

## MARITIME ACTIVITIES CONSULTANTS S.A.

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**TECHNICAL SERVICE CIRCULAR No. 01/2021, Date: 04/01/2021**

**Subject: "2018 AMENDMENTS TO MLC, 2006 ENTERED INTO FORCE"**

### **BACKGROUND OF THE 2018 AMENDMENTS TO MLC 2006**

**1.** The 2018 amendments to the Maritime Labour Convention, which were adopted within the context of ILO at the third meeting of the Special Tripartite Committee, entered into force on 26th December 2020. These amendments relate to the Code of MLC 2006, Standard A2.1(7) (Seafarer's Employment Agreement), Standard A2.2(7) (Wages), and Guideline B2.5.1 (Entitlement to repatriation). The concrete amendments were approved at the 107th session of the International Labour Conference held in June 2018 and **ensure that seafarers held captive on or off a ship as a result of piracy or armed robbery continue to receive their wages.**

### **CONTENT AND PROVISIONS OF THE 2018 AMENDMENTS TO MLC 2006**

**2.** In general and inter alia, the 2018 amendments provide that a seafarer's employment agreement (SEA) shall continue to have effect for the whole period during which a seafarer is held captive on or off a ship in the event of and as a result of acts of piracy or armed robbery against ships. The SEA will be deemed to have full effect regardless of whether the expiration date of the contract has passed or either party has given the notice to suspend or terminate it.

**3.** In particular these amendments concern the following:

.1 Seafarers Employment Agreements (SEAs): Standard A2.1 was amended to establish that a SEA will continue to have effect while seafarer is held captive on or off the ship as a result of piracy or armed robbery against ships, regardless of the dates in their contract.

.2 Wages: Standard 2.2 has been amended to ensure that SEAs of seafarers held captive as a result of piracy or armed robbery will continue to have effect, including for the payment of wages and other entitlements until the seafarer is released and duly repatriated or date of death is determined.

.3 Repatriation: Guideline B2.5.1 was amended to ensure that the entitlement of seafarers to repatriation does not lapse if they are held captive as a result of piracy or armed robbery.

**FOLLOW-UP ACTION BY SHIP OPERATORS, SHIPMANAGERS & SHIOWNERS FOR VESSELS REGISTERED WITH VARIOUS INTERNATIONAL REGISTRIES**

4. Shipowners, Ship Operators, and Ship managers operating ships registered under various registers must ensure that SEAs and/or any applicable collective bargaining agreements that are signed on or after 26 December 2020, cover the 2018 amendments. Shipowners should review their policies and procedures to ensure compliance with the above.

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PIRAEUS OFFICE:  
110-112 Notara str., 185 35 Piraeus, Greece  
Tel: +30 2104287112, Fax: +30 2104530310,  
[www.mac.com.gr](http://www.mac.com.gr), e-mail: [mac-gr@otenet.gr](mailto:mac-gr@otenet.gr)