



Maritime Labour Notice (MLN) – 010(a)
Supersedes MLN 010

To: Ship owners, Masters, Operators, Recognised Organisations, and Certifying Authorities

MLC Title 2.4 - Entitlement to paid annual leave, public holidays, & shore leave

This MLN provides guidance on compliance with Gibraltar regulations which give effect to MLC 2006 Title 2.4. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.

The guidelines do not preclude an organisation from demonstrating an equivalent or higher standard as an “alternative method” of evidence of compliance.

Associated requirements referred to in this notice:

- Maritime Labour Convention (MLC) 2006 (as amended)
- Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 (as amended)
- MLC 2006 – Title 2.4, Regulation 2.4/Standard A2.4

Most regulations and notices are available on the Gibraltar Government website www.gibraltarship.com

Latest versions of abovementioned requirements are applicable and must be referred to

1. Introduction

- 1.1. Seafarer employment agreements and/or collective agreements must specify the seafarer’s entitlement in respect of paid annual leave and public holidays.
- 1.2. This Maritime Labour Notice provides MLC ship-owners with guidance on the calculation in respect of the minimum paid annual leave and public holidays.
- 1.3. Furthermore, this MLN additionally provides guidance in respect of a seafarer’s entitlement to shore leave.

2. Calculation of annual leave and public holidays

- 2.1. The MLC ship owner is to ensure seafarers who are required to have an SEA are provided with paid annual leave and public holidays.
- 2.2. Paid annual leave shall be calculated on the basis of a minimum of 2.5 days per 30 days service period.

2.3. Public holidays shall be calculated on the basis of 12 days earned for every 12 months worked to reflect the number of Gibraltar public and customary holidays. However a Collective Agreement (CA) may have a different rate, for both annual leave and public holidays.

2.4. The service period is the period of time from when a seafarer leaves to travel to a vessel up until the time the seafarer has been repatriated (refer to MLN 11(b) Repatriation). This includes all the days the seafarer has been on the vessel and travelled to and from the vessel. If the seafarer decides to take local leave before being repatriated this should not be included in the service period.

2.5. For service periods of less than 30 days the minimum annual leave entitlement shall be calculated on a pro-rata basis and be expressed in days. Any fraction of a day shall be rounded up to the nearest half day.

2.5.1. For example, if a seafarer spends 2 days travelling to the vessel, works for 41 days and then spends 2 days travelling home:

The Service Period is $2 + 41 + 2 = 45$ days

The leave earned is calculated by:

	Service Period	Leave Earned
	30	2.5
	15	1.25
Total	45	3.75

Total leave earned = 3.75 days, rounded up to 4 days paid annual leave.

3. Public Holidays

3.1. MLC ship-owners must ensure that seafarers serving on Gibraltar registered ships earn as a minimum 12 public holidays a year. This reflects the number of Gibraltar public holidays.

3.2. Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 do not prescribe when public holidays must be taken, and it is possible for a seafarer to have a day off in lieu of a public holiday subject to the vessel's operational requirements when the vessel is in port. However in most cases it is expected that public holidays will be added onto the seafarer's annual leave, and where they shall be calculated on a pro-rata basis for service periods of less than 12 months.

3.3. As such, for a service period of 45 days the public holidays are calculated as follows:

$$12 / 365 \times 45 = 1.48$$

	Service Period	Public Holidays
Total	45	1.48

Total Public Holidays earned = 1.48 days, rounded up to 1.5 days paid public holidays.

4. What is not to be counted as part of the minimum annual leave or public holidays

4.1. The following shall not be counted as part of the minimum annual leave with pay or as a public holiday:

4.1.1. Periods of incapacity from work resulting from illness, injury or from maternity;

4.1.2. Temporary shore leave granted to a seafarer while under an SEA;

4.1.3. Compensatory leave of any kind;

4.1.4. Travel time to and from the ship.

5. Pay during the minimum annual leave and public holidays

5.1. The level of pay during the seafarer's minimum annual leave and public holiday entitlement must at a minimum be that of the seafarer's pay for normal hours of work (defined as basic pay or wage). This does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration.

6. Prohibition on forgoing minimum annual leave and public holidays with pay

6.1. Any agreement for seafarers to forgo their minimum annual leave or public holiday entitlements with pay is prohibited.

7. Recalling a seafarer while on annual leave or a public holiday

7.1. A seafarer shall not be recalled while they are taking their minimum annual leave. It is however permitted for a seafarer to be recalled during a public holiday, or any leave taken in lieu of a public holiday. This should only happen in cases of extreme emergency and with the seafarer's consent.

8. Taking of minimum annual leave

8.1. A seafarer is entitled to take annual leave in the place with which they have a substantial connection, normally the same place to which they are entitled to be repatriated. Seafarers must not be required without their consent to take annual leave in any place other than the place specified in the SEA.

8.2. The time at which annual leave is taken should, unless it is fixed by a collective agreement be determined by the MLC ship-owner after consultation. As far as possible this shall also be in agreement with the seafarers concerned or their representatives.

9. Young seafarers

9.1. Seafarers under the age of 18 must be offered repatriation at no expense to themselves to the place of original engagement in their country of residence in order to take any annual leave earned during the voyage and when:

9.1.1. They have served for 6 months (or less if specified in their SEA or CA); and

9.1.2. They have worked on a foreign-going ship which has not returned to their country of residence in that time.

10. Shore Leave

- 10.1. MLC ship-owners shall in a manner which excludes discrimination on any grounds, allow seafarers serving on Gibraltar registered ships to take shore leave to benefit their health and well-being, consistent with the operational requirements of their positions, and in accordance with the provisions of the Convention on Facilitation of International Maritime Traffic.
- 10.2. Shore leave is subject to seafarers being off-duty upon the ship's arrival in port, except when leaving the ship is prohibited or restricted by relevant authorities of the port State, or due to safety or operational reasons.
- 10.3. No seafarer shall be required to hold a visa or special permit for the purpose of shore leave.
- 10.4. In any case where permission for shore leave has been refused, the relevant public authorities shall be requested to communicate their reasons for such denial to the seafarer concerned and the master. If requested by the seafarer concerned or the master, such reasons shall be provided in writing.

11. Further information

- 11.1. Requests for further information related to this MLN should be directed to the GMA Survey Division via; maritime.survey@gibraltar.gov.gi

Steve Gomez – Chief Surveyor

For & on behalf of the Maritime Administrator

Issued: 02 July 2026

All notices are available via <https://gibraltarship.com/notices/maritime-labour-notices>

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