

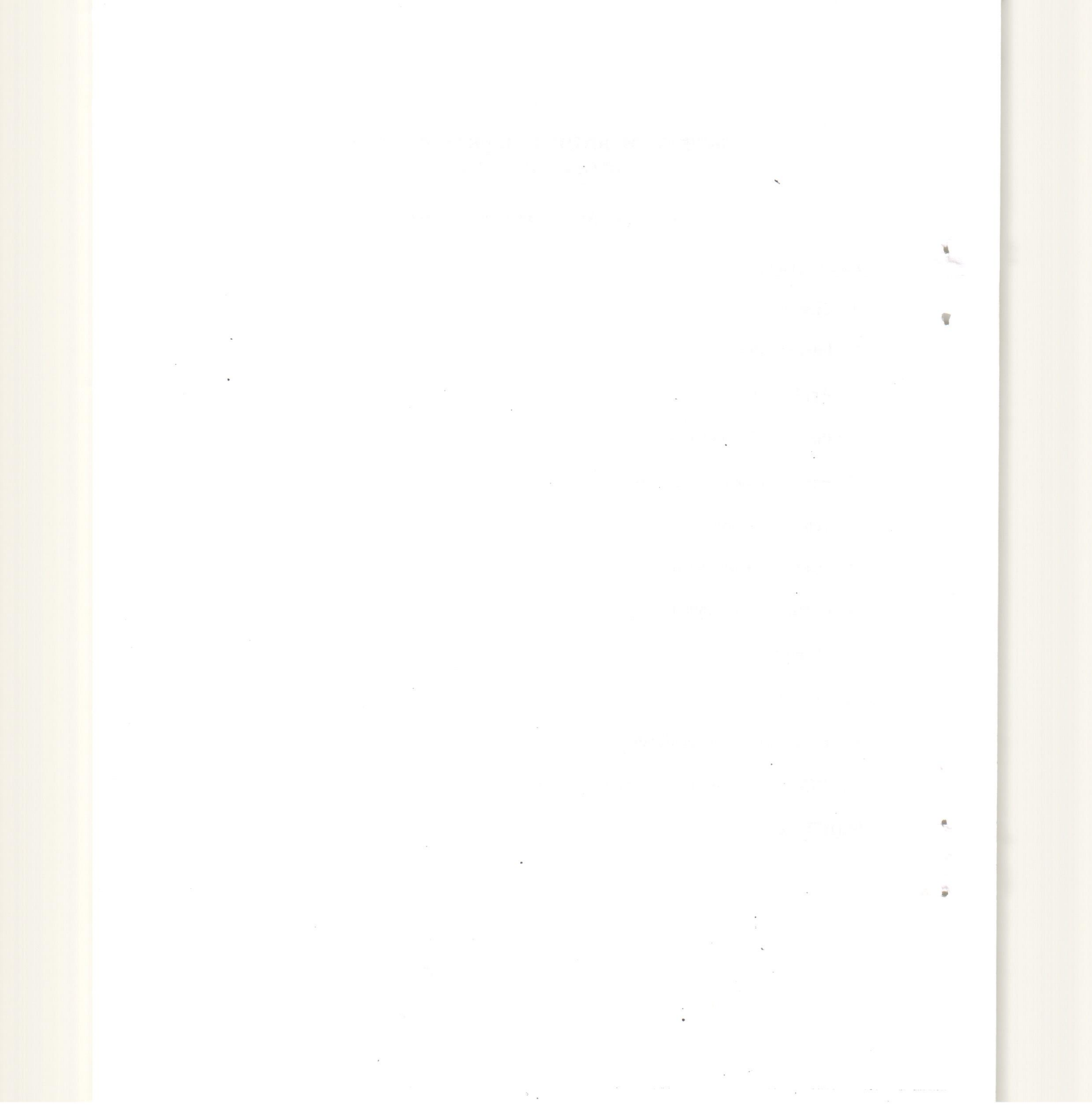
**SHIPPING (MARITIME LABOUR CONVENTION)
REGULATIONS, 2017**

ARRANGEMENT OF REGULATIONS

REGULATIONS

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SCHEDULE



SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2017 NO. 36

(Gazetted 8th August, 2017)

IN EXERCISE of the powers conferred by section 400(1)(ba) of the Shipping Act, Chapter 363 of the Laws the Saint Vincent and the Grenadines, Revised Edition, 2009, the Minister makes the following Regulations:

SHIPPING (MARITIME LABOUR CONVENTION) REGULATIONS, 2017

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| 1. These Regulations may be cited as the Shipping (Maritime Labour Convention) Regulations, 2017. | Citation |
| 2. (1) In these Regulations, unless the context otherwise requires – | Interpretation |
| <p>“Administration” means the Department of Maritime Administration established pursuant to Section 393 (1) of the Act;</p> <p>“after consultation” means after conference or discussion with the appropriate shipowners’ and seafarers’ organisations or, in case there are none, employers’ and workers’ organisations, concerned with the matter in question;</p> <p>“authorised officer”, for the purpose of inspections in ports in Saint Vincent and the Grenadines, means an approved surveyor or an approved inspector appointed under Section 356 of the Act;</p> <p>“Code” means the part of the Convention which comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines) concerning implementation of the Regulations, as amended;</p> <p>“Convention” means the Maritime Labour Convention, 2006, adopted at Geneva on 23rd February 2006, as amended;</p> | |

“Guideline” means a Guideline in Part B of the Code;

“ILO” means International Labour Organisation;

“IMO” means International Maritime Organisation;

“Port State Control” means persons authorised by the Competent Authority of Saint Vincent and the Grenadines, to carry out inspections pursuant to paragraph 4 of Article V of the Convention, on a foreign ship calling in its port, for the purposes of reviewing compliance with the requirements of the Convention relating to the working and living conditions of seafarers on the ship (including seafarers’ rights);

“proper officer” in relation to any function or activity in these regulations means a person authorised by the Director of the Maritime Administration to perform that function or activity;

“Standard” means a Standard in Part A of the Code;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended;

“Waters of Saint Vincent and the Grenadines” shall have the same meaning given under section 2 of the Maritime Areas Act;

“WHO” means World Health Organisation.

Cap. 464

(2) Competent Authority” means—

- (a) in reference to Saint Vincent and the Grenadines, and for the terms and conditions of employment, welfare, manning, hours of work and rest, accommodation, complaints on board a ship, and other related matters, the Director of the Maritime Administration, appointed under section 356 of the Act; or
- (b) where appropriate, a proper officer; or
- (c) for the terms and conditions of social welfare of seafarers and other related matters, the Director of

National Insurance or any officer or employee of the Board so delegated by the Director of National Insurance pursuant to section 8 of the National Insurance Act.

Cap. 296

(3) Terms used in these Regulations, which are also used in the Convention, shall bear the meaning they have in the Convention.

(4) A reference in these Regulations to a code of practice is a reference to that code as for the time being in force in Saint Vincent and the Grenadines.

3. (1) These Regulations apply to—

Application

- (a) all seafarers;
- (b) all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or similar pursuits;
- (c) every shipowner of a Saint Vincent and the Grenadines ship ordinarily engaged in commercial activities, including such a shipowner who engages seafarer recruitment and placement services operated in, or provided from, a country outside Saint Vincent and the Grenadines.

(2) These Regulations shall not apply to warships, naval auxiliaries or other ships owned or operated by the Government of Saint Vincent and the Grenadines on non-commercial service.

(3) In the event of doubt as to whether—

- (a) any categories of persons are to be regarded as seafarers; or
- (b) these Regulations apply to a ship or a particular category of ships;

the question shall be determined by the Administration, after consultation.

