

## Appendix I

### **Legal Adviser's opinion on the relationship between Parts A and B of the Code (extract of Appendix D to Report I (1A) of the 94th (Maritime) Session of the International Labour Conference, 2006) 14**

#### **Coexistence of mandatory and non-mandatory provisions in a Convention**

Questions were addressed to the Legal Adviser (in 2003) by the Government representatives of the Netherlands and Denmark, as well as those of Cyprus and Norway, as to the various consequences flowing from the coexistence in the draft consolidated Convention of binding and non-binding provisions for ratifying Members.

The High-level Tripartite Working Group on Maritime Labour Standards is, in accordance with its mandate, working on a consolidated Convention as a new type of instrument compared with those adopted up to now. The consolidation of maritime instruments in force is aimed at placing all substantive elements in a single instrument in an approach radically different to that employed up to now, where Conventions contain detailed technical provisions, often accompanied by Recommendations. From this perspective, conclusions cannot be drawn from the traditional formal arrangement based on the distinction between a Convention – where the provisions are binding – and a Recommendation – where they are not. The future instrument is a Convention open to ratification by States Members providing explicitly for the coexistence of binding and non-binding provisions (proposed Article VI, paragraph 1). The provisions of Part A of the Code would be binding; those of Part B would not.

Some international labour Conventions set out, alongside binding provisions, others that are of a different nature.<sup>15</sup> The novelty introduced in the future instrument essentially resides in the great number of non-binding provisions in the instrument. It should equally be noted that other organizations, such as the IMO, have adopted conventions containing the two types of provisions without any apparent legal problems in their application.

Members ratifying the Convention would have to conform to the obligations set out in the Articles, the Regulations and Part A of the Code. Their only obligation under Part B of the Code would be to examine in good faith to what extent they would give effect to such provisions in order to implement the Articles, the Regulations and Part A of the Code. Members would be free to adopt measures different from those in Part B of the Code so long as the obligations set out elsewhere in the instrument were respected. Any State Member which decided to implement the measures and procedures set out in Part B of the Code would be presumed to have properly implemented the corresponding provisions of the binding parts of the instrument. A Member which chose to employ other measures and procedures would, if necessary, and particularly where the Member's application of the Convention was questioned in the supervisory machinery, have to provide justification that the measures taken by it did indeed enable it to properly implement the binding provisions concerned.

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14 ILO: *Adoption of an instrument to consolidate maritime labour standards*, Report I(1A), International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

15 See, for example, the Occupational Health Services Convention, 1985 (No. 161), Article 9, paragraph 1: "... occupational health services should be multidisciplinary".



DECREE, providing for general measures, of the 6<sup>th</sup> June 2014, containing the temporary implementation of the Maritime Labour Convention (Maritime Labour Regulation)

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IN THE NAME OF THE KING!  
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The Governor of Curacao,

Having taken into consideration:

that the Maritime Labour Convention 2006 (BoT., 2007, 93), concluded in Geneva on February 23, 2006 and the corresponding binding protocols and appendices, pertaining to that Convention, took effect on August 20, 2013;

that the International Labour Organization has decided in Resolution XVII of the Convention that the task of port state control of monitoring the Convention commences on August 20, 2014;

that it is desirable to issue certificates, as referred to in the Convention, for the ships that are recorded in Curacao and fly the flag of the Kingdom, so that these ships are not unnecessarily detained in the framework of port state control in the ports at which they call;

Has decided, having heard the Advisory Council:

## **§ 1 General provisions**

### Article 1

In the provisions laid down by or pursuant to this Decree, the following words shall have the following meanings:

- |                                 |   |
|---------------------------------|---|
| a. minister:                    | the minister entrusted with shipping;   |
| b. Maritime labour certificate: | a certificate, as referred to in provision 5.1.3, third paragraph, of the Convention;   |
| c. Curacao ship:                | a ship that is recorded in Curacao and, on the basis of the applicable regulations in Curacao, flies the flag of the Kingdom;   |
| d. Curacao sea-going ship:      | a Curacao ship measuring 500 GT or more that undertakes an international voyage;  |
| e. international voyage:        | a voyage from a port to a port situated in another State;   |
| f. Ship's Operator:             | the owner of a ship or another natural or legal person who has taken over the responsibility for the operation of a ship from the owner;  |
| g. STWC convention:             | the International Convention, concluded in London on July 7, 1978 concerning the standards for seafarers, regarding training, certification and watch-keeping, 1978 (BoT. 1981, 144); |

- h. Convention: the Maritime Labour Convention, concluded on February 23, 2006 (BoT, 2007, 93), and the binding protocols and appendices, belonging to that Convention;
- i. standard: a standard, incorporated in part A of the Code of the Convention;
- j. guideline: a guideline, incorporated in part B of the Code of the Convention;
- k. provision: a provision, incorporated in the Code of the Convention;
- l. declaration of the observance of maritime labour: declaration, referred to in the standard 5.1.3, paragraph ten, of the Convention, consisting of part I and part II, from which the measures appear that have been taken to guarantee that the requirements set by or pursuant to this Act are observed continuously;
- m. maritime labour agreement: an agreement between a maritime employer and a seafarer, in which case the seafarer undertakes to work on board a ship and the maritime employer undertakes to observe the provisions laid down in the Convention and to observe them by or pursuant to this Decree with regard to the seafarer;
- n. maritime employer: a ship's operator or a recruitment bureau or job exchange.

#### Article 2

The provisions laid down by or pursuant to this Decree are applicable to Curacao ships, with the exception of:

- a. ships that sail exclusively in waters within or bordering on sheltered waters or areas where port regulations are applicable;
- b. fishing vessels;
- c. warships and naval auxiliary ships;
- d. pleasure craft;
- e. rescue vessels.

#### Article 3

1. Notwithstanding Article 2, the provisions laid down by or pursuant to this Decree are applicable to Seafarers working on board Curacao ships anywhere in the world.
2. In the provisions laid down by or pursuant to this Decree, a Seafarer is understood to mean a natural person who works, in any capacity, on board a ship.
3. By Ministerial Regulation with general operation, categories of activities on board a ship can be designated, after consultation with Ships' Operators and Seafarers, or representative organizations thereof, in which case the persons who perform these activities are not considered Seafarers.

#### Article 4

1. The Ship's Operator shall see to it that a Curacao ship has a copy of the Convention in English and Dutch on board.
2. At the request of the Ship's Operator, the Minister can grant a dispensation from the obligations set by and pursuant to this Decree for Curacao ships smaller than 200 GT that do not undertake international voyages.
3. By Ministerial Regulation with general operation, rules shall be set for the assessment of a petition for dispensation, as referred to in the second paragraph, and also the costs attached to granting the dispensation.

## § 2 Certification

### Article 5

1. The Ship's Operator shall see to it that a Curacao sea-going vessel has the following on board:
  - a. a valid Mairitime Labour certificate; and
  - b. a valid declaration of the observance of Maritime Labour.
2. The certificate and the declaration shall be hung on, or placed in, a visible spot for the crew.
3. At a written request, the Minister shall issue to the Ship's Operator a Mairitime Labour Certificate and a declaration of the observance of Maritime Labour. For the issue of a Mairitime Labour Certificate, the amount of ANG. 375.00 is due to the Mairitime Authority of Curacao.
4. An Mairitime Labour Certificate will only be issued, if it appears sufficiently from the declaration for the observance of maritime labour, part II, drawn up by the Ship's Operator, and after the investigation, referred to in Article 8, that, with regard to the Seafarers of the ship in question, the provisions of the Convention or this Decree are complied with, with regard to:
  - a. minimum age, as referred to in Article 13;
  - b. medical certificates, as referred to in Article 13, second paragraph;
  - c. qualifications of Seafarers, as referred to in the regulations applicable in Curacao for the implementation of the STCW Convention;
  - d. Mairitime Labour Agreements, as referred to in Article 14;
  - e. employment-finding and making manpower available, as referred to in Articles 13 and 14;
  - f. working hours and resting times, as referred to in the regulations for the implementation of the STCW Convention, applicable in Curacao;
  - g. crew composition and number of crewmembers, as referred to in the regulations applicable in Curacao for the implementation of the STCW Convention;
  - h. accommodation and provisions for Seafarers on board, as referred to in Article 16;
  - i. nourishment and drinking-water, as referred to in Articles 17 through 19;
  - j. health, security and accident prevention, as referred to in Article 20;
  - k. medical care on board, as referred to in Articles 21 through 24;
  - l. complaints procedures on board, as referred to in Article 25; and
  - m. payment of salaries, as referred to in Article 15, second paragraph.
5. An application for issuing a declaration for the observance of Maritime Labour, part I, is considered an application, as referred to in the third paragraph. For issuing a declaration, ANG 375.00 is due to the Mairitime Authority of Curacao.
6. The Minister shall establish the text of the declaration for the observance of Maritime Labour, part I. The text can be established in English.





7. By Ministerial Regulation with general operation, further rules can be established in connection with the application, assessment and issue of an Maritime Labour Certificate and a declaration for the observance of maritime labour, and also in connection with the costs involved.

#### Article 6

1. When purchasing a ship outside Curacao, the Minister can issue an interim Maritime Labour Certificate, if, in his opinion, the Ship's Operator complies with Article 5, fourth paragraph, and:
  - a. the Ship's Operator, in the opinion of the Minister, has established sound procedures for the observance of the regulations laid down by or pursuant to the Convention;
  - b. the Captain is familiar with the regulations of the Convention; and
  - c. information has been supplied for the issue of an Maritime Labour Certificate.
2. For the issue of an interim certificate, ANG. 375.00 is due the Maritime Authority of Curacao.
3. An interim certificate is valid for maximally six months.
4. This Article is applicable by analogy to a ship that is under construction outside Curacao.

