

Merchant Shipping (Maritime Labour Convention) (Wages) Regulations 2014

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No. S 174

**MERCHANT SHIPPING
(MARITIME LABOUR CONVENTION) ACT 2014
(ACT 6 OF 2014)**

MERCHANT SHIPPING (MARITIME LABOUR CONVENTION)
(WAGES) REGULATIONS 2014

In exercise of the powers conferred by section 82 of the Merchant Shipping (Maritime Labour Convention) Act 2014, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Wages) Regulations 2014 and shall come into operation on 1st April 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“basic wages” means the wages, salary or pay, however composed, for normal hours of work and does not include payments for overtime work, bonuses, allowances, paid leave or any other additional remuneration;

“consolidated wage” means a wage, salary or pay which includes the basic wages and other wage-related benefits, and may include compensation for all overtime hours which are worked and all other wage-related benefits, or it may include only certain benefits in a partial consolidation;

“overtime” means time worked in excess of the normal hours of work.

Application

3. These Regulations shall apply to —

- (a) all Singapore ships to which the Act applies; and
- (b) all seafarers employed on ships referred to in paragraph (a).

Manner in which wages are to be paid

4. The wages due to a seafarer under a seafarer’s employment agreement shall be paid as cash, or by means of a cheque or money order, or directly by transfer to a bank account or by inter-bank GIRO, as the seafarer so desires.

Account of seafarer’s wages

5.—(1) The monthly account of wages to be delivered to a seafarer under section 20(4) of the Act shall contain the particulars specified in the First Schedule and shall indicate which amounts (if any) stated in the accounts are estimated amounts.

(2) The further account of wages to be delivered to a seafarer under section 20(7) of the Act shall —

- (a) contain the same particulars as are required to be contained in the monthly account of wages to be delivered to a seafarer under section 20(4) of the Act adjusted in such manner as the circumstances may require;
- (b) indicate which amounts stated in the account are adjusted amounts;
- (c) state the amount of wages already paid to the seafarer; and
- (d) state the balance of wages remaining to be paid to the seafarer.

Calculation and payment

6.—(1) Where a seafarer's remuneration includes separate compensation for overtime, then —

- (a) for the purpose of calculating wages, the normal hours of work at sea and in port shall not exceed 8 hours per day;
- (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic wages shall not exceed 48 hours per week; and
- (c) the rate or rates of compensation for overtime shall not be less than one and one-quarter times the basic wages per hour.

(2) The master of a ship, or a person assigned by the master, shall maintain records of all overtime worked by a seafarer, which shall be endorsed by the seafarer at intervals of no greater than monthly intervals.

(3) Where a seafarer's remuneration is fully or partially consolidated and where hourly overtime pay is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate for such overtime shall not be less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in paragraph (1)(a).

(4) Where a seafarer's remuneration is fully or partially consolidated, the hourly rate for overtime covered by the consolidated wage shall not be less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in paragraph (1)(a).

(5) Where a seafarer's remuneration is fully or partially consolidated, the seafarer's employment agreement should clearly specify the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which are due in addition to the consolidated wage, and in which circumstances such allowances are due.

(6) Where a seafarer's remuneration is partially consolidated, records of all overtime worked shall be maintained and endorsed in accordance with paragraph (2).

(7) Nothing in these Regulations shall prevent any shipowner from agreeing with any seafarer that the wages of the seafarer shall be paid at an agreed rate in accordance with the task, that is, the specific amount of work required to be performed, and not by the day or the hour.

Payment on termination of employment

7.—(1) Except as otherwise provided by the Act or any other written law, any amount of the wages remaining unpaid and due to a seafarer under a seafarer's employment agreement shall be paid to the seafarer in full no later than at the time when his employment terminates.

(2) If any amount of wages due to a seafarer is not paid in accordance with paragraph (1), the seafarer shall be entitled to wages at the rate last payable under the seafarer's employment agreement for every day on which it remains unpaid until the full amount is paid.

(3) Paragraph (2) shall not apply if the failure to pay the seafarer's wages was due to —

- (a) any reasonable dispute as to liability for payment;
- (b) the act or default of the seafarer; or
- (c) any other cause, not being the wrongful act or default of the person liable to pay the seafarer's wages or of his employee or agent.

