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## Marine Guidance ( 1 / 2017 )

### MARITIME LABOUR CONVENTION, 2006: 2014 AMENDMENTS SHIPOWNER LIABILITY AND ABANDONMENT OF SEAFARERS

To: All Shipowners, Ship Managers, Masters, Seafarers, SRPS Companies, P&I Clubs,  
Maritime insurance providers.

#### Summary

This document serves to inform the recent amendments to the Maritime Labour Convention, 2006 on shipowner liability for claims for compensation for death, personal injury and abandonment of seafarers, will come into force on 18 January 2017. From that date, ships operating internationally will be required to have on board their evidence of financial security for this liability.

#### Introduction

1. The amendments of 2014 to the Maritime Labour Convention, 2006 were approved by the International Labour Conference at its 103rd session, Geneva on 11 June 2014 and these will come into force on 18 January 2017.

#### Content of the amendments

2.1 Significant features of the amendments relate to:

##### a) Title 2.5 Repatriation

- A facility for a seafarer to have direct access to claim assistance speedily, and directly, from financial security provider.
- Food, accommodation, medical costs, wages (up to 4 months outstanding arrears) and other expenses reasonably incurred associated with the abandonment to be included in the financial security cover.
- An improved description of abandonment.
- The format and content of the certificate of financial security in relation to abandonment to be provided by the financial security provider.

##### b) Title 4.2 Death and Long Term Disability

- An obligation on the financial security provider to give prior notification to the flag State and seafarers if financial security is to be cancelled or not renewed.
- An obligation on the financial security provider to notify the flag State and seafarer of future cancellation, upon cancellation and upon non-renewal of the financial security.

- An obligation that evidence of financial security be posted in crew accommodation.
- An extension of the financial security to cover contractual claims.
- The format and content of the certificate of financial security in relation to death and long term disability.

2.2 The text of the amendments, which affect Title 2.5 and Title 4.2, is available through the following link.

[http://www.ilo.org/ilc/ILCSessions/103/reports/WCMS\\_248905/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/103/reports/WCMS_248905/lang--en/index.htm)

### **New requirements**

3.1 From 18 January 2017, both flag state and port state inspections will **require the evidence of financial security** complying with the amendments to be posted **on board the ship**. An amendment or addendum to the DMLC Part 2 should be made, which **should be agreed with the DMA**.

3.2 **Amendments have also been made to the Maritime Labour Certificate and Document of Maritime Labour Compliance Part 1 to include the new requirements, but these do not need to be re-issued until the next intermediate or renewal inspection.**

3.3 Shipowners will be required to carry on board their ships, **certificates of the contracts of insurance or other financial security from 18 January 2017, covering:**

- a) The cost of crew repatriation in accordance with amended Standard A 2.5 ; and
- b) **Contractual claims arising from the death or long-term disability of seafarers due to an occupational injury, illness or hazard in accordance with amended Standard A 4.2.**

3.4 Where financial security is provided through P&I cover in the name of the registered owner of the vessel and this is different from the "shipowner" as defined for the purposes of the MLC, the Declaration of Maritime Labour Compliance Part 2 should **provide a clear link.**

3.5 Shipowners will be also required to provide copies of such certificates to DMA for DMA's records. Shipowners may wish to arrange for their financial security provider to send copies of such certificates directly to DMA. These certificates do not need to be endorsed by DMA.



Director General,  
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