#### Article 7

1. An Maritime Labour Certificate expires, if:
  - a. part of the ship is refurbished, for which, by or pursuant to the Convention, requirements are applicable;
  - b. drastic changes are made in the furnishings and fittings or equipment for which requirements are applicable by and pursuant to the Convention;
  - c. the ship becomes a foreign vessel;
  - d. the period to which the certificate applies has expired;
  - e. the mandatory investigations during the term of validity of the certificate have not taken place or have not taken place in due time, except in special cases, described by Ministerial Regulation with general operation;
  - f. the ship's name has changed or has been given a different letter or number, or the ship is no longer managed by the Ship's Operator, stated on the maritime labour certificate.
2. The Minister can revoke a certificate, if it appears that:
  - a. the construction, the furnishings and fittings or the equipment of the ship deviate significantly from the data of the certificate;
  - b. the ship or the Ship's Operator no longer complies with the Convention or with the declaration for the observance of maritime labour, issued for the ship in question, and the required corrective measures have not been taken.
3. By Ministerial Regulation with general operation, it can be determined that certificates in the cases mentioned therein shall expire, if the ship is withdrawn from its original destination.
4. The Ship's Operator shall send an expired or revoked certificate as soon as possible to the Minister.

#### Article 8



1. The Officials appointed by the Minister or the legal persons acknowledged by him shall investigate whether a ship complies with the provisions of the Convention and with this Decree which apply to this type of ship.
2. The investigation shall at any rate take place:
  - a. when applying for the issue of a Certificate of Registry, as referred to in Article 15 of the Certificate of Registry Decree for Curacao and St. Maarten sea-going vessels;
  - b. at least every three years after the initial issue of an Mairitime Labour Certificate and a declaration for the observance of maritime labour;
  - c. in the event of receiving a complaint that cannot be considered unfounded in advance in connection with the observance of the Convention.
3. Regulations and limitations can be attached to an instruction, as referred to in the first paragraph.
4. By Ministerial Regulation with general operation, further rules can be set in connection with:
  - a. the instruction of the legal persons, referred to in the first paragraph;
  - b. the manner of acknowledgment and the conditions for acknowledgment, the revocation of the acknowledgment, if these conditions are no longer met, and the notification of an acknowledgment or revocation of an acknowledgment.
5. Acknowledged legal persons, as referred to in the first paragraph, are, at any rate, considered those legal persons who have been appointed to conduct investigations into the security of a ship or to prevent pollution by ships.

### § 3 Data of the Crew

#### Article 9

1. There shall be a Register of Seafarers.
2. In the Register, the following personal data of a Seafarer shall be incorporated:
  - a. the name, date of birth, place of birth and nationality;
  - b. address and place of residence or normal domicile ;
  - c. name, address and other contact data of the Mairitime Employer;
  - d. contact data of the next of kin;
  - e. navigation licenses;
  - f. date of the most recent medical examination;
  - g. copy of an Mairitime Labour Agreement;
  - h. total term of service on board a Curacao ship.
3. The Register shall be kept by the Minister.
4. Anyone involved in the processing of personal data of a Seafarer is bound to secrecy.
5. The part of the Register that is related to navigation licenses shall be open to the public for inspection, in which case the necessary measures shall be taken for the protection of the other personal data against illicit access.
6. On request, a declaration that is related to this term of service shall be issued to a Seafarer, as referred to in the second paragraph, subparagraph h.
7. By Ministerial Regulation with general operation, rules shall be set in connection with the organization and management of the Register, and also in connection with the costs attached to entries in the Register, change or deletion of an entry and issue of a copy, as referred to in the sixth paragraph.

#### Article 10

1. The Ship's Operator shall see to it that a Seafarer, who is going to work on board an sea-going vessel, is incorporated in the Register of Seafarers.
2. All personal data that are related to a Seafarer shall be solely processed, insofar as necessary, in the framework of an Maritime Labour Agreement.

#### Article 11

1. The Ship's Operator shall see to it that, prior to January 1<sup>st</sup> of any calendar year, the Maritime Authority of Curacao possesses the Crew List, applicable on that date to the ship in question.
2. The Captain shall see to it that the Crew List is continually updated when Seafarers muster.
3. The Captain shall see to it that, when calling at a port, the updated Crew List is on board and is presented on request to the Port Authorities in question.
4. The Crew List shall be drawn up in accordance with the model established by Ministerial Regulation with general operation.
5. The Ship's Operator shall see to it that Crew Lists are kept during at least five years.
6. The Ship's Operator shall immediately send a Crew List to the Maritime Authority of Curacao, if the latter requests such.

#### Article 12

1. There shall be a Central Inspection Register.
2. The Register shall be managed by the Minister in accordance with the Minister entrusted with labour and the Minister entrusted with health.
3. In the Register, the inspection reports, in connection with working and living conditions of Seafarers on board, shall be entered.
4. The Register shall be open to the public for inspection.
5. By Ministerial Regulation with general operation, further rules shall be set regarding the organization and the management of the Register.

### § 4 Terms of employment and working conditions

#### Article 13

1. When employing Seafarers on board a ship, the Ship's Operator shall see to it that the standard A1.1 and the standard A3.2, eighth paragraph of the Convention are complied with.
2. When employing a Seafarer on board a ship, the Ship's Operator shall see to it that a Seafarer possesses a valid medical certificate that complies with the standard A1.2., unless the Minister has granted a dispensation, as referred to in the eighth paragraph of the standard.

#### Article 14

1. When employing Seafarers on board a ship through the mediation of a recruitment agency or a job exchange:

- a. the Ship's Operator shall make use of agencies established in a State that is affiliated to the Convention, or a bureau that has been investigated by a legal person, as referred to in Article 8, fifth paragraph, and has obtained a positive assessment, or a bureau of which the Ship's Operator can prove that it complies with the Convention;
  - b. it shall establish that the bureau does not charge or has charged the Seafarer any costs for the recruitment or mediation; and
  - c. the Seafarer possesses a Maritime Labour Agreement with the bureau which complies with the standard A2.1.
2. The first paragraph, subparagraphs b and c, are applicable by analogy, if a Ship's Operator is also a Maritime Employer.

#### Article 15

1. The Maritime Employer shall see to it that the realization and execution of a maritime contract complies with the standard A2.1.
2. The Maritime Employer shall see to it that payment of salaries takes place in accordance with the standard A2.2, with due observance of the guideline B2.2, in particular the principles laid down in the guideline B2.2.2, fourth paragraph.
3. During the employment, a Seafarer builds up a right to an annual vacation on full pay in accordance with the guideline B2.2, in particular the principles laid down in the guideline B2.2.2, fourth paragraph.
4. If the Ship's Operator is not the Maritime Employer as well, he shall state in writing that the first and second paragraphs shall be applied.

#### Article 16

1. The Ship's Operator shall see to it that the accommodation and facilities on board a Curacao ship, built before this Decree takes effect, shall comply with provision 3.1 with due observance of the guideline B3.1.
2. The Captain shall see to it that there are regular inspections of the accommodation spaces and recreational facilities in order to establish that they are clean, habitable and in good repair. A report shall be drawn up of the inspections which shall remain open for inspection.
3. By Decree of the Minister, a Ship's Operator can deviate for a certain ship from the first and second paragraphs, if:
  - a. deviation is desirable in order to meet explicit differences of a philosophical or cultural nature among Seafarers, without there being any discrimination;
  - b. the deviation is reasonable; and
  - c. this does not lead to accommodation spaces of an inferior quality than if there had not been any deviation.
4. By Ministerial Regulation with general operation, further rules can be set for the implementation of this Article.

#### Article 17

1. The Ship's Operator shall provide the Seafarers and other persons on board with food and drinking-water of a sufficient quantity, quality, nutritional value and variety, considering the needs of the ship with due observance of cultural or philosophical differences, in which case, at any rate, the following standards shall apply:



- a. when establishing the stocks on board, the number of Seafarers, the philosophical and cultural differences, the duration and the nature of the voyage shall be taken into account;
  - b. the organization of the food supply shall be aimed at preparing meals and other food in a hygienic manner.
2. The Captain shall see to it that there are regular inspections of the stocks and the spaces and equipment for storage, processing and preparation of food and drinking-water to establish that they are clean and well maintained. A report shall be drawn up of the inspections which shall remain open for inspection.
  3. No Seafarer shall be charged for costs in connection with the food supply on board.

#### Article 18

1. Every Seafarer involved in the preparation of meals and other victuals or drinks, shall possess the skills and qualifications required for performing this function.
2. A Ship's Operator shall only employ a Seafarer as a cook, if the latter:
  - a. possesses a certificate of an acknowledged catering college in Curacao or another State, affiliated to the Convention, and
  - b. from which it appears that the Seafarer possesses the knowledge and skills with regard to nutritional values, drawing up varied and well-balanced meals, and preparing, processing and conserving victuals and drinks on board.

#### Article 19

1. In emergency cases, at the request of the Ship's Operator, the Minister can grant a dispensation from Article 18, second paragraph, for a certain ship and for a limited period of time.
2. The person to whom the application is related, shall possess sufficient knowledge and experience in the field of food safety, personal hygiene and preparing, processing and conserving victuals and drinks on board.
3. The dispensation shall be granted for the continuation of the voyage until the proximate port of call or for a period of maximally one month.

#### Article 20

The Ship's Operator shall see to it that Seafarers are offered the protection of their health which is connected to their activities, while taking into account the specific requirements set to this protection in connection with the work on board a ship.

#### Article 21

1. The Ship's Operator shall see to it that preventive measures are taken on board, including providing information and counseling for the prevention of transmittable diseases and the promotion of a healthy lifestyle.
2. The Captain shall see to it that the measures, referred to in the first paragraph, are executed.

#### Article 22

1. The Ship's Operator shall see to it that a Seafarer is given the medical and dental care which he requires and which can reasonably be provided on board, in which the care is comparable as much as possible to the care that is offered on shore.
2. The Ship's Operator shall see to it that a Seafarer can consult a physician or a dentist, if necessary, for further treatment as soon as the ship is in a port.
3. The Seafarer does not owe any costs for the care, referred to in the first and second paragraphs.
4. By Ministerial Regulation with general operation, the model of the form for the registration of the health condition of a Seafarer shall be established. The form shall be used in the event of communication with a physician or dentist on shore.
5. A form and the personal data stated on it shall only be used for the medical treatment of the Seafarer, and shall be protected against illicit inspection or access, if kept electronically.

#### Article 23

1. The Ship's Operator shall see to it that a ship possesses the medical outfit, prescribed by Ministerial Regulation with general operation, consisting of medication, nursing articles and antidotes, and also medical equipment, with the corresponding checklists and manuals, with due observance of international standards.
2. The Ship's Operator shall enable the Captain to see to it that the medical equipment is in good condition, is supplemented and, if necessary, renewed, as soon as this is possible, at any rate with priority during the normal provisioning procedures.
3. The Ship's Operator shall see to it that the Captain possesses on board at any rate the following internationally accepted manuals in the most recent publication:
  - a. the International Medical Manual for ships;
  - b. the Medical First Aid Manual for accidents with hazardous substances;
  - c. the Document for Guidance – an international training guide, issued by the International Maritime Organization; and
  - d. the medical part of the International Code of Signals.

