



KENYA MARITIME
AUTHORITY



INFORMATIONAL BOOKLET FOR **SEAFARERS**



Kenya Maritime Authority and Seafarers Welfare

One of the functions of the Kenya Maritime Authority (KMA) is to oversee training, employment and welfare of seafarers. In this respect, the Authority continues to enhance training and employment standards for Kenyan seafarers. In line with the requirements of Section 118 of the Merchant Shipping Act, Cap. 389, the Authority maintains a register of Kenyan seafarers. In this regard, seafarers need to register and update their records with KMA. The Authority is currently working on more initiatives to increase the number of Kenyan seafarers being employed aboard foreign vessels in line with the nation's Big 4 Agenda and the Blue Economy Initiative.

Kenya Maritime Authority has been in the forefront in promoting maritime education and training for both land and sea based education and training programmes. The programmes aim at training competent Kenyans to drive the blue economy on land and at sea as well increase the marketability and employability of Kenyan seafarers by global ship-owning companies.

The Kenya Maritime Authority (KMA) also ensures that Kenya adheres to the requirements of training and certification of seafarers in accordance to the Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention, 1978 as amended), and that quality standards are maintained in approved training institutions. In this regard, the Authority has approved training courses and training



institutions for seafarers to ensure that the country maintains its position in the International Maritime Organization (IMO) “White list”. The country was admitted to the IMO White list in May 2010 and following an independent IMO evaluation in 2016, the IMO Maritime and Safety Committee in its 97th Session confirmed that Kenya continues to fully comply with the Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention, 1978 as amended).

Furthermore, the Authority is responsible for ensuring that the standards of Maritime Education and Training in Kenya are upheld to international standards. This is an assurance to local and foreign ship-owners that seafarers trained in Kenya are competent to operate their ships. For seafarers to be employed onboard international ships, they are required to have certificates of proficiency in the Mandatory STCW safety Certificates as well as Deck Rating or Engine room rating certificates. They may also be employable onboard cruise ships if they have the approved certificates for Ship’s cook or stewards as well as the Mandatory STCW safety Certificates. At officer levels, the seafarers must have the required Certificates of Competency and Proficiency in line with STCW Convention 1978 as amended either as Engineering Officer or Deck Officer and the relevant sea service for the level applied for onboard ship.

KMA is also responsible for overseeing the recruitment of seafarers in accordance with the requirements of the Merchant Shipping Act, Cap. 389 and Regulation 1.4 of the Maritime Labour Convention, 2006 (MLC) as amended. KMA also facilitates employment of Kenyan seafarers through the regulation of recruitment and placement agents for seafarers. Currently, the Authority has licensed five recruitment agents namely Mombasa Ocean Agency, Diverse Shipping, Alpha Logistics, East Africa Deep Sea Fishing and the Mediterranean Shipping Company (MSC) Ship Management Ltd. The employment of Kenyan

seafarers is expected to increase foreign income to Kenya, boost the Gross Domestic Product, as well as achieve the Big Four Agenda on food security as seafarers will be able to provide for themselves as well as their families.

KMA also accredits medical practitioners who examine seafarers to ensure that they are medically fit to work on-board ships. The Authority has currently approved seven medical institutions for seafarers. They include the Mombasa Hospital, Bandari Clinic, Watamu Hospital, Mombasa Medical Practice, Kisima Health Facility, Coast X-ray Centre and the Masala Healthcare Services Limited.

The Authority is also working closely with the Seafarers Union of Kenya, the International Transport Workers Federation and employers (social partners) to ensure seafarers achieve decent working and living conditions onboard ships in accordance with the International Labour Organization, Maritime Labour Convention, 2006. The Authority is currently collaborating with the State Department of Shipping, the Ministry of Labour and Social Protection as well as other stakeholders in the development of a wage standard for Kenyan seafarers. Once a wage order is established, Kenyan seafarers will enjoy equitable pay for equal work onboard ships resolving the current disparity in wages of Kenyan seafarers and seafarers from other countries who have an established wage standard.

KMA continues to work closely with the Seafarers Union of Kenya (SUK) in seafarers' employment and welfare matters including dispute resolution between seafarers and their employers in line with the tripartite spirit (this is a spirit of collaboration between seafarers unions, their employers and the Government in dealing with seafarers' welfare issues) as advocated by the International Labour

Organization (ILO) and the Maritime Labour Convention, 2006 (MLC). It is important for seafarers to register with a legitimate union in order to benefit from the strength in negotiation provided by the united call of trade unions.

