



# TUVALU SHIP REGISTRY

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## MARINE CIRCULAR

### MC-13/2012/1

09/2024

**FOR:** Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Recognized Organizations, Flag State Inspectors, Seafarer Recruitment and Placement Service Provider

**SUBJECT: GUIDANCE FOR IMPLEMENTATION OF MARITIME LABOUR CONVENTION 2006 (MLC 2006)**

#### DEFINITIONS:

The following abbreviations stand for:

- “DMLC” – Declaration of Maritime Labour Compliance
- “DOC” – Document of Compliance (ISM Code)
- “GT” – Gross Tonnage in accordance to ITC 69
- “ILO” – International Labour Organization
- “IMO” – International Maritime Organization
- “ISM Code” – International Management Code for the Safe Operation of Ships and for Pollution Prevention
- “ITC 69” – International Convention on the Tonnage Measurement of Ships, 1969
- “MARPOL” – International Convention for the Prevention of Pollution from Ships, 1973, as amended
- “MLC 2006” – Maritime Labour Convention, 2006
- “MLCert” – Maritime Labour Certificate
- “PSC” – Port State Control
- “PSCO” – Port State Control Officer
- “ROV” – Remotely Operated Vehicle
- “SMC” – Safety Management Certificate (ISM Code)
- “SMS” – Safety Management System (ISM Code)
- “SOLAS” – International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended
- “STCW” – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended
- “TOR” – Tuvalu Online Registry Portal

The term “Administration” shall mean the Tuvalu Ship Registry.

#### PURPOSE:

The Government of Tuvalu, on 16 February 2012, ratified the MLC 2006, and this marine circular serves to provide guidance on implementing the MLC 2006, which governs maritime labour conditions and sets minimum standards for the working and living conditions of seafarers.

#### APPLICATION:

This marine circular applies to Tuvalu ships and seafarers as defined under Article II of MLC 2006.

## REFERENCES:

- (a) ILO Guidelines for Flag State Inspections under MLC, 2006
- (b) Maritime Labour Convention, 2006, as amended
- (c) Tuvalu Merchant Shipping (Maritime Labour Convention 2006) Regulations
- (d) Resolution VII adopted by the 94<sup>th</sup> (Maritime) Session of the International Labour Conference
- (e) Tuvalu Marine Circular MC-2/2005/12/2 – International Safety Management (ISM) Code
- (f) Tuvalu Marine Circular MC-10/2012/1 – On board Complaint Procedures
- (g) Tuvalu Marine Circular MC-12/2012/1 – Provisions for Seafarer Wages
- (h) Tuvalu Marine Circular MC-1/2016/1 – Amendments of 2014 to MLC, 2006
- (i) Tuvalu Marine Circular MC-5/2020/1 – Amendments of 2018 to MLC, 2006
- (j) Tuvalu Marine Circular MC-1/2022/1 – Amendments of 2022 to MLC, 2006

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### 1. Introduction & Background

- 1.1. MLC 2006 also known as the “Bill of Rights” for seafarers, builds on the existing ILO Convention 147 while consolidating 70 ILO instruments, including 37 existing maritime ILO Conventions and 33 Recommendations. The existing ILO Conventions on seafarers’ identity documents (C108, C185) and pensions (C71) are the only conventions not included in the MLC 2006.
- 1.2. MLC 2006 was drafted to compliment other international conventions on ship safety, security and quality and often referred to by ILO as the “fourth pillar” of international maritime regulation alongside the SOLAS, MARPOL, and STCW Conventions.
- 1.3. Some novel aspects of the MLC 2006 relate to its structure and provisions established within the Articles. Firstly, the provisions of MLC 2006 must be given effect through national laws and regulations to allow for more effective implementation by flag State which is primarily responsible for the enforcement of and compliance with the MLC 2006. Also, the certification system of the MLC 2006 is designed to be more in line with other international conventions developed under the IMO. Lastly, the “no more favorable treatment” clause ensures that Member States establish a level playing field by treating all ships equally irrespective of whether or not the flag State of a ship has ratified the MLC 2006.

