



Luxembourg, 21 July 2016

Circular CAM 07/2016

Subject: **Launch of a Concentrated Inspection Campaign on MLC, 2006**

To : All Accredited Shipping Managers, ship owners, ship operators, and designated persons of Luxembourg flagged ships.

O/Ref : AH/107480

Be advised that the Paris MOU on Port State Control will carry out a Concentrated Inspection Campaign (CIC) on MLC, 2006 in the period from 1 September through 30 November 2016.

See attached MOU's related questionnaire to be used.

Adequate dissemination of this information within your company and to the Masters of Luxembourg flagged vessels should be ensured.



(s) Robert BIWER
Government Commissioner
for maritime affairs

Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

Ship's name	
IMO Nr	
Date of inspection	

N°	QUESTIONS	YES	NO	N/A
1*	Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health? Standards A 1.1. para. 4 (def code 18101)			
2*	Are all seafarers holding valid certificate(s) attesting medical fitness? Standard A 1.2. para. 1 (def code 18103)			
3**	Have all seafarers successfully completed their training for personal safety on board? Regulation 1.3. para. 2 (def code 01219)			
4.1**	Do all seafarers have a copy of their seafarers' employment agreement? Standards A 2.1. para 1 (a) (def code 01220)			
4.2**	Are the seafarers' employment agreements in compliance with minimum standard required by MLC? Standards A 2.1. para 4 (def code 01220)			
5	If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006? Standard A 1.4. para. 2 and para 9 (def code 18104)			
6	Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review? Standard A 3.1. para. 18 (def code 18328)			
7	Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented? Standard A 3.2 para. 7 (def code 18320)			
8	Has a ships safety committee been established on board regarding ships on which there are five or more seafarers? Standard A 4.3. para. 2d (def code 18430)			
9*	For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW? Standard A.4.1. para. 4c (def code 18404)			
10**	Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship ? Standard A 5.1.5 para.4 (def code 01330)			
11**	Have all seafarers received monthly accounts of their payments due and amounts paid? Standard A2.2, para. 2 (def code 18203)			
12	Was the ship detained as result of the CIC?			

*Note: Questions 1 to 11 answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection.
If the box "No" is ticked off for questions marked with an "**", the ship may be considered for detention.
If the box "No" is ticked off for questions marked with an "***", and if the deficiency found is repeated (occure more than 1 time), the ship may be considered for detention.*

Guidelines for PSCO's on the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

Introduction

General

The Maritime Labour Convention, 2006 (MLC, 2006) came into force in 20 August 2013 and is a "relevant instrument" in the Paris MoU.

Taking the entry into force of this new Convention into consideration, at the 46th session of the Paris MOU Committee meeting, it was agreed to organize a CIC in 2016 to verify the compliance with the MLC, 2006 on all types of ships.

The type of inspection to be performed is determined in accordance with PMoU procedures. The CIC is performed complementary to the inspection. The fact that a CIC is performed by itself does not change the type of inspection.

As ships from non-ratifying States should not receive any more favourable treatment than ships from States that have ratified the convention, this CIC will be undertaken once on every individual ship eligible for inspection during the period of the campaign.

Goals and purposes

To improve the maritime labour conditions at sea.

The need to verify compliance of ships with the new requirements of the MLC, 2006.

The need to enhance the overall knowledge of PSCO's in the Paris MoU's region on this new regulation.

References

The following CIC guidance is provided to assist in checking for compliance of MLC, 2006, during the Campaign. In addition PSCOs should also refer to the PSCC Instruction Guidance for inspection on Maritime Labour Convention and the ILO Guidelines for Port State Control Officers carrying out inspections under the Maritime Labour Convention, 2006 (referred to in the abovementioned instruction).

When conducting the CIC, PSCOs should bear in mind that, for ships flying the flag of States for which the MLC, 2006 is in force, the DMLC Parts I and II should provide important clarifications on how the Convention is being implemented on the ship concerned. This is applicable for all inspection items but is also highlighted below with respect to specific questions and guidance.

Questionnaire guidance

1. Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health?

**Standards A 1.1. para. 4
(def code 18101)**

The employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety. The types of such work shall be determined by the national laws or regulations or by the competent authority, after consultation with the shipowners' and seafarers' organizations concerned, in accordance with relevant international standards.