(4) These Regulations, except regulation 7(7), apply to Saint Vincent and the Grenadines ships wherever they are.

(5) Regulations 7(7) and 9 to 12 apply to ships, which are not Saint Vincent and the Grenadines ships, when in the waters of Saint Vincent and the Grenadines.

- Purpose of Regulations** 4. It is the purpose of these Regulations to implement the Convention and to ensure that every seafarer has the right to –
- (a) a safe and secure workplace that complies with safety standards;
 - (b) fair terms of employment;
 - (c) decent working and living conditions on-board ship; and
 - (d) health protection, medical care, welfare measures and other forms of social protection.
- Exceptions and exclusions** 5. (1) The Administration may, after consultation, determine that all or any of the requirements of the Code shall not apply to ships of less than 200 gross tons not engaged on international voyages, in accordance with Article II. 6 of the Convention.
- (2) The Administration shall determine the waters of Saint Vincent and the Grenadines, which are within, or closely adjacent to sheltered waters or areas where port regulations apply.
- Schedule to apply** 6. The Schedule, Column 2 of which implements the obligations in the Regulations and Code in the Convention, and contains ancillary provisions thereto, shall apply.
- General compliance duty** 7. (1) It shall be the duty of the shipowner and the master of a Saint Vincent and the Grenadines ship to comply with and ensure compliance with these Regulations.
- (2) It shall be the duty of any person—
- (a) upon whom an obligation is imposed by these Regulations; or
 - (b) to whom a direction is given in pursuance of these Regulations, whether under sub-regulation (1) or otherwise,
- to comply or ensure compliance with these Regulations, as the case may be.
- (3) Where any natural or legal person other than the shipowner or master has control of a matter to which sub-regulation (1) relates because he has responsibility for that aspect of the operation of the ship, then any duty imposed by sub-regulation (1) shall extend to the person who has control of that matter.

(4) It shall be the duty of the shipowner and master to take all reasonable steps to ensure that a person referred to in sub-regulation (3) is aware of the duty imposed by that sub-regulation and is capable of performing it.

(5) In complying with any requirement of these Regulations the person doing so shall take into account any relevant Guideline and it shall be a defence to a charge of non-compliance with a requirement that the action taken was in accordance with a relevant provision of Part B Guidelines of the Code.

(6) Any question as to the meaning or extent of any requirement of the Schedule may be determined in accordance with a relevant Guideline.

(7) It shall be the duty of the shipowner and master of any ship, which is not a Saint Vincent and the Grenadines ship, when in the waters of Saint Vincent and the Grenadines, to comply with the Convention in the manner determined by the relevant body responsible for maritime administration of the ship's flag state and in the case of ships flying the flag of a State, which is not party to the Convention the shipowner and master shall ensure that the ships meet the standards laid down in the Convention.

8. Every Saint Vincent and the Grenadines ship to which these Regulations apply shall carry a copy of the Convention and a copy of these Regulations, which shall be available to all seafarers working on the ship.

Carriage of documents

9. In any case where a ship does not comply with these Regulations, the ship shall be liable to be detained, provided that a ship shall not be unreasonably delayed or detained.

Detention

10. (1) Where a person specified in regulation 7 contravenes the provisions of that regulation that person commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars, or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment;

Penalties

(2) In proceedings for an offence under sub-regulation (1), it shall be a defence for a shipowner or master to prove that he did not have control of the matter to which the offence relates because he did not have responsibility for that aspect of the operation of the ship and that he has complied with regulation 7(4).

**Fraud, misuse
of certificates,
etc.**

11. (1) No person shall—

- (a) unless authorised by the Competent Authority, intentionally alter a certificate or declaration issued for the purposes of the Convention or these Regulations;
- (b) falsely make a certificate or declaration referred to in the Convention;
- (c) knowingly or recklessly furnish false information in connection with any inspection required by the Convention;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate or declaration referred to in the Convention;
- (e) when required to surrender, fail to surrender a certificate or declaration that was issued for the purposes of the Convention.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars, or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

**Offences in
connection
with
inspections**

12. Any person who—

- (a) obstructs a proper officer in the exercise of his powers under these Regulations; or
- (b) without reasonable excuse, fails to comply with any requirement made by a proper officer acting in exercise of his powers under these Regulations; or
- (c) knowingly gives a false answer to any question put to him by a proper officer acting in exercise of his powers under these Regulations,

commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

SCHEDULE**Arrangement of Titles****Title 1: Minimum Requirements for a seafarer to work on a ship**

1. Minimum age
2. Medical certification
3. Training and qualification
4. Recruitment and placement

Title 2: Conditions of employment

5. Employment agreements
6. Payment of wages
7. Hours of rest
8. Leave
9. Repatriation
10. Seafarers' compensation
11. Manning

Title 3: Accommodation, recreational facilities, food and catering

12. Accommodation
13. Food and catering

Title 4: Health protection, medical care, welfare and social security protection

14. Medical care on-board ship and shore
15. Shipowners' liability
16. Health and safety protection

Title 5: Compliance and enforcement

17. Recognised organisations

18. Certification

19. Complaints

20. Port state control

Appendix A

Appendix B

SCHEDULE

(regulation 6)

Paragraph	National Requirement
Title 1 - Minimum requirements for a seafarer to work on a ship	
1. Minimum age	<p>(a) No person under the age of sixteen shall be employed, or engaged or work on-board a ship.</p> <p>(b) The Competent Authority may permit exceptions from the prohibition on night work for seafarers under the age of eighteen-</p> <ul style="list-style-type: none"> (i) when the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or (ii) when the specific nature of the duty or a recognised training programme requires that the seafarers covered by the exception perform duties at night and the Competent Authority determines, after consultation, that the work will not be detrimental to their health or well-being. <p>(c) Except where a seafarer has been trained and certified as competent by an appropriate industry body in an area of work, a seafarer under the age of eighteen shall not be employed, engaged or work on-board a ship in the following types of work-</p> <ul style="list-style-type: none"> (i) work listed under Guideline B4.3.10 paragraph 2, (a-l) of the Convention; (ii) hot work, such as welding and flame-cutting; (iii) work in enclosed or confined spaces; (iv) work aloft; (v) work outboard;

	<p>(vi) work as a ship's cook; or</p> <p>(vii) such other types of work as the Competent Authority may at any time determine, after consultation, is likely to jeopardise their health or safety.</p> <p>(d) No seafarer under the age of eighteen shall work at night except in accordance with paragraph (c) and for the purposes of these Regulation "night" means a period of at least nine hours starting no later than 2100 hours and ending no earlier than 0600 hours.</p>
2. Medical Certification	<p>(a) Every shipowner shall ensure that prior to beginning work on ship, all seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.</p> <p>(b) A valid medical certificate is a certificate that is issued in accordance with (Regulation I/9 of) the STCW Convention, by a medical practitioner authorised to issue such certificates in the country of issue, provided that -</p> <p>(i) the country in which the medical certificate is issued is signatory to the Convention or the STCW Convention; and</p> <p>(ii) the form of the medical certificate is in compliance with the ILO/WHO Guidelines on Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers or any publication superseding it and any, other applicable international guidelines published by the ILO, the IMO or the WHO.</p> <p>(c) Standards A1.2 paragraphs 3 to 10 shall apply to medical examinations, medical certificates and the validity and expiry of certificates.</p> <p>(d) In cases where a seafarer's medical certificate has expired and it is impracticable to obtain another, the Competent Authority may on application from the shipowner, permit the seafarer to sail for a period not exceeding three months beyond the date of expiry of the medical certificate.</p>

