



# Technical Circular

No.: 144/2020

Date: 21<sup>st</sup> December 2020

**Subject: Commonwealth of Dominica Marine Safety Circular No. CD-  
MSC 16-20 Rev01 Reg. Amendments of 2018 to the Maritime Labour  
Convention, 2006**

1. The Maritime Administration of Commonwealth of Dominica vide Marine Safety Circular No. CD-MSC 16-20 Rev01 has provided guidelines for ships in respect of implementation of 2018 amendments to MLC, 2006 effective **26th December, 2020**.
2. The amendments require continuation of Seafarer Employment Agreements and wages while seafarer is held captive on or off the ship as a result of piracy or armed robbery against ships, regardless of the dates in their employment contract.
3. Accordingly, shipowners are required to ensure that SEA and/or any applicable Collective Bargaining Agreements (CBAs) that are signed on or after 26th December 2020 covers the 2018 amendments to MLC, 2006. This includes the use and provision of the revised CD-MSC 05-03A (Crew Article of Agreement), which has been updated to include these requirements.
4. **Declaration of Maritime Labour Compliance (DMLC) and Maritime Labour Convention Certificate (ML Certificate) for existing ships :**

No new DMLC Part I will be issued due to these amendments.

DMLC Part II amendments, if any, do not require submission to the Recognized Organizations (ROs) at this time. ROs will be confirming compliance with the new requirements during their next scheduled MLC, 2006 inspections on or after 26th December, 2020.

5. Ship owners/ operators and masters of Commonwealth of Dominica flagged ships are advised to be guided by above.

**Enclosure:** Commonwealth of Dominica Marine Safety Circular No. CD-MSC 16-20 Rev01



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**Commonwealth of Dominica**



**Office of the Maritime Administrator**

**TO: ALL SHIPOWNERS, OPERATORS, AND MASTERS, SEAFARERS, SURVEYORS/INSPECTORS, AND RECOGNIZED ORGANIZATIONS**

**SUBJECT: Implementation of the 2018 Amendments to the Maritime Labour Convention, 2006.**

**REFERENCES:** (a) Maritime Labour Convention, 2006 [hereinafter “MLC”];  
(b) Third meeting of the Special Tripartite Committee established by the Governing Body in accordance with Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006) - Text of the amendments adopted on 27 April 2018.

**APPLICABILITY:** This circular applies to all Dominica flagged vessels.

**PURPOSE:**

The Commonwealth of Dominica is currently not signatory to the Maritime Labour Convention, 2006. Nonetheless, the Administration implemented the MLC and requires that all Dominica-flagged vessels to which the MLC applies adhere to its requirements. On **26 December 2020 (“EIF Date”)**, the **2018 Amendments** to the MLC are expected to enter into force (“EIF”). This Circular is provided to detail all applicable shipowners and Recognized Organization (“RO”) obligations upon the EIF Date.

**REQUIREMENTS:**

## 1. The 2018 Amendments to the MLC

- 1.1 These amendments require Seafarer Employment Agreements (“SEAs”) (inclusive of all rights, entitlements, and benefits conferred upon each seafarer by the MLC) to continue to have effect when seafarers are held captive on or off the ship due to a) piracy; or b) armed robbery against ships.<sup>1</sup> The SEAs shall remain in effect, and the seafarer(s) shall continue to be paid, during the entire period of captivity, until the seafarer(s) is released and repatriated or perishes in captivity, regardless of whether the SEA expires or whether either party has given notice to suspend/terminate the SEA.
- 1.2 While the right to repatriation may lapse in the absence of a timely claim for repatriation by the seafarer so entitled, the entitlement to repatriation shall not lapse if the seafarer concerned does not claim it within a reasonable period of time due to being held captive.
- 1.3 The Commonwealth of Dominica Maritime Administration has implemented these obligations through the Dominica International Maritime Act, 2002 §§ 3(2)-(3); 4(2). As a result, the following requirements shall be enforced.

## REQUIRED ACTION BY OWNERS/OPERATORS:

### 2. Requirements for Applicable Dominica-Flagged Vessels

- 2.1 Dominica-flagged shipowners must take any and all steps necessary to ensure that SEAs and/or any applicable collective bargaining agreements that are signed on or after the EIF Date apply the 2018 MLC amendments and provide for the necessary coverage of seafarers’ rights. **This includes the use and provision of the revised CD-MSC 05-03A (Crew Articles of Agreement), which has been updated to include these requirements.**
- 2.2 The 2018 MLC amendments may necessitate changes to the DMLC Part II. Shipowners are responsible for making changes to the DMLC Part II as needed and shall do so prior to the first MLC inspection of the vessel which will occur on or after the EIF Date.

### 3. Requirements for Approved ROs

- 3.1 The 2018 amendments may necessitate changes to the DMLC Part II. ROs shall

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<sup>1</sup> See Amendments to the Code of the MLC, 2006, relating to Regulation 2.1, Standard A2.1(7) (2018). Further, the terms “piracy” and “armed robbery against ships” shall have the same meanings as defined in this same Paragraph 7.

confirm compliance with the 2018 amendments and the new requirements during all MLC inspections on or after the EIF Date.

- 3.2 The 2018 MLC amendments do not necessitate changes to the Declaration of Maritime Labour Compliance (DMLC) Part I. Therefore, these amendments do not require a new DMLC Part I, nor will any be issued solely as a result of the amendments.
- 3.3 DMLC Part II changes, if any, do not require submission to any RO at this time: ROs will confirm compliance with the new requirements during MLC inspections beginning on or after the EIF Date.

Any questions can be directed to:

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