### 2. MLC 2006 Application to Ships

- 2.1. Except as expressly provided otherwise, MLC 2006 applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits, ships of traditional build such as dhows and junks, warships or naval auxiliaries, and ships which navigate exclusively in inland waters, waters within or closely adjacent to sheltered waters, or areas where port regulations apply.
- 2.2. The following ships shall be inspected and certified to be in compliance with the requirements of the convention and carry and maintain a MLCert and the DMLC Parts I and II issued in English:
  - 2.2.1. Ships of 500 GT or over, engaged in international voyages;
  - 2.2.2. Ships of 500 GT or over, operating from a port, or between ports, in another country; and
  - 2.2.3. Other ships, as may be voluntarily requested by a ship owner.
- 2.3. The Administration has decided not to apply MLC 2006 to units and installations engaged in exploration, exploitation, and/or processing of sea-bed mineral resources, including production, storage and offloading, maintenance, construction or accommodation units, when on location for the purpose of conducting or supporting operations subject to the jurisdiction of a host coastal State. These units and installations are also exempted from compliance with MLC 2006 when underway for purposes of relocation or drydocking and therefore are not subject to certification in these circumstances. However, unit and installation operators are encouraged to seek voluntary inspection and certification under the provisions of MLC 2006 to the extent practicable (refer to section 7 of this circular below).
- 2.4. With regards to yachts, this Administration has determined that commercial yachts (i.e. yachts ordinarily engaged in chartering), regardless of tonnage, shall be considered ships for the purpose of applying the

requirements of MLC 2006. On the other hand, MLC 2006 will not apply to private yachts of any size not ordinarily engaged in commercial activities.

- 2.5. For ships applicable to MLC 2006, but do not require certification (i.e. ships under 500 GT, not engaged in international voyages, or not operating from a port, or between ports, in another country), shall still be subject to full inspection against the same requirements as for certified ships. Further details with regards to Inspection requirements and Record Keeping for such non-certified vessels are provided in sections 8 and 10 of this circular respectively.
- 2.6. This Administration wishes to clarify that the MLC 2006 requirements implementing Regulation 3.1, Accommodation and recreational facilities, apply only to ships constructed on or after the date when the Convention enters into force. 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. For ships constructed before that date, the requirements relating to ship construction and equipment that are 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 that date.
- 2.7. A copy of the MLC 2006 shall be maintained on board the ship and made available to all seafarers.

### **3. MLC 2006 Application to Seafarers**

- 3.1. Except as expressly provided otherwise, the MLC 2006 applies to all seafarers, including the Master, on board the ships to which the MLC 2006 applies. For this purpose, a “seafarer means any person who is employed or engaged or works in any capacity on board a ship to which the MLC 2006 applies.” as defined in Article II, paragraph 1(f) of MLC 2006.
- 3.2. The MLC 2006 recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the MLC 2006 should be regarded as seafarers. Recognizing that there may be doubts on this subject, the Administration, in consultation with ship owners and seafarers organisations, will consider the information provided for in Resolution VII, adopted by 94<sup>th</sup> (Maritime) session of the International Labour Conference, in determining whether certain persons or category of persons are considered seafarers.
- 3.3. In accordance with Resolution VII, the Administration considers any person engaged or working in any capacity on board a ship and whose normal place of work is on board for the business of that ship who is contractually provided with social protections by either the ship owner/operator or third party that are equivalent to or are greater than those required by the MLC 2006 to have been provided with social protections that substantially meet the MLC 2006 requirements. In all cases, the burden of proof shall rest with the ship owner/operator who shall show through documentation during the inspection process that these requirements have been met.
- 3.4. In order to better understand how Resolution VII is applied in practice, the following issues (addressing duration, frequency, location, purpose and protections) are considered:
  - 3.4.1. Is the normal place of work on board the ship? If not, then these persons would not be considered seafarers. Such persons would be considered supernumeraries. Some examples include harbour pilots, inspectors or superintendents, etc.
  - 3.4.2. Is the person’s principle place of employment ashore and not part of the routine business of the ship? If so, then these persons would not be considered seafarers. Some examples include scientists, researchers, divers, specialist offshore technicians, etc.
  - 3.4.3. Is the person’s work aboard the vessel on an occasional and short-term basis? If so, these persons would not be considered seafarers. Some examples include guest entertainers, repair technicians, surveyors or port workers, etc.
  - 3.4.4. Is the person contractually provided with social protections that are equal to or greater than those required by MLC 2006 for seafarers? If yes, then these persons would be deemed as having substantially equivalent protections.

