

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



DEPARTMENT ORDER NO. 130
Series of 2013

**RULES AND REGULATIONS ON THE EMPLOYMENT OF FILIPINO SEAFARERS
ONBOARD PHILIPPINE REGISTERED SHIPS ENGAGED IN INTERNATIONAL VOYAGE**

Pursuant to the authority of the Secretary of Labor and Employment to promulgate the necessary rules and regulations under Article 5 of the Labor Code of the Philippines, as amended, the Administrative Code of 1987, as amended, and in compliance with the Maritime Labour Convention, 2006, the following rules and regulations are hereby issued providing maritime labor standards to ensure the protection and welfare of seafarers employed onboard Philippine registered ships engaged in international voyage:

**RULE I
COVERAGE**

SECTION 1. Coverage. – This Rules and Regulations shall apply to shipowners and seafarers onboard Philippine Registered Ships engaged in international voyage where employer-employee relationship or other forms of engagement exists.

Excluded from the coverage of this Order are the following categories of ship:

- a) Warships and naval auxiliaries;
- b) Other government ships not engaged in commercial operation;
- c) Ships of traditional build, such as pump boats; and
- d) Fishing Vessels.

The employment of seafarers onboard fishing ships plying in international waters shall be governed by separate guidelines of the Philippine Overseas Employment Administration (POEA).

**RULE II
DEFINITION OF TERMS**

SECTION 1. Definition of Terms. – As used herein, the following terms shall mean:

- a) “**BLR**” refers to the Bureau of Labor Relations of the Department of Labor and Employment (DOLE);
- b) “**BWC**” refers to the Bureau of Working Conditions of the DOLE;
- c) “**Cadet**” refers to a student of maritime educational institution, who is required to undergo on board training to complete the educational requirements for a maritime degree or technical course;

- d) **“Declaration of Maritime Labour Compliance”** (DMLC) refers to the document that states the Philippine requirements to implement the Maritime Labour Convention 2006 for the working and living conditions for seafarers (DMLC Part I) and sets out the measures adopted by the shipowners to ensure compliance (DMLC Part II);
- e) **“DOLE”** refers to the Department of Labor and Employment;
- f) **“International voyage”** refers to a voyage from a country to a port outside such a country, or between ports in another country or other countries;
- g) **“Labor standards”** refers to the minimum requirements prescribed by existing laws, rules and regulations and other issuances relating to wages, hours of work, allowances and other monetary and welfare benefits, including those set by occupational safety and health standards;
- h) **“Maritime Labour Certificate”** refers to the document that certifies that the working and living conditions of seafarers on the ship have been inspected and meet the requirements of Philippine laws and regulations;
- i) **“MOSH”** refers to Maritime Occupational Safety and Health Guidelines
- j) **“POEA”** refers to the Philippine Overseas Employment Administration;
- k) **“POEA Standard Employment Contract (POEA SEC)”** refers to the POEA Standard Terms and Conditions Governing Overseas Employment of Filipino Seafarers On-Board Ocean-Going Ships as approved by the POEA Governing Board. It shall refer to the employment agreement as used elsewhere in this Department Order.
- l) **“Recognized Organizations”** refers to organizations recognized by the DOLE to carry out inspections and/or issue the Maritime Labour Certificate defined in the preceding paragraph, in accordance with the scope of activities covered by their authorizations;
- m) **“Regional Director”** refers to the Director of the Regional Office of the Department of Labor and Employment;
- n) **“Regional Office”** refers to the Regional Office of the Department of Labor and Employment;
- o) **“Seafarer”** refers to any person employed or engaged or works in any capacity onboard Philippine registered ships;
- p) **“Secretary”** refers to the Secretary of the Department of Labor and Employment;

- q) **“Ship”** refers to a Philippine-registered ship engaged in international voyage; and
- r) **“Shipowner”** refers to the owner of the ship/shipping enterprise or another organization or person, such as the manager, agent or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner who, on assuming such responsibility has agreed to take over the duties and responsibilities imposed on shipowners, regardless of whether any other organization or persons fulfill certain duties or responsibilities on behalf of the shipowner.