#### Article 24

1. If a ship can reach qualified medical care and medical provisions under normal circumstances within eight hours, the Ship's Operator shall see to it that on board at least a Seafarer has been appointed who, in the event of accidents or sicknesses can take first-aid measures immediately and can receive and execute medical advice by radio or satellite.
2. Any other ships, than those referred to in the first paragraph, shall have at their disposal at least a Seafarer with the permanent task of providing medical care and administering medicines, including intravenous administration, on account of which he is able to provide an effective contribution to the coordinated system of medical assistance to ships at sea.
3. Seafarers, as referred to in the first and second paragraphs, shall possess the qualifications and skills prescribed in the STCW Convention.
4. A Seafarer, as referred to in the first and second paragraphs, shall, at any rate, follow a refresher course every five years in order to enable him to keep his knowledge and skills up to the mark and to increase them and stay informed of new developments.







5. If a ship is transporting a hundred or more persons and is undertaking an international voyage lasting more than three days, the Ship's Operator shall see to it that there is a doctor on board who shall be in charge of providing medical care.
6. The Minister can decide that a ship, other than referred to in the fifth paragraph, shall have a doctor on board, if the duration or the nature of the voyage, or the number of Seafarers on board gives rise to such.
7. The Captain shall organize the work of the Seafarer, as referred to in the second paragraph, in such a manner that the latter can perform his task with due observance of the prescribed working hours and resting times.
8. By Ministerial Regulation with general operation, rules can be given in connection with the organization of the medical care on board, with due observance of applicable internationally accepted standards.

#### Article 25

1. The Ship's Operator shall see to it that a procedure has been established on every Curacao ship for handling complaints of Seafarers in connection with the observance of the Convention or this Decree, in accordance with the guideline B5.1.5, second paragraph.
2. Every Seafarer shall receive a copy of the applicable complaints procedure from the Captain before the commencement of his activities on board.
3. The Ship's Operator shall see to it that a Seafarer who submits a complaint is protected against intimidation.
4. Any interested party can submit a complaint to the Minister in connection with the observance of the Convention and this Decree.
5. By Ministerial Regulation with general operation, rules shall be set for the submission and handling of complaints in accordance with the guideline B5.1.5, second paragraph.

#### Article 26

1. The Minister shall keep a register of accidents, injuries and sicknesses.
2. The Ship's Operator shall report periodically, using a form issued to that end by the Minister, or access to an electronic file, on accidents, injuries or sicknesses on board. The model of the form shall be established by Ministerial Regulation with general operation.

#### Article 27

The Captain and the Ship's Officers shall behave on board, with respect to the Seafarers, the ship, the cargo, the environment and shipping, as befits a good Scaman.

### § 5 Supervision of foreign ships

#### Article 28

The Minister shall see to it that there is supervision of the observance of the Convention by foreign ships that call at the ports of Curacao, in accordance with provision 5.2.1 and the standard A5.2.1.



**§ 6 Final and transitional provisions**

Article 29

This Decree shall be quoted as: Maritime Labour Regulation.

Article 30

This Decree shall take effect as of June 1, 2014.

Rendered in Willemstad,

The Minister of Traffic, Transportation  
and Spatial Planning,

The Minister of Social Development, Labour  
and Welfare,

Issued on

The Minister of General Affairs

EXPLANATORY NOTES to the Decree, providing for general measures, containing temporary implementation of the Maritime Labour Convention (Maritime Labour Regulation)

## General Part

### *Introduction*

On August 20, 2013, the Maritime Labour Convention 2006 will take effect internationally. From that moment, sea-going vessels can be subjected to inspections in the port state control for the compliance of the Convention. The Maritime Labour Convention 2006 is the fourth leg of the international regulations for shipping. In addition to the security regulation<sup>1</sup>, the prevention of pollution<sup>2</sup> and the standards for training, certification and watch-keeping<sup>3</sup>, the Maritime Labour Convention also concentrates on the labour conditions on board ships. Due to the actual differences between working at sea and working ashore, Seafarers lack the protection and facilities that Employees on land have had for a long time. The efforts of the International Labour Organization (ILO), in cooperation with the International Maritime Organization (IMO), have led to the acceptance of the Maritime Labour Convention.

A particular aspect of the Maritime Labour Convention is laid down in Article V, paragraph seven. In it, a Member State undertakes to execute the port state control in such a manner that non-Member States do not receive any treatment that is more favorable than Member States. In other words, the Member States will have to subject all visiting ships to the same regimen. From this, the most important enforcement mechanism of the Convention ensues. For shipping, any delay of a ship represents an increase in the costs and possible loss on the voyage. It is, therefore, in the interest of the Ships' Operators that an Maritime Labour Compliance Certificate can be shown. Furthermore, the general state of a ship can induce the Port Authorities to decide to conduct a closer investigation to see whether the provisions of the Convention are complied with.

In the present Decree, providing for general measures, a temporary regulation is introduced to regulate the issue of the Maritime Labour Certificates. The regulation is temporary, in view of the advanced stage, in which the preparation of the draft Act is. The Convention took effect as of August 20, 2013. As of August 20, 2014, the port state control into the compliance with the Convention will initiate<sup>4</sup>. Also in view of the foregoing, the Government opts for the introduction of a temporary regulation and meanwhile rap up the draft Act. Besides, there is the execution of a convention in which there is little space for policy considerations. Therefore, if there is any overlapping with possibly existing regulations, the application of the present regulation will have preference. It is emphasized once more that the present regulation is of a temporary nature, until the replacement Act has become effective.

### *The Maritime Labour Convention*

The Convention consists of three parts. The Articles and provisions describe the fundamental rights of Seafarers and the starting points of the Convention, and also the obligations of the

<sup>1</sup> International convention for the security of lives at sea (Solas)

<sup>2</sup> International convention for the prevention of pollution by ships (Marpol)

<sup>3</sup> Standards on Training, Certification and Watch-keeping (STCW)

<sup>4</sup> Resolution XVII established by ILO at the 94<sup>th</sup> session in Geneva on February 26, 2006

Member States. In the Code, accompanying the Convention, the provisions are worked out. In Part A of the Code, the mandatory standards of the implementation have been laid down. In Part B of the Code, the Guidelines for the implementation have been incorporated. Code B offers the flexibility that is required with implementation in order to obtain a broad support with Maritime Employers as well as with Seafarers. The Guidelines, therefore, offer a certain freedom of policy with the implementation. Nevertheless, a Member State that deviates from the non-mandatory standards of the Convention will have to explain this deviation.

The Convention brings the majority of the already existing maritime labour conventions together. The largest part hereof was not ratified for the Netherlands Antilles, nor for Curacao. Implementing the present Convention consequently, means catching up in the field of terms of employment and working conditions for Seafarers on board Curacao ships. The Social Partners in the maritime sector are involved in the process of realizing the draft Maritime Labour Act.

#### *Relation with National Regulations*

The regulation of affairs that are related to ships partially takes place in State Regulations, particularly the Shipping Act and the corresponding Implementation Regulations. Insofar as a regulation has been laid down in State Regulations, reference will be made in the Decree or below in the Explanatory Notes, if necessary.

#### *Financial consequences*

At present, a large part of the inspection tasks for the implementation of the Shipping Act and the Act for the Prevention of Pollution by Ships is mandated to acknowledge Registered Organizations. The intention is also to make use of the system of mandating inspections to Registered Organizations for the implementation of the Maritime Labour Convention. The Ministry, for its part, will supervise the Registered Organizations by means of an auditing system. No additional costs are involved in this.

For the issue of the Observance of Maritime Labour Certificate, part I, ANG. 375.00 will be charged, just as for the declarations in the framework of the implementation of the Crew Decree Aruban, Curacao and St. Maarten sea-going vessels. These revenues are non-recurrent. For other declarations and documents, the same rate will be applied for the time being.

As for the port state control, the starting point will be that the activities are absorbed within the present structure of the supervision of the safety of ships, on the basis of the agreements within the framework of the Caribbean Memorandum of Understanding on Port State Control (CMoU).

Also the investigation into complaints of Seafarers will be divided among the ministries in charge of shipping and labour. The activities can be absorbed within the existing formation.

#### *Advisory Council*

The Advisory Council gave its recommendations on November 6, 2013 (RvA no RA/22-13-LB). The remarks and recommendations of the Council have been incorporated in the draft.

#### Article by Article part

Articles 1 through 3 contain the basic provisions for the Regulation. The definitions are meant for the simplification of the text. Articles 2 and 3 give the scope of the Regulation. The Convention has two angles: on the one hand, the type of ships which the Convention supervises and on the other hand, the Seafarers. This dichotomy has been made visible by splitting up the scope into two Articles. In Article 2, it is laid down what ships the Convention supervises. The number of exceptions is limited. On establishing the Act, it will also apply to fishing vessels, as, in addition to the Maritime Labour Convention, the ILO Fisheries Convention will also be implemented (ILO 188)<sup>5</sup>. The scope is worked out further in § 2, which is related to the certification.

Article 3 describes the scope of the Regulation with regard to Seafarers. The Regulation supervises the Seafarers who are employed on board Curacao ships in any part of the world. It must, hereby, be kept in mind that in practice nowadays the majority of Seafarers are not directly employed by the Ships' Operators, but have been made available to the Ships' Operators by a recruitment agency or an intermediary. They pay a fixed amount to the agency to provide the necessary Seafarers. The employment contract is, consequently, concluded according to the law of the country where the agency is established. When designing the Regulation, this was taken into account by imposing a duty of care on the Ship's Operator with respect to various aspects to verify that the agency complies with the Convention.

In the second paragraph, one of the basic principles of the Convention is immediately implemented, namely the minimum age. The provision that a Seafarer must be at least sixteen years of age in order to be employed on board, is, furthermore, supported with the supervision for the certification, incorporated in Article 5, paragraph three, subparagraph a, and the duty of care laid down in Article 13.

