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**Notice to: Shipowners, Operators, Officers, Appointed Nautical Inspectors and Recognised Organisations.****1. References**

- a) [Barbados Merchant Shipping Act, 2024](#)
- b) [Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#)
- c) International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS)
- d) International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code)
- e) [Bulletin 007 - Maritime Labour Convention 2006](#)
- f) [Bulletin 021 – BMSR Certificates of Endorsements](#)
- g) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, (STCW Convention)
- h) The Seafarers' Training, Certification and Watchkeeping Code (STCW Code)
- i) [PPS01-F02 Seafarer Recruitment and Placement Service \(SRPS\) Appointment Form](#)
- j) [PPS01-F01 Application for Flag State Endorsement and Seaman's Record Book](#)

**2. Definitions**

- 2.1 "Seafarer Recruitment and Placement Service (SRPS)" means any person, company, institution, agency or other organisation, in the public or private sector, which is engaged in recruiting seafarers on behalf of Shipowners or placing seafarers with Shipowners.
- 2.2 "Shipowner" means the owner of the vessel, or any other person or organisation, such as a manager, agent, or bareboat charterer, that has taken responsibility for operating the vessel and has agreed to carry out the duties and responsibilities of a shipowner under the MLC, 2006, irrespective of whether certain duties or responsibilities are carried out by other organisations or persons on behalf of the shipowner.
- 2.3 "Company" means the entity designated in accordance with regulation IX/1.2 of SOLAS, that is responsible for complying with the ISM Code, or, where the ISM Code does not apply, the entity that has accepted responsibility for assigning seafarers on vessels in accordance with regulation I/14 of the STCW Convention.
- 2.4 "Vessel" means any vessel registered with the Barbados Maritime Ship Registry (BMSR) in accordance with the Barbados Merchant Shipping Act, 2024.
- 2.5 "Master" means the person designated by the Company as having overall command and responsibility for the vessel.
- 2.6 "Seafarer" means any person who is employed or engaged or works in any capacity on board a vessel to which the MLC, 2006 applies.
- 2.7 "Seafarers' Employment Agreement (SEA)" includes both a contract of employment and articles of agreement, as provided in Article II, paragraph 1(g), of the MLC, 2006.
- 2.8 "Competent Authority" means the authority of a State empowered to license, certify or otherwise regulate SRPS operating in its territory.
- 2.9 "MLC State" means a State for which the MLC, 2006 is in force, or a territory to which the application of the MLC, 2006 has been extended.

- 2.10 “Recognised Organisation (RO)” means an organisation authorised by the BMSR to carry out statutory surveys, inspections and certification on its behalf, including inspection and certification under the MLC, 2006.
- 2.11 “Appointed Nautical Inspector (ANI)” means an inspector approved by the BMSR to carry out flag State inspections on its registered vessels.

### **3. Purpose**

- 3.1 This Bulletin describes the BMSR requirements applicable to the operation of private SRPS for vessels.
- 3.2 It provides guidance to Shipowners and Companies to ensure that SRPS comply with the provisions of the MLC, 2006.
- 3.3 It further ensures that, where Shipowners or Companies operate their own SRPS, such services are fully compliant with the requirements of the MLC, 2006.
- 3.4 This Bulletin should be read in conjunction with Bulletin 007 - Maritime Labour Convention 2006.

### **4. Application**

- 4.1 This Bulletin applies to all Shipowners and Companies of vessels to which the MLC, 2006 applies, in respect of every Seafarer recruited or placed for service on board such vessels through an SRPS, irrespective of the State in which the SRPS is based.
- 4.2 It applies equally to an SRPS operated by the Shipowner or Company itself, or by a subsidiary, affiliated or associated entity, where that service recruits or places Seafarers for service on board vessels.
- 4.3 Where a Shipowner recruits Seafarers directly for service on its own vessels, without the involvement of any SRPS, the requirements of section 5 do not apply as such. The Shipowner nevertheless remains directly bound by the corresponding obligations of the MLC, 2006, including those on minimum age, medical certification, qualifications, SEAs and the prohibition on charging Seafarers for obtaining employment, and shall state in the Declaration of Maritime Labour Compliance (DMLC) Part II that Seafarers are engaged directly.
- 4.4 This Bulletin also sets out the verification to be carried out by ANIs and ROs (section 9).
- 4.5 Nothing in this Bulletin diminishes the obligations and responsibilities of the Shipowner under the MLC, 2006 or under the laws of Barbados. The use of an SRPS does not transfer to the SRPS any obligation of the Shipowner towards Seafarers on board its vessels.

