



MARITIME LABOUR CONVENTION (MLC) GUIDANCE DOCUMENT

Maritime Cook Islands | 2025

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1. Maritime Labour Convention Guidance

1.1 Application of the Maritime Labour Convention (MLC)

The Maritime Labour Convention, 2006 (MLC) applies to all seafarers¹ intended as any person who is employed or engaged or works in any capacity on board a ship to which the MLC 2006 Applies.

The Convention applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities² except for:

- Ships that operate exclusively in inland waters, or closely adjacent to, sheltered waters or areas where port regulations apply;
- Ships engaged in fishing or in similar pursuits;
- Ships of traditional build such as dhows and junks;
- Warships or naval auxiliaries.

1.2 MLC Inspection and Certification

In line with its obligations as a Flag State, Maritime Cook Islands (MCI) requires that all vessels to which the MLC applies, irrespectively of their type or size, are inspected according to the MLC requirements. These inspections are conducted either by MCI directly or by an approved Recognised Organisation (RO).

Commercial and dual registered yachts \geq 500 GT, all Passenger ships and other Commercial vessels \geq 200 GT are also required to be certified in compliance with the Standard A5.1.3 of the MLC Convention.

1.2.1 Commercial Yachts < 500 GT And Other Commercial Vessels < 200 GT

The following types of vessels are required to follow the inspection process outlined below:

- Commercial and dual-registered yachts **<500 GT**

All other vessels **< 200 GT** to which the convention applies

¹ In case of doubts please contact the Flag administration MO&C division at technical@maritimecookislands.com

² Ordinarily engaged: commercial activities > 30 days in 365 days.

Type of inspection	Timing	Purpose / Scope	Certificate
N/a	At the time of Registration	DMLC I provides the list of matters to be inspected and information on the main content of the Cook Islands national requirements giving effect to the relevant provisions of the MLC	DMLC Part I
Initial Inspection (Onboard)	Prior to the vessel starting commercial operations	Verification of compliance with MLC Appendix A5-I and DMLC Part I issued by MCI and national requirements implementing the Convention	No Certificate – Copy of Inspection Report to be kept onboard ³
Intermediate Inspection (Onboard)	Between the twenty-fourth and the thirty-sixth month from the Initial Inspection date	Verification of ongoing compliance with MLC Appendix A5-I and DMLC Part I issued by MCI and national requirements implementing the Convention issued by MCI. Inspection against the Standard A.5.1.3 and A5.1.4 of the Convention	No Certificate – Copy of Inspection Report to be kept onboard
Renewal (Onboard)	Between the fifty-seventh and sixtieth month from the Initial Inspection date	Verification of ongoing compliance with MLC Appendix A5-I and DMLC Part I issued by MCI	No Certificate – Copy of Inspection Report to be kept onboard

Commercial yachts < 500 GT and other Commercial Vessels < 200 GT are not required to be certified in compliance with the Standard A5.1.3 of the MLC Convention. However, they may elect to voluntarily follow the full MLC certification process outlined below in 1.2.2.

This can be requested from MCI at the time of registration.

MCI strongly recommends all commercial vessels follow the full MLC certification process, as it provides a more robust framework for MLC implementation. Additionally, in case of Port State Control (PSC) Inspections, full MLC certification will provide the PSC Inspectors with

³ If the ship requires the issuance of exemptions, they will be recorded in the DMLC Part I, which will be reissued following the granting of the exemptions. In such a case, a copy of the DMLC Part I must be kept together with the inspection report.

documentary evidence of MLC compliance avoiding in most cases lengthier and more in-depth PSC inspections.

1.2.2 Commercial Yachts ≥ 500 GT, All Passenger Vessels, Other Commercial Vessels ≥ 200 GT

The following types of vessels are required to follow the inspection and certification process outlined below:

- Commercial and dual-registered yachts ≥ **500 GT**
- Passenger ships **of any gross tonnage**
- All other vessels ≥ **200 GT** to which the convention applies

Type of inspection	Timing	Purpose / Scope	Certificate
N/a	At the time of Registration	DMLC I provides the list of matters to be inspected and information on the main content of the Cook Islands national requirements giving effect to the relevant provisions of the MLC	DMLC Part I
Interim Inspection	Prior to vessel starting commercial operations	Verification of compliance with MLC Standard A5.1.3, paragraph 7	Interim MLC Certificate issued – valid for a period not exceeding 6 months ⁴ Interim inspection report.
N/A	After Interim Inspection	DMLC II identifies the measures adopted by the owner to ensure ongoing compliance with the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance	DMLC Part I DMLC Part II template – to be drawn up by the MLC Shipowner and returned to MCI prior to the Initial Inspection ⁵

⁴ No further interim certificate may be issued following the initial six months.

⁵ DMLC II provided in MCI template when issuer of MLC Certification is MCI. DMLC II provided by RO (Recognised organization) when the vessel is Certified by the RO.

		with the requirements set out in Declaration Part I. – to be drawn up by the MLC Shipowner	
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Type of inspection	Timing	Purpose / Scope	Certificate
Initial Inspection (Documental review and onboard)	Prior to expiry of the interim MLC certificate (6 months) but in any case after 3 months from the interim inspection.	Review of Declaration of Maritime Labour Compliance (DMLC) Part II , drawn up by the shipowner (Documental) Verification of compliance with MLC Appendix A5-I and DMLC Part I issued by MCI (Onboard) Inspection to confirm implementation of DMLC Part II measures (Onboard)	Full term MLC certificate – valid 5 years subject to intermediate inspection DMLC Part II Initial inspection report. DMLC II review inspection report.
Intermediate Inspection (Onboard)	Between the second and third anniversary date of the MLC certificate	Verification of ongoing compliance with MLC Appendix A5-I and DMLC Part I issued by MCI	Full term MLC certificate is endorsed Intermediate inspection report.
Renewal (Onboard)	Within a three-month window prior to the expiry of the MLC Full term certificate	Verification of ongoing compliance with MLC Appendix A5-I and DMLC Part I issued by MCI	New full term MLC certificate issued – valid for 5 years subject to intermediate inspection Renewal inspection report.

1.3 Declaration of Maritime Labour Convention Part I

The Declaration of Maritime Labour Convention Part I is issued for all Cook Islands vessels regardless of if they are required to be certified or if they elect to voluntarily be certified.

The DMLC Part I provides the list of matters to be inspected and information on the main content of the Cook Islands national requirements giving effect to the relevant provisions of the MLC. Additionally, for fully certified vessels it records any substantially equivalent provisions adopted and indicates any exemption granted by MCI.

The 16 sections of the Cook Islands DMLC Part I are contained in the Annex 1 below

1.4 Declaration of Maritime Labour Convention Part II

The DMLC Part II is completed by the MLC Shipowner. It identifies the measures adopted by the owner to ensure ongoing compliance with the Cook Islands national requirements (provided for in DMLC Part I) between inspections

A guidance for filling in the DMLC Part II is provided in the Annex 2 below.

The guidance addresses the 16 sections forming part of the DMLC Part II and for each section it indicates the minimum information to be detailed as well as an example of text, providing the level of details to be applied.

[DMLC II Online Application Form](#)

1.5 Accommodation - How to apply for Title 3 exemptions

Constructions Standards

Ships constructed⁶ on or after the 18 December 2020 shall comply with the requirements of the MLC, 2006 as set out in regulation 3.1, standard A3.1 and guidelines B3.1 covering the size of rooms and other accommodation spaces; heating and ventilation; noise and vibration and other ambient factors; sanitary facilities; lighting and hospital accommodation; laundry facilities and mess rooms.

Exemptions may be provided to certain ships in accordance with the provisions of the MLC.

Shipowners who need to apply for the request to be exempted to certain requirements in accordance with the provisions of the applicable National Legislation, in the limits provided by the MLC Convention and after consultation with the National Tripartite Committee, can be sent the request by filling out the [online form here](#).

For ships constructed before the 18 December 2020, the requirements relating to ship construction and equipment, set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable prior to 18 December 2020. Existing Certificates issued according to ILO 92/133 by other Flag Administrations will be recognised by the Cook Islands.

⁶ According to the MLC, a ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

1.6 MLC Complaints Procedure

1.6.1 MLC Ship Owner

Under MLC the shipowner⁷ has clear responsibilities regarding MLC complaints, Regulation 5.1.5 (On-board complaint procedures). These obligations are designed to ensure that seafarers can file a complaint without victimization, which means adverse actions taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

Each vessel or MLC Shipowner shall develop the On-Board Complaints procedures for the processing of complaints on-board.

The shipowner shall provide each seafarer with a copy of the applicable On-Board Complaints procedure .

The On-Board Complaints procedure shall include:

- contacts of the competent authority contacts information in the Flag state (mlc@maritimemaritimecookislands.com)
- contacts of the competent authority for each seafarers' country of residence⁸ , if different from the Flag State
- 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.

