

# RUSSIAN MARITIME REGISTER OF SHIPPING



APPROVED

Director General  
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## **Guidelines on Voluntary Inspection of Seafarer Recruitment and Placement Service ND No. 2-080101-018-E**

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## 1. Scope of application

- 1.1 The Guidelines on Voluntary Inspection of Seafarer Recruitment and Placement Service (hereinafter referred to as "the Guidelines") are developed in English and Russian, the original is maintained in electronic format.
- ~~1.2 These Guidelines are developed based on requirements of normative documents represented in Section 2 of the Guidelines.~~
- ~~1.31.2~~ When carrying out the inspection of the seafarer recruitment and placement service, RS acts as an independent third party.
- ~~1.41.3~~ The Guidelines shall be a normative document for the RS Deputy Director General (003), the Heads of RHO Locations 032, 340, 331, 332, as well as RS Branch Offices 100 and 200.

## 2. Normative references

When developing the present Guidelines the requirements of the following normative documents are taken into consideration:

- 2.1 ND No. [1-0301-023-E](#) – Maritime Labour Convention, 2006;
- 2.2 International Safety Management Code ([ISM Code](#));
- 2.3 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ([STCW 78/95](#));
- 2.4 ND No. [2-040101-002](#) – General Conditions for Rendering Services by Russian Maritime Register of Shipping;
- 2.5 ND No. [2-060101-001-E](#) – Quality Manual;
- 2.6 ND No. [2-060203-019-E](#) – Procedure for Document Control in RS;
- 2.7 ND No. [2-060203-027-E](#) – Procedure for Reviewing Requests for RS Services;
- 2.8 ND No. [2-060203-028-E](#) – Procedure for Control of Quality Records;
- 2.9 ND No. [2-070101-002-E](#) - Guidelines on the Voluntary Certification of Organizations' Management Systems.

## 3. Terms. Definitions. Abbreviations

In the present Guidelines the terms, definitions and abbreviations set in ND No. [2-060101-001-E](#) "Quality Manual", as well as other normative documents based for the Guidelines development are used. Other terms, definitions and abbreviations used in the present Guidelines are set below.

### 3.1. Terms and definitions

- 1) **Agency agreement** means the document aimed at regulating the activities of the seafarer recruitment and placement service, within which the company renders the seafarer recruitment and placement services in exchange of specified financial remuneration at the expense of a Shipowner.
- 2) **Lead inspector** means an ILO inspector who is authorized to carry out inspection of the seafarer recruitment and placement service.
- 3) **Statement of Compliance Seafarers Recruitment and Placement Service (Statement of Compliance)** means a document issued by RS in accordance with the requirements of the Guidelines and certifying the seafarer recruitment and placement service conformity with the MLC Standard A1.4.
- 4) **Anniversary date** means the day and month of each year which will correspond to the date of expiry of the Certificate (Statement) of Compliance Seafarers Recruitment and Placement Service.
- 5) **Seafarer** means any person who is employed or engaged or works in any capacity on board a ship to which the MLC applies, as defined in by the national legislation.
- 6) **Observation** means a statement of fact made during the crewing company inspection and substantiated by objective evidence that if not timely addressed may lead to a deficiency in the future unless preventive actions are taken in due time. The observation may also be in the form of proposals for improving the existing situation.
- 7) **Deficiency** means an observed situation or fact stated during the crewing company inspection, where objective evidence indicates the crewing company is not in conformity with the MLC Standard A1.4.
- 8) **Objective evidence** means evidence-based information which is obtained by the ILO inspector during document review, inspection of the crewing company's divisions, interviews with personnel, etc.
- 9) **Inspection** means a process of verification of the crewing company for compliance with the requirements of the MLC Standard A1.4.
- 10) **Management representative** means an officer authorized by the crewing company to be responsible for permanent implementation of the MLC Standard A1.4 in the crewing company.
- 11) **Certificate of Compliance Seafarers Recruitment and Placement Service (the Certificate)** means a document issued by RS in accordance with the requirements of the Guidelines and certifying the crewing company conformity with the MLC Standard A1.4 and national legislation of the Russian Federation.
- 12) **Serious deficiency** means identifiable deficiency that constitutes a serious breach of the requirements of the MLC Standard A1.4 and requires immediate corrective action. A serious deficiency is a repeated breach of

the MLC Standard A1.4 requirements as well as failure of the crewing company to perform effectively and systematically its duties in accordance with the MLC Standard A1.4 requirements.

- 13) **Seafarer recruitment and placement service (hereinafter referred to as "the crewing company")** means legal entity which, irrespective of its legal organization form, is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.
- 14) **Shipowner** means the owner of the ship or another organization or person, such as manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the MLC requirements, regardless of whether any other organization or persons fulfil certain duties or responsibilities on behalf of the shipowner.
- 15) **ILO inspector** means RS employee who has undergone theoretical and practical training in carrying out the MLC inspections, and authorized to conduct the MLC inspections.

### 3.2. Abbreviations

- 1) STCW 78/95 – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended.
- 2) MLC – Maritime Labour Convention, 2006.
- 3) ISM Code – International Management Code for the Safe Operation of Ships and for Pollution Prevention.
- 4) ILO – International Labour Organization.
- 5) CAP – Corrective action plan.
- 6) RO – Recognized Organization.
- 7) RS – FAI "Russian Maritime Register of Shipping".

