



GUIDE FOR

**CERTIFICATION OF SEAFARER RECRUITMENT AND
PLACEMENT SERVICE PROVIDERS**

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**American Bureau of Shipping
Incorporated by Act of Legislature of
the State of New York 1862**

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Foreword

This ABS *Guide for Certification of Recruitment and Placement Service Providers*, hereafter referred to as “this Guide”, has been developed with the objective of establishing the minimum requirements expected of those agencies providing manning services for vessels subject to the International Labour Organization Maritime Labour Convention, 2006.

The requirements in this Guide are based on industry recognized quality management system principles and are in addition to the requirements of the ILO Maritime Labour Convention, 2006, hereafter referred to as “the Convention”.

Nothing in this Guide is intended to supersede any portion of the Convention. Where conflict may arise between this Guide and the Convention, the requirement of the Convention is to have precedence.

Users of this Guide are welcomed to contact ABS with any questions or comments concerning this Guide. Users are also advised to check periodically on the ABS website www.eagle.org to verify that this version of the Guide is current. Comments or suggestions can be sent electronically to rsd@eagle.org

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GUIDE FOR

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SECTION 1 General

1 Terms and Definitions

Audit – Systematic, independent, and documented process for obtaining and evaluating objective evidence through a sampling process to determine the extent to which “audit criteria” are fulfilled.

Auditor – Person with the competence to conduct an audit.

Certification (MLC) – The decision by ABS that the Company’s management system meets the applicable requirements of the *ABS Guide for Certification of Seafarer Recruitment and Placement Service Providers* and the Convention.

Continual Improvement – The recurring process of enhancing the management system in order to achieve best management practices and other improvements in overall performance of the management system.

Convention – Means the International Labour Organization Maritime Labour Convention, 2006 (MLC, 2006).

Corrective Action – Action to eliminate the cause of a detected deficiency or other undesirable situation.

Competent Authority – Means the Minister, government department, or other authority having power to issue and enforce regulations, orders, or other instructions having the force of law in respect of the subject matter of the provision concerned.

Customer – Company or person that receives a product or service.

Customer Satisfaction – Perception of the degree to which the Customer’s requirements have been fulfilled.

Internal Audit – Systematic, independent, and documented process for obtaining and evaluating objective evidence through a sampling process to determine the extent to which the management system audit criteria are fulfilled.

Interested Parties – Person or group, inside or outside the workplace, concerned with or affected by the performance of the Company.

Major Nonconformity – The identifiable deviation where there are grounds to believe that deficiencies constitute a serious breach of the requirements of the Convention (including seafarers’ rights), or represent a significant danger to seafarers’ safety, health, and/or security.

Management System – The interrelated or interacting processes used to direct and control a Company.

Manning Agency – See “Seafarer Recruitment and Placement Service”.

Maritime Labour Convention, 2006 – The comprehensive International Labour Convention adopted on 23 February 2006, which defines seafarers’ rights to decent conditions of work on a wide range of subjects. Also referred to as “the Convention”.

Objective – A goal stated in terms of the management system’s performance that the Company sets itself to achieve.

Objective Evidence – Means quantitative or qualitative information, records, or statements of fact based on observation, measurement, or testing that can be verified.

Observation – Means a statement of fact made during a management audit and substantiated by objective evidence.

Preventive Action – Action to eliminate the cause of a potential non-conformity or other undesirable potential situation.

Procedure – Specified way to carry out an activity or a process.

Record – Document stating results achieved or providing evidence of activities performed.

Requirement – A need or expectation generally stated, generally implied, or obligatory.

Seafarer – Means any person who is employed or engaged or works in any capacity onboard a ship to which the Convention applies.

Seafarer’s Employment Agreement – Includes both a contract of employment and articles of agreement.

Seafarer Recruitment and Placement Service – Means any person, company, institution, agency, or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.

Ship – Means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

Shipowner – Means the owner of the ship or another organization or person, such as the 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 Maritime Labour Convention, 2006, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the shipowner.

Top Management – Person(s) who directs or controls a Company.

2 Certification

Companies seeking certification to the requirements of this Guide shall fulfill the following responsibilities:

- i) Document, implement, and maintain a management system in accordance with the pertinent requirements of this Guide
- ii) Submit management system manual(s) and appropriate supporting documentation to ABS for review.
- iii) Satisfactorily complete an initial audit to verify compliance with the requirements of the Convention and this Guide.
- iv) Inform ABS in writing of major changes to management system elements so that the changes may be evaluated by ABS and appropriate action taken. Major changes are considered as any change that alters the intent or substance of the management system including: managerial organizational structure, upgrade/downgrade of process capability, location, control or flow.
- v) Satisfactorily complete periodical surveillance or additional audits at intervals not exceeding twelve months to verify ongoing compliance with the requirements of the Convention and this Guide and continual improvement of the management system.
- vi) Satisfactorily complete a renewal audit at the end of the three-year certification cycle.

