

SEAFARER WELFARE REGULATIONS

(19 F.S.M.C. § 604)

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SEAFARER WELFARE REGULATIONS

(19 F.S.M.C. § 604)

Part 1 General Provisions

1.1 Authority These Regulations are promulgated by the Secretary of Transportation, Communications and Infrastructure pursuant to Section 604, Chapter 6 of Title 19 of the Code of the Federated States of Micronesia and provide for the welfare of seafarers as required by that chapter.

1.2 Short Title These Regulations may be cited as the Seafarer Welfare Regulations.

1.3 Application These Regulations apply to:

- (a) All seafarers on vessels registered in the Federated States of Micronesia; and
- (b) All seafarers that are citizens of the Federated States of Micronesia employed on any foreign vessel.

1.4 Interpretation In these Regulations unless the contrary intention appears:

“Accommodation” includes such sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew; and

“Qualified first aid attendant” means a seafarer who satisfies the Principal Shipping Officer that he has satisfactorily completed an approved course of instruction in first aid.

Part 2 Crew Accommodation

2.1 Maintenance of Crew Accommodation

- (a) The crew accommodation in a vessel shall be kept clean, maintained in good condition and, except in the case of store rooms, kept free of goods and stores not belonging to the crew.

- (b) The master of the vessel shall inspect every part of the crew accommodation of the vessel at intervals of not more than 30 days and, on each inspection, shall be accompanied by a seafarer.
- (c) The date, time and extent of the inspection shall be recorded in the Official Log Book.
- (d) When the Principal Shipping Officer determines the extent of the modifications required to meet the minimum standards for crew accommodation, the shipowner shall submit to the Principal Shipping Officer within 4 weeks of the determination, a plan for compliance with the new requirements.
- (e) Such modifications shall be carried out at the vessel's next annual refit, but in no case shall this period exceed 12 months.
- (f) Failure to carry out the modifications will result in withdrawal of their certificate to operate in the Federated States of Micronesia.

2.2 Requirements for Crew Accommodation

- (a) The crew accommodation requirements for:
 - (i) new vessels other than fishing vessels are as specified in Schedule 1; and
 - (ii) new fishing vessels are as specified in Schedule 2.
- (b) Before:
 - (i) construction of crew accommodation is commenced in a new vessel; or
 - (ii) any substantial alteration or reconstruction is commenced in an existing vessel, detailed plans of the crew accommodation of the vessel shall be submitted to the Principal Shipping Officer.
- (c) In the case of an existing vessel the Principal Shipping Officer may, if he is not satisfied as to the standard of the crew accommodation of the vessel, require such modification to be made to the crew accommodation as he determines.
- (d) If the Principal Shipping Officer finds the standard of crew accommodation to be inadequate and requires modification, he shall be guided by the standards contained in Schedules 1 and 2 to the extent practicable, having regard to:
 - (i) the age of the vessel; and

- (ii) the trade or type of service in which the vessel is engaged.
- (e) Where a particular fitting, furnishing, appliance or standard of construction or fitting is required under these Regulations, the Principal Shipping Officer may, if he is satisfied that another fitting, furnishing, appliance or standard of construction or fitting, as the case may be, is equivalent to, or superior to, that required under these Regulations, permit that other fitting, furnishing, appliance or standard of construction or fitting to be fitted, carried or used in the vessel.
- (f) Where:
 - (i) a vessel is in the course of being modified, chartered or purchased; and
 - (ii) the person to whose order the vessel is being so modified, chartered or purchased, and to which Section 640, Chapter 6 of Title 19 will apply, he shall submit to the Principal Shipping Officer plans of the vessel showing clearly the proposed arrangement and position in the vessel of the crew accommodation.

2.3 Annual inspections of Crew Accommodation

- (a) The Principal Shipping Officer may request a surveyor to carry out an inspection of the crew accommodation in a vessel:
 - (i) as soon as is practicable after the vessel becomes a vessel to which Section 640, Chapter 6 of Title 19 applies; and
 - (ii) at yearly intervals thereafter.
- (b) A surveyor who has carried out an inspection under this regulation shall make a written report to the Principal Shipping Officer as to the adequacy and condition of the crew accommodation, and that the crew accommodations on the vessel complies with the Act and these Regulations.