RULE III

MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

SECTION 1. *Minimum Age.* – No person below eighteen (18) years old shall work, be employed or be engaged onboard a ship.

SECTION 2. *Medical Certificate.* – The seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health (DOH) for that purpose, in accordance with its existing rules and regulations.

SECTION 3. *Training and Qualifications.* – Only seafarers certified as competent and qualified shall work, be employed or be engaged onboard a ship.

SECTION 4. *Recruitment and Placement.* – The DOLE and POEA existing guidelines on recruitment and placement and/or contracting and subcontracting work arrangement shall govern the recruitment and placement of seafarers. No fees or other charges for recruitment, placement or for providing employment to seafarers shall be borne directly or indirectly, in whole or in part, by the seafarer.

RULE IV

CONDITIONS OF EMPLOYMENT

SECTION 1. *Employment Agreement for Seafarers.* – There shall be an agreement in writing between the shipowner and the seafarer.

The employment agreement shall be in English language and shall be executed in four (4) original copies before the commencement of employment. The said original copies shall be submitted to the DOLE through the POEA for approval.

The shipowner, the seafarer, the manning agency, as the case may be, and the POEA shall each have a signed and approved original copy of the agreement. A signed and POEA approved original copy of the employment agreement must be made available onboard the ship.

The seafarer shall be given an opportunity to examine and seek advice on the agreement before signing.

SECTION 2. *Terms and Conditions of Employment* – The terms and conditions of employment of seafarers shall be governed by the POEA SEC.

SECTION 3. *Minimum Safe Manning Level*. – The shipowner shall maintain a minimum safe manning level onboard in accordance with existing maritime laws and regulations.

SECTION 4. *Right to Self-Organization and Collective Bargaining*. – Seafarers shall have the right to form, join or assist in the formation of a labor organization of their own choosing for purposes of collective bargaining and to engage in concerted activities in accordance with law.

When there is a collective bargaining agreement, it must be registered with the DOLE through the Bureau of Labor Relations and Philippine Overseas Employment Administration. A copy thereof must be available onboard the ship.

RULE V ACCOMMODATION

SECTION 1. *Accommodation*. – Seafarers shall be provided with decent accommodations and recreational facilities onboard in accordance with the standards set under applicable laws and regulations.

RULE VI FOOD AND CATERING

SECTION 1. *Food and Catering*. – The shipowner shall ensure protection and promotion of the health of the seafarer and ensure that ships carry onboard food and drinking water of appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship and take into consideration the differing cultural and religious backgrounds. The foods and drinks and the preparation thereof shall be in accordance with the standards of the Sanitation Code of the Philippines and pertinent laws, rules and regulations implemented by the DOH.

RULE VII OCCUPATIONAL SAFETY AND HEALTH

SECTION 1. *Occupational Safety and Health Policy and Program*. – The shipowner shall adopt, implement and promote occupational safety and health policies and programs on ships, consistent with the Philippine Maritime Occupational Safety and Health Guidelines and the 1996 ILO Code of Practice on Accident Prevention OnBoard Ship, at Sea and in Port and subsequent versions thereof, which shall include the following subjects:

- a) Prevention of occupational accidents and diseases, including measures to reduce and prevent risk of exposure to harmful chemicals and physical hazards, such as heat, noise and vibration, as well as the risk of injury or disease that may arise from the use of equipment and machinery onboard ship;
- b) Prevention and control of Alcoholism, Hepatitis B, HIV/AIDS and Tuberculosis;
- c) Prevention of sexual harassment;
- d) Risk evaluation, training and instruction to seafarers;
- e) Emergency preparedness.
- f) Promotion of a drug-free workplace;
- g) Monitoring of work and living environment, engineering and design control, compliance with safe work procedures, safe use and maintenance of machine or equipment, and the use of appropriate Personal Protective Equipment (PPE); and
- h) Reporting and correction of unsafe conditions as well as investigation and reporting of onboard occupational accidents.

SECTION 2. *Safety and Health Plan.* – Shipowners shall be required to develop for its ships a safety and health plan. The shipowner shall designate a Safety and Health Officer onboard to implement the ship’s safety and health plan.

