

# A Short Guide to Your Rights Under the Maritime Labour Convention, 2006 (MLC)

Over the past 3 months the ITF and its member unions have been working tirelessly to find solutions to help you, the seafarer, to either get home at the end of your contract or get you on board vessels to start working. Unfortunately, due to the Covid-19 pandemic, this has not been easy with many countries' borders closed and no international flights operating.

At the beginning of the pandemic flag states requested to extend your employment contracts and certificates to ensure the world's trade could continue to move and for this we are both grateful and proud of the way seafarers have embraced this challenge by continuing to professionally perform their jobs. The ITF decided not to challenge the request of extension whilst working to find solutions along with the industry.

From **Tuesday 16 June 2020**, the ITF believes that extending employment contracts will no longer be an acceptable option as many of you have now worked beyond your contract period and want to go home.

In reality, what does this mean for you? What are your rights?

**Before embarking on a course of action, or if you would like further information or guidance, please contact your union, the nearest ITF inspector or the ITF using the contact details below.**

## Seafarers' Employment Contracts (SEA)

The **MAXIMUM** period you can be expected to serve on board before being entitled to repatriation at the shipowner's expense is 12 months

When your contract expires, even if this is before 12 months you can request to be repatriated

If the flag State has agreed an extension for the ship that you are on board, the company **MUST** issue a new contract, and the new contract is only acceptable if the company **AND YOU AGREE**. **YOU CAN REFUSE ANY CONTRACT EXTENSION**

If you do not want to sign a new contract you are entitled not to do so, and the company **CANNOT** force you. If the contract is imposed on you, then you **MUST** report this immediately

## Repatriation

You have a right to be repatriated at no cost to yourself under the following circumstances:

- your employment agreement expires while you are abroad
- the shipowner terminates your contract
- you terminate the contract for reasons that are justified i.e. exhaustion, fatigue
- you are unable to carry out your duties under the agreement for reasons such as illness, injury, shipwreck, trading in a war zone or if the shipowner fails to fulfil his/her legal obligations to you
- you are deemed to have been abandoned by the shipowner

## Manning Levels

You have the right not to perform any work if you have completed your contract, but you should be available for safety and emergencies, and **DO NOT** refuse to work while at sea. Wait until the ship is anchored or docked in port.

If you decide to no longer work on board this could reduce the manning level below what is prescribed by the flag State. In this case the ship **SHOULD** not be allowed to sail, and a report should be made to the Port State Control and the flag State

## Shore Leave

You are entitled to shore leave to **BENEFIT** your health and well-being and consistent with the operational requirements of your position.



## Safety and Health

You are entitled to live and work in a **SAFE** and **HYGENIC** environment where a culture of safety and health is actively promoted. Safety and health on board has to be regulated by the laws of the flag State, taking into account international standards.

For ships with more than 5 crew there should be a designated safety committee or representative who should report to the company any health hazard or breach of safety, this can also include when seafarers are fatigued, shortage of manning etc. The company have to react accordingly

## Medical Care

Whilst you are on board you must be able to **PROTECT** your health and have prompt access to medical care, including dental care, should you need it. The flag State is responsible for standards of health protection on the vessel and for promoting health education programmes on board.

You should not be worse off than people working ashore. This means you should have **PROMPT ACCESS** to necessary medicines, medical equipment and facilities for diagnosis and treatment as well as medical information and expertise.

All States that have signed the Convention must give you **ACCESS** to **MEDICAL CARE** if you are in urgent need of it whilst in their territory. When in port you should be able to visit a doctor or dentist without delay. You should be able to get medical care and health protection free of charge, though the level of provision may vary according to national law.

