



FSC Class
FORESIGHT SHIP CLASSIFICATION
福 氏 船 级 社

Circular No.: FSC202402

主题：迎检指南—海员工资及海员就业协议为主题的集中检查行动

RE : Circular on Releasing Inspection Guide for CIC on Seafarers' Wages and SEA

至：各船东及船舶管理公司、有关部门、本社验船师及审核员：

TO : Shipowners, Managers, Operators, Relevant departments,
Surveyors and Auditors:

2024年9月1日起，东京备忘录（Tokyo Mou）和巴黎备忘录（Paris Mou）联合开展集中检查会战（CIC），主题为“海员工资和海员就业协议”，集中检查会展将持续到2024年11月30日。为做好此次集中检查会展迎检工作，我社特发布迎检指南，具体内容如下：

Starting from 01 September, 2024, the Tokyo Mou and Paris Mou had conducted CIC with the theme of "Seafarer Wages and Seafarer Employment Agreements". The CIC will continue until 30 November, 2024. To prepare for the upcoming CIC, our company has released a guide for the inspection, which includes the following specific contents:

● **检查问题清单 Checklist**

在本次集中检查中，东京备忘录委员会预先提供了一份检查问题清单（10项），检查主要是关于MLC的PSC16个领域中的船员就业协议、工资、遣返财务担保、船东财务担保4个领域（A5.2.1 and Appendix A5-III）。检查问题清单见下图：

Regarding this CIC, the Tokyo Mou provided a list of 10 inspection issues in advance. The inspection mainly focused on the PSC of MLC in 16 areas, including SEA, wages, repatriation financial guarantees, and Shipowner financial guarantees (A5.2.1 and Appendix A5-III). The checklist of inspection issues is shown in the following figure:



CIC on Crew Wages and Seafarer Employment Agreement (MLC)			
Inspection Authority			
Ship Name		IMO Number	
Date of Inspection		Inspection Port	

No.	Item	Yes	No	N/A	Detention
Q1*	Is the seafarer given a SEA signed by both the seafarer and the shipowner or a representative of the shipowner?				
Q2*	Is the seafarer able to access information regarding their employment conditions on board?				
Q3	Are standard form of seafarers' employment agreements and parts of any applicable collective bargaining agreements subject to port State control under Reg.5.2, available in English?				
Q4*	Does the seafarers' employment agreement include all the required elements specified in the MLC, 2006?				
Q5*	Do particulars included in the seafarers' employment agreement comply with MLC, 2006 requirements?				
Q6*	Are wage or salary payments made to the seafarer at no greater than monthly intervals?				
Q7*	Have seafarers been given a status of accounts and wages paid on at least a monthly basis?				
Q8*	Are wage or salary payments in accordance with any applicable CBA or SEA?				
Q9*	If payments made to a seafarer include deductions, are they in accordance to the MLC, 2006?				
Q10a*	Is a certificate or documentary evidence of financial security, issued by the financial security provider, available on board in the event of compensation for death and long-term disability?				
Q10b*	Is a certificate or documentary evidence of financial security, issued by the financial security provider, available on board in the event of the repatriation?				

Note:

- Questions 1 to 10b answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection.
- If the box "NO" is ticked off for questions marked with an "**", the ship may be considered for detention.

● 问题清单解读 Interpretation of the Checklist

问题1：海员是否得到由海员和船东或船东代表共同签署的海员就业协议？

Q1: Is the seafarer given a SEA signed by both the seafarers and the shipowner or a representative of the shipowner?

1. 公约依据 Convention basis

2. 要点分析 Key points analysis

a) 船东和海员应各有一份经双方认可签字的SEA原件，船长应保存一份与原件相同的副本供外部检查；The Shipowner and seafarer shall each have an original SEA signed by both parties, and the Captain shall keep a copy identical to the original for external inspection;

b) 如该协议由招募安置机构或者船长代表船东与船员签署，船上应有一份船东的书面授权，建议授权应有明确的有效期；如船长代表船东签署，那么船长的协议需要与船东签署；If the agreement is signed by the recruitment and resettlement agency or the Captain on behalf of the Shipowner with crew, there should be a written authorization from the Shipowner on board, and it is recommended that the authorization should have a clear validity period; If the captain signs on behalf of the shipowner, then the Captain's agreement needs to be signed with the Shipowner;

c) 海员在自愿签SEA之前有机会审核和征求意见；Seafarers have the opportunity to review and seek opinions before voluntarily signing SEA;