## 4. Guidelines on the MLC inspection of the crewing companies for the ILO inspectors

### 4.1. General provisions

- 4.1.1. The present Guidelines shall specify the relevant requirements to the crewing companies and to rendering the RS services under companies' requests for their inspections for compliance with MLC Regulation 1.4.
- 4.1.2. Crewing companies are inspected by ILO inspectors.

### 4.2. Objectives of the crewing companies inspection

Objective of the inspection is to confirm that the activity of the crewing company complies with the MLC Regulation 1.4.

### 4.3. Requirements for crewing companies

- 4.3.1. **Services rendered by the crewing companies shall meet the requirements of these Guidelines and cover the following aspects:**
  - 4.3.1.1. requirements to professional training, competence and health of seafarers employed on the ships flying Russian and foreign flags;
  - 4.3.1.2. social security requirements for seafarers and their families;
  - 4.3.1.3. requirement to compensate monetary loss incurred by seafarers due to the failure of the crewing company or the shipowner.
- 4.3.2. **Requirements for documentation:**
  - 4.3.2.1. Crewing company shall have access to the following current normative documents:
    - 1) MLC – Maritime Labour Convention, 2006;
    - 2) ISM Code – International Management Code for the Safe Operation of Ships and for Pollution Prevention;
    - 3) STCW 78/95 – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers with amendments and additions;
    - 4) other applicable international and local legislative acts for seafarer recruitment and placement.
  - 4.3.2.2. The crewing company shall develop, issue, implement and maintain procedures providing services conformity with MLC Regulation 1.4 with due consideration of seafarers' personal data:
    - 1) procedure for development, approval and conclusion of the agreement on the seafarer recruitment and placement;
    - 2) procedure for recruitment and testing of seafarer's knowledge;

- 3) procedure for personal files storage and keeping of a register of seafarers recruited or seeking employment at sea via a crewing company;
- 4) procedure for training and instruction of the seafarers before sending them to a ship;
- 5) procedure for communication with the shipowner and the seafarer family members in case of an emergency;
- 6) procedure for seafarers' insurance or other measures to provide social security protection;
- 7) procedure for submitting and handling with complaints.

4.3.2.3. The crewing company shall monitor all changes in local and international legislation and permanently update normative documents.

4.3.2.4. The crewing company shall establish the procedure for document management related to the services for seafarer recruitment and placement.

4.3.2.5. The crewing company shall establish, among others, the terms of the document storage.

#### **4.3.3. Registration documents of the crewing company and a license for the seafarer recruitment and placement activities.**

The crewing company irrespective of the form of ownership shall submit the manuscripts of:

- 1) the registration documents,
- 2) the license in compliance with the local legislation, as well as
- 3) the latest Quality Management Systems Certification ISO 9001:20015.

#### **4.3.4. Agency Agreement with shipowner.**

4.3.4.1. The company shall conclude agency agreement for the seafarer recruitment and placement with shipowner or his agent.

4.3.4.2. Before the Agreement is concluded the crewing company shall review its content to ensure the following:

- 1) the uniformity of the terms applied by the crewing company and the shipowner;
- 2) a clear statement of the shipowner's requirements to the crewing company;
- 3) making sure that the shipowner has the means to protect seafarers from being stranded in a foreign port.

4.3.4.3. The Agency Agreement shall meet the following requirements:

- 1) the Agreement shall be made out, at least, in English. Shall the Agency Agreement be made out in two languages they both have the same legal force. Both parties understand terminology and wording of the Agreement;
- 2) the Agreement shall include financial aspects, reporting procedure, termination procedure, procedures in the case of violations, arbitration and applicable legislation, indemnity, responsibility and force-majeure, as well as the procedure for official communication;
- 3) the Agreement shall clearly define responsibility of the shipowner or its agent, including remuneration paid to organization;
- 4) the Agreement shall not contain any violations and contradictions to current international and local resolutions and collective agreements;
- 5) contracts and agreements content review precedes their signing;
- 6) possibility to consider and solve any new emerging issues shall be provided;
- 7) possibility to waiver within this agreement or contract shall be provided.

#### **4.3.5. The crewing company policy and objectives in the field of seafarer recruitment and placement.**

4.3.5.1. The crewing company management shall develop the policy and objectives for the seafarer recruitment and placement and ensure that this policy meets the company objectives, namely:

- 1) would include the tasks to provide conformity with MLC Regulation 1.4;
- 2) is the basis for the development and review of seafarer recruitment and placement objectives;
- 3) is clear to the crewing company personnel;
- 4) is permanently reviewed.

4.3.5.2. The crewing company management shall be focused on determination of the customers' requirements and their complete satisfaction.

#### **4.3.6. Organizational chart of the crewing company.**

4.3.6.1. The company shall submit the organizational chart evidently representing divisions and administrative communication within the company.

4.3.6.2. Organizational chart of the crewing company shall provide such a system of the personnel responsibility, management and interactions that ensures required quality of rendered services and services quality control.

**4.3.7. Resources and personnel of the crewing company.**

4.3.7.1. The crewing company shall have the required resources to perform the established procedures effectively and to control their performance.

4.3.7.2. The crewing company shall have the established procedures for the company personnel recruitment, placement and training; these shall define requirements to the personnel qualification and experience and establish the procedure for the assessment of duties performance by employees.

4.3.7.3. The authorized management representative to be responsible for permanent observations of requirements of MLC Regulation 1.4 shall be assigned in the crewing company.

