



Technical Circular

No.: 031/2016

Date: 03rd October 2016

To Whomsoever it may concern

Subject: AMSA's approach to maximum period of shipboard service for seafarers

- The purpose of this circular is to advise shipowners', operators/managers and seafarers of AMSA's approach to implementing the Maritime Labour Convention, 2006 (MLC, 2006) requirements for the maximum continuous period that a seafarer can serve on board a vessel without taking leave. It also outlines how these requirements will be enforced by AMSA during MLC, 2006 more detailed inspections.
- AMSA inspectors will verify compliance with Regulation 2.4 – Entitlement to leave, ensuring seafarers serve no longer than 11 months continuously on board a vessel. This will include verification that any service extensions do not result in seafarers serving on board for more than 11 months.
- Where inspectors identify that a seafarer has served on board a vessel for more than 11 months, but less than 13 months and this occurred with the full consent of the seafarer and in accordance with any flag State requirements, the non-compliance will be brought to the attention of the master and the vessel owner, with an expectation that the non-compliance will be rectified at the earliest possible opportunity. Due consideration to flag States policy in this regard may be taken into account.
- Where inspectors identify that a seafarer has served on board a vessel for more than 13 months, or in cases of systemic breaches, the non-compliance will be managed in accordance with MLC, 2006 Standard A5.2.1.6. This requires the inspector to take steps to ensure that the ship shall not proceed to sea until the non-conformities have been rectified, or until the inspector has accepted a plan of action to rectify such non-conformities and is satisfied that the plan will be implemented in an expeditious manner.

- AMSA's approach above is considering Regulation 2.4 – Entitlement to leave Standard A2.4, paragraph 2, which states that annual leave shall be calculated at a minimum of 2.5 days per month of employment, which equates to a minimum of 30 days per year. Standard A2.4.3 also states that any agreement to forgo the minimum annual leave with pay prescribed in that standard, except in cases provided for by the competent authority, shall be prohibited.
- Therefore, the MLC, 2006 requirements can be read as indicating that the maximum continuous period that a seafarer should serve on board a vessel without leave, is 11 months.

Enclosure:

1. AMSA Marine Notice 17/2016.

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