d) SEA中的船东应为MLC证书和DMLC-PART II上的船东；The Shipowner in SEA should be the Shipowner on MLC certificate and DMLC-PART II;

e) SEA应在有效期内，并且应特别注意SEA的生效时间，如存在职务晋升，工资标准调整等情况，SEA应重新签订，并且应保障船员在船连续工作时间不超过12个月；对于部分港口国有特殊要求，遵从港口国意见，稳妥做法为不超过11个月；SEA should be within its validity period, and special attention should be paid to the effective time of SEA. In case of job promotion, salary standard adjustment, etc., SEA should be re signed, and crew members should be guaranteed to work continuously on

board for no more than 12 months; For some port countries with special requirements, it is advisable to follow the opinions of the port countries and adopt a prudent approach of not exceeding 11 months;

f) SEA或适用的集体谈判协议（CBA）应使用英文或者有英文译本； SEA or applicable collective bargaining agreements (CBA) should be in English or have an English translation;

g) SEA是否包括《海事劳工公约》标准中规定的所有必要内容，是否符合 DMLC-PART I 和DMLC-PART II的要求； Does SEA include all necessary content specified in MLC standards and comply with the requirements of DMLC-PART I and DMLC-PART II;

h) SEA或适用的CBA中有没有关于MLC2018修正案的内容：由于海盗或者针对船舶的武装劫持等行为导致的海员被劫持期间，合同或协议持续有效。 Is there any content related to the MLC 2018 amendment in SEA or applicable CBA: Contracts or agreements remain valid during the period when seafarers are hijacked due to piracy or armed hijacking of ships.

3. 船长需准备文件 Documents that the Captain needs to prepare

a) 船员名单； Crew list;

b) 每个海员持有本人SEA原件，船长持有所有SEA副本； Each seafarer holds their own original SEA, and the captain holds all copies of SEA;

c) 船东授权签署就业协议的授权书（如适用）； Authorization letter from the shipowner to sign the employment agreement (if applicable);

d) 海员服务机构资质证书（如适用）。 Seafarer Service Institution Qualification Certificate (if applicable).

问题2：海员是否能够获得他们在船上的就业条件信息？

Q2: Is the seafarer able to access information regarding their employment conditions on board?

1. 公约依据 Convention basis

MLC 2006/Std.A2.1.1(d); MLC 2006/Std.A2.1.3;

MLC 2006/Std.A5.1.3.12

2. 要点分析 Key points analysis

a) 所有海员都可以获得关于就业条件的明确信息; All seafarers can obtain clear information about employment conditions;

b) 由海员、船东或船东代表签署的SEA正本或副本可供船员在船上持有和检查; The original or copy of SEA signed by the seafarer, Shipowner or Shipowner representative may be held by the seafarer on board and check;

c) 如果CBA构成全部或部分SEA, 船上应备有该协议的副本; If the CBA constitutes all or part of the SEA, a copy of the agreement shall be available on board;

d) 海事劳工证书(MLC)和海事劳工符合声明(DMLC)第一和第二部分副本展示在船上显眼的地方, 如餐厅、驾驶室等。The copies of MLC and DMLC-Part I and DMLC-Part II shall be displayed prominently on the vessel, such as in the restaurant, bridge, etc.

3. 船长需准备文件 Documents that the Captain needs to prepare

a) SEA副本; SEA Copy;

b) CBA副本 (如适用) ; CBA Copy (if applicable);

c) 能让海员获取包含就业条件信息的SEA副本和CBA副本 (如适用) 的措施。Measures to enable seafarers to obtain copies of SEA and CBA (if applicable) containing information on employment conditions.

问题3：海员就业协议的标准格式和根据规则5.2集体谈判协议中接受港口国检查的部分，是否有英文版本？

Q3: Are standard form of seafarers' employment agreements and parts of any applicable collective bargaining agreements subject to port State control under Reg.5.2, available in English?

1. 公约依据 Convention basis

MLC 2006/Std.A2.1.2

2. 要点分析 Key points analysis

a) 提供给海员的SEA至少有英文版本； The SEA provided to seafarers must have at least an English version;

b) 任何适用的CBA的相关区域也有英文版本； Any applicable CBA related regions also have English versions;

c) 如果对于海员持有的SEA，其中涉及到协议的终止及其终止条件、海员获得遣返的权利等信息在CBA中的情况，CBA的一份副本应保留在船上。 If the SEA held by seafarers involves termination of the agreement and its termination conditions, seafarers' right to repatriation, and other information in the CBA, a copy of the CBA should be retained on board.