	<p>(e) A medical practitioner carrying out medical examinations and issuing certificates for the purposes of these Regulations (or issuing certificates solely concerning eyesight) on behalf of the Competent Authority, shall be recognised upon compliance with the following requirements -</p> <ul style="list-style-type: none"> (i) be a licensed physician; (ii) be experienced in general and occupational medicine or maritime occupational medicine; (iii) have knowledge of the living and working conditions on-board ships, gained either through special instruction or through personal experience of seafaring; (iv) be familiar with the guidance contained in the ILO or the WHO publication Guidelines for conducting Pre Sea and Periodic Medical Fitness examinations for Seafarers (ILO/WHO/D.2/1997) or any superseding publication; and (v) be familiar with the World Health Organisation Publication, the International Medical Guide for Ships, or an equivalent medical guide for use on ships; <p>(f) Medical practitioners shall remain fully and professionally independent from employers, workers and their representatives in exercising their medical judgement in undertaking medical examination procedures and for that purpose shall not be subject to the direction or control of any other person or authority.</p>
3. Training and qualification	<p>(a) Subject to paragraph (b) every seafarer employed in a Saint Vincent and the Grenadines ship in a position which is covered by the STCW Convention shall be trained and certified as competent or otherwise qualified in accordance with the requirements of that Convention as appropriate to perform his duties on-board that ship.</p> <p>(b) Seafarers shall receive familiarisation, training and instruction appropriate to their duties before commencing work on-board a Saint Vincent and the Grenadines Ship.</p>
4. Recruitment and placement	<p>(a) This section applies to -</p>

	<ul style="list-style-type: none">(i) every private seafarer recruitment and placement service operated in, or provided from, Saint Vincent and the Grenadines; and(ii) every shipowner of a Saint Vincent and the Grenadines ship ordinarily engaged in commercial activities, including a shipowner who engages seafarer recruitment and placement services operated in, or provided from a country outside Saint Vincent and the Grenadines. <p>(b) Every private seafarer recruitment and placement service in Saint Vincent and the Grenadines shall-</p> <ul style="list-style-type: none">(i) ensure that the service is operated only by obtaining a certificate of authorisation issued by the Competent Authority. The certificate of authorisation shall be valid for such period as may be specified in the certificate, but that must not exceed three years;(ii) pay the prescribed licensing fee and any prescribed annual fee;(iii) ensure that the service is operated in an orderly manner;(iv) verify that seafarers recruited or placed by the service are qualified and hold the documents necessary for the job concerned and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;(v) make sure as far as practicable that the shipowner has the means to protect seafarers from being stranded in a foreign port in accordance with the Convention;(vi) examine and respond to any complaint concerning its activities and advise the Competent Authority or relevant seafarer union of any unresolved complaints; and(vii) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary losses that they may incur as a result of the failure of the recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its or his obligation to the seafarers.
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- (c) A seafarer recruitment and placement service shall maintain an up-to-date register of all seafarers recruited or placed through that service and ensure that the register is available for inspection by the Competent Authority or a duly authorised person.
- (d) The register -
- (i) shall include but not limited to, the seafarers'-
 - (A) qualifications;
 - (B) record of employment;
 - (C) personal data relevant to employment; and
 - (D) medical data relevant to employment, and shall contain full and complete records of all seafarers to whom the seafarer recruitment and placement service has provided any recruitment and placement service;
 - (ii) may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form;
 - (iii) shall be maintained with due regard to the right to privacy and the need to protect confidentiality;
 - (iv) shall be kept for at least one year from the date of creation and at least one year after the date on which the seafarer recruitment and placement service last provides services to any applicant.
- (e) A seafarer recruitment and placement service shall ensure that requests for information or advice, by families of seafarers, while the seafarers are at sea, are dealt with promptly and sympathetically and at no cost.
- (f) Seafarer recruitment and placement services shall maintain up-to-date lists of the ships for which they provide seafarers and ensure that there is a means by which the seafarer recruitment and placement service can be contacted at all hours in an emergency .
- (g) A seafarer recruitment and placement service must make sure that-

	<ul style="list-style-type: none">(i) seafarers are informed of their rights and duties including applicable seafarer unions under their employment agreements prior to or in the process of engagement;(ii) proper arrangements are made for seafarers to examine their employment agreements before and after they are signed;(iii) a seafarer receives a copy of his agreement after it is signed;(iv) a seafarer is advised of any particular conditions applicable to the job for which he is to be engaged and of the particular ship owner's policies in relation to his employment; and(v) a seafarer has sought independent legal advice in relation to the seafarer's employment agreement or has waived, in writing, the option of seeking such advice. <p>(h) A seafarer recruitment and placement service shall not recruit or place a seafarer to work on a ship unless confirmation has been obtained on all of the following-</p> <ul style="list-style-type: none">(i) the identity of the seafarer;(ii) the seafarer has the experience, training, qualifications and any authorisation the shipowner considers necessary, or which are required by law or by any professional body, to work in the position which the shipowner seeks to fill;(iii) the seafarer is willing to work in the position which the shipowner seeks to fill;(iv) the seafarer's employment agreement is in accordance with applicable laws and regulations and any collective agreement that forms part of the employment agreement.(v) as far as practicable, that all mandatory certificates and documents submitted for employment are up-to-date and have not been fraudently obtained and that employment references are verified.
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(i) A seafarer recruitment and placement service -

- (i) shall not use means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified; or
- (ii) shall not require that fees (including recruitment or placement registration fees) or other charges for seafarer recruitment or placement or for providing employment for seafarer recruitment or placement or for providing employment to seafarer to be borne directly or indirectly, in whole or in part, by the seafarer, except the cost of the seafarer obtaining-
- (A) a medical certificate required in accordance with these Regulations;
 - (B) a Saint Vincent and the Grenadines Seafarers' Book;
 - (C) a passport or similar personal travel documents, excluding the cost of visas, which shall be borne by the shipowner; or
 - (D) any training required for a particular position;
- (iii) shall publish and upon request, disclose any costs which a seafarer will be expected to bear in the recruitment process.
- (j) For the avoidance of doubt, the operator of every private seafarer recruitment and placement service or a provider which recruits and places a significant number of seafarers, shall ensure that such service is operated only after obtaining a certificate of authorisation issued by the Competent Authority. In the event of doubt as to whether this paragraph applies to a service, the question shall be determined by the Competent Authority after appropriate consultation.
- (k) The Competent Authority shall modify or change such system of certification referred to under paragraph (j) only after consultation.
- (l) Paragraphs (j) to (k), to the extent determined by the Competent Authority to be appropriate after consultation, shall apply also to any recruitment and placement service operated by

a seafarers' union or other organisation in Saint Vincent and the Grenadines for the recruitment and placement of seafarers who are nationals of Saint Vincent and the Grenadines.

(m) the service referred to in the paragraph (l) is one-

- (i) which is operated pursuant to a collective bargaining agreement between that organisation and a shipowner;
- (ii) in relation to which both the seafarers' organisation and the shipowner are based in Saint Vincent and the Grenadines; and
- (iii) in which the Administration has authorised the collective bargaining agreement permitting the operation of the recruitment and placement service.