Part 3. Miscellaneous Provisions for Crew Welfare

3.1 Compensation for Disability or Death of Seafarers

- (a) This section shall apply to all seafarers employed on board FSM vessels and all seamen who are citizens of the Federated States of Micronesia.
- (b) Every seafarer shall be provided with life and health insurance plans that shall be arranged by the shipowner and shall, in the

event of injury or death, be compensated within 12 months of the event in accordance with Schedule 3 of these Regulations.

3.2 Provisions and Water

- (a) Subject to this Regulation, a vessel shall carry provisions and water in accordance with:
 - (i) an arrangement between the owner and the seafarers employed, under which the seafarers receive a victualling allowance and provide their own provisions; or
 - (ii) a scale of provisions and water agreed between the owner and the seafarers employed, to which the Principal Shipping Officer makes no objection.

- (b) The Principal Shipping Officer shall, in making an objection to an arrangement or a scale referred to in paragraph (a) of this section, have regard to:
 - (i) the number of seafarers employed in the vessel; and
 - (ii) the duration and nature of the voyage to be undertaken; and
 - (iii) the quantity, quality, nutritive value and variety of the provisions provided; and
 - (iv) the quantity and quality of the water.

- (c) The provisions and water carried in the vessel shall:
 - (i) be of good quality in accordance with national water quality standards; and
 - (ii) not contain any matter that is likely to cause sickness or injury to health or which may render the provisions or water unpalatable or unfit for human consumption.

- (d) A shipping officer may go on board a vessel at any time and inspect the provisions and water provided for the use of the crew.

- (e) Where a shipping officer is of the opinion that the provisions or water or weighing and measuring apparatus carried in a vessel are not in accordance with these Regulations he may require the owner or the master of the vessel to take such action as is necessary to comply with the Regulations.

3.3 Protection of Young Persons

- (a) A person under the age of 18 years shall not be employed or continue in employment as a seafarer unless
 - (i) he is employed on a vessel on which only members of the same family are employed; and

- (ii) at the time of his first entering into an agreement he has undergone, and
 - (iii) at intervals of not more than 12 months afterwards he undergoes, such medical examinations as the Principal Shipping Officer determines.
- (b) An owner shall not, where a person is under the age of 18 years, enter into an agreement in respect of that person unless the owner produces to a shipping officer a certificate stating that the person has:
 - (i) undergone such medical examinations as the Principal Shipping Officer determined; and
 - (ii) been found fit to be employed as a seafarer.

3.4 Medical Practitioners and First Aid Attendants

- (a) a passenger vessel that is:
 - (i) carrying more than 100 persons on board; and
 - (ii) proceeding on a voyage that is of a distance of more than 750 nautical miles or where more than three days are likely to elapse between consecutive ports, shall carry a crewmember who has been trained in health care and emergency first aid.
- (b) A vessel other than a vessel to which paragraph (a) applies shall carry a qualified first aid attendant.

3.5 Medical Stores and Publications

- (a) Subject to paragraph (b) of this regulation, a vessel shall carry the medical store and publications as set out in Schedule 4 to these Regulations.
- (b) The Principal Shipping Officer may require an increase in the quantity of medical stores required to be carried in any passenger vessel under paragraph (a), having regard to the number of passengers and the length and nature of the voyage in which the vessel is, or is to be, engaged.
- (c) The Principal Shipping Officer may relax the requirements of the quantity of medical stores under Schedule 4 for fishing vessels, and other vessels the normal routes of which would not require such vessels to be out of a safe port for more than three consecutive days.

- (d) A vessel shall be equipped with storage facilities of a size, design and construction suitable for the safe and proper custody and storage of the medicines, medical and surgical stores and appliances that are required to be carried under this regulation.