3. 船长需准备文件 Documents that the Captain needs to prepare

a) 英文版本的SEA标准格式（如非英语版本）； The SEA standard format in English (if not in English);

b) 英文版本的CBA副本（如适用）。 English version of CBA copy (if applicable).

问题4：海员就业协议是否包括MLC2006中规定的所有必要要素？

Q4: Does the seafarers' employment agreement include all the required elements specified in the MLC 2006?

1. 公约依据 Convention basis

MLC 2006/Std.A2.1.4

2. 要点分析 Key points analysis

SEA至少包括海员的全名、出生日期或年龄及出生地、船东的名称和地址、订立海员就业协议的地点及日期、海员将担任的职务、海员的工资数额、带薪年假的天数、协议的终止及其终止条件、协议的期限、将由船东提供给海员的健康津贴和社会保障保护津贴及海员获得遣返的权利。且SEA的信息应与DMLC-PART I和DMLC-PART II保持一致，且不应包含任何违反海员权利的条款。SEA shall include at least the full name, date or age of birth, and place of birth of the seafarer, the name and address of the Shipowner, the location and date of the seafarer's employment agreement, the position to be held by the seafarer, the seafarer's salary amount, the number of paid annual leave days, the termination of the agreement and its conditions, the duration of the agreement, the health allowance and social security protection allowance to be provided by the shipowner to the seafarer, and the seafarer's right to repatriation. And the information of SEA should be consistent with DMLC-PART I and DMLC-PART II, and should not contain any clauses that violate the rights of seafarers.

3. 船长需准备文件 Documents that the Captain needs to prepare

a) SEA副本; SEA Copy;

b) CBA副本 (如适用) 。 CBA Copy (If applicable).

问题5：海员就业协议中包含的细节是否符合MLC,2006的要求？

Q5: Do particulars included in the seafarers' employment agreement comply with MLC, 2006 requirements?

1. 公约依据 Convention basis

MLC 2006/Std.A2.4.2; MLC 2006/Std.A2.5.1;

MLC 2006/Appendix A5-II Maritime Labour Certificate

2. 要点分析 Key points analysis

应确保SEA要求部分的细节如船东的名称和地址、带薪年假的天数、海员获得遣返的权利与DMLC-PART I和DMLC-PART II内容保持一致。特别值得注意的是，SEA/CBA（如适用）中船东的名称和地址必须是与MLC证书中信息保持一致。针对带薪休假的金额，海员所享有的带薪权利的年假应按每月至少2.5个日历日。同时，应确保海员获得遣返的权利（包括在国外时过期、船东或海员因正当理由终止SEA和不再能履行职责的海员），并应明确列明在SEA/CBA中。It should be ensured that the details required by SEA, such as the name and address of the shipowner, the number of paid annual leave days, and the right of seafarers to be repatriated, are consistent with the content of DMLC-PART I and DMLC-PART II. It is particularly noteworthy that the name and address of the shipowner in SEA/CBA (if applicable) must be consistent with the information in the MLC certificate. Regarding the amount of paid leave, seafarers are entitled to at least 2.5 calendar days of paid annual leave per month. At the same time, it should be ensured that seafarers have the right to repatriation (including seafarers whose SEA expires while abroad, seafarers whose SEA is terminated by the shipowner or seafarer for justifiable reasons, and seafarers who are no longer able to perform their duties), and this should be clearly stated in the SEA/CBA.

3. 船长需准备文件 Documents that the Captain needs to prepare

SEA副本/CBA副本（如适用）/DMLC-PART I/DMLC-PART II/ 船旗国或集体协议规定的最低工资标准/工资单/海员服务簿（不能填写工作表现）/ 值班安排表/工作和休息时间记录表（须有每个海员和主管海员的签字）/ 医疗记录、药品和器械清单、负责医生职责的医疗证书/社保缴费记录/遣返和船东责任财政担保证书 SEA copy/CBA copy (if applicable)/DMLC-PART

I/DMLC-PART II/Minimum wage standards stipulated by the flag state or collective agreement/Wage sheet/Seafarer service book (work performance cannot be filled in)/Duty schedule/Work and rest time record form (must be signed by each seafarer and the supervising seafarer)/Medical records, list of drugs and equipment, medical certificates responsible for doctor's duties/Social security payment records/Repatriation and shipowner responsibility financial guarantee certificate

问题6：支付给海员的工资或薪金是否不超过每月一次？

Q6: Are wage or salary payments made to the seafarer at no greater than monthly intervals?

