The Law of Georgia

on the labour of Seafarers

Chapter I

General Provisions

Article 1 - Scope of the Law

1. This Law defines the rules for the employment and activity of seafarers on a ship sailing under the national flag of Georgia engaged in commercial activities, as well as the uniform standards and rules for the employment of seafarers with Georgian citizenship by a person engaged in crewing activities/the owner of a ship sailing under any national flag.

2. This Law has been developed on the basis of the Organic Law of Georgia - Labour Code of Georgia and the Maritime Labour Convention of 23 February 2006 (MLC 2006) of the International Labour Organization (hereinafter – the Convention), its regulations and the Code of MLC. Taking the changes and additions into account.

3. The Organic Law of Georgia - Labour Code of Georgia shall apply to issues of employment and labour relations of seafarers that are not regulated by this Law:

a) Chapter II – Prohibition of Labor Discrimination;

b) Chapter IX - Protection of Working Conditions, unless otherwise provided by this Law;

c) Chapter XI – Freedom of Association;

d) Chapter XII - Collective Agreement, provided that no provisions of the collective agreement contradict this Law.

4. The requirements of the Organic Law of Georgia on Labour Safety shall also apply to the protection of working conditions provided for in subparagraph (b) of paragraph 3 of this article, unless otherwise established by this Law.

Article 2 - Definition of terms

1. For the purposes of this Law, the terms used herein have the following meanings:

a) competent authority - the Ministry of Economy and Sustainable Development of Georgia;

b) Agency – a legal entity of public law – Maritime Transport Agency within the Ministry of Economy and Sustainable Development of Georgia;

c) seafarer – a person who works in any capacity on board a ship, or another person working on board a ship whose permanent place of work is the ship. For the purposes of this Law, the following persons who are on board a ship flying under the flag of Georgia shall not be considered seafarers:

c.a) a pilot;

c.b) a port employee;

c.c) an inspector and surveyor of the State Flag Control;

c.d) a superintendent;

c.e) a part-time animator; the total duration of the work to be performed by him/her shall not exceed 72 hours;

c.f) a member of the technical staff invited to perform repair work; the total duration of the work to be performed by him/her shall not exceed 96 hours;

c.g) a person temporarily working on board a ship, participating in marine research;

d) shipowner – any natural or legal person who owns a ship, or another person, in particular, a ship's manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the Convention, regardless of whether any other organisation or persons fulfil certain of the duties or assume certain of the responsibilities on behalf of the shipowner;

e) a person engaged in crewing activities – any person who participates in the process of employment of seafarers on behalf or in favour of the shipowner;

f) social partners – representatives of the Georgian Seafarers' Trade Union and representatives of shipowners and crewing companies operating in Georgia;

g) ship – any vehicle that may be used for transportation by sea;

h) Georgian ship – a ship registered in the State Ships Registry of Georgia in accordance with the Maritime Code of Georgia;

i) gross tonnage - the gross tonnage of a ship determined by the International Convention on Tonnage Measurement of Ships (TONNAGE 69);

j) hours of rest – time outside hours of work, which does not include a short break of not more than 15 minutes;

k) hours of work - time during which a seafarer is required to do work on account of the ship based on his/her functions and duties;

l) work at night - work during the working hours from 21:00 to 06:00 (depending on the time of the vessel's location);

m) basic wage - the amount paid for work performed during normal working hours, regardless of its structure. The basic wage does not include overtime pay, bonuses, benefits, annual paid leave or any other additional remuneration;

n) consolidated wage – salary, including the basic wage and other pay-related benefits. A consolidated wage may also include compensation for all overtime hours and other benefits paid thereto. Consolidated wages for partial consolidation may include only certain types of benefits;

o) complaint – any complaint concerning the safety of a vessel, the safety or health of the manning of the vessel. A complaint may be filed by a member of the ship's crew, a trade union, or another person;

p) shelter - a place where the vessel can be safely stopped during bad weather or in other unfavourable conditions for navigation, where it is possible to safely transfer all seafarers and passengers on board to shore;

q) shallow waters – the inland waters of the port of Georgia, as well as any maritime space with a radius of 5 nautical miles adjacent to the shelter;

r) piracy - a term with a meaning defined by the 1982 UN Convention on the Law of the Sea;

s) armed robbery against ships - a term having the meaning defined by the Convention;

t) Convention - Maritime Labour Convention of 23 February 2006 of the International Labour Organization (as amended);

u) Code of MLC – the Code of the Maritime Labour Convention, as revised and amended;

v) STCW Convention – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978, as revised and amended;

w) The STCW Code - the Code of the International Convention on Standards of Training, Certification Watchkeeping for Seafarers of 1978, as revised and amended;

x) inspector - an employee of the Agency or a person authorized by the Agency who has the right to check the working conditions on the ship and be responsible to the Agency;

y) repatriation - a safe and dignified landing at a destination determined by a written employment contract between a seafarer and a shipowner or his/her legal representative, and/or at a destination determined by the seafarer.

2. For the purposes of this Law, the Convention, the Code of MLC, and the STCW Code shall be applied as amended.

Article 3 - Scope of the Law

1. This Law (except for paragraph 2 of this article) shall apply to all ships flying the national flag of Georgia.

2. This Law shall not apply to ships that are:

a) engaged exclusively in inland navigation;

b) sailing in the shallow waters or in the area of application of port regulations;

c) engaged in fishing;

d) built of wood in the traditional manner;

e) state property if not used for commercial purposes.

Article 4 - Powers of the competent authority and the Agency

1. The competent authority shall implement the unified State Policy in the field of maritime transport in accordance with the legislation of Georgia.

2. In case of any doubt, the Agency shall have the right to, after consultation with the social partners, determine whether a person falls under the definition of the term 'seafarer' defined by this Law.

3. In order to determine whether a person is a seafarer, the Agency shall take into account:

a) the duration of the person's work on board a ship;

b) the period of the person's work on board a ship;

c) the person's main workplace;

d) the purpose of the person's work on board a ship;

e) the conditions for working conditions and social protection of a person that would normally be available to him/her, in order to determine their compliance with the requirements of this Law.

4. In case of doubt, the Agency shall have the right to, after consultation with the social partners, determine whether the ship falls under the definition of the term 'ship' defined by this Law.

5. The Agency shall have the right to, after consultation with the social partners, determine that it is not appropriate or possible to extend the validity of certain provisions of this Law to a ship or a particular category of ships. In this case, the rights defined by this Law, which do not apply to seafarers working on board a ship of the specified category, must be protected by another legal act, which, in turn, ensures the protection of these seafarers. The Agency shall be authorized to make this decision only with respect to a ship with the gross tonnage of less than 200 tons not engaged in international voyages.

6. The Agency shall also:

a) issue, confirm, renew, suspend and cancel seafarers' certificates provided for by this Law;

b) carry out recognition, monitoring and supervision of persons engaged in crewing activities operating in Georgia;

c) select the medical institutions operating in Georgia to issue a medical certificate to a seafarer, and also approve the medical standards of seafarers;

d) carry out recognition of maritime educational institutions and periodic monitoring of maritime educational institutions and maritime training institutions, as well as approve educational programmes for ship's cooks and issue the appropriate certificate/certificate of qualification as ship's cook;

e) review complaints;

f) approve standards of nutrition and drinking water for seafarers;

g) approve the occupational safety and health protection management manual/guide on the Georgian ship and ensure its availability;

h) provide investigation of industrial cases, as well as collect and analyse statistical data on industrial cases and diseases on Georgian ships and publish an annual report;

i) accept and publish a report on the verification of compliance with the Convention by a Georgian ship.