(n) Where a shipowner uses seafarer recruitment and placement services for recruitment and placement of seafarers aboard any Saint Vincent and the Grenadines ship, it shall be the duty of that shipowner to-

- (i) ascertain that the seafarer recruitment and placement services, that are located in a state or territory that has acceded to or ratified the Convention, is authorised or licensed by the relevant maritime authority in that state or territory;
- (ii) ascertain that the seafarer recruitment and placement services, that are located in a state or territory that has not acceded to or has not ratified the Convention, meets the Convention standards as set out in Standard A1.4. of the Code;
- (iii) make a request to the seafarer recruitment and placement services for and keep in his possession, a copy of the licence, certificate, or other document referred to in sub-paragraph (i); and
- (iv) keep in his possession evidence to demonstrate that he took adequate steps to verify compliance with Standard A1.4 of the Code as required by sub-paragraph (ii).

	<p>(o) A seafarer recruitment and placement service that fails to meet the requirements or determined to be in contravention of any standard under these Regulations, by the Competent Authority may have its license revoked or suspended;</p> <p>(p) A seafarer recruitment and placement agency that fails to meet the requirements or determined to be in contravention of any standard under these Regulations, by the Competent Authority may be fined a sum not exceeding fifteen thousand dollars.</p>
Title 2 - Conditions of employment	
5. Employment agreements	<p>(a) The shipowner shall ensure that every seafarer has a seafarer's employment agreement that is agreed to and signed in accordance with the requirements in sub-paragraphs (a) to (e) of paragraph 1 of Standard A2.1.</p> <p>(b) A collective bargaining agreement may form all or part of a seafarer's employment agreement provided that, if it does, a copy is available on-board in English.</p> <p>(c) A Saint Vincent and the Grenadines Seamen's Book shall be used as the record of employment on-board provided that no statement as to the quality of a seafarer's work or wages shall be included.</p> <p>(d) Every seafarer's employment agreement shall contain the particulars set out in sub-paragraphs (a) to (j) of paragraph 4 of Standard A2.1.</p> <p>(e) In lieu of "birthplace" specified in sub-paragraph (a) of paragraph 4 of Standard A2.1 the agreement may contain nationality as a substantially equivalent measure in accordance with Article VI of the Convention.</p> <p>(f) The duration of the minimum notice periods to be given by seafarers and shipowners on ships for the early termination of a seafarer's employment agreement shall be seven days.</p> <p>(g) A seafarer shall be entitled to terminate an employment agreement without notice and without penalty and in accordance with any collective bargaining agreement that is in place -</p>

	<p>(i) on compassionate grounds where there has occurred the death or serious illness of a spouse, a partner or a child, or the death or serious illness of a parent in the case of a single seafarer;</p> <p>(ii) if the ship is detained for non-compliance with any of the provisions of the Convention, the SOLAS Convention or the Loadline Convention and has remained so detained for a period of thirty days;</p> <p>(iii) if the ship in which he is serving is arrested and remains under arrest for a period of thirty days; or</p> <p>(iv) if the vessel in which he is serving is about to sail into a warlike area as defined by the ship's insurers and to which the seafarer does not consent to go.</p> <p>(h) A shipowner may terminate a seafarer's employment agreement without notice, or on less than seven days notice, on any occasion when-</p> <p>(i) the ship is sold,</p> <p>(ii) the ship is lost,</p> <p>(iii) the seafarer is unable to continue to perform his duties on-board as a result of injury or illness; or</p> <p>(iv) it is established through an agreed disciplinary process that the seafarer is incompetent or has been involved in serious misconduct.</p>
6. Payment of wages	<p>(a) Definitions associated with wages and the calculation and payment of wages in these regulations shall be in accordance with the definitions and principles set out in Guideline B2.2.1 and B2.2.2 of the Convention.</p> <p>(b) Payments of wages due to seafarers shall be made at no greater than monthly intervals and in accordance with the seafarer's employment agreement and with any collective bargaining agreements.</p> <p>(c) Seafarers shall be given a monthly account of the payments due and the amounts paid and the account shall specify at least-</p>

	<p>(i) wages;</p> <p>(ii) additional payments; and</p> <p>(iii) the rate of exchange used where the payment has been made in a currency or at a rate different from the one agreed to.</p> <p>(d) Seafarers shall be provided with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. Such means shall include the measures referred to in paragraph 4 of Standard A2.2.</p> <p>(e) The rate of currency exchange associated with the measures to transmit wages in paragraph (d) shall be the rate set and published internationally for currency transaction on the day of transmission and any charges for the service shall be reasonable and shall not include any charges in excess of those charged by the banks making the transactions.</p> <p>(f) For the purposes of the calculation of wages and payment of wages the requirements in Guideline B2.2.2 paragraphs 1, 2, 3 and 4 shall apply and unless provided otherwise in an applicable collective bargaining agreement -</p> <p>(i) the normal hours per week for calculating basic pay shall be forty eight; and</p> <p>(ii) overtime shall be at a rate not less than one and one quarter times basic pay.</p> <p>(g) Wages and principles governing their calculation established pursuant to the provisions of the Act prior to entry into force of these Regulations shall continue to apply to the extent applicable.</p> <p>(h) The Minister may publish a minimum wages list scales applicable to seafarers working aboard Saint Vincent and the Grenadines ships</p>
7. Hours of rest	(a) Hours of rest means time outside hours when the seafarers are required to do work on account of the ship and does not include short breaks of less than one hour.

	<p>(b) Except as provided in paragraph (i), every seafarer shall be entitled to minimum hours of rest of not less than -</p> <p>(i) ten hours in any twenty-four hour period; and</p> <p>(ii) seventy-seven hours in any seven-day period.</p> <p>(c) 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 fourteen hours.</p> <p>(d) Time when a seafarer is on call may be regarded as rest time provided that he is not called to work during that time and if he is called to work during the time on call he shall be provided with adequate compensatory rest.</p> <p>(e) Musters, lifeboat drills, security drills and other drills and training exercises required by Saint Vincent and the Grenadines laws and by the applicable maritime conventions shall be arranged in such a manner as to minimise the disturbance to hours of rest and to avoid fatigue.</p> <p>(f) The requirements in paragraphs (b) and (c) need not be complied with in a case of emergency or other overriding operational condition provided that on conclusion of the situation the seafarers involved receive suitable compensatory rest so that fatigue is avoided.</p> <p>(g) The Administration may, after consultation, agree and approve a collective bargaining agreement that varies from the standards in paragraphs (b) and (c) to allow for more frequent or longer leave periods, or the grant of compensatory leave for seafarers working on-board ships on short voyages provided that the agreement follows the intent of the standard.</p> <p>(h) Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution, or security duties may be exempted from the requirements of paragraph (c) provided that-</p>
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	<ul style="list-style-type: none">(i) they receive not less than seventy hours rest in any seven -day period;(ii) any exception shall not persist for more than two consecutive weeks; and(iii) the period between any two periods of exception is not less than the period of exception. <p>(i) Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution, or security duties may exceptionally have the hours of rest in paragraph (b) divided into more than two periods, but no more than three periods, provided that-</p> <ul style="list-style-type: none">(i) one period is at least six hours in length and the other two are not less than an hour;(ii) the intervals between consecutive periods of rest are not more than fourteen hours; and(iii) any exception under this paragraph does not extend beyond two twenty-four hour periods in any seven day period. <p>(j) Nothing in paragraphs (b), (c), (h), or(i) shall be deemed to impair 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 and 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.</p> <p>(k) A table of the shipboard working arrangements shall be posted in accordance with Standard A2.3 paragraph 10. The table shall be in English and in the working language of the ship where that language is not English, and in the format published by the IMO/ ILO in the Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest or in a format recognisably similar.</p>
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	<p>(l) Records of seafarers' daily hours of rest shall be maintained and copies kept on-board for a period of three years. The records shall be in the format published by the IMO or the ILO in the Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest or in a format recognisably similar.</p> <p>(m) Each seafarer shall receive a copy of the records pertaining to him which shall be endorsed by the master, or a person authorised by the master, and by the seafarer.</p> <p>(n) Records in electronic format may be accepted as meeting the requirements in paragraphs (l) and (m), provided that -</p> <p>(i) each seafarer has ready access to his records;</p> <p>(ii) each seafarer can obtain a printed copy at any reasonable time;</p> <p>(iii) the records are electronically endorsed by the seafarer and the master or a person authorised;</p> <p>(iv) the records, once endorsed, are protected against tampering and are accessible to Port State Control and to Saint Vincent and the Grenadines inspectors and authorised persons the Competent Authority;</p> <p>(v) the records are available on-board for a period of at least three years; and</p> <p>(vi) the records are in a format recognisably similar to the format in the IMO or the ILO Guidelines.</p>
8. Leave	<p>(a) Seafarers on ships shall be entitled to paid annual leave amounting to a minimum of two and one half calendar days per month of employment paid at the seafarer's normal basic rate of pay or the rate specified in any collective bargaining agreement where that is higher.</p> <p>(b) Justified absences from work, periods off work due to illness or injury arising from work on-board, and attendance at approved maritime training courses shall not be considered annual leave. Temporary shore leave granted to a seafarer and Saint Vincent and the Grenadines public holidays shall not be counted as part of leave with pay.</p>

