



Rules for the certification of maritime personnel recruitment and placement Agencies in compliance with the ILO Convention: MARITIME LABOUR CONVENTION 2006

Effective from 25/06/2014

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Technical Rules

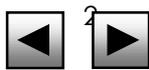




classification, certification, inspection & testing

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CHAPTER 1: GENERAL

1. 1 These Rules describe the procedures applied by RINA for the voluntary certification of maritime personnel recruitment and placement Agencies in compliance with the requirements required by Title 1 - Regulation 1.4 of the *Maritime Labour Convention 2006* and grouped in the RINA document "*Maritime Labour Convention, 2006. Recruitment and placement requirements*", and how Agencies can apply for, obtain, retain and use this certification, as well as its possible suspension and revocation.
For any issues not covered in this document, reference should be made to the "GENERAL CONTRACT CONDITIONS GOVERNING SYSTEM, PRODUCT AND PERSONNEL CERTIFICATION", which can be downloaded at www.rina.org.
1. 2 Certification is open to all Agencies, and in general to all organizations, which are engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.
1. 3 The certificate issued by RINA pertains exclusively to a single Agency, with its own functional and administrative structure. For Agencies with more than one operating unit, each operating unit can be defined as an Agency.
1. 4 RINA applies its current certification fees and guarantees fairness and uniformity of application. RINA is entitled to refuse requests for certification by Agencies that have been subject to, or whose activities have been subject to, restriction, suspension or proscription by a public authority.
When RINA declines an application, the reasons shall be communicated to the client.
1. 5 The participation of observers in audits is agreed in advance between RINA and the Agency.

CHAPTER 2: CERTIFICATION REQUIREMENTS

2. 1 An Agency wishing to obtain RINA certification must have a Quality Management System (QMS) in accordance with the UNI EN ISO 9001:2008 Standard. The Quality Management System can be certified or not by an accredited Certification Body, but must be established, kept active and fully implemented.
Three potential cases are illustrated below:
 - 1) **Organization with a valid Quality Management System (QMS) certified by RINA.**
The certification process enables, on the occasion of the first maintenance/renewal audit of QMS as per the Surveillance Audits Programme which the applicant Agency already has, compliance with the requirements required by Title 1 - Regulation 1.4 of the *Maritime Labour Convention 2006* and grouped in the RINA document "*Maritime Labour Convention, 2006. Recruitment and placement requirements*" to be checked.
 - 2) **Organization with a valid Quality Management System (QMS) certified by a Certification Body accredited, in accordance with ISO 17021, by an**

Accreditation Body that is party to the IAF/MLA mutual recognition agreement.

This situation provides two possible subcases:

Case a) The Agency wishes to transfer its certification to RINA. The transfer of the valid accredited certificate is started in accordance with the “General Rules for the certification of management systems” (chapter 10) and verification of compliance with the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document “*Maritime Labour Convention, 2006. Recruitment and placement requirements*”, is also undertaken.

Case b) The Agency doesn't wish to transfer its certification to RINA. RINA verifies that the certificate issued by the accredited Certification Body is not suspended and only verification of compliance with the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document “*Maritime Labour Convention, 2006. Recruitment and placement requirements*”, is carried out.

3) Organization with a Quality Management System (QMS) not certified or with a Quality Management System (QMS) certified by a Certification Body not accredited or accredited by an Accreditation Body that is not a party to the IAF/MLA mutual recognition agreement.

The certification process involves checking compliance with the ISO 9001 Standard, in addition to checking compliance with the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document “*Maritime Labour Convention, 2006. Recruitment and placement requirements*”.

2. 2 The Agency must have prepared a manual that describes the management of the maritime personnel recruitment and placement activities and containing or referring to the relative documented procedures.

The Manual is to describe the processes and their interactions, the resources and procedures used to provide the service.

This can be done in various ways:

- descriptions;
- flow charts or logograms;
- tables or matrices;
- other.

CHAPTER 3: INITIAL CERTIFICATION AND CERTIFICATE ISSUE

3. 1 Maritime personnel recruitment and placement Agencies which wish to obtain this certification must provide RINA with their main data and site location by filling in all parts of the “Informative Questionnaire” form, available at www.rina.org, and send it to RINA which will use it to prepare a quotation.