Chapter II

Requirements for a Seafarer

Article 5 - Minimum age for admission to employment as a seafarer

1. Capable persons who have reached the age of 16 shall be allowed to work on board a ship.

2. It is prohibited to employ on board a seafarer under the age of 18 if the work performed poses a threat to his/her health or safety.

3. The Government of Georgia shall determine the list of activities/jobs that may pose a threat to the health or safety of a person under the age of 18 when working on board a ship. The list of activities/jobs that may endanger the health or life of a person under the age of 18 may be additionally determined by the Agency, taking into account international standards, after consultation with social partners.

4. The working hours of a seafarer under the age of 18 may not exceed 8 hours per working day and 40 hours per week. In addition, the seafarer must be given a 15-minute break after every 2 hours of continuous work. This break is not considered a rest time. During the working day, a seafarer shall have the right to a break of at least 1 hour.

5. It shall be prohibited for a seafarer under the age of 18 to perform overtime work, except in cases where this cannot be avoided for reasons of ship safety.

6. No seafarers under the age of 18 shall work at night.

7. The Agency shall be authorised to make exceptions to the ban on work at night of seafarers under the age of 18, which is notified to the relevant vessel/vessels. Exceptions shall be made if one of the following conditions exists:

a) the ban shall harm the seafarer's education according to the training programme;

b) the nature of the duties or a recognized educational programme requires a seafarer under the age of 18 to perform his/her duties at night. In addition, the Agency shall be obliged to, after consulting with social partners, determine whether the work to be performed may pose a threat to the health or safety of a seafarer under the age of 18.

8. No person under the age of 18 shall work as a ship's cook.

Article 6 - Medical certificate of a seafarer

1. Prior to beginning the work on a ship, a seafarer shall hold a medical certificate (hereinafter - a medical certificate) attesting that the seafarer is medically fit to perform the duties he/she is to carry out on the ship.

2. If a medical certificate is issued in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and/or Article 49 of the Law of Georgia on Education and Certification of Seafarers, it is considered that it meets the requirements of paragraph one of this article.

3. The medical examination of seafarers shall be carried out in accordance with the standards for assessing the health of seafarers applicable in Georgia and the joint instructions of the International Labour Organization and the World Health Organization on preliminary and periodic medical examinations of seafarers, as well as other international guidelines published by the International Labour Organization, the International Maritime Organization and the World Health Organization.

4. A medical institution selected for the purposes of this Law shall comply with the requirements of publications of the International Labour Organization and the World Health Organization, as well as the Chapter VI of the Law of Georgia on Education and Certification of Seafarers.

5. In accordance with Article 49 of the Law of Georgia on Education and Certification of Seafarers, a medical certificate is issued by an authorized doctor selected by the Agency, and if the medical certificate concerns only vision, a person selected by the Agency issues the appropriate certificate.

6. A candidate for the position of a doctor shall enjoy full professional independence in drawing up a medical report.

7. A medical certificate shall be issued in the form approved by the authority.

8. Regardless of the requirements of paragraph 5 of this article, the Agency shall have the right to recognize a medical certificate issued outside Georgia by a doctor practicing in a State party to the Convention and authorized to issue a medical certificate for activities on the Georgian ship.

9. A seafarer who has been refused a medical certificate or has received a medical certificate confirming his/her limited ability to work, including according to work schedule, type of work and area of navigation, shall have the right to undergo a new examination with an independent doctor selected by the Agency or a commission consisting of such doctors.

10. Except for the case when a seafarer needs less time to perform a specific job or it is determined by the STCW Convention, a medical certificate shall be valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year.

11. The period of certification of colour vision of a seafarer shall be not more than 6 years.

12. In emergency cases, the Agency shall permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:

a) the validity period of such permit does not exceed 3 months;

b) the validity period of the medical certificate expired not more than 3 months ago.

13. If the validity period of the medical certificate expires during the voyage, this medical certificate will remain valid until the seafarer enters the next port of call, where he/she can obtain a new medical certificate from a qualified medical practitioner, provided that the validity period of the medical certificate does not exceed 3 months.

14. The medical certificate of a seafarer working on a ship engaged in international navigation must be provided in English.

Article 7 - Training and Qualifications

1. A shipowner shall ensure that a seafarer with the appropriate qualifications or competence is allowed to work on the ship in accordance with the Law of Georgia on Education and Certification of Seafarers.
2. Training and certification conducted in accordance with the STCW Convention or other binding international instrument adopted by the International Maritime Organization shall be considered conducted in accordance with paragraph one of this article.

3. For the purposes of paragraph one of this article, a basic training provided for in Article 28 of the Law of Georgia on Education and Certification of Seafarers completed by a seafarer who is not required to complete a training determined by the STCW Code, shall be considered relevant to the training for personal safety on board ship.

Article 8 - Training and employment of ship's cooks

1. A ship employing 10 or more than 10 seafarers, provided for by the minimum safe manning document, shall be obliged to have a qualified cook. If there are less than 10 seafarers working on board ship, as provided for by the minimum safe manning document, the presence of a qualified cook on this ship may not be required. In this case, all persons involved in catering must be trained or instructed in areas of food, personal hygiene and food storage on board ship.

2. A cook shall be considered qualified if he/she:

a) is a legally capable person who has reached the age of 18;

b) has a proven sailing experience of at least 6 months or a proven sailing experience of at least 3 months and work experience in a general kitchen of at least 1 year;

c) has completed a maritime training course recognized by the Agency, which covers practical cookery, food and personal hygiene, food storage, stock control, the issues related to environmental protection, and catering health and safety;

d) has passed the relevant exam.

3. The Agency shall issue a certificate to the qualified cook who fully complies with the requirements of paragraph 2 of this article, in the manner established by the legislation of Georgia, confirming that this person meets the requirements established by this Law for work as a ship's cook.

4. If a ship's cook has completed a training course outside Georgia, in a country that has ratified the Convention or the Certification of Ships' Cooks Convention 1946, the Agency shall have the right to evaluate this training course and its content and, if satisfied that the training is consistent with the training course of the training centre recognized in Georgia, recognize it.

5. After recognizing the training and certification of a ship's cook outside Georgia, the Agency shall grant a certificate to this cook. This certificate must indicate that the cook has a ship's cook certificate recognized by Georgia for working on a Georgian board ship.

6. The director of the Agency shall approve the conditions of accommodation and recreational facilities on a board ship, as well as the rules of food and catering by a normative act.

1. Every shipowner with responsibility for the operation of a ship in which there are 10 or more seafarers shall ensure that there is on board a qualified cook.

2. A cook is qualified if he:

a) Is not less than 18 years of age, in full legal capacity;

b) Has served at sea for at least [12] months in the catering Department;

c) Has attended a training course approved by the Agency which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety; and

d) Has passed the examination set and conducted by the providers of the training course.

1. Every qualified cook shall on meeting the requirements in paragraph 2 be issued with a certificate stating that he has met the requirements in this Code for service at sea in the rank of cook. The certificate may be issued by the approved training course provider or by the Agency and if it is issued by the training course provider it shall state on it that it is issued by a training provider approved by the Agency for the purpose.

2. In the case of a cook who has attended a training course in a country outside Georgia that has ratified the MLC or the Certification of Ship's Cooks Convention 1946, the Agency shall make such assessments of that training course and its content as it considers necessary and if satisfied that the training is equivalent to that provided by approved training providers in Georgia, may recognise the training.

3. Where the Agency recognises training and certification of ship's cooks from a country outside Georgia, it shall issue a certificate to those cooks on application stating that the cook holds a certificate as ship's cook that is recognised by Georgia for service in a Georgian ship.

Chapter III
Seafarers' Employment

Article 9 – A recruitment and placement service

1. A seafarer who has Georgian citizenship or status in Georgia shall have the opportunity for career growth, professional development and employment free of charge.

