

MLC SEAFARER RIGHTS UPDATE: NEW AMENDMENTS IN FORCE 23 DEC 2024

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INTRODUCTION

British Mutual Insurance Ltd. as amended, provides a set of mandatory entitlements and optional recommendations for seafarer conditions of work and employment. The latest MLC amendments were finalised in June 2022 and will come into force on 23 Dec 2024. This Risk Bulletin provides a reminder to Members and their crew managers of the necessity to ensure full understanding and implementation of the latest amendments



BACKGROUND

Further background on the MLC, its content and application are discussed in MM's Risk Bulletin No. 76, Seafarer Welfare and Loss Prevention: 'A happy ship is a safe ship'. Members are encouraged to revisit RB No. 76.

The MLC text amendments are contained in full in [the ILO publication, Amendments of 2022 to the MLC 2006](#). Members should also consider purchasing the ICS sponsored publication, [Guidelines on the Application of the ILO MLC, 4th Ed.](#) It incorporates the 2022 amendments and provides a detailed explanation to assist interpretation and application.

NOTE: With respect to MLC application, the number of flag state nations which have ratified the MLC has, as of the beginning of November 2024, increased to 104. This is a significant number, but it does not include all ILO member states (currently 187) or IMO member states (currently 176 plus 3 associate members). As such, there are still about 70 plus flag states which have not ratified the MLC and the minimum 'seafarer rights' it provides.

SUMMARY OF THE ILO 2022 MLC AMENDMENTS AND COMMENTARY

The following MLC amendments are applicable to all vessels whose flag states have ratified the MLC and to all vessels (whether registered in an MLC ratifying state or not) entering port states which have ratified the MLC.

Regulation 1.4 – Recruitment and placement – provides that seafarers are to be informed of their rights to be compensated for any monetary loss suffered due to the failure to meet obligations in relation to the provision of recruitment and placement services.

COMMENT: Seafarers must be advised of their rights in advance of engagement of their entitlement to compensation if crew recruitment agents or managers fail to meet their obligations under the terms of the Seafarer's Employment Agreement (SEA). MM Members should ensure that their crew managers and/or recruitments agents are aware of this new obligation and potential liability.

Regulation 2.5 – Repatriation – obliges Flag and Port states to facilitate the prompt repatriation of seafarers, including when seafarers are deemed abandoned, and to safeguard seafarers who



may be placed on ships where seafarers have recently been abandoned. Further, that Flag, Port and Labour Supply states (e.g. Philippines) must cooperate to accomplish this process

COMMENT: Flag and Port states must be proactive in assisting seafarers who are entitled to repatriation, including those deemed abandoned. This includes, where a Port state deems it necessary to retain on board a minimum number of operating crew to ensure port safety, the engagement of replacement seafarers who shall be afforded the same MLC 2006 entitlements.

Regulation 3.1 – Accommodation and recreational facilities – provides that seafarers are to be afforded with appropriate social connectivity, inclusive of internet access, both while at sea and in port “at reasonable cost”.

COMMENT: Unhelpfully, the term “reasonable cost” is not defined by the MLC. However, in practical terms, these costs continue to diminish as the number of satellite internet connection providers offering distinct crew connectivity services increases. Bearing in mind the serious dangers associated with navigating too close to shore to obtain a mobile phone signal, MM Members should ensure their crews are provided with reliable satellite internet access which should preferably be free of cost.

Regulation 3.2 – Food and catering – requires that drinking water of “suitable quality” shall be made available for seafarers “free of charge”.

COMMENT: The MLC requires that “frequent documented inspections” of drinking/potable water supplies should be carried out. Unhelpfully, no MLC definition of “suitable quality” is provided. MM Members are therefore advised to refer to the [WHO publication Guide to Ship Sanitation](#).

The WHO Guide’s Chapter 2 provides comprehensive advice on shipboard potable water supplies including international standards, construction, testing and record keeping. It also obligates the creation and implementation of a shipboard safe water plan.