In particular, the informative questionnaire requires information to be provided on:

- o the general characteristics of the Agency,



- QMS implementation: if the QMS is certified a copy of the certificate is to be sent to RINA,
- the number of permanent and temporary sites subject to certification, including the name and addresses of the physical location/s and the relative activities performed;
- company processes and relative dedicated resources;
- any relationships with other larger companies;
- all the processes outsourced by the Agency that may affect conformity with requirements;
- any certificates already obtained;
- the use of any consultancy services connected with the management system.

This information is to be provided by an authorized representative of the applicant Agency.

On the basis of this information, RINA prepares a suitable offer.

- 3.2** Prior to performing the audit, RINA makes sure:
- a) there is sufficient information concerning the applicant Agency to perform the audit;
 - b) certification requirements are clearly established and documented and are sent to the applicant Agency;
 - c) every difference of interpretation between RINA and the applicant Agency has been eliminated;
 - d) that the RINA auditors have the skills and capacity to perform the certification activities.
- 3.3** If the Agency accepts the offer, it must make its application official by sending RINA the specific form attached to the offer. On receipt of the application for certification and the relative annexes and having ensured they are complete, RINA will send the Agency written acceptance of its application.

The Agency's request, which makes specific mention of these Rules, and its acceptance by RINA, contractually formalise the relationship between RINA and the Agency, and the applicability of these Rules.

The agreement signed between RINA and the Agency includes:

- the initial audit comprising two stages and, if the outcome is successful, the issue of the certificate;
- subsequent surveillance and recertification audits;
- any additional services specified in the offer, including the pre-audit, if requested by the Agency.

During the initial audit, the Agency must demonstrate that the maritime personnel recruitment and placement activity is managed in compliance with the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document "Maritime Labour Convention, 2006. Recruitment and placement requirements".

- 3.4** Together with or following the certification request, the Agency must make the following documents available to RINA:
- the Agency's management manual (last valid revision) describing the

- policy, objectives and programmes;
- o a copy of the QMS certificate in accordance with UNI EN ISO 9001 if existing;
 - o list of relevant internal procedures;
 - o a copy of the Chamber of Commerce registration certificate or an equivalent document, certifying the existence of the Agency and describing the activity it performs;
 - o Agency chart;
 - o latest Management Review;
 - o list of current sites, describing the activities performed there, where applicable.

RINA may ask, at its discretion, to examine other documents, apart from those previously mentioned, that are considered to be important to assess the activity performed.

RINA examines the above documents for conformity with MLC 2006 and the present Rules.

3.5 The initial audit comprises a documental audit and an audit on site.

The documental audit can be performed partly in the office and partly at the Agency's site or entirely at the Agency's site.

Before the audit, RINA informs the Agency of the names of the auditors and technical experts appointed to perform the audit, together with the audit plan.

The initial audit comprises the following main points:

- an initial meeting with the technicians of the Agency in order to explain and confirm the audit objectives and audit methods indicated in the audit plan;
- an inspection of the production site/s of the Agency to verify conformity of the Management System with the reference documents and its complete implementation;
- a closing meeting to present the audit conclusions.

3.6 A written report is prepared for each audit indicating any major non-conformities (type A findings), minor non-conformities (type B findings) and improvement recommendations (type C findings).

Major non-conformities are:

- failure to fulfill one or more requirements of the reference document;
- non-compliance with one or more requirements of these Rules,
- situations that could cause serious shortcomings in the management system or reduce its capacity to ensure control of the maritime personnel recruitment and placement process.

Minor non-conformities are:

- situations that could cause minor shortcomings in the management system or which do not reduce its capacity to ensure control of the maritime personnel recruitment and placement process.

Recommendations are:

- suggestions for improving the management system that do not directly concern the requirements of the Convention.



A copy of the report is sent to the client Agency; RINA keeps the original report.

The Agency may indicate any reservations or comments concerning the findings by the RINA surveyors in the relative space in the audit report.

The contents of this report are subsequently confirmed by RINA in writing. If no written communication is received from RINA, the report may be considered as confirmed three days after delivery of the copy to the Agency.

- 3.7** After analysing the reasons for any major or minor non-conformities indicated in the above report, the Agency must, by the data indicated on the report, inform RINA of its proposals for handling the non-conformities, as well as the corrective action required and the dates envisaged for its implementation.

