



**MARITIME AND PORT AUTHORITY OF SINGAPORE
SHIPPING CIRCULAR
NO. 18 OF 2020**

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30 November 2020

Applicable to: Shipowners, ship managers, operators, masters, seafarers, and MPA's Recognised Organisations (RO)

2018 AMENDMENTS TO THE MARITIME LABOUR CONVENTION, 2006

1. This circular highlights the 2018 amendments to the Maritime Labour Convention, 2006 (MLC, 2006) (see **Annex A**). The Merchant Shipping (Amendments) Act 2020 implements the 2018 amendments of the MLC, 2006 and will enter into force on 26 December 2020 (see **Annex B**).

2. The 2018 amendments to the MLC, 2006 enhance employment protection for seafarers held in captivity, where, in the unfortunate event, the seafarer(s) is held captive on or off a ship as a result of an act of piracy or armed robbery against the ship. During the period of captivity, the seafarer's employment agreement (SEA) shall continue to have effect, regardless of whether the date fixed for the expiry of the SEA has passed or either party to the SEA has given notice to suspend or terminate it. Further, a captive seafarer's wages and other entitlements under the SEA must continue to be paid during the period of captivity, until the day the seafarer is released and duly repatriated, or if the seafarer dies while in captivity, until the date of the seafarer's death. The seafarer's employer is also obligated to repatriate the seafarer upon release from captivity.

Review of Seafarers Employment Agreement (SEA)

3. MPA will not be revising the Declaration of Maritime Labour Compliance (DMLC) Part I. However, shipowners are to review their policies, procedures and SEAs and any applicable collective bargaining agreements to ensure compliance with the 2018 amendments.

4. Recognized Organizations (ROs) will be confirming compliance with the new requirements during their MLC inspections on or after 26 December 2020.

5. Any queries regarding this circular should be directed to the Seafarers Management Department (Email: mmo@mpa.gov.sg).

GOH CHUNG HUN
DIRECTOR OF MARINE
MARITIME AND PORT AUTHORITY OF SINGAPORE

International Labour Conference Conférence internationale du Travail

AMENDMENTS OF 2018 TO THE CODE
OF THE MARITIME LABOUR CONVENTION, 2006,
AS AMENDED (MLC, 2006),
APPROVED BY THE CONFERENCE
AT ITS ONE HUNDRED AND SEVENTH SESSION,
GENEVA, 5 JUNE 2018

AMENDEMENTS DE 2018 AU CODE
DE LA CONVENTION DU TRAVAIL MARITIME, 2006,
TELLE QU'AMENDÉE (MLC, 2006),
APPROUVÉS PAR LA CONFÉRENCE
À SA CENT SEPTIÈME SESSION,
GENÈVE, 5 JUIN 2018

**AMENDMENTS OF 2018 TO THE CODE
OF THE MARITIME LABOUR CONVENTION, 2006,
AS AMENDED (MLC, 2006)**

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.1**

Standard A2.1 – Seafarers' employment agreements

Insert a 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.

**Amendment 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.

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.5**

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.

**AMENDEMENTS DE 2018 AU CODE
DE LA CONVENTION DU TRAVAIL MARITIME, 2006,
TELLE QU'AMENDÉE (MLC, 2006)**

**Amendement au code de la MLC, 2006,
concernant la règle 2.1**

Norme A2.1 – Contrat d'engagement maritime

Insérer un nouveau paragraphe 7, comme suit:

7. Tout Membre exige qu'un contrat d'engagement maritime continue à produire ses effets lorsque, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires, le marin est tenu en captivité à bord du navire ou ailleurs, même si la date fixée pour son échéance est passée ou que l'une ou l'autre partie a notifié sa suspension ou résiliation. Aux fins du présent paragraphe, l'expression:

a) *piraterie* s'entend au sens de la Convention des Nations Unies sur le droit de la mer de 1982;

b) *vols à main armée à l'encontre des navires* désigne tout acte illicite de violence, de détention ou de déprédation, ou menace de tels actes, autre qu'un acte de piraterie, commis à des fins privées contre un navire, ou contre des personnes ou des biens à son bord, dans les eaux intérieures, les eaux archipélagiques ou la mer territoriale d'un Etat, ou tout acte ayant pour but d'inciter à commettre un acte défini ci-dessus ou commis dans l'intention de le faciliter.

**Amendement au code de la MLC, 2006,
concernant la règle 2.2**

Norme A2.2 – Salaires

Insérer un nouveau paragraphe 7, comme suit:

7. Lorsque, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires, un marin est tenu en captivité à bord du navire ou ailleurs, le salaire et autres prestations prévus dans son contrat d'engagement maritime, la convention collective ou la législation nationale applicables continuent de lui être versés, et les virements prévus continuent d'être effectués, conformément au paragraphe 4 de la présente norme, pendant toute la période de captivité, jusqu'à ce que le marin soit libéré et dûment rapatrié, conformément à la norme A2.5.1 ou, lorsque le marin décède pendant sa captivité, jusqu'à la date de son décès telle que déterminée conformément à la législation nationale applicable. Les expressions *piraterie* et *vols à main armée à l'encontre des navires* ont la même signification qu'au paragraphe 7 de la norme A2.1.

