



International Labour Conference

110th Session, Geneva, 2022

Date: 26 May 2022

► Eighth item on the agenda: Maritime matters

Approval of amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), as adopted by the Special Tripartite Committee established under Article XIII of the Convention

1. The Special Tripartite Committee (STC) established under Article XIII of the MLC, 2006, ¹ met in Geneva, in a hybrid format, from 5 to 13 May 2022. It was attended by representatives of 63 States parties to the MLC, 2006, and 19 Members not having yet ratified the Convention. The Committee had before it a total of 12 draft amendments to consider. This is the fourth time that the STC, consistent with its mandate to keep the functioning of the Convention under continuous review, adopts amendments and submits them to the Conference for approval. Previous amendment exercises were successfully completed in 2014, 2016 and 2018. ²
2. In accordance with Article XV, paragraph 4, of the MLC, 2006, the STC adopted eight amendments to the Code the MLC, 2006, ³ while the examination of two of the remaining amendments was deferred to its next meeting. The amendments were adopted by an overwhelming majority ⁴. The text of the amendments is reproduced in the appendix. ⁵

¹ The MLC, 2006, entered into force on 20 August 2013 and, as of 25 May 2022, had been ratified by 101 Member States. More information can be found at: www.ilo.org/mlc.

² At its 103rd Session (June 2014), the International Labour Conference approved amendments related to the issues of abandonment of seafarers and claims for compensation in the event of a seafarer's death or long-term disability due to an occupational injury, illness or hazard. At its 105th Session (June 2016), the International Labour Conference approved two further amendments, one aimed at eliminating shipboard harassment and bullying and another providing under specific circumstances for the possibility of an extension of not more than five months of the validity of the maritime labour certificate. At its 107th Session (June 2018), the International Labour Conference approved three new amendments related to the protection of seafarers' wages and entitlements while they are held captives on or off the ship as a result of acts of piracy or armed robbery against ships

³ At its 340th Session (November 2020), the Governing Body decided that the fourth meeting of the STC would be held in two parts. Part I took place in a virtual format (online) from 19 to 23 April 2021.

⁴ The [results](#) of the votes can be consulted online.

⁵ In addition to the amendments, the Special Tripartite Committee adopted three [resolutions](#) related to bullying and harassment of seafarers, including sexual assault and sexual harassment; the financial security system to protect seafarers in cases of abandonment and the need to adopt measures to ensure that all seafarers have adequate means of contractual redress against shipowners. A detailed report of the meeting will be submitted to the 346th Session (November 2022) of the Governing Body.

3. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and article 17 of the Standing Orders of the STC, amendments to the Code together with a commentary on the amendments, are to be communicated by the Chairperson of the Committee to the Governing Body for transmittal to the next session of the International Labour Conference. As the fourth meeting (Part II) of the Committee took place after the 344th Session (14–26 March 2022) of the Governing Body, the amendments were brought to the attention of the Officers of the Governing Body who decided under delegated authority to transmit them to the 110th Session of the International Labour Conference for possible approval.
4. In accordance with Article XV, paragraph 5, of the Convention, approval by the Conference requires a majority of two thirds of the votes cast by the delegates present. If these amendments are approved by the Conference, they will be notified to Members whose ratification of the MLC, 2006, was registered prior to the date of the Conference's approval. These Members will have a period of two years from that notification (unless the Conference decides upon a different period) to express a formal disagreement to the amendments. The amendments will enter into force six months after the end of that period unless more than 40 per cent of ratifying Members, representing not less than 40 per cent of world gross tonnage, have formally expressed their disagreement with the amendments. If such majority is not obtained, the amendments are referred back to the STC for reconsideration.
5. The background and purpose of the amendments, as submitted jointly by the seafarers' and shipowners' groups, the seafarers' group and a number of governments, is explained in detail in the [Background paper for discussion](#) of the Fourth meeting (Part II) of the STC.
6. It should be noted that at least half of these amendments are aimed at drawing upon the lessons learned during the COVID-19 pandemic and the negative impact it had on the maritime industry and the living and working conditions of seafarers. It is recalled that at the pick of the pandemic, around 500,000 seafarers were stuck on board, beyond their original tours of duty and often beyond the 11 maximum period of service on board prescribed by the MLC, 2006. For some, it took more than two years to be able to go back home. With limited or no access to internet, exhausted seafarers struggled to get in touch with their families and loved ones. Numerous seafarers in need of immediate assistance were denied medical care and it was extremely difficult to obtain the disembarkation of the body of deceased seafarers.
7. The first amendment relates to Regulation 1.4 (Recruitment and placement) and is intended to ensure that seafarers are informed of their rights in relation to the obligation of recruitment and placement services to maintain a system of protection to compensate seafarers for monetary losses.
8. The second amendment relates to Regulation 2.5 (Repatriation) and is intended to further facilitate the prompt repatriation of seafarers, including when they are deemed abandoned and to safeguard seafarers who may be placed on ships where seafarer have recently been abandoned.
9. The third set of amendments relates to Regulation 3.1 (Accommodation and recreational facilities) and is intended to ensure that seafarers are provided with appropriate social connectivity by shipowners and that Member States provide internet access in their ports.
10. The fourth set of amendments relates to Regulation 3.2 (Food and catering) and provides that drinking water of suitable quality shall be made available for seafarers free of charge and highlights the importance of balanced meals on board.
11. The fifth set of amendments relates to Regulation 4.1 (Medical care on board ship and ashore) and provides that Member States shall ensure the prompt disembarkation of seafarers in need

of immediate medical care from ships in its territory and access to medical facilities ashore for the provision of appropriate treatment. It is further intended to facilitate the repatriation of the body or ashes of seafarers who have died on board.

- 12.** The sixth amendment relates to Regulation 4.3 (Health and safety protection and accident prevention) and is intended to ensure that seafarers have appropriately-sized personal protective equipment.
- 13.** The seventh set of amendments relates to Regulation 4.3 (Health and safety protection and accident prevention) and provides that all deaths of seafarers shall be adequately investigated, recorded and reported annually to the ILO to be published in a global register.
- 14.** The eighth set of amendments relates to Appendix A2-I (Evidence of financial security under Regulation 2.5, paragraph 2) and Appendix A4-I (Evidence of financial security under Regulation 4.2). They intend to facilitate the functioning of the system of financial security by accepting a reference to the name of the registered owner of the ship when it is different from the shipowner.
- 15.** The Conference is called upon to consider, with a view to their approval, the amendments to the Code of the MLC, 2006, adopted by the STC at its fourth meeting.

► Appendix

Amendments to the Code relating to Regulations 1.4, 2.5, 3.1, 3.2, 4.1 and 4.3 and to appendices A2-I and A4-I of the MLC, 2006

Amendment to the Code relating to Regulation 1.4 – Recruitment and placement

Standard A1.4 – Recruitment and placement

Replace paragraph 5(c)(vi) by the following:

- (vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them, and ensure that seafarers are informed, prior to or in the process of engagement, of their rights under that system.

Amendment to the Code relating to Regulation 2.5 – Repatriation

Standard A2.5.1 – Repatriation

Insert new paragraph 9 and renumber the subsequent paragraph:

9. Members shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned within the meaning of Standard A2.5.2, paragraph 2. Port States, flag States and labour-supplying States shall cooperate to ensure that seafarers engaged on a ship to replace seafarers who have been abandoned in their territory, or on a ship flying their flag, shall be accorded their rights and entitlements under this Convention.

Amendments to the Code relating to Regulation 3.1 – Accommodation and recreational facilities

Standard A3.1 – Accommodation and recreational facilities

Replace paragraph 17 by the following:

17. Appropriate seafarers' recreational facilities, amenities and services, including social connectivity, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention.

Guideline B3.1.11 – Recreational facilities, mail and ship visit arrangements

Replace paragraph 4(j) by the following:

- (j) reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount.

