



## MONGOLIA MARITIME ADMINISTRATION

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Marine Circular No. 01/293/2021

**SUBJECT:** Guidelines on Seafarer Recruitment and Placement Services

**APPLICATION:** This Marine Circular is applicable to shipowners, operators, management companies, agents, recognized organizations, seafarers, seafarer recruitment and placement services and other relevant stakeholders.

### DEFINITION

Seafarer Recruitment and Placement Service means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners. /MLC, 2006, Article II, paragraph 1 (h)/

### OBJECTIVE AND PURPOSE OF THE GUIDELINE

1. All seafarers shall have access to an efficient and well-regulated seafarer recruitment and placement system.
2. This circular informs the relevant stakeholders about the guidelines for shipowners or operators who use seafarer recruitment and placement services that are based in countries or territories in which the Maritime Labour Convention, 2006, as amended (MLC, 2006) does not apply.
3. Shipowners of Mongolian-flagged vessels using seafarer recruitment and placement services based in countries or territories in which the MLC, 2006 does not apply, shall ensure that those services are in accordance with the requirements of the Convention. (Regulation 1.4, paragraph 3)

### REQUIREMENTS FOR SHIPOWNERS/OPERATORS

Shipowners/Operators of Mongolian-flagged vessels using seafarer recruitment and placement services based in countries or territories in which the MLC, 2006 does not apply, shall comply with the following requirements:

1. Shipowners/operators should keep a copy of the certification of the seafarer recruitment and placement services in the company records.
2. Shipowners/operators should conduct thorough due diligence on the recruitment and placement services they are engaging with. This includes researching the reputation, practices, and adherence to international labour standards of these services.
3. Shipowners/operators should include clauses in contracts with recruitment and placement services that require them to comply with the requirements of the MLC, 2006, even if their country of operation has not ratified it.

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4. Shipowners/operators must ensure that employees and agencies involved in seafarer recruitment and placement maintain up-to-date records of all seafarers they recruit or place. These records should be readily available for inspection by the competent authority. This will ensure that seafarers are thoroughly vetted and placed in appropriate positions, enhancing their safety and welfare onboard. It will also protect seafarers' rights by promoting fair and transparent recruitment practices and providing a mechanism for oversight and recourse in case of rights violations.

#### **REQUIREMENTS FOR SEAFARER RECRUITMENT AND PLACEMENT SERVICES**

1. Maintain full and complete records of seafarers covered by their recruitment. Keep an updated record of all seafarer recruited or placed by them.

2. Ensure that seafarers recruited or placed by them possess the necessary qualifications and documents for the employment in question and have successfully completed training for personal safety onboard the ship.

3. Ensure that seafarers and shipowners are informed of their rights and obligations under their employment agreements (Please refer to Marine Circular 01/181/2024 established by Mongolia Maritime Administration) prior to or during the hiring process. Implement appropriate measures to enable seafarers to review these agreements before and after signing, and to receive their respective copies.

4. Investigate and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint.

5. Establish a system of protection through insurance or equivalent appropriate measures to compensate seafarers for financial losses incurred due to a breach of their Employment Agreement.

6. Maintaining up-to-date lists of the ships for which the seafarer recruitment and placement services provide seafarers and ensuring that there is a means by which the services can be contacted in an emergency at all hours.

7. Ensure that procedures are adopted to: promptly and sympathetically handle requests for information and/or advice from families of seafarers, at no cost; effectively manage the recruitment and placement services for seafarers; prevent exploitation of seafarers by recruitment and placement services or their personnel in offering engagements on specific ships or with particular companies; and mitigate opportunities for exploitation arising from financial transactions, such as joining advances, managed by these services.

8. Ensure that the costs, if any, which the seafarer will be expected to bear during the recruitment process are clearly publicized.

9. Prohibit the charging of fees or any other payments, directly or indirectly, to seafarers for recruitment services, in whole or in part.

10. Ensure that seafarers are advised of any particular conditions applicable to the job for which are to be engaged and of the particular ship-owners' policies relating to their employment.

11. Ensure, to the extent feasible, that all mandatory certificates and documents submitted for employment are current and obtained legitimately, with verified employment references.

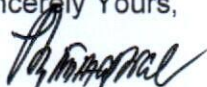
12. Verify that labour conditions on ships where seafarers are placed are in conformity with the applicable collective bargaining agreements concluded between a ship-owner and a representative seafarers' organization and, as a matter of policy, supplying seafarers only to ship-owners that offer terms and conditions of employment to seafarers which comply with the MLC, 2006, as amended or collective agreements.

13. The people who provide the Seafarer Recruitment and Placement Service shall ensure that, in the Employment Agreements are clearly defined the conditions of employment and in accordance with the regulations established in the MLC, 2006 and the Marine Circular 01/181/2024 established by Mongolia Maritime Administration.

Any inquiries or requests regarding this marine circular should be directed to Mongolia Maritime Administration (E-mail address: [info@momarad.gov.mn](mailto:info@momarad.gov.mn))

This Marine Circular will enter into effect as of 26 June 2024

Sincerely Yours,



ULZIJARGAL YURA  
HEAD OF ADMINISTRATION AND MANAGEMENT DIVISION  
MONGOLIA MARITIME ADMINISTRATION