- 3.5. Taking into account the Section 3.4, this Administration considers that the following persons will not generally be considered as seafarers for the purpose of MLC 2006:
- 3.5.1. Lecturers;
  - 3.5.2. Guest entertainers;
  - 3.5.3. Personnel employed by the charterer of a yacht shall be the responsibility of the charterer and be provided suitable accommodation and safety equipment;
  - 3.5.4. Port Workers;
  - 3.5.5. Privately Contracted Armed Security Personnel (PCASPs);
  - 3.5.6. Professional Pilots (e.g. Harbour pilots, North Sea/Canal pilots, Amazon River pilots, etc.);
  - 3.5.7. Repair and maintenance technicians;
  - 3.5.8. Researchers;
  - 3.5.9. Riding gang members;
  - 3.5.10. Scientists;
  - 3.5.11. Service engineers;
  - 3.5.12. Ship inspectors / surveyor / auditors;
  - 3.5.13. Ship Superintendents;
  - 3.5.14. Tank cleaning crews;
  - 3.5.15. Temporary riding crew such as Suez Canal crew; and
  - 3.5.16. Industrial Personnel as defined in SOLAS Chapter XV
- 3.6. Marine Cadets are considered as seafarers for which suitable accommodation on board ships shall be made available while undergoing mandatory shipboard training.
- 3.7. Cruise ship personnel such as hotel staff, restaurant and galley staff, shopkeepers, resident entertainers, spa personnel, hairdressers, casino operators and others who are directly employed by the cruise operator or are employed by an outsourced franchise company are considered as seafarers.
- 3.8. Special Personnel, as defined by the Code of Safety for Special Purpose Ships, engaged on vessels doing pipe laying, cables laying, ROV, surveys, subsea operations with construction crews; ranks such as riggers, riggers foreman, offshore construction managers, surveyors, divers, technicians, medics etc. who are working on board the vessel for extended periods as part of the normal working complement, while not considered seafarers, and whether employed by the vessel operator or not, will be expected to have at least the same level of social protection as the marine crew.
- 3.9. Notwithstanding the above, the Administration shall make determinations under Resolution VII on a case-to-case basis and advise that ship owners seeking such exclusions should contact the Administration for evaluation.

#### **4. Authorized Recognized Organizations (ROs)**

- 4.1. The ROs that have been authorized by this Administration to carry out inspection and certification functions under the MLC 2006 can be found here: <https://tvship.com/ro>
- 4.2. It is recommended that the RO for MLC 2006 be the same RO certifying the ship for the ISM Code so that the inspections and certification of both may be harmonized.

#### **5. Steps for obtaining MLC 2006 Certification**

- 5.1. Ship owners / operators should first carry out a gap analysis of the ship and company policies against the Administration's MLC 2006 provisions found on FORM DMLC that can be downloaded at <https://tvship.com/forms>.
- 5.2. After the gap analysis is carried out, the ship owner / operator should, through the completion and submission of FORM DMLC, highlight to the Administration any areas of concern that may include any probable need for a determination of categories of persons to be excluded under the definition of "seafarer" in accordance with Resolution VII, or where exemption may be required.

If it is determined by the gap analysis that exemptions are required, then the following information is to be submitted:

- 5.2.1. Date of Keel Laying: This date is essential in order to determine the regulations and requirements against which the vessel will be compared.
- 5.2.2. An electronic (PDF) copy of the General Arrangement (GA) plan for review.
- 5.2.3. An electronic (PDF) copy of an Accommodations Furnishings Plan (or equivalent documentation), showing all furnishings and miscellaneous outfit provided for the personal use of each occupant, as well as:
  - 5.2.3.1. Minimum headroom in each space;
  - 5.2.3.2. Overall dimensions and total floor area of each sleeping room;
  - 5.2.3.3. Dimensions of clear floor area, not covered by furniture (for yachts only);
  - 5.2.3.4. Berth dimensions; and
  - 5.2.3.5. Volume of lockers and/or storage spaces.
- 5.2.4. Is the mess room sufficient for the number of persons likely to use it at any one time?
- 5.2.5. Room assignments if not already shown on the GA or Accommodations Furnishings Plan.
- 5.2.6. Any other relevant information that may have been issued by the Classification Society or other entities (shipyard, nautical architects, etc.).
- 5.3. The ship owner / operator should submit the completed FORM DMLC by email to: [support@tvship.com](mailto:support@tvship.com) for issuance of the ship specific E-DMLC Part I or apply for it online on the [TOR Portal](#).
- 5.4. Upon successful application, the ship specific E-DMLC Part I will be sent by email to the applicant.
- 5.5. Upon receipt of the E-DMLC Part I, the ship owner / operator should, in consultation with the RO who will be carrying out the certification of the DMLC Part II on behalf of Tuvalu, proceed to prepare the DMLC Part II which can be downloaded at <https://tvship.com/forms>.
- 5.6. Upon the readiness of the DMLC (Parts I and II), the vessel inspection process for issuance of the MLCert is to be arranged with the RO which may include any preparatory documentation review ashore prior to the shipboard inspection.