### **5. Requirements Applicable to SRPS**

- 5.1 Shipowners and Companies shall only use an SRPS which conforms to the requirements of this section. These requirements give effect to Regulation 1.4 and Standard A1.4, paragraph 5, of the MLC, 2006 and are mandatory.
- 5.2 **Prohibition of blacklisting:** The SRPS shall not use any means, mechanisms or lists intended to prevent or deter Seafarers from gaining employment for which they are qualified.
- 5.3 **Fees and charges:** No fees or other charges for recruitment or placement, or for providing employment, shall be borne by the Seafarer, directly or indirectly, in whole or in part, other than the cost of:
- .1 a national statutory medical certificate;
  - .2 the national seafarer’s book; and
  - .3 a passport or other similar personal travel document.
- 5.4 The cost of visas shall be borne by the Shipowner. The cost of flag State documents issued by the BMSR in respect of a Seafarer’s service on a vessel, including Certificates of Endorsement (see Bulletin 021 – BMSR Certificates of Endorsements) and the Seaman’s Record Book, is a cost of providing employment and shall not be recovered from the Seafarer. No prohibited cost shall be recovered by deduction from wages, by joining advances or by any other financial arrangement.

- 5.5 **Register of Seafarers:** The SRPS shall maintain an up-to-date register of all Seafarers recruited or placed through it, available for inspection by the Competent Authority and, on request, by the BMSR in respect of Seafarers placed on vessels.
- 5.6 **Information on employment:** The SRPS shall ensure that Seafarers are informed of their rights and duties under their SEAs prior to or in the process of engagement, that proper arrangements are made for Seafarers to examine their SEAs before and after they are signed, and that Seafarers receive a copy of the signed agreement. The SEA shall contain, as a minimum, the particulars required by Standard A2.1, paragraph 4, of the MLC, 2006, as set out in Bulletin 007 - Maritime Labour Convention 2006.
- 5.7 **Qualifications and documents:** The SRPS shall verify that each Seafarer recruited or placed by it is qualified and holds the documents necessary for the position concerned, and that the SEA is in accordance with applicable laws and regulations and with any collective bargaining agreement forming part of it. As a minimum, the SRPS shall verify that the Seafarer:
- .1 is not below the age of 16 years, and is not below the age of 18 years where the Seafarer is to be employed as a vessel's cook;
  - .2 holds a valid medical certificate issued in accordance with Regulation 1.2 of the MLC, 2006 and, where applicable, the STCW Convention, in English or accompanied by an English translation where the vessel is ordinarily engaged on international voyages;
  - .3 holds the certificates of competency and proficiency required by the STCW Convention and the STCW Code for the capacity in which the Seafarer is to serve, and has completed training for personal safety on board the vessel;
  - .4 where required, holds, or is the subject of a pending application for, a BMSR Certificate of Endorsement in accordance with Bulletin 021 – BMSR Certificates of Endorsements; and
  - .5 holds the identity and travel documents necessary to join the vessel.
- 5.8 **Protection against stranding:** The SRPS shall make sure, as far as practicable, that the Shipowner has the means to protect Seafarers from being stranded in a foreign port. Evidence that the vessel holds valid financial security for repatriation under Regulation 2.5 of the MLC, 2006 will normally satisfy this requirement.
- 5.9 **Complaints:** The SRPS shall examine and respond to any complaint concerning its activities and shall advise the Competent Authority of any unresolved complaint. Where the complaint concerns a Seafarer placed on a vessel, the Shipowner shall also be informed so that the BMSR can be notified in accordance with section 10.
- 5.10 **System of protection:** The SRPS shall establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate Seafarers for monetary loss they may incur as a result of the failure of the SRPS, or of the relevant Shipowner under the SEA, to meet its obligations to them. Seafarers shall be informed, prior to or in the process of engagement, of their rights under that system.
- 5.11 The system of protection referred to in paragraph 5.10 is distinct from, and does not replace, the financial security required under Regulations 2.5 and 4.2 of the MLC, 2006 for repatriation and shipowners' liability.