Cook Islands vessels must keep on board the procedure for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the provisions of the Maritime Labour Convention, 2006 (MLC, 2006) (including seafarers' rights) and also a copy shall be kept in English and the onboard official language.

1.6.2 Seafarers Rights Under MLC

Regulation 5.1.5 – Onboard Complaint Procedures

Seafarers have the right to:

- Make a complaint without fear of punishment (no victimization)
- Try to solve the issue onboard first

⁷*shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

⁸ 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.

- Get impartial help from someone they trust
- Be represented or accompanied
- Escalate the complaint to the Master, the Flag State, or external authorities if needed

Regulation 5.2.2 – On shore complaint

If the issue isn't resolved onboard the seafarer can

- Complain to an authorized officer in port
- Expect that your complaint will be kept confidential
- Trust that action will be taken if there is a risk to safety or health

1.6.3 How to Make a Complaint

For Seafarers on Cook Islands-flagged ships that believe their rights under the Maritime Labour Convention (MLC, 2006) have been violated – for example, unpaid wages, poor living conditions, unsafe practices, or mistreatment, they have the right to make a complaint.

Step 1: Try to Resolve the Issue Onboard

1. Complaints should be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;
2. The head of department or superior officer should then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;
3. If the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master, who should handle the matter personally;
4. Seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned;
5. All complaints and the decisions on them should be recorded and a copy provided to the seafarer concerned;

The complainant seafarer shall submit his/her complaint **in writing within 7 days** from the occurrence, and the issue shall be solved onboard within 14 days from the receipt of the complaint.

If after 14 days, the complaint has not been solved, then either party **shall have a 7-day period to bring the matter to the Maritime Cook Islands (step 2)**

Step 2: Fill Out the Complaint Form and Submit it to the Flag Administration

If the issue is not resolved onboard, the seafarer shall fill out the **Onboard Complaint Form**, a copy of which should be made available on board, and can also be completed online at:

[MLC Complaint Online Form](#)
[MLC Complaint Form \(pdf\)](#)

Step 3: Submit the Complaint

Send the form to **Maritime Cook Islands, MLC, 2006 Contact Point** (mlc@maritimcookislands.com) or to appropriate external authorities (Standard A5.1.5, paragraph 2)

The Complaint should be submitted **no longer than 21 days after the first complaint was filed onboard**

1.7 Record of Employment

The MLC shipowner shall ensure that seafarers are given a record of employment for the period of their employment on board.

The record should be provided to the seafarer upon request and should be endorsed by the master (or a representative) and by the seafarer.

The record of employment shall not contain any statement about the quality of the seafarers' work or about their wages.

[Record of Employment \(pdf\)](#)

1.8 Table of Shipboard Working Arrangements

The MLC shipowner shall ensure that a table of shipboard working arrangements is posted in an easily accessible place and be in the working language or languages of the ship and also in English.

The table of working arrangements shall contain for every position at least:

- the schedule of service at sea and service in port; and
- the maximum hours of work or the minimum hours of rest required by national laws or regulations or applicable collective agreements (refer to the DMLC I)

The shipboard arrangements should ensure the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

[Table of Shipboard Working Arrangements \(pdf\)](#)

1.9 Working and rest hours tool

MLC Regulation 2.3 aims to ensure that all seafarers are protected from fatigue by requiring adequate periods of rest. This is critical for safety at sea, crew well-being, and operational performance.

Maritime Cook Islands has adopted the **minimum hours of rest** standard, as permitted under the MLC.

To comply, the following must be observed

minimum hours of rest shall not be less than:

- ten hours in any 24-hour period; and
- 77 hours in any seven-day period

Additional requirements:

- 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**

Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

Shipowners shall ensure that adequate compensatory rest periods are provided whenever the normal rest period is disturbed by callouts to work, such as when a machinery space is unattended, during the usual hours of rest.

Unless otherwise provided in the SEA or the CBA, compensatory rest must be equal in time to the extra working period and shall be granted, as soon as practicable within a 7 days limit.

Shipowners shall ensure that:

- Seafarer's daily hours of work/rest are recorded in a format compliant with the Cook Islands requirements and in both in English and in the working language(s) of the ship, if different.
- Seafarer's daily hours of work/rest are endorsed by both the seafarer (who receives a copy) and the master (or authorized person).
- The table of working and rest hours should be filled daily and printed or electronically printed monthly. The table shall be made available for inspection at any time.

Records must be maintained for a minimum period of 3 years and be available for inspection by **flag State or Port State Control**.

MCI has developed a tool to assist shipowners to record the daily hours of work/rest in compliance with the MLC and national Cook Islands requirements. [The MLC work & Rest Hours tool can be downloaded here.](#)

1.9.1 Emergencies and Flexibility

The ship's Master has the authority to **suspend the schedule** in cases of emergency or when immediate action is required for the safety of the ship, persons onboard, or the marine environment.

In such cases, seafarers must be granted **adequate compensatory rest** as soon as possible after the situation has returned to normal

1.10 Health and safety and accident prevention

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.

Occupational health and safety program for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, shall take into account preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.

Shipowners shall specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policies and programs.

Shipowners must establish for each ship with five (5) or more seafarers a safety and health committee.

Shipowners must establish a reporting procedure for occupational accidents, injuries and diseases. These matters shall be adequately reported, by the shipowner or the master of the ship, to the competent Cook Islands Authority and in accordance with the Cook Islands law and regulations. The report shall also address, as far as possible, corrective actions to rectify unsafe conditions.

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.

A recommended model format for an Occupational Health and Safety policy, suitable for larger yachts and merchant vessels is provided in Annex 3, if required.

1.11 Medical Report Form

In the event that a seafarer requires medical treatment, a medical report form shall be completed, recorded and kept confidential.

The Cook Islands DMLC I provide for the medical report form included in the [International Medical Guide for Ships 3rd Edition](#) or the ship captain's medical guide or a similar publication to be used.

1.12 Risk Assessments

Shipowners are required to carry out a documented risk assessment as part of maintaining a safe working and living environment on board.

A risk assessment is a simple process that helps identify hazards before they cause harm. It's about thinking ahead and taking practical steps to protect seafarers.

The necessary measures should take due account of the preventive principle according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the non-dangerous or the less dangerous, have precedence over personal protective equipment for seafarers.

In addition, the shipowner shall ensure that the implications for health and safety are taken into account, and possibly included in the OHS policy - periodically reviewed – particularly in the following areas:

- emergency and accident response;
- the effects of drug and alcohol dependency;
- HIV/AIDS protection and prevention; and
- harassment and bullying.

Shipowners should –

1. Identify Hazards

Look for anything on board that could cause injury, illness or deaths (e.g. machinery, lifting operations, chemicals, noise, confined spaces).

2. Assess the Risks

Decide how likely it is that someone could be harmed and how serious the harm could be.

3. Control the Risks

Put measures in place to reduce the risk—this might include permit to work systems, safer procedures, training, signage, or protective equipment where the mitigation through other means is considered not sufficient alone.

4. Record and Review

Keep written records of your assessments and review them regularly—especially after incidents or changes on board.

5. Train Your Crew

Make sure seafarers are trained on the risks relevant to their duties and understand how to stay safe.

Use clear forms, keep it practical, and involve crew members—they often know where the real risks are.

A recommended template for the Risk Assessment is provided below. The format is not mandatory however it provides an effective way to identify risks in six steps:

- Step 1 identifies the task.
- Step 2 identifies the hazards.
- Step 3 identifies the persons affected.
- Step 4 identifies the risk likelihood and severity and the risk rating (calculated likelihood x severity).
- Step 5 identifies the control measures to be put in place.
- Step 6 identifies the residual likelihood and severity after control measures are in place, as well as the residual risk rating (calculated likelihood x severity).

The template provides the required information to assign the ratings. The first line has been populated as an example to fill in the form.⁹

Reviewed By:

Reviewal Date:

Likelihood × Severity = Risk Rating (i.e. 3 × 2 = 6 = HIGH)

RISK RATING <small>(See explanation right)</small>		LIKELIHOOD		
		Highly Unlikely L = 1	Unlikely L = 2	Likely L = 3
SEVERITY	Slightly Harmful S = 1	Tolerable	Tolerable	Moderate
	Harmful S = 2	Tolerable	Moderate	High
	Extremely Harmful S = 3	Moderate	High	High

TOLERABLE RISK	1 - 2	Acceptable / Tolerable Risk. Proceed with care.
MODERATE RISK	3 - 5	Moderate Risk. Hazard is to be investigated with the aim of reducing the risk.
HIGH RISK	6 - 9	Unacceptable Risk. Immediate action must be taken to eliminate or substantially reduce the risk. If not possible, work is prohibited.

