

No. 10B Procedure for the Selection, Training,
(Dec 2016) **Qualification and Authorisation of Maritime
Labour Inspectors**

Note:

1. This procedural requirement applies from 1 January 2017.

**No.
10B**

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LIST OF CONTENTS

1. General
 2. Competence requirements
 3. Selection criteria
 4. Theoretical training
 5. Examination
 6. Practical training
 7. Training (general)
 8. Authorisation
 9. Maintenance of authorisation
 10. Update training
 11. Records
- Appendix 1. Detailed learning objectives

**No.
10B**

(cont)

1. General

1.1 This Procedural Requirement describes the IACS requirements for the selection, training, qualification and authorisation of maritime labour inspectors responsible for verifying compliance with the Maritime Labour Convention, 2006 (MLC, 2006). These requirements have been developed in accordance with the provisions outlined below.

1.2 Paragraph 3 of Standard A5.1.4 of the MLC, 2006 *“Inspection and enforcement”* requires that “Adequate provision shall be made to ensure that the inspectors have the training, competence, terms of reference, powers, status and independence necessary or desirable so as to enable them to carry out the verification and ensure the compliance referred to in paragraph 1 of this Standard.”

1.3 Paragraph 1 and subparagraph 1(b) of Standard A5.1.2 of the MLC, 2006 *“Authorization of recognized organizations”* requires that “the competent authority shall review the competency and independence of the organization concerned and determine whether the organization has demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred on it, that the organization has the ability to maintain and update the expertise of its personnel;”

1.4 Paragraph 4 of Guideline B5.1.2 of the MLC, 2006 *“Authorization of recognized organizations”* requires that “Each Member should require the recognized organizations to develop a system for qualification of staff employed by them as inspectors to ensure the timely updating of their knowledge and expertise.”

2. Competence requirements

2.1 Those responsible for verifying compliance with the requirements of the MLC, 2006 must be able to demonstrate:

1. Knowledge and understanding of the principles and practice of management systems auditing.
2. Knowledge and understanding of the requirements of MLC, 2006.
3. Awareness of applicable national laws and regulations and relevant international instruments.

See Appendix 1 for a more detailed list of learning objectives.

2.2 In addition, they must demonstrate that they have the ability to apply such knowledge and understanding and that they are capable of carrying out effective inspections of the seafarers’ working and living conditions on board against the MLC, 2006.

2.3 The competences described above may be acquired as a result of any combination of the following:

1. Previous relevant qualifications and experience.
2. Theoretical training.
3. Practical training.

**No.
10B**
(cont)**3. Selection Criteria**

3.1 In order to be accepted for training as a maritime labour inspector, the candidate must be, as a minimum:

3.1.1 marine management systems auditor qualified in accordance with PR 10; or

3.1.2 survey staff qualified in accordance with PR 7. In addition, the candidate must have at least five years of experience in areas relevant to the technical or operational aspects of shipboard operational management. Such experience may be gained in the following ways:

- ship classification or statutory surveys; or
- sea-going service as a certificated watch-keeping officer; or
- employment in a technical role (for example: technical manager, superintendent, operations manager) in a ship management company; or
- any combination of these three.

3.2 Exceptionally, alternative qualifications and experience may be considered provided that they can be shown to be at least equivalent to those specified in paragraph 3.1 above and are an acceptable basis for maritime labour inspector.

4. Theoretical training

4.1 Theoretical training should address all the areas listed in paragraph 2.1 above. The time spent on each topic and the level of detail that it is necessary to include will depend on the qualifications and experience of the trainees, their existing competence in each subject, and the number of training inspections to be carried out.

4.2 The training may be modular in structure, in which case the period over which the theoretical training is delivered must not exceed twelve months.

4.3 A minimum of five days of theoretical training shall be provided. Where appropriate, some elements may be delivered by means such as distance learning and e-learning. One day of distance or e-learning is considered equivalent to one day of classroom training. However, at least three days shall be classroom-based in order to allow for discussion and debate and to allow candidates to benefit from the experience of the trainer.

4.4 In addition, in case of candidate not qualified as a marine management systems auditor, the candidate must have attended at least one day of classroom-based training in the principles and practice of management system auditing.

5. Examination

5.1 Confirmation that the learning objectives have been met shall be demonstrated by written examination¹ at the end of the theoretical training, or at the end of each module if the training is not delivered in a single training course.

¹ This can be done in paper or electronic format.

**No.
10B**

(cont)

5.2 If the trainee fails the written examination, or any part thereof, a single resit will be permitted. A candidate who fails the resit will be required to undergo the corresponding theoretical training again before being allowed to make another attempt at the examination.