4.3.7.4. The crewing company shall provide the personnel with training to maintain the qualification and awareness related to the applicable international and local legislation on the up-to-date level as well as register training, education and work experience. The crewing company shall ensure that the personnel occupied in the seafarer recruitment and placement shall be duly trained with relevant knowledge in the area of sea transport, appropriate international marine regulations as well as seafarers' labour conditions and social security protection, requirements for their professional training and competence level.

4.3.7.5. The crewing company shall establish duties and authorities of the personnel responsible for providing safety and fire safety training and seafarers' acquaintance with a ship and shipowner's Safety Management System before sending them on-board.

**4.3.8. Procedure for development, approval, conclusion of the agreement on seafarer recruitment and placement.**

4.3.8.1. When concluding the agreement on the seafarer recruitment and placement the crewing company shall use the agreement form which is in compliance with the national legislation standards ;

4.3.8.2. The agreement form shall be approved by the crewing company management;

4.3.8.3. The agreement shall be made in English, at least. If the agreement is made in two languages; they both have the same legal force. Both parties clearly understand terminology and wording of the agreement;

4.3.8.4. The agreement shall include clear indication of expenses, if any, which seafarer could incur within the placement, as well as the agreement termination and prolongation procedures, procedures in the case of violations, arbitration and applicable legislation;

4.3.8.5. The agreement shall clearly specify duties and responsibilities of the shipowner or its agent;

4.3.8.6. Nothing contained in the agreement, shall pose any violations and contradictions to the current international and local regulations and collective agreements.

4.3.8.7. The crewing company shall ensure that:

- 1) all seafarers are informed on their rights and obligations specified in the labour agreements before they are employed or within the employment, but in any case before sending them to a ship;
- 2) all seafarers have been provided with relevant conditions to make aware of their contracts of employment before their signing and possibility of receiving a copy for consultancy.

4.3.8.8. Signed original of the agreement is handed to the seafarer.

**4.3.9. Procedure for recruitment and testing the seafarers' knowledge.**

4.3.9.1. All seafarers shall be medically fit, as well as be relevantly trained or qualified to carry out their duties on board a ship confirmed by valid diplomas and certificates within the scope of the STCW Convention 78/95, local legislation.

4.3.9.2. If candidates do not meet the requirements raised by the shipowner, the crewing company shall encourage the candidate for career and skill development;

4.3.9.3. All applicants shall be relevantly interviewed, tested and instructed with results registration according to procedure established in the crewing company;

4.3.9.4. In the crewing company the relevant measures providing that qualification and medical certificates submitted by the seafarers are, as far as applicable, valid but not acquired by false pretences shall be undertaken. If deemed necessary, information of the seafarers' labour activity shall be checked;

- 4.3.9.5. Special attention shall be paid to the ship's master qualification, his experience in operating ships of definite type, as confirmed by relevant documents;
- 4.3.9.6. Seafarers stationed at ship, shall speak English in scope providing effective execution of assigned duties. His command in English shall be checked by means of interview or computer testing, which results shall be registered and analyzed by the company personnel.
- 4.3.10. Procedure for personal files storage and keeping the register of seafarers.**
- 4.3.10.1. The crewing company shall have established procedures for personal files storage and keeping the register of seafarers.
- 4.3.10.2. The procedure shall provide saving of confidential information acquired by the crewing company during making out the agreement for the seafarer recruitment and placement and its non-disclosure to the third parties.
- 4.3.10.3. The personal files shall contain copies of documents acquired during the conclusion of the agreement with the seafarer.
- 4.3.10.4. The register of seafarers both sent to a ship, and applied to the crewing company for the job seeking, shall be maintained either in paper, or in electronic form.
- 4.3.10.5. The personal files and the register of the seafarers shall be accessible for agencies providing the crewing company inspection or audit/inspection in order to check quality of work with seafarers.
- 4.3.11. Procedure for communication with the shipowner and the seafarer family members in emergency.**
- 4.3.11.1. The crewing company shall define communication and information exchange channels between the crew manager and the shipowner to transfer messages on incidents or emergency.
- 4.3.11.2. The crewing company shall have Emergency Plan Procedure. The goal of this Plan is to provide coordination of the company and shipowner's actions in the case of emergency on board a ship.
- 4.3.11.3. The Plan shall include:
- 1) emergency response team (ERT) and duties of each member;
  - 2) emergency response team mobilization;
  - 3) establishing connection between the crew recruitment manager and the shipowner;
  - 4) acquisition of precise information on number of the crew members on board;
  - 5) list of responsible persons to be informed in emergencies with their phone numbers;
  - 6) procedure for notification of the seafarer members' families;
  - 7) list of all persons on board with their full personal data.
- 4.3.12. Procedure for the seafarers' insurance or other measures to provide social security of seafarers and their families' members.**
- 4.3.12.1. Agency Agreement shall provide such labour and social security conditions of seafarers, as to meet local and international requirements and collective agreements.
- 4.3.12.2. Labour agreements concluded by the seafarers with the Shipowners via the crewing company, shall provide labour and social security conditions fully meeting current international legal rules, local regulations and collective agreements or shall have higher warranty scope and level provided therein.
- 4.3.12.3. No fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer; for this purpose, costs of the national statutory medical examination, certificates, a personal travel document and the national seafarer's book shall not be deemed to be fees or other charges for recruitment;
- 4.3.12.4. The crewing company shall ensure that the shipowner or the crewing company itself shall arrange insurance for each seafarer for the cases of:
- 1) sickness, injury, wound, and death;
  - 2) unemployment as a result of shipwreck;
  - 3) loss of property;
  - 4) repatriation.
- 4.3.12.5. The crewing company shall establish a procedure to ensure that requests for information and advice by families of seafarers while seafarers are at sea are dealt with promptly and sympathetically and at no cost.
- 4.3.12.6. The crewing company is prohibited from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;

4.3.12.7. The crewing company shall establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may occur as a result of the failure of the crewing company or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

#### **4.3.13. Procedure for filing and handling with complaints.**

The crewing company shall introduce procedure for filing, handling and accepting of the seafarers' complaints as regards to the activity of seafarer recruitment and placement service, on-board working and living conditions, as well as the procedure for the complaint to be reported to the shipowner and competent authorities.