- 3.8** In the event of major non-conformities (type A findings), the certification process is suspended; in the event of minor non-conformities the number of which, in the audit team's judgement, may compromise the efficiency of the management system, the certification process is also suspended.

In these cases, a supplementary audit must be performed within three months in order to check the effectiveness of corrections and of the proposed corrective action; if this audit is successful the certification process will be resumed.

The auditing team may decide to perform the supplementary audit on site or on the documents, depending on the type of corrective action involved.

All costs relative to any supplementary audits deriving from shortcomings in the Management System will be charged to the Agency.

If the above period is exceeded, the System is completely re-examined within six months of the date of the end of the audit.

After the six-month period has elapsed and the situation still remains negative, RINA reserves the right to definitively close the certification file and charge the time spent and expenses incurred up to that moment. In such a case, if the Agency wishes to proceed with RINA certification, it must submit a new application and repeat the certification procedure.

In special cases, the above time limits may be modified at the request of the Agency, if considered justified by RINA.

- 3.9** After the satisfactory completion of the initial audit and after validation by RINA, a Certificate of Conformity with the requirements required by the Maritime Labour Convention 2006, valid for three years, is issued.

The certificate contains the name and address of the company, the address of the operative site/s included in the certification, the scope of certification, the date of initial issue, the current date of issue and the date of expiry.

The validity of the certificate is subject to the results of subsequent annual surveillance audits and the three-yearly recertification of the Management System.

The frequency and extent of the subsequent audits to maintain certification are established by RINA on a case-by-case basis by drawing up a three-year audit plan which it sends to the Agency.



For details on the management and validity of the certificates of conformity issued by RINA, see chapter 6.

CHAPTER 4: MAINTAINING VALIDITY OF THE CERTIFICATE

4. 1 The Agency must ensure compliance with Regulation 1.4 of MLC 2006.
4. 2 The Agency must record any complaints and the relative corrective action implemented and must make these records available to RINA together with the corrective action taken to address the non-conformities identified during the periodic audits.
4. 3 RINA performs periodic audits on the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document "Maritime Labour Convention, 2006. Recruitment and placement requirements" in order to evaluate whether it remains compliant, in accordance with the PVP that establishes an audit on site at least once every 12 months. This programme may be modified by RINA according to the results of the previous surveillance audits.

If the limits of the surveillance audits are exceeded for justified reasons, this must be agreed with RINA in advance and recovered at the subsequent audit.

In any case, the first surveillance audit following initial certification must be performed within 12 months from the final date of the initial audit.

4. 4 Surveillance audits are performed at the Agency's site/s, according to a three-year programme which enables each item contained in the reference RINA document to be audited at least once during the three years of validity of the Certificate, bearing in mind the documents as per point 3.4.

The following aspects will be considered during the surveillance audits:

- o maintaining implementation of QMS;
- o review of the action taken as a result of the non-conformities identified during the previous audit;
- o handling of complaints;
- o effectiveness of the management system as regards achieving objectives;
- o progress of activities implemented to promote continual improvement;
- o continual operative control;
- o a review of any changes.

Details of the activities and instructions for performing surveillance audits at the site/s are described in the surveillance audit plan which RINA sends to the Agency before performing the audit.

4. 5 RINA also reserves the right to perform additional audits with respect to those established in the three-year programme, without notice, at the Agency:
 - o if it receives complaints or reports, considered to be particularly significant, relative to non-compliance of the System with the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document "Maritime Labour Convention, 2006. Recruitment and placement requirements" reference standard and of these Rules,



- in relation to changes taking place in the Agency,
- if the Agency's certificate has been suspended.

If the Agency refuses without a justified reason, RINA may decide to suspend/withdraw certification. If RINA considers the complaints and reports to be justified, the cost of the supplementary audit will be charged to the Agency.

4.6 The validity of the certificate is confirmed following the successful outcome of the surveillance audit.

4.7 In the case of major non-conformities (type A findings) or minor non-conformities (type B findings) whose number in the opinion of the audit team is such as to impair the correct functioning of the system, the Agency will be subject to a supplementary audit within the time limits established by RINA in relation to the importance of the non-conformities and, in any case, not more than three months after the end of the audit in order to check the effectiveness of corrections and of the proposed corrective action.