For ships under 200 GT that do not undertake international voyages, the Ship's Operator must comply with the provisions of the Convention, but no mandatory certification is necessary. So the ships can be inspected during port state control for the observance of the Convention. In Article 4, the possibility has been included that a Ship's Operator of such a ship requests dispensation from the obligations of the present Decree and, therefore, the Convention. However, the dispensation will have to indicate in a motivated manner why, in a certain case, the provisions of the Convention need not apply. The dispensation does not mean, however, that the principles of the Convention do not apply to the Seafarers on board the ship.

In § 2, the certification has been arranged. The certification applies solely to ships over 500 GT, making an international voyage. Just as a Curacao ship, a Curacao sea-going vessel must also have a copy of the Convention available on board.

#### Article 5

In this Article, the requirements set in the Convention are applicable to Curacao ships. In the third paragraph, reference is made to the regulation where the requirement is laid down for

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<sup>5</sup> Convention of June 14, 2007

the fourteen main points where supervision is conducted. The reference can be to an Article in the Decree itself, but also a reference to another Regulation, for example, the Curacao and St. Maarten Sea-going Crewmembers Decree or the Commercial Code. If reference is made to the Convention in the Decree, the method of dynamic reference will be used.

In the fourth paragraph, the application for an Maritime Labour Declaration, part I will be considered an application for the Maritime Labour Certificate for the sake of simplifying the implementation of this temporary provision. The charges are connected with the supervision of the compliance with the Convention. When establishing the amount of the costs, the profit principle has also been taken into account. The Ship's Operator benefits, after all, from the certificate obtained. In view of the competitive considerations, the costs have, however, been kept limited, also in view of the whole cost level of the Register in an international context. The other Articles of section 2 follow the Convention.

In Article 8, it has been arranged that the Minister, in addition to the Officials of, among other things, the Ministry, can appoint legal persons entrusted with the execution of the investigations in the framework of the certification. In order to simplify the implementation of the Decree, the possibility has been incorporated in the fifth paragraph to appoint the Registered Organizations, which are acknowledged by the Minister of Infrastructure and Environment of the Netherlands in the framework of the supervision of the safety aspects of ships. This acknowledgment of the Registered Organizations is regulated, pursuant to the Shipping Act.

In § 3, the rules are given in connection with the information on the crew. For the implementation of the Convention, the administration must possess sufficient information on each Seafarer, so that, with the observance of the Convention, individual cases can also be monitored.

The regulation in Article 11 serves as a replacement of the use of the Muster Book. Nowadays, most Seafarers use their passport as a travel document. Updating muster books is a heavy administrative burden for the Ministry. The Facilitation Convention of the International Maritime Organization has established some documents that can be used by the Member States. This is, for example, the Crew List, as prescribed in Article 11.

In Article 12, the Inspection Register is regulated. A register of the Inspectorates is required, pursuant to the standard A5.1.4, paragraph 13, of the Convention. The Register is open to the public for inspection. This Register serves as a basis for the reports to the Labour Organization, pursuant to Article 22 of the Convention for instituting the Organization.

In § 4, the rules are given for the terms of employment and the working conditions on board. The regulations refer directly to the provisions of the Convention, either the standards or the guidelines. When drawing up these Articles, model provisions, incorporated in the Manual for the Implementation that has been issued by the International Labour Organization, have been used.

In this section, the emphasis is on the responsibility of the Ship's Operator in order to satisfy himself that the Seafarers on board of the ships for which he bears the responsibility can work in a healthy and safe environment and with honest and reasonable terms of employment. The emphasis on the responsibility of the Ship's Operator is prompted by the fact that the





majority of the Seafarers on board Curacao ships do not reside in Curacao and do not possess the Dutch nationality. The Seafarers who are residents and work from Curacao on a Curacao ship work on the basis of a labour contract, in accordance with Curacao law, and fall under the scope of application of the legislation for social security.

The regulations in this section refer directly to the Convention. Thus, Curacao adheres to the minimum standards of the Convention.

Article 20 comprises, in addition to preventive measures with regard to the protection of health, also the prevention of occupational accidents on board. The regulation of the Safety Commission, as referred to in regulation 4.3 of the Convention, is laid down in § 1 of Chapter IIIa of the Shipping Act.

With regard to Article 23, it is remarked that, on the basis of the Shipping Decree 2004, the Safety Regulation Antillean and Aruban Sea-going Vessels contains a regulation for the medical equipment which is mandatory on the basis of the SOLAS Convention in the event of transportation of hazardous substances. These regulations are not contradictory. In view of the obligation on the basis of the Convention to regulate the medical care of the Seafarers, it is desirable to also make a provision in the present Decree.

In Article 27, the principle of good seamanship has been included as a reference to Article 3 of the disciplinary proceedings in shipping<sup>6</sup>. Maintaining violations in shipping is, after all, not regulated in the penal scope, but in the disciplinary scope. Although no sanctions can be imposed in a Decree providing for general measures, it is recommendable to incorporate the principle of good seamanship now as a basis for the future disciplinary enforcement. This will be incorporated in the Act for the replacement of this Decree.

In § 5, the supervision of foreign vessels is regulated. Article 27 is the core of this Regulation. In it, the care for the supervision is assigned to the Minister. The Minister will, hereby, apply provision 5.2.1 of the Convention and the standard A5.2.1, which serves as the detailed elaboration of the provision. For the organization of the supervision, the already existing structures within the Ministry will be used. As stated in the financial section, the agreements made within the mechanism for port state control within the Caribbean Memorandum of Understanding under the auspices of the International Maritime Organization, deserve attention.

On the basis of these agreements, at least 10% of the ships calling at Curacao must be investigated. With the level of supervision, the lay-out of the ships that call at Curacao must also be taken into account. A large part concerns ships that regularly call at the ports of Curacao. For these ships, it is not necessary to conduct a complete inspection with each visit.

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<sup>6</sup> P.B. 2007, no. 76

Willemstad, .....

The Minister of Traffic, Transportation  
and Spatial Planning,

The Minister of Social Development, Labour  
and Welfare,

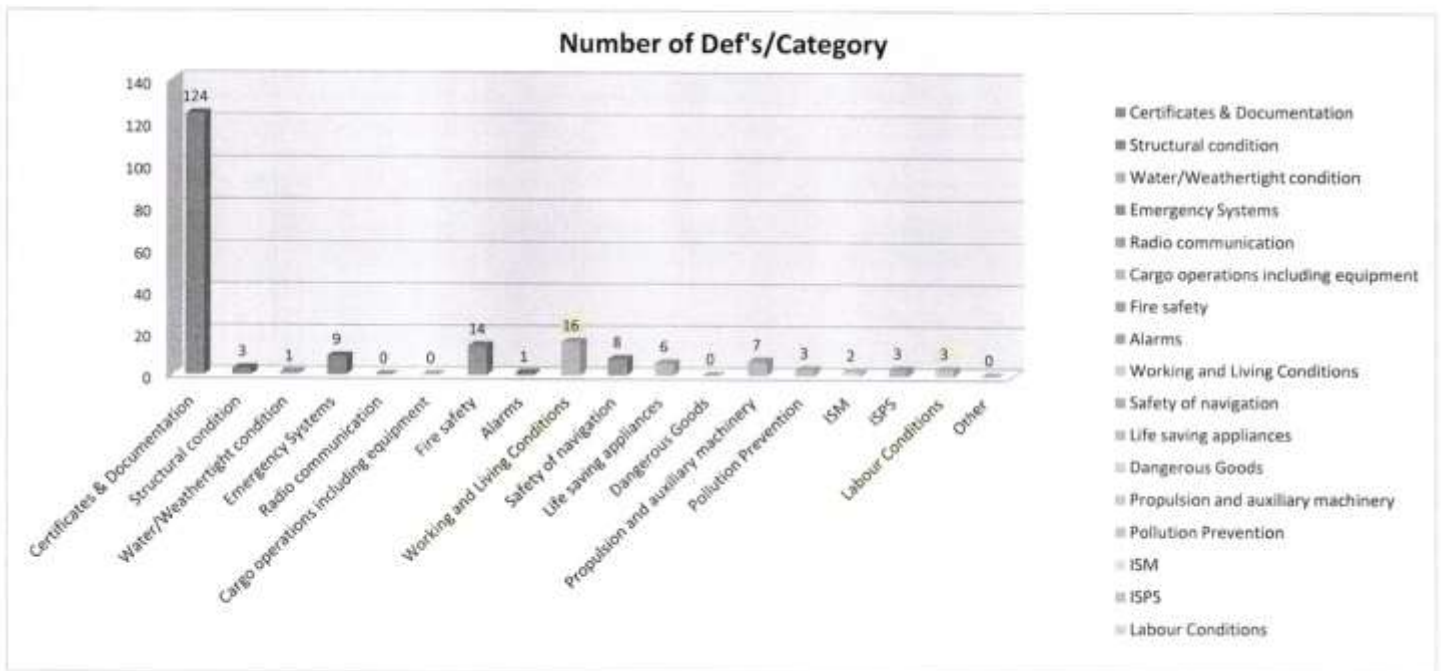
.....  
*Disclaimer: In the event of any dispute regarding the contents or interpretation of this  
English text, the Dutch version shall eventually prevail.*