Assessments are based upon a sampling process. The absence of recorded nonconformities does not mean that none exist. Nothing contained herein or in any certificate or report issued in connection with a certificate is intended to relieve any designer, builder, owner, manufacturer, seller, supplier, repairer, operator, insurer, or other entity of any duty to inspect or any other duty or warranty, express or implied, nor to create any interest, right, claim, or benefit in any insurer or other third party.

In fulfillment of the foregoing, ABS is to be allowed access to all certified locations during normal working hours in order to assess the management system to determine compliance with the Convention and this Guide.

This Guide is subject to revision without notice. Updates may include, among other things, additional requirements or clarification of existing requirements. Companies certified to the requirements of this Guide shall be required to comply with the changes within two years after their publication. The latest version of this Guide can be freely referenced from the ABS website: “www.eagle.org”, in the Rules and Guides section.

3 Representations

Certification is a representation by ABS that, at the time of assessment, the Company had established and implemented a management system in accordance with the requirements in this Guide. Certification is not a representation that the Company always acts in compliance with the management system or that the management system addresses all contingencies. Management performance remains the responsibility of the Company.

4 Termination

The continuance of certification is conditional upon the Company's continued compliance with the Convention and this Guide. ABS reserves the right to reconsider, withhold, suspend or cancel the certificate for noncompliance with the requirements, refusing access for an assessment or verification, or nonpayment of fees which are due on account of certification and other services.



SECTION **2** Management Responsibility

1 Quality Policy and Objectives

- 1.1** The Company's top management should establish, document, and maintain a quality policy in accordance with and appropriate to the management system.
- 1.2** The Company's top management is responsible for effectively communicating its quality policy and objectives throughout the organization. The quality policy should include a commitment indicating that there are no charges to the seafarer for recruitment and placement services offered and that no means, mechanisms, or lists intended to prevent or deter seafarers from gaining employment for which they are qualified will be used by the recruitment and placement service or agency.
- 1.3** The Company's organizational goals and expectations should be established, monitored, measured, and analyzed by its management to verify that the processes are implemented effectively.
- 1.4** All costs which the seafarer will be expected to bear in the recruitment and placement process are to be clearly publicized and communicated to seafarer candidates.

2 Management System

- 2.1** The Company should establish, document, implement, maintain, and continually improve a management system in accordance with the requirements of this Guide. The Company should define and document the scope of certification of its management system.
- 2.2** The documented procedures required by this Guide are to be maintained in the management system manual, which may be in electronic format.

3 Control of Documents

The Company shall establish, implement, and maintain a documented procedure for the control of documents required to be maintained by this Guide.

4 Control of Records

The Company shall establish, implement, and maintain a documented procedure for the maintenance of records required to be maintained by this Guide.

5 National and Other Legal Requirements

The Company's management system is to adequately address and provide for fulfillment of national and other applicable legal requirements.

SECTION **3 Provisions for Recruitment and Placement Services**

1 Registers

1.1

The Company is to maintain an up-to-date register of vessels, including emergency contact information, for which manning services have been provided.

1.2

An up-to-date register of seafarers recruited or placed shall be maintained by the manning agency, including the following records:

- i)* Seafarer's qualifications and training
- ii)* Record of employment
- iii)* Personal data relevant to employment
- iv)* Medical data relative to employment

1.3

The Company is to implement adequate procedures to verify that all mandatory certificates and documents submitted for employment are up-to-date and have not been fraudulently obtained and that employment references are verified.

1.4

The Company shall ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly, sympathetically, and at no cost.

2 Exploitation

The Company is to implement and maintain a documented procedure describing the measures to be followed to prevent the opportunity for exploitation of seafarers, including the offer of engagement on particular ships by particular companies or arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarer which are handled by the manning agency.

3 Review of Recruitment and Placement Service Requirements

3.1

The Company shall periodically review the requirements related to service expectations and shall ensure that:

- i)* Recruitment and placement service requirements are defined.
- ii)* Costs associated with the seafarer employment are clearly defined, including costs which are to be borne by the seafarer.
- iii)* The Company has procedures in place to fulfill customer requirements.

3.2

Where recruitment and placement service requirements are changed, the manning agency shall ensure that relevant documents are amended and that relevant personnel are made aware of the changed requirements.

3.3

Records of the results of the review and actions arising from the review shall be maintained.

4 Employment Agreements

4.1

The manning agency shall establish a documented procedure for ensuring that:

- i)* Every seafarer is provided with a copy of their employment agreement.
- ii)* Seafarers' are informed of their rights and duties under their employment agreements before signing. This process shall include allowing the seafarer to review, examine, and seek advice on the agreement prior to signing.
- iii)* The seafarers are advised of possible concerns when signing on a vessel registered by a flag State that has not ratified the Convention.
- iv)* Seafarer employment agreements meet applicable national laws and regulations and where applicable, the collective bargaining agreement that forms part of the employment agreement.

