



TECHNICAL NOTICE

TN 04-2021

(MLC, 2006)

Issue date: 27-01-2021

Validity date: -

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Subject: 2018 Amendments to the Maritime Labour Convention (MLC; 2006) relating to Seafarers' Employment Agreements (Regulation 2.1), Wages (Regulation 2.2) and Entitlement (Regulation 2.5).

1. Applicability.

The provisions of this Technical Notice are applicable to ships falling under the provisions of the MLC, 2006.

2. Background.

- .1 The International Labour Organization (ILO) during its 107th Session of its Conference has approved amendments of 2018 to the MLC, 2006, which have the aim to improve the protection of seafarers in the event the seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ship. These amendments of the MLC, 2006 entered into force on **26 December 2020**.
- .2 The amendments refer to employment agreements, whether individual or collective.
- .3 The amendments do not modify:
 - .1 Appendix A5-I, the working and living conditions of seafarers;
 - .2 Appendix A5-II, Declaration of Maritime Labor Compliance Part I and II; and
 - .3 Appendix A5-III, on the general areas that subject to a detailed inspection.

3. Relevant documentation.

- .1 PMA MMN-20/2020-Amendments to the MLC, 2006 (December 2020).
- .2 IMMARBE MMN-20-006-2018 Amendments to the MLC; 2006 (December 2020).
- .3 ICS Class Technical Instructive PO02-TI09- Statutory Certification for MLC, 2006.

4. 2018 amendments to the MLC, 2006.

- .1 **Amendments, relating to Regulation 2.1 Standard A2.1-Seafarer' Employment Agreements**-Insert a new paragraph 7, as follow:
 7. Each Member shall require that a seafarer's employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it. For the purpose of this paragraph, the term:
 - a) piracy shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
 - b) armed robbery against ships means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.
- .2 **Amendments, relating to Regulation 2.2 Standard A2.2-Wages**- Insert a new paragraph 7, as follow:
 7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph



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4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms piracy and armed robbery against ships shall have the same meaning as in Standard A2.1, paragraph 7.

.3 Amendments, relating to Regulation 2.5 Guideline B2.5.1-Entitlement-Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms piracy and armed robbery against ships shall have the same meaning as in Standard A2.1, paragraph 7.

5. Provisions for Panamanian flagged ships, according to MMN-20/2020.

- .1 The re-issuance of the DMLC Part I and Part II is not required.
- .2 After 26 December 2020, and no later than the first applicable MLC inspection (interim, initial, intermediate, renewal), the MLC inspector should verify compliance with the 2018 amendments.

6. Provisions for Belizean flagged ships, according to MMN-20-006.

- .1 The 2018 amendments do not immediately affect the validity of the MLC Certificate nor the validity of the DMLC Part I. Existing MLC Certificates and DMLC Part I issued by IMMARBE will remain valid until the first initial/renewal MLC inspection on or after 26 December 2020.
- .2 Changes to the DMLC Part II are not necessary, unless there are pre-existing references that contravene the 2018 amendments.
- .3 New DMLC Part I after 26 December 2020 will include the 2018 amendments.
- .4 After 26 December 2020, and no later than the first applicable initial/renewal MLC inspection, the MLC inspector should verify compliance with the 2018 amendments.

7. Provisions for non-Panamanian or Belizean ships.

Unless the flag Administration establishes otherwise, it should be applied the provisions specified in Section 5 above, for Panamanian flagged ships.

8. Updated Forms.

No form was updated.

Jose A. Pérez Samper.
Principal Surveyor / samper@intermaritime.org
Tel. +507 322-0013 / Fax +507 226-5386
www.InterMaritime.org