2. The recognition of a recruitment and placement service shall be carried out by the Agency.

3. If the Agency, a competent authority, another ministry or the Government of Georgia decides to create and operate a recruitment and placement service, this service must ensure the protection of seafarers' rights during the operation in accordance with the requirements of the MLC.

4. A recruitment and placement service recognized by the Agency, promoting the employment of seafarers, shall be obliged to comply with the requirements of the MLC and this Law.

5. For the purposes of paragraph 3 of this article, a recruitment and placement service shall be recognized as the service who has at least 10 seafarers working on board ship at the same time.

6. In case of doubt, the Agency shall have the right, after consultation with social partners, to determine whether the recruitment and placement service is included in the definition of "a recruitment and placement service" defined by this Law.

7. A recruitment and placement service operating in Georgia may carry out activities in the field of seafarers' employment only on the basis of a certificate of recognition of the recruitment and placement service issued by the Agency.

8. A recruitment and placement service shall have no right to indirectly or directly demand fees from a person for employment on board ship and may not take any measures or carry out such procedures that shall cause delay or hinder the employment of this person on board ship.

9. The procedure for recognizing a recruitment and placement service, issuing a certificate of recognition of the recruitment and placement service, exercising control and supervision over the conditions for issuing this certificate, as well as suspending and terminating the validity of this certificate shall be approved by a legal act of the Director of the Agency. A certificate of recognition of the recruitment and placement service shall be issued for a period of 5 years in the manner established by the Agency, subject to annual mandatory inspection.

10. The Agency shall issue a certificate of recognition of the recruitment and placement service if the activities of this service comply with the requirements of the MLC and this Law.

11. A recruitment and placement service shall ensure that:

a) no fees for providing employment to seafarers on board ship are borne directly or indirectly (including visa fees), with the exception of the cost of the seafarer obtaining a medical certificate, a seafarer's identity card, a passport or other personal travel documents;

b) it has a clearly defined procedure that excludes the possibility of labour exploitation of a seafarer, which may arise from an advance payment agreement concluded between the shipowner and the seafarer, or from any other financial transaction carried out by a recruitment and placement service;

c) it accurately identifies and publicly publishes all expenses that a seafarer may incur in the employment process;

d) it maintains and constantly updates the register of seafarers selected by it. This register shall be available for inspection by the Agency;

e) before signing a written employment contract between a seafarer and a shipowner or his/her legal representative, the seafarer is familiar with his/her rights and obligations and receives a copy of this agreement;

f) as for employment, a seafarer is informed about the specifics of the work he/she performs and the policy of a particular shipowner;

g) seafarers are qualified and hold the documents necessary for the job concerned, and that the seafarers' written employment agreements are in compliance with this Law and a collective bargaining agreement (if any), which, in turn, is an integral part of the employment agreement;

h) the shipowner has the means to protect seafarers from being stranded in a foreign port;

i) it examines and responds to any complaint concerning its activities and advises the competent authority of any unsatisfied complaint;

j) the shipowner is able to protect the seafarer from the danger of being left without means of livelihood in the port of a foreign State.

12. When assessing the compliance of a recruitment and placement service with the requirements of this Law, the Agency shall be guided by Guideline B1.4 of the Code of MLC.

13. A recruitment and placement service shall have a system of protection of seafarers, by way of insurance or an equivalent appropriate measure, to compensate seafarers for damage caused as a result of the failure of the recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

14. For the purpose of personal protection, a recognized recruitment and placement service shall have a system that protects against unauthorized access to documents related to the employment of a seafarer kept with this service, including:

a) data on documents confirming the competence/qualifications of the seafarer;

b) data on the seafarer's record of employment;

c) personal data of the seafarer;

d) medical data on the seafarer.

15. A recruitment and placement service shall provide the Agency, if requested, with information on the total number of seafarers employed by this service during the year by their ranks, as well as any statistical data related to the employment of seafarers.

16. A recognized recruitment and placement service may not have such a list or mechanism that may prevent seafarers from gaining employment for which they are qualified;

17. A recruitment and placement service shall implement a quality management system and procedures that ensure unconditional compliance of its services with the standards established by this Law. The

recruitment and placement service shall be obliged to submit the results of an audit of the quality management system to the Agency annually.

18. If a seafarer, shipowner or other interested person has a complaint about the activities of a recruitment and placement service and submits a written complaint to the Agency, according to which the applicant and the content of the complaint can be unambiguously identified, the Agency shall investigate this complaint and, if circumstances so require, involve social partners in the investigation.

19. If, as a result of the investigation of the complaint by the Agency, it turns out to be justified, the recruitment and placement service shall be obliged to ensure that the issue provided for in this complaint is resolved.

20. A recruitment and placement service shall communicate information provided by the Agency about problems that may arise as a result of a seafarer's employment on a ship flying the flag of a State that has not ratified the Convention to the seafarer using its services.

21. A shipowner registered in Georgia who uses the services of a recruitment and placement service in a country that has not ratified the Convention shall be obliged to provide the Agency with information on the rules regulating this service and how it assesses the compliance of these rules with the requirements of this Law.

22. A shipowner registered in Georgia may not use the services for the employment of seafarers of a recruitment and placement service operating in a State that has not ratified the Convention, if it is not sure that these services are provided in accordance with Standard A1.4 of the MLC.

Chapter IV

Conditions of Employment

Article 10 - A written employment agreement between a seafarer and a shipowner or its legal representative

1. A seafarer working on a ship shall have a written employment agreement signed by the seafarer and the shipowner or its legal representative (hereinafter - the seafarer's employment agreement).

2. If a seafarer's employment agreement is signed by a shipowner's legal representative, it shall have a power of attorney issued by the shipowner, which gives the representative the right to sign the seafarer's employment agreement on behalf of the shipowner. In addition, the seafarer's employment agreement shall mention the existence of a power of attorney, as well as its contents.

3. Before signing a seafarers' employment agreement, seafarers shall be given an opportunity to examine and seek advice on the agreement. The seafarers shall also have the right to use any other means necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities.

4. A shipowner and a seafarer concerned shall each have a signed original of the seafarers' employment agreement. In addition, a copy of the seafarers' employment agreement shall be kept on the ship during the entire period of the seafarer's work.

5. A shipowner shall be obliged to ensure that accurate and complete information about working conditions is available to seafarers on the ship, including the ship's master. This information (including a copy of the seafarers' employment agreement) shall also be available to representatives of the Agency and other interested bodies, including those in ports to be visited.

6. Where a collective bargaining agreement forms all or part of a seafarers' employment agreement, a copy of that agreement shall be available on board. Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, a copy of the standard form of the seafarers' employment agreement and the part of the collective bargaining agreement that are subject to a port State inspection in accordance with the Convention, shall be available in English.

7. A seafarers' employment agreement shall contain at least the following information:

a) the seafarer's full name, date of birth or age, citizenship and place of birth;

b) the shipowner's name and address;

c) the place where and date when the seafarers' employment agreement is entered into force;

d) the capacity in which the seafarer is to be employed;

e) the amount of the seafarer's wages or the formula used for calculating them;

f) the amount of paid annual leave or the formula used for calculating it;

g) the termination of the seafarer's employment agreement and the conditions thereof;

h) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;

i) if the seafarer's employment agreement has been made for a definite period, the date fixed for its expiry;

j) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;
if the seafarer's employment contract is concluded for a specific voyage - the port of destination and the time of the ship's stay in the port, after expiry of which the seafarer shall be discharged;

k) information on the seafarer's health and social protection (including mandatory social insurance contributions) to be provided to the seafarer by the shipowner;

m) information on the seafarer's entitlement to repatriation;

o) reference to the collective bargaining agreement (if applicable);

n) any other relevant conditions.

