



Technical Circular

No.: 005/2021

Date: 11th January 2021

Subject: Sri Lanka - Amendments of 2018 to the Maritime Labour Convention, 2006.

1. The Maritime Administration of Sri Lanka vide Merchant Shipping Notice 08/2020 has provided guidelines in respect of implementation of 2018 amendments to MLC, 2006 effective 26th December, 2020.
2. The amendments require continuation of Seafarer Employment Agreements (SEA), wages and other entitlements under SEA 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 employment contract.
3. Accordingly, shipowners are required to ensure that SEA and/or any applicable Collective Bargaining Agreements (CBAs) that are signed on or after 26th December 2020 incorporates the 2018 amendments to MLC, 2006.
4. The amendments do not immediately affect the validity of ML Certificates or DMLC Part I already issued to the existing Sri Lankan ships. Existing MLC Certificates and DMLC issued shall remain valid until first Renewal MLC inspection on or after 26th December 2020. Prior to the renewal inspection, shipowners /managers are required to obtain new DMLC Part I from Sri Lankan Administration (the new DMLC Part I will include the applicable requirements of the 2018 amendments to MLC, 2006) and accordingly update the DMLC Part II to incorporate new requirements which is to be submitted for approval. The approved original copies of new DMLC Part I and updated DMLC Part II are to be placed onboard prior to conduct of Renewal MLC Inspection conducted post 26th December, 2020.
5. Ship owners/ operators and masters of Sri Lankan flagged ships are advised to be guided by above.

Enclosure:

1. Sri Lankan Merchant Shipping Notice 08/2020.



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MSN 08/2020

12th November 2020

Notice to: All Sri Lankan Seafarers;

Sri Lankan Ship-Owners, Operators and Masters;

Seafarer Recruitment and Placement Service Providers; and

Recognised organisations.

**MLC 2018 AMENDMENTS – PROTECTION OF SEAFARERS HELD CAPTIVE
AS A RESULT OF PIRACY OR ARMED ROBBERY**

1. Purpose

The 2018 amendments to the Maritime Labour Convention, 2006, (MLC, 2006), as amended have been approved by the International Labour Conference at its 107th Session on June 2018 and will enter into force on **December 26, 2020**. The amendments provide seafarers to continue to receive wages and other entitlements if held captive as a result of piracy or armed robbery against ships.

2. Amendments to the Convention

2.1 Standard A2.1 – Seafarers’ employment agreements

A new paragraph 7 has been included:

“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.”

2.2 Standard A2.2 – Wages

A new paragraph 7 has been included:

“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.”

2.3 Guideline B2.5.1 – Entitlement

Paragraph 8 has been replaced 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.”

3. Actions Required

3.1 ShipOwners / Operators shall review their policies, procedures and seafarers’ employment agreements to ensure compliance with the amendments on and after 26 December, 2020.

3.2 The amendments shall be incorporated into the Declaration of Maritime Labour Compliance (DMLC) no later than the date of the first renewal inspection following entry into force of the amendments. Prior to the renewal inspection, shipowners should request a new DMLC Part I from this Administration.

4. Attachment

- Text of the amendments to the Code of the MLC, 2006, adopted on 27 April 2018.

Issued on 12th November 2020

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Third meeting of the Special Tripartite Committee established by the Governing Body in accordance with Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006)

Text of the amendments adopted on 27 April 2018

Amendments to the Code of the MLC, 2006, relating to Regulation 2.1

Standard A2.1 – Seafarers’ employment agreements

Insert 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.

Amendments to the Code of the MLC, 2006, relating to Regulation 2.2

Standard A2.2 – 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.

**Amendments to the Code of the MLC, 2006,
relating to Regulation 2.5 – Repatriation**

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.