**CREW ACCOMMODATION REQUIREMENTS - VESSELS OTHER THAN FISHING
VESSELS**

(Section 2.2, Seafarer Welfare Regulations)
(Requirements based on ILO Convention 92, Accommodation of Crews, 1949)

New Vessels of 500 Gross Tonnage or more

1. General Requirements

- 1.1 The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.
- 1.2 There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms, or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gas-tight.
- 1.3 External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageway. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.
- 1.4 Internal bulkheads shall be of approved material that is not likely to harbor vermin.
- 1.5 Sleeping rooms, mess rooms, recreation rooms and alleyways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.
- 1.6 Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation, nor whenever technically possible, through alleyways leading to crew accommodation; where they do pass through such alleyways they shall be adequately insulated and encased.

- 1.7 Inside paneling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbor vermin shall not be used.
- 1.8 The Principal Shipping Officer shall decide to what extent fire prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.
- 1.9 The wall surface and deckhands in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in color; lime wash must not be used.
- 1.10 The wall surface shall be renewed or restored as necessary.
- 1.11 The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.
- 1.12 Where the floorings are of composition the joining with sides shall be rounded to avoid crevices.
- 1.13 Sufficient drainage shall be provided.

2. Ventilation

- 2.1 Sleeping rooms and mess rooms shall be adequately ventilated.
- 2.2 The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.
- 2.3 Vessels regularly engaged on voyages in the tropics shall be equipped with both mechanical means of ventilation and electric fans: Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.
- 2.4 Vessels engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans.
- 2.5 Power for the operation of the aids to ventilation required by paragraphs 2.3 and 2.4 shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

3. Heating (Applicable to vessels making periodic voyages outside the tropics)

- 3.1 An adequate system of heating the crew accommodation shall be provided.
- 3.2 The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.
- 3.3 In all vessels in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity.
- 3.4 In any vessels in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.
- 3.5 The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the Principal Shipping Officer shall prescribe the standard to be provided.
- 3.6 Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

4. Lighting

- 4.1 Subject to such special arrangements as may be permitted in passenger vessels, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.
- 4.2 All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with a normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standards shall be provided.
- 4.3 In all vessels electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

- 4.4 Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.
- 4.5 In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

5. Sleeping Accommodation

- 5.1 Sleeping rooms shall be situated above the load line amidships or aft.
- 5.2 The Principal Shipping Officer may, if the size, type or intended service of the vessel render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel, but in no case forward of the collision bulkhead.
- 5.3 In passenger vessels the Principal Shipping Officer may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alleyways.
- 5.4 The floor area per person of sleeping rooms intended for ratings shall be not less than:
 - (a) 20 square feet in vessels under 800 tons; and
 - (b) 25 square feet in vessels of 800 tons or over, but under 3,000 tons:
 - (c) 30 square feet in vessels of 3,000 tons or over.

Provided that, in the case of passenger vessels in which more than four ratings are berthed in one room, the minimum per person may be 24 square feet.

- 5.5 In the case of vessels in which are employed such groups of ratings as necessitate the employment of substantially larger number of ratings than would otherwise be employed, the Principal Shipping Officer may, in respect of such groups, reduce the minimum floor area of sleeping rooms per person, subject to the conditions that:
 - (a) The total sleeping space allotted to the group or groups is not less than would have been allotted had the numbers not been increased; and

- (b) The minimum floor area of sleeping rooms is not less than
 - (i) 18 square feet per person in vessels under 3,000 tons;
and
 - (ii) 20 square feet per person in vessels of 3,000 tons or over.
- 5.6 Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces that do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.
- 5.7 The clear headroom in crew sleeping rooms shall not be less than 6 feet 3 inches.
- 5.8 There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department: Provided that the Principal Shipping Officer may relax this requirement in the case of small vessels.
- 5.9 The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima:
 - (a) Officers in charge of a department, navigating and engineer officers in charge of a watch and senior radio officers or operators: one person per room;
 - (b) Other officers: one person per room wherever possible, and in no case more than two;
 - (c) Petty officers: one or two persons per room, and in no case more than two;
 - (d) Other ratings: two or three persons per room wherever possible and in no case more than four.
- 5.10 The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.
- 5.11 Members of the crew shall be provided with individual berths.
- 5.12 Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