SECTION 3. *Medical Care Onboard Ship and Ashore.* – The shipowner shall provide adequate medical services and medicine chest onboard, and access to shore-based medical facilities for the protection of the health of the seafarers, as well as the corresponding medical and/or trained personnel who shall provide first-aid and medical care, pursuant to the Maritime Occupational Safety and Health Guidelines (MOSH).

The shipowner shall ensure that seafarers have access to shore-based treatment for sickness or injury, hospitalization and essential dental care.

The seafarer shall have the right to consult a qualified physician or dentist without delay in ports of call, where practicable.

SECTION 4. *Maritime Occupational Safety and Health Guidelines (MOSH).* – The DOLE, through the Occupational Safety and Health Center (OSHC), shall formulate Guidelines, within fifteen (15) days from issuance of this Rules and Regulations, for the implementation of the Occupational Safety and Health Policy and Program for Seafarers.

**RULE VIII
SOCIAL SECURITY**

SECTION 1. *Relevant Laws.* – Without prejudice to established policy, collective bargaining agreement or other applicable employment agreement, all seafarers shall be entitled to compensation and benefits under the POEA SEC and benefits provided for by the Welfare Fund for Overseas Workers, Pag-IBIG Fund (Republic Act No. 7742), PhilHealth (Republic Act No. 7875, as amended by Republic Act No. 9241), Employees' Compensation Law (Presidential Decree No. 626, as amended), and the Social Security Law (Republic Act No 1161 as amended by Republic Act No. 8282), and other applicable laws.

**RULE IX
ENGAGEMENT OF CADETS**

SECTION 1. *Engagement of Cadets for training.* – There shall be an agreement in writing between the shipowner and the cadet. The training of cadets onboard ocean-going ships shall be governed by a standard engagement agreement for cadets to be adopted by the POEA.

The engagement agreement shall be in English language and shall be executed in four (4) original copies before the commencement of training. The said original copies shall be submitted to the DOLE through the POEA for approval.

The shipowner, the cadet, the manning agency, as the case may be, and the POEA shall each have a signed and approved original copy of the agreement. A signed and POEA approved original copy of the engagement agreement must be made available onboard the ship.

The cadet shall be given an opportunity to examine and seek advice on the agreement before signing.

**RULE X
COMPLIANCE AND ENFORCEMENT**

SECTION 1. *Compliance and Enforcement.* – Pursuant to Article 128 of the Labor Code, as amended, the Secretary or his/her duly authorized representative shall have access to all ships and conduct inspection to ensure compliance with working and living standards as provided herein. The DOLE Regional Office or Philippine Overseas Labor Office (POLO) having jurisdiction over the port of call of the ship shall conduct the inspection and issue the corresponding Maritime Labour Certificate.

The Secretary may, however, authorize recognized organizations (ROs) such as members of the International Association of Classification Societies (IACS) and other reputable international classification organizations presently performing classification of ships in the international trade to conduct inspection of ships and issue the Maritime Labour Certificate.

SECTION 2. *Issuance of DMLC Parts I and II.* – The DMLC Part I shall be issued by the Secretary within fifteen (15) days from the effectivity of this Rules and Regulations. The DMLC Part II shall be accomplished by the shipowner and certified by the Secretary or his/her authorized representative.

SECTION 3. *Inspection and Certification.* – Pursuant to the preceding Sections, inspection and certification shall be undertaken as follows:

3.1. *All ships shall be required to carry and maintain a Declaration of Maritime Labour Compliance (DMLC) and Maritime Labour Certificate.*

The DMLC Part I shall be issued by the Secretary or his/her authorized representative. The DMLC Part II shall be accomplished by the shipowner and certified by the Secretary or his/her representative.

The Maritime Labour Certificate shall, upon application by the shipowner, be issued by the Secretary or his/her authorized representative certifying that the working conditions of seafarers on the ship, as well as measures for on-going compliance have been inspected and meet the requirements of Philippine laws and regulations. The Certificate should be posted by the shipowner in a conspicuous place onboard where it is available to the seafarer. The DMLC Parts I and II shall be attached to the Maritime Labour Certificate.