## Classification Societies

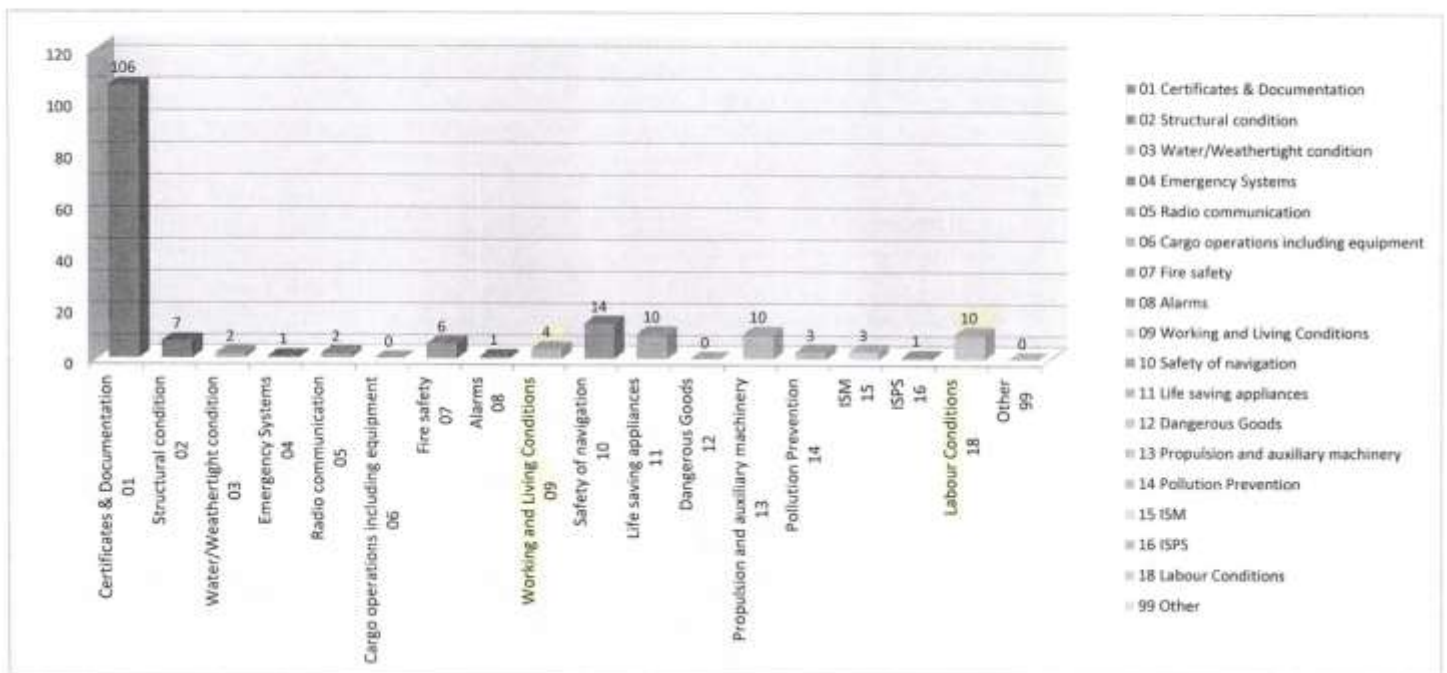
Currently the following classification societies are authorized by the Marine Authority of Curaçao

- American Bureau of Shipping (ABS)
- Lloyd's Register of Shipping (LR)
- Det Norske Veritas GL (DNV-GL)
- Nippon Kaijikyokai (NKK)
- Registro Italiano Navale (RINA)
- Bureau Veritas(BV)

2017



2018





# MARITIME AUTHORITY OF CURAÇAO

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## Maritime Labour Convention, 2006 Declaration of Maritime Labour Compliance – Part I

(NOTE; This declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of the **Government of Curaçao**  
By

With respect to the Maritime Labour Convention, 2006 ("MLC, 2006" or also referred to below as "the following referenced ship:

Name of Ship	IMO Number	Gross tonnage

Is maintained in accordance with Standard A5.1.3 of the Convention

The undersigned declares, on behalf of the abovementioned competent authority,  
That:

- (a) the provisions of the MLC, 2006 are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions where they differ from the MLC, 2006 are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below;
- (e) any ship-type specific requirements under national legislation are referenced under the requirements concerned.



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Website: [www.smz.org](http://www.smz.org)

## General provisions

1. DML: Decree on Maritime Labour (P.B. 2014, PM);
2. The convention: MLC 2006;
3. A ship operator is the owner of a ship or the natural person or legal entity which has the responsibility for the exploitation of a ship from the owner (Reg. 1, subsection f, DML);
4. Maritime employer is the ship operator or a manning agency (Reg. 1, subsection k, DML).

SECTION NO. AND MLC REFERENCE	PROVISIONS ETC.
1. Minimum age (Regulation 1.1)	The ship operator shall ensure that when employing seafarers on board of a ship regulation A1.1. and regulation A3.2, paragraph 8 are complied with (Reg. 13 DML).
2. Medical certification (Regulation 1.2)	<p>2.1 The ship operator shall ensure a seafarer is medically fit to perform his duties (Reg.13, section 2 DML) and can show a valid medical certificate in compliance with MLC regulation 1.2 (Reg. 13, section 2 DML).</p> <p>2.2 Exceptions can only be permitted as prescribed in the Code.</p>
3. Qualification of seafarers (Regulation 1.3)	<p>3.1 Seafarers must have the appropriate training and qualifications, as well as a certificate accrediting their professional competences and other qualifications to perform their functions, duly issued or endorsed by the competent authority (Manning Decree<sup>1</sup>) (Reg. 5, section 4,</p>

<sup>1</sup> Bemanningsbesluit Arubaanse, Curaçaose en Sint Maartense zeeschepen P.B. 2002, 39)



	<p>sub c), DML).</p> <p>3.2 The training and certification must comply with the mandatory instruments (STCW) adopted by the IMO.</p>
<p><b>4. Seafarers' employment agreements (Regulation 2.1)</b></p>	<p>4.1 A ship operator making use of a seafarer recruitment or placement service shall ensure:</p> <ul style="list-style-type: none"> <li>a. the service is located in a state party to the convention, has received a positive evaluation for compliance with the convention from a recognized organization, or otherwise has proven to be in compliance with the convention;</li> <li>b. seafarers are not or have not been charged any costs for the mediation, and</li> <li>c. are provided with a written seafarer's employment agreement in compliance with standard A2.1.(Reg. 14, section 1, DML).</li> </ul> <p>4.2 Section 4.1, subs b and c are applicable for the ship operator who also is a maritime employer (Reg. 14, section 2, DML).</p> <p>4.3 The maritime employer shall ensure the seafarer's employment agreement is made and executed in compliance with standard A2.1 (Reg. 15, section 1, DML).</p> <p>4.4 The maritime employer shall pay wages in compliance with standard A2.2. and Guideline B2.2, especially Guideline B2.2.2. (Reg. 15, section 2 DML).</p> <p>4.5 A seafarer acquires during the duration of the seafarers' employment agreement, entitlement to annual leave with pay as established in standard A2.4, section 2, in keeping with Guideline B2.4 (Reg. 15, section 3, DML).</p> <p>4.6 If the ship operator is not the maritime employer he shall establish in writing that the maritime</p>



	employer complies with Reg. 15, sections 1, 2 and 3 <sup>2</sup> (Reg. 15, section 4).
<b>5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)</b>	<b><u>Use of any licensed or certified or regulated private recruitment and placement service</u></b> (MLC regulation 1.4)  <i>See 4.1.</i>
<b>6. Hours of work or rest (Regulation 2.3)</b>	<b><u>Hours of work or rest</u></b> (MLC regulation 2.3) )  The ship's operator shall ensure compliance with the applicable rules and regulations concerning the implementation of the STCW convention <sup>3</sup> (Reg. 5, section 4, sub f, DML)
<b>7. Manning levels for the ship (Regulation 2.7)</b>	The ship's operator shall ensure the ship is manned according to the Minimum Safe Manning Certificate issued by Maritime Authority in accordance with the Manning decree <sup>4</sup> (Reg. 5, section 4, sub c, DML).

<sup>1</sup> Apparent typo in Reg. 15, section 4, intends to include section 3 in the reference.

<sup>1</sup> Manning Decree. See note 1.

<sup>2</sup> Apparent typo in Reg. 15, section 4, intends to include section 3 in the reference.

<sup>3</sup> Manning Decree. See note 1.

<sup>4</sup> See note 1.



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Website: [www.doma.org](http://www.doma.org)

<p><b>8. Accommodation (Regulation 3.1)</b></p>	<p><b>8.1</b> The ship operator shall provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being in compliance with MLC Regulation 3.1 taking into consideration Guideline B3.1. (Reg. 16, section 1, DML).</p> <p><b>8.2</b> The master ensures that inspections of the accommodation and recreational facilities are carried out regularly to ensure these spaces are clean, habitable and in a good state of repair. A report is made of these inspections which is kept available for review (Reg. 16, section 2 DML).</p>
<p><b>9. On-board recreational facilities (Regulation 3.1)</b></p>	<p><i>See 8.</i></p>
<p><b>10. Food and catering (Regulation 3.2)</b></p>	<p><b>10.1</b> The ship's operator ensures that the ship carries on board and serves food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds.</p> <p><b>10.2</b> When establishing the ships provisions the ship operator ensures these take into consideration the amount of seafarers on the board, the duration and type of voyage;</p> <p><b>10.3</b> The captain ensures regular inspections of the ship's provisions and the spaces and equipment used for storage, handling and preparation of food and drinking water, to establish these are clean and in good state of repair. A report is made of these inspections which is kept available for review (Reg. 17, section 2, DML). <sup>4</sup> See note 1.</p> <p><b>10.4</b> Seafarers on board a ship shall be provided with food free of charge</p>

	<p>during the period of engagement (Reg. 17, section 3, DML).</p> <p>10.5 All seafarers employed as ships' cooks with responsibility for food preparation must be trained and qualified for their position on board ship (Reg. 18, section 1, DML).</p> <p>10.6 A ship's operator shall only put a seafarer to work as ship's cook a person certified or instructed in the fields of food, personal hygiene and treatment and storage of provisions (Reg. 18, section 2, DML).</p>
<p><b>11. Health and Safety and accident prevention (Regulation 4.3)</b></p>	<p>11.1.1 The ship operator ensures that all seafarers on board are provided adequate measures for the protection of their health, dental care and that they have access to prompt and adequate medical care whilst working on board as comparable as possible to that which is generally available to workers ashore (Reg. 22, section 1 and Reg. 24).</p> <p>11.1.2 The ship operator shall ensure seafarers can consult a qualified medical doctor or dentist without delay in ports of call (Reg. 22, section 2 DML).</p> <p>11.1.3 Medical care as referred to in 11.1.1 and 11.1.2 is provided free of charge to seafarers (Reg. 22, section 3 DML).</p> <p>11.1.4 When communicating with a physician or dentist a shore the ship's medical personnel will use a standard form provided by MAC to record the health status of a seafarer (Reg. 22, section 4 DML).</p> <p>11.1.5 The form, when completed and its contents shall be kept confidential and shall only be used to facilitate the treatment of the seafarer concerned (Reg. 22, section 5).</p> <p><b><u>11.2</u></b> <b><u>Accident</u></b> <b><u>prevention</u></b></p> <p>11.2.1 The ship operator ensures that a safety committee on board is established and functional (Reg. 26f Shipping Act)</p> <p>11.2.2 The committee consists of representatives of seafarers on board in different functions than that of an officer and the master, or an officer designated by the master.</p> <p>11.2.3 The committee is authorized to make recommendations to improve safety on board and to prevent occupational accidents.</p> <p>11.2.4</p>

