



## TECHNICAL CIRCULAR No. 125 of 17<sup>th</sup> May 2013

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	<b>MLC 2006, Title 1, C1.1-C1.2 Minimum age</b>
Reference:	<b>MLC, 2006 – Maritime Labour Convention, 2006</b>

### **MLC, 2006, Title 1, C1.1-C1.2**

#### **C1. Title 1 Minimum requirements for seafarers to work on a ship**

##### ***C1.1. Minimum age***

**C1.1.a.** If the national minimum age in country is higher than 16, must it be reduced?

The MLC, 2006 under Regulation 1.1, paragraph 2 sets 16 years as the current minimum age for a person to work as a seafarer. If a country has a higher age then it already meets and exceeds the minimum age and would not need to adjust its minimum age. Night work for seafarers under the age of 18 must be prohibited (with some possible exceptions). It should be noted that the MLC, 2006 requires for some activities or positions (e.g., hazardous work or work as a ship's cook) that seafarers must be at least 18 years of age.

**C1.1.b.** Who decides what work is likely to jeopardize the safety or health of seafarers under the age of 18?

Under Standard A1.1, paragraph 4, the determination of work that is likely to jeopardize the safety or health of seafarers under the age of 18 is to be undertaken by the competent authority after consultation with shipowners' or seafarers' organizations concerned, in accordance with international standards. Guideline B4.3.10 of the MLC, 2006 provides guidance that may be relevant to this issue.

**C1.1.c.** Is there an international standard for determining the hours that constitute "night" or is it up to each country to decide this?

The determination of the hours that constitute "night" may vary between countries. However, Standard A1.1, paragraph 2 of the MLC, 2006 provides some parameters.

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## **C1.2. Medical certificate**

**C1.2.a.** Will a medical examination under the IMO's STCW convention meets the MLC, 2006 requirements?

Standard A1.2, paragraph 3 states that it is without prejudice to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended ("STCW"). It also states that a medical certificate issued in accordance with the requirements of STCW shall be accepted by the competent authority, for the purpose of Regulation 1.2. A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by STCW, shall similarly be accepted.

**C1.2.b.** What is the period of validity for a medical certificate?

The MLC, 2006 sets out maximum periods in Standard A1.2, paragraph 7, which states that unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under the STCW sets a maximum period of validity at two years unless the seafarer is under the age of 18, in which case the maximum period is one year. A certification of color vision is valid for a maximum period of six years.

As indicated these are maximums; a country could have shorter periods of validity.

**C1.2.c.** Can a seafarer ever work without a medical certificate?

The MLC, 2006 establishes a procedure (in Standard A1.2, paragraph 8) by which, in urgent cases, seafarers in possession of an expired medical certificate can be permitted to work for a limited period.

**C1.2.d.** What happens if a medical certificate expires during a voyage?

Under Standard A1.2, paragraph 9, a certificate that expires in the course of a voyage continues in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period of extension does not exceed three months.

**C1.2.e.** Who can issue a seafarers' medical certificate?

Under Standard A1.2, paragraph 4, medical certificates can be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority [see A25. Who is the competent authority?] as qualified to issue such a certificate. Practitioners must enjoy full professional independence in exercising their medical judgment in undertaking medical examination procedures. The competent authority in the flag State should decide who is a duly qualified practitioner for this purpose. Practices may vary among countries. However in most cases the competent authority will produce a list that includes medical practitioners in other countries that it recognizes as duly qualified to provide a certificate for seafarers working on ships that fly its flag.

**C1.2.f.** Can a ship's doctor issue a medical certificate?

The question whether or not a ship's doctor can issue a medical certificate to seafarers on the ship concerned would need to be decided by the competent authority of the flag

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State [see A25. Who is the competent authority?] bearing in mind that, in accordance with Standard A1.2, paragraph 4, duly qualified medical practitioners must enjoy full professional independence in exercising their medical judgment in undertaking medical examination procedures [see C1.2.e. Who can issue a seafarers' medical certificate?]. This requirement presumably would not be met if the ship's doctor is an employee of the shipowner.

**C1.2.g.** Is a medical certificate issued in the seafarer's home country valid for work on a ship flying the flag of a different country?

Under the MLC, 2006 a medical certificate is valid if it is issued by a duly qualified medical practitioner. However, the flag State of the ship concerned is responsible for deciding whether the signatory of the medical certificate is indeed duly qualified. Some flag States will recognize medical certificates issued elsewhere, but others may require an examination by a practitioner recognized by the flag State.

**C1.2.h.** Is there a standard form for a medical certificate under the MLC, 2006?

The MLC, 2006 does not require a standard or model form for medical certificates. However it states in Standard A1.2, paragraph 6 what the duly qualified medical practitioner is to certify.

Standard A1.2, paragraph 10 also provides that for seafarers working on ships ordinarily engaged on international voyages, the certificate must as a minimum be provided in English.

Additional guidance is provided in *ILO/WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers* [see C1.2.i. Is there any international guidance regarding medical examinations?].

**C1.2.i.** Is there any international guidance regarding medical examinations?

Guideline B1.2 of the MLC, 2006 advises that all persons concerned with the conduct of medical fitness examinations of seafarer candidates and serving seafarers should follow the *ILO/WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*, including any subsequent versions, and any other applicable international guidelines published by the International Labour Organization, the International Maritime Organization or the World Health Organization.

The ILO/WHO Guidelines have been revised [Guidelines on the medical examinations of seafarers](#).

#### REFERENCES:

- **MLC, 2006 – Maritime Labour Convention, 2006**

**ATTACHMENTS:** No.

Kindest Regards,  
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