	<p>(c) Any agreement to forgo the minimum annual leave with pay is prohibited.</p> <p>(d) Seafarers shall be granted shore leave whenever possible and where the operational requirements of their position on-board permits it and shore leave shall not be counted against the requirement of annual leave.</p>
9. Repatriation	<p>(a) Every ship subject to these Regulations shall have financial security which covers the cost of repatriation of seafarers in accordance with these Regulations.</p> <p>(b) Seafarers are entitled to repatriation at no cost to themselves-</p> <ul style="list-style-type: none"> (i) when the seafarer's employment agreement expires while the seafarer is abroad; (ii) when the seafarer's employment agreement is terminated by the employer in accordance with its terms; (iii) when the seafarer's employment agreement is terminated by the seafarer for justified reasons; (iv) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel; (v) in the event of shipwreck; (vi) in the event of the shipowner not being able to continue to fulfill his legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason; and (vii) in the event of a ship being bound for a war zone, as defined by national laws or regulations or seafarers' employment agreements, to which the seafarer does not consent to go.

- (c) The maximum duration of service periods on-board following which a seafarer is entitled to repatriation in accordance with paragraph (b) (iii) shall be specified in his employment agreement, but in every case shall not exceed twelve months.
- (d) The costs to be borne by a shipowner for repatriation under paragraph (b) shall include the following-
- (i) passage to the repatriation destination;
 - (ii) accommodation and food from the moment the seafarer leaves the ship until he reaches the repatriation destination;
 - (iii) pay and allowances from the moment the seafarer leaves the ship until he reaches the repatriation destination;
 - (iv) transportation of 30 kg of the seafarer's personal luggage to the repatriation destination; and
 - (v) medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.
- (e) The repatriation destination shall be the place where the seafarer was recruited unless the employment agreement specifies otherwise or the seafarer and the shipowner agree an alternative and the mode of transport to that destination shall normally be by air.
- (f) Seafarers shall not be required to make any contribution towards the cost of repatriation at the commencement of, or in advance of, their employment and the costs of repatriation shall not be recovered from a seafarer's wages or other entitlements except in a case where the seafarer is found to have been in serious default of his employment obligations.
- (g) Nothing in these Regulations shall prejudice the right of a shipowner to recover the cost of repatriation under third party contractual arrangements.
- (h) If a shipowner fails to make arrangements for, or to meet the cost of repatriation of seafarers serving in a Saint Vincent and the Grenadines ship who are entitled to be repatriated -

- (i) the Administration shall arrange for the repatriation of the seafarers involved; and
 - (ii) costs incurred by the Administration in meeting this obligation shall be recoverable from the shipowner.
- (i) The expense of repatriation shall in no case be a charge upon seafarers except as provided in paragraph (f).
- (j) The right of repatriation in accordance with these regulations shall not be refused because of the financial circumstances of a shipowner or because of a shipowner's inability or unwillingness to replace a seafarer.
- (k) If the Administration has repatriated a seafarer pursuant to paragraph (h), and costs incurred have not been recovered, it may arrest the ship until such costs are reimbursed, subject to any provisions in the Act relating to arrest of ships.
- (l) Where the details of requirements governing repatriation are not set out exactly in the seafarer's employment agreement, each seafarer shall have access at any time and in an appropriate language, to the provisions in these Regulations.
- (m) Every ship subject to these regulations shall be in possession of a financial security system to assist seafarers in the event of their abandonment. The financial security system shall meet requirements of the Standard A2.5.2. The financial security system shall provide direct access, sufficient coverage and expedited financial assistance, in accordance with Standard A2.5.2 to any abandoned seafarer. The financial security system may be in the form of a social security scheme or insurance or a national fund or other similar arrangements.
- (n) A seafarer shall be deemed to have been abandoned as stipulated in Standard A2.5.2.2 and Standard A2.5.2.5.

	<p>(o) Each vessel to which paragraph 1 or 2 of Regulation 5.1.3 apply shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.</p> <p>(p) The certificate or other documentary evidence of financial security shall contain the information required by Standard A2.5.2.7. It shall be in English or accompanied by an English translation.</p> <p>(q) Assistance provided by the financial security system shall be in accordance with A2.5.2 paragraphs 8 to 13.</p> <p>(r) Any amounts payable under this regulation can be offset against amounts received from other sources arising from any rights, claims or remedies that may be the subject of compensation under the present Standard.</p>
10. Seafarer's compensation	<p>(a) In the case of loss or foundering of a ship, the shipowner shall indemnify each of the seafarers on-board against the unemployment caused by the loss, at the basic rate of the wages he would have earned up to a maximum of two months wages.</p> <p>(b) Nothing in paragraph (a) shall prejudice any other rights a seafarer may have for losses or injuries arising from a ship's loss or foundering.</p>
11. Manning	<p>(a) All ships shall have a sufficient number of seafarers on-board in the appropriate positions to ensure that they are operated safely, efficiently and with due regard to security under all conditions.</p> <p>(b) A ship shall be deemed to be manned by a crew that is adequate, in terms of size and qualifications when it is manned in accordance with the minimum safe manning requirements issued by the Administration.</p>
Title 3 - Accommodation, recreational facilities, food and catering	
12. Accommodation	<p>(a) Ships shall, subject to paragraph (f), meet such standards to ensure that any accommodation for seafarers, working or living on-board is safe and decent.</p>

- (b) The general standards for on-board accommodation and recreational facilities in ships for which the keels are laid, which are at a similar stage of construction, on or after the date or on which the Convention comes into force shall be as a minimum in accordance with Standard A3.1 paragraphs 6 to 17 of the Convention.
- (c) Ships constructed before the date on which the Convention enters into force shall maintain decent accommodation and on-board recreational facilities for seafarers and other persons working or living on-board.
- (d) Ships to which paragraph (b) applies shall comply with the Guidelines in Part B3.1 of the Convention as the national standards in so far as giving effect to the standards in A3.1 paragraphs 6 to 17 are concerned and with any guidance that is issued by the Administration from time to time on the interpretation of those Guidelines and the technical standards required.
- (e) On any occasion when a ship is first registered or when the seafarer's accommodation is substantially altered an inspection of the accommodation and facilities provided for seafarers shall be carried out by the Competent Authority or by a recognised organisation or by proper officer to verify compliance with the standards in these Regulations.
- (f) In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the Administration may, after consultation, permit fairly applied variations in respect of paragraphs (b) and (c).
- (g) The Competent Authority may, after consultation, exempt ships of less than 200 gross tons from the requirements in paragraphs (b) and (c), in accordance with Standard A3.1 paragraph 20 but shall only do so in particular circumstances in which such exemption can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.