### **4.4. Types of the inspections of the crewing company**

#### **4.4.1. Types of the MLC inspections:**

- 1) Initial: at initial application by the crewing company in order to acquire Certificate (Statement) of compliance with MLC Regulation 1.4;
- 2) annual: in order to annually confirm Certificate (Statement) of compliance with MLC Regulation 1.4;
- 3) renewal: upon expiry of Certificate (Statement) of compliance with MLC Regulation 1.4;
- 4) additional: in other cases specified by these Guidelines.

**4.4.2.** Renewal inspection shall be conducted before the expiry date of Certificate (Statement) of compliance with MLC Regulation 1.4, but not earlier than three (3) months from this date.

**4.4.3.** Annual inspection shall be carried out within ~~30 days~~ 2 months before anniversary date and up to ~~30 days~~ 2 months after the anniversary date.

**4.4.4.** Additional inspection shall be conducted in term specified by the ILO inspector prescribed it, but not later than three (3) months from documentation of request on such inspection.

### **4.5. Scope of examination during the crewing company inspection**

**4.5.1.** Scope of the crewing company inspection shall be established depending on the type of the inspection.

**4.5.2.** Scope of inspection is defined by RS based on crewing company request with due consideration of:

- 1) type of inspection;
- 2) availability of the crewing company Certificate (Statement) of Compliance issued by another classification society (ACS) – IACS member or Recognized Organization (RO);
- 3) size of the crewing company (manning, structure and number of branches / divisions)

**4.5.3.** Checks in the following directions are obligatory, when the crewing company is inspected:

- 1) the crewing company policy and objectives in the area of seafarer recruitment and placement;
- 2) organizational structure;
- 3) competence and powers of the officials responsible for implementation and maintaining of MLC Regulation 1.4 by the crewing company;
- 4) normative documents specified in the Section [4.3.2](#);
- 5) procedures for seafarer recruitment and placement service activity;
- 6) review of the crewing company activities on behalf of the management;
- 7) records.

**4.5.4. inspection and assessment of the crewing company activity shall be carried out in the central divisions / units and branches of the company.**

**4.5.5.** the crewing company is inspected based on the review of submitted objective evidences acquired during the inspection.

**4.5.6.** If serious deficiencies are detected during the inspection of the crewing company, the company shall eliminate the reason for this serious deficiency during the inspection.

**4.5.7.** When serious deficiency cannot be rectified on the spot, the lead inspector may downgrade the deficiency if the crewing company provides the lead inspector with the corrective action plan. The corrective action plan shall be implemented within a period not exceeding three (3) months from the completion of the inspection. In order to verify corrective actions, the lead inspector shall assign an additional inspection that shall be carried out within a period not exceeding three (3) months approved by the crewing company.

## 4.6. Organizational interaction of participants during the crewing company inspection

### 4.6.1. The inspection participants' functions

#### 4.6.1.1. Head Office of FAI Russian Maritime Register of Shipping (RS):

- 1) develops normative documents for inspection of crewing companies;
- 2) develops training programs to prepare ILO inspectors;
- 3) arranges training for ILO inspectors inspecting and recording crewing companies;
- 4) informs RS Branch Offices / RHO locations/RS Branch Offices carrying out inspections on amendments in normative documents in the area of crewing company inspection;
- 5) controls the process. The control is carried out via monitoring of validity period of issued Certificates (Statements) of Compliance based on the information received from RS Branch Offices / RHO locations/RS Branch Offices according to 4.8.5.3 herein;
- 6) monitors RS Branch Office / RHO location/RS Branch Office activity carrying out inspections. Indicators set in the table 6.1 are applied for monitoring;
- 7) when deficiencies in activity of RS Branch Offices / RHO locations/RS Branch Offices performing the inspection are detected, forwards the comments to their addresses.

#### 4.6.1.2. RS Branch Office / RHO location/RS Branch Office that carries out an inspection shall:

- 1) accept and review requests for inspections;
- 2) accept and review claims from crewing companies;
- 3) inspect crewing companies;
- 4) issue the Certificate of Compliance seafarers recruitment and placement service or the Statement of Compliance seafarers recruitment and placement service (forms [8.6.3RU](#) or [8.6.3](#));
- 5) maintain a consolidated list of inspection items;
- 6) make decisions on inspection within its competence;
- 7) record Certificates (Statements) of Compliance of crewing companies;
- 8) bear the responsibility for its decisions on issuing, confirmation or cancellation of certificates as well as expansion or narrowing of inspection area;
- 9) ensure confidentiality of information gained during the inspection;
- 10) provide any clarifications required for the applicant's inspection request;
- 11) record and approve corrective action plans (CAP) forwarded by crewing companies to the RS address;
- 12) forward copies of issued or confirmed Certificates (Statements) of Compliance of crewing companies to RHO Department 332;
- 13) not provide consulting services or develop and implement documentation in the crewing company activity

## 4.7. Procedure for inspection / Inspection procedure

### 4.7.1. Request from the crewing company.

4.7.1.1. The crewing company inspection is carried out based on the company request on voluntary inspection of seafarer recruitment and placement service for compliance with MLC Regulation A1.4 duly prepared (Form [8.6.5](#)) and sent by letter, fax or e-mail to the address of the Branch Office carrying out the inspection.