Night work of seafarers under the age of 18 shall be prohibited¹. For the purpose of this standard, “night” shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. (def code 18102)

No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook. (def code 18325).

The PSCO should check that:

- either anyone on board were less than 18 old;
- For young crew member under the age of 18, PSCO attention must be given to their planning table and working conditions as so far as night work is prohibited for them.

Possible sources of information :

- A crew list, a passport, an id cards or a seamen's book or other official document confirming seafarers' birth dates;
- Work schedule with respect to seafarers under the age of 18 to determine hours and nature of work;
- Recent accident reports and safety committee reports to determine whether seafarers under the age of 18 were involved;
- Information on types of work on board that have been identified as likely to jeopardize the safety of seafarers under the age of 18;
- Tasks determined by the flag State as likely to jeopardize health or safety of seafarers under 18 as contained in DMLC (part I and II) for vessels flying a ratifying flag;

2. Are all seafarers holding valid certificate(s) attesting medical fitness?

Standard A 1.2. para. 1

(def code 18103)

Seafarers shall not work on a ship unless they are certified as medical fit to perform their duties.

A medical certificate issued in accordance with the requirements of STCW shall be accepted by the competent authority, for the purpose of Regulation 1.2 of MLC, 2006. A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by STCW, shall similarly be accepted.

The medical certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate.

Each medical certificate shall state in particular that:

- the hearing and sight of the seafarer concerned, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and
- the seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other person on board (Standard A1.2, paragraph 6).

For seafarers working on ships ordinarily engaged on international voyages the certificate must be provided in English (Standard A1.2, paragraph 10).

The period of validity for a certificate is determined under national law in accordance with the following:

¹ An exception to strict compliance with the night work restriction may be made by the competent authority when the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and the authority determines that the work will not be detrimental to their health or well-being. The exemption might be as well a single authorisation to a young seafarer or part of national legislation according to DMLC part 1.

- two-year maximum for medical certificates except for seafarers under 18; then it is one year;
- six-year maximum for a colour vision certificate (Standard A1.2, paragraph 7).

The PSCO should check that:

- The crew list is in compliance with the actual seafarers present on board;
- All crew members hold a valid medical certificates attesting that they are medically fit to perform the duties they are to carry out at sea;
- The valid colour vision certificates, where appropriate;
- The medical certificates were valid for a maximum period of two years² (unless the seafarers under the age of 18 required a certificate for maximum one year). A certificate of colour vision shall be valid for a maximum of six years;
- The medical certificates for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English;

Possible sources of information :

- The crew list;
- The medical certificates;
- Colour vision certificates, where appropriate;
- The authorization or permit (subject to a maximum validity of three months) where the competent authority of the flag State has permitted a seafarer to work without a valid, or with an expired, certificate in urgent cases;

3. Have all seafarers successfully completed their training for personal safety on board?

**Regulation 1.3. para. 2
(def code 01219)**

Seafarers must be trained or certified³ as competent or otherwise qualified to perform their duties in accordance with flag State requirements.

Seafarers must have successfully completed training for personal safety on board ship.

The PSCO should check that :

- All seafarers have been completed their training for personal safety on board.

Possible sources of information :

- The crew list;
- Documentary evidence (training records) confirming that seafarers have successfully completed training for personal safety on board ship;
- Appropriate training material that is available to the crew;

² In urgent cases the competent authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:
(a) the period of such permission does not exceed three (3) months; and
(b) the seafarer concerned is in possession of an expired medical certificate of recent date.

³ Training and certification in accordance with the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.

4 Seafarers' employment agreement:

4.1 Do all seafarers have a seafarers' employment agreement?

Standards A 2.1. para 1 (a)

(def code 01220)

All seafarers must have a seafarers' employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner's representative (or, where they are not employees, other evidence of contractual or similar arrangements).

Readable copy of SEA should be accepted by the PSCO.

If all seafarers have a SEA signed by both the seafarer and the shipowner or shipowner's representative, the questions 4.1 should be answered as "YES".