- 5.13 Berths shall not be arranged in tiers of more than two; in the case of berths placed along the vessel's side, there shall be only a single tier where a sidelight is situated above a berth.
- 5.14 The lower berth in a double tier shall be not less than 12 inches above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.
- 5.15 The minimum inside dimensions of a berth shall be 6 feet 3 inches by 2 feet 3 inches.
- 5.16 The framework and the leeboard, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbor vermin.
- 5.17 If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.
- 5.18 Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other material likely to harbor vermin shall not be used.
- 5.19 When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.
- 5.20 Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.
- 5.21 The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 5 feet in height and of a cross-section area of 300 square inches and shall be fitted with a shelf and a hasp for a padlock.
- 5.22 Each sleeping room shall be provided with a table or a desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.
- 5.23 The furniture shall be of smooth, hard material not liable to warp or corrode.

- 5.24 The drawer or equivalent space for each occupant shall be not less than two (2) cubic feet.
- 5.25 Sleeping rooms shall be fitted with curtains for the sidelights.
- 5.26 Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.
- 5.27 As far as practicable berthing of crew members shall be so arranged that watches are separated and that no daymen share a room with watch-keepers.

6. Mess Rooms

- 6.1 Sufficient mess room accommodation shall be provided in all vessels.
- 6.2 In vessels of less than 1,000 tons separate mess room accommodation shall be provided for -
- (a) Master and officers; and
 - (b) Petty officers and other ratings.
- 6.3 In vessels of 1,000 tons and over, separate mess room accommodation shall be provided for
- (a) Master and officers; and
 - (b) Deck department petty officers and other ratings; and
 - (c) Engine department petty officers and other ratings:

Provided that

- (i) one of the two mess rooms for the petty officers and other ratings may be allotted to the petty officers and the other to the other ratings;
- (ii) a single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organizations of shipowners and/or shipowners and the recognized bona fide trade unions of seafarers concerned have expressed a preference for such an arrangement.

- 6.4 Adequate mess room accommodation shall be provided for the catering department, either by the provision of separate mess rooms or by giving them the right to the use of the mess rooms assigned to other groups; in the case of vessels of 5,000 tons or over with more than five persons in the catering department consideration shall be given to the provision of a separate mess room.
- 6.5 The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.
- 6.6 Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.
- 6.7 Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.
- 6.8 Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.
- 6.9 The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

7. Recreation Spaces

- 7.1 In all vessels a space or spaces to which the crew can have access when off duty shall be provided on an open deck; the space or spaces shall be of adequate area, having regard to the size of the vessel and the crew.
- 7.2 Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished, and equipped to give recreational facilities.

8. Sanitary Accommodation

- 8.1 Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all vessels.
- 8.2 The following minimum number of separate water closets shall be provided:
- (a) In vessels of under 800 tons: three; and
 - (b) In vessels of 800 tons or over, but under 3,000 tons: four; and
 - (c) In vessels of 3,000 tons or over: six; and
 - (d) In vessels where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.
- 8.3 Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for each group of the crew on the following scale: -
- (a) One tub and/or shower bath for every eight persons or less; and
 - (b) One water closet for every eight persons or less; and
 - (c) One wash basin for every six persons or less:
- Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than one-half of the specified number this surplus may be ignored for the purpose of this subparagraph.
- 8.4 When the total number of the crew exceeds 100 and in passenger vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the Principal Shipping Officer to special arrangements or a reduction in the number of facilities required.
- 8.5 Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places.
- 8.6 Wash basins and tub baths shall be of adequate size and constructed of

approved material with a smooth surface not liable to crack, flake or corrode.

