copy) and the master (or authorized person).
- c. The **table of working and rest hours** should be daily filled and monthly printed or electronically printed and should be made available for inspection at any time.
- d. a **table with shipboard arrangements**, which should contain as minimum the information required at Para10 of MLC Regulation 2.3 Standard A2.3, should be posted in an easily accessible place, and shall be in the working language or languages of the ship and in English.

5. Food and Catering

- a. Shipowners shall ensure that minimum standards for food and catering are respected as follows:
 - food and drinking water supplies of appropriate quality, nutritional value and quantity that adequately covers the requirements of the number of seafarers on board, and takes into account possible differences in cultural and religious backgrounds and the duration and nature of the voyage, shall be available during the voyage;
 - the organization and equipment of the catering department shall be such as to permit the provision of adequate, varied and nutritious meals are prepared and served in hygienic conditions to the seafarers;

- all seafarers employed in any capacity as catering staff, or contributing to catering activities should be properly instructed for their positions /tasks.
- b. Check all food and its expiry dates
- c. Ships cook should hold the certificate of qualification as ship's cook or meet the requirements set out in the Standard A3.2.3 and A3.2.4
- d. **Documented inspection** should be performed in the following areas:
 - supplies of food and drinking water;
 - all spaces and equipment used for the storage and handling of food and drinking water; and
 - galley and other equipment for the preparation and service of meals shall be carried out on board by the master or under his authority, together with a member of the seafarers employed in catering, at intervals not exceeding 7 days. The inspection results shall be available for review and the records need to be kept on board for a minimum period of 3 years.

6. Health and safety and accident prevention

- a. Shipowners shall adopt, effectively implement and promote occupational safety and health policies and programs, including risk evaluation as well as training and instruction of seafarers. Risk evaluation is required for on-board occupational safety and health management. Shipowners shall take reasonable precautions to prevent occupational accidents, injuries and diseases on board, 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.
- b. Shipowners shall prepare and keep up to date, a written statement of his general policy with respect to health and safety matters on board and the arrangements for carrying out this policy.

7. On-board medical care

- a. all ships shall carry a **medicine chest**, medical equipment and a medical guide, the specifics of which shall be prescribed and subject to regular inspection by the competent authority; the national requirements shall take into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards;
- b. ships which do not carry a medical doctor shall be required to have either at least one **seafarer on board who is in charge of medical care** and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid; persons in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended ("STCW"); seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of STCW; national laws or regulations shall specify the level of approved training required taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board
- c. copy of the **Protection and Indemnity policy** covering the Medical Care of all seafarer should be kept onboard any time and made available to all seafarer and all authorized inspectors.

8. On-board complaint procedures

a. Minimum content of **Complaint Procedure**:

Every Cook Islands flagged vessel shall provide seafarers with a copy of the On-Board Complaints procedure applicable. The On-Board Complaints procedure shall include:

- the competent authority contact information in the flag state (mlc@maritimecookislands.com)
- **each seafarers' country of residence authority**, if different from the Flag State - "Information about the national competent authority for countries that have ratified the MLC, 2006 along with other national information can be found on ILO MLC 2006 website under the link MLC, 2006 database. The competent authority should be able to provide the information regarding complaints."
- the name of one or more persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaints and also assistance regarding the procedure for the processing of complaints available on board the ship.

9. Payment of wages

- a. Seafarers must be paid for their work regularly and in full, in accordance with their employment agreement and **at no greater than monthly intervals**. Seafarers are given a monthly account of the payments due and the amounts paid as well as any authorized deductions. Shipowners are required to take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. Any charge for service shall be reasonable in amount and the exchange rate shall be at the prevailing market rate and not unfavourable to the seafarer. Normal hours for calculating the basic pay shall not exceed 48 hours per week and overtime should be not less than one and one-quarter times the basic pay or wages per hour.
- b. Payments should be made by **bank transfer** and should be in any case made available for inspection.
- c. For all payment **a Payroll should be available (Bank transfer evidence + Payroll) and the payment should match exactly what is established in the SEA.**

10. Financial security for repatriation and financial security relating to shipowners' liability

- a. A copy of a P&I Policy covering Regulation 2.5 and 4.2 Issued to the MLC shipowner (see the MLC Certificate or the Flag Form 88) or to the Registered Owner (as per MLC amendments 2022) should be available and valid.

11. Accommodations:

- a. All accommodations, recreational facilities, galley, and toilets should be clean and in health conditions, and inspections recorded.

Flag Availability:

Flag Administration is available during the Campaign to assist the Owners and the Masters in case of any needs or requests related to the MLC Implementation and verification.

For further information or clarification please contact the Marine Operation and Compliance department at mlc@maritimecookislands.com