If one or more seafarers do not have an original or a copy of their SEA, signed by both the seafarer and the shipowner or shipowner's representative, the questions 4.1 should be answered as "NO" and the nature of defect of the deficiency should be "missing".

4.2 Are the seafarers' employment agreements in compliance with minimum standard required by MLC?

Standards A 2.1. para 4

(def code 01220)

Standards A 2.1, paragraph 4, lays out the matters that are to be included in all seafarers' employment agreements

However, a collective bargaining agreement can form all or part of the SEA. When it does the agreement must be on board the ship with the relevant portions of the collective bargaining agreement in English (Standard A2.1, paragraph 2, letter b).

The SEA shall in all cases contain the following particulars (Standard A2.1, paragraph 4(a)–(k) of the MLC):

- the seafarer's full name, date of birth or age, and birthplace;
- the shipowner'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;
- the 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, which shall not be less for the shipowner than for the seafarer;
 - 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 shipowner;
- the seafarer's entitlement to repatriation;
- reference to the collective bargaining agreement, if applicable; and
- any other particulars which national law may require.

If the examined SEA contains, at a minimum, the matters set out in Standard A2.1, paragraph 4(a)–(k) of the MLC, 2006 (see above), the questions 4.2 should be answered as "YES".

If the examined SEA not contain, at a minimum, the matters set out in Standard A2.1, paragraph 4(a)–(k) of the MLC, 2006, the questions 4.2 should be answered as "NO" and the nature of defect of the deficiency should be "Invalid", "Entries missing", "Not properly filled" or "Incorrect language" as appropriate.

Concerning questions 4.1 and 4.2, the PSCO should check that:

- All seafarers have an original or a copy of their SEA
- SEA are signed by both the seafarer and the shipowner or shipowner's representative and, at a minimum, contain the matters set out in Standard A2.1, paragraph 4(a)–(k) of the MLC, 2006, within the scope of the CIC, the PSCO should examine a representative number of SEA;
- Where the language of the seafarers' agreement and relevant parts of any applicable collective bargaining agreement are not in English, a translation in English should also be available on board.

Possible sources of information:

- The crew list;
- An original or a copy of the SEA (or other evidence of contractual or similar arrangements) and any applicable collective bargaining agreements for seafarers and, at a minimum, a standard form of the SEA (in English) for the ship;
- The DMLC Parts I and II.

5. If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006?

**Standard A 1.4.paragraph 2 and standard A.1.4, paragraph 9
(def code 18104)**

Private seafarer recruitment and placement services based in the territory of a State party to the MLC, 2006 shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation (Standard A 1.4, paragraph 2).

Shipowners using services based in States not party to the MLC, 2006, must ensure, as far as practicable, that these services meet the requirements of the MLC, 2006 (Standard A1.4, paragraph 9).

In other words, private seafarer recruitment and placement services used by ships flying the flag of a Party to the MLC, 2006 shall meet the requirements of the Convention, whether the private seafarer recruitment and placement service concerned is based in a State party to the Convention or not.

Use of any licensed or certified or regulated private recruitment and placement service is part of appendix A5-III of the MLC, 2006 concerning general areas that are subject to a detailed inspection by an authorized officer in a port of a Member carrying out a port State inspection pursuant to Standard A5.2.1. Although the CiC is not a more detailed inspection the inclusion of this item in the appendix mentioned indicates, that the Master/Shipowner should be able to in a simple way to clarify the situation and answer questions concerning private recruitment and placement service.

Licensed or certified or regulated means that the private seafarer recruitment and placement service has a license, a certificate or the State in which the service is based has issued laws or other provisions regulating the operation of such services.

Ships using a private seafarer recruitment and placement service based in a State party to the MLC, 2006

Since private seafarer recruitment and placement services situated in a State party to the MLC, 2006 can be operated only in conformity with a standardized system of licensing or certification or other form of regulation it would an easy task for the Master of the ship to clarify the situation.

The DMLC Parts I and II may contain information on this matter. Unless there is evidence to the contrary, if the service is operating in a State for which the Convention is in force, this question should be answered "YES".

Ships using a private seafarer recruitment and placement service based in States not party to the MLC, 2006

The Master of the ship should clarify, how the shipowner has ensured that those services meet the requirements of this Standard. If it is not possible, the questions should be answered as "NO".