You should have access to:

- Outpatient treatment for sickness and injury
- Hospitalisation if necessary
- Facilities for dental treatment, especially in cases of emergency
- Hospitals and clinics for the treatment of disease

You should be admitted promptly regardless of nationality or religious belief and, where possible and necessary, you should receive continuing treatment. Ships' Captains and medical personnel on board and ashore must use a standard medical report form which must be kept confidential

## ISM Code

The International Safety Management (ISM) code also states that the Company should ensure that the Safety Management System (SMS) operating on board the ship contains a clear statement emphasising the master's authority

The Company should establish in the SMS that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention, and to request the Company's assistance to address issues that may impact on the health of seafarers and the safety of ships



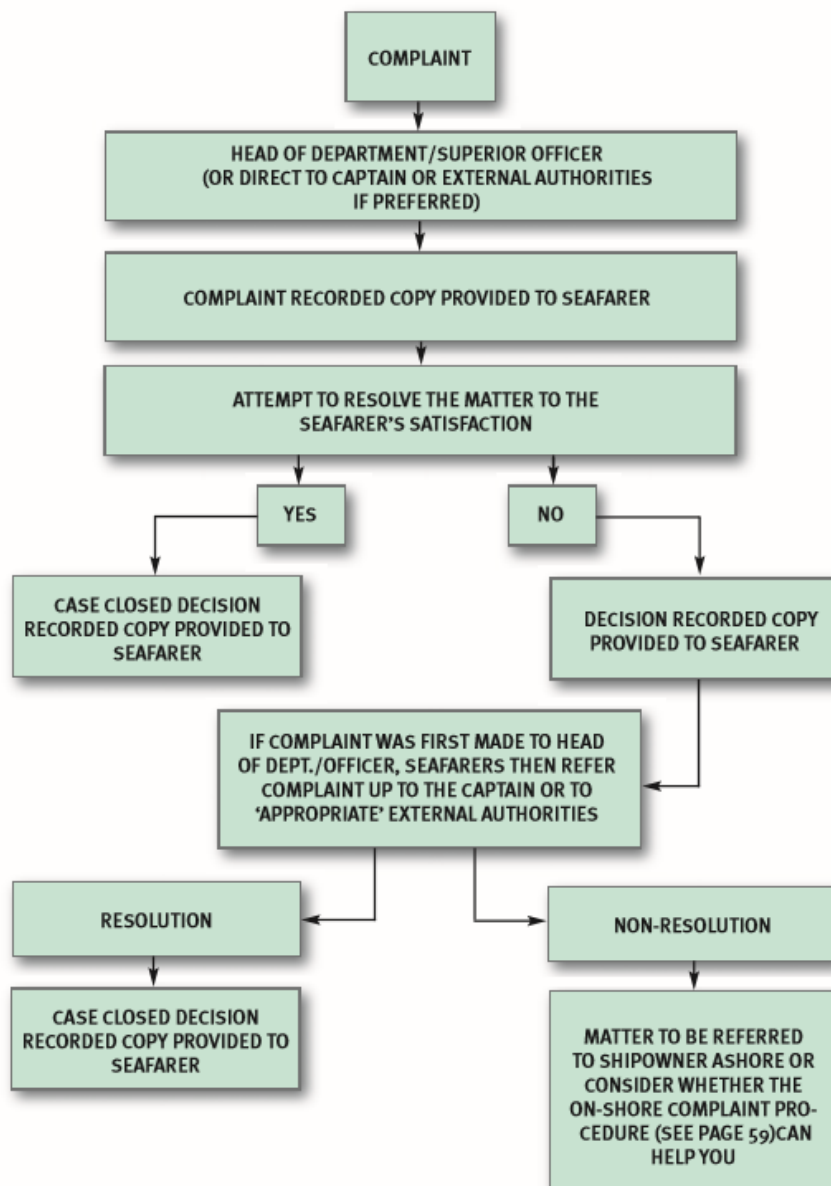
## On-board Complaint Handling Procedure

There must be a procedure in place on board your ship enabling you to make a complaint about breaches of the Convention and your rights, including the right to live and work in decent conditions. It must be handled fairly, effectively and promptly. Make sure you get a clear understanding of the time limits for dealing with your complaint, especially if the matter is serious.

If you have been forced to sign a contract against your will you should start the on-board complaints procedure. You have the right to be accompanied as part of the complaints procedure or be referred to the ITF to be represented, in order to avoid victimisation

Your complaint should be handled by the flag State and they cannot ignore it.

You should receive the result of your complaint in writing, so that you have proper evidence that your case has been discussed and handled accordingly.



## On-shore Complaint Handling Procedure

If on-board complaint handling procedure fails or you are not satisfied with how your complaint was handled onboard you can start the on-shore complaint procedure and escalate your grievance to the Port State Control