If the major non-conformities are not eliminated by the established date or if the minor non-conformities do not ensure the supplied services satisfy the MLC 2006 requirements, RINA may suspend certification until these major non-conformities have been eliminated and, in any case, as specified in chapter 9.

All costs relative to any supplementary audits deriving from shortcomings in the System will be charged to the Agency.

CHAPTER 5: RECERTIFICATION

5.1 For the recertification audit, performed every three years, the Agency must contact RINA about three months before the date indicated on the three year audit plan in its possession, and send an updated and complete copy of the Informative Questionnaire (available at www.rina.org) in order to allow RINA to plan the activity and agree on the date of the recertification audit.

5.2 The recertification audit sets out to confirm maintenance of conformity of the maritime personnel recruitment and placement system, also in the case of internal or external changes.

5.3 The recertification procedure must be successfully terminated before the expiry date indicated on the certificate. This date cannot be extended by RINA.

Consequently, the recertification audit must be successfully terminated in sufficient time to allow RINA to approve the recertification proposal and reissue the certificate by the above date (at least one month before the expiry date indicated on the certificate).

If the Agency fails to abide by the above deadlines and does not obtain the reissued certificate by the date of expiry, the certificate must be considered as expired starting from the day after the date of expiry indicated on the certificate.

An Agency intending to obtain certification following the expiry of the certificate must present a new application and, generally, repeat the entire initial certification procedure.



- 5.4** In the case of major non-conformities or minor non-conformities whose number in the opinion of the auditing team is such as to impair the correct functioning of the maritime personnel recruitment and placement system, the Agency must effectively implement the relative corrections and corrective actions before the date of expiry of the certificate of conformity. This means that RINA must perform the supplementary audit to verify the elimination of these non-conformities (major or minor) in sufficient time for the subsequent issue of the certificate. The established deadlines by which the supplementary audit must be performed are indicated in the recertification audit report. The auditing team may decide to perform the supplementary audit on site or on the documents, depending on the type of corrective action involved. All costs relative to any supplementary audits deriving from shortcomings in the recruitment and placement system respect to MLC 2006 will be charged to the Agency.
- 5.5** Following the satisfactory completion of the recertification audit, RINA reissues the certificate of conformity. Confirmation of recertification approval by RINA with consequent issue of the certificate is sent to the Agency in writing. For details on the management and validity of the certificates of conformity issued by RINA, see chapter 6.

CHAPTER 6: MANAGEMENT OF CERTIFICATES OF CONFORMITY

- 6.1** The certificate of conformity issued by RINA is valid for three years starting from the date of approval by RINA of the initial certification or recertification proposal. The validity of the certificate, throughout the three years of validity, is subject to the results of the subsequent surveillance audits. The certificate of conformity is reissued following the successful outcome of each recertification audit, as indicated in chapter 5.
- 6.2** The validity of the certificate may be suspended, withdrawn or relinquished in accordance with the contents of Chapter 9.
- 6.3** RINA directly publishes and updates the list of certified Agencies on its website www.rina.org.

CHAPTER 7: MODIFICATION OF CERTIFICATION AND COMMUNICATION OF CHANGES

- 7.1** An Agency in possession of certification may request a modification or extension by presenting a new certification application, accompanied by the duly updated documentation indicated in point 3.4. RINA reserves the right to examine requests on a case by case basis and to decide the evaluation methods for the purpose of issuing a new certificate according to the "GENERAL CONTRACT CONDITIONS GOVERNING SYSTEM, PRODUCT AND PERSONNEL CERTIFICATION" and to the RINA document "Maritime Labour Convention, 2006. Recruitment and placement requirements".



- 7.2** The Agency must promptly inform RINA of any changes in factors that may affect the capacity of the Management System to continue to satisfy the requirements of the Convention.
This requirement concerns, for example, modifications to:
- the legal, commercial, organizational or ownership status;
 - contact addresses and sites;
 - significant changes in the maritime personnel recruitment and placement management system and processes.
- 7.3** RINA reserves the right to perform additional audits on the Agency if the modifications communicated are considered particularly significant as regards maintaining conformity with the requirements required by Title 1 - Regulation 1.4 of the Maritime Labour Convention 2006 and grouped in the RINA document "Maritime Labour Convention, 2006. Recruitment and placement requirements" and of these Rules or to review the economic conditions for the possible modification of the contract.
- 7.4** RINA promptly informs the Agency of every change in the reference documents or RINA certification Rules.