LOCATION:	SHIP	JOB DESCRIPTION:		HOT WORKS					
(Step 1)	(Step 2)	(Step 3)	(Step 4)			(Step 5)	(Step 6)		
TASK	HAZARDS	PERSONS AFFECTED	RISK			CONTROL MEASURES	RESIDUAL RISK		
			L	S	R		L	S	R
<i>eg</i> Hot Work	<i>eg</i> Fire/explosion	<i>eg</i> All crew	3	3	9	<i>eg</i> 1. Ensure all equipment is in good order and area is clean and free of combustible material. 2. Check adjacent spaces do not present hazard e.g. fuel and oil tanks. 3. Post fire watch with additional extinguishers if applicable. 4. Appropriate shielding from sparks of adjacent areas if necessary. 5. Permit to work to be completed.	1	2	2

⁹ The risk matrix is the preparatory tool for the comprehensive risk assessment.

1.13 Payment of wages

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.

Payments should be made by **bank transfer** and should be made available for inspection

Exemption form for payments via Bank transfer

Exemptions from this requirement (e.g. cash-to-master) may be granted only in exceptional cases, subject to:

- Approval by the Flag Administration
- Consultation with the Tripartite Committee

Non-compliance may lead to **detainable PSC deficiencies**, additional inspections at the owner's expense, or **suspension of MLC certification**.

Shipowners may make a request for exemption by completing the [online exemption form here](#).

1.14 Exemption from MLC application

Shipowners could request an exemption from MLC application onboard their ships only in the following circumstances and by applying to the flag using the [online exemption form here](#).

In accordance with the Maritime Labour Convention (MLC), 2006, the following categories of ships fall outside the scope of application:

Based on Trading Area:

- Ships navigating exclusively in inland waters.
- Ships navigating exclusively in waters within or closely adjacent to sheltered waters.
- Ships navigating exclusively in waters within or closely adjacent to areas where port regulations apply.

Based on Activities and Type:

- Ships not ordinarily engaged in commercial activities (for Cook Islands - less than 30 days per calendar year).
- Fishing ships or ships engaged in a similar pursuit.
- Ships of traditional build (such as dhows and junks).
- Warships.
- Naval auxiliaries.

It's always required to provide detailed explanation of the ship's operations, trading pattern, or type of activity, and attach any relevant supporting documents.

Important note: Cabotage and trading in national waters are not circumstances of exemptions.

1.15 Declaration of Shipowner Assuming MLC Responsibilities

Every ship to which MLC applies, irrespective of type and size, shall submit to MCI a completed declaration of the individual or entity that assumes the responsibility of the 'shipowner' under the MLC.

2. Annex 1: DMLC Part I

Maritime Cook Islands Declaration of Maritime Labour Compliance Part I

SECTION 1) Minimum age. Regulation 1.1

No person below the minimum age shall be employed or engaged or work on a ship.
The minimum age for Maritime Cook Islands Administration is 18 years.

SECTION 2) Medical Certification. MLC Regulation 1.2

Seafarers are not allowed to work on a ship unless they are certified as medically fit to perform their duties.

The certificate(s) of the seafarer must be valid when he/she joins the ship.

A Medical certificate issued in accordance with the requirements of STCW 1978, as amended will be accepted.

The certificate for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English.

Medical certificates must be issued by a duly qualified medical practitioner.

The Administration recognise and approve a person in another State and a person in the Cook Islands, as a medical practitioner, if the Administration is satisfied that the person:

- In the case of another State, it is recognised and approved by the State to carry out seafarer examinations.
- In the case of the Cook Islands, is registered practitioner under the Medical and Dental Practices Act 1976 and authorized to practise as medical practitioner.
- Is professionally independent and will not have a conflict of interest in relation to the seafarer, the seafarer's employer or the seafarers' representative.
- Has:
 - Knowledge of the standards; and
 - Experience in applying the standards to routine and emergency duties which the seafarer will perform.
- Has facilities or access to facilities for the conduct of examinations to enable all requirements of the medical fitness examination to be met and conducted with respect for confidentiality, modesty and cleanliness.

A register of medical practitioners is maintained by the Administration and made available to other Parties, companies and seafarers.

A medical certificate solely concerning eyesight shall be issued by a person recognized by the competent authority at the place of examination, as qualified to issue such a certificate. Cook Islands does not require a separate colour vision certificate.

Medical certificates shall state in particular that the seafarer concerned:

- has satisfactory hearing and sight, as well as colour vision where the nature of the work to be performed requires so;
- is medically fit to perform the duties he has to carry out; and
- is not suffering from any medical condition that is likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

Period of validity of the certificate:

- two-year maximum for medical certificates;
- six-year maximum for a separate colour vision certificate, if existing.

If the period of validity of a certificate expires in the course of a voyage, the certificate shall remain in force until the next port of call where the seafarer can obtain a new medical certificate (provided that the period will not exceed three months).

In urgent cases the competent authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:

- the period of such permission does not exceed three months; and
- the seafarer concerned is in possession of an expired medical certificate of recent date.

SECTION 3) Qualifications of Seafarers. MLC Regulation 1.3

Seafarers must be trained and/or certified as competent or otherwise qualified to perform their duties on board ships.

Seafarers must have successfully completed training for personal safety on board ship.

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.

SECTION 4) Seafarers' employment agreements. Regulation 2.1

Before starting work, a Seafarers' Employment Agreement ("SEA") must be signed by both the seafarer and the shipowner or his representative.

Where they are not employees, there shall be evidence of contractual or similar arrangements providing them with decent working and living conditions on board ship.

Both the shipowner and the seafarer shall have a signed original of the SEA. In addition, the SEA shall also incorporate or indicate any applicable collective bargaining agreement ("CBA").

Proper arrangements shall be made for allowing the seafarer to examine its employment agreement before it is signed and to seek advice on his duties and rights. These arrangements shall be clearly mentioned in the SEA.

Seafarer Employment Agreement signature:

When the seafarer's employer is not the shipowner: employment-related responsibilities may be shared between the shipowner and the seafarer's employer or the recruitment agency, but the shipowner must appear on the contract.

When the seafarer has been recruited by a recruitment agency, unless the employer or the agency is a representative of the shipowner, the shipowner must sign the contract.

The Seafarer Employment Agreement shall in any case contain all particulars detailed in MLC Title 2, Regulation 2.1, Standard A2.1 Paragraph 4 (from (a) to (k) included)

Seafarers shall be given a document containing a record of their employment on board the ship. This document shall not contain any statement as to the quality of the seafarers' work or as to their wages. The record should be provided to the seafarer and should be filled only upon request of the seafarer, and in such case should be endorsed by the master (or a representative) and by the seafarer.

Shipowner shall ensure that clear information as to the conditions of employment of all seafarers can be easily obtained on board by all seafarers including the master, and that those information including the law, a copy of the SEA and any applicable CBA (with the relevant provisions in English) is also accessible for review by the Cook Islands Administration, authorized Recognized Organizations ("RO"), inspectors and authorized officers in the ports to be visited. Electronic copies of these documents are accepted.

In cases where the shipowner or the seafarer gives notice of termination, the SEA concluded for an indefinite period shall end after a minimum notice period of:

- one week, if the seafarer has had a continuous period of service of less one year with the same shipowner;
- two weeks, if the SEA has a duration between one year and three years with the same shipowner;
- six weeks, if the SEA has a duration exceeding three years with the same shipowner.

Minimum notice, repatriation and annual leave calculation should be considered applicable also to any trial period, that in any case cannot exceed three months for an indefinite

contract and one month for a definite contract. The voyage contract cannot be subject to a trial period.

In general:

Notice for termination of the SEA without penalty may not be given for a shorter period than the minimum period fixed in the MLC, 2006 (7 days).

For all types of contracts (definite period, indefinite period, per voyage): certain situations or events may lead to the termination of a contract without notice and without entitlement to a severance payment.

In particular:

- Serious misconduct as detailed in the National Law.
- The seafarers' inability for the proposed job noted during the initial medical examination.
- The ship being en route to an armed conflict area (as defined by the SEA or the CBA), to which the seafarer refuses to travel.

Circumstances leading to the termination of the SEA with a shorter notice period or immediately, and without penalty are only allowed for compassionate or other urgent reasons.

SECTION 5) Use of any licensed or certified or regulated private recruitment and placement service. Regulation 1.4

Shipowners are only allowed to use seafarers' recruitment and placement services that are:

- established in a country which has ratified the Convention, and operating only in conformity with a standardized system or licensing or certification or other form of regulation, issued by the competent authority in that country;
- from States not party to MLC, 2006 whose conformity to the MLC can be fully demonstrated.

The services must be in line with the standards set out in A1.4.

This has to be verified and, if necessary, documented by the shipowner (verifications and certifications can be done by RO).

Private services for the recruitment and/or placement of seafarers shall not charge seafarers any fee for recruitment or placement or for providing employment to them, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport.

The cost of obtaining any visas shall be borne by the shipowner.

SECTION 6) Hours of work or rest. Regulation 2.3

Minimum hours of rest shall not be less than:

- ten hours in any 24-hour period; and
- 77 hours in any seven-day period.

Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours. Any third period of rest cannot be counted as rest in the total rest hours.

For seafarers who are assigned tasks as officer of watch or as a rating being part of a watch as well as those assigned certain tasks related to safety, operations, prevention of pollution and security paragraph 2 of Section A-VIII/1 of the STCW Code shall be complied with.

A SEA or CBA may provide for exceptions to the limits set for rest hours according to the procedures and requirements laid down in paragraph 9 of Section A-VIII/1 of the STCW Code. In this case, the SEA or CBA must provide for compensatory measures in the form of more frequent or longer rest hours and leave and, where appropriate, a minimum rest period at night-time in order to ensure that seafarers are given an adequate period of rest. The SEA or CBA might specify the time frame of such compensations.

Shipowners shall ensure that musters, firefighting and lifeboat drills, security and oil-spill drills, safety & security exercises are conducted in a manner that minimizes the disturbance of rest periods, and do not induce fatigue.

Shipowners shall ensure that adequate compensatory rest periods are provided whenever the normal rest period is disturbed by callouts to work, such as when a machinery space is unattended, during the usual hours of rest.

Unless otherwise provided in the SEA or the CBA, compensatory rest must be equal in time to the extra working period and shall be granted, as soon as practicable within a 7 days limit.

Cook Islands Administration requires the posting, in an easily accessible place, of a table with shipboard arrangements, which should contain as minimum the information required at Para10 of MLC Regulation 2.3 Standard A2.3. The table shall be in the working language or languages of the ship and in English.

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).

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.

Records must be taken and maintained for a minimum period of 3 years (electronic signed copies of these documents are accepted).

The master shall require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

SECTION 7) Manning levels for the ship. Regulation 2.7

A sufficient number of seafarers must be placed on board by the shipowner to guarantee that the ship is operated safely, efficiently and with due regard to safety and security under all conditions.

In extraordinary circumstances, duly authorized by the Cook Islands Administration, shall the ship's complement be inferior to the requirements set in the Minimum Safe Manning Document.

Exception: No Safe manning document is issued to non-self-propelled units.

SECTION 8) Accommodation. Regulation 3.1

Construction standards

Ships constructed on or after the 18 December 2020 shall comply with the requirements of the MLC, 2006 as set out in regulation 3.1, standard A3.1 and guidelines B3.1 covering the size of rooms and other accommodation spaces; heating and ventilation; noise and vibration and other ambient factors; sanitary facilities; lighting and hospital accommodation; laundry facilities and mess rooms.

Exemptions may be provided to certain ships in accordance with the provisions of the MLC.

For ships constructed before the 18 December 2020, the requirements relating to ship construction and equipment, set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable (according to the MLC, a ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction).

Existing Certificates issued according to ILO 92/133 shall be recognised by Cook Islands Flag administration even if the ILO 92/133 have not been ratified.

All ships registered with the Cook Islands shall be duly certified. Recognised organisations are duly authorised to issue ILO 92 and ILO 133 Statements of Compliance on behalf of Cook Islands when necessary.

Yachts

For vessels registered as “yacht”, exemptions may be provided to certain requirements in accordance with the provisions of the applicable National Yacht Code, in the limits provided by the MLC Convention and after consultation with the National Tripartite Committee.

Master's inspection

Documented inspections, by or under the authority of the master and at intervals not exceeding 7 days, shall be carried out on board with respect to ensuring that seafarer accommodation is clean, decently habitable and maintained in a good state.

Inspection results shall be available for review and records must be taken and maintained for a minimum period of 3 years.

SECTION 9) On-board recreational facilities. Regulation 3.1

Shipowners shall provide, at no cost for seafarers, appropriate recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships.

Ships constructed on or after the 18th December 2020 shall comply with the relevant requirements of the MLC 2006.

For ships constructed before the 18 December 2020, furnishings for recreational facilities should as a minimum include a bookcase and facilities for reading, writing and, where practicable, games or gym tools.

In order to ensure that on-board recreational facilities are clean, decently habitable and maintained in a good state, documented inspections shall be carried out on board by the master or under his authority 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 (electronic copies of these documents are accepted).

SECTION 10) Food and catering. Regulation 3.2

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.

Seafarers on board shall be provided with food free of charge during the period of their engagement.

Nobody shall be engaged as ship's cook unless he/she holds a certificate of qualification as ship's cook.

Qualifications of Ship's Cook:

1. Be 18 years of age or more;
 - a.
2. Hold a valid certificate(s) attesting to the successful completion of training in the following fields:
 - a. Practical cookery;
 - b. Food and personal hygiene;
 - c. Food storage;
 - d. Stock control;
 - e. Environmental protection catering health and safety

Maritime Cook Islands will recognise certificates attesting to the requirements set out in paragraph (2) issued by institutions/ Organisations of States that are party to the MLC 2006 or States that are party to the Certification of Ships Cooks Convention;

- In alternative to paragraph (2), a Ship's Cook shall have
 - a minimum of 3 months sea time experience (documented) and
 - attestation from manager / owner of a commercial cookery establishment in which a minimum of 9 months experience in the fields below was gained:
 - Practical cookery;
 - Food and personal hygiene;
 - Food storage;
 - Stock control;
 - Environmental protection catering health and safety

On ships operating with a complement of less than ten people which, by virtue of the size of the crew or the trading area, may not be required by the Cook Islands Flag Administration to carry a fully qualified cook, anyone processing food in the galley shall be trained or

instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

In circumstances of exceptional necessity, the Cook Islands Flag Administration may issue a dispensation permitting a non-fully qualified cook to serve on a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

Documented inspections 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.

SECTION 11) Health and safety and accident prevention. Regulation 4.3

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.

Occupational health and safety program for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, shall take into account preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.

The implementation of the program shall take into account the ILO code of practice entitled "Accident prevention on board ship at sea and in port", the MSC/MEPC.2/Circ.3 entitled "Guidelines on the basis elements of a shipboard occupational health and safety

programme”, the IMO Resolution A.884 (21) entitled “Code for the investigation of marine casualties & incidents” or other international standards and guidelines and codes and practice for the following but not limited:

- fire prevention and fire-fighting;
- structural features of the ship, including means of access and asbestos-related risks;
- machinery;
- the effects of extremely low and high temperature of any surfaces with which seafarers may be in contact;
- anchors, chains and lines;
- dangerous cargo and ballast;
- personal protective equipment for seafarers;
- the effects of ambient factors (other than vibration and noise) in the workplace and in shipboard accommodation, including tobacco smoke;
- the effects of drugs and alcohol abuse and dependency;
- special safety measures on and below deck and in machinery spaces;
- work in enclosed spaces (including electrical equipment, working at heights/over side);
- the effects of noise and vibration in the workplace and in shipboard accommodation;
- loading and unloading equipment;
- emergency and accident response;
- HIV/AIDS protection and prevention;
- physical and mental effects of fatigue.

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.

Shipowners shall specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policies and programs.

Shipowners must establish for each ship with five (5) or more seafarers a safety and health committee.

Shipowners must establish a reporting procedure for occupational accidents, injuries and diseases.

These matters shall be adequately reported, by the shipowner or the master of the ship, to the competent Cook Islands Authority and in accordance with the Cook Islands law and regulations.

The report shall also address, as far as possible, corrective actions to rectify unsafe conditions.

SECTION 12) On-board medical care. Regulation 4.1

Every seafarer shall be offered, wherever practical and whenever necessary, the opportunity to visit a doctor or a dentist without delay.

Medical and dental care as well as health protection services provided to seafarers, whether on board or ashore, shall be provided at no cost to the seafarers.

Whenever a seafarer needs medical treatment, the medical report form included in the international medical guide for ships (or the ship captain's medical guide or a similar publication) shall be used to facilitate the treatment of the seafarer. These records, when completed, shall be kept confidential.

Cook Islands Administration require that the following requirements are met onboard their vessels:

- 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;
- ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care; national laws or regulations shall also specify which other ships shall be required to carry a medical doctor, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board;
- 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; and
- the competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those

ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly.

A copy of the Protection and Indemnity policy covering the Medical Care of all seafarers should be kept onboard any time and made available to all seafarers and all authorized inspectors. Copy of the Policy should be transmitted to the Flag Authority upon vessel registration and kept updated at every renewal.

SECTION 13) On-board complaint procedures. Regulation 5.1.5

Ships are required, by Regulation 5.1.5, paragraph 1, to have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Convention (including seafarers' rights).

Seafarers have to be properly informed of their rights and of the remedies available in case of alleged non-compliance with the requirements of the Convention and whose right to make complaints, both on board ship and ashore, is recognized in the Convention.

Those that own or operate MLC ships, are required to develop and carry out plans for ensuring that the applicable national laws, regulations or other measures to implement the MLC, 2006 are actually being complied with.

The masters of MLC ships are responsible for carrying out the MLC shipowners' stated plans, and for keeping proper records to evidence implementation of the requirements of the MLC Convention.

