

International Labour Conference Conférence internationale du Travail

AMENDMENTS OF 2018 TO THE CODE
OF THE MARITIME LABOUR CONVENTION, 2006,
AS AMENDED (MLC, 2006),
APPROVED BY THE CONFERENCE
AT ITS ONE HUNDRED AND SEVENTH SESSION,
GENEVA, 5 JUNE 2018

AMENDEMENTS DE 2018 AU CODE
DE LA CONVENTION DU TRAVAIL MARITIME, 2006,
TELLE QU'AMENDÉE (MLC, 2006),
APPROUVÉS PAR LA CONFÉRENCE
À SA CENT SEPTIÈME SESSION,
GENÈVE, 5 JUIN 2018

**AMENDMENTS OF 2018 TO THE CODE
OF THE MARITIME LABOUR CONVENTION, 2006,
AS AMENDED (MLC, 2006)**

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.1**

Standard A2.1 – Seafarers’ employment agreements

Insert a new paragraph 7:

7. Each Member shall require that 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 whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *armed robbery against ships* means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.2**

Standard A2.2 – Wages

Insert a new paragraph 7:

7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers’ employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.5**

Guideline B2.5.1 – Entitlement

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

**AMENDEMENTS DE 2018 AU CODE
DE LA CONVENTION DU TRAVAIL MARITIME, 2006,
TELLE QU'AMENDÉE (MLC, 2006)**

**Amendement au code de la MLC, 2006,
concernant la règle 2.1**

Norme A2.1 – Contrat d'engagement maritime

Insérer un nouveau paragraphe 7, comme suit:

7. Tout Membre exige qu'un contrat d'engagement maritime continue à produire ses effets lorsque, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires, le marin est tenu en captivité à bord du navire ou ailleurs, même si la date fixée pour son échéance est passée ou que l'une ou l'autre partie a notifié sa suspension ou résiliation. Aux fins du présent paragraphe, l'expression:

a) *piraterie* s'entend au sens de la Convention des Nations Unies sur le droit de la mer de 1982;

b) *vols à main armée à l'encontre des navires* désigne tout acte illicite de violence, de détention ou de déprédation, ou menace de tels actes, autre qu'un acte de piraterie, commis à des fins privées contre un navire, ou contre des personnes ou des biens à son bord, dans les eaux intérieures, les eaux archipélagiques ou la mer territoriale d'un Etat, ou tout acte ayant pour but d'inciter à commettre un acte défini ci-dessus ou commis dans l'intention de le faciliter.

**Amendement au code de la MLC, 2006,
concernant la règle 2.2**

Norme A2.2 – Salaires

Insérer un nouveau paragraphe 7, comme suit:

7. Lorsque, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires, un marin est tenu en captivité à bord du navire ou ailleurs, le salaire et autres prestations prévus dans son contrat d'engagement maritime, la convention collective ou la législation nationale applicables continuent de lui être versés, et les virements prévus continuent d'être effectués, conformément au paragraphe 4 de la présente norme, pendant toute la période de captivité, jusqu'à ce que le marin soit libéré et dûment rapatrié, conformément à la norme A2.5.1 ou, lorsque le marin décède pendant sa captivité, jusqu'à la date de son décès telle que déterminée conformément à la législation nationale applicable. Les expressions *piraterie* et *vols à main armée à l'encontre des navires* ont la même signification qu'au paragraphe 7 de la norme A2.1.

**Amendement au code de la MLC, 2006,
concernant la règle 2.5**

Principe directeur B2.5.1 – Conditions des droits au rapatriement

Remplacer le paragraphe 8 par ce qui suit:

8. Le droit au rapatriement peut expirer si le marin intéressé ne le revendique pas dans un délai raisonnable défini par la législation nationale ou les conventions collectives, sauf lorsque le marin est tenu en captivité à bord du navire ou ailleurs, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires. Les expressions *piraterie* et *vols à main armée à l'encontre des navires* ont la même signification qu'au paragraphe 7 de la norme A2.1.

The foregoing is the authentic text of the Amendments duly approved by the General Conference of the International Labour Organization during its One hundred and seventh Session which was held at Geneva and declared closed the eighth day of June 2018.