5.3 A candidate who passes a written examination shall receive a certificate, statement or other record indicating which of the competences specified in paragraph 2.1 have been addressed, and the dates on which the corresponding training took place.

6. Practical training

6.1 A person authorised to carry out maritime labour inspection must have completed under supervision and in accordance with the following criteria at least:

1. one inspection within the scope of maritime labour initial, intermediate or renewal inspection for a qualified marine management systems auditor; or
2. two inspections within the scope of maritime labour initial, intermediate or renewal inspection for a survey staff not qualified as a marine management systems auditor.

6.2 All training inspections stated in 6.1 above must be carried out under the supervision of qualified inspectors and inspections must be completed within twenty-four months of the end of the theoretical training.

6.3 The duration of each maritime labour inspection is to include preparation and reporting time but not travel time.

6.4 The training inspections described in paragraph 6.1 constitute the minimum requirement, and each society should establish procedures for ensuring and demonstrating that the competence required by paragraph 2.2 has been achieved. The final number of training inspections should be sufficient not only to demonstrate competence, but also to ensure that the prospective inspector has had sufficient practice to provide the confidence necessary to work alone.

6.5 In addition to the training inspections described above, candidates must have completed a Declaration of Maritime Labour Compliance (DMLC) Part II review under supervision. This may be carried out as part of the theoretical classroom training. Amended DMLC Part II may be used if the complete DMLC Part II was sent for re-review.

7. Training (general)

7.1 The total training must not be less than the minima specified in 4.3, 4.4 and 6.1 above except in those cases in which theoretical and/or practical training are reduced based on the candidate's previous qualifications and experience.

8. Authorisation

8.1 A record shall be maintained, indicating authorisation granted to candidates who have passed the written examination required by paragraph 5.1 and who have successfully completed the practical training described in paragraph 6.

**No.
10B**
(cont)**9. Maintenance of authorisation**

9.1 A qualified inspector who has not performed at least one maritime labour inspection, addressing all aspects of the MLC, 2006 in any twenty-four-month period shall be required to undergo revalidation training of one maritime labour inspection under the supervision of a qualified inspector. ISM/ISPS audits can be substituted for the maintenance of this authorisation.

9.2 A qualified inspector who has not performed any maritime labour inspection in any five-year period shall be required to undergo revalidation training to include a one-day refresher course and one maritime labour inspection under the supervision of a qualified inspector. The refresher course should include familiarisation with the latest version of the inspection and certification procedures, changes in national regulatory requirements, new or updated reporting systems, the most recent guidance on the interpretation and application of the MLC, 2006. This course may be delivered by alternative learning methods (distance learning, video conference, webinars, etc.).

10. Update training

10.1 Each society must ensure that its inspectors are kept informed of all regulatory and procedural developments related to MLC, 2006 and that they receive guidance on matters of regulatory and procedural interpretation as these evolve.

11. Records

11.1 Records shall be created and retained for each inspector indicating:

1. Qualifications and experience gained prior to training as a maritime labour inspector
2. Theoretical training received
3. Examination results
4. Practical training received
5. Authorisations granted
6. Update training received
7. Re-authorisation in the event of lapsed authorisations

**No.
10B**

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Appendix 1**Detailed learning objectives**

Those responsible for verifying compliance with the MLC, 2006 must be able to demonstrate knowledge and understanding of:

1. The principles and practice of management systems auditing

- The terminology used in management systems and their verification.
- General management systems principles and concepts.
- The design, implementation and administration of a documented management system.
- Continual improvement in a management system.
- Audit objectives.
- The roles, responsibilities and activities of the auditor.
- The preparation and planning of an audit.
- The execution of the audit.
- Audit reporting and follow-up.
- The management of an audit team.

NOTE: Marine management systems auditors, including ISO qualified auditors, are deemed to have met above requirements.

2. The requirements of the Maritime Labour Convention, 2006

- The background to the MLC, 2006 and the maritime context.
- Articles of the MLC, 2006.
- Title 1 – Minimum requirements for seafarers to work on a ship.
- Title 2 – Conditions of employment.
- Title 3 – Accommodation, recreational facilities, food and catering.
- Title 4 – Health protection, medical care, welfare and social security protection.
- Flag State inspection and certification under Title 5.
- Complaints under Title 5.
- Port State Control under Title 5.
- Applicable national regulatory requirements for implementing the MLC, 2006.

**No.
10B**
(cont)

- The content of the procedures and work instructions of the Recognized Organization that govern the maritime labour inspection and certification process.

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