1. 公约依据 Convention basis

MLC 2006/Std.A2.2.1

2. 要点分析 Key points analysis

按时发放工资是保护海员的基本权利所必需，应根据就业协议每月支付海员全额报酬。船上应保存类似工资记录的文件，以证明船东按照SEA/CBA（如适用）的要求支付间隔不超过一个月支付了海员工资。除此而外，本次CIC通过这一个检查项目来严厉打击船舶使用多套工资支付账目，即所谓的阴阳账目的不符合公约要求的做法。Timely payment of wages is necessary to protect the basic rights of seafarers, and full remuneration should be paid to seafarers on a monthly basis in accordance with employment agreements. A document similar to salary records should be kept on board to demonstrate that the shipowner has paid seafarers' wages in accordance with the requirements of SEA/CBA (if applicable) at intervals not exceeding one month. In addition, CIC is cracking down severely on the use of multiple sets of wage payment accounts, known as yin-yang accounts, by ships through this inspection project, which does not comply with the requirements of the convention.

3. 船长需准备文件 Documents that the Captain needs to prepare

a) 工资发放单; Salary Payment Form;

b) 银行水单或账户流水或银行短信等。 Bank receipt, account statement, or bank SMS, etc.

问题7：海员是否已获得至少按月支付的帐户和工资？

Q7: Have seafarers been given a status of accounts and wages paid on at least a monthly basis?

1. 公约依据 Convention basis

MLC 2006/Std.A2.2.2

2. 要点分析 Key points analysis

每月工资单应包括基本工资、加班费、奖金等，以及在其报酬采用的货币或兑换率不同于曾经达成一致的货币或兑换率时所用的兑换率；在每月账目或工资单中，确保只有一套工资单的存在；核对船员的工资支付记录或银行对账单，确认工资支付的实际日期和频率，及金额与工资单一致。 The monthly payroll should include basic salary, overtime pay, bonuses, etc., as well as the exchange rate used when the currency or exchange rate used for compensation is different from the currency or exchange rate previously agreed upon; Ensure that only one set of payroll exists in the monthly accounts or payroll; Verify the crew's salary payment records or bank statements, confirm the actual date and frequency of salary payments, and ensure that the amount matches the salary statement.

3. 船长需准备文件 Documents that the Captain needs to prepare

确认每个海员保留有个人每月的工资单 Confirm that each seafarer keeps their own monthly payroll

问题8：工资或薪金支付是否符合任何适用的CBA或SEA规定？

Q8: Are wage or salary payments in accordance with any applicable CBA or SEA?

1. 公约依据 Convention basis

MLC 2006/Std.A2.2.1; MLC 2006/Std.A2.2.2

2. 要点分析 Key points analysis

每月工资单上的金额应与SEA或CBA规定保持一致。需要注意的是公约没有为海员设定强制性的最低标准工资，而是将此问题交给船旗国的国家法律处理。船舶集体谈判协议CBA包括海员最低工资标准，海员SEA工资不应低于CBA中的最低工资。月薪的计算应满足就业协议上的计算公式，包括：基本工资、津贴、加班费、奖金、家汇、扣减等。The amount on the monthly payroll should be consistent with SEA or CBA regulations. It should be noted that the convention does not establish a mandatory minimum wage for seafarers, but rather leaves this issue to the national laws of the flag state. The Ship Collective Bargaining Agreement (CBA) includes a minimum wage standard for seafarers, and the SEA wage for seafarers should not be lower than the minimum wage in the CBA. The calculation of monthly salary should comply with the calculation formula in the employment agreement, including: basic salary, allowances, overtime pay, bonuses, family allowances, deductions, etc.

3. 船长需准备文件 Documents that the Captain needs to prepare

- a) SEA副本; SEA Copy;
- b) CBA副本 (如适用) ; CBA Copy (If applicable);
- c) 工资单; Payroll;
- d) 银行水单或账户流水或银行短信等; Bank receipt, account statement, or bank SMS, etc;

e) DMLC-PART II关于海盗或武装抢劫劫持时船员待遇的声明。DMLC-PART II Statement on the Treatment of Crew Members in Cases of Piracy or Armed Robbery.

问题9：如果支付给海员的款项包括扣减额，是否符合《海事劳工公约》（2006年《MLC公约》）？

Q9: If payments made to a seafarer include deductions, are they in accordance to MLC, 2006?