Furthermore, the Authority is dedicated in progressing the welfare of seafarers. KMA continues to mediate in disputes between seafarers and their employers as well as counsel seafarers on employment agreements with crewing agencies. Through its Port State Control and Flag State Inspectors, the Authority conducts ship inspections which include among others, the examining of working conditions of seafarers aboard ships.

Moreover, the safety of Kenyan seafarers is assured through a collaborative verification of certificates programme undertaken by Flag States as well as Ship-owners and Ship Management Companies. The Authority also verifies certificates issued by other Flag States to ensure seafarers' safety onboard ships before issuance of the Kenyan Seafarers Discharge Certificate and Record Book.





Frequently Asked Questions on Seafarers Employment and Welfare



1. Continuous Discharge books (CDC)

Question

What are the requirements for obtaining a CDC?

Answer

- Copy of National Identity Card.
- 2 passport size photographs taken on a white background.
- Copy and Original valid Basic STCW Certificates.
- In case the STCW certificate is not issued by the Kenyan Maritime Administration, then verification will be done with the issuing Authority before application is processed.

Question

What about CDC replacement in case of loss or damage?

Answer

- The original CDC (in case of damage).
- In case of loss (police abstract).
- Copy of the CDC to the last endorsement.
- Copy of National Identity Card.
- 2 passport size photographs on a white background.
- Original and a copy of valid basic STCW certificates.

Question

What is the cost of a new CDC, replacement of a CDC, lost CDC and renewal of CDC?

Answer

- New and replacement of CDC = USD 20.00.
- Loss of CDC = USD 25.00.
- Renewal of CDC = USD 2.00.

Question

How many days will it take to process the CDC?

Answer

Three (3) working days.

Payment of wages

Question

Must a monthly payment of the wages be available to the seafarer?

Answer

Yes, Seafarers shall be paid at interval of not greater than a month and given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate

of exchange used where payment has been made in a currency or at a rate different from the one agreed to. It can be in electronic or hard copy.

Question

What happens if I sign off without being paid?

Answer

Report to The Seafarers Union of Kenya, local ITF agent or KMA offices.

2. Employment agreements

Question

Must seafarers' employment agreements be in English?

Answer

No, Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, then it follows that English translation of the same will be available (except for ships engaged only in domestic voyages).

Question

What if I do not understand what my employment agreement says?

Answer

You should be given the opportunity to seek advice from KMA office or any other person who can assist.

Question

Must seafarers' employment agreements be in paper format?

Answer

No, they can be available electronically, but such electronic versions must have been signed by both parties and copies deposited with the Registrar of Seafarers in line with the requirement of the Merchant Shipping Act, Cap. 389.

Question

What should a seafarer do after receiving a new contract?

Answer

The seafarer must have a chance of going through the employment contract, if you don't understand seek advice about its terms before signing it. The seafarer can visit KMA for advice.

Question

Must seafarers' original employment agreements be available on board?

Answer

A copy of seafarers employment agreement should be kept on board, signed by both parties.

Question

Must the collective agreements be available on board?

Answer

Only if a collective agreement constitutes the seafarer's employment agreement in part or full, the ship owner must ensure that either a standard copy of the collective agreement or an electronic version is available on board. It can be in the any other language, in such a case English translation should be available.

Question

Must the collective agreement have been signed by the two parties?

Answer

Yes.

Question

Must collective agreements be in paper format?

Answer

No, they can be available electronically.

Question

What should be included in the content of the employment agreement?

Answer

- *the seafarer's full name, date of birth or age, and birthplace;
- *the ship owner's name and address;
- * the place where and date when the seafarers' employment agreement is entered into;
- * the capacity in which the seafarer is to be employed;
- * the amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- * the amount of paid annual leave or, where applicable, the formula used for calculating it;
- * termination of the agreement and the conditions thereof, including:
- * if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period
- *if the agreement has been made for a definite period, the date fixed for its expiry; and
- * if the agreement has been made for a voyage, the port of destination and the time which has to

expire after arrival before the seafarer should be discharged * the health and social security protection benefits to be provided to the seafarer by the ship owner.

Question

We have seafarers who were employed before 20 August 2013. Must these seafarers have new employment agreements that meet the MLC requirements?

Answer

Yes. Employment agreements are to be renewed at most after one year.

Question

What will happen if a valid collective agreement has expired?