- 8.7 All water closets shall have ventilation to the open air, independently of any other part of the accommodation.
- 8.8 All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.
- 8.9 Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimize the risk of obstruction and to facilitate cleaning.
- 8.10 Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:
- (a) Floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained; and
 - (b) Bulkheads shall be of steel or other approved material and shall be water-tight up to at least 9 inches above the level of the deck; and
 - (c) The accommodation shall be sufficiently lighted, heated and ventilated; and
 - (d) Water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access: Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons; and
 - (e) Where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.
- 8.11 In all vessels facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.
- 8.12 The facilities for washing clothes shall include suitable sinks, which may

be installed in wash rooms, if separate laundry accommodation is not reasonably practicable, with an adequate supply of cold fresh water and hot water or means of heating water.

- 8.13 The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fittings for hangings clothes.

9. Hospital Accommodation

- 9.1 In any ship carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided. The Principal Shipping Officer may relax this requirement in respect of vessels engaged in the inter-island trade.
- 9.2 The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weathers.
- 9.3 The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.
- 9.4 The number of hospital berths required shall be prescribed by the Principal Shipping Officer, taking into account the type of vessel, the trade in which the vessel is engaged, and the number of persons normally carried on the vessel.
- 9.5 Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.
- 9.6 Hospital accommodation shall not be used for other than medical purposes.
- 9.7 An approved medicine chest with readily understandable instructions shall be carried in every vessel that does not carry a doctor.

CREW ACCOMMODATION REQUIREMENTS - FISHING VESSELS

(Extract of the Code of Safety for Fishermen and Fishing Vessels, Part B)

1. General

- 1.1 Location, structure and arrangement of crew accommodation spaces and means of access thereto, shall be such as to ensure adequate security, protection against weather and sea and insulation from heat and cold, undue noise, vibration or effluvia from other spaces.
- 1.2 Where in view of operational requirements the Principal Shipping Officer has permitted sleeping rooms to be placed in the fore part of the vessel, they shall be placed aft of the collision bulkhead.
- 1.3 Bulkheads and decks between accommodation spaces and fish-holds; machinery spaces; fuel tanks; galleys, engine, deck and other storerooms; drying rooms, communal wash-places or water closets, shall be so constructed as to prevent the infiltration of fumes and odors. Direct openings into sleeping rooms from such places shall be avoided wherever reasonable or practicable. That part of bulkheads separating such places from sleeping rooms, and also external bulkheads, shall be gas-tight and, where necessary, shall prevent the passage of water.
- 1.4 Accommodation spaces shall be adequately insulated to prevent loss of heat, condensation or overheating. Care shall be taken to provide protection from heat effects of steam and/or hot-water service pipes.
- 1.5 Fuel oil and steam piping, except steam heating systems, shall not be led through accommodation spaces unless such arrangement has been approved by the Principal Shipping Officer.
- 1.6 In the choice of materials used for construction of accommodation spaces, account shall be taken of properties potentially harmful to the health of personnel, or likely to harbor vermin and mold. Surfaces, including decks, of accommodation and furnishings shall be of a kind easily kept clean and hygienic, as well as impervious to damp.
- 1.7 All practical measures shall be taken to protect crew accommodation and furnishings against the admission of insects and other pests.

2. Lighting, Heating and Ventilation

- 2.1 All crew accommodation spaces shall be adequately lighted, as far as possible by natural lighting. Such spaces shall also be equipped with adequate artificial light. Natural and artificial lighting shall be in accordance with accepted standards of visual comfort in living spaces.
- 2.2 If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.
- 2.3 An adequate reading light shall be provided for every berth in addition to the normal lighting of the cabin.
- 2.4 Methods of lighting shall not endanger the health or safety of the crew or the safety of the vessel.
- 2.5 Adequate heating facilities in accommodation spaces shall be provided as required by climatic conditions. Heating facilities shall be capable of maintaining a satisfactory air temperature in crew accommodation under normal conditions of service of a fishing vessel and as prescribed by the Principal Shipping Officer.
- 2.6 Facilities for heating shall be designed so as not to endanger health or safety of the crew or the safety of the vessel.
- 2.7 Accommodation spaces shall be adequately ventilated. Ventilation systems shall be capable of control so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate. The ventilation of galley, sanitary and hospital spaces shall be to the open air and, unless fitted with a mechanical ventilation system approved by the Principal Shipping Officer, be independent from that for other crew accommodation.
- 2.8 Accommodation spaces of vessels regularly engaged on voyages in the tropics and in similar climatic conditions, except in deckhouses with satisfactory natural ventilation, shall be equipped with mechanical ventilation and, if necessary, with additional electric fans or air conditioning, in particular in mess rooms. When necessary to ensure satisfactory ventilation, vessels engaged elsewhere shall be equipped either with mechanical means of ventilation or with electric fans.