	<p>(h) Every master of a Saint Vincent and the Grenadines ship shall ensure that regular inspections, at not more than monthly intervals, are made of the accommodation provided for seafarers to verify that it remains clean, decently habitable, and maintained in a good state of repair. Defects that are discovered during an inspection shall be rectified promptly and the results of each inspection, including any defects that are found, shall be recorded in the ship's deck log book and the records of inspections shall be retained on-board for at least three years and available for inspection to any proper officer.</p>
<p>13. Food and catering</p>	<p>(a) Ships shall carry on-board and serve food and drinking water, having regard to the number of seafarers on-board and the duration of the voyage, of appropriate quality, nutritional value, variety and quantity that adequately covers the requirements of the ship and takes into account differing cultural and religious backgrounds.</p> <p>(b) Food and drinking water provided to seafarers during their engagement on-board shall be at no charge to the seafarers.</p> <p>(c) Shipowners shall ensure that the organisation of the catering and department and the equipment provided is such that adequate, varied, nutritious meals are prepared and served in hygienic conditions.</p> <p>(d) Ship's operating with a manning level of ten persons or more shall carry a competent and qualified ship's cook.</p> <p>(e) A cook shall be qualified if he is eighteen years of age or more and he-</p> <p style="padding-left: 40px;">(i) is the holder of a valid certificate issued by-</p> <p style="padding-left: 80px;">(A) an organisation approved or recognised by the Administration;</p> <p style="padding-left: 80px;">(B) a State which is party to the Convention or to the Certification of Ships Cooks Convention, 1946 (No.69);</p>

	<p>(ii) shall have served at sea for five years in the catering department, at least three months of which in the capacity of cook or assistant cook and also received training in handling foods, storage of foods on-board ships and hygiene in the galley and food preparation areas; or</p> <p>(iii) possesses approved qualifications in cookery valid in a commercial cooking establishment.</p> <p>(f) "Approved" in paragraph (e)(iii) means approved by the Administration or by the competent authority of another State party to the Convention.</p> <p>(g) On a ship operating with a prescribed manning of less than ten people and which does not carry a cook, the shipowner shall ensure that anyone processing food in the galley is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on-board ship.</p> <p>(h) In any case where due to exceptional circumstances a qualified cook is not available, or has been required to leave a ship in which a qualified cook is required, the Administration may issue a dispensation permitting another person to serve as cook for a period not exceeding one month or until the next suitable port whichever occurs first. On the condition that the person taking on the role of cook has received instruction or training in food and personal hygiene and the handling and storage of food on-board.</p> <p>(i) The master of every Saint Vincent and the Grenadines ship shall ensure that weekly inspections are carried out of-</p> <ul style="list-style-type: none">(i) supplies of food and drinking water;(ii) spaces and equipment used for the storage and handling of food and drinking water; and(iii) galleys and other equipment for the preparation and service of meals.
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	(j) Defects that are discovered during an inspection shall be rectified promptly and the results of each inspection, including any defects that are found, shall be recorded and the records of inspections shall be retained on-board for at least three years and available for inspection to any proper officer.
Title 4 - Health protection, medical care, welfare and social security protection	
14. Medical care on-board ship and shore	<p>(a) Every seafarer in a Saint Vincent and the Grenadines ship shall be provided, wherever practical and where necessary, with an opportunity to visit a doctor or a dentist without delay in any port of call.</p> <p>(b) Medical care, necessary dental care and health protection services provided to seafarers on-board, or in a foreign port shall, be provided at no cost to the seafarers.</p> <p>(c) Whenever it is necessary for a ship to arrange medical treatment for seafarers ashore the ship's master shall use the medical report form contained at Annex A to this Schedule to facilitate the treatment of the seafarers and such records, when completed, shall remain confidential.</p> <p>(d) Ships shall comply with Standard A4.1, paragraph 4, sub-paragraphs (a) to (c).</p> <p>(e) The matters prescribed in Annex B to this Schedule are mandatory.</p> <p>(f) For the purposes of paragraph (b) "necessary dental care" means basic treatment for the relief of acute episodes of infection and pain.</p>
15. Shipowners' liability	<p>(a) Shipowners shall meet the standards set out in Standard A4.2, paragraph 1, sub-paragraphs (a)-(d).</p> <p>(b) The liability of the shipowner under Standard A4.2, paragraph 1 (c) for the expense of medical care and board and lodging is limited to a period of sixteen weeks from the day of the injury or the commencement of the sickness, and may cease if and when the seafarer is in a position to claim medical benefits under any scheme of compulsory sickness insurance, compulsory accident insurance, or workers compensation for accidents.</p>

	<p>(c) Where the sickness or injury results in incapacity for work the shipowner shall be liable-</p> <ul style="list-style-type: none">(i) to pay full wages as long as the sick or injured seafarers remain on-board or until the seafarers have been repatriated in accordance with these Regulations; and(ii) to pay wages at the seafarer's basic rate of pay or at the rate specified in any applicable collective bargaining agreement from the time when the seafarers are repatriated or landed until their recovery or until they are entitled to cash benefits under the laws of Saint Vincent and the Grenadines if earlier. <p>(d) The shipowner shall not be liable to pay wages under paragraph (b) in respect of a seafarer no longer on-board for a period longer than sixteen weeks from the day of the injury or the commencement of the sickness.</p> <p>(e) The shipowner is not liable under paragraphs (b) or (c) in respect of-</p> <ul style="list-style-type: none">(i) injuries incurred otherwise than in the service of the ship;(ii) injury or sickness due to the willful misconduct of the sick, injured or a deceased seafarer; and(iii) sickness or infirmity intentionally concealed when the engagement is entered into. <p>(f) The shipowner is not liable for the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by any public authority.</p> <p>(g) Shipowners shall take measures for safeguarding property left on-board by sick, injured or deceased seafarers and shall be liable for the reasonable costs of returning it to them or to their next of kin.</p>
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- (h) Shipowners shall provide system of financial security required by Standard A4.2.1 (b) or contractual claims, as defined in Standard A4.2.2 in accordance with Standard A4.2.1.8 paragraphs (a) to (e). The term "contractual claim" means any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard of seafarers as set out in these regulations, the seafarers' employment agreement or collective agreement.
- (i) The seafarer shall receive prior notification if a shipowner's financial security is to be cancelled or terminated.
- (j) The Competent Authority shall be notified by the provider of the financial security if a shipowners' financial security is to be cancelled or terminated.
- (k) Every ship subject to these Regulations shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides over, the document provided by each provider shall be carried on board and be available on request to the seafarers.
- (l) 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 thirty days to the Competent Authority.
- (m) The financial security shall provide for the payment of all contractual claims covered by it, which arises during the period for which the document is valid.
- (n) The certificate or other documentary evidence of financial security shall contain the information required by Standard A4.2.1.14. It shall be in English or accompanied by an English translation.
- (o) The system of financial security, as provided for in Standard A4.2.1, paragraph 1 (b), may also be in the form of a social security scheme or insurance or fund or other similar arrangements. Its form shall comply with paragraph (n) of this is Regulation.