## 6. Guidelines for MLC Inspection

- 6.1. All inspections are to be carried out in accordance with the ILO document, *Guidelines for Flag State Inspections under the Maritime Labour Convention, 2006*.
- 6.2. When an inspection is conducted or when measures are taken under the MLC 2006, the RO, or other authorized inspector, shall make all reasonable efforts to avoid a ship being unreasonably detained or delayed.
- 6.3. An inspector is authorized to carry out any examination, test or inquiry considered necessary to determine that the standards of the MLC 2006 are being strictly observed.
- 6.4. All persons inspecting under the MLC 2006 shall have appropriate knowledge of ship operations, including:
  - 6.4.1. Minimum requirements for seafarers to work on a ship;
  - 6.4.2. Conditions of employment;
  - 6.4.3. Accommodation;
  - 6.4.4. Recreational facilities;
  - 6.4.5. Food and catering;
  - 6.4.6. Accident prevention;
  - 6.4.7. Health protection;
  - 6.4.8. Medical care;
  - 6.4.9. Welfare and social security protection, and
  - 6.4.10. Compliance and enforcement

## 6.5. Initial MLC 2006 Inspection

6.5.1. An initial inspection shall be conducted to ensure compliance with the requirements of MLC 2006 before a ship is issued a MLCert.

6.5.2. Evidence of compliance shall be achieved by:

6.5.2.1. inspecting the relevant areas of the ship;

6.5.2.2. examining further documentation such as passports or other official documents, medical certificates, training records, crew lists and payroll records, seafarer employment agreements, safe manning documents and work and rest schedules; and

6.5.2.3. carrying out private interviews with a representative number of seafarers, taking account of the need to preserve confidentiality and of the seafarers' work and rest schedules.

## 6.6. Intermediate MLC 2006 Inspection

An intermediate inspection shall be conducted to ensure continuing compliance with the requirements and shall be conducted between the second and third anniversary dates of the MLCert and, if satisfactory, shall be endorsed by the RO. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the MLCert.

## 6.7. Renewal Inspection

A renewal inspection shall cover inspections for all requirements (as per initial inspection) and be carried out as follows:

6.7.1. When the renewal inspection is completed within three (3) months prior to the expiry of the existing MLCert, the new MLCert shall be valid from the date of completion of the renewal inspection for a period not exceeding five (5) years from the date of expiry of the existing MLCert.

6.7.2. When the renewal inspection is completed more than three (3) months before the expiry date of the existing MLCert, the new MLCert shall be valid for a period not exceeding five (5) years starting from the date of completion of the renewal inspection.

## 7. Certification Guidelines

### 7.1. Maritime Labour Certificate (MLCert)

7.1.1. To be issued by the RO after completion of a satisfactory inspection of the 16 areas as detailed in the DMLC for implementing the MLC 2006:

7.1.1.1. Minimum age

7.1.1.2. Medical certification

7.1.1.3. Qualifications of seafarers

7.1.1.4. Seafarers' employment agreements

7.1.1.5. Use of any licensed or certified or regulated private recruitment and placement service

7.1.1.6. Hours of work or rest

7.1.1.7. Manning levels for the ship

7.1.1.8. Accommodation

7.1.1.9. On-board recreational facilities

7.1.1.10. Food and catering

7.1.1.11. Health and safety and accident prevention

7.1.1.12. On-board medical care

7.1.1.13. On-board complaint procedures

7.1.1.14. Payment of wages

7.1.1.15. Financial security for repatriation

7.1.1.16. Financial security relating to ship owners' liability

7.1.2. A MLCert issued and endorsed by the RO must have a DMLC attached to it.

## 7.2. Declaration of Maritime Labour Compliance (DMLC)

7.2.1. A DMLC is made up of 2 parts:

7.2.1.1. DMLC PART I is the statement drawn up by the Administration based on the national laws, regulations or provisions with respect to the 16 areas of the MLC 2006 that are subject to inspection for certification. It also records any flexibility or exemptions which may have been applied to the ship after consultation with the relevant seafarers' organization and the ship owner.