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 contacts 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.

Cook Islands vessels must keep on board the procedure for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the provisions of the

Maritime Labour Convention, 2006 (MLC, 2006) (including seafarers' rights) and also a copy shall be kept in English and the onboard official language.

Each vessel or MLC Shipowner shall develop the On-Board Complaints procedures for the processing of complaints on-board.

Timing of the MLC Complaint

Complaints should be sought to be resolved at the lowest level possible; and only when the matter cannot be resolved to the satisfaction of both parties, shall it be elevated to the next level.

The complainant seafarer shall submit his/her complaint in writing within 7 days of the occurrence, or according to the circumstances to:

- Superior officer.
- Head of department.
- Master

If, within the period of seven (7) days, the complaint on board has not been resolved, then the period shall be extended for seven (7) more additional days, with the sole purpose to find a favourable solution, which shall be recorded on the registries of the ship and be available to the competent authorities.

The shipowner and the seafarer concerned shall have a period of fourteen (14) days there from to solve the matter.

If after 14 days, the complaint has not been solved, then either party shall have a 7-day period to bring the matter to the Maritime Cook Islands Administration.

Seafarers have the right to complain directly to the master and where they consider it necessary, to the Maritime Cook Islands, MLC, 2006 Contact Point or to appropriate external authorities (Standard A5.1.5, paragraph 2) to mlc@maritimcookislands.com

The Complaint should be submitted no more than 21 days after the Complaint Form issuance date.

Standard A5.2.1, paragraph 3, provides that a "complaint" means information submitted by:

- a seafarer;
- a professional body;
- an association
- a trade union; or
- generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to seafarers on board.

Seafarer's rights

The complainant seafarer shall not be victimized.

All complaints and decisions on them shall be recorded and a copy provided to the complainant seafarer.

Under Regulation 5.2.2 of the MLC, 2006 a complaint by a seafarer alleging a breach of the requirements of the MLC, 2006 (including seafarers' rights) may be made to an authorized officer in the port at which the seafarer's ship has called in accordance with Standard A5.2.2.

Appropriate steps must be taken to safeguard the confidentiality of these complaints (Standard A5.2.2, paragraph 7) and the receipt of the complaint should be recorded by the authorized officer and, in the event that matters are not resolved at the ship-board level, and it is not a matter for a more detailed inspection by a PSCO then the flag State's competent authority must be contacted for advice and a corrective plan of action.

In cases where there is no reply from the flag State and the matter is not resolved, then the port State is required to send a copy to the ILO Director-General and to the appropriate shipowners' and seafarer's organizations in the port.

Seafarers may use the On-Board Complaints Form for complaints related to any matter that is alleged to constitute a breach of the provisions of the Maritime Labour Convention, 2006 (MLC, 2006).

Marine Casualties

Maritime Cook Islands require Owners to notify immediately both the competent Deputy Registrar and the MCI Technical Department of any accidents, incidents or mishaps to vessel, crew, or passenger.

The notification shall be made by email, and it needs to be addressed to both the Deputy Registrar and the MCI Technical Department email technical@maritimecookislands.com.

SECTION 14) Payment of wages. Regulation 2.2

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.

Payments should be made by bank transfer and should be in any case made available for inspection. Any exemption from the method of payment through bank transfer should be officially requested and accepted by the Flag Administration after consultation with the tripartite committee.

SECTION 15) Financial security for repatriation. Regulation 2.5

Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in the MLC 2006.

Cook Islands Administration requires the proof of a Protection and Indemnity policy covering Social Security.

Cook Islands Flag Administration requires ships that fly its flag to provide financial security to ensure that seafarers are duly repatriated in accordance with the MLC 2006.

A valid Protection and Indemnity policy should be kept onboard all times and a copy sent to the Administration upon ship provisional registration and subsequently at any policy's renewals or amendments.

The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the Cook Islands

Seafarers on Cook Islands ships are entitled to repatriation in the following circumstances:

- if the seafarers' employment agreement expires while they are abroad;
- when the seafarers' employment agreement is terminated:
 - by the shipowner; or
 - by the seafarer for justified reasons; and also
- when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.

Seafarer Employments Agreements should specify, in any case:

- (a) the circumstances in which seafarers are entitled to repatriation in accordance with paragraph 1(b) and (c) of this Standard;
- (b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation – such periods to be less than 11 months; and

- (c) the precise entitlements to be accorded by shipowners for repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made by shipowners.

The Flag Administration prohibit shipowners from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.

Cook Islands shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

The certificate or other documentary evidence referred to in Standard A2.5.2, paragraph 7, shall include the following information:

- name of the ship;
- port of registry of the ship;
- call sign of the ship;
- IMO number of the ship;
- name and address of the provider or providers of the financial security;
- contact details of the persons or entity responsible for handling seafarers' requests for relief;
- name of the shipowner;
- period of validity of the financial security; and
- an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2.

SECTION 16) Financial security relating to shipowners' liability. Regulation 4.2

Shipowners shall be liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated or arising from their employment between those dates.

Shipowners shall provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the seafarers' employment agreement or collective agreement.

Shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.

Shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.

Cook Islands Administration requires the proof of a Protection and Indemnity policy covering the Financial Security. A valid Protection and Indemnity policy should be kept onboard all times and a copy sent to the Administration upon ship registration (provisional) and at any renewal.

A valid Protection and Indemnity policy should be kept onboard all times and a copy sent to the Administration upon ship registration (provisional) and at any policy's renewals or amendments.

In case that the Financial security provider intends to terminate the coverage for a specific vessel, a notification must be immediately sent to the Flag Administration by the Financial Security Provider and by the MLC Shipowner. Failure to meet this obligation, transfer the full responsibility to the sole MLC shipowner of all obligations arising from the MLC requirements set out in the Regulation 4.2 with respect to the Financial Security.

The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

The certificate or other documentary evidence of financial security required under Standard A4.2.1, paragraph 14, shall include the following information:

- name of the ship;
- port of registry of the ship;
- call sign of the ship;
- IMO number of the ship;
- name and address of the provider or providers of the financial security;
- contact details of the persons or entity responsible for handling seafarers' contractual claims;
- name of the shipowner;
- period of validity of the financial security; and
- an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.

3. Annex 2: DMLC Part II Guidance

MCI GUIDANCE ON PART II	EXAMPLE OF INFORMATION TO BE INCLUDED
1. MINIMUM AGE (Reg 1.1)	
<p>The following should be included:</p> <ul style="list-style-type: none"> - No person under the age of 18 will be employed on the ship. 	<p>The Master is responsible for enforcing this policy on board. Upon first boarding, each seafarer's passport and (where applicable) discharge book is/are checked by the Master or their designated representative to ensure no persons below the age of 18 are employed.</p>
2. MEDICAL CERTIFICATION (Reg.1.2)	
<p>A statement to the effect that:</p> <ul style="list-style-type: none"> - Only medical certificates approved by the Cook Islands will be accepted. - No seafarer will be engaged without a valid medical certificate. - Medical certificates should be given in English or accompanied by an English translation. - Reference should be made regarding who checks the individual certificates ensuring that any restrictions are complied with. - What the procedure is if either the Master or the owner has concerns about the medical fitness of a seafarer to undertake their duties. 	<p>Upon arrival on board, and prior to commencing work, each seafarer is required to submit their Seafarer's Medical Certificate to the Master or to the competent officer to ensure the certificate is:</p> <ul style="list-style-type: none"> - Valid; - In English (or with an English translation available); and - Issued by a doctor approved by the Flag State Administration. <p>Seafarers not in possession of a valid Seafarer Medical Certificate are not permitted to join the vessel.</p>
3. QUALIFICATIONS OF SEAFARERS (Reg 1.3)	
<p>The declaration should state:</p> <ul style="list-style-type: none"> - That only certificated seafarers in accordance with national and international requirements will be employed on board. - That all seafarers are required to carry their certificates with them. 	<p>Upon arrival on board and prior to commencing work, each seafarer is required to submit their certificates and qualifications to the Master or the competent officer to ensure any such certificates are:</p> <ul style="list-style-type: none"> - Valid; - Recognized by the Flag State;

<ul style="list-style-type: none"> - Who is responsible for ensuring that individual seafarers have the correct certificates and what happens if a seafarer joins a ship without the required qualifications. - The procedure used to instruct seafarers on board personal safety training and how this training is to be recorded. 	<ul style="list-style-type: none"> - Appropriate for the duties that the seafarer will undertake; - Endorsed by the Flag State, where required. <p>It is the seafarer's responsibility to present all original and valid documents on joining the vessel.</p> <p>Seafarers failing to present adequate certification are not permitted to join the vessel.</p> <p>The Master or the competent officer will verify and keep record of all seafarer's qualifications.</p> <p>Every seafarer will receive familiarization and personal safety training on joining the vessel. A record of the training will be kept on board.</p>
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4. SEAFARERS' EMPLOYMENT AGREEMENTS (Reg 2.1)