## 6. Operational Practices of SRPS

- 6.1 In addition to the mandatory requirements of section 5, Shipowners and Companies should ensure, as far as practicable, that the SRPS has verifiable operational practices addressing the matters below. These derive from Guideline B1.4 of the MLC, 2006, which is not mandatory; the BMSR nevertheless regards them as the expected means by which an SRPS demonstrates conformity with section 5:
- .1 medical examinations, Seafarers' identity documents and any other items required for the Seafarer to gain employment;
  - .2 maintaining, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the Seafarers covered by its recruitment and placement system, including their qualifications, record of employment, and personal and medical data relevant to employment;
  - .3 the conditions under which Seafarers' personal data are collected, stored, combined and communicated to third parties;
  - .4 maintaining an up-to-date list of the vessels for which it provides Seafarers, and a means by which the SRPS can be contacted in an emergency at all hours;

- .5 procedures to ensure that Seafarers are not subject to exploitation by the SRPS or its personnel in relation to the offer of engagement on particular vessels or by particular companies;
- .6 procedures to prevent opportunities for exploitation of Seafarers arising from joining advances or any other financial transaction between the Shipowner and the Seafarer handled by the SRPS;
- .7 clearly publicising the costs, if any, which the Seafarer will be expected to bear in the recruitment process, supported by a written statement signed by the SRPS's senior management that no fees prohibited under paragraph 5.3 are charged;
- .8 advising Seafarers of any particular conditions applicable to the position for which they are to be engaged and of the Shipowner's policies relating to their employment;
- .9 procedures, consistent with the principles of natural justice, national law and practice and any applicable collective agreement, for dealing with cases of incompetence or indiscipline;
- .10 procedures to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are valid and have not been fraudulently obtained, and that employment references are verified;
- .11 procedures to ensure that requests for information or advice from the families of Seafarers while at sea are dealt with promptly, sympathetically and at no cost;
- .12 verifying that labour conditions on vessels where Seafarers are placed conform with applicable collective bargaining agreements and, as a matter of policy, supplying Seafarers only to Shipowners that offer terms and conditions of employment which comply with applicable laws or regulations or collective agreements; and
- .13 ensuring that its staff involved in recruitment and placement are adequately trained and have relevant knowledge of the maritime industry and of the applicable international instruments.

## 7. Obligations of Shipowners and Companies

- 7.1 Before using an SRPS, and for as long as it is used, the Shipowner or Company shall verify, and maintain documentary evidence, that the SRPS conforms to section 5. The evidence shall be held in the Company's records ashore and made available to the BMSR, ANIs and ROs on request. Sufficient evidence to demonstrate compliance shall be available on board, in hard copy or electronic form, for flag State and port State control inspections.
- 7.2 **SRPS based in an MLC State:** The Shipowner shall obtain a copy of the licence, certificate or other authorisation issued to the SRPS by the Competent Authority, and shall verify that it is valid and covers the services provided. The Shipowner should also confirm, through the ratification records published by the International Labour Organization (ILO), that the MLC, 2006 is in force for that State. Conformity of a licensed or certified SRPS may be presumed by the Shipowner, but this does not preclude investigation by the BMSR where non-conformity comes to light, for example through inspection findings or a Seafarer complaint.
- 7.3 **SRPS based in a State that is not an MLC State, or in an MLC State with no licensing or certification system:** In accordance with Regulation 1.4, paragraph 3, and Standard A1.4, paragraph 9, of the MLC, 2006, the Shipowner shall ensure, as far as practicable, that the SRPS conforms to section 5. The Shipowner shall maintain documentary evidence of the verification undertaken, its outcome, any corrective actions and the arrangements for periodic re-verification.
- 7.4 The BMSR does not certify SRPS and has not authorised any RO to issue certificates attesting the conformity of SRPS on its behalf. The Shipowner may determine the means by which it ensures conformity under paragraph 7.3. The measures adopted shall be described in the DMLC Part II, and the Shipowner shall be able to demonstrate them on request to the BMSR, an ANI or an RO.
- 7.5 **SRPS operated by the Shipowner or Company:** Where the Shipowner, the Company, or a subsidiary, affiliated or associated entity operates an SRPS, that service shall conform to sections 5 and 6, and shall be verified in accordance with paragraph 7.2 or 7.3, as applicable, according to the State in which it is based.
- 7.6 **Periodic review:** The Shipowner shall review the conformity of each SRPS used at least annually and whenever there is a material change, including the expiry, suspension or withdrawal of the SRPS's licence or certificate, a change in the SRPS's ownership or location, or a substantiated complaint. The Shipowner shall cease to use an SRPS which no longer conforms to section 5 until conformity has been re-established.

