



Maritime Labour Convention, 2006 (MLC): Proposed amendments

Notice to all shipowners, masters, seafarers, P&I Clubs, maritime insurance providers

*This notice should be read with MGN 480(M) and MGN 482(M)
This MIN expires 18 January 2017*

Summary

This MIN provides information on proposed amendments to the Maritime Labour Convention, 2006 (MLC) agreed by the International Labour Organization's (ILO) MLC Special Tripartite Committee in April 2014 and International Labour Conference in June 2014.

1. Introduction/ Background

1.1 In 2009, the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, at its Ninth Session, finalised some proposed some amendments to the Maritime Labour Convention, 2006 (MLC) for further protection of seafarers in relation to:

- a) the abandonment of seafarers; and
- b) claims for compensation in the event of a seafarer's death or long term disability due to an operational injury, illness or hazard.

1.2 These amendments could not be progressed until the Convention had come into force internationally. The MLC came into force internationally on 20 August 2013, and in the UK on 7 August 2014.

2. Progress of the Amendments

2.1 The International Labour Organizations' (ILO) Special Tripartite Committee (STC) met for the first time between 7 and 11 April 2014, and agreed a revised text of the proposed amendments for consideration by the International Labour Conference (ILC) between 28 May and 12 June 2014. The amendments received overwhelming support in the STC, with no member states voting against them and only one member state abstaining with their two votes. This member state accompanied their abstentions with a statement that they did not disagree with the amendments.



2.2 The ILC approved the amendments as re-drafted by the STC, and notified them to ILO member states on 18 July 2014. This has started a two year consultation period until 18 July 2016 within which member states which had their ratification registered before the date of the Conference's approval have the opportunity to express their formal disagreement. The amendments will come into force six months after the end of the two year period, on 18 January 2017, provided disagreement has not been expressed by at least 40% of the ratifying members representing at least 40% of the world's gross tonnage.

3. Content of the amendments

3.1 Some significant features of the amendments relate to:

a) Title 2.5 Repatriation

- A facility for a seafarer to have direct access to claim assistance speedily, and directly, from financial security provider.
- Food, accommodation, medical costs, wages (up to 4 months outstanding arrears) and other expenses reasonably incurred associated with the abandonment to be included in the financial security cover.
- An improved description of abandonment.
- The format and content of the certificate of financial security in relation to abandonment to be provided by the financial security provider.

b) Title 4.2 Death and Long Term Disability

- An obligation on the financial security provider to give prior notification to the flag State and seafarers if financial security is to be cancelled or not renewed.
- An obligation on the financial security provider to notify the flag State and seafarer of future cancellation, upon cancellation and upon non-renewal of the financial security.
- An obligation that evidence of financial security be posted in crew accommodation.
- An extension of the financial security to cover contractual claims.
- The format and content of the certificate of financial security in relation to death and long term disability.

3.2 The text of the amendments under consideration may be found at:

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_248905.pdf

If at the end of the two year period mentioned above, the amendments pass into international law, ratifying member states will take action to transpose them into their respective legislative regimes (unless they have formally expressed their disagreement).



More Information

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