Ships not using a private seafarer recruitment and placement service

If the shipowner is not using a private seafarers recruitment and placement service, the box "N/A" shall be ticked off for question 5.

The PSCO should check that:

- Does the ship fly a flag of a State party to the Convention
- Does the ship use a private seafarer recruitment and placement service
- Does the shipowner use a private seafarer recruitment and placement service operating in a State for which the MLC, 2006 is in force; ;If a shipowner has used a private seafarer recruitment and placement service from a State that has not ratified the MLC, 2006, is there documentation available to indicate that the shipowner has ensured, as far as practicable, that the service or agency is operated in accordance with the MLC, 2006.

Possible sources of information

- National web sites of the competent authority regarding the licensing or regulation of seafarer recruitment and placement services (manning agencies).
- Documentation or other information allowed the inspector to ascertain the following:
 - Direct engagement seafarers were recruited and engaged by the shipowner;
 - Recruited through a public service;
 - Seafarers were engaged through a public seafarer recruitment and placement service in either the flag State or in another State to which the MLC, 2006, applies.
- If seafarers were engaged through a seafarer recruitment and placement service based in a country that has not ratified the MLC, 2006, documentation should be available to show that the shipowner has, as far as practicable, verified through a proper system that the service is operated consistently with the MLC, 2006. The shipowner's system may, for example, take account of information collected by the flag State, as well as any audits or certifications concerning the quality of services operating in countries that have not ratified the MLC, 2006.
- Other evidence which shipowners could provide might be checklists against the MLC requirements or an RO audit of a recruitment and placement service based in a country that has not ratified the MLC, 2006.
- The DMLC Parts I and II.

6. Are records of inspections of seafarer accommodation carried out by the master (or another designated person) available for review?

**Standard A 3.1. para. 18
(def code 18328)**

Frequent inspections have to be carried out on board ships, by or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair.

The results of each such inspection shall be recorded and be available for review.

The PSCO should check that:

- Inspections of seafarer accommodation are being carried out by the master or another designated person and are recorded.

Possible sources of information:

- The on-board records to confirm that frequent inspections are carried out by or under the authority of the ship's master;
- The crew list for a comparison with the number of sleeping rooms and berths;
- The DMLC Parts I and II.

7. Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented?

**Standard A 3.2 para. 7
(def code 18320)**

Frequent documented inspections have to be carried out on board ships, by or under the authority of the master, with respect to:

- supplies of food and drinking water;
- all spaces and equipment used for the storage and handling of food and drinking water; and
- galley and other equipment for the preparation and service of meals.

The PSCO should check that:

- Frequent and documented inspections of the food or water, or of the preparation, storage or handling areas, are being carried out;

Sources of information:

- The DMLC Parts I and II
- On-board records to confirm that frequent and documented inspections are made of:
 - supplies of food and drinking water;
 - spaces used for handling and storage of food and drinking water;
 - galleys and other equipment used in the preparation and service of meals

8. Has a ship's safety committee been established on board regarding ships on which there are five or more seafarers?

**Standard A 4.3. para. 2d
(def code 18430)**

A ship safety committee, shall be established on board ships with five or more seafarers.

The PSCO should check that:

- Are there five or more seafarers on board?
- A ship's safety committee has been established on board.

Possible sources of information:

- Relevant documents, such as the on-board occupational accident reports, and the reports of risk evaluations undertaken for the management of occupational safety and health on the ship;
- Documents specifying the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee
- Documents evidencing membership and meetings of the safety committee (e.g. records and minutes of the meetings, etc.) if the ship has more than five seafarers.
- Relevant parts of DMLC part I reflecting how Standard A 4.3. para. 2d is transformed in national laws and relevant parts of DMLC part II explaining how Standard A 4.3. para. 2d is applied by the Company and the ship concerned.

9. For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW?

**Standard A.4.1. para. 4c
(def code 18404)**

A qualified medical doctor responsible for providing medical care is required on board ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration.

On board ships which do not carry a medical doctor shall be required either

- at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties

or

- at least one seafarer on board competent to provide medical first aid.