NOTE: Because of concerns about the safety of shipboard water supplies and crew expectations, many shipowners now supply bottled water to their crews. Although this can be a useful supplement to potable water supplies and likely encourages crew hydration and welfare, bottled water does not by itself meet MLC and WHO potable water supply obligations. Members should also consider the problems associated with the harmful ingestion of microplastics in bottled water and the problem of water bottle disposal and ocean pollution.



Regulation 4.1 – Medical care on board ship and ashore – provides that ILO member states shall ensure:

- The prompt disembarkation of seafarers in need of “immediate medical care” and access to medical facilities ashore.
- That seafarers are not prevented – by either port authorities or shipowners – from disembarking for public health reasons.
- Cooperation in facilitating the repatriation of the remains of seafarers who have died on board.

COMMENT: Compliance with these MLC obligations are primarily the responsibility of MLC ratifying state acting in concert with the shipowner. If these requirements are not met, MM Members should not hesitate to be pro-active by reminding both flag and port state authorities of their MLC obligations.

Reference the term “immediate medical care”, the type of injuries or diseases which fall into this category are detailed at Regulation 4.1 under Guideline B4.1.3 – Medical care ashore.

Regulation 4.3 – Health and safety protection and accident prevention – provides that:

- A range of appropriately sized personal protective equipment (PPE) must be made available to the crew by shipowners.
- ILO member states must ensure that all seafarer deaths of seafarers are adequately investigated, recorded and reported annually to the ILO for publishing in an ILO global register.

COMMENT: The concerns which resulted in the amendment to provide a better range of PPE sizes reportedly stems from the increasing number of women who are now being employed at sea. It is a trend which will likely continue. MM Members are referred to ILO findings that, “... PPE is often provided in sizes that are suitable for bigger persons; this makes it difficult to wear and can potentially contribute to an increased risk hazard, especially when close to rotatory machines and in enclosed spaces.”

Reference seafarer death reporting, MM Members should ensure that all such deaths and their causes are reported to their flag state authorities along with a specific request that the information is forwarded to the ILO for formal registration and statistical purposes. At present, no such register exists.



Appendix A2-I (Evidence of MLC financial security under Regulation 2.5, paragraph 2) and Appendix A4-I (Evidence of MLC financial security under Regulation 4.2) – have both been amended to allow an MLC financial security statement (MLC Blue Card) to state either the “name of the shipowner [as defined by the MLC as *‘the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship’*] or of the registered owner if different from the shipowner”.

COMMENT: In the past, when Port State Control inspectors observed that the shipowner’s name entered in the flag state Declaration of British Mutual Insurance Ltd differed from the shipowner’s name entered in P&I Club certificate of MLC financial security (MLC ‘Blue Card’), this disparity was often recorded as a PSC deficiency leading to detention.

These shipowner name disparities occurred because a flag state issued DMLC must state the registered owner’s name and address. However, a P&I Club can only issue an MLC ‘Blue Card’ to its entered member/insured. This will often be the registered owner but can also be a bareboat charterer or even a third party ship manager (i.e. separate corporate entities) with different names from the registered owner. This unfortunate shipowner name confusion has now been resolved by the above noted MLC text amendment.

CONCLUSION AND TAKEAWAY

The December 2022 amendments to the MLC are not dramatic but they all serve to help improve and clarify the MLC’s requirements and seafarer entitlements. MM members should therefore ensure that the amendments and their seafarer entitlement improvements are clearly understood by their ship managers, DPAs, masters and crewing agents. Further, that the amendments are fully incorporated into their crew recruitment, welfare and overall management processes inclusive of ISM Code audited compliance.

Members, their ship managers, DPAs and masters should also keep in mind that PSC authorities will likely be on alert for any MLC deficiencies during PSC inspections, with a special focus on the upgraded and 23 December 2024 in force requirements of the MLC December 2022 amendments. As such, Members should ensure that their masters are able to clearly demonstrate full compliance during forthcoming PSC inspections.