7.2.1.2. DMLC PART II is the statement drawn up by the ship owner / operator identifying the measures adopted to ensure ongoing compliance with the national requirements detailed in the DMLC PART I and has to be certified compliant by the RO prior to issuance of the MLCert. It should indicate:

7.2.1.2.1. when ongoing compliance shall be verified;

7.2.1.2.2. persons responsible for verification;

7.2.1.2.3. records to be taken; and

7.2.1.2.4. procedures to be followed when non-compliance is noted.

To ensure ongoing compliance, the DMLC Part II also should include general international requirements concerning advances in technology and scientific findings concerning workplace design; and shall be signed by an authorized official of the ISM Code Company.

7.2.2. Signing of the DMLC Part II by the ISM Code Company:

7.2.2.1. The Administration recognizes, and it must be understood, that ROs typically do not have a contractual relationship with the registered ship owner where the registered ship owner is not an ISM Code certified entity operating the ship. Therefore, for inspection and certification purposes, the Administration expects the RO in every instance to look to the ISM Code Company which has assumed responsibility for the operation of the ship from the ship owner to stand in not only for itself but also for and on behalf of the ship owner as its agent when there are shared responsibilities between the parties within a Shipmanagement contract. It is the Company's SMS for which the RO has issued a DOC (ISM Code) that governs a ship's operational management and control.

7.2.2.2. With regards to the signing of the DMLC Part II. The MLC 2006 recognizes that documents may be signed by a party on behalf of the ship owner and simply requires that such party is able to produce documentation showing that it is authorized to represent the ship owner. The relevant documentation in this case would be either the Shipmanagement contract or a Power of Attorney clearly stating the authority of the Company to sign the DMLC Part II "as agent for and on behalf of the ship owner in accordance with the terms and conditions provided in that certain Shipmanagement contract dated \_\_\_\_".

7.2.3. The DMLC Part II shall be certified compliant by the RO prior to issuance of the MLCert.

7.3. An Interim MLCert may be issued:

- to new ships on delivery;
- when a ship changes flag; or
- when a ship owner assumes responsibility for the operation of a ship which is new to that ship owner,

subject to the following conditions:

- 7.3.1. the ship has been inspected, as far as reasonable and practicable, for items listed in section 7.1.1 of this marine circular;
- 7.3.2. the ship owner has demonstrated to the RO that the ship has adequate procedures to comply with the MLC 2006;
- 7.3.3. the master is familiar with the MLC 2006 and the responsibilities for implementation; and
- 7.3.4. relevant information has been submitted to the RO to produce a DMLC.

**Note:** A DMLC need not be issued for the period of validity of the Interim MLCert.

#### 7.4. Validity of Certificates

- 7.4.1. An Interim MLCert may be issued for a period not exceeding six (6) months pending an inspection of the items listed in section 7.1.1 of this marine circular for the issuance of a Full Term MLCert.
- 7.4.2. A Full Term MLCert shall be issued for a validity period not exceeding five (5) years and will be subject to an intermediate inspection that shall take place between the second and third anniversary dates of the Full Term MLCert.
- 7.4.3. An Interim MLCert or Full Term MLCert shall be invalidated in any of the following cases:
  - 7.4.3.1. the relevant inspections are not completed within the specified time periods;
  - 7.4.3.2. the MLCert is not endorsed by the RO;
  - 7.4.3.3. when a ship changes flag;
  - 7.4.3.4. when a ship owner ceases to assume the responsibility for the operation of a ship; and
  - 7.4.3.5. when substantial changes have been made to the structure or equipment covered in Title 3 of the MLC 2006, "Accommodation, Recreational Facilities, Food and Catering."

