



**REPUBLIC OF
THE MARSHALL ISLANDS**
MARITIME ADMINISTRATOR

Marine Notice

No.7-045-2

Feb/2021

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: 2018 Amendments to the Maritime Labour Convention, 2006

Reference: RMI Maritime Regulations ([MI-108](#)), §7.45.1

PURPOSE

This Marine Notice clarifies the Republic of the Marshall Islands Maritime Administrator (the “Administrator”) implementation of the [2018 amendments](#) to the Maritime Labour Convention, 2006 (MLC, 2006) which entered into force on 26 December 2020.

The amendments require seafarer employment agreements (SEAs) (i.e., wages and other entitlements) to continue to have effect when seafarers are held captive on or off the ship due to piracy or armed robbery. The SEAs must remain in effect until the seafarer is released and repatriated or perishes in captivity.

BACKGROUND

When the International Labour Organization Special Tripartite Committee deliberated the 2018 MLC, 2006 amendments it was recognized that their implementation could cause an administrative burden, depending upon how governments choose to implement them. Moreover, their incorporation within the MLC, 2006 Code text lies outside the minimum inspectable provisions of a SEA (Standard A2.1.4). As a result, no changes are needed in the documentation that a ship must carry.

The Administrator has implemented these amendments through MI-108 §7.45.1 of the RMI Maritime regulations ([MI-108](#)), which is a “force of law” provision. This means regardless of whether the amendments are written into shipboard documentation or a SEA, the provision applies.

The problem with this “force of law” provision is that it does not provide for transparency. It is entirely possible that unless the protections are written in a contract for employment or highlighted by another means that there will be seafarers and shipowners who will remain unaware of the requirements, particularly as time passes.

APPLICABILITY

This Marine Notice applies to all RMI-flagged vessels that must comply with the MLC, 2006.

REQUIREMENTS

1.0 Shipowners must ensure that the seafarers aboard their vessels are provided with:

- 1.1 a SEA that incorporates the 2018 MLC, 2006 amendments; or
- 1.2 a CBA that incorporates the 2018 MLC, 2006 amendments; or
- 1.3 the text of MI-108 §7.45.1.

From a practical standpoint many SEAs and collective bargaining agreements (CBAs) have already incorporated the 2018 MLC, 2006 amendments. A shipowner providing the seafarer with a copy of the MI-108 §7.45.1 text would also serve to bring focus to the requirement. It is the Administrator's view that each of these three options provides for transparency, and nothing else needs to be done.

2.0 The 2018 MLC, 2006 amendments do not necessitate changes to the Declaration of Maritime Labour Compliance (DMLC) Part I, so no new DMLC Part I is needed and none will be issued due to these amendments.

3.0 The 2018 MLC, 2006 amendments do not necessitate changes to the DMLC Part II. However, this does not prevent a shipowner from doing so voluntarily. In such a case, the changes must be submitted to the Recognized Organization.