- 7.7 **DMLC Part II:** The measures adopted by the Shipowner to ensure ongoing compliance with Regulation 1.4 shall be described in the DMLC Part II, prepared in accordance with Bulletin 007 - Maritime Labour Convention 2006. As a minimum, the DMLC Part II shall state:
- .1 whether Seafarers are engaged directly by the Shipowner, through one or more SRPS, or both;
  - .2 the name and location of each SRPS used and whether it is based in an MLC State;
  - .3 the evidence held to demonstrate conformity of each SRPS, in accordance with paragraph 7.2 or 7.3;
  - .4 how the Shipowner verifies that no prohibited fees are borne by Seafarers and that no blacklisting is practised;
  - .5 the system of protection in place under paragraph 5.10 and how Seafarers are informed of their rights under it; and
  - .6 the arrangements for periodic review of SRPS conformity.
- 7.8 Where a Seafarer is found to have paid a fee or charge prohibited under paragraph 5.3, the Shipowner shall ensure that the Seafarer is reimbursed in full, shall take corrective action with the SRPS concerned, and shall inform the BMSR.

## **8. Appointment of an SRPS to Act on Behalf of the Shipowner**

- 8.1 Where a Shipowner or Company wishes an SRPS to submit applications to the BMSR on its behalf, including applications for Certificates of Endorsement and the Seaman's Record Book using PPS01-F01 Application for Flag State Endorsement and Seaman's Record Book, the Shipowner or Company shall first submit to the BMSR a duly completed PPS01-F02 Seafarer Recruitment and Placement Service (SRPS) Appointment Form, signed by an authorised representative of the Shipowner or Company and of the SRPS.
- 8.2 PPS01-F02 Seafarer Recruitment and Placement Service (SRPS) Appointment Form includes a declaration by the Shipowner or Company that it has verified that the SRPS conforms to Standard A1.4 of the MLC, 2006. The BMSR may verify any declaration, including by inspection or by requesting the evidence on which it is based.
- 8.3 Appointment of an SRPS under PPS01-F02 Seafarer Recruitment and Placement Service (SRPS) Appointment Form does not transfer to the SRPS any responsibility of the Shipowner or Company. The Shipowner or Company remains responsible for the accuracy and authenticity of all information and documents submitted on its behalf.
- 8.4 The Shipowner or Company shall notify the BMSR without delay of the termination of an appointment, or of the expiry, suspension or withdrawal of the SRPS's licence or certificate. The BMSR will not accept applications from an SRPS whose appointment has been terminated.
- 8.5 The BMSR may refuse, or suspend acceptance of, applications submitted by an SRPS where fraudulent or falsified documents are submitted, or where the SRPS is found not to conform to section 5. In such cases the BMSR will inform the Shipowner or Company concerned and may inform the Competent Authority of the State in which the SRPS is based.

