



## Merchant Marine Notice **MMN-20-006**

### **2018 Amendments to the Maritime Labour Convention (MLC, 2006) on Seafarer' Employment of Agreement (SEA) (Regulation 2.1), Wages (Regulation 2.2) and Entitlement (Regulation 2.5)**

**TO: DEPUTY REGISTRARS, SHIP OWNERS/ISM OPERATORS/RECOGNIZED ORGANIZATIONS/SHIPPING AGENTS/GENERAL SAFETY INSPECTORS**

MMN Superseded: N/A  
 ISSUE DATE: **8 December 2020**

Revision No.:N/A

#### **INTRODUCTION**

The International Labour Organization (ILO) during its 107<sup>th</sup> Session of its Conference approved amendments of 2018 to the Maritime Labour Convention, 2006, as amended (MLC, 2006) on 5 June 2018, 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 ships. These amendments of the Maritime Labour Convention will enter into force on **26 December 2020**.

#### **PURPOSE**

Belize as ratifying country of the Maritime Labour Convention, 2006 which entered into force on 8 July 2014 through the International Merchant Marine Registry of Belize (IMMARBE) for the purposes of this Merchant Marine Notice would like to notify all concerned parties about the entry into force of the 2018 amendments with the aim to ensure compliance with these amendments.

#### **CONTENT**

1. 2018 amendments to the MLC, 2006:

**1.1. Amendments to the Code of the MLC, 2006, relating to Regulation 2.1 Standard A2.1 – Seafarer' Employment Agreements**

Insert a new paragraph 7:

7. Each Member Shall require that a seafarer's employment agreement shall continue to have effect while a seafarer is held captive or on 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

**1.2. Amendment to the Code of the MLC, 2006, relating to Regulation 2.2 Standard A2.2 – Wages**

Insert a new paragraph 7:

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 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.

**1.3. Amendment to the Code of the MLC, 2006, 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.



2. Declaration of Maritime Labour Convention (DMLC) and Maritime Labour Certificate (MLC Certificate).
  - 2.1. These 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.
  - 2.2. Changes to the DMLC Part II are not necessary, unless there are pre-existing references that contravene the 2018 amendments.
  - 2.3. During initial/renewal MLC Inspection, the Recognized Organization in charge must verify compliance with the 2018 amendments.
  - 2.4. New DMLC Part I after 26 December 2020 will include the 2018 amendments.

### ACTIONS REQUESTED

This Administration would like to encourage all Shipowners, Operators, Deputy Registrar and Recognized Organizations to take note of the contents of this Notice and to ensure its provisions are enforced on board vessels registered at IMMARBE on 26 December 2020. Look forward for your cooperation and assistance.

Kind regards;

---

Eng. Eduardo Simon  
Technical Manager  
IMMARBE




---

Annette Garel (Mrs.)  
Senior Deputy Registrar  
IMMARBE

The Notice was issued in Belize city, Belize 08/12/2020