Insert new paragraph 8:

8. Shipowners should, so far as is reasonably practicable, provide seafarers on board their ships with Internet access, with charges, if any, being reasonable in amount.

Guideline B4.4.2 – Welfare facilities and services in ports

Insert new paragraph 5 and renumber the subsequent paragraphs:

5. Members should, so far as is reasonably practicable, provide seafarers on board ships in their ports and at their associated anchorages with Internet access, with charges, if any, being reasonable in amount.

Amendments to the Code relating to Regulation 3.2 – Food and catering

Standard A3.2 – Food and catering

Replace paragraphs 2(a) and (b) by the following:

- (a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety, and shall be provided free of charge during the period of engagement;
- (b) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals prepared and served in hygienic conditions; and

Replace paragraph 7(a) by the following:

- (a) supplies of food and drinking water in relation to their quantity, nutritional value, quality and variety;

Amendments to the Code relating to Regulation 4.1 – Medical care on board ship and ashore

Standard A4.1 – Medical care on board ship and ashore

Insert new paragraphs 5 and 6:

5. Each Member shall ensure prompt disembarkation of seafarers in need of immediate medical care from ships in its territory and access to medical facilities ashore for the provision of appropriate treatment.

6. Where a seafarer has died during a ship's voyage, the Member in whose territory the death has occurred or, where the death has occurred on the high seas, into whose territorial waters the ship next enters, shall facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate.

Guideline B4.1.3 – Medical care ashore

Insert new paragraphs 4 and 5:

4. Each Member should ensure that seafarers are not prevented from disembarking for public health reasons, and that they are able to replenish ships' stores, fuel, water, food and supplies.

5. Seafarers should be considered to be in need of immediate medical care in cases of, but not limited to:

- (a) any serious injury or disease;
- (b) any injury or disease which might lead to temporary or permanent disability;

- (c) any communicable disease which poses a risk of transmission to other members of the crew;
- (d) any injury involving broken bones, severe bleeding, broken or inflamed teeth or severe burns;
- (e) severe pain which cannot be managed on board ship, taking account of the operational pattern of the ship, the availability of suitable analgesics and the health impacts of taking these for an extended period;
- (f) suicide risk; and
- (g) a tele-medical advisory service recommending treatment ashore.

Guideline B4.1.4 – Medical assistance to other ships and international cooperation

Replace paragraph 1(k) by the following:

- (k) arranging for the repatriation of the bodies or ashes of deceased seafarers, in accordance with their wishes or those of their next of kin, as appropriate, and as soon as practicable.

Amendment to the Code relating to Regulation 4.3 – Health and safety protection and accident prevention

Standard A4.3 – Health and safety protection and accident prevention

Replace paragraph 1(b) by the following:

- (b) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately-sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;

Amendments to the Code relating to Regulation 4.3 – Health and safety protection and accident prevention

Standard A4.3 – Health and safety protection and accident prevention

Replace the chapeau of paragraph 5, insert new paragraph 5(a) and renumber the subsequent subparagraphs:

- 5. Each Member shall ensure that:
 - (a) all deaths of seafarers employed, engaged or working on board ships that fly its flag are adequately investigated and recorded, and reported on an annual basis to the Director-General of the International Labour Office to be published in a global register;

Guideline B4.3.5 – Reporting and collection of statistics

Insert new paragraphs 4 and 5:

- 4. The fatality data to be reported under subparagraph (a) of paragraph 5 of Standard A4.3 should be in the format, and using the classification, as specified by the International Labour Office.

5. The fatality data should include, but not be limited to, information on the type (classification) of death, ship type and gross tonnage, location of fatality (at sea, in port, at anchorage), and seafarer's sex, age, occupational position and department.

Amendments to Appendices

Appendix A2-I – Evidence of financial security under Regulation 2.5, paragraph 2

Replace item (g) by the following:

(g) name of the shipowner, or of the registered owner if different from the shipowner;

Appendix A4-I – Evidence of financial security under Regulation 4.2

Replace item (g) by the following:

(g) name of the shipowner, or of the registered owner if different from the shipowner;