Deductions from wages

8.—(1) Subject to paragraph (5), the deductions specified in paragraph (2) are authorised to be made from the wages due to a seafarer under a seafarer's employment agreement.

(2) The deductions referred to in paragraph (1) are —

- (a) deductions of any amount payable by the seafarer to his employer in respect of —
 - (i) bar bills;
 - (ii) goods supplied;
 - (iii) radio or telephone calls;

- (iv) postage expenses;
 - (v) cash advances; and
 - (vi) allotments; and
- (b) contributions by the seafarer to a fund or in respect of membership of a body declared by regulations under section 60(3) of the Merchant Shipping Act (Cap. 179) to be a fund or body to which section 60 of that Act applies.

(3) The deductions made under this regulation shall be —

- (a) without prejudice to any dispute relating to the amount payable to a seafarer under the seafarer's employment agreement and, subject to the provisions of the Act, to the rights and obligations, whether of the employer or of the seafarer, under the seafarer's employment agreement or otherwise; and
- (b) in addition to any other deduction authorised by the Act or any other written law.

(4) No person shall make any deduction from wages due to a seafarer under his seafarer's employment agreement in respect of obtaining or retaining employment unless the deduction is required to be made by order of a court or other authority competent to make such an order.

(5) A deduction under paragraph (2) shall not be made from the wages due to a seafarer under a seafarer's employment agreement unless the deduction is expressly permitted to be made under the terms of the seafarer's employment agreement or by order of a court or other authority competent to make such an order.

(6) No deduction other than any deduction authorised under these Regulations or any other written law shall be made from the wages due to a seafarer unless the deduction is required to be made by order of a court or other authority competent to make such an order.

(7) Any shipowner or seafarer recruitment and placement service who contravenes paragraph (4), (5) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Particulars in allotment notes

9. An allotment note referred to in section 21 of the Act shall contain the particulars specified in the Second Schedule.

FIRST SCHEDULE

Regulation 5

ACCOUNT OF WAGES OF SEAFARER

Particulars to be shown in the account of wages to be delivered to a seafarer under section 20(4) and (7) of the Act.

Particulars of the seafarer and of the ship

1. Name of the seafarer and the number of his current discharge book (if any).
2. Name of the ship and its official number.

Particulars of employment

3. Capacity in which the seafarer was employed.
4. Dates when employment commenced and ceased and total period of employment in which wages were earned, showing separately the dates of the beginning and end of any period in which wages were not earned.

Allotment

5. Sums payable under each allotment note, date when the first payment was due, the intervals between payments and the total of all such sums.

Gross wages

6. Total amount of gross wages earned with, shown separately and with sufficient detail to indicate how each amount is calculated, the total amounts in respect of —
 - (a) the wages at the rate specified in the seafarer's employment agreement;
 - (b) increase in wages;
 - (c) overtime worked;
 - (d) leave pay;
 - (e) subsistence allowance (if any); and
 - (f) any other earnings during the period of employment.

Deductions

7. Deductions authorised by regulation 8, specifying the nature of the deduction and showing the total amount in respect of each deduction.
8. Deductions authorised by any written law other than the Act, specifying the nature of the deduction and showing the total amount in respect of each deduction.
9. Total amounts deducted from gross wages.

Nett wages

10. Total amount of nett wages.

Special retentions

11. Any retention made under any written law.

Balance payable

12. Balance of wages payable at the time when the account is delivered or made out.

Rate of exchange

13. The rate of exchange used where any payment is made in a currency or at a rate that is different from the one agreed to in the seafarer's employment agreement.

Bank details

14. Details of bank and bank account designated by seafarer (if applicable).

SECOND SCHEDULE

Regulation 9

PARTICULARS IN ALLOTMENT NOTE**Particulars of the seafarer and of the ship**

1. Name of the seafarer.
2. Name of the ship and its official number.

Particulars of shipowner

3. Name and address of shipowner.

Particulars of allotment

4. Names and addresses of persons to whom allotment is made.
5. Amount of each payment.
6. Date of first payment.
7. Intervals at which payments are to be made.
8. Number of payments if number of payments is limited.
9. Details of bank and bank account designated by seafarer (if applicable).

Made this 12th day of March 2014.

LUCIEN WONG
Chairman,
Maritime and Port Authority of Singapore.

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