

MLC, 2006 and the 2018 Amendments

The amendments ensure that while seafarers are held captive as a result of piracy or armed robbery, their seafarer employment agreements (SEA's) remain in force and must continue to receive wages and other entitlements.

Notice to: Ship Owners/ Managers/ Operators | Surveyors/Auditors

URC20035 | 01 August 2020

The 2018 Amendments to the Maritime Labour Convention, 2006, (MLC, 2006), as amended have been approved by the International Labour Conference at its 107th Session on June 2018 and **shall enter into force on December 26, 2020.**

The amendments provide seafarers to continue to receive wages and other entitlements if held captive as a result of piracy or armed robbery against ships.

The 2018 Amendments

Standard A2.1 – Seafarers' employment agreements

A new paragraph 7 has been included:

*"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 piracy¹ 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.**"*

Standard A2.2 – Wages

A new paragraph 7 has been included:

*"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***

¹ 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."

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.”

Guideline B2.5.1 – Entitlement²

Paragraph 8 has been replaced by the following:

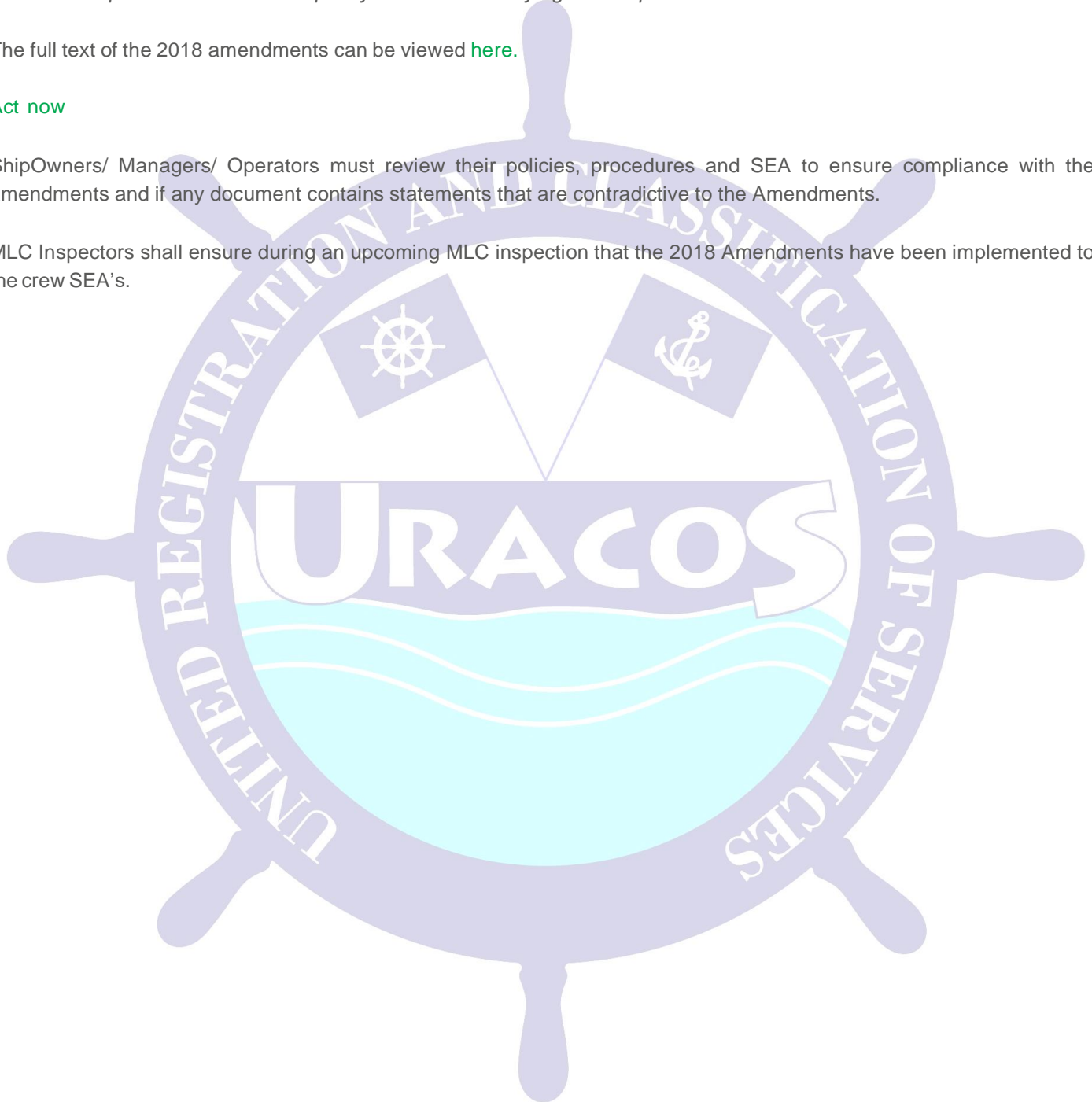
“8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships.”

The full text of the 2018 amendments can be viewed [here](#).

Act now

ShipOwners/ Managers/ Operators must review their policies, procedures and SEA to ensure compliance with the amendments and if any document contains statements that are contradictive to the Amendments.

MLC Inspectors shall ensure during an upcoming MLC inspection that the 2018 Amendments have been implemented to the crew SEA's.



²Amendments to Guidelines are not mandatory.