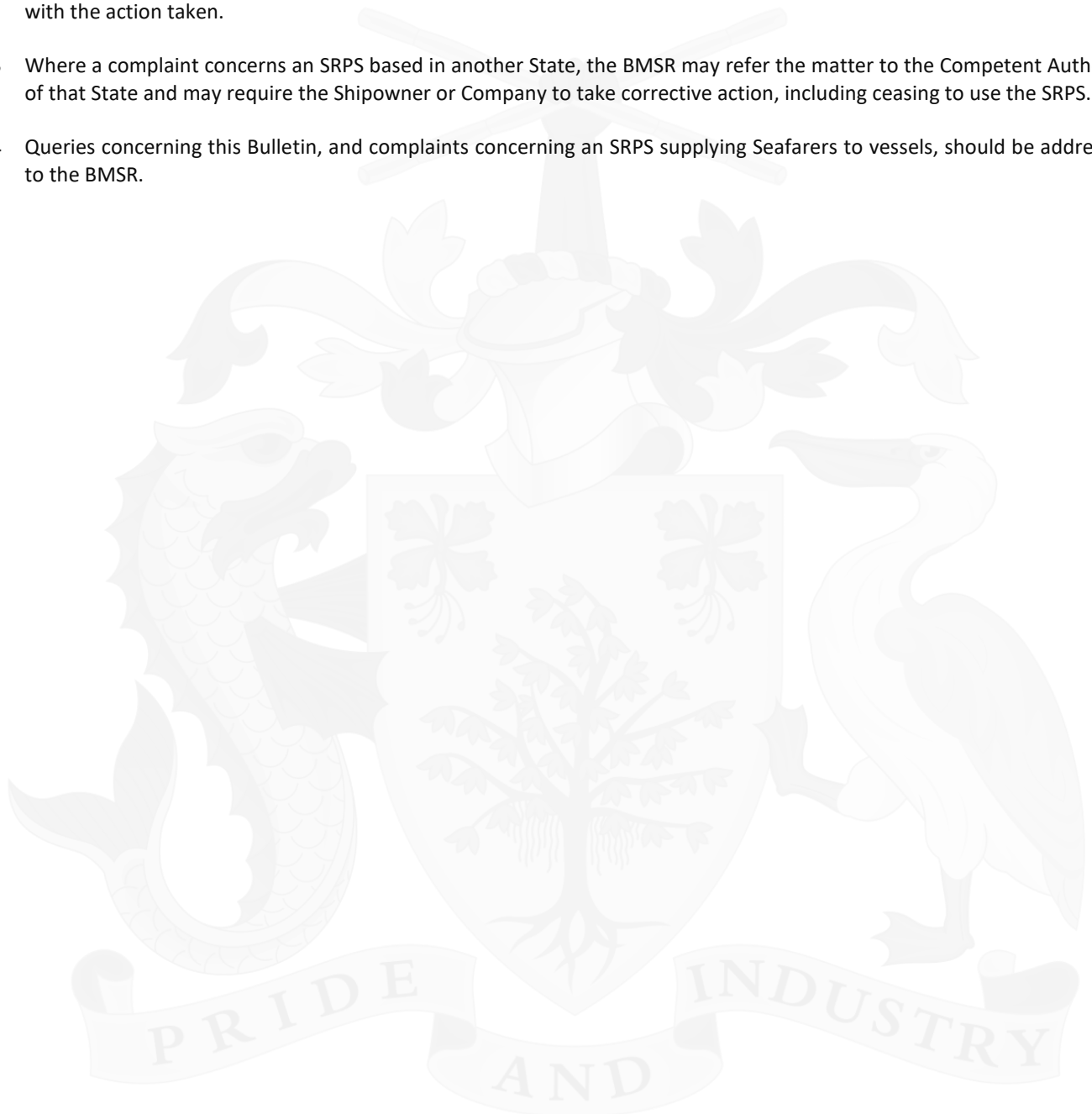
## **9. Verification by ANIs and ROs**

- 9.1 Compliance with Regulation 1.4 shall be verified during inspections for the issue, intermediate inspection and renewal of the Maritime Labour Certificate, and during flag State inspections, in accordance with Bulletin 007 - Maritime Labour Convention 2006.
- 9.2 The verification shall include, as a minimum:
- .1 review of the DMLC Part II against the requirements of paragraph 7.7;
  - .2 review of the evidence of SRPS conformity held on board or provided by the Company, in accordance with paragraph 7.2 or 7.3;
  - .3 review of a sample of SEAs for Seafarers recruited or placed through each SRPS; and
  - .4 confidential interviews with a representative sample of Seafarers to confirm that no prohibited fees or charges were paid, that a signed copy of the SEA was received, and that the Seafarer was informed of the system of protection under paragraph 5.10.

- 9.3 Any evidence that a Seafarer has paid a prohibited fee or charge, that fraudulent certificates or documents have been used, or that the Shipowner holds no evidence of SRPS conformity, shall be recorded as a deficiency and reported to the BMSR without delay.

## **10. Complaints**

- 10.1 Seafarers may raise complaints concerning an SRPS through the on-board complaint procedures required under Regulation 5.1.5 of the MLC, 2006, or directly with the BMSR. Use of these procedures shall not result in victimisation of the Seafarer.
- 10.2 Shipowners and Companies shall inform the BMSR of any complaint concerning an SRPS that remains unresolved, together with the action taken.
- 10.3 Where a complaint concerns an SRPS based in another State, the BMSR may refer the matter to the Competent Authority of that State and may require the Shipowner or Company to take corrective action, including ceasing to use the SRPS.
- 10.4 Queries concerning this Bulletin, and complaints concerning an SRPS supplying Seafarers to vessels, should be addressed to the BMSR.



| Revision No | Description Of Revision |
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| 1.0         | First issue.            |
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