3.2. *Validity of Maritime Labour Certificates and Intermediate Inspection.* –

The Maritime Labour Certificates shall be valid for five (5) years upon its issuance, subject to intermediate inspection which shall take place between the second and third anniversary dates of the certificate.

3.3. *Renewal of Certificates.* – The application for renewal of certificate shall be filed by the shipowner ninety (90) days prior to its expiration with the appropriate Regional Office, POLO or authorized RO, with information as to the place, date and time of the availability of the ship for renewal inspection.

3.4. *Revocation of Maritime Labour Certificate.* – The Maritime Labour Certificate shall be revoked on any of the following grounds:

- a) Violations/deficiencies found during the conduct of inspection were not remedied or corrected within the prescribed period;
- b) Inspections are not completed within the prescribed period at the fault of the shipowner;
- c) The ship changes flag;
- d) The shipowner ceases to assume the responsibility for the operation of the ship;

- e) The seaworthiness of the ship has not been certified or the certificates issued by the MARINA or its classification society cease to be valid or has been revoked; and
- f) Under other circumstances analogous or similar to the foregoing and other grounds as may be determined by the Secretary.

3.5. *Unscheduled/Spot Inspection.* – If there are reports of violation/s of this Rules and Regulations, imminent danger, occurrence of accident, or as shall be deemed necessary, the Secretary or his/her authorized representatives may order an unscheduled/ spot inspection, aside from the mandatory inspection prescribed herein.

3.6. *Report of Inspection.* – After the conduct of inspection, the appropriate Regional Office, POLO or duly-authorized RO shall submit an inspection report to the Secretary, copy furnished to the Master of the ship. A copy of the report shall be posted in the notice board of the ship and a copy may be sent to the seafarer's representative upon request.

3.7. *Prohibition to Leave Port.* – Where the Maritime Labour Certificate of a ship that is in a Philippine port has not been issued/ renewed or has been revoked, the Secretary or the Regional Director shall cause the Philippine Coast Guard to prevent a ship from leaving port. In the case of ships outside Philippine territory, the Secretary shall direct his/her authorized representative/ RO to serve the notice of non-issuance/ non-renewal or revocation on the ship and to the concerned port State control authority.

SECTION 4. *Disposition of Cases.* – Any findings of violation of this Rules and Regulations arising from the conduct of inspection shall be resolved in accordance with the applicable rules and regulations in the disposition of labor cases.

SECTION 5. *Manual of Inspection and Certification.* – A DOLE Manual of Inspection and Certification shall be issued by the BWC to provide uniformity and guidance to the appropriate Regional Office, POLO or authorized RO, seafarer and shipowner in the implementation of this Rules and Regulations.

SECTION 6. *Onboard Complaint Procedures.* – The grievance procedure provided in the POEA SEC shall be observed. When a CBA exists between the bargaining agent of the seafarers and the shipowner, the parties shall settle their grievances in accordance with the procedure or machinery provided therein.

SECTION 7. *Onshore Complaints.* – When onshore, seafarers may avail of the conciliation-mediation services of the DOLE by filing a request for assistance before

conciliation-mediation desks of the POEA or at the Regional/Field/Provincial or POLO Offices of the DOLE.

**RULE XI
MISCELLANEOUS PROVISIONS**

SECTION 1. *Oversight Function of the Maritime Industry Tripartite Council (MITC).* – The MITC, created by virtue of a Memorandum of Agreement entered into by the stakeholders in the maritime industry, shall exercise oversight functions to ensure the effective implementation of this Rules and Regulations.

SECTION 2. *Non-diminution of Benefits.* – Nothing in this Rules and Regulations shall be construed to eliminate or in any way diminish supplements or other benefits being enjoyed at the time of the issuance thereof.

SECTION 3. *Repealing Clause.* – All policies, issuances, rules and regulations and agreements inconsistent with this Department Order are hereby repealed or modified accordingly.

SECTION 4. *Effectivity.* – This Department Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, Philippines, ___ June 2013.


ROSALINDA DIMAPILIS-BALDOZ

Secretary

Dept. of Labor & Employment
Office of the Secretary



014150