



South African Maritime Safety Authority

Ref: SM6/5/2/1

Date: 3 July 2013

Marine Notice No. 19 of 2013

Accreditation of seafarer recruitment and placement agencies

TO RECRUITMENT AND PLACEMENT AGENCIES, SHIP OPERATORS, SEAFARERS, MARITIME TRAINING INSTITUTIONS AND PRINCIPAL OFFICERS

Summary

This marine notice notifies the industry of South Africa's ratification of the Maritime Labour Convention and the requirements for recruitment and placement agencies to be accredited.

- 1 South Africa ratified the Maritime Labour Convention on 21 June 2013.
- 2 The convention enters into force on 20 August 2013.
- 3 Standard A1.4.2 of the Maritime Labour Convention requires that seafarer recruitment and placement services "shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation.
- 4 Seafarer Recruitment and Placement Agencies are therefore required to be accredited by SAMS for the supply of seafarers placed on vessels where the flag State has ratified the Convention.
- 5 SAMS will audit, with the purpose of issuing a certificate of accreditation, in terms of the Maritime Labour Convention, agencies that are required by the flag State and the shipowner to demonstrate compliance with the convention.
- 6 SAMS is awaiting promulgation of the Merchant Shipping (Seafarer Recruitment and Placement) Regulations before a certificate of accreditation can be issued in terms of these regulations.
- 7 To assist agencies to prepare for the audit the checklist to be used is attached as an annex. The checklist is a generic in that it caters for the issue of a certificate of accreditation in terms of the convention and domestic legislation, when promulgated.

3 July 2013

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ANNEX

Are you aware of what SAMSA Regulations require of you?



The Merchant Shipping (Seafarer Recruitment and Placement) Regulations require that “no person may operate recruitment and placement services unless that person holds a certificate of accreditation issued by the Authority” and “the authorised representative of a ship must ensure that no person is recruited or placed for work by a seafarer recruitment or placement service unless the service holds a certificate of accreditation issued by the Authority”.

To assist the recruitment agencies, the following checklist has been compiled for your guidance.

THE SURVEYOR WILL REQUEST A COMPLETED FORM FROM THE RECRUITMENT AND PLACEMENT AGENCY BEFORE AUDITING FOR ACCREDITATION

Representative Declaration

I, the responsible person of the recruitment and placement agency..... have read and completed the checklist in preparation for the accreditation of the recruitment and placement agency

Name..... Position.....

Signature..... Date.....

The following table is to be completed by the applicant.

Reference to Seafarer Recruitment & Placement Regulations.	Reference to the Maritime Labour Convention.	Where documents or details are requested, these are to be provided by the Applicant or their existence verified.	Check (✓)
6(1) (a)	1.4.3	Name and Physical Address of the Agency	
6(1) (b)	1.4.3	Name of each placement agent, qualifications and experience	
6(1) (c)	A1.4.3(d)	Details of quality assurance system	
6(2) (a)	A1.4.6	Copy of the Merchant Shipping Act	
6(2) (b)		Copy of the current MS (Safe Manning, Training & Certification) Regulations 2013	
6(2) (c)		Copy of the Maritime Labour Convention	
6(2) (d)		Copy of the STCW and STCW-F Convention	
6(2) e)		Each vessel to have a copy of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance: Parts 1 & 2	
6(3) (a)	2.1	Contract between the agency and ship owner	
6(3) (b)	A2.1.1(a)	Contract between the agency and seafarer	
6(3) (c)		Contracts to be retained for 5 years	
7	A1.4.5(b)	Verify that no fees for placement are paid by the seafarer	
8(1)(a)	A1.4.5(c)(i)	Register of all seafarers recruited and placed	
8(1)(b)	A1.4.5(c)(ii)	Declaration that the Seafarer has been informed of his/her rights with regard to the employment agreement	
8(1)(c)	A1.4.5(c)(iii)	Verify that seafarers are properly and appropriately qualified	
8(1)(d)	2.5	Ensure the ship owner has means to repatriate seafarers	
8(1)(e)	A1.4.5(c)(v)	Record of investigation and response to complaints	
8(1)(f)	A1.4.5(c)(v)	Records of complaints forwarded to the Authority	
8(1)(g)	A1.4.5(c)(vi)	Provide proof of insurance that compensates the seafarer in the event of the failure of the agency	
8(1)(h)	A1.4.8	Verify that the seafarer has been advised that the State in which they have been placed has not ratified MLC (if applicable)	
8(1)(i)	B1.4.2(g)	Verify that the seafarer has been advised of any particular condition or ship owner's policies	
8(1)(j)	B1.4.2(j)	Verify that requests for information from families have been dealt with at no cost	
8(1)(k)		Verify that the ship owner has in place financial protection for:	
8(1)(k)(i)	A4.2.1	I. medical costs in the event of an accident	
8(1)(k)(ii)	B4.2.3	II. funeral and death cover including repatriation of the body	
8(1)(k)(iii)	2.6.1	III. loss of personal belongings due to an accident to the ship	
8(1)(k)(iv)	A1.4.5(c)(iv)	IV. repatriation costs if the seafarer is stranded	
10 (1)	A2.1	Contract of employment which shall include:	
10 (1)(a)	A2.1.4	Full names of the contracting parties	
10 (1)(b)	A2.1.4(a)	Full name, passport number or identity number of the Seafarer	

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10 (1)(c)	A2.1.4(k)	Names and contact details of next of kin	
10 (1)(d)	A2.1.4(c)	The place and date where the contract is entered into	
10 (1)(e)	A2.1.4(g)	The date the contract terminates	
10 (1)(f)	A2.1.4(d)	The capacity in which the seafarer is employed	
10 (1)(g)	A2.1.4(e)	The seafarer's wages, including overtime and other financial compensation	
10 (1)(h)	A2.1.4(f)	The seafarer's leave entitlement	
10 (1)(i)	B2.2.2.4(h)	Any deductions from wages agreed to	
10 (1)(j)	A2.2.1	The frequency of payment of wages	
10 (1)(k)	A2.1.2	Details of any collective bargaining agreement	
10 (1)(l)	A2.1.5	Notice periods required by either party	
10 (1)(m)	A2.1.4(h)	Verify accident and death insurance cover provided	
10 (1)(n)	A2.1.1(b)	Any other obligations or rights that either party may agree to	
11	A1.4.5(b)	Verify that seafarer is not liable for the cost of visas	