CHAPTER 8: SPECIAL REQUIREMENTS FOR MULTI-SITE AGENCIES

- 8.1** If an Agency operates on more than one permanent site and a single certificate is required, audit activities can be performed by sampling the sites subject to audit, provided:
- 1) the processes of all the sites are substantially of the same type and are performed using similar methods and procedures;
 - 2) the system is managed and administrated centrally and reviewed by central management.
- The Agency must also demonstrate that the central office has established a management system compliant with MLC 2006 and that the entire Agency satisfies its requirements.
- 8.2** On the basis of the information provided by the Agency, RINA establishes the applicable sampling plan. This activity is generally performed during the audit process and may also be performed after the audit is completed at headquarters. In any case, RINA informs the central office which sites must be included in the sample.
- 8.3** RINA issues a single certificate with the name and address of the headquarters of the Agency. The certificate also contains a list of all the sites which deal with recruitment and placement activities.
- 8.4** For any non-conformities (major or minor) found on one site during audits, the Agency must assess whether these are due to shortcomings common to more than one site and, if so, it must adopt corrective action both at headquarters and at the other sites.
If, instead, the non-conformities (major or minor) and/or observations are not of the same type, the Agency must provide suitable evidence and reasons for limiting its corrective follow-up actions.
If non-conformities are found even on just one site, the certification process is suspended for the entire network of listed sites, until these non-



conformities have been corrected and, in any case, in accordance with the contents of chapter 9.

The Agency cannot exclude this/these site/s from the certification scope.

- 8.5** The Agency must inform RINA of the closure of any site covered by certification. If this information is not communicated, RINA may decide whether to proceed according to the contents of chapter 9.

CHAPTER 9: SUSPENSION, REINSTATEMENT AND WITHDRAWAL OF CERTIFICATION

- 9.1** The validity of the certificate of conformity may be suspended as indicated in the "GENERAL CONTRACT CONDITIONS GOVERNING SYSTEM, PRODUCT AND PERSONNEL CERTIFICATION" and in the following specific cases:

- if the QMS is not kept active and fully implemented;
- if the Agency refuses to allow the scheduled audits to be performed at the required frequencies;
- if non-conformities are found in the management system which have not been corrected within the time limits established by RINA;
- if the Agency does not observe the deadlines established for the communication of corrective actions, following non-conformities/observations indicated in the audit report;
- if the Agency has made modifications to its management system that have not been accepted by RINA;
- if the Agency has undergone important re-structuring and has not reported this to RINA;
- if any justified and serious complaints received by RINA are confirmed.

The Agency can also make a justified request to suspend certification, normally for not more than six months and in no case after the date of expiry of the certificate.

This suspension will be notified in writing, stating the conditions for reinstating certification and the date by which the new conditions are to be complied with.

- 9.2** Reinstatement of certification is subject to verification that the shortcomings which led to the suspension have been eliminated. This is achieved by means of an analytical audit, checking compliance of the System with all the requirements of Regulation 1.4 of MLC 2006.

- 9.3** Withdrawal of the certificate of conformity may be decided as indicated in the "GENERAL CONTRACT CONDITIONS GOVERNING SYSTEM, PRODUCT AND PERSONNEL CERTIFICATION" and in the following specific cases:

- when there are reasons such as those indicated in point 9 for suspension, which are held to be particularly serious;
- if the Agency stops its activities, in general, for over six months;
- if the Agency does not accept the new economic conditions established by RINA due to a modification in the contract;
- for multi-site Agencies, if the headquarters or one of the sites does not comply with the criteria required to maintain certification.



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Withdrawal of the Certificate of Conformity is notified in writing to the Agency.

Any Agency which, following revocation of its Certificate, wishes to be re-certified, must submit a new application and follow the entire procedure all over again.

CHAPTER 10: RENUNCIATION OF CERTIFICATION

A certified Agency may send formal communication of renunciation of certification to RINA, before the expiry of the certificate, including the case in which the Agency does not wish to or cannot conform to the new provisions established by RINA.

Upon receipt of this communication, RINA starts the procedure to invalidate the certificate.

Generally speaking, RINA updates the validity status of the certificate within one month from the date of the communication.