4.2

Records of seafarer's employment agreements are to be maintained.

4.3

The Company is to implement adequate procedures for ensuring a system of protection, insurance, or equivalent measure to compensate seafarers for monetary loss incurred as a result of the manning agency's or shipowner's failure to fulfill their obligations under the seafarer's employment agreement.

4.4

The Company is to implement adequate procedures to verify that the shipowner has taken responsibility for the seafarer's welfare during the validity of the seafarer's employment agreement and that this is clearly identified.

4.5

The Company is to implement adequate procedures to verify that the shipowner has the means to prevent the seafarer from being stranded in a foreign port.

5 Competence, Training, and Awareness

The Company shall implement and maintain a documented procedure to:

- i)* Determine that agency staff and seafarers recruited or placed are qualified and hold the proper credentials necessary for the job
- ii)* Provide training as necessary to develop necessary skills for employment, utilizing approved facilities as appropriate
- iii)* Evaluate the effectiveness of actions taken
- iv)* Ensure that its personnel are aware of the relevance and importance of their activities and how they contribute to the achievement of the quality objectives
- v)* Maintain appropriate records of education, training, skills, and experience (i.e., vessel type, position, etc.)

- vi)* Implement controls needed to recruit and train potential candidates for hire
- vii)* Ensure seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of particular shipowner's policies relating to their employment

6 Seafarer Complaints

The Company shall establish a documented procedure for receiving, processing, and responding to seafarer complaints and nonconformities, including a process for notifying the competent authority of any unresolved complaint(s). The responsibility and authority of personnel handling seafarer complaints shall be clearly defined.

Records of seafarer complaints, nonconformities, and any subsequent actions taken shall be maintained.

SECTION 4 Measurement, Planning, and Improvement

1 Customer Satisfaction and Communications

1.1 Top management shall ensure that customer requirements are determined and met with the aim of enhancing customer satisfaction. Additionally, the Company shall monitor information related to the customer's perception relative to the fulfillment of customer requirements.

1.2 The Company should manage effective communications with customers relative to:

- i)* Services information
- ii)* Inquiries
- iii)* Contracts or order fulfillment including amendments
- iv)* Customer feedback

1.3 Records of customer communications are to be maintained. The company should review and evaluate customer satisfaction related to management system performance and service realization.

2 Internal Audits

2.1 The Company should carry out internal audits to verify the effectiveness of the management system.

2.2 Internal audits should be scheduled at intervals not exceeding twelve months and should cover all pertinent areas of the management system.

2.3 The selection of auditors and conduct of the audit should ensure objectivity and impartiality of the audit process. Auditors should be independent of the areas being audited unless this is impracticable due to the size of the Company.

2.4 The results of internal audits should be brought to the attention of all personnel having responsibility for the activities audited. Management personnel responsible for the area involved are to take timely corrective action on audit findings and their causes.

2.5 A documented procedure detailing the requirements for planning and conducting audits as well as the handling of corrective actions is to be implemented and maintained.

2.6 Records of audits and subsequent results are to be maintained.

3 Control of Nonconforming Service Delivery (Product)

The Company shall implement and maintain a documented procedure to address the manner in which controls are to be exercised to prevent unintended delivery of nonconforming service.

Records of nonconforming service and subsequent actions are to be maintained.

4 Continual Improvement

The Company shall continually improve the effectiveness of the management system through the use of the quality policy, quality objectives, audit results, analysis of data, corrective and preventative actions, and management review.

5 Corrective Action

The Company is to implement and maintain a documented procedure to address the manner in which control, analysis, and corrective actions taken to resolve and preclude the recurrence of nonconformities are to be applied.

Records of corrective actions are to be maintained.

6 Preventative Action

The Company is to implement and maintain a documented procedure to address the manner in which control, analysis, and preventative actions taken to preclude the occurrence of nonconformities are to be applied.

Records of preventative actions are to be maintained.

7 Management Review

7.1

The Company should carry out management reviews to verify the effectiveness of the management system.

7.2

Management reviews should be scheduled at intervals not exceeding twelve months and should cover all pertinent areas of the management system including:

- i)* Results of internal and external audits
- ii)* Customer feedback
- iii)* Process performance
- iv)* Status of corrective and preventative actions
- v)* Follow-up actions from previous management reviews

7.3

A documented procedure detailing the requirements for planning and conducting management reviews as well as the handling of follow-up actions is to be implemented and maintained.

7.4

Records of management reviews and subsequent follow-up actions are to be maintained.

APPENDIX 1 Correspondence between ABS RPS Guide, MLC 2006, and ISO 9001:2008

| | <i>ABS Guide for Recruitment and Replacement Services</i> | <i>MLC, 2006</i> | <i>ISO 9001</i> |
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