	<p>The ship operator reports periodically and using a form provided for that purpose by MAC, or is provided access to an electronic file, on accidents, injuries or illnesses on board (Reg. 26, section 2).</p> <p><b><u>11.3 Prevention measures</u></b></p> <p>11.3.1 The ship operator shall ensure that on-board preventive measures also be taken, including the provision of information and education on the prevention of infectious diseases and the promotion of a healthy lifestyle (Reg. 21, section 1, DML).</p> <p>11.3.2 The master shall ensure that the measures referred to in the first paragraph shall be performed (Reg. 21, section 2, DML).</p>
<p><b>12. On-board medical care (Regulation 4.1)</b></p>	<p>12.1 The ship operator ensures that the ship has available in accordance with the specifics noted in a ministerial regulation the prescribed medical equipment on board consisting of:</p> <ol style="list-style-type: none"> <li>a. a medicine chest;</li> <li>b. facilities for diagnosis and treatment;</li> <li>c. medical manuals;</li> <li>d. antidotes; and</li> <li>e. checklists in keeping with international standards (Reg. 23, section 1).</li> </ol> <p>12.2 The ship operator ensures that at least one seafarer on board is in charge of medical care and administering medicine as part of their regular duties or the ship has at least one seafarer on board competent to provide medical first aid (Reg. 24, section 1 DML).</p> <p>12.3 Seafarers as referred to in 12.2 in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended ("STCW") (Reg. 24, section 3 DML).</p> <p>12.4 Ships carrying 100 or more persons shall carry a qualified medical doctor who is responsible for providing medical care (Reg. 24, section 5 DML), unless the minister provides an exemption in view of the length of the voyage or the amount of seafarers on board (Reg. 24, section 6).</p>
<p><b>13. Onboard Complaint Procedure (Regulation 5.1.5)</b></p>	<p>13.1 The ship operator shall ensure a ship carries an approved on-board complaint procedures for the fair, effective, <i>well-documented</i> and expeditious handling of seafarer complaints concerning the execution of the Convention or the Decree on maritime labour, in accordance with guideline B5.1.5 (Reg. 25, section 1 DML).</p>

	<p>13.2 The ship operator shall ensure a seafarer who lodges a complaint is protected against victimization (Reg. 25, section 3 DML).</p> <p>13.3 Ship owners shall provide all seafarers working on a ship with a copy of the approved on-board complaint procedures applicable on the ship (Reg. 25, section 2 DML).</p>
<p>14. Payment of wages (Regulation 2.2)</p>	<p><b>Payment of Wages</b> (MLC Regulation 2.2.)</p> <p><i>See 4.1.2, section 2.</i></p>



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Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(seal or stamp of the authority, as appropriate)

### Substantial Equivalencis

(NOTE: Strike out the statement which is not applicable)



The following substantial equivalencies, as provided for under Article VI, paragraphs 3 and 4, of the Convention is noted:

~~No equivalency has been granted.~~

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
  
Place: \_\_\_\_\_  
Date: \_\_\_\_\_

(seal or stamp of the authority, as appropriate)

Page 5 of 5



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### Exemptions

*(NOTE: Strike out the statement which is not applicable)*

The following exemptions granted by the competent authority as provided in Title 3 of the Convention is noted:

~~No exemption has been granted.~~

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_

Place:

---

Date:

---

(seal or stamp of the authority, as appropriate)

MLC Declaration Version 1 MAC21-5-2014





# MINIMUM SAFE MANNING DOCUMENT

CURAÇAO

Issued under the provisions of regulation V/14.2 of the  
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended  
under the authority of  
The Government of Curaçao  
by  
The Head of the Shipping Inspectorate of Curaçao

Name of ship:	<b>“ORANGE STRAIT”</b>
Distinctive number or letters:	<b>PJDE</b>
IMO Number:	<b>9795995</b>
Port of registry:	<b>Willemstad</b>
Gross tonnage	
National	<input type="text"/>
International Tonnage Convention, 1969	<b>6088</b>
Main propulsion power (kW)	<b>3325</b>
Type of ship *:	<b>Other Cargo Ship</b>
Periodically unattended machinery space:	<b>Yes</b>

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\* Insert the type of ship from among the following: Passenger Ship, Passenger High Speed Craft, Cargo High Speed Craft, Bulk Carrier, Oil Tanker, Chemical Tanker, Gas Carrier, Mobile Offshore Drilling Unit  Other Cargo Ship



<b>Trading area**:</b> UNRESTRICTED
<b>GMDSS area:</b> A1 + A2 + A3 + A4

The ship named in this document is considered to be safely manned if, when it proceeds to sea, it carries not less than the number and grades/capacities of personnel specified in the table(s) below.

Grade/capacity	Certificate (STCW regulation)	Number of persons
Master	A-II/2; A-IV/2	1
Chief Officer	A-II/2; A-IV/2	1
Officer in charge of a navigational watch	A-II/1; A-IV/2	1
Chief Engineer	A-III/2	1
Second Engineer	A-III/2	1
Officer in charge of an engineering watch	A-III/1	1
Rating Deck	A-II/4; A-II/5	3
Rating Engine Room	A-III/4; A-III/5	2
Cook	A-VI/1	1

Special requirements or conditions, if any:

This certificate is valid until: **April 22, 2024**

Issued at Willemstad, the **May 08, 2019**

under no.: **20542/2019**

The Head of the Shipping Inspectorate of Curaçao,  
On his behalf,

**B.M. Allee**



\*\* Where a trading area other than unlimited is shown, a clear description or map of the trading area should be included in the document.





MINISTRY OF  
**TRAFFIC, TRANSPORT AND URBAN PLANNING**  
 MARITIME AUTHORITY OF CURAÇAO

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**ENCLOSURE TO QUESTION 24 OF MANNING PROPOSAL FORM**

Name of vessel:

Date of submission:

DESCRIPTION OF WORK	Crew member as numbered in question 23																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<b>Navigation &amp; maneuvering</b>																				
1.1 Maintaining course																				
1.2 Maneuvering																				
1.3 Collision avoidance																				
1.4 Determining position and course																				
1.5 updating/ correcting navigational information (charts, ship's log etc.)																				
1.6 Obtaining weather information																				
1.7 mooring/ unmooring																				
1.8 monitoring engine-room bridge control																				
1.9 Lockout																				
<b>Propulsion</b>																				
2.1 Monitoring propulsion machinery																				
2.2 maintenance of main engine (daily routine)																				
2.3 Repairs to propulsion machinery																				
<b>Cargo Handling</b>																				
3.1 Prepare for loading / discharging																				
3.2 Loading (including ballasting / bunkering)																				
3.3 making ready for sea																				
3.4 Cargo care																				
3.5 Cleaning of holds / cargo compartments																				
3.6 Discharging (including de-ballasting)																				
<b>Auxiliary Machinery</b>																				
4.1 Monitoring auxiliary engine																				
4.2 Maintenance auxiliary engines (daily routine)																				
4.3 repairs to auxiliary machinery																				
<b>Maintenance</b>																				
5.1 Supervising condition of hull, deck, superstructure																				
5.2 Maintenance of hull, deck, superstructure																				
5.3 Supervising navigation equipment																				
5.4 Maintenance of navigation equipment																				
5.5 Supervision of maneuvering equipment																				
5.6 Maintenance of maneuvering equipment																				
5.7 Maintenance accommodation (not including own cabin)																				



MINISTRY OF  
**TRAFFIC, TRANSPORT AND URBAN PLANNING**  
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 Email: [expertise@maritimecuracao.org](mailto:expertise@maritimecuracao.org)  
 Website: <http://maritimecuracao.org>

DESCRIPTION OF WORK	Crew member as numbered in question 23																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
5.8 Maintenance of safety equipment																				
5.9 medical care																				
5.10 Preparation of food																				
5.11 Supervision on condition of deck gear (cranes, etc.)																				
5.12 Maintenance of deck gear																				
5.13 Acquisition and control of (spare) parts																				
5.14 Supervision on condition of cargo-related machinery (e.g. refrigerating units)																				
5.15 Maintenance of cargo-related machinery																				
<b>Safety Procedures</b>																				
6.1 Fire-drill, boat-drill																				
6.2 Inspection rounds																				
6.3 Safety Committee																				
<b>Communication</b>																				
7.1 External communication (radio, fax etc)																				
<b>Ship's Management</b>																				
8.1 Planning & Organization Deck Department																				
8.2 Planning & Organization Engine Department																				
8.3 Conduct work review																				
8.4 Supervision on work performance																				
8.5 Administration																				
<b>Other</b>																				
9.1																				
9.2																				
9.4																				
9.5																				

Code to be used in completing this form:

- S** = Supervision of task
- P** = Performance of task
- B** = Supervision as well as performance of task

## Appendix II

### Legal Adviser's opinion on the relationship between Parts A and B of the Code (extract of Appendix D to Report I (1A) of the 94th (Maritime) Session of the International Labour Conference, 2006) <sup>16</sup>

#### Coexistence of mandatory and non-mandatory provisions in a Convention

Questions were addressed to the Legal Adviser (in 2003) by the Government representatives of the Netherlands and Denmark, as well as those of Cyprus and Norway, as to the various consequences flowing from the coexistence in the draft consolidated Convention of binding and non-binding provisions for ratifying Members. The High-level Tripartite Working Group on Maritime Labour Standards is, in accordance with its mandate, working on a consolidated Convention as a new type of instrument compared with those adopted up to now. The consolidation of maritime instruments in force is aimed at placing all substantive elements in a single instrument in an approach radically different to that employed up to now, where Conventions contain detailed technical provisions, often accompanied by Recommendations. From this perspective, conclusions cannot be drawn from the traditional formal arrangement based on the distinction between a Convention – where the provisions are binding – and a Recommendation – where they are not. The future instrument is a Convention open to ratification by States Members providing explicitly for the coexistence of binding and non-binding provisions (proposed Article VI, paragraph 1). The provisions of Part A of the Code would be binding; those of Part B would not.