<p>This section should include:</p> <ul style="list-style-type: none"> - Confirmation that the seafarers' employment agreements (SEA) include the items listed in paragraph 4 of Standard A2.1. - A statement indicating whether a collective bargaining agreement [or any other supplementary documentation] forms all or part of the SEA. - Confirmation that the seafarer has been given a signed original copy of the SEA and how this is recorded. - Confirmation that the seafarer has been given an opportunity to examine and seek advice prior to signing the SEA and how this is recorded. - The method used to provide seafarers with a record of employment on board the ship. - The procedure for granting shore leave. 	<p>All seafarers are employed using Seafarers' Employment Agreements (SEAs), compliant with the relevant MLC convention requirements, which include the items listed in paragraph 4 of standard A2.1, and any additional Cook Islands National requirements.</p> <p>A collective bargaining agreement (does not/ does apply) to seafarers employed on this ship. (Details of bargaining agreement as appropriate if it does apply).</p> <p>Each seafarer is provided with a signed original copy of the SEA.</p> <p>The Master keeps a copy of each seafarer's SEA in the vessel's records.</p> <p>Seafarers are given an opportunity to examine and seek advice on the SEA before</p>
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<ul style="list-style-type: none"> - Annual leave provision and how this is calculated. - Details of authorised representatives for signing the SEA on behalf of the shipowner. 	<p>signing it and in case of difficulties seafarers shall raise queries with the Shipowner or its associated recruitment/manning agency prior to departing for the vessel.</p> <p>On request, the employer will supply the seafarer with a statement of employment when the SEA is terminated.</p> <p>The procedure for granting shore leave is described in the Crew Handbook (or any other document as appropriate) accompanying the SEA.</p> <p>The SEA contains an annual leave provision including calculation of leave in compliance with the applicable flag state rules. A record of annual leave is kept on board.</p> <p>The following entities are authorized representatives for signing the SEA on behalf of the Shipowner (list as appropriate).</p>
<p>5. USE OF ANY LICENSED OR CERTIFIED OR REGULATED PRIVATE RECRUITMENT AND PLACEMENT SERVICE (Reg 1.4)</p>	
<p>This section should include:</p> <ul style="list-style-type: none"> - Information whether seafarers are directly or indirectly engaged by the Shipowner. - A list of manning agencies that supply seafarers to the ship. Confirmation that the manning agencies reside in a ratifying country. OR - If the manning agencies are based in a non-ratifying country a statement to the effect that the agency operates in accordance with MLC,2006 requirements and what evidence is available to confirm this. - Confirmation that no fees or other charges are borne either directly or 	<p>Seafarers are not engaged by the Shipowner, but are recruited and employed on board this vessel directly by Crew Employment Services (provide details) The employer resides in (full address)</p> <p>The employer resides in a country party to the MLC Convention (if applicable)</p> <p>The employer does not reside in a country party to the MLC Convention, but it has been audited and complies fully with the relevant Convention requirements. Copies of such audits are available for inspection at the yacht owner's managers' offices ashore. (if applicable)</p>

<p>indirectly by the seafarer when gaining employment and how this is verified.</p> <ul style="list-style-type: none"> - Confirmation that the manning agencies do not operate blacklists in order to prevent seafarers gaining employment and how this is verified. - Confirmation that as far as practicable the shipowner has the means to protect seafarers from being stranded in a foreign port together with confirmation that a system of protection is in place by way of insurance to compensate seafarers for monetary loss resulting from the failure of either the manning agencies or the shipowner to meet their obligations to the seafarers. 	<p>No fees or other charges are borne either directly or indirectly by the seafarer when gaining employment with the employer, as confirmed in the SEA.</p> <p>Neither the Shipowner, nor the employer, knowingly uses the services of manning agencies which operate blacklists preventing seafarers gaining employment (method of verification).</p> <p>The costs of obtaining any visas for the seafarers are borne by the Shipowner.</p> <p>The Shipowner has the means to protect seafarers from being stranded in a foreign port and an insurance is in place to compensate seafarers for monetary loss resulting from the failure of either the employer or the Shipowner to meet their obligations to the seafarers.</p>
<p>6. HOURS OF WORK AND REST (Reg 2.3)</p>	
<p>This section should include information on:</p> <ul style="list-style-type: none"> - Limits on hours of work or rest. - Where the schedule is posted up. - Who monitors the hours of work/rest for compliance both on board and ashore. - Under what circumstances can the schedule be suspended. - How are any suspensions recorded. - How details of any granted compensatory rest periods resulting from the schedule being suspended are recorded. 	<p>The limits on hours of work or rest shall be as follows: minimum hours of rest shall not be less than:</p> <ul style="list-style-type: none"> ● ten hours in any 24-hour period; and ● 77 hours in any seven-day period ● 77 hours in any seven-day period <p>Shipowners shall ensure that musters, firefighting and lifeboat drills, security and oil-spill drills, safety & security exercises are conducted in a manner that minimizes the disturbance of rest periods, and do not induce fatigue.</p> <p>The schedule of hours of work and rest are posted in the crew mess and on the bridge (or any other place suitable)</p> <p>The Master, or the authorized officer, keeps and monitors records of hours of work and rest.</p>

	<p>The management company or the owner's shore based representative reviews the hours of work and rest during the annual MLC audit.</p> <p>The Master has the right to require a seafarer to perform any hours of work necessary for the immediate safety of the vessel, persons on board or cargo, or for the purpose of giving assistance to the vessels or persons in distress at sea. Accordingly, the Master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. Such exceptional situations are recorded, with reasons, and signed by the Master.</p> <p>As soon as practicable after the normal schedule has been restored, the Master ensures that any seafarers who have performed work in a scheduled rest period are provided with an adequate compensatory period of rest, which is recorded by the Master in the seafarer's individual records and the official logbook.</p> <p>Records of hours of rest or work must be taken and maintained for a minimum of 3 years.</p>
<p>7. MANNING LEVELS FOR THE SHIP (Reg 2.7)</p>	
<p>The following should be included:</p> <ul style="list-style-type: none"> • A statement to the effect that the ship will be manned in accordance with national and international regulations. • A statement to the effect that the contents of the safe manning certificate will be adhered to at all times. 	<p>The vessel is manned at all times in accordance with the requirements of the Minimum Safe Manning Certificate and, where applicable, with the safety management system developed by the company.</p> <p>The Master shall immediately contact the Designated Person Ashore (DPA) to seek guidance in the event of concerns regarding the safe manning of the vessel.</p>

<ul style="list-style-type: none"> Information on who the Master should contact if he has any concerns regarding manning. 	
<p>8. ACCOMMODATION (Reg 3.1)</p>	
<p>The following should be included:</p> <ul style="list-style-type: none"> Who is responsible for carrying out inspections of the crew accommodation, the frequency that inspections are carried out and where they are recorded should be included. What is provided by way of bedding, mess utensils and miscellaneous provisions. The procedure for the sending and receiving of seafarers' mail. Whether seafarers may be accompanied by their partners for occasional voyages. Whether seafarers' partners, relatives or friends are permitted to visit the ship when it is in port. 	<p>Crew accommodation inspections shall be carried out on board by the Master or under his authority 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.</p> <p>The Master or his designated representative performs inspections of the areas listed as Mess rooms, laundry facilities, sanitary facilities, sleeping rooms, temporary hospital accommodation, recreational facilities, Galley and food preparation areas and food storage areas and drinking water.</p> <p>The vessel's general arrangement (GA) plan is kept in the vessel's records indicating the following areas, Deck spaces for off duty crew (this might be different with guest / without guest and also in port and at sea) mess room, laundry facilities, Sanitary facilities, Sleeping rooms, temporarily hospital accommodation situated in the Starboard Lower Forward Guest Cabin, recreational facilities.</p> <p>Items necessary to ensure seafarer's comfort and safety are provided by this vessel owner including adequate bedding, towels, mess utensils and miscellaneous provisions which may be deemed necessary to comply with the relevant requirements of the MLC Convention.</p> <p>The Vessel Owner and/or the vessel's management company provides a mailing address that can be used for the seafarer's personal mail, which is then forwarded to</p>