- 2.9 Drying rooms or lockers for working clothes and oilskin lockers shall have adequate ventilation.

3. Sleeping Rooms

- 3.1 Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness. The clear headroom shall, whenever possible, be not less than 6 feet.
- 3.2 The floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than:
- (a) 8 square feet in vessels below 89 feet;
 - (b) 10 square feet in vessels of 89 feet but below 115 feet in length;
and
 - (c) 11 square feet in vessels of 115 feet or over.
- 3.3 Whenever reasonable and practicable with respect to the size, type or intended service of a vessel, the number of persons allowed to occupy each sleeping room shall not be more than four persons in vessels of 115 feet in length and over and six persons in vessels of less than 115 feet in length. Sleeping rooms for officers shall contain not more than two berths.
- 3.4 Each member of the crew shall be provided with an individual berth, the minimum inside dimensions of which shall, whenever practicable, be 6 feet and 3 inches by 27 inches.
- 3.5 Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another. Berths shall not be arranged in tiers of more than two. The lower berth in a double tier shall not be less than 12 inches above the deck; the upper berth shall be placed approximately midway between the bottom of the lower berth and lower side of the deck head beams.
- 3.6 Suitable bedding shall be provided for the crew. Mattresses shall not be of a type that is liable to develop toxic fumes in case of fire.
- 3.7 Whenever reasonable and practicable with respect to the size, type or intended service of a vessel, the furnishings of sleeping rooms shall include both a fitted cupboard preferably with an integral lock and a drawer for each occupant. Sleeping rooms shall also be fitted with a satisfactory table or desk, adequate and proper seating, curtains for sidelights, a mirror, cabinets for toilet requisites, a book rack and coat

hooks.

4. Mess Rooms

- 4.1 Mess room accommodation separate from sleeping quarters shall be provided in all vessels carrying a crew of more than ten persons. Whenever reasonable and practicable it shall be provided also in vessels carrying a smaller crew.
- 4.2 Mess rooms shall be as close as practicable to the galley.
- 4.3 The dimensions, furnishings and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.
- 4.4 Mess rooms shall be planned, furnished and equipped to provide appropriate facilities for recreation.

5. Sanitary Facilities

- 5.1 Sufficient sanitary facilities including wash basins and tubs and/or shower-baths and water closets shall be provided as follow:
 - (a) One tub and/or shower-bath for every eight persons or less;
 - (b) One water-closet for every eight persons or less;
 - (c) One wash basin for every six persons or less.

Provided that when the number of persons exceeds an even multiple of the specified number by less than one half of the specified number, this surplus may be ignored for the purpose of this paragraph.

- 5.2 Cold fresh water and hot fresh water or means of heating water shall be available in all wash places.
- 5.3 All sanitary equipment and systems shall be of a design, construction and size approved by the Principal Shipping Officer. In particular, showers shall have anti-scalding valves of an approved type, sufficient drainage shall be provided, and soil and waste discharge pipes shall be of adequate dimensions and constructed so as to facilitate cleaning. International standards concerning shipboard sanitary facilities contained in the WHO Guide to Ship Sanitation, 1967, may serve as guidance.

- 5.4 Soil and waste discharge pipes shall not pass through fresh water or drinking water tanks or, where practicable, provision stores. Neither shall they, where practicable, pass overhead in mess rooms or sleeping accommodation. Such pipes shall be fitted with anti-siphon closures.
- 5.5 Facilities for washing and drying clothes shall be provided on a scale appropriate to the number of the crew and the duration of intended voyages. These facilities shall include an adequate supply of cold fresh water and hot fresh water or means of heating water. Whenever reasonable and practicable, separate laundry accommodation shall be provided.