8. If the amount of wages and/or duration of leave are specified in the seafarers' employment agreement in the form of a formula, a seafarer or the Agency or a competent authority shall be able to calculate this payment and/or leave without looking for any additional sources.

9. The minimum period for notifying a seafarer and a shipowner of the termination of the seafarers' employment agreement shall be 14 calendar days.

10. A shipowner may terminate a seafarers' employment agreement with less than 14 calendar days notice on an occasion when:

a) the ship has been sold;

b) the ship has been lost;

c) the seafarer is unable to continue to perform duties on board due to illness or injury;

d) the seafarer is found after an established disciplinary process to be incompetent or involved in serious misconduct.

11. A notice period shorter than the minimum may be given to a seafarer, without penalty, for compassionate or urgent reasons that are recognised by the labour legislation of Georgia or applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice.

12. Seafarers shall be given a document containing a record of their employment on board ship that does not contain any statement as to the quality of the seafarer's work on board or their wages. These entries may be entered in the seafarer's record book.

13. The document referred to in paragraph 12 of this article shall contain the date of joining the ship, the date of leaving the ship, and the capacity in which a seafarer was employed on board and shall, if not in English, include a certified translation into English.

14. Any changes to the terms and conditions of the seafarer's employment agreement shall be signed with the written consent of the interested party. Otherwise, the specified change shall be invalid.

15. A seafarer's employment agreement 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 the expiration of its term.

Article 11 - A seafarer's hours of rest

1. The minimum rest time for a seafarer over the age of 18 may not be less than 10 hours in a 24-hour period and less than 77 hours in a 7-day period.

2. A seafarer's rest time may be divided into two periods, one of which shall be at least six hours in length. The interval between consecutive periods of rest shall not exceed 14 hours.

3. Various trainings provided for by the legislation of Georgia and international treaties shall be conducted in a manner that minimizes the disturbance of rest periods.

4. A table with the shipboard working arrangements for each member of the ship's crew shall be posted in an easily accessible place, classified by rank.

5. The table provided for in paragraph 4 of this article shall contain:

a) the schedule of service at sea and service in port;

b) the minimum hours of rest provided for in paragraph one of this article.

6 A table shall be established in the working language of the ship and in English.

7. The hours of rest of a seafarer working on a ship shall be recorded in a standardised form determined by the International Maritime Organization or the International Labour Organization.

8. The master of a ship may require a seafarer to perform additional work if it is necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships in distress at sea.

9. The master of a ship may suspend the schedule of hours of work until the normal situation has been restored on the ship.

10. The master of a ship shall ensure that a seafarer who has performed additional work in the case provided for in paragraph 8 of this article, is provided with an adequate period of rest.

11. The form of recording the hours of work and the hours of rest of seafarers shall be approved by a normative act of the Director of the Agency.

12. The table of working conditions on the ship shall be approved by a normative act of the Director of the Agency.

Article 12 - Protection of seafarers' personal data

1. In accordance with the Law of Georgia on Personal Data Protection, in order to protect the personal data of a seafarer, a shipowner and the master of a ship shall ensure that a seafarer's employment agreement, medical certificate, bank accounts, information on wages and other personal information are stored on the ship in such a way that unauthorized persons cannot access them. In addition, the shipowner and the master of the ship shall take such organizational and technical measures that ensure the protection of personal data from accidental or unlawful destruction, accidental or unlawful loss, acquisition, disclosure, modification and any other form of illegal use.

2. Processing of information containing personal data of a seafarer shall be allowed in accordance with the Law of Georgia on Personal Data Protection.

3. It shall be allowed to transfer a seafarer's personal data to the master of a ship, preferably a copy of the seafarer's employment agreement.

Article 13 - Short-term visit by a seafarer to the shore

1. A seafarer may disembark in spare time when a ship stays in the port or is on anchor near the shore, if this does not endanger the safe operation of the ship.

2. When a ship stays or is anchored on shore, the master of the ship shall ensure equal distribution of work among the seafarers.

Article 14 – Wages of seafarers

1. Every seafarer shall be paid the wages due in accordance with the seafarer's employment agreement and any applicable collective bargaining agreement at intervals not greater than monthly.

2. Wages shall be paid directly to the seafarer's bank account unless the seafarer requests otherwise in writing.

3. Every seafarer shall be provided by a shipowner, or its authorised representative, with a monthly account containing information on any amount (including wages) paid to the seafarer, as well as information on the exchange rate if the payment has been made in another currency/rate different from the one agreed upon.

4. Where a seafarer has worked overtime, records of the hours worked shall be recorded by the master

of a ship or a person designated by the master. An account of calculating overtime shall be endorsed by a seafarer every month.

5. Every shipowner shall establish a system for enabling seafarers to allot, if they so desire, a proportion of their wages for remittance to a person/persons in due time directly, by bank transfers or similar means.

6. A shipowner may make a reasonable charge for the service provided in accordance with paragraph 5 of this article. The exchange rate shall be determined in accordance with a more favourable market rate or official exchange rate and may not be detrimental to the interests of seafarers. For the purposes of this paragraph, a charge made by the shipowner for this service shall be considered unreasonable if it exceeds the charge levied by the bank for a bank transfer.

7. For the purpose of calculating wages for seafarers who are paid overtime as separate compensation the normal hours of work at sea and in port shall not be more than eight hours per day and 48 hours per week and the rate of overtime may not be less than one and one-quarter times the basic rate per hour.

8. Where wages as set out in the seafarer's employment agreement are fully or partially consolidated the number of hours of work expected from the seafarer in return for the agreed remuneration shall be clearly specified in the seafarer's employment agreement and where work in excess of this is required the hourly rate of compensation for the additional hours shall be at not less than one and one-quarter times the basic consolidated wages.

9. In addition to the case provided for in paragraph 5 of this article, no deductions shall be made from a seafarer's wages except such deductions as may be imposed by a court decision. It shall not also be allowed to impose a fine on a seafarer, except in the case of its imposition by an authorized body/official.

10. Where a shipowner delays payment of wages, a seafarer shall be entitled to interest at the rate of 10% on the unpaid wages until such time as they are paid.

11. Nothing in this article shall be held to affect the rights of any seafarer to claim for unpaid wages and other sums in accordance with the legislation of Georgia and in cases where the claim is brought outside the territory of Georgia – in accordance with the applicable legislation of the host State.

12. In the event of the death of a seafarer, the wages payable during the term of the seafarer's employment agreement shall be determined as follows:

a) when a seafarer receives a salary every month, his/her salary shall be calculated until the day of his/her death;

b) if a seafarer is hired for one voyage and receives a lump sum payment, the full salary shall be reimbursed if the seafarer dies immediately after the start of the voyage;

c) when a seafarer makes a round trip and receives a flat-rate salary, he/she shall be reimbursed half of the salary, if the seafarer dies immediately after the start of the voyage or entering the port, and if he/she dies on the way back, he/she shall be reimbursed in full.

13. Where a seafarer is held captive as a result of acts of piracy or armed robbery against ships, wages under the seafarers' employment agreement or relevant collective bargaining agreement shall continue to be paid during the entire period of captivity, until his/her repatriation or death.

Article 15 - Entitlement to leave

1. Every seafarer shall be given paid annual leave at the rate of not less than 2.5 calendar days per month of employment. For seafarers employed for periods shorter than one year or in the event of termination of the employment relationship, entitlement to leave shall be calculated on a pro-rata basis.

2. While employed on board a ship, seafarers shall also be granted shore leave whenever practical consistent with the operational requirements of their positions.

3. A seafarer shall not agree to forgo the minimum annual leave with pay and no shipowner shall attempt to make an agreement with a seafarer to do so. Any such agreement shall be considered void.