16. Health and safety protection	<p>(a) Every shipowner shall put in place measures intended to ensure the health and safety of seafarers and the provision of a working environment on-board any ship for which they are responsible in which the occupational health of seafarers is protected and which is safe, clean and hygienic.</p> <p>(b) Without prejudice to the generality of the shipowner's duty under paragraph (a), the matters to which that duty extends shall include in particular and so far as is practicable -</p> <ul style="list-style-type: none">(i) the provision and maintenance of plant, machinery and equipment, and systems of work that are safe and without risk to health;(ii) arrangements for ensuring safety and absence of risk to health in connection with the use, handling, stowage and transport of articles and substances;(iii) the provision to the seafarers of such information, instruction, training and supervision as is necessary to ensure the health and safety of persons aboard ship;(iv) the maintenance of all places of work in the ship in a condition that is safe and without risk to health; and(v) the provision and maintenance of an environment aboard ship that is safe and without risk to health. <p>(c) It shall be the duty of every shipowner to prepare and, as often as may be appropriate, revise a written statement of his general policy with respect to the health and safety aboard ship and the arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of seafarers.</p> <p>(d) For ships registered in Saint Vincent and the Grenadines the standards and practices required for occupational health, risk analysis, safe working practices and measures to reduce the risk of exposure to harmful levels of ambient factors and chemicals and the risk of injury or disease shall be those set out in-</p>
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	<p>(i) the ILO Code, Accident Prevention On-board Ships at Sea and in Port 1996; and</p> <p>(ii) such other guidance as the Administration may publish from time to time.</p> <p>(e) Every Saint Vincent and the Grenadines ship shall carry on-board an up to date copy of the ILO Code, Accident Prevention board Ships at Sea and in Port, which may be in paper or electronic format provided that all the seafarers have access at any time to its content appropriate to their roles on-board.</p> <p>(f) No shipowner shall levy or permit to be levied on any seafarer any charge in respect of anything done in pursuance of paragraphs (b) or (d).</p> <p>(g) All accidents, injuries and diseases occurring on-board any Saint Vincent and the ship shall be reported to the Administration at the earliest possible opportunity following the occurrence in accordance with requirements published by the Administration.</p> <p>(h) In every Saint Vincent and the Grenadines ship in which there are five or more seafarers the shipowner shall arrange for a Safety Committee to be established. The Safety Committee shall include representatives from all departments on-board.</p>
Title 5 - Compliance and enforcement	
17. Recognised organisations	<p>(a) The Classification Societies, members of the International Association of Classification Societies (IACS), which are recognised by the Administration and with which there is in place an agreement and provided that the Administration has satisfied itself as to their capability as required by Regulation 5.1.2 of the Convention, are recognised by the Administration as recognised organisations for the conduct of inspections and the issue of certification in accordance with these regulations.</p>

	<p>(b) The Administration may from time to time authorise other recognised organisations and enter into an agreement with them.</p> <p>(c) The recognised organisations referred to in paragraphs (a) and (b) shall have the authority defined in the agreement between them and the Administration and shall, in particular, have power to require the rectification of deficiencies that its surveyors identify in seafarer's working and living conditions and to carry out inspections in this regard at the request of Port State Control.</p>
18. Certification	<p>(a) Except as provided in paragraph (b), every Saint Vincent and the Grenadines ship of 500 GT or over engaged in international voyages or operating from a port, or between ports, in another country shall carry -</p> <p>(i) a valid Maritime Labour Certificate conforming to the model set out in the Convention; and</p> <p>(ii) a Declaration of Maritime Labour Compliance conforming to the model set out in the Convention.</p> <p>(b) An Interim Maritime Labour Certificate valid for not more than six months may be issued to a ship in accordance with Standard A5.1.3 when -</p> <p>(i) it is a new ship on its delivery;</p> <p>(ii) it is a ship that has changed from another flag to the Saint Vincent and the Grenadines flag; or</p> <p>(iii) a shipowner assumes responsibility for the operation of the ship when the ship is new to him.</p> <p>(c) A vessel of less than 500 GT need not carry a Maritime Labour Certificate and Declaration of Maritime Labour Compliance but may elect to do so.</p> <p>(d) A Maritime Labour Certificate and Declaration of Maritime Labour Compliance issued in accordance with these Regulations shall cease to be valid -</p> <p>(i) if any of the inspections are not completed within the periods specified in the Convention;</p>

	<p>(ii) if the certificate is not endorsed in accordance with the Convention;</p> <p>(iii) if the ship changes flag to another flag;</p> <p>(iv) when a shipowner ceases to have the responsibility for the operation of the ship; or</p> <p>(v) when substantial changes are made to the structure or equipment covered by Title 3 of the Convention.</p> <p>(e) The Administration or a recognised organisation on its behalf may withdraw a Maritime Labour Certificate from any Saint Vincent and the Grenadines ship, taking into account the seriousness or the frequency of any deficiencies if there is evidence that the ship concerned does not comply with the requirements of the Convention and these Regulations and any required corrective action has not been taken.</p> <p>(f) Without prejudice to Part XVIII of the Act (Enforcement Officers and Powers), the appointment of proper officers for the verification-</p> <p>(i) that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed; and</p> <p>(ii) that the requirements of the Convention are met, and the conduct of such inspections, shall be in accordance with Standard A5.1.4</p> <p>(g) The Competent Authority may authorise a proper officer referred to in paragraph (f) to require the rectification of deficiencies identified in seafarer's working and living conditions and to carry out inspections in this regard at the request of Port State Control.</p> <p>(h) Nothing in paragraph 7(c) of Standard A5.14 shall affect any right of appeal to the High Court against administrative action.</p> <p>(i) If the shipowner proves that there was not reasonable and probable cause for action taken by a proper officer the Minister shall pay him compensation for loss or damage caused by the action.</p>
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19. Complaints	<p>(a) No person shall victimise any seafarer for filing a complaint and victimisation shall be an offence subject to the penalties specified in Regulation 10 of these regulations.</p> <p>(b) Every shipowner shall develop a formal complaints procedure that is available to all the seafarers on-board ships for which he is responsible and such procedure shall-</p> <ul style="list-style-type: none">(i) seek to resolve complaints at the lowest level possible but shall not prevent a seafarer from making a complaint directly to the ship's master, shipowner or, the Administration, where the seafarer considers it necessary or appropriate;(ii) provide for the seafarer making a complaint to have the right to be accompanied or represented during the procedure; and(iii) include safeguards against victimisation of any seafarer making a complaint where victimisation includes any adverse action taken against a seafarer by any person following a complaint which is not malicious or vexatious. <p>(c) Notwithstanding the general standards in paragraph (b) a complaints procedure shall ensure that -</p> <ul style="list-style-type: none">(i) complaints are addressed to the head of the department in which the seafarer works or to his superior officer;(ii) resolution is attempted by the head of department or the superior officer within seven days;(iii) when resolution by the head of department or the superior officer is not successful the seafarer can take the matter to the master who shall deal with it within a period of seven days;(iv) any seafarer making a complaint is allowed to be accompanied and to be represented by another seafarer of their choice on-board the ship;(v) all complaints and the decisions made are recorded and a copy of the record is made available to the seafarer concerned;
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	<p>(vi) when a complaint cannot be resolved on-board the seafarer then has ten days to refer to the shipowner or his representative a shore, through the Master, who shall resolve the matter within thirty days;</p> <p>(vii) the shipowner or his representative and the seafarer shall have a period of thirty days to resolve the matter; and</p> <p>(viii) if thereafter the matter is not resolved, either party may within thirty days bring the matter to the Administration for resolution.</p> <p>(d) Every seafarer shall be provided with a copy of the on-board complaints procedure put in place by the shipowner and with the Administration's contact information and contact information for the maritime authorities in the seafarer's country of residence.</p> <p>(e) Every seafarer shall be provided, in addition to the complaints procedure, with the name of the person or persons on-board who can, on a confidential basis, provide him with impartial advice on a complaint or otherwise assist him.</p> <p>(f) In accordance with Article VI of the Convention the Administration accepts as a substantial equivalent, provision of the identity of a position on-board as meeting the requirements of paragraph (e).</p>
20. Port state control	<p>(a) Seafarers in a Saint Vincent and the Grenadines ship in any port and seafarers on Saint Vincent and the Grenadines ships and other ships calling at a port in Saint Vincent and the Grenadines who allege a breach of the requirements of the Convention (including seafarers' rights) have the right to report such a complaint in order to facilitate a prompt and practical means of redress.</p> <p>(b) Inspections under paragraph (a) shall be carried out by a proper officer or the Competent Authority. The conduct of such inspections including action taken as a result of them, shall be in accordance with Standard A5.2.1, paragraphs 1 to 6.</p>