IN FAITH WHEREOF we have appended our signatures this day of June 2018.

Le texte qui précède est le texte authentique des amendements dûment approuvés par la Conférence générale de l'Organisation internationale du Travail dans sa cent septième session qui s'est tenue à Genève et qui a été déclarée close le huitième jour de juin 2018.

EN FOI DE QUOI ont apposé leurs signatures, ce jour de juin 2018:

*The President of the Conference,
La Présidente de la Conférence,*

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

Internationella arbetskonferensen

2018 ÅRS ÄNDRINGAR AV KODEN
I 2006 ÅRS SJÖARBETSKONVENTION
I DESS ÄNDRADE LYDELSE
GODKÄNDA AV KONFERENSEN
VID DESS 107:E MÖTE
I GENÈVE DEN 5 JUNI 2018

**2018 ÅRS ÄNDRINGAR AV KODEN
I 2006 ÅRS SJÖARBETSKONVENTION
I DESS ÄNDRADE LYDELSE**

**Ändring av koden i 2006 års sjöarbetskonvention,
avseende regel 2.1**

Standard A2.1 – Anställningsavtal för sjömän

Lägg till en ny punkt 7:

7. Varje medlemsstat ska kräva att en sjömans anställningsavtal ska fortsätta att gälla när en sjöman hålls fången ombord på fartyget eller någon annanstans till följd av sjöröveri eller väpnat rån mot fartyg, oavsett om det datum då anställningsavtalet ska löpa ut har passerat eller någon part har begärt att avbryta eller säga upp det. I denna punkt gäller följande definitioner:

- (a) *Sjöröveri* ska ha samma innebörd som i Förenta nationernas havsrättskonvention från 1982.
- (b) *Väpnat rån mot fartyg* avser en olaglig våldshandling, ett olagligt frihetsberövande eller någon form av plundring, eller hot om detta, som inte är sjöröveri och som begås i privat syfte och riktas mot ett fartyg eller mot personer eller egendom ombord på ett fartyg på en stats inre vatten, arkipelagvatten eller territorialhav, eller en handling som anstiftar till eller begås i avsikt att underlätta en handling som beskrivs ovan.

**Ändring av koden i 2006 års sjöarbetskonvention,
avseende regel 2.2**

Standard A2.2 – Lön

Lägg till en ny punkt 7:

7. Om en sjöman hålls fången ombord på fartyget eller någon annanstans till följd av sjöröveri eller väpnat rån mot fartyg ska lön och andra förmåner som sjömannen har rätt till enligt anställningsavtalet, tillämpligt kollektivavtal eller tillämpliga nationella lagar, inklusive överföringar av anvisningar i enlighet med punkt 4 i denna standard, fortsätta att utbetalas under hela perioden av fångenskap och tills sjömannen släpps fri och blir vederbörligen hemsänd i enlighet med standard A2.5.1 eller, om sjömannen avlider i fångenskapen, fram till det datum för dödsfallet som fastställs i enlighet med tillämpliga nationella lagar och andra författningar. Begreppen *sjöröveri* och *väpnat rån mot fartyg* ska ha samma innebörd som i standard A2.1 punkt 7.

**Ändring av koden i 2006 års sjöarbetskonvention,
avseende regel 2.5**

Anvisning B2.5.1 – Berättigande

Ersätt punkt 8 med följande:

8. Rätten till hemresa kan förverkas om den berörda sjömannen inte gör anspråk på den inom rimlig tid som ska fastställas i nationella lagar, andra författningar eller kollektivavtal, förutom om sjömannen hålls fången ombord på fartyget eller någon annanstans till följd av sjöröveri eller väpnat rån mot fartyg. Begreppen *sjöröveri* och *väpnat rån mot fartyg* ska ha samma innebörd som i standard A2.1 punkt 7.

Ovanstående är en autentisk text¹ av de ändringar som vederbörligen antogs av Internationella arbetsorganisationens generalkonferens vid dess 107:e möte som hölls i Genève och som förklarades avslutat den 8 juni 2018.

TILL BEKRÄFTELSE HÄRAV har vi denna dag i juni 2018 undertecknat dessