

These notifications summarise key regulatory matters, to inform members of regulatory changes, or incidents which contain learning opportunities which are considered to be of interest. The information below has been provided in good faith and should be reviewed individually by recipients, who will determine its relevance to their own operations.

A number of other organisations issue regulatory notifications or similar documents which may be of interest to IMCA members. Where these are particularly relevant, these may be summarised or highlighted here. Links to known relevant websites are provided at www.imca-int.com/links. Additional links should be submitted to webmaster@imca-int.com.

Members are advised to read the source documents and to seek detailed advice from stakeholders such as the Flag Administration(s) and classification societies for their vessels where they consider that information contained in a regulatory notification is relevant to their operations. The IMCA policy and regulatory affairs team can also be contacted for further advice at info@imca-int.com.

Maritime Labour Convention: New Certificate Requirements for Shipowners

On 18 January 2017 the 2014 amendments to the Maritime Labour Convention (MLC), 2006 will enter into force. The amendments were approved at the 103rd annual meeting of the International Labour Conference (ILC) in June 2014 and relate to financial security of seafarers in cases of abandonment, and contractual claims for compensation in the event of a seafarer's death or long-term disability due to an operational injury or illness.

By way of background, the MLC establishes minimum working and living standards for all seafarers working on ships flying the flags of ratifying countries. The Convention is also an essential step forward in ensuring a level playing field for countries and shipowners. Ships flying the flag of countries that have not ratified the MLC, 2006 (*e.g. the United States for the time being*) are also subject to inspection with respect to working and living conditions for seafarers, when those ships enter in ports of countries where the MLC is in force. This inspection, called 'no more favourable treatment', is aimed at helping to ensure fair competition for shipowners who comply with the MLC by providing decent working conditions for seafarers.

What are the new requirements?

The 2014 amendments to the MLC relate to financial security of seafarers in cases of abandonment (Regulation 2.5) and contractual claims for compensation in the event of a seafarer's death or long term disability, due to an operational injury, illness or hazard (Regulation 4.2). As of 18 January 2017, ships that are subject to the MLC will be required to display certificates issued by an insurer or other financial security provider confirming that insurance or other financial security is in place for:

- a) Costs of the seafarer's repatriation;
- b) Expenses regarding the essential needs of the seafarer – including such items as adequate food and essential fuel for survival on board the ship and other reasonable costs from abandonment – until the seafarer's arrival at home;
- c) Up to four months contractually entitled arrears of wages and entitlements following abandonment.

The financial security system may be in the form of social security scheme or insurance or a national fund or other similar arrangements.

In addition, a further certificate will be required for liabilities for contractual claims arising from seafarer personal injury, disability or death (MLC Standard A4.2, as amended).

A copy of both of the aforementioned certificates or other documentary evidence of financial security shall be in English and posted in a conspicuous place on board where it is available to the seafarers.

When will the requirements enter into force?

The new requirements were approved on 11 June 2014 and will enter into force on 18 January 2017. As of this date, each ship must carry on board two certificates or other documentary evidence of financial security to comply with these new provisions. Unless shipowners comply with the new certificate requirements then they risk vessel detention in a port.

What do I need to do?

As a result of the aforementioned changes, shipowners will need insurance cover in place for crew claims and cases of seafarer abandonment, as well as death or long-term disability of seafarers due to occupational injury and hazard.