4.7.1.2. The request shall be accompanied with copies of documents indicated in Form [8.6.5](#), if the crewing company applies to RS for the first time.

4.7.1.3. The request review shall be carried out in compliance with ND No. [2-060203-027-E](#), Process Procedure for Reviewing Requests for RS Services.

1) The Head of the RS Branch Office / division carrying out the inspection shall designate a responsible performer who registers a request.

4.7.1.4. Within the request's review, possibility of its performance is assessed. An examined request shall be forwarded to the corresponding file.

4.7.1.5. If it is found in the course of the request review that RS has no possibility for its performance, then an applicant shall be notified thereon in writing. Thereby, RS shall report on possible ways to obtain the necessary services, if they are known.

4.7.1.6. Mandatory scope of data when recording the request includes the following:

- 1) request no.;
- 2) registration date;
- 3) company name;
- 4) type of inspection;



- 5) expected date of inspection;
  - 6) location of inspection
  - 7) date of cancellation.
- 4.7.1.7. The Head of the RS Branch Office / department that carries out inspection, shall define the possibility of its performance by the RS Branch Office / department employees and appoint the lead inspector from the duly qualified employees of the RS Branch Office / department and record his decision in the appropriate field in the lower part of the received notification. It is recommended, as far as practicable, to rotate the ILO inspectors appointed by the lead inspector to perform inspection of the same crewing company. The employee of the RS Branch Office / department performing inspection - assigned the lead inspector, shall contact the crewing company or its representatives applied to RS and arranged performance of required works. Initial contact with the crewing company can be both non-official, and official. The objectives of initial and further contacts may include the following:
- 1) establishment of communication channels with crewing company's representatives;
  - 2) confirmation of authorization to conduct inspection;
  - 3) rendering of information on assumed inspection terms and, if applicable, on inspectors team composition;
  - 4) inquiry to get access to required documents, including reporting ones;
  - 5) outlining of applicable safety and security measures on the object of forth-coming inspection;
  - 6) preparation of actions of forth-coming inspection.
- 4.7.1.8. Depending on the number of branches and personnel of the crewing company as well as inspection terms, the head of division and the lead inspector make a decision on creation of inspection team to carry out this inspection.
- 4.7.2. The crewing company documents review.**
- 4.7.2.1. The crewing company shall submit copies of valid documents describing the company activities as regards to applicable rules (last version) either in a hard copy or in an electronic format to the Branch Office / department.
- 4.7.2.2. Verified results of the documents review shall be submitted to the crewing company as an information letter.
- 4.7.2.3. If the results of the review demonstrate that the crewing company documents do not meet the requirements of MLC Regulation 1.4, further planning and performance of works according to the request may be suspended until the documents are in compliance with the requirements of the convention or until the company cancels the inspection.
- 4.7.2.4. Procedure for arrangement and basic works, participants' interaction, requirements to work scope, control, verification and issuance of the results on the documents review shall be stipulated in the relevant Sections of these Guidelines.
- 4.7.3. Preparing the Inspection.**
- 4.7.3.1. Basic works:
- 1) selection and approval of ILO inspector's team and its head;
  - 2) collection and study of primary and secondary information;
  - 3) inspection plan development and coordination.
- 4.7.3.2. Based on [4.6](#) to [4.7](#) of the Guidelines and the request requirements for crewing company inspection, inspection plan for seafarer recruitment and placement service for compliance with MLC Regulation 1.4 shall be developed and approved (Form [8.6.10](#)).
- 4.7.3.3. Inspection plan shall be submitted to a representative of the Management of the applicant company not less than 3 (three) working days before a due date for acquaintance and coordination.
- 4.7.3.4. Inspection plan shall include:
- 1) date and time of inspection (by the hours and minutes);
  - 2) inspection steps;
  - 3) inspection location/sections (identification of the Branch Office / department, workplace, and position);
  - 4) distribution and fixation of personal responsibility among the RS team of ILO inspectors for this object in specified time.
- 4.7.3.5. Lead inspector shall acquaint every member of the team with the inspection plan; and assign tasks on check-lists compilation. Lead inspector shall be assured that implementation of the planned activities shall enable to perform the inspection plan of the crewing company in full.
- 4.7.3.6. Disputable issues on particular paragraphs of the Inspection Plan shall be coordinated and settled before the inspection starts.

4.7.3.7. Immediately before the inspection starts, lead inspector shall ascertain readiness of each ILO inspector to perform functions fixed in the plan and carry out introduction training on the inspection guidance and the ILO inspectors interaction during the inspection.

4.7.3.8. If additional information on the crewing company is acquired within the inspection, then the Inspection Plan may be corrected based on priority principles. Meantime, lead inspector may introduce changes into the Inspection Plan and into the distribution of the ILO inspector' duties, if it is necessary for achieving the objectives of the inspection. The crewing company representative shall be informed on all changes in the Inspection Plan.

#### **4.7.4. Inspection steps.**

4.7.4.1. inspection shall be divided into three steps:

- 1) first step: opening meeting;
- 2) second step: inspection of the crewing company;
- 3) third step: closing meeting.

