



International Maritime Bureau



CIRCULAR

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To: Ship-owners

New amendments to the Maritime Labour Convention 2006

New requirements related to the Seafarer Employment Agreement (SEA), wages, contract termination conditions and repatriation are described in cases of piracy and a seafarer is held captive were included on the MLC 2006, as amended, as follows:

1. Standard A2.1.7 – Seafarers’ 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 on or 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.
2. Standard A2.2.7 – 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.
3. 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.

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