Some international labour Conventions set out, alongside binding provisions, others that are of a different nature. <sup>17</sup> The novelty introduced in the future instrument essentially resides in the great number of non-binding provisions in the instrument. It should equally be noted that other organizations, such as the IMO, have adopted conventions containing the two types of provisions without any apparent legal problems in their application.

Members ratifying the Convention would have to conform to the obligations set out in the Articles, the Regulations and Part A of the Code. Their only obligation under Part B of the Code would be to examine in good faith to what extent they would give effect to such provisions in order to implement the Articles, the Regulations and Part A of the Code. Members would be free to adopt measures different from those in Part B of the Code so long as the obligations set out elsewhere in the instrument were respected. Any State Member which decided to implement the measures and procedures set out in Part B of the Code would be presumed to have properly implemented the corresponding provisions of the binding parts of the instrument. A Member which chose to employ other measures and procedures would, if necessary, and particularly where the Member's application of the Convention was questioned in the supervisory machinery, have to provide justification that the measures taken by it did indeed enable it to properly implement the binding provisions concerned.

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<sup>16</sup> ILO: *Adoption of an instrument to consolidate maritime labour standards*, Report I(1A), International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

<sup>17</sup> See, for example, the Occupational Health Services Convention, 1985 (No. 161), Article 9, paragraph 1: "... occupational health services should be multidisciplinary".

**V, VI Copies of these reports have been sent**

The employer's organization

VBC Curacao Business Association

The workers's organizations

CGTC Central General of Curacao Workers

SSK Central of Curacao Trade Union

Platform Dialògo Nashonal 'Kòrsou ta Avansá'

Central Commission on Workers (civil servants's sector, PB 2008, no 70)

## ANNEX I



## ANNEX II

## ANNEX III

J1088  
reports  
2019**LANDSBESLUIT**van de **OCT 19 2018**no. **18/2954****DE GOUVERNEUR VAN CURAÇAO**

Op voordracht van de Minister van Sociale Ontwikkeling, Arbeid en Welzijn, handelende in overeenstemming met de gevoelens van de Raad van Ministers;

Inachtnemende:

De bevindingen van de beraadslagingen en de besluitvorming in de vergaderingen van de Raad van Ministers en het Plataforma Diálogo Nashonal vanaf juni 2018 tot en met heden en de noodzaak voor de oprichting van een nationaal instituut voor vak- en beroepsopleidingen.

Overwegende:

- dat in de op 10 mei 2017 overeengekomen "Akuerdo di gobernashon 2017-2021" met de missie "realisando e máximo potenshal di Kòrsou" onmiskenbaar is vastgesteld dat duurzame economische groei met maximale participatie van de Curaçaoënaar prioriteit is;
- dat uitgaande hiervan een adequaat arbeidsmarktbeleid, met als integraal instrument een voorziening om de benodigde werknemers optimaal te kunnen trainen, vormen en in te zetten ten behoeve van de economische ontwikkeling van Curaçao, een voorwaarde van de eerste orde is om deze ambitie te kunnen realiseren;
- dat de International Labor Organization (ILO) in haar, ook door Curaçao geratificeerde, "Employment Service Convention 1948, no 88" en in diverse andere conventies aan het Land Curaçao de verplichting is opgelegd om zorg te dragen voor een voorziening die het mogelijk maakt dat werknemers en potentiële werknemers zodanig geschoold en getraind worden dat zij optimaal ingezet kunnen worden op de arbeidsmarkt en daardoor een substantiële bijdrage kunnen leveren aan de economische ontwikkeling van Curaçao;
- dat ingevolge artikel 22 van de Staatsregeling van Curaçao de bevordering van voldoende werkgelegenheid voorwerp van zorg is van de overheid;
- dat de Landsverordening Ambtelijk Bestuurlijke Organisatie (LABO), het ministerie van Sociale Ontwikkeling, Arbeid en Welzijn onder andere belast is met aangelegenheden van arbeid en arbeidsrelaties;
- dat de regering van Curaçao het noodzakelijk acht om op korte termijn zorg te dragen voor een alternatieve voorziening die garandeert dat werknemers van Curaçao de nodige en adequate training, vakopleiding en scholing krijgen die

hen in staat stellen om een bijdrage te leveren aan de economische ontwikkeling van Curaçao;

- dat de regering van Curaçao genoodzaakt is tot het creëren van een dergelijke voorziening om te kunnen voldoen aan haar constitutionele verplichting en tevens uit diverse vastgestelde ILO-conventies voortvloeiende verplichtingen.

Gelet op:

- De ILO Employment Service Convention van 1948, no.88;
- De Staatsregeling van Curaçao;
- De Landsverordening Ambtelijk Bestuurlijke Organisatie;
- Het Businessplan van het ministerie van Sociale Ontwikkeling, Arbeid en Welzijn;
- Het Akuerdo di Gobernashon 2017-2021;
- Het Regeerprogramma 2017-2021;
- Het National Development Plan Curaçao 2015-2030;

HEEFT GOEDGEVONDEN:

#### Artikel 1

Een stuurgroep in te stellen om de nodige werkzaamheden te verrichten die moeten leiden tot de oprichting van een "Instituto Nashonal pa Desaroyo di Forsa Laboral".

#### Artikel 2

De doelstelling van het Instituto Nashonal pa Desaroyo di Forsa Laboral is het zorgdragen voor een continue scholing en training van werknemers en potentiële werknemers van Curaçao middels voldoende en gerichte aanbod van branche-gerichte vakopleidingen, bedrijfsgerichte vakopleidingen, toeleidingsvakopleidingen en van actualiseringsgerichte vakopleidingen die aansluiten op de behoeften van de arbeidsmarkt ter ondersteuning van de economische ontwikkeling van Curaçao.

#### Artikel 3

Het functioneren van de stuurgroep geschiedt binnen de kaders en de principes van de voor Curaçao geldende ILO-conventies, het Curaçaose arbeidsmarktbeleid en het economische ontwikkelingsbeleid.

#### Artikel 4

Nader gespecificeerd zal de stuurgroep bij het opzetten van het Instituto Nashonal pa Desaroyo di Forsa Laboral rekening moeten houden met de volgende aspecten:

- a. Het Instituto Nashonal pa Desaroyo di Forsa Laboral heeft als functie het optimaliseren van de ontwikkeling van de "workforce" van Curaçao zoals dat wordt voorgeschreven door de ILO in diverse internationale verdragen;
- b. Het Instituto Nashonal pa Desaroyo di Forsa Laboral heeft een publiekrechtelijk karakter, zoals wordt gesteld in de ILO-convention. Als gevolg hiervan dient de



- regering van Curaçao zorg te dragen voor professionele scholing/training en nascholing/re-training van de "workforce" van Curaçao teneinde te kunnen voldoen aan de vraag van de arbeidsmarkt en de economische ontwikkeling;
- c. Het Instituto Nashonal pa Desaroyo di Forsa Laboral dient een essentieel en conceptueel instrument te zijn voor de realisering van het arbeidsmarktbeleid van Curaçao;
  - d. Uitgaande van het principe van de vigerende wet- en regelgeving is het noodzakelijk om de verzorging van "workforce development" op Curaçao te verankeren in een wettelijke basis;
  - e. In aanvulling op het principe van "goed werkgeverschap" is het noodzakelijk om te komen tot een wettelijke verankering van de scholingsplicht, zoals dat internationaal gebruikelijk is;
  - f. Het Instituto Nashonal pa Desaroyo di Forsa Laboral dient zes maanden na dagtekening opgericht te zijn.

#### Artikel 5

1. De stuurgroep wordt als volgt samengesteld:
  - Drie leden worden aangewezen door de Minister van Sociale Ontwikkeling, Arbeid en Welzijn;
  - Eén lid wordt aangewezen door de Minister van Economische Ontwikkeling;
  - Eén lid wordt aangewezen door de Minister van Onderwijs, Wetenschap, Cultuur en Sport
  - Eén lid wordt aangewezen door het bedrijfsleven;
  - Eén lid wordt aangewezen door het vakbondswezen.
2. De Minister van Sociale Ontwikkeling, Arbeid en Welzijn wijst uit de leden van de stuurgroep een voorzitter aan.
3. Voor nadere uitwerking van deelaspecten van de uit te voeren opdracht en voor deelname aan het overleg van de stuurgroep zullen ter zake deskundigen, individueel of in werkgroepen, uitgenodigd worden.

#### Artikel 6

De stuurgroep ontwikkelt het Instituto Nashonal pa Desaroyo di Forsa Laboral in nauwe samenwerking met een door de Minister van Sociale Ontwikkeling, Arbeid en Welzijn ingestelde klankbordgroep.

#### Artikel 7

1. De stuurgroep resorteert als project onder de aansturing en verantwoordelijkheid van de Minister van Sociale Ontwikkeling, Arbeid en Welzijn.
2. De voorzitter van de stuurgroep rapporteert om de twee weken schriftelijk aan de Minister van Sociale Ontwikkeling, Arbeid en Welzijn.

3. De Minister van Sociale Ontwikkeling, Arbeid en Welzijn rapporteert maandelijks over de voortgang van de werkzaamheden aan de Raad van Ministers.

#### Artikel 8

1. Het functioneren van de stuurgroep wordt gefaciliteerd door het ministerie van Sociale Ontwikkeling, Arbeid en Welzijn.
2. De voorzitter van de stuurgroep is belast met de aansturing en coördinatie van de werkzaamheden en het functioneren van de stuurgroep, werkgroepen en klankbordgroep. Hij draagt tevens zorg voor de organisatie, de voorbereiding, het leiden van de beraadslagingen, het vastleggen van de afspraken, de naleving van deze afspraken en het informeren van de Minister van Sociale Ontwikkeling, Arbeid en Welzijn.
3. De besluitvorming in de stuurgroep vindt plaats op basis van consensus. Indien consensus niet mogelijk is, wordt het discussieonderwerp voorgelegd aan de Minister van Sociale Ontwikkeling, Arbeid en Welzijn, onder vermelding van het verschil van zienswijze(n), die een besluit neemt.