#### **4.7.5. Opening meeting.**

4.7.5.1. Opening meeting shall be carried out by the lead inspector. The following persons shall participate in the Opening meeting:

- 1) representative of the crewing company management;
- 2) representatives of the crewing company, assigned for communication with the ILO inspectors;
- 3) heads of the divisions and other employees of the crewing company as decided by its management;
- 4) the ILO inspectors' team.

4.7.5.2. The purpose of opening meeting is the following:

- 1) representation of inspection plan, including information on the inspection objectives, terms, scope and language;
- 2) introduction of the ILO inspectors' team;
- 3) a brief summary of methods and procedures to be used when the crewing company is inspected and recording of deficiencies;
- 4) establishment of procedure and ways for interaction between the ILO inspectors' team and the crewing company representatives;
- 5) confirmation of availability for the ILO inspectors' work facilities (premises, transport, communication, etc.);
- 6) confirmation of safe work conditions arranged by the crewing company;
- 7) confirmation of time and dates for closing and interim meetings between the ILO inspectors' team and the crewing company representatives;
- 8) declaration of confidentiality obligations;
- 9) assurance in the crewing company's personnel awareness and the crewing company readiness for inspection; precise definition of inspection report content, form and submittal terms as well as distribution address;
- 10) answers to questions.

#### **4.7.6. Gathering observations and objective evidences review.**

4.7.6.1. Direct inspection procedure shall consist in the ILO inspectors' work on collecting objective evidences via observations, interviewing, the documents and reports studying for their further review and assessment.

4.7.6.2. The crewing company inspection shall include the following:

- 1) documentation review and assessment for compliance with the requirements of MLC Regulation 1.4;
- 2) evaluation of efficiency of corrective actions for earlier reported deficiencies;
- 3) review of work with claims on behalf of shipowners and seafarers;
- 4) assessment of the crewing company activity;
- 5) review and assessment of information coming from any official sources and confirming the compliance of the crewing company activities on the seafarer recruitment and placement.

4.7.6.3. The crewing company inspection shall be carried out in the form of initial, annual, or renewal inspection and be performed in scheduled manner based on the inspection plan which is formed so that all divisions of the company are inspected within five-year validity term of the Certificate (Statement) of Compliance.

4.7.6.4. Each ILO inspector shall keep data records collected during the inspection. The records shall be thoroughly examined and reviewed.

4.7.6.5. Check list on inspection of seafarer recruitment and placement service for compliance with MLC Regulation 1.4 (Form [8.6.6](#)) shall be used within the crewing company inspection. Questions indicated in the checklist of

the crewing company inspection shall not limit additional actions or interviews performed by the ILO inspector and required to get more detailed information on the company activities.

- 4.7.6.6. When data gathered in the course of inspection detect a serious deficiency, it shall be immediately reported to the company management.
- 4.7.6.7. After or within the inspection, the ILO inspectors shall review and discuss all observation for the lead inspector to decide, which of them shall be reported to the representative of the crewing company management as deficiencies.
- 4.7.6.8. All data that testify deficiencies shall be agreed with the crewing company representative.
- 4.7.6.9. Annual and renewal inspections of the crewing company shall include analysis of deficiencies registered within previous inspections of the company.
- 4.7.6.10. After discussion of objective evidences with the ILO inspectors and then with the representative of the crewing company management, the lead inspector shall take decision on each detected observation and deficiency as regards to their issuance.
- 4.7.6.11. Data acquired within the inspection shall be documented in clear and brief terms and shall be supported with objective evidences. The data shall be reviewed by the ILO inspectors to define what shall be issued as serious deficiencies, deficiencies, or observations.
- 4.7.6.12. The set of all acquired data shall enable inspectors to be ascertain that:
  - 1) the company activities are in compliance with MLC Regulation 1.4;
  - 2) the documents of the crewing company are implemented and applied by the company personnel in its work in full;
  - 3) the required corrective and preventive actions for detected deficiencies are developed and lead to elimination or the reasons of deficiency occurrence.
- 4.7.6.13. If the crewing company has branches and entrusts them with the responsibility related to the activity in the seafarer recruitment and placement, a single inspection shall be possible based on the selective check of branches in order to confirm the compliance with MLC Regulation 1.4.
- 4.7.6.14. List of branches shall be included in Attachment to the Certificate (Statement) of Compliance (Form [8.6.3-1RU](#) or [8.6.3-1](#)).
- 4.7.6.15. If all branches perform the same activity, the number of branches to be inspected shall be as follows:
- 4.7.6.16. Irrespective of the above-mentioned, if the crewing company assigns any office as a head one, it shall be always inspected within initial inspection.

#### **4.7.7. Drawing-up of the results.**

- 4.7.7.1. Inspection results shall be prepared in terms specified in the inspection plan.
- 4.7.7.2. Inspection results shall be issued as a report on the voluntary inspection of seafarer recruitment and placement service for compliance with MLC Regulation 1.4 (form [8.6.9](#)).
- 4.7.7.3. Based on the results of the crewing company inspection, ILO inspectors shall submit a copy of reporting documents with their own recommendations to the Branch Office carrying out the inspection. Possible recommendations
  - 1) the crewing company meets MLC Regulation 1.4. Certificate of Compliance (Statement of Compliance) (form [8.6.3RU](#) or [8.6.3](#)) can be issued.
  - 2) The crewing company meets MLC Regulation 1.4. Performance of the additional inspection of the company shall be required in order to confirm rectification of deficiencies. The Certificate (Statement) can be issued.
  - 3) The crewing company does not meet MLC Regulation 1.4. Certificate (Statement) of Compliance cannot be issued.
- 4.7.7.4. Documents issued based on the inspection results shall be examined, refer to ND No. [2-060203-028-E](#) "Procedure for Control of Quality Records". The report on company inspection (form [8.6.9](#)) shall be obligatory accompanied with all reports on deficiency/observation (form [8.6.8](#)) and draft of Certificate (Statement) of Compliance under initial or renewal inspection.