4. In calculating the length of service to determine the leave entitlement, the following are to be counted as services contributing to the employment:

a) absence from work to attend an approved maritime vocational training course;

b) absence from work due to illness, injury or due to maternity.

5. Any justified absences from work shall not be counted as a part of the seafarer's annual leave with pay:

a) public and customary holidays, whether or not they fall during the annual leave with pay;

b) illness, injury or pregnancy and maternity;

c) temporary shore leave granted to a seafarer while under an employment agreement;

d) compulsory shore leave of any kind, under conditions as determined by the Agency;

e) time spent awaiting repatriation and repatriation travel time.

6. A seafarer taking annual leave may be recalled only in cases of extreme emergency and with the seafarer's consent.

7. Except with their written agreement or as defined in the seafarer's employment agreement, seafarers

shall not be required to take annual leave in a place other than the place to which they are entitled to be repatriated.

8. A shipowner shall take special measures with respect to young seafarers under the age of 18 who have served six months or any other shorter period of time under a collective agreement or seafarers' employment agreement without leave on a foreign-going ship (which has not returned to their country of residence in that time, and shall not return in the subsequent three months of the voyage). Such measures may consist of their repatriation at no expense to themselves to the place of original engagement in their country of residence for the purpose of taking any leave earned during the voyage.

Article 16 - Repatriation

1. Every seafarer shall have the right to be repatriated to a repatriation destination. The repatriation destination shall be:

a) the place where the seafarer entered into the seafarer's employment agreement;

b) the place stipulated in any applicable collective bargaining agreement;

c) the seafarer's country of residence;

d) any other place as provided for by the seafarer's employment agreement.

2. The repatriation destination shall be stated in the seafarer's employment agreement together with the entitlement to repatriation.

3. Seafarers shall have a right to be repatriated at no cost in the following circumstances:

a) if the seafarer's employment agreement expires while he/she is on board ship;

b) upon the expiry of the period of notice given in accordance with the provisions of the seafarers' employment agreement when the seafarer's employment agreement is terminated by the seafarer for justified reasons or by the shipowner;

c) when the seafarer is no longer able to carry out duties under the employment agreement or cannot be expected to carry them out in the specific circumstances due to illness, injury or other medical condition which requires the seafarer's repatriation;

d) in any case, when the maximum period of stay of the seafarer on the ship gives him/her the right to repatriation. In addition, this period may not exceed 12 months after giving prior notice.

4. A seafarer shall be subject to repatriation if there is one of the following grounds:

a) termination of the seafarer's employment agreement upon expiration of the period of prior notice;
b) in the event of shipwreck;

c) when the shipowner is no longer able to fulfil its obligations by reason of insolvency, sale of the ship, change of the ship's registration;

d) the ship being bound for a war zone to which the seafarer does not consent to go;

e) the ship being under arrest for a period of 30 days or more;

f) the seafarer's illness, injury or other case related to his/her health condition, when his/her repatriation is necessary, if doctors consider the seafarer's condition favourable for transportation;

g) in the event of termination or interruption of the seafarer's employment agreement in accordance with an industrial award, collective agreement or for any other similar reason.

5. A shipowner shall not require that any seafarer make an payment towards the cost of repatriation, and shall not recover the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found through an established disciplinary process to be in serious default of the seafarer's employment obligations or guilty of serious misconduct. In any case the maximum amount that may be recovered from the seafarer in respect of the cost of repatriation shall not exceed one month's wages.

6. For the purposes of paragraph 5 of this article, the grounds for disciplinary liability shall be determined on the basis of the maritime disciplinary statute approved by an normative act of the director of the Agency.

7. Each shipowner responsible for a ship shall ensure that a financial security system is in place for ships that shall be sufficient for the proper repatriation of seafarers on board when the shipowner is unable to fulfil its obligations in accordance with this Law. The relevant document confirming the financial security shall be handed over to the Agency and shall be also kept on board the ship.

8. In the event of a seafarer's repatriation, the shipowner shall pay the following expenses before the seafarer arrives at the point of return:

a) the cost of travel (usually by air) to the place of return of the seafarer;

b) accommodation and food from the moment the seafarers leave the ship until they reach the return destination;

c) pay and allowances from the moment the seafarers leave the ship until they reach the return destination;

d) costs of transportation of 30 kg of the seafarers' personal luggage to the return destination;

e) if necessary, the medical expenses of the seafarer so that he/she can travel without endangering health.

9. The provisions of this Law shall not limit the right of a shipowner to cover the costs of repatriation through contracts concluded with third parties.

10. If a shipowner is unable to cover the costs of the seafarer's repatriation, the Agency shall arrange for the seafarer's repatriation and retroactively recover from the shipowner the costs incurred by the repatriated seafarer.

11. If a shipowner does not/cannot cover the seafarer's repatriation expenses, the seafarer shall be in no case obliged to pay these amounts. The Agency may detain the ship on which the seafarer worked, or another ship of this shipowner, until the seafarer receives payment.

12. The obligation of a shipowner to repatriate a seafarer provided for in paragraphs 3 and 4 of this article shall be terminated in the following cases:

a) the seafarer is repatriated in accordance with paragraphs 1 and 2 of this article;

b) reasonable measures taken by the shipowner in connection with the repatriation of the seafarer were unsuccessful due to the unlawful actions of the seafarer;

c) the shipowner, despite the appropriate measures taken, was unable to contact the seafarer within 3 months;

d) the seafarer has notified the shipowner in writing that repatriation is not required.

13. A copy of these provisions concerning the repatriation of seafarers, drawn up in the appropriate language, shall be kept on each board ship and be accessible to seafarers.

Article 17 - Compensation for a shipwreck, loss or foundering

1. Every shipowner shall be liable for the payment to each seafarer on board of an indemnity against unemployment arising from a shipwreck or foundering.

2. The indemnity against unemployment resulting from a shipwreck or foundering shall be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement, but the total indemnity payable may be limited to two months' wages of the seafarer.

3. The recovery of indemnity against unemployment to a seafarer may not prejudice any other rights arising as a result of physical and/or material damage caused by the shipwreck or damage of the ship.

Chapter V

Abandonment of seafarers

Article 18 - Abandonment

1. A seafarer shall be deemed abandoned if the shipowner has committed one of the following actions in violation of the seafarer's employment contract:

a) refuses to cover the cost of the seafarer's repatriation;

b) leaves the seafarer without the necessary maintenance and support;

c) otherwise unilaterally severs ties with the seafarer including failure to pay the wages set out in the seafarer's employment agreement for a period of at least two months.

2. The necessary maintenance provided for in paragraph 1(b) of this article includes:

a) adequate food;

b) decent accommodation;

c) adequate drinking water supplies;

d) essential fuel for survival on board the ship;

e) necessary medical care.

3. The financial security system required by Article 16(7) of this Law shall be arranged by a shipowner, and the corresponding amount shall be paid/reimbursed in the form of insurance. In addition, a financial guarantee shall provide:

a) direct access for each seafarer;

b) sufficient coverage;

c) expedited financial assistance as provided for by this Law.

4. Where time is needed to evaluate any part of a claim this may not prevent a seafarer from receiving those parts of the claim that are immediately recognised as justified.

5. The assistance provided by the financial security system shall be sufficient in its coverage to provide for:

a) outstanding wages and other entitlements due from the shipowner to the seafarer under the seafarer's employment agreement and any collective bargaining agreement limited to four months wages and entitlements;

b) all expenses reasonably incurred by the seafarer, including the cost of repatriation referred to in Article 16 of this Law;

c) the essential needs of the seafarer, including:

c.a) adequate food;

c.b) clothing (where necessary);

c.c) accommodation;

c.d) drinking water supplies;

c.e) essential fuel for survival on board the ship;

c.f) necessary medical care;

c.g) any other reasonable costs arising from the act constituting abandonment until the seafarer's arrival at home.

6. The cost of repatriation associated with paragraph 5 of this article shall cover travel by appropriate and expeditious means, normally by air, and include provision for food and accommodation for the seafarer from the time of leaving the ship until arrival at the seafarer's home, as well as necessary medical care, passage and transport of personal effects and any other reasonable costs arising from the abandonment.

7. Every Georgian ship that is of 500 GT or more and engaged on international voyages or on voyages wholly within the waters of another State, shall carry documentary evidence of the financial security mandated by Article 16(7) of this Law. This documentary evidence shall contain the information on a ship, including:

a) name of the ship;

b) port of registry of the ship;

c) IMO number of the ship and callsign;

d) name and address of the provider of the financial security;

e) contact details of the persons responsible for handling seafarer's requests for relief;

d) name of the shipowner;

e) period of validity of the financial security;

f) an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2 of the MLC.

8. A copy/copies of the documentary evidence shall be carried on board and be displayed in a conspicuous place on board where it is available to all the seafarers on board.

9. In any case where the financial security is provided by more than one provider, there shall be documentary evidence from each financial security provider in accordance with paragraph 7 of this article.

10. The financial security system shall be arranged in such a way as to ensure the prompt provision of appropriate assistance.

11. The financial security shall remain valid to the date of expiry stated on the documentary evidence unless the financial security provider has given the Agency at least 30 days' notice of the end of its validity.

12. A provider of financial security who has made a payment to a seafarer in accordance with this article shall acquire the right to recovery of the amount paid out by the financial security provider to the seafarer.

13. Nothing shall prejudice the right of recourse of the insurer or provider of financial security against third parties.

Chapter VI

Health Protection and Medical Services

Article 19 - Health protection and medical services

1. Every shipowner responsible for the operation of a Georgian ship shall ensure that all seafarers working on board a ship are covered by adequate measures for the protection of their health and have access to prompt and adequate medical care at no cost to the seafarers.

2. In meeting the obligations in paragraph 1 of this article, every shipowner shall adopt measures to provide for health protection and medical services (including essential dental care) for seafarers working in that shipowner's ships for the following purposes:

a) ensuring the application of any generally accepted rules of occupational health and medical care for seafarers, appropriate to their duties and the specific work they perform on the ship;

b) providing seafarers with the same level of medical care and medical services that are normally available to workers ashore, including immediate access to essential medicines, medical equipment, diagnostic and treatment services, medical information and expertise;

c) granting seafarers the right to visit a qualified dentist or other doctor at the port without delay, where possible;

d) providing free medical care and medical services to seafarers during their stay on board or entering the port of a foreign State;

e) providing treatment for sick or injured seafarers, as well as carrying out preventive measures (development of educational programs on health protection and health).

3. Essential dental care provided for in paragraph 2 of this article means dental care that is urgently required for the seafarer to continue work on board and does not include dental care that is purely cosmetic.

4. All Georgian ships shall carry a medicine chest, medical equipment and a medical guide. The characteristics of this manual are subject to verification and are determined by the Agency.

5. On any occasion that a seafarer is to receive medical attention ashore the Master or other person on board responsible for medical care shall complete the standard Patient Health Status Form in Annex A to the International Medical Guide for Ships developed jointly by the ILO and the WHO. The completed form is to facilitate the exchange of medical and related information between a ship and ashore and shall accompany the seafarer concerned. The information contained in it shall remain confidential (known only to the seafarer, the Master, and the medical personnel ashore). The director of the Agency shall approve the standard Patient Health Status Form by a normative act.

6. Every Georgian ship that carries 100 or more persons and is ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care.

7. Where a Georgian ship does not carry a medical doctor in accordance with paragraph 6 of this article, a shipowner shall ensure that at least one seafarer on board is nominated to be in charge of medical care/services. A seafarer who is not a doctor but is appointed to provide medical care/services on board a ship shall be qualified in accordance with Section A-VI/4, paragraphs 4 to 6 of the STCW Code and Article 37 of the Law of Georgia on the Education and Certification of Seafarers.

8. Every shipowner responsible for a Georgian ship shall ensure that there is in place an arrangement for the ship to receive round-the-clock medical advice by radio or satellite communications when at sea, in the manner prescribed by the Agency. Any medical advice provided to a ship flying the flag of a foreign State from Georgian authorities shall be provided free of charge to the ship in Georgia (including the exchange of medical information between the consultants on the ship and ashore via radio or satellite communication).

9. Every seafarer working on board a Georgian ship shall have a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement.

10. The right under paragraph 9 of this article shall not limit the right of a seafarer to use the financial assistance provided for by the legislation of Georgia.

11. A shipowner or the Master of a ship who learns that the seafarer is pregnant or breastfeeding, shall provide a risk assessment related to hazards or harmful environmental factors and chemicals in order to eliminate the identified risks. Other factors shall also be taken into account: avoid or limit long and monotonous work, isolated work, work pace, working methods, work environment plan, equipment and technical means. The nature, duration, and extent of the impact of these factors on the seafarer shall be assessed, as well as whether the risks negatively affect her or not. If necessary, preventive measures shall be applied.

12. If it is impossible to fully protect a pregnant or nursing seafarer, the risks shall be minimized by work planning, including, where necessary and practicable, changing the seafarer's working hours, limiting her night work or transferring her to another job, this shall no longer affect her health and safety.

Chapter VII

Financial Guarantees of the Shipowner's Liability

Article 20 - Shipowner's liability

1. Every shipowner responsible for a Georgian ship shall ensure that there is financial security in place for the ship sufficient to provide seafarers employed on the ships with a right to material assistance and support from the shipowner in the event of death or long-term disability due to an occupational injury, illness or hazard. The level of compensation shall be set out in the seafarer's employment agreement or in the applicable collective bargaining agreement.

2. Shipowners shall be liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates in accordance with the following standards:

a) the expense of medical treatment (including the supply of necessary medicines and therapeutic appliances), board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character;

b) the cost repatriating the seafarer's remains, and if repatriation is not possible - the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement;

c) expenses for a financial guarantee of payment of compensation provided for by the legislation of Georgia, a seafarer's employment agreement or a seafarer's collective agreement in connection with the death or long-term disability due to an occupational injury, illness or hazard.

3. Where the sickness or injury to any seafarer results in incapacity for work the shipowner shall:

a) pay full wages at the basic rate of wages stated in the seafarer's employment agreement for as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with Article 16 of this Law;

b) pay wages as prescribed in any applicable collective agreements from the time when the seafarers are repatriated or landed until their recovery.

4. The liability of a shipowner under paragraph 3(a) of this article shall be limited to a period of sixteen weeks from the day of the injury or the commencement of the sickness and shall cease from the time at which the seafarer can claim medical benefits under any scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents that the seafarer may have access to.

5. The liability of a shipowner to pay wages in whole or in part in respect of a seafarer no longer on board in accordance with paragraph 3(b) of this article shall be limited to sixteen weeks from the day of the injury or the commencement of the sickness and shall cease from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents that the seafarer may have access to.

6. No liability for wages in accordance with this article shall attach to any shipowner in cases where:

a) an injury has occurred otherwise than in the service of the ship;

b) the injury, sickness or death is due to the wilful misconduct of the seafarer;

c) the health condition is shown to be intentionally concealed when signing the seafarer's employment agreement.

7. Shipowners or their representatives shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them/their next of kin.

8. A shipowner may use the services of a recruitment and placement service operating in Georgia if that service provides the shipowner with a certificate of recognition of the recruitment and placement service issued by the Agency in accordance with Article 9 of this Law.