Answer

Most collective agreements concluded with Seafarers Union stipulate that the collective agreement applies either beyond the agreed duration or until the collective agreement has been replaced by a new collective agreement. Should a collective agreement to which reference is made in a seafarer's employment contract be terminated or cancelled during the service, the conditions and terms of the terminated collective agreement must automatically apply as individually agreed conditions and

terms for the employment for the remainder of the service. This is automatic and as regards expressions – minor change of the contractual basis will not normally require a new employment contract.

3. Recruitment and placement Services

Question

Is license needed in order to run recruitment and placement services?

Answer

Yes. One has to have a license before starting the business of recruitment and placement, it is issued from KMA upon application and meeting all the requirements as recruitment and placement agent in accordance to the Merchant Shipping Act, 2009, Cap.389.

Question

Should RPS be certified as a ship owner?

Answer

No. A licensed recruitment and placement Agency is not allowed to own ships.

Question

We use a recruitment and placement service in another country that has ratified the MLC. What must we be aware of in that connection?

Answer

Ship owners using private recruitment and placement services for seafarers in countries that have ratified the MLC – or ILO Convention no. 179 on the recruitment and placement of seafarers (1996) – must ensure that the relevant services have a certificate or a license or a document showing that they are operated in accordance with the Convention requirements.

Question

We use a recruitment and placement service in another country that has not ratified the MLC. What must we be aware of in that connection?

Answer

Ship Owners using private recruitment and placement services for seafarers in countries that have not ratified the MLC – or ILO Convention no. 179 on the recruitment and placement of seafarers (1996) – must be able to document that the relevant services meet the requirements for recruitment and placement services following from the Convention.

4. Hours of rest

Question

Should hours of rest be agreed upon in the employment agreement?

Answer

Yes, it may be. However, hours of work and rest should be stipulated in the national laws of the flag state where the ship is registered. In accordance with **MLC 2006** the minimum **hours of rest** for all seafarers are: 10 **hours** in any 24 **hour** period; and 77 **hours** in any 7 day period. **Hours of rest** may be divided into no more than 2 periods one of which shall be at least 6 **hours** in length.

Question

Can information on hours of rest be kept on board in electronic form?

Answer

Yes. If the system for recording hours of rest is electronic.

Question

Must the seafarer always receive the overview of hours of rest in paper format?

Answer

It is required that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance in accordance to ILO Standard. The seafarers shall receive a copy of the records pertaining to them which shall be endorsed by the master, or a person authorized by the master, and by the seafarers.

Question

Are seafarers permitted to work on "public holidays"?

Answer

collective agreements will state that compensation be done of work performed on public holidays by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided. Seafarers should rest on public holidays as provided for in the MLC, 2006.

5. Food

Question

Must the food be free?

Answer

Yes. Seafarers on board a ship shall be provided with food free of charge during the period of engagement. The food should be of good quality and quantity.

6. Complaint procedure

Question

Who do I present a complaint onboard ship

Answer

Report to the immediate supervisor, if non responsive, escalate the complaint a higher level (Master).

7. Complaint Procedure at Port

Question

How to I report persistent violation in (wage payment, conditions of work, violation of seafarers' rights, hours of rest) to shore authorities.

Answer

Report to Port State Control Officers, International Transport Workers Federation (ITF), Seafarer's Union, and Maritime Authority.

For further enquiry please contact:

Registrar of Seafarers
Kenya Maritime Authority
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LICENSED SEAFARERS' RECRUITING AGENTS

1. Mombasa Ocean Agency

Telephone: +254 737258240/0715909754

Mombasa

Digo Road, Royal Plaza 4th floor

2. Alpha Logistics

P.O. Box 40268, Mombasa

Telephone: +254 722203156

Mbaraki Wharf

3. Diverse Shipping LTD

Telephone: +254 738097322/0704488496

P.O. Box 40775, Mombasa

Mwembe Tayari, Shibu Road

4. East Africa Deep Fishing Ltd

Cannon Towers II, 8th Floor

Moi Avenue

P.O. Box 41350 - 80100

Mombasa

5. MSC Shipmanagement Limited

MSC Plaza, Moi Avenue

P. O. Box 80637- 80100

Mombasa

APPROVED MEDICAL PRACTITIONER CONTACTS FOR SEAFARERS

NAME OF MEDICAL PRACTITIONER	NAME OF HOSPITAL/ CLINIC	LOCATION	PHONE NO. and EMAIL ADDRESS	POSTAL ADDRESS
Dr. Jalab J. Ashraph	Kisima health Facility	Opposite Makadara ground	+254728653863/ +254733831194 kisimahf@gmail.com	Box 41529 - 80100 Mombasa
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KENYA MARITIME
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FOR MORE INFORMATION

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