4.7.7.5. Procedure for checking and storage of the inspection records in the Branch Office carrying out inspection, shall be specified by the RS QMS provisions in force in this Branch Office.

4.7.7.6. Procedure for deficiencies/observations management is defined in [4.7.8](#).

#### **4.7.8. Actions for non-conformities/observations.**

4.7.8.1. In cases, when lead inspector takes decision on issuance of deficiency/observation, it shall be issued as deficiency/observation report (form [8.6.8](#)).

4.7.8.2. In cases, when lead inspector takes decision to issue a serious deficiency, a plan of actions enabling to degrade the deficiency shall be developed by the crewing company.

4.7.8.3. Depending on the type and nature of deficiency, as well as corrective actions suggested by the crewing company, effectiveness of the latter can be assessed by an additional inspection of the company. If this decision is taken by the lead inspector, it shall be issued by introduction of:

- 1) a relevant remark in the issuing report on deficiency/ observation (form [8.6.8](#));
- 2) numbers of reports on deficiency/ observation for which additional inspection shall be carried out, in the relevant field in the Report of Voluntary Inspection of Crewing Agency for Compliance with Regulation 1.4, MLC, 2006 (Form [8.6.9](#)) of the company.

4.7.8.4. If decision on necessity to perform an additional inspection of the crewing company is taken by any RS Branch Office (e.g., based on the results of review of Inspection report and/or Corrective Action Plan), the latter shall inform about it all interested parties in writing.

4.7.8.5. In cases, when lead inspector takes decision on existence of observation, which can lead to deficiency, but there are no firm evidences thereof or these require additional examination, the observation shall be issued as a report on deficiency/observation (form [8.6.8](#)). The third and fourth parts of the report shall not be filled in.

4.7.8.6. Certificate (Statement) of Compliance shall not be issued, endorsed or renewed, if a serious deficiency presents. The serious deficiency shall be degraded within inspection. Grounds under which gradation was decreased within inspection, or serious deficiency was found eliminated, shall be registered in the issued report on deficiency/observation (form [8.6.8](#)). When necessary, Report on the Inspection shall be accompanied with copy (-ies) of document(s) confirming the actions of the lead inspector.

4.7.8.7. After degrading of the serious deficiency, additional inspection of the company shall be carried out within the terms specified in the field "Remarks" of the Report on the Inspection (form [8.6.9](#)) for checking effectiveness of the actions taken.

#### **4.7.9. Closing meeting.**

4.7.9.1. Closing meeting shall be performed at the end of the inspection. Before closing meeting performance, the lead inspector shall carry out the meeting with a representative of the crewing company management to discuss the inspection results and the meeting agenda.

4.7.9.2. The objective of the closing meeting is to introduce the inspection results by the ILO inspectors' team to the crewing company management.

4.7.9.3. Closing meeting shall be chaired by the lead inspector. In agenda, the lead inspector shall:

- 1) inform attendees on the inspection reasons, scope, objectives and methods;

- 2) inform attendees on performance of the Inspection Plan of the company;
- 3) summarize the results and represent conclusions by the ILO inspectors based on the inspection results with relevant facts and comments on detected deficiencies and observations;
- 4) coordinate terms of corrective actions implementation;
- 5) inform attendees with issuance conditions and validity terms of the Certificate (Statement) of Compliance; and
- 6) submit the inspection report to a representative of the crewing company management.

#### **4.7.10. Actions under the inspection results.**

4.7.10.1. Shall the crewing company define all corrective actions in order to eliminate the detected deficiencies and their reasons, the results shall be issued via its representative using the relevant field of the form [8.6.8](#) and sent / submitted to the lead inspector within the term that shall not exceed 30 calendar days after inspection completion for review and approval.

4.7.10.2. Corrective actions shall be effective to ensure the elimination of the deficiency reasons and shall include the development of preventive actions.

4.7.10.3. Confirmation of corrective action implementation shall be checked by the lead inspector during the additional inspection (if necessary), or further annual or renewal inspections.

4.7.10.4. All reports of the crewing company inspection, shall be subject to registration in database of the Branch Office carrying out the inspection.

4.7.10.5. The Book of Registration shall obligatory include:

- 1) company name;
- 2) inspection report No.;
- 3) report date;
- 4) name of the lead inspector;
- 5) number of observations;
- 6) number of deficiencies;
- 7) number of serious deficiencies;
- 8) certificate No.;
- 9) date of issuance;
- 10) validity term;
- 11) necessity of additional inspection;
- 12) specified term of additional inspection;
- 13) assumed date of corrective action plan provision. Actual date of deficiency rectification, No. of the final report.

### **4.8. Issuance of the Certificate (Statement) of Compliance**

**4.8.1.** Head of the Branch Office carrying out the inspection shall take the decision on issuance of the Certificate (Statement) of Compliance (form [8.6.3RU](#), [8.6.3](#)) based on the Report of Voluntary Inspection of seafarer recruitment and placement service for compliance with Regulation 1.4, MLC, 2006 (Form [8.6.9](#)).