Article 21 - Coverage of financial security for contractual claims

1. The financial security provided for by this Law shall be arranged by a shipowner, and the corresponding amount shall be paid/reimbursed in the form of insurance. This financial security shall at least:
a) fully ensure that the seafarer receives the compensation provided for in the seafarer's employment contract without any delay/interruption;

b) ensure that there is no pressure on the seafarer or his/her authorised representatives to accept a payment less than the contractual amount;

c) provide for an interim payment/payments to the seafarer to avoid undue hardship where the nature of the long term disability makes it difficult to assess the full compensation to which the seafarer may be entitled;

d) ensure that any payment to the seafarer is without prejudice to any other rights. In addition, any payment can be offset by the shipowner against any damages caused by the seafarer, arising from other claims of the seafarer and resulting from the same incident;

e) ensure that the claim for contractual compensation may be brought directly by the seafarer concerned or by his/her next of kin, a designated beneficiary or an authorised representative.

2. A contractual claim means any claim which relates to death or long-term disability of a seafarer due to an occupational injury, illness, or hazard as set out in the seafarer's employment agreement and in any collective bargaining agreement applicable to that seafarer.

3. The financial security shall comply with all contractual claims arising during the period for which the documentary evidence is valid.

Article 22 - Evidence of financial security

1. Every ship to which this Law applies shall carry on board documentary evidence of the financial security provided for by this Law issued by a provider of the financial security and where there is more than one provider of financial security there shall be documentary evidence provided by each provider.

2. A copy/copies of the documentary evidence required by paragraph 1 of this article shall be posted in a conspicuous place on board accessible to all the seafarers.

3. Every documentary evidence of financial security in accordance with Article 20(1) of this Law shall be in English or accompanied by a translation into English, containing the following information:

a) data on a ship, including name of the ship; port of registry of the ship; IMO number of the ship and callsign;

b) name and address of the provider of the financial security;

c) contact details of the persons or a service responsible for reviewing seafarers' contractual claims;

d) name/full name of the shipowner;

e) period of validity of the financial security;

f) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1 of the MLC.

4. The validity of the financial security shall not cease before the end of its period of validity as stated on the documentary evidence unless the financial security provider has provided at least 30 days' notice to the Agency.

Article 23 - Treatment of contractual claims arising from a seafarer's employment agreement

1. Contractual claims brought by seafarers, their next of kin, heirs or authorised representatives shall be received, impartially reviewed and fairly resolved. A standard acceptance certificate defined by the Convention shall apply to all claims. The form of the acceptance certificate shall be approved by a normative act of the director of the Agency.

Chapter VIII

Procedures for Handling Seafarers' Complaints

Article 24 – Seafarer's complaint

1. A shipowner shall ensure that a ship for which he is responsible has on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Law and the Convention.

2. A seafarer may exercise the right to file a complaint on any matter that, in his/her opinion, violates the requirements of the Convention (including seafarers' rights).

3. In addition to the procedures for reviewing and resolving complaints provided for in this article, a seafarer shall not be limited by any other available remedies in respect of violated rights.

4. Any adverse action taken by a shipowner or any other person with respect to a complaining seafarer (lodging a complaint) shall be considered as persecution of the seafarer and shall be prohibited.

5. All seafarers shall be provided with the on-board complaint procedures applicable on the ship.

6. The on-board complaint procedures shall include:

a) the opportunity to resolve the complaint at the lowest level. A seafarer shall have the right to file a complaint directly to the ship's master, and, if necessary, also to relevant external persons/organisations;

b) the consideration of the right of a seafarer to participate in the complaint procedures together with an accompanying person or through a representative, as well as to protect the seafarer from possible persecution for filing a complaint;

c) the Agency's contact information, and if the Agency is not authorized in the seafarer's country of residence, the contact information of the relevant competent authority, as well as the names and surnames of those persons on the ship who can provide confidential advice to the seafarer about his/her complaint and/or otherwise assist the ship's authorities in understanding the complaint procedures applicable on the ship.

7. In order to avoid persecution of the seafarer who filed a complaint, where practicable, complaint procedures shall encourage the appointment of a person on board of the ship who shall advise the seafarer who filed the complaint on the procedures available to him/her at his/her request, as well as attend meetings and hearings related to the complaint.

8. Taking into account the relevant articles of the collective bargaining agreement, each complaint procedure shall meet the following minimum requirements:

a) the complaint shall be addressed to the head of the department where the seafarer lodging the complaint works, or to the seafarer's superior officer;

b) the head of department or superior officer shall then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;

c) if the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master of the ship, who is obliged to handle the matter personally;

d) the seafarer shall have the right to be accompanied and to be represented by another person or representative during handling the complaint;

e) all complaints and the decisions on them shall be recorded and their copies provided to the seafarer concerned;

f) if a complaint cannot be resolved on board, the matter shall be referred ashore to the shipowner, who shall be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representative. In any case, the seafarer shall have the right to file a complaint directly with the master of the ship, the shipowner and the Agency.

9. If a seafarer decides to file a complaint with the Agency, the complaint shall be submitted in writing. It shall indicate the seafarer, the shipowner, the date of the alleged violation and the actions taken in accordance with the complaint procedures.

Chapter IX
Administration

Article 25 - Supervision over the activities of the Agency

1. The competent authority shall supervise the activities of the Agency falling under the scope of this Law by inspection.

2. The Agency shall be checked at least once every 5 years.

Article 26 - Prevention of document forgery and other illegal actions

1. The Agency shall develop and take appropriate measures to prevent forgery and other illegal actions of the appropriate certificate, relevant document confirming the financial security and other documents provided for by this Law.

2. The Agency may inform the law enforcement bodies about each case of document forgery.

Article 24 – Port State control

1. The Agency may send an authorised control officer of the Agency to any ship calling in Georgian Ports to verify that the ship carries a valid Maritime Labour certificate and attached declarations issued in accordance with Regulation 5.1.3 of the MLC.

2. An authorized official of the Agency shall have the right to a detailed inspection of the ship if he/she determines that the working and living conditions of seafarers on board pose a direct threat to their health and safety, or if he/she has reasonable suspicions that non-compliance constitutes a serious violation of the requirements of the Convention in the presence of one or one of the following circumstances:

a) the Maritime Labour Certificate and declarations are not present, are falsely maintained, invalid, without the necessary information or without the necessary records of intermediate inspections;

b) there are clear grounds for believing that the working and living conditions for seafarers on board the ship do not confirm to the requirements of the MLC;

c) there are reasonable grounds for believing that the ship has changed flag for the purposes of avoiding compliance with the MLC;

d) there has been a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of the MLC.

3. In the case of a complaint provided for by paragraph 2 of this article, a more detailed inspection shall be carried out in accordance with the Appendix A5-III to the MLC. The inspection shall be limited to the scope of the complaint unless there emerge clear grounds for expanding the inspection.

4. If the control procedures reveal any serious deficiency and where the ship does not conform to the requirements of the MLC and, in the opinion of the Agency, the conditions on board are clearly hazardous to the safety, health or security of the seafarers, or amount to a serious or repeated breach of the MLC (including seafarer's rights) then the Agency may prevent the ship from proceeding to sea until such time as the deficiencies are corrected to an extent that it does not pose any danger to the safety, health or security of seafarers.

5. If the control procedures reveal use of documents by other persons or forged documents then those illegal documents shall be immediately seized. In addition, the national authority

of the seafarer concerned shall be notified.

6. The position held by the person using the illegal documents referred to in paragraph 5 of this article shall be considered vacant until a duly qualified seafarer is employed to meet the requirements of the safe manning document.

