



## LOSS PREVENTION UPDATE

### AMENDMENTS TO THE MARITIME LABOUR CONVENTION: RIGHTS AND PROTECTIONS FOR SEAFARERS

The Maritime Labour Convention (MLC), commonly referred to as the “seafarers' bill of rights,” establishes the basic working and living standards for seafarers working on ships registered in ratifying countries. These standards also apply when the ship is calling at a country that has adopted the Convention, regardless of the ship's flag ratification status.

On 23 December 2024, the 2022 amendments to MLC 2006 will come into effect, following their adoption at the International Labour Organization's (ILO) 110th session.

These amendments include revisions to regulations on recruitment and placement, repatriation, recreational facilities (including access to internet service on board and at port), food and catering, and the disembarkation of seafarers in need of urgent medical attention.

BELOW IS A SUMMARY OF THE 2022 AMENDMENTS:

#### RECRUITMENT AND PLACEMENT

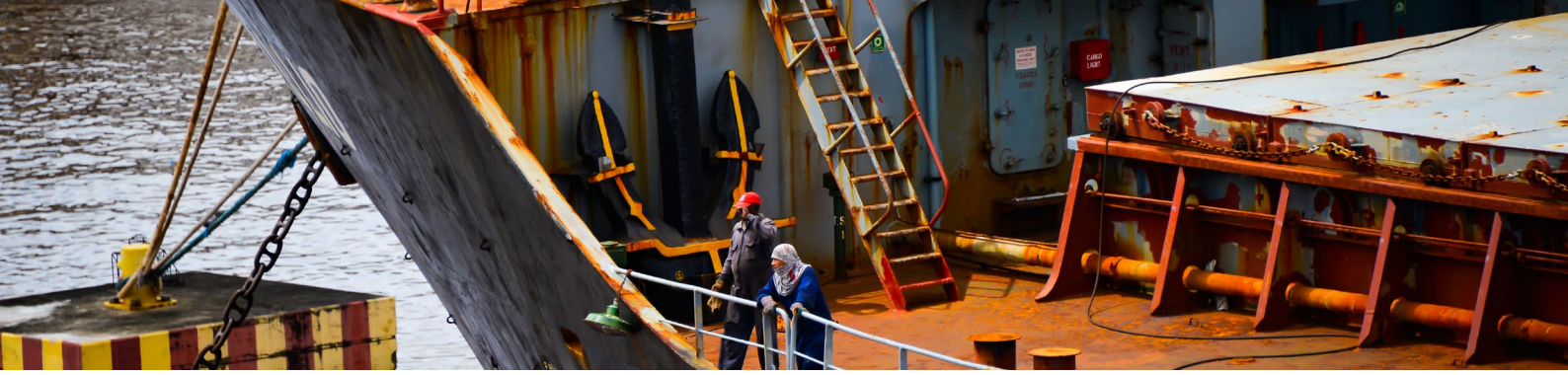
During the Covid-19 pandemic, seafarers often faced financial loss when unable to join their ships due to restrictions, without compensation under Standard A1.4 of the MLC. The amendment mandates that seafarers are informed, both before and during the contract period, of their rights to compensation if recruitment agencies or shipowners fail to meet their employment agreement obligations, causing financial loss to the seafarer.

#### REPATRIATION

Covid-19 related control measures led to instances where seafarers were denied their right to repatriation as outlined in MLC 2006. This amendment reinforces the need for prompt repatriation of all seafarers, including those abandoned, and clarifies that replacement crew members are entitled to the same rights. Responsibility is shared by port states, flag states, and labour supplying countries.

#### ACCOMMODATION AND RECREATIONAL FACILITIES/ ACCESS TO SHORE-BASED WELFARE FACILITIES

New guidelines have been added, encouraging shipowners to provide access to ship-to-shore telephone and internet, with charges kept to a reasonable amount, if applicable. States should, as far as reasonably practicable, provide internet service to seafarers in their anchorages or ports. These requirements serve as guidelines; therefore, flag states may choose to make on board internet and telephone access mandatory.



## FOOD AND CATERING

Revisions to food and catering standards now require that nutritious meals and drinking water be provided free of charge to crew members. Shipmasters must routinely inspect food and water for adequate quantity, nutritional value, quality, and variety.

## MEDICAL CARE ON BOARD SHIP AND ASHORE

A new standard has been added requiring states to ensure the immediate disembarkation of seafarers who need urgent medical attention within their territory. In the event of a seafarer's death, states should facilitate the repatriation of the body or ashes according to the wishes of the seafarer or their next of kin. Public health concerns at the port should not prevent the disembarkation of seafarers or the replenishment of ships with stores, fuel, water, food and supplies.

## HEALTH AND SAFETY PROTECTION AND ACCIDENT PREVENTION

Addressing previous concerns over personal protective equipment (PPE), the amendment now requires that seafarers receive PPE that is appropriately sized to prevent injuries. Additionally, a new standard requires flag states to investigate, record, and report to the ILO the death of any seafarer employed onboard their ships.

## EVIDENCE OF FINANCIAL SECURITY

Port State Control inspections often found discrepancies resulted in deficiencies when the shipowner's name on the Declaration of Maritime Labour Compliance (DMLC) and Maritime Labour Certificate (MLC) differed from that on the certificate of financial security, as required by the MLC and issued by the P&I Club. This discrepancy arises because the DMLC and MLC, issued by the flag state, may sometimes list the ship management company's name or the bareboat charterer as the shipowner. This typically happens when they have assumed responsibility for the operation of the ship from the owner, in accordance with the shipowner definition provided in MLC 2006. However, the P&I Clubs always held the position that MLC financial certificates should name registered owners and the widening of the definition of what may be included in the financial security certificates produced by the Club to include "name of the shipowner, or of the registered owner if different from the shipowner" has resolved this discrepancy.

For a complete list of the 2022 MLC amendments, please refer to the official documentation available [here](#).

## FURTHER INFORMATION

For further information, please do not hesitate to email [lossprevention@tindallriley.com](mailto:lossprevention@tindallriley.com)

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