Seafarers in charge of medical care on board shall have completed training in medical care that meets the requirements of STCW, 1978, as amended (Regulation VI/4).

Seafarers designated to provide medical first aid shall have completed training in medical first aid that meets the requirements of STCW.

Where training in medical first aid or medical care is not included in the qualifications for the STCW certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care (STCW Regulation VI/4, paragraph 3).

However, STCW certificates of competency issued in accordance with regulations II/1, II/2, II/3, III/1, III/2, III/3, III/6 and VII/2 include the proficiency requirements in "medical first aid". Therefore, holders of mentioned certificates of competency are not required to carry Certificates of Proficiency indicating that the holder has attended a course of training in medical first aid (STCW Table B-I/2, Note 5).

The PSCO should check that:

- The ship is not required to carry a medical doctor;
- For ship not being required to carry a medical doctor, there is on board at least one seafarer in charge of medical care or designated to provide medical first aid;
- The seafarer in charge of medical care or designated to provide medical first aid has completed the relevant training according to STCW Regulation VI/4.

Possible sources of information:

- Documents (such as the SMD and crew list) to confirm that: where ships are not required to carry a medical doctor, they have at least one seafarer on board (who is trained and qualified to the requirements of STCW) to be in charge of medical care or is competent to provide medical first aid as part of their regular duties.
- STCW certificate of competency issued in accordance with regulations II/1, II/2, II/3, III/1, III/2, III/3, III/6 or VII/2.
- STCW certificate of proficiency indicating that the holder has attended a course of training in medical care in accordance with STCW Regulation VI/4, paragraph 3.
- STCW certificate of proficiency indicating that the holder has attended a course of training in medical first aid in accordance with STCW Regulation VI/4, paragraph 3.

10. Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship?

**Standard A 5.1.5 para.4
(def code 01330)**

All ships shall have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC, 2006.

The on-board complaint procedures may be used by seafarers to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of the MLC, 2006 (including seafarers rights). Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities.

All seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information for the competent authority in the flag State and, where different, in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.

The PSCO should check that:

- There is an on board complaint procedure;
- A copy of the on-board complaint procedures applicable on the ship has been provided to all seafarers;

Possible sources of information:

- The on-board complaint procedures applicable on the ship;
- Information from the Master regarding the on-board procedure in accordance with DMLC part 2 assuring that all seafarers have been provided with a copy of the on-board complaint procedures applicable on the ship.
- Any document outlining the on-board complaint procedures to confirm that the procedures are functioning on the ship, particularly with respect to the right of representation, the required safeguards against victimization and the ability of seafarers to complain directly to the ship's master or to an external authority;

11. Have all seafarers received monthly accounts of their payments due and amounts paid?

**Standard A2.2, para. 2
(def code 18203)**

All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements. Payments due to seafarers shall be made at no greater than monthly intervals and in accordance with any applicable collective agreement.

Seafarers shall be 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. Allotments⁴ shall be paid in accordance with the seafarer's instructions and charge for converting and transmitting currencies shall be in line with national requirements. (def code 18205)

Only one monthly account of wages shall be in use.

The PSCO should check that:

- Seafarer(s) has been 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;

Possible sources of information:

- The SEA and documentation, such as the payroll records to confirm that wages are being paid at intervals no greater than one month as specified in their SEA or relevant collective agreements.

⁴An allotment is an arrangement whereby a proportion of seafarers' earnings are regularly remitted, on their request, to their families or dependants or legal beneficiaries whilst the seafarers are at sea.

- Relevant documents to confirm the payment of wages including the requirement that a monthly account (such as a wage slip) is provided to the seafarers. Copies of individual accounts should be available to PSCOs at their request.

12. Has the ship detained as a result of the CIC?

Regarding the questionnaire, if the box "No" is ticked off for questions marked with an "***", the deficiency found should be considered as serious breach of the requirements of MLC and the ship may be considered for detention.

If the box "No" is ticked off for questions marked with an "***", and if the deficiency found is repeated (occure more than 1 time), the deficiencies found should be considered as a repeated breach of the requirements of MLC and the ship may be considered for detention.

If a ship as detained as a result of deficiencies found from the item listed in the questionnaire, PSCO's should respond "Yes" to question 12.