**Amendement au code de la MLC, 2006,
concernant la règle 2.5**

Principe directeur B2.5.1 – Conditions des droits au rapatriement

Remplacer le paragraphe 8 par ce qui suit:

8. Le droit au rapatriement peut expirer si le marin intéressé ne le revendique pas dans un délai raisonnable défini par la législation nationale ou les conventions collectives, sauf lorsque le marin est tenu en captivité à bord du navire ou ailleurs, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires. Les expressions *piraterie* et *vols à main armée à l'encontre des navires* ont la même signification qu'au paragraphe 7 de la norme A2.1.

The foregoing is the authentic text of the Amendments duly approved by the General Conference of the International Labour Organization during its One hundred and seventh Session which was held at Geneva and declared closed the eighth day of June 2018.

IN FAITH WHEREOF we have appended our signatures this day of June 2018.

Le texte qui précède est le texte authentique des amendements dûment approuvés par la Conférence générale de l'Organisation internationale du Travail dans sa cent septième session qui s'est tenue à Genève et qui a été déclarée close le huitième jour de juin 2018.

EN FOI DE QUOI ont apposé leurs signatures, ce
jour de juin 2018:

*The President of the Conference,
La Présidente de la Conférence,*

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*



REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT
Published by Authority

NO. 19]

FRIDAY, MAY 15

[2020

First published in the *Government Gazette*, Electronic Edition, on 12 May 2020 at 5 pm.

The following Act was passed by Parliament on 25 March 2020 and assented to by the President on 27 April 2020:—

REPUBLIC OF SINGAPORE

No. 16 of 2020.

I assent.

HALIMAH YACOB,
President.
27 April 2020.

(LS)

An Act to amend the Merchant Shipping (Maritime Labour Convention) Act 2014 (Act 6 of 2014).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Merchant Shipping (Maritime Labour Convention) (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2(1) of the Merchant Shipping (Maritime Labour Convention) Act 2014 (called in this Act the principal Act) is amended —

(a) by inserting, immediately before the definition of “Authority”, the following definition:

“armed robbery”, in relation to a ship, means —

(a) any illegal act of violence or detention or any act of depredation, or threat of such act, other than an act of piracy, committed for private ends and directed against the ship or against persons or property on board the ship, within a State’s internal waters, archipelagic waters and territorial sea; or

(b) any act of inciting or intentionally facilitating an act mentioned in paragraph (a);”;

(b) by inserting, immediately after the definition of “other relevant written law”, the following definition:

“piracy” has the same meaning as in the United Nations Convention on the Law of the Sea adopted on 10 December 1982 by the Third United Nations Conference on the Law of the Sea;”.

Amendment of section 14

3. Section 14 of the principal Act is amended by inserting, immediately after subsection (12), the following subsection:

MERCHANT SHIPPING
(MARITIME LABOUR CONVENTION)
(AMENDMENT)

3

“(12A) Despite subsections (9) and (12) or any term of the seafarer’s employment agreement, where a seafarer is held captive on or off a ship as a result of an act of piracy or armed robbery against the ship, the seafarer’s employment agreement continues to have effect during the period of captivity, regardless of whether —

- (a) the date fixed for the expiry of the seafarer’s employment agreement has passed; or
- (b) either party to the seafarer’s employment agreement has given notice to suspend or terminate it.”.

Amendment of section 20

4. Section 20 of the principal Act is amended by inserting, immediately after subsection (7), the following subsection:

“(7A) Where a seafarer is held captive on or off a ship as a result of an act of piracy or armed robbery against the ship, the seafarer’s wages and other entitlements (including the remittance of any allotments made in accordance with section 21) under —

- (a) the seafarer’s employment agreement;
- (b) any applicable collective agreement; or
- (c) any written law,

must continue to be paid during the entire period of captivity and until —

- (d) the date on which the seafarer is released and duly repatriated in accordance with this Act; or
- (e) the date of the seafarer’s death, if the seafarer dies while in captivity.”.

Amendment of section 23

5. Section 23(2) of the principal Act is amended by deleting the full-stop at the end of paragraph (d) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

“(e) where the seafarer is released from captivity after being held captive on or off a ship as a result of an act of piracy or armed robbery against the ship.”.

Amendment of section 34

6. Section 34 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(3A) Where an approved financial security provider has made any payment to a seafarer under a contract of insurance or other financial security mentioned in subsection (2) for a liability arising from a shipowner’s obligation to repatriate a seafarer, any right which the seafarer has (or but for that payment would have had) against the shipowner as a result of the liability is, with respect to the amount of payment made, transferred to and vested in the approved financial security provider.”.
