

Regulations of 19 August 2013 No. 999

on the use of recruitment and placement services on ships

Legal basis: Laid down by the Norwegian Maritime Authority on 19 August 2013 under the Act of 21 June 2013 No. 102 relating to employment protection etc. for employees on board ships (Ship Labour Act) section 3-9, cf. Formal Delegation of 3 July 2013 No. 974.

Section 1

Scope of application

These Regulations shall apply to any employee on board ship who is employed using recruitment and placement services.

Section 2

Definitions

For the purposes of these Regulations, the following definitions shall apply:

- a) *Recruitment and placement:* All active connection between job-seeker and employer carried out by other than the Norwegian Labour and Welfare Administration for the purpose of establishing an employer/employee relationship.
- b) *Recruitment and placement service:* Any person, company, institution, agency or other organisation whose primary purpose is the recruitment and placement of employees or which recruits and places a significant number of employees even if this is not the primary purpose of the service.
- c) *ILO Convention No. 186:* The Maritime Labour Convention, 2006.
- d) *ILO Convention No. 179:* The international convention concerning the recruitment and placement of seafarers.

Section 3

Employer's duties

Employers using recruitment and placement services operating in a country which has ratified neither ILO Convention No. 186 nor ILO Convention No. 179 shall ensure that they have documentation demonstrating that the recruitment and placement services' procedures show that those services:

- a) are not using means, mechanisms or lists intended to prevent or deter employees from gaining employment for which they are qualified;
- b) are not requiring payment from the employees for their recruitment and placement activities;
- c) verify that employees are qualified and hold the documents necessary for the job concerned;
- d) verify that employees are given an employment agreement which is in accordance with applicable laws, regulations and collective bargaining agreements, if any;
- e) make sure that employees are informed of their rights and duties under their employment agreement prior to or during the process of engagement, and that proper arrangements are made for employees to examine their employment agreements before and after they are signed;
- f) make sure that employees are given a copy of their employment agreement;
- g) ensure that the employer has the means to protect seafarers from being stranded in a foreign port;
- h) maintain an up-to-date and complete register of all employees recruited and placed through the service;
- i) have established a system for the treatment of complaints concerning the service's activities;
- j) have routines in place for advising the competent authority in the country in which the service operates of any unresolved complaint;
- k) have a system of protection, by way of insurance or an equivalent appropriate measure, to compensate employees for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the employer under the employment agreement to meet its obligations to them.

The requirement of the first paragraph is considered satisfied when the employer has documentary evidence that the following recruitment and placement service is used:

- a) recruitment and placement service operating in Norway; or
- b) recruitment and placement service operating in a country which has ratified ILO Convention No. 186 or ILO Convention No. 179.

Section 4
Entry into force

These Regulations enter into force on 20 August 2013.