**4.8.2.** Based on inspection results and upon their approval, the lead inspector shall issue Certificate (Statement) of Compliance.

**4.8.3.** After issuance of the Certificate (Statement) of Compliance in the Branch Office carrying out the inspection, the original of this document shall be sent for further handover to the crewing company management.

**4.8.4.** Certificate (Statement) of Compliance shall be issued for a 5-year validity term in Russian and/or English.

**4.8.5.** When issuing the Certificate (Statement) of Compliance the fields of the specified forms shall be filled in legibly.

4.8.5.1. When the renewal inspection has been completed within three (3) months before the expiry of the Certificate (Statement) of Compliance, the new Certificate (Statement) of Compliance shall be valid from the date of

completion of the renewal inspection for a period not exceeding five (5) years from the expiry date of the existing certificate.

4.8.5.2. When the renewal inspection has been completed more than three (3) months before the expiry date of the existing Certificate (Statement) of Compliance, the new Certificate (Statement) of Compliance shall be valid for a period not exceeding five (5) years from the date of completion of the renewal inspection.

4.8.5.3. When the renewal inspection has been completed after the expiry of the existing Certificate (Statement) of Compliance, the new Certificate (Statement) of Compliance shall enter into force from the expiry date of renewal inspection and shall be valid for a period not exceeding five (5) years from the expiry of the existing Certificate.

4.8.6. The copy of issued / confirmed Certificate (Statement) of Compliance shall be forwarded to the address of head of RHO Department 332 via "Thesis" System for control within 10 working days after inspection date.

#### **4.9. Withdrawal of Certificate (Statement) of Compliance for the company**

4.9.1. Certificate (Statement) of Compliance shall cease to be in force by the following reasons:

- 1) corrective actions have not been completed within agreed schedule / terms.
- 2) there are evidences that major deficiency has not been eliminated; and
- 3) annual, additional or renewal inspection has not been completed in terms specified by these Guidelines (refer to [4.6](#)).

4.9.1.1. In such cases RS Branch Office carrying out the inspection shall immediately send a written Notification on withdrawal of Certificate (Statement) of Compliance to the crewing company. The copy of notification on withdrawal shall be forwarded to the head of RHO Department 322 via "Thesis" System.

4.9.2. RS can issue Certificate (Statement) of Compliance for the company again only upon the crewing company report on elimination of all deficiencies and additional inspection of the company in the scope of initial inspection. Expiry date of a new Certificate (Statement) of Compliance shall be the same as for withdrawn Certificate (Statement) of Compliance.

#### **4.10. Inspection language**

4.10.1. Russian and English are official languages of the crewing company inspection, as agreed by the parties.

4.10.2. Documents used, registered and issued based on the inspection results, as well as correspondence with customers, may be maintained in any of these two languages, as agreed with the crewing company.

#### **4.11. Payment procedure**

4.11.1. Payment procedure shall be defined based on the crewing company request according to [ND No. 2-040101-002-E](#) General Conditions for Rendering Services by Russian Maritime Register of Shipping.

### **5. Applied document forms**

5.1. The following records shall be kept under these Guidelines application results:

- 1) Request on inspection of seafarer recruitment and placement service for compliance with Regulation 1.4, MLC, 2006 – Form [8.6.5](#);
- 2) Inspection Plan of seafarer recruitment and placement service for compliance with Regulation 1.4, MLC, 2006– Form [8.6.10](#);
- 3) Report on inspection results of the seafarer recruitment and placement service for compliance with MLC Regulation 1.4 – Form [8.6.9](#);
- 4) Report on Non-conformity/Observation and Corrective Action Plan – Form [8.6.8](#);

- 5) Statement of Compliance seafarers recruitment and placement service – form [8.6.3](#) or Certificate of Compliance seafarers recruitment and placement service – form [8.6.3RU](#);
- 6) Attachment to the Statement of Compliance – Form [8.6.3-1](#) or Attachment to the Certificate of Compliance – form [8.6.3-1RU](#);
- 7) Check-list for audit / inspection of seafarer recruitment and placement service in compliance with MLC Regulation, 2006 – Form [8.6.6](#).

## 6. Monitoring, measurement, review and assessment

6.1. Indicators specified in Table 6.1 are established to measure and assess the effectiveness of the procedure. The indicators are calculated by the specialists of Department 322 based on the results of random verification of the reporting documents received from Branch Offices and data from RS information systems. The scope of reporting documents sampling for verification is established by the specialist of Department 322 considering the results of previously carried out verifications and other factors. The data are analyzed quarterly. Monitoring results are submitted to Quality Department and RS Branch Offices engaged in inspection process.

Table 6.1

Process name	Process measurement performance, definitions	Desired trend	Responsible for data accumulations	Records of data in the RS Branch Offices 100, 200 are required	The process as applied to the RHO Locations / RS Branch Offices
Inspection of crewing companies for compliance with MLC Regulation 1.4	$Q_{cert\ with\ errors} / Q_{cert}$ Number of certificates issued in RS Branch Offices with errors to the total number of certificates issued by RS Branch Offices	↓	322	No	100, 200
	$Q_{NC} / Q_{report}$ Number of reports drawn up by RS Branch Offices with errors in non-conformity wordings (observations) to the total number of reports from RS Branch Offices. Verification	↓	322	No	100, 200
	$Q_{term} / Q_{report}$ Number of reports from RS Branch Offices issued with terms violation to the total number of reports from RS Branch Offices	↓	322	No	100, 200