6. Hospital Accommodation

- 6.1 A sick bay or equivalent shall be provided in vessels of 150 feet in length and over. In vessels of 328 feet in length or over, the sick bay shall be equipped with detachable and portable swivel bed and shall be designed to facilitate removal of a patient in the portable bed.

7. Potable Water Facilities

- 7.1 Filling, storage and distribution arrangements for potable water shall be designed to preclude any possibility of water contamination or overheating. In this connection, the relevant international standards laid down by the WHO in Guide to Ship Sanitation, 1967, shall be followed.

8. Provision Stores

- 8.1 Provision storerooms of adequate capacity shall be provided which can be kept cool, dry and well ventilated in order to avoid deterioration of the stores. Where necessary, refrigerators or other low-temperature storage space shall be provided.

9. Cooking and Beverage Facilities

- 9.1 Satisfactory cooking appliances and equipment shall be provided and

shall, wherever practicable, be fitted in a separate galley.

- 9.2 Galleys shall be of adequate dimensions for the purpose and have sufficient storage space and satisfactory drainage. International standards concerning shipboard food sanitation laid down in the WHO Guide to Ship Sanitation, 1967, may serve as guidance.
- 9.3 A domestic refrigerator of sufficient capacity for the number of persons using the mess room and facilities provided for hot beverages and cool water shall be provided for the benefit of the crew.

COMPENSATION FOR DISABILITY OR DEATH OF SEAFARERS

(a) Permanent total disability. In case of total disability, adjudged to be permanent, sixty-six and two-thirds percent of his average weekly base wages shall be paid to the seafarer during the continuance of such total disability. Loss of both hands, or arms, or both feet, or legs, or both eyes or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent, total disability shall be determined in accordance to facts.

(b) Permanent partial disability. In case of disability partial in character but permanent in quality the compensation shall be sixty-six and two-thirds per cent of the average weekly base wages, and shall be paid to the seafarer for the period named in the following schedule:

- (1) Thumb. For the loss of thumb, seventy-five weeks;
- (2) First finger. For the loss of a first finger, commonly called index finger forty-six weeks;
- (3) Second finger. For the loss of a second finger, commonly called the middle finger, thirty weeks;
- (4) Third finger. For the loss of a third finger, commonly called the ring finger, twenty-five weeks;
- (5) Fourth finger. For the loss of a fourth finger, commonly called the little finger, fifteen weeks;
- (6) Phalanx of thumb or finger. Loss of the first phalanx of the thumb shall be equal to the loss of three-fourths of the thumb and compensation shall be three-fourths of the amount above specified for the loss of the thumb. The loss of the first phalanx of any finger shall be equal to the loss of one-half of the finger and compensation shall be one-half of the amount above specified for the loss of the finger. The loss of more than one phalanx of the thumb or any finger, shall be considered as loss of the entire thumb or finger;

- (7) Great toe. For the loss of a great toe, thirty-eight weeks;
- (8) Other toes. For the loss of one of the toes other than the great toe, sixteen weeks;
- (9) Phalanx of toe. Loss of the first phalanx of any toe shall be equal to the loss of one-half of the toe; and the compensation shall be one half of the amount specified for the loss of the toe. The loss of more than one phalanx of any toe shall be considered as the loss of the entire toe;
- (10) Hand. For the loss of a hand, two hundred and forty weeks;
- (11) Arm. For the loss of an arm, three hundred and twelve weeks;
- (12) Foot. For the loss of a foot, two hundred and five weeks;
- (13) Leg. For the loss of a leg, two hundred and eighty-eight weeks;
- (14) Eye. For the loss of an eye by enucleation, one hundred and sixty weeks. For the loss of vision in an eye, one hundred and forty weeks. Loss of binocular vision or of eighty per cent of the vision of an eye shall be considered loss of vision of the eye.
- (15) Ear. For the permanent and complete loss of hearing in both ears, two hundred weeks. For the permanent and complete loss of hearing in one ear, fifty-two weeks;
- (16) Loss of use. Permanent loss of the use of a hand, arm, foot, leg, thumb, finger, toe or phalanx shall be equal to and compensated as the loss of a hand, arm, foot, leg, thumb, finger, toe, or phalanx;
- (17) Partial loss or loss of use of member named in schedule. Where a work related injury causes permanent partial disability resulting from partial loss of use of a member named in this schedule, and where such disability is not otherwise compensated in this schedule, compensation shall be paid for a period which stand in the same proportion to the period specified for the total loss or loss of use of such member as the partial loss or loss of use of that member stands to the total loss or loss of use thereof;