#### Artikel 9

1. Alvorens tot finale besluitvorming ter oprichting van het Instituto Nashonal pa Desaroyo di Forsa Laboral over te gaan, raadpleegt de Minister van Sociale Ontwikkeling, Arbeid en Welzijn het "Plataforma Diálogo Nashonal".
2. Het resultaat van de werkzaamheden van de stuurgroep wordt als advies aangeboden aan de Minister van Sociale Ontwikkeling, Arbeid en Welzijn die dit ter vaststelling voorlegt aan de Raad van Ministers.

#### Artikel 10

De stuurgroep wordt ingesteld voor de duur van zes maanden en kan op verzoek van de Minister van Sociale Ontwikkeling, Arbeid en Welzijn, na de Raad van Ministers terzake te hebben gehoord, voor bepaalde tijd worden verlengd.

#### Artikel 11

1. Administratieve kosten voortvloeiende uit de werkzaamheden van de stuurgroep komen ten laste van de begroting van het ministerie van Sociale Ontwikkeling, Arbeid en Welzijn.
2. Leden van de stuurgroep, niet zijnde actieve ambtenaren of medewerkers van een kabinet van een minister, komen in aanmerking voor een vergoeding ten bedrage van Naf. 125,00 per vergader uur met een maximum bedrag van Naf. 5.000,- per persoon per maand, exclusief OB. Hierbij zijn de minimale vergaderuren gecalculeerd op gemiddeld 40 uren per maand per persoon.



Artikel 12

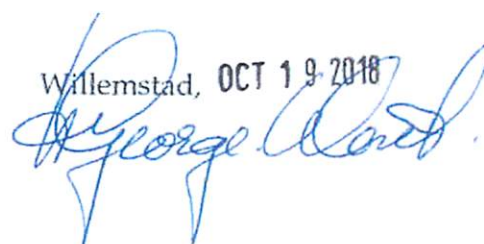
Dit landsbesluit treedt in werking met ingang van de datum van ondertekening.

Afschrift van dit landsbesluit wordt gezonden aan:

de Raad van Ministers,  
de Algemene Rekenkamer,  
de Stichting Overheidsaccountantsbureau,  
de Secretaris-generaal van het Ministerie van Sociale Ontwikkeling, Arbeid en  
Welzijn,  
de Secretaris-generaal van het Ministerie van Economische Ontwikkeling;  
de Secretaris-generaal van het Ministerie van Onderwijs, Wetenschap,  
Cultuur en Sport  
het Sentral Sindikatonan di Kòrsou  
het Sentral General di Trahadónan di Kòrsou  
de Kamer van Koophandel  
de Vereniging Bedrijfsleven Curaçao



De Minister van Sociale Ontwikkeling,  
Arbeid en Welzijn,

Willemstad, OCT 19 2018  



 MINISTRY OF  
**SOCIAL DEVELOPMENT, LABOR & WELFARE**

To:  
 Ms Claudia Coenjaerts  
 Director of the ILO Decent Work Team  
 and Office for the Caribbean  
 6 Stanmore Avenue  
 Port of Spain  
 TRINIDAD

<i>Date:</i>	<i>Contact:</i>	<i>E-mail address:</i>	
3/26/2019	Ingrid Ipatia	Ingrid.Isabella-Ipatia@gobiernu.cw	
<i>Your letter of:</i>	<i>Your reference:</i>	<i>Our number:</i>	<i>Case number:</i>
	--		2019/011649
<i>Subject:</i>		<i>Page:</i>	<i>No. of annexes:</i>
Available technical support and guidance		1	0

Dear Ms. Coenjaerts,

Dear,

As of November 16th, 2018, the Government of Curaçao installed officially a tripartite Steering Committee.

The assignment given to the Steering Committee is to, within six months, put in place a National Authority for the ongoing development of the labor force of Curaçao. Please find the official Decree of the installation of the Steering Committee in Annexure A (Language is Dutch).

This is a first initiative of our country – Curaçao – as an autonomous country (October 10th 2010) within the Kingdom of the Netherlands to put in place a National Authority in conformity with the ILO Convention 1948 [no. 88] article 2, and of the Government Decree, article 4 - b.

The Committee has held several consultations with the social partners and stakeholders. Please see Annexure B for a list of a few of these encounters.

The Committee wishes to request the support of the ILO on the following issues to support the activities to be undertaken for the installation of the units (see Annexure C) of the National Authority for the Development of the Labor Force of Curaçao:

The target group of the National Authority for the Development of the Labor Force of Curaçao will be current workers, incumbent workers, and potential workers between the age span of 19 years to 65 years. (Article 2 of the Decree in Annexure A).

In order for workers, including potential workers, to match appropriately with the labor market demands, the Committee is planning training - in the so called hard and soft skills - for these future teachers, trainers, instructors and support personnel, assigned to the Institute.

The Committee wishes these professionals to be accredited and certified according to ILO standards, and in doing accordingly, guaranteeing that these professionals are equipped with the capability to prepare the workers of the labor force of Curaçao with high quality knowledge, skills and abilities to function in the light of and within the framework of the changing world of work.





Our number:

...

Case number:

2019/011649

Page:

2

In conclusion, Curaçao is on the crossroad of paving its path to a more sustainable economy, so the Committee looks forward to receive information on the available courses, availability of technical assistance, funding, and availability of master trainers provided by your distinguished organization or by other international certified organizations closely affiliated to or recommended by your Office.

Please accept the conveyance of my highest appreciation,

Sincerely,

2019.03.27

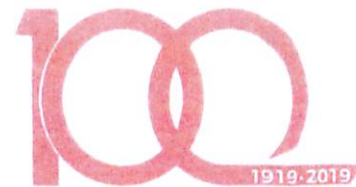
Minister of the Ministry of Social Development, Labor & Welfare  
Hensley F. Koeiman

Annexes:

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cc:

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SOCIAL JUSTICE  
DECENT WORK

**Our Reference:** S/EMP/CAR

25 June 2019

The Honourable Hensley F. Koeiman  
Minister of the Ministry of Social Development, Labor & Welfare  
Tauber building  
Prinsenstraat 86  
4th Floor  
Willemstad  
**Curacao**

Dear Honourable Minister,

**Re: available technical support and guidance for National Authority for  
the Development of the Labour force of Curacao**

Thank you very much for your letter and my sincere apologies for this delayed response. Let me start by congratulating you and your Government for this excellent initiative. Indeed as the ILO celebrates its Centenary year, the discourse on the future of work points to the need for a human centred approach, one which makes skilling and reskilling central. It is therefore great to see that Curacao has embarked on putting together a suitable infrastructure for this purpose. The ILO will be happy to support you in this process in any way we can and we could organize a virtual meeting to explore in more detail how we could best support you if that is helpful.

To respond to your specific question regarding information on courses, technical assistance, funding and master trainers which could be instrumental for the development of the Authority and the accreditation and certification for future teachers, trainers, instructors and support personnel, the following may be of use:

**On general operations of the National Authority.** Generally, the ILO Convention on HR Development, 1975 (No. 142, ratified), art. 3 and following, as well as its Recommendation from 2004 (No. 195, concerning Human Resources Development, Education, Training and Lifelong Learning) can guide you on the development of an appropriate policy/ programme for training and beyond. Note that, the growing relevance of modern and updated training methods, topics and professions is emphasised to respond to the new requirements for the "Future of Work", a topic that the 108<sup>th</sup> International Labour Conference in Geneva just elaborated broadly. Useful to also recall that ILO recommendation 195 calls for the establishment of a tripartite skills advisory board to provide advice and guidance on human resource development.

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INTERNATIONAL LABOUR ORGANIZATION  
DECENT WORK TEAM AND OFFICE FOR THE CARIBBEAN



In terms of assistance for the general operations of the authority, taking into consideration the need to prioritize given limited resources, the ILO could provide technical advice in one or more of the following areas:

- a. Forecast and identify training needs;
- b. Establish and monitor training standards and its delivery;
- c. Conduct testing and certification;
- d. Harmonize activities in education and training systems at both formal and non-formal levels;
- e. Collect occupational information by sectors;
- f. Evaluate the training system for efficiency and effectiveness;
- g. Monitor and advise training institutions on curricula activities; and
- h. Monitor instructor training, and develop programmes for professional
- i. Development of instructors.

For what concerns the specific training requests mentioned in your letter:

- j. On soft skills: Training in employability or soft skills can be delivered by the skills specialist, Port of Spain Office.
- k. On Hard Skills or Technical skills: the ILO needs to know exactly what technical skills are needed and in which occupational areas to provide further advice.
- l. On certification of teachers in Curacao, more information is needed to determine type of certification required.

Further assistance may be available but would need to be fine-tuned upon the envisaged scope of operation of the authority. Specifically, whether the new Authority will cater for the labour force in Curacao in the private sector only, or if it will also include major requirements stipulated for the public sector, or those at the crossroads for public/private execution (e.g. certain labour inspection functions, particularly in areas of OSH) and whether the authority will address the fundamental Workers' Rights and education on self-employment and SME development in its curricula. Here too, while the ILO has the technical capacity to support you in this process and stands ready to do so, it is important to note that new resources would have to be allocated if we are to provide substantial support.

**On the authority and national employment services.** From the point of view of Convention C88, as it is our understanding that the work of the National Authority is envisaged within -or as a complement to- the National employment service, we would recommend tools that support operations of the latter and that aim at determine future labour market trends. As examples, we could refer to:

- m. Trainings that the Office routinely organizes on employment services and their functioning. Those courses generally follow the contents of the ILO manual "Practitioners' guides on employment service centres"
- n. Trainings on the analysis of labour market data and information for the goal of determining skills and labour market trends. The reference in this case is the ILO "Methodological guides on anticipation and matching of skills supply and demand".
- o. Additionally, within the scope of the activities of the ILO Training Centre in Turin, Italy, two week-long courses organized by the centre, could be of particular relevance: one in "Sectoral approaches to skills development" and the other in "Career guidance: policy and practice".

The above is just an attempt to lay out areas of existing technical expertise in the office. Further determining how we can best help would depend on your specific needs and expectations. For instance, while conducting a webinar on one of the topics, or pointing you to specific manuals, is easy to commit to, if we are to conduct substantive training or workshops we would need to identify funding for travel and consultants. Similarly the timeline would be of importance as our team is already substantially committed for the remainder of 2019.

Accept, Honourable Minister, the assurances of my highest consideration.



Claudia Coenjaerts  
Director

ILO Decent Work Team and Office for the Caribbean

CC/DR/HN/RP/rl