7. The Agency shall be obliged to ensure that all relevant persons, including the port administration and a legal entity under public law – the Revenue Service within the Ministry of Finance of Georgia, the national Agency of the flag State of the ship or the diplomatic or consular representation of the ship's flag state, shall be promptly notified of the arrest of the ship as a result of state port control procedures.

Article 28 - Maritime labour certificate and declaration of maritime labour compliance

1. The Agency or a recognised organisation or person duly authorised under the legislation of Georgia, shall issue a maritime labour certificate to a ship flying the National Flag of Georgia.

2. A maritime labour certificate issued based on the results of an inspection of the ship confirms that the living and working conditions on the ship comply with the requirements of the legislation of Georgia and the Convention, and that the measures specified in the declaration of maritime labour compliance have been taken by the shipowner.

3. A maritime labour certificate shall be accompanied by a declaration of maritime labour compliance.

4. The form of the maritime labour certificate and the form of the declaration of maritime labour compliance shall be approved by a normative act of the Director of the Agency.

5. If, as a result of an inspection by the Agency or a recognised organisation or person duly authorised under the legislation of Georgia, it is established that the ship complies with the requirements of this Law and the Convention, a maritime labour certificate shall be issued or extended.

6. A maritime labour certificate is valid for 5 years after issue.

7. A maritime labour certificate may be issued on an interim basis for a period of 6 months when:

a) a ship changes its flag;

b) a shipowner is changed.

Chapter X

Administrative Responsibility for Non-compliance with the Requirements of This Law

Article 29 - Violation of seafarer's employment conditions

1. The employment of a person under the age of 16 on board a ship, or night work of a person under the age of 18 on board a ship, in violation of the established restriction on night work or the requirement to prohibit dangerous work -

shall entail the imposition of a fine on the shipowner in the amount of GEL 5,000.

2. An action provided for in paragraph 1 of this article committed within one year from the date of imposition of an administrative fine -

Shall entail a fine of GEL 10,000.

3. Admission to the ship of a seafarer who does not have a valid medical certificate -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

4. An action provided for in paragraph 3 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 15,000.

5. The production or issuance of a medical certificate by any person or organisation in violation of the requirements of this Law or other established norms —

Shall entail the imposition of a fine on the relevant person in the amount of GEL 20,000.

6. An action provided for in paragraph 5 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 30,000.
7. Employment of a seafarer on board a ship who has not passed a basic training provided for

in Article 7 of this Law -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

8. An action provided for in paragraph 7 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 15,000.

9. Taking on board a cook who does not meet the requirements provided for in Article 8 of this Law -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

10. An action provided for in paragraph 9 of this article committed within one year after the imposition of an administrative fine -

shall entail a fine of GEL 15,000.

11. Employment of a seafarer by a recruitment and placement service not recognized by the Agency, or the employment of a seafarer by a recruitment and placement service in violation of the requirement provided for in Article 9 of this Law -

shall entail the imposition of a fine on the relevant person in the amount of GEL 10,000.

12. An action provided for in paragraph 11 of this article, committed within 1 year from the imposition of the administrative fine -

shall entail a fine of 15,000 GEL.

13. Non-delivery of a seafarer's employment agreement to a seafarer on board a ship in violation of the requirement provided for in Article 10 of this Law -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

14. The action provided for in paragraph 13 of this article, committed within 1 year from the imposition of an administrative fine -

shall entail a fine of GEL 15,000.

15. Non-fulfilment of obligations by a shipowner to a seafarer under the seafarer's employment

agreement, including non-payment of wages -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

16. An action provided for in paragraph 15 of this article, committed within 1 year from the imposition of the administrative fine -

shall entail a fine of GEL 15,000.

17. Refusal to provide a seafarer with annual paid leave or repatriation -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

18. An action provided for in paragraph 17 of this article, committed within 1 year from the imposition of an administrative fine -

shall entail a fine of GEL 15,000.

19. Refusal of a shipowner to repatriate a seafarer and provide a financial security -

shall entail a fine of GEL 10,000.

20. An action provided for in paragraph 19 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 15,000.

21. Refusal to pay unemployment benefits provided for in Article 17 of this Law in case of shipwreck -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

22. An action provided for in paragraph 21 of this article committed within one year from the date of imposition of an administrative fine -

shall entail the imposition of a fine on the shipowner in the amount of GEL 15,000.

23. Violation of the requirements for health protection and medical services provided for in Chapter VI of this Law -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

24. An action provided for in paragraph 23 of this article committed within 1 year after the imposition of an administrative fine -

shall entail a fine of GEL 15,000.

25. Violation of the requirement to establish and operate an effective system for handling of seafarer complaints provided for in Article 24 of this Law -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

26. An action provided for in paragraph 25 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 15,000.

27. The creation of a list or other mechanism that prevents or makes it impossible for a seafarer to obtain a job corresponding to his/her qualifications -

shall entail the imposition of a fine on the relevant person in the amount of GEL 20,000.

28. An action provided for in paragraph 27 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 30,000.

29. Violation of labour safety standards -

shall entail the imposition of a fine on the shipowner in the amount of GEL 10,000.

30. An action provided for in paragraph 29 of this article committed within one year from the date of imposition of an administrative fine -

shall entail a fine of GEL 20,000.

Article 30 - Protocol on an administrative offence

1. The Agency shall consider administrative offences provided for in Article 29 of this Law and draw up protocols on administrative offences.

2. The resolution adopted in the case of an administrative offence, the resolution adopted during the on-site review of the case of an administrative offence, may be appealed within ten days from its delivery to the party. If the specified period is missed for a valid reason, this period may be restored by the body (official) authorized to consider the complaint, at the request of the person in respect of whom the decision was made.

3. In case of non-payment of the fine provided for in Article 29 of this Law, within the period specified in Article 290(1) of the Code of Administrative Offences of Georgia, the offender shall be imposed a penalty interest in the double amount of the imposed fine, and in case of non-payment of the fine and penalty interest within 30 days from the imposition of the penalty interest, the fine shall be immediately executed in accordance with the Law of Georgia on Enforcement Proceedings.

Chapter XI

Transitional and Final Provisions

Article 31 - Transitional provisions

1. The Government of Georgia shall ensure the approval of a list of activities/works that may endanger the health or safety of a seafarer under the age of 18 when working on board a ship by 1 January 2024.

2. The Minister of Economy and Sustainable Development of Georgia shall ensure compliance of "The types of services, deadlines, fee rates, as well as the rules and conditions of fee payment and refund provided by the LEPL - Maritime Transport Agency" approved by Order №1-1/592 of the Minister of Economy and Sustainable Development of Georgia of 15 April 2011, with this Law by 1 January 2024.

3. The LEPL - the National Statistics Office of Georgia shall ensure compliance of the National Classification of "Types of Economic Activity" with this Law by 1 January 2024.

4. The LEPL – Maritime Transport Agency operating within the Ministry of Economy and Sustainable Development of Georgia shall ensure the following by 1 January 2024:

a) compliance of the relevant subordinate normative acts of the director of the Agency with this Law;

b) approval of the maritime disciplinary statute;

c) approval of the rules of accommodation and recreation, food and catering on board a ship;

d) approval of the standard form of notification of the patient's health status;

e) approval of the form of the acceptance certificate;

f) approval of the form of the maritime labour certificate;

g) approval of the declaration form on maritime labour compliance;

h) approval of the table of working conditions on board a ship;

i) approval of the form of accounting for working hours and rest time of seafarers.

Article 32 – Entry into force of the Law

1. This Law, with the exception of Articles 1-30 of this Law, shall enter into force upon promulgation.

2. Articles 1-30 of this Law shall enter into force on 1 July 2024.

President of Georgia **Salome Zurabishvili**

Tbilisi,

31 May 2023

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