



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

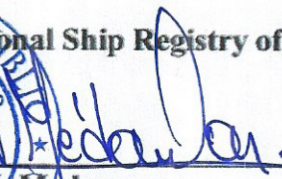
A new paragraph 3.5.9 is inserted as follows:

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)