

Circular 03/2020 (MLC)

Subject:	Amendments to the Maritime Labour Act
Reference:	Maritime Labour Act
Attachments:	Extract from the Federal Law Gazette
Date:	10.11.2020

This circular provides information about changes to the Maritime Labour Act.

1) On June 5, 2018, the ILO decided to amend the Maritime Labour Convention 2006 (Maritime Labour Convention). The aim of the amendments is to provide financial security for seafarers in the event of capture as a result of acts of piracy or armed robbery against ships. The changes include, among other things the following key points that apply in the event of capture and during the time of captivity:

- ✓ Continuation of the employment relationship
- ✓ Continued payment of wages from the employment relationship
- ✓ The right to repatriation remains

2) Another amendment to the Maritime Labour Act results from an amendment to the FAL Convention. According to the amended standard 4.5.1 of the Annex to the FAL Convention, stowaways shall not be employed on board. Exceptions to this include inter alia emergency situations.

3) The Maritime Labour Act was adapted to the amended requirements of the Maritime Labour Convention and FAL Convention. The amendments to the Maritime Labour Act come into force on December 26, 2020.

4) For fishing vessels only

The shipowners of fishing vessels are obliged to provide evidence of insurance or other financial security for the crew members employed on their fishing vessels, which adequately compensates them or their surviving dependents in the event of occupational disability or death of crew members as a result of occupational accidents or illnesses. If the crew members are compulsorily insured in the statutory accident insurance, the shipowner does not need to provide any additional financial security. Foreign crew members with an assignment certificate A1 are not compulsorily insured in the statutory accident insurance. In these cases, the shipowner must provide an additional insurance (e.g. P&I) to ensure that the affected crew members or their surviving dependents are adequately covered in accordance with the requirements of the amended Maritime Labour Act.

5) Further details on the amendments to the Maritime Labour Act can be found in the attached extract from the Federal Law Gazette.



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