



PACIFIC MARINE SERVICES

Date :29-01-2021

No .P.M.S/C068/21

CIRCULAR

Page No (2)

Maritime Labour Convention - 2018 AMENDMENTS TO MLC, 2006 ENTERED INTO FORCE.

Notice to :

Ship Owners / Manager / operators / Surveyors / Flag Administrations

Dear Sirs,

This is the Following P.M.S Circular No .P.M.S/C068/21, to remind All owners & ship managers that the Maritime Labor certificate MLC must to updating according to the 2018 amendment Repatriation (Reg 2.5) and shipowner Liability (4.2) conducted only in condition the vessel has the new form of DMLC Part 1 issued by TOGO Administration.

Note the References

- 1- **Circular of P.M.S/C064/20 issued on 04-10-2020.**
- 2- **Togo Circular No: Circular 0052 C/TG/12/20 - ILO- 2018 amendments to the Code of the (MLC 2006) issued on 23-12-2020**

With relevant provisions for the **(2018 amendments to MLC, 2006 entered into force) 26th December 2020.**

Which were adopted within the context of ILO at the third meeting of the Special Tripartite Committee, entered into force on **26th December 2020.**

These amendments relate to the Code of MLC 2006, **Standard A2.1(7)** (Seafarer's Employment Agreement), **Standard A2.2(7)** (Wages), and **Guideline B2.5.1** (Entitlement to repatriation). The concrete amendments were approved at the 107th session of the International Labour Conference held in June 2018 and ensure that seafarers held captive on or off a ship as a result of piracy or armed robbery continue to receive their wages.

In general , the 2018 amendments provide that a seafarer's employment agreement (SEA) shall continue to have effect for the whole period during which a seafarer is held captive on or off a ship in the event of and as a result of acts of piracy or armed robbery against ships. The SEA will be deemed to have full effect regardless of whether the expiration date of the contract has passed or either party has given the notice to suspend or terminate it.

In particular these amendments concern for the following :

- 1 Seafarers Employment Agreements (SEAs): Standard A2.1 was amended to establish that a SEA will continue to have effect 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 contract.
- 2 Wages: Standard 2.2 has been amended to ensure that SEAs of seafarers held captive as a result of piracy or armed robbery will continue to have effect, including for the payment of wages and other entitlements until the seafarer is released and duly repatriated or date of death is determined.
- 3 Repatriation: Guideline B2.5.1 was amended to ensure that the entitlement of seafarers to repatriation does not lapse if they are held captive as a result of piracy or armed robbery.

The Togo Maritime Administration issued by **Circular No: MLC 2006-003/23 Issued on Date : 23.12.2020.** Regarding the implemented of the MLC ,2006 // 2018 to the Code of MLC 2006, which have the provide that a Seafarer's employment agreement shall continue to have effect for the whole period during which a seafarer is held captive on or off a ship in the event of and as a result of acts of piracy or armed robbery against ships. And

For further information, please refer to PMS Circulars on Website of (www.pmsclass.org/circulars)

(1)



PACIFIC MARINE SERVICES

Wages has been amended to ensure that SEAs of seafarers held captive as a result of piracy or armed robbery will continue to have effect, including for the payment of wages and other entitlements until the seafarer is released and duly repatriated . With repatriation amended to ensure that the entitlement of seafarers to repatriation does not lapse if they are held captive as a result of piracy or armed robbery.

ACT NOW

ShipOwners/ Managers/ Operators/ Representatives of Togo flagged vessels. must ensure that SEAs and/or any applicable collective bargaining agreements that are signed on or after 26 December 2020, cover the 2018 amendments. Shipowners should review their policies and procedures to ensure compliance with the above on all vessels flying Togo Flag and PMS Class.

Requirements Rules of the PMS.

To All.

ShipOwners/ Managers/ Operators/ Representatives of Togo flagged vessels. must This circular applies to all vessels registered in the International Ship Registry of Togo under PMS Class in accordance the below Circular No: **MLC 2006-003/23 issued on 23-12-2020** with the below indicated measures adopted by the Maritime Administration of Togo may find Copy of the circular at the below.