	<p>this vessel at regular intervals. Seafarers have access to e-mail (specify)</p> <p>Recreational facilities are provided to seafarers at no costs.</p> <p>The seafarers may only be accompanied by their partners for occasional voyages at the Shipowner discretion and subject to this vessel's itinerary.</p> <p>Subject to port by-laws, this vessel's itinerary, and the Master's discretion seafarer's partners, relatives or friends may be permitted to visit this vessel when in port. Specific permission from the Master is to be obtained. These visits are never to interfere with or impede the operation of this vessel.</p>
<p>9. ONBOARD RECREATIONAL FACILITIES (Reg 3.1)</p>	
<p>This section should, as a minimum, give information on what recreation facilities (for example, DVD players, televisions, sports equipment etc) are provided on board.</p> <p>Where appropriate the location of the upper deck area that is reserved for seafarers.</p>	<p>The Shipowner provides recreational facilities such as audio and video equipment, internet, sports equipment for seafarers' use at no cost to the seafarers. A record of these facilities is kept on board.</p>
<p>10. FOOD AND CATERING (Reg. 3.2)</p>	
<p>The following should be included:</p> <ul style="list-style-type: none"> ● Details concerning the loading, storage and treating potable water. ● Procedures for storing, preparing and serving food. ● That seafarers are not charged for their food. ● However the Shipowner ensures that food is suitable in quantity, nutritional value, quality and variety for the number of crew and operation of the ship. 	<p>Potable Water is loaded as required at each port call. Testing is carried out by the designated officer prior to and on completion of loading. Test results are recorded in the vessel's official logbook. Where potable water does not reach the required standards it shall be rejected prior to loading. Where possible water shall be made onboard whilst the vessel is at sea. In the event of any failure of the above processes, the seafarers will be supplied with bottled drinking water.</p>

<ul style="list-style-type: none"> • How religious and cultural practices of seafarers are catered for. • The qualifications and training of the cook and any other catering staff. • Details of who carries out the inspections of the galley and food handling/storage areas and how these inspections are recorded. 	<p>Food stores are ordered as required from suppliers in order to maintain a minimum of 1 month's usable food (or longer if operationally required). Upon receipt of the stores they are inspected by the designated seafarer/cook, and any substandard food shall be highlighted to the vessel's agent and rejected. Food shall be stored in the Dry store, Cold Store or Freezers as appropriate. Food Preparation shall only take place in the vessel's galley.</p> <p>The Shipowner provides free of charge meals, balanced, 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. (MLC Standard A 3.2 of the Convention). The Master and Ship's Cook devise appropriate meal plans to take these requirements into account. Seafarers with specific dietary requirements should inform the Master prior to their embarkation.</p> <p>The Master or the designated officer is responsible for carrying out frequent inspections of the food and water. These inspections are carried out at least weekly, with respect to:</p> <ul style="list-style-type: none"> • Supplies of food and drinking water in relation to their quantity, nutritional value, quantity and variety • all spaces and equipment used for the storage and handling of food and drinking water and • galley and other equipment for the preparation of service of meals <p>The Master keeps a record of these inspections, preferably in the ship's log book dedicated pages, on board for a minimum of 3 years.</p>
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	<p>The temperature of the fridges, cold room and freezer are kept by (add cook/ch Engineer/master/.../ as appropriate) and recorded (add the way you document this record).</p> <p>A qualified cook is employed on board in accordance with the applicable flag state requirements. All seafarers preparing food receive training in food and personal hygiene, and food handling and storage.</p>
<p>11. HEALTH AND SAFETY AND ACCIDENT PREVENTION (Reg 4.3)</p>	
<p>The following should be included:</p> <ul style="list-style-type: none"> • If a ship has 5 or more seafarers, then a safety committee is required. • The composition of the safety committee and the frequency of meetings together with the responsibilities of the Master, safety officer and safety representatives. • Details of the on board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational health and safety. Details of the adoption, the effective implementation and promotion of occupational safety and health policies and programmes. • The procedure for generating risk assessments and how frequently they are reviewed. • The precautions taken to prevent occupational accidents, injuries, and diseases. • The procedure for investigating, reporting, and correcting unsafe conditions. 	<p>The vessel has a Safety Committee. A list of members of the Safety committee is posted (indicate).</p> <p>The responsibilities of each member of the committee are detailed in the vessel's safety management system.</p> <p>All matters related to health and safety and accident prevention are dealt with within the vessel's safety management system. The vessel's safety management system contains the applicable occupational health and safety policy (and programme) covering compliance with the flag state's health and safety laws and regulations as applicable to the vessel, risk assessments, prevention of occupational accidents, injuries and diseases, incident reporting and a scheme encouraging continuous improvement in occupational health and safety. Copies are available for inspection on board and at the management company's offices ashore.</p> <p>Safety meetings are held on board on a regular basis and include review of:</p> <ul style="list-style-type: none"> • The on-board programmes for the prevention of occupational accidents, injuries and diseases and for

<ul style="list-style-type: none"> • The procedure for investigating, reporting on board occupational accidents. 	<p>continuous improvement in occupational health and safety;</p> <ul style="list-style-type: none"> • The adoption, the effective implementation and promotion of occupational safety and health policies and programmes; • The precautions taken to prevent occupational accidents, injuries and diseases. • This yacht's safety management system includes the following procedures: <ul style="list-style-type: none"> ○ A procedure for generating risk assessments and how frequently they are reviewed; ○ A procedure for investigating, reporting and correcting hazardous conditions; ○ A procedure for investigating, reporting on board occupational accidents.
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12. ONBOARD MEDICAL CARE (Reg 4.1)

<p>This section should cover:</p> <ul style="list-style-type: none"> • The provision of on-board medical care including the medical chest and who is responsible for maintaining the same. • Who is responsible for providing on board medical care. • Confirmation that the person(s) responsible for providing on board medical care is trained. • The provision of on shore medical care for seafarers and confirmation that this medical care is provided free of charge to the seafarer. • The procedure for sending a seafarer ashore for medical attention. Including, if necessary, the use of the medical report form. 	<p>The ship holds a subscription with (specify the medical supplier, if any).</p> <p>The Shipowner provides adequate medical care and maintains a statutory medical chest.</p> <p>The Master or the designated medical officer is responsible for the maintenance of the medical chest and for the provision of medical care on board.</p> <p>The details of the person(s) responsible for the on-board medical care are indicated on the vessel's notice board posted in the crew mess.</p> <p>Records of adequate training of such persons is maintained on board (specify how)</p>
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	<p>The vessel has a temporary hospital arrangement in the starboard side forward lower guest cabin.</p> <p>The Shipowner provides on-shore medical care for seafarers free of charge. Certain limitations may apply as described in the Crew Handbook (or other suitable document) and/or yacht's crew insurance policy. These documents shall be made available to the seafarer.</p> <p>The Crew Handbook (or other suitable document) describes the procedure for requesting on-shore medical care.</p> <p>Prior to sending a seafarer ashore, depending on the urgency situation, the medical officer completes a designated form contained within the Crew Handbook (or other suitable document), in English, indicating symptoms, observations and treatment provided and sends the form with the seafarer. The form is then completed by a medical professional and returned with the seafarer.</p> <p>Emergency medical or dental assistance that is necessary for a seafarer whilst on the vessel's business is provided free of charge to the seafarer.</p> <p>A record of the request and subsequent care and treatment shall be kept in the vessel's records. Records of medical incidents and accidents will be recorded according to the Safety Management System on board.</p>
13. ONBOARD COMPLAINT PROCEDURES (Reg 5.1.5)	
The following should be included:	A copy of the Cook Islands complaint form and relevant onboard procedure is provided to seafarers along with the copy of the SEA.

<ul style="list-style-type: none"> • Confirmation that the on-board complaints procedure complies with national laws and requirements. • Confirmation that a copy of the on-board complaints procedure is to be given to every seafarer and how this is recorded. 	<p>The complaint procedure is also included in the Crew Handbook (or other suitable document), a copy of which is kept on the bridge and the crew mess room so that it is available to every seafarer.</p> <p>Records of complaints are kept on board for (specify).</p> <p>Seafarers on board the vessel can, on a confidential basis, receive impartial advice on their complaint, and assistance in following the complaint procedure available to them on board the vessel, by the elected Crew MLC representative. The Crew representative name will be posted in the crew area.</p> <p>The on-board complaint procedure includes contact information for the competent authority in the flag state and full contact details of the competent authority of each seafarer's country of residence is maintained onboard and posted in the crew area.</p> <p>The Shipowner and/or the management company perform periodic reviews of the on-board complaints procedure to verify compliance.</p>
<p>14. PAYMENT OF WAGES (Reg 2.2)</p>	
<p>This section should include information concerning pay slips, charges for allotments and frequency of the payment of wages together with how the rate of exchange is determined.</p>	<p>Seafarers are paid for their work regularly and in full, in accordance with their employment agreement and at no greater than monthly intervals.</p> <p>Seafarers are given a monthly account of the payments due and the amounts paid as well as any authorized deductions.</p> <p>The Shipowner provides seafarers with a means to transmit all or part of their</p>

	<p>earnings to their families or dependents or legal beneficiaries as specified in the SEA.</p> <p>Payments are made by bank transfer and a copy is kept on-board by the Master, available for inspection.</p> <p>The Master is familiar with the relevant provisions and is able to explain how wages are calculated including leave payments, allotments and overtime (if applicable).</p> <p>Records of individual Pay Slips, accrued annual leave/ shore leave and evidence of repatriation are kept on board.</p> <p>Seafarers are entitled to adequate compensation in the case of injury, loss or unemployment arising from the ship's loss or foundering.</p>
15. FINANCIAL SECURITY FOR REPATRIATION (Reg.2.5)	
<p>This section covers the financial security the shipowner must have to ensure the repatriation of seafarers.</p>	<p>Financial security which covers the shipowner's liability under MLC Regulation 2.5 is provided by (insert as appropriate)</p> <p>A certificate or other documentary evidence of financial security on board, is posted in (insert as appropriate) and it includes contact details in the event of a claim.</p> <p>The shipowner is aware about the Flag requirement contained in the DMLC part I.</p>
16. FINANCIAL SECURITY RELATED TO SHIPOWNERS' LIABILITY (Reg.4.2)	
<p>This section details the responsibilities of the ship owner with regard to the financial security they need to arrange to cover their liability.</p>	<p>Financial security which covers the shipowner's liability under MLC Regulation 4.2 is provided by (insert as appropriate)</p> <p>A certificate or other documentary evidence of financial security on board, is posted in (insert as appropriate) and it includes contact details in the event of a claim.</p>

	The shipowner is aware about the Flag requirement contained in the DMLC part I.
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4. Annex 3: Occupational Health and Safety Policy

1. General

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.