- (18) More than one finger or toe of same hand or foot. In cases of permanent partial disability resulting from simultaneous injury to the thumb and one or more fingers of one hand, or two or more fingers of one hand, or to the great toe and one or more toes other than the great toe of one foot, or two or more toes other than great toe of one foot, the disability may be rated as a partial loss or loss of use of the hand or the foot and the period of benefit payments shall be measured accordingly. In no case shall the compensation for the loss or loss of use of more than one finger or toe of the same hand or foot exceed the amount provided in this schedule for the loss of a hand or foot;
- (19) Amputation. Amputation between the elbow and the wrist shall be rated as the equivalent of the loss of a hand. Amputation between the knee and ankle shall be rated as the equivalent of the loss of a foot. Amputation at or above the elbow shall be rated as the loss of an arm. Amputation at or above the knee shall be rated as the loss of a leg;
- (20) Other cases. In all other cases of permanent partial disability resulting from the loss or loss of use of a part of the body or from the impairment of any physical function, weekly benefits shall be paid at the rate and subject to the limitations specified in this subsection for a period which bears to a comparable disability named in the schedule.
- (21) Unconditional nature and time of commencement of payment. Compensation of permanent partial disability shall be paid regardless of the earnings of the disabled seafarer subsequent to the injury. Payments shall not commence until after termination of any temporary total disability that may be caused by the injury.
- (c) Temporary partial disability.** Where a work related injury caused partial disability, not determined to be permanent, which diminishes the seafarer's capacity for work, the employer, beginning with the first day of the disability and during the continuance thereof, shall pay the injured seafarer bi-weekly benefits equal to sixty-six and two-thirds per cent of the difference between the seafarer's average bi-weekly base wages before the injury and the seafarer's bi-weekly base wages thereafter, subject to the schedule for the maximum weekly benefit rates prescribed in paragraph (a).
- (d) Provisions common to permanent and temporary partial disability.** No determination of partial disability shall be made until two weeks from the date of injury.

- (e) **Accidental Death:** Annual Base Salary times two; Minimum \$10,000.
- (f) **Natural Death:** Annual Base Salary; Minimum \$5,000.

APPROVALS

Pursuant to the authority vested in me as Secretary of Transportation, Communications and Infrastructure by Section 604, Title 19 of the Code of the Federated States of Micronesia, I hereby issue and promulgate these Seafarer Welfare Regulations. These Regulations shall become effective upon approval by the President and compliance with Title 17 of the Code of the Federated States of Micronesia.

Date: 01/17/2002

/s/ Robert Hadley
Robert Hadley, Acting Secretary
Department of Transportation,
Communications & Infrastructure

These Seafarer Welfare Regulations have been reviewed by the Department of Justice and found to be in proper legal form.

Date: 01/18/2002

/s/ Paul E. McIlrath
Paul E. McIlrath, Secretary
Department of Justice

I approve the adoption of these Regulations.

Date: 01/25/2002

/s/ Redley Killion
Leo A. Falcam, President
Federated States of Micronesia

EFFECTIVE DATE

The President having approved these Regulations, and the requirements of Title 17, Section 102 of the Code of the Federated States of Micronesia now having been satisfied, I hereby declare that the foregoing Seafarer Welfare Regulations are effective on March 1, 2002.

Robert Hadley
Robert Hadley, Acting Secretary
Department of Transportation, Communications & Infrastructure