#### 7.5. Deficiencies and Withdrawal of Certificate

- 7.5.1. Where there are grounds to believe that deficiencies constitute a serious breach of the MLC 2006 or represent a significant danger to seafarers' safety, health or security, the RO shall, with the authorization of this Administration, prohibit a ship from leaving port until necessary corrective actions are taken.
- 7.5.2. The MLCert shall be withdrawn by the RO if there is evidence that the ship does not comply with the requirements of MLC 2006 and that the required corrective actions have not been carried out. The seriousness and frequency of the deficiencies shall be considered when contemplating the withdrawal of a MLCert
- 7.5.3. Where there is no clear breach of the requirements that endangers the safety, health or security of the seafarers and where there is no prior history of similar breaches, a RO shall have the discretion to give advice instead of recommending withdrawal of the MLCert.
- 7.5.4. If the RO or this Administration receives a complaint or sufficient evidence that a ship does not conform to the requirements of the MLC 2006, or identifies that there are serious deficiencies in the implementation of measures set out in the DMLC, then the RO, with the authorization of this Administration, shall investigate the matter and ensure that action is taken to remedy the deficiencies identified.



## **8. Ships where Certification is non-Mandatory**

- 8.1. All ships to which the MLC 2006 applies, regardless of whether they are required to carry a MLCert, shall comply with the national laws and provisions specified in the DMLC PART I, and shall be subject to inspections verifying that the requirements are met. Ships under this category may request voluntary certification subject to the satisfactory completion of all requirements necessary for certification as this will give the ships familiarity when it comes to inspections by PSC.
- 8.2. Ships, to which the MLC 2006 does not apply, may also request voluntary certification subject to the satisfactory completion of all requirements necessary for certification.

## **9. ISM Code**

- 9.1. The elements of the MLC 2006 should be treated as an extension of the ISM Code and an essential part of meeting the ISM Code objectives of maintaining compliance with international conventions through the Company's SMS.
- 9.2. Failure of an applicable vessel to comply with the MLC 2006 may be considered a non-conformity as defined in the ISM Code, resulting in the possible withdrawal of the vessel's SMC and also possibly the Company's DOC.
- 9.3. In the event of ISM Code certification withdrawal, reinstatement of certification shall not occur until the vessel's RO and, if the situation warrants, the competent authority of the Member State under whose jurisdiction the vessel is located are able to advise the Administration that they are satisfied with the Company and vessel's compliance with the MLC 2006.

## **10. Keeping of Records**

### 10.1. MLCerts

ROs shall maintain publicly available records of MLCerts issued and provide the Administration with a PDF copy of each MLCert issued.

### 10.2. Inspection Reports

ROs shall submit a copy of each inspection report to this Administration in English, and, if necessary, a copy to the master of the ship in the working language on board to be posted on the ship's notice board.

### 10.3. Inspection Records

Master shall keep a record any significant deficiencies found during the inspections and their date of remedy. This record, if not in English, shall be accompanied by an English-language translation and appended to the DMLC so that it is available to seafarers, Flag State inspectors, PSCOs and ship owners' and seafarers' representatives.

### 10.4. Investigation Reports

In the event of an investigation concerning a major incident, the investigation report shall be submitted by the RO, or authorized inspector, to this Administration as soon as practicable, but in no case later than one month following the conclusion of the investigation.

## **11. Seafarer Complaints**

Ship owners / operators shall provide for on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC 2006, including seafarers' rights. Reference shall be made to Tuvalu Marine Circular MC-10/2012/1.

## **12. Financial Security**

12.1. Ship owners / ship operators shall arrange financial security as required by the MLC 2006 for:

12.1.1. Seafarer's compensation as a result of the failure of a recruitment and placement service or the failure to meet its obligations under the seafarer's employment agreement (Regulation 1.4);

12.1.2. Repatriation, including when they are deemed abandoned (Regulation 2.5);

12.1.3. Seafarer compensation for the ship's loss or foundering (Regulation 2.6); and

12.1.4. Ship owners' liability (Regulation 4.2)

12.2. A P&I Club "Certificate of Entry" issued by any of Tuvalu's recognised P&I insurance providers shall be accepted as evidence of financial security as required by Section 12.1 above. Reference shall be made to Tuvalu Marine Circular MC-1/2004/1.

## **13. Confidentiality**

RO inspectors, or other authorized inspectors, shall treat the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations as confidential, and give no intimation to the ship owner, the ship owner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

## **14. Flag State Contact for MLC matters**

PIC: Technical Manager

Tel: +65-6224-2345

Email: [technical@tvship.com](mailto:technical@tvship.com)

Address: 10 Anson Road, #25-16 International Plaza, Singapore 079903

Yours sincerely,

Deputy Registrar  
Tuvalu Ship Registry