P.M.S Management Department, issued the **Guidelines of the MLC, 2006 Audit Checklist** attached to this Circular, is to provide further guidance and information about the Convention and the Convention's requirements.

Kind Regards,

CONTACT US





Date: 23th December 2020

MARINE NOTICE

MARINE NOTICE
MLC2006-003/23 DEC 2020

To: Ship owners/ managers/operators// Masters and Seafarers // Authorized- Recognized Organizations .

Subject: Terms and Conditions for employment of seafarers under the Maritime Labor Convention (MLC), 2006.// 2018 amendments to the Code of MLC 2006.

Scope: This Notice aims to inform interested parties upon the protection of seafarers held captive as a result of piracy or armed robbery. Shipowners and seafarers are informed that they should review their procedures and Seafarers Employment Agreements (SEAs) to ensure compliance with the amendments from 26 December 2020.

References:

- (a) Maritime Labour Convention (MLC), 2006
- (b) Togo Maritime Law
- (c) Marine Notice MLC2006-003 Rev. 00/13
- (d) Amendments of 2018 to the Code of MLC 2006

I.Applicability:

Any person who is employed or engaged or works in any capacity on board ships under Togo flag to which MLC, 2006 applies, except as provided otherwise in Marine Notice MLC-001.

II.Introduction:

Following MLC 2006 as in force and the amendments of 2018 to the Code of Maritime Labour Convention this Notice is complementing the Marine Notice MLC2006-003 REV.00/13. The 2018 amendments to the Code of the Maritime Labour Convention, 2006, will enter into force, for the vast majority of signatory States, on 26 December 2020. Among these States is included TOGO Republic as it has accepted the 2018 amendments to the Code of MLC.

Title 2 (Conditions of Employment), Standard A2.1, Standard A2.2 and Guideline B2.5.1 of MLC are involved in the 2018 amendments. In particular:

- Standard A2.1 - Seafarers Employment Agreements (SEAs): has been amended to establish that SEA will continue to have effect while seafarer is held captive on or off the ship as a result 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;
- Standard A2.2 – Wages: has been amended to ensure that SEAs of seafarers held captive as a result of piracy or armed robbery will continue to have effect, including for the payment of wages and other entitlements until the seafarer is released and duly repatriated or date of death is determined;
- Guideline B2.5.1 – Repatriation: has been amended to ensure that entitlement of seafarers to repatriation does not lapse if they are captive as result of piracy or armed robbery.

Taking into account the above amendments Marine Notice MLC2006-003 Rev. 00/13 is complemented as follows:

“3.Requirements:

3.1. Seafarers employment agreements

3.1.1..... 3.1.9

A new paragraph 3.1.9bis is inserted as follows:

3.1.9bis. Each Member shall require that a seafarer's employment agreement

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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.

3.2. Wages and payment of wages

3.2.1.....3.2.9

A new paragraph 3.2.10 is inserted as follows:

3.2.10. 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 3.2.7, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated 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 paragraph 3.1.9bis.

3.5. Repatriation

3.5.1.....3.5.8

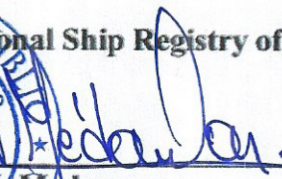
A new paragraph 3.5.9 is inserted as follows:

3.5.9. 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 paragraph 3.1.9bis."

III. Conclusion

All Togo flagged vessels shipowners, managers, operators and seafarers serving on board these vessels are instructed to review their procedures and Seafarers Employment Agreements (SEAs), to ensure compliance with the 2018 amendments to the Code of MLC 2006, from 26 December 2020.

For the International Ship Registry of Togo



Medawar
Ship Registrar



For the Togolese Maritime Authority



MATCHONNAWE BAKAI
Director



Encl.:

(a) Marine Notice MLC2006-003 Rev. 00/13

(b) Amendments of 2018 to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006)