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| | <p>(c) If the shipowner proves that the ship was unduly delayed or detained as a result of an inspection under paragraph (a) the Minister shall pay him compensation for loss or damage caused by the action.</p> <p>(d) Seafarers in a Saint Vincent and the Grenadines ship in any port and seafarers on Saint Vincent and the Grenadines ships and other ships calling at a port in Saint Vincent and the Grenadines who allege a breach of the requirements of the Convention (including seafarers' rights) have the right to report such a complaint in order to facilitate a prompt and practical means of redress.</p> <p>(e) Such reports shall be made to a proper officer or the Administration at the port where the ship is located.</p> <p>(f) When such a complaint is made by seafarers on a ship in a port in Saint Vincent and the Grenadines the complaint shall be made to the Administration and the investigation and inspection shall be in accordance with the requirements in Standard A5.2.</p> |
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Annex A

Paragraph 14(c)

Medical Report Form

Seafarers Medical Fitness report

To be completed by the applicant

<u>Surname:</u>	<u>First and Middle Names:</u>	<u>Male</u>
		<u>Female</u>
<u>Date /Place of Birth:</u>	<u>Rank/Grading:</u>	
<u>Present Occupation:</u>	<u>Company/Employer:</u>	
<u>Home /Contact Address: (street/town/country. Include phone contact)</u>		
<u>Nationality:</u>		

1. Family History

- | | YES | NO |
|---|--------------------------|--------------------------|
| (a) Has anyone in your close family or household been treated for tuberculosis (TB) in the past ten (10) years? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Do you have a family history of heart disease, arthritis, rheumatism or diabetes? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Has anyone in your family ever been treated for mental illness or 'nervous' conditions? | <input type="checkbox"/> | <input type="checkbox"/> |

(For physicians use only) Please provide further information if the answer to any of the above questions is yes.

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2. Personal History**Have you ever suffered from:**

- | | Yes | No |
|--|--------------------------|--------------------------|
| (a) tuberculosis, spitting of blood or severe chest infection? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) conditions of the heart or lungs, including breathlessness, palpitation and high blood pressure? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) infection of the bladder, kidneys or urinary tract, including sexually transmitted infection? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) any condition of the stomach, liver or bowels, including hepatitis or stomach ulcer? | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) convulsions, fits, epilepsy or severe migraine headaches? | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) skin complaints, including skin cancers which have required medical treatment? | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) malaria or leprosy – still suffer repetitive effects from it? – still taking medication? | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) diabetes, rheumatism, arthritis, hernia, stroke or cancer? | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) any major accidents or recent (in past ten years) surgical treatment? | <input type="checkbox"/> | <input type="checkbox"/> |

3. General

- | | Yes | No |
|---|--------------------------|--------------------------|
| (a) Do you wear glasses or corrective (contact) lenses? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) If yes, do you wear glasses for: (circle one)...reading....all the time | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) When did you last have a chest X- ray (year) | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) When did you last consult your doctor for an illness? (month and year) | <input type="checkbox"/> | <input type="checkbox"/> |

Examining Medical Practitioner's Report

Physical Examination

Candidate's general appearance: (*comment on visible signs of ill health and / or disability*)

.....
.....

Height.....Weight.....

Blood Pressure.....Pulse rate.....

Urinalysis.....

- | | Yes | No |
|---|--------------------------|--------------------------|
| (a) Is there any evidence of heart and/or lung disease? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Is a chest X-ray required? (<i>consider history as well as examination results</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Is there any evidence of past or recent ear, nose and/or throat infections | | |
| defect in sight or hearing? (<i>surgery tests essential</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| enlarged glands, varicose veins, skin lesions | <input type="checkbox"/> | <input type="checkbox"/> |
| disease of the uro-genital organs and tract | <input type="checkbox"/> | <input type="checkbox"/> |
| disease of the brain, spinal cord or nervous system | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Does the applicant take any regular medication? | <input type="checkbox"/> | <input type="checkbox"/> |

Name of medication and reason for taking?

.....

.....

Other
comments

.....

Medical Practitioner's Recommendations

The examining doctor is requested to inform the candidate whether acceptance, deferment, or rejection is recommended. (*Delete where inapplicable*)

Fit for contract service for years	Fit for permanent service
Fit for Service on vessels trading within the Caribbean Trading Union	
Deferred for.....months	Rejected

Results of Chest X-ray

.....

.....

What further tests/investigations need to be undertaken for the candidate to be considered eligible?

.....
.....
.....

Other

comments:.....
.....

Declaration of the recognised medical practitioner:

✓ Confirmation that identification documents were checked at point of examination: Y/N

✓ Unaided hearing satisfactory? Y/N

✓ Visual acuity meets the required standards Y/N

Date of last colour vision test.

✓ Fit for look-out duties? Y/N

✓ No limitations or restrictions on fitness? Y/N

If 'N', specify limitations or restrictions.
.....
.....

✓ Is the seafarer free from any medical condition 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? Y/N

Date of examination (dd/mm/year):

Expiry date of certificate:

(Maximum 2 years after date of examination)

Signatures

Examining Practitioner:.....	Applicant.....
Print name:.....	Print name.....
Date:.....	Date.....
Employment:	
Approved <input type="checkbox"/>	Not Approved <input type="checkbox"/>

Medical Practitioner's name:.....
Address:.....
Provider/Registration number:.....
Telephone #:.....
Fax #:.....

Medical care on-board ship*Medical stores*

1. Ships shall continue to comply with guidance issued by the Administration from time to time concerning medical stores to be carried aboard ship.

Medical training

2. With regard to the level of medical training to be provided on-board ships that are not required to carry a medical doctor:
 - (a) ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours shall have at least one designated seafarer with the approved medical first-aid training required by STCW Convention which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on-board a ship and to make use of medical advice by radio or satellite communication; and
 - (b) all other ships shall have at least one designated seafarer with approved training in medical care required by STCW Convention, including practical training and training in life- saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on-board.
3. The training referred to in paragraph 2 of this Annex shall be based on the contents of the most recent editions of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance - An International Maritime Training Guide, and the medical section of the International Code of Signals.

4. Persons referred to in paragraph 2 of this Annex and such other seafarers as may be required by the Administration shall undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

Dated the 7th day of August, 2017.

DR. THE HON. RALPH GONSALVES
Prime Minister, Minister of Finance
National Security, Legal Affairs and
Grenadines Affairs.

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