Occupational health and safety program for the prevention of occupational accidents, injuries, and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, shall consider preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.

The implementation of the program shall take into account:

- the ILO code of practice entitled "[Accident prevention on board ship at sea and in port](#)"
- the MSC/MEPC.2/Circ.3 entitled "[Guidelines on the basis elements of a shipboard occupational health and safety programme](#)"
- the IMO Resolution A.884 (21) entitled "[Code for the investigation of marine casualties & incidents](#)"
- the Maritime Labour Convention 2006
- or other international standards and guidelines and codes and practice for the following but not limited to: fire prevention and fire-fighting,
 - structural features of the ship, including means of access and asbestos-related risks;
 - Machinery;
 - the effects of extremely low and high temperature of any surfaces with which seafarers may be in contact;
 - anchors, chains and lines;
 - dangerous cargo and ballast;

- personal protective equipment for seafarers;
- the effects of ambient factors (other than vibration and noise) in the workplace and in shipboard accommodation, including tobacco smoke;
- the effects of drugs and alcohol abuse and dependency;
- special safety measures on and below deck and in machinery spaces;
- work in enclosed spaces (including electrical equipment, working at heights/over side);
- the effects of noise and vibration in the workplace and in shipboard accommodation;
- loading and unloading equipment;
- emergency and accident response;
- HIV/AIDS protection and prevention;
- physical and mental effects of fatigue.

The shipowner has overall responsibility for health and safety on the vessel, **where there are seafarers and other persons employed on the vessel who are not employed by the shipowner** (for example riding squads, dive technicians, cable maintenance engineers etc) the shipowner should:

- consult with any other employer or self-employed persons regarding all health and safety arrangements and requirements for Risk Assessments;
- co-ordinate arrangements for the protection of all persons employed on board the ship and the prevention of risk to their health and safety; and
- ensure that all persons employed on board the ship are informed, so far as is practicable, of the risks to health arising on board ship and of any co-ordination arrangements.

2. Documentation

Shipowners shall prepare and keep up to date, a written statement of this general policy with respect to health and safety matters on board and the arrangements for implementing this policy.

→in line with Standard A4.3.1 and guideline B4.3.1

3. Responsibility

The Shipowner shall specify the duties of the master, or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policies and programs.

4. Safety Committee

The Shipowner must establish for each ship with five (5) or more seafarers, a **safety and health committee**, to ensure that the ship and its crew follows all safety procedures while

performing duties and maintain a safe working environment. The Committee should include a safety representative for **each department** (deck, engine, hotel, other).

On every ship in which there are five or more seafarers a **safety representative** shall be either elected or appointed.

If safety representatives are to be elected the shipowner shall make rules for the election and the seafarers on the vessel shall elect the safety representative(s).

Main duties of the safety committee are:

- To ensure that safe working practices and standards are followed on the ship and are not compromised at any cost
- To improve the standards of safety by enhancing safety-first attitude among crew members
- To make recommendations regarding enhancement of occupational health and safety measures on ships
- To act as the representative of the crew to address concerns and queries to the ship management
- Inspect safety officer's records
- To take appropriate actions pertaining to occupational health and safety policies
- To keep a record of safety meetings, suggestions, progress, and actions taken
- To ensure that necessary safety tools and equipment are available to the crew members, along with safety publications
- To investigate the accuracy of accident reports
- To make sure that safety meetings are held every 4 to 6 weeks or whenever need arise

All the records of the committee are properly noted down in the official logbook.

In performing the requirements of the safety committee, the following shall be taken into account:

- Preventive measures
- Substitution of processes and procedures for collective and individual tasks
- The use of personal protective equipment (PPE)

→ in line with Standards A4.3.2

5. Personal Protective Equipment (PPE)

The shipowner adopted precautions to prevent occupational accidents, injuries and diseases onboard ship, including through the provision of all necessary appropriately-sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemical, as well as the risk of injury or disease that may arise from the use of equipment and machinery onboard ships.

Appropriately-sized personal protective equipment (PPE) includes safety helmets, gloves, eye protection, respirators, high-visibility clothing, safety footwear and safety harnesses should be given, free of charge, to the seafarer, where necessary, in accordance with the risk assessment results.

The correct type of PPE should be:

- appropriately sized for the person who is to use it; (in accordance with last MLC amendments 2022, Standard A4.3 Para 1(b)).
- appropriate for the tasks being performed and for the risks to which the person is exposed.
- manufactured to an appropriate international standard and in some cases will have been tested and certified by an independent body.
- practical and effective, considering any constraints imposed by the place of work; and
- compatible with any other equipment which the seafarer has to use at the same time.

PPE carried on board ships for the use of more than one person shall be:

- kept in an easily accessible and clearly marked place; and
- kept in a hygienic condition and inspected, repaired and maintained as necessary.

In all cases PPE must adequately control the risks involved without increasing the overall level of risk.

The shipowner must provide instructions and appropriate training in the use of PPE to ensure seafarers know how to use it properly. Anyone using PPE must be aware of why it is needed, when it shall be used, repaired or replaced and its limitations. All reasonable steps shall be taken by the shipowner to ensure that protective equipment that has been provided to seafarers is used correctly.

There is also an obligation on seafarers who have been provided with PPE to use it in accordance with any training, instruction, or operating instructions with which they have been provided.

6. Risk Assessment and Health Surveillance

The shipowner must ensure, as far as reasonably practicable, the health and safety of seafarers employed on board the ship.

The following principles must be applied:

- Avoidance of risks, and
- Evaluation and mitigation of unavoidable risks.

In applying these principles, a thorough assessment of risks to the health and safety of seafarers—arising from normal duties or other shipboard activities—must be conducted.

A formal **risk assessment** must then be carried out to identify seafarers who may be at particular risk in the performance of their duties. This assessment helps determine:

- The likelihood of incidents occurring,
- The potential severity of consequences, and
- The appropriate measures to eliminate or reduce these risks.

When a risk assessment has identified that there is a potential long-term risk to the seafarer's health, further steps must be taken which may include **health surveillance**.

Health Surveillance is not to be used as a substitute for measures to control risks to health and safety.

Health surveillance may be carried out by:

- Seafarers checking themselves for signs or symptoms of ill health; if this is the case the seafarer should be trained on what to look for and whom to report the symptoms to;
- The shipowner requiring seafarers to regularly complete health surveys;
- For certain hazards it may be necessary for clinical examinations to be carried out by an occupational health professional (such as a doctor with appropriate training and experience).

Examples of when health surveillance would be advisable are when seafarers are working :

- with hazardous chemical agents;
- with substances that may cause occupational lung disease;
- in areas with high noise levels;
- with machinery which produces hand-arm or whole body vibration; and
- with asbestos or lead.

Seafarers should be informed of the **results of any health surveillance** that has been carried out, and confidentiality must be maintained in respect of individual health records containing clinical information.

7. Investigation of Accidents, Occupational injuries, diseases and Marine casualties

Shipowners must establish a **reporting and investigation procedure** for accidents, occupational injuries, diseases and marine incidents. The report shall also address, as far as possible, corrective actions to rectify unsafe conditions.

These records shall be made available on request to any safety representative, the safety committee, the Master, or Maritime Cook Islands.

Accidents, occupational injuries, diseases and Marine casualties, including reporting of deaths shall be notified to technical@maritimecookislands.com as soon as practical, and in any case no later than 3 days from the occurrence. The safety officer in conjunction with the vessel's Master should be responsible to ensure timely and adequate reporting.

8. Investigation of Complaints by Seafarers about Occupational Health and Safety

Seafarers shall address any complaints regarding health and safety directly to the safety officer or the Master.

All complaints shall be investigated and recorded by the Master or the Safety Officer. The records shall be made available on request to any safety representative, the safety committee