1. 公约依据 Convention basis

MLC 2006/Std.A2.2.1/3/4/6

2. 要点分析 Key points analysis

应为海员提供一种将其收入的全部或部分转给其家人或受赡养人或法定受益人的方式。这些汇款的扣除额应为国家法律和CBA明确规定，不得进行未经授权的扣减。通常情况下允许扣减社保个人缴费部分和个人所得税，以及免税品购买费用、预支款项等。如工资中存在扣减项目，应确保每一笔扣减额都详细列明，通过查看SEA和CBA中关于扣减额的条款，确认该扣减和扣减额是否符合公约要求。 Seafarers should be provided with a way to transfer all or part of their income to their family members, dependents, or legal beneficiaries. The deduction amount for these remittances should be clearly stipulated by national laws and CBA, and unauthorized deductions are not allowed. Under normal circumstances, it is allowed to deduct the personal contribution portion of social security and personal income tax, as well as the purchase cost of duty-free goods, advance payments, etc. If there are deduction items in the salary, it should be ensured that each deduction amount is listed in detail. By reviewing the provisions on deduction amounts in SEA and CBA, it can be confirmed whether the deduction and deduction amount comply with the requirements of the convention.

3. 船长需准备文件 Documents that the Captain needs to prepare

- a) 工资单; Payroll;
- b) SEA和CBA中关于扣减额的条款; The provisions regarding deduction amounts in SEA and CBA;
- c) 国家相关社保和个人所得税政策。National social security and personal income tax policies.

问题10: a, 如果发生死亡和长期残疾赔偿, 船上是否有由财务担保提供者签发的财务担保证书或文件证据?

b, 在遣返时, 船上是否有由经济担保提供者出具的经济担保证明或文件证据?

Q10: a, Is a certificate or documentary evidence of financial security, issued by the financial security provider, available on board in the event of compensation for death and long-term disability?

b, Is a certificate or documentary evidence of financial security, issued by the financial security provider, available on board in the event of the repatriation?

1. 公约依据 Convention basis

MLC 2006/Std.A4.2.1.11; MLC 2006/Std.A2.5.2.7

2. 要点分析 Key points analysis

a) 因分属的条款不同, 第十个检查项目被分成两个, 属于MLC 2014修正案的。但由于我国尚未完成对MLC 2014的批约过程, 因此我国在开展PSC检查时, 本项不适用, 船舶不会因此而被开具缺陷, 但国际航行到其他国家船舶须满足公约的要求以满足在国外迎检的要求。Due to different clauses, the tenth inspection item is divided into two, which belong to the MLC 2014 amendment. However, as China has not yet completed the ratification process for MLC 2014, this item does not apply when conducting PSC inspections, and ships will not be issued defects as a result. However, international ships sailing to other countries must

meet the requirements of the convention to meet the requirements for overseas inspections.

b) 船舶在船上携带财务担保提供方签发的财务担保证书或其他证明文件分别覆盖了海员在船死亡、伤病的长期残疾赔偿和船东遗弃船舶避免船员滞留在船的遣返的财务担保。一份副本须张贴在船上海员能够到达的显著位置。如果不止一个财务担保提供方提供了担保,则每个提供方提供的证明须携带在船上。此外,是否包括了英语版本和有效期也将是检查在被关注的项目。The financial guarantee certificate or other supporting documents issued by the financial guarantee provider carried by the ship cover the long-term disability compensation for seafarers' death or injury on board, as well as the financial guarantee for the shipowner's abandonment of the ship to avoid crew members being stranded on board. A copy must be posted in a prominent location accessible to the crew on board. If more than one financial guarantee provider provides guarantees, the proof provided by each provider must be carried on board the vessel. In addition, whether the English version and validity period are included will also be checked in the items of concern.

3. 船长需准备文件 Documents that the Captain needs to prepare

a) 船东责任财政担保证书; Shipowner responsibility financial guarantee certificate;

b) 是否已在船上公共场所张贴。Has it been posted in public places on board.

以上内容仅为参考,建议各船东、船舶根据CIC问卷内容,认真开展自查,参照MLC有关要求逐项检查,确保海员就业协议和就业条件等符合MLC要求、在船上服务的海员及时获得报酬和船东持有适当的财务担保,共同维护海员权利。The above content is for reference only. It is recommended that all Shipowners and vessels carefully conduct self inspections based on the CIC questionnaire content, and refer to the relevant requirements of MLC to inspect each item item, ensuring that seafarers' employment agreements and conditions meet

MLC requirements, seafarers serving on board receive timely compensation, and ship owners hold appropriate financial guarantees to jointly safeguard seafarers' rights.

如有任何疑问, 请发送邮件到 technical@fsclass.org。

If you have any queries, Please send an email to technical@fsclass.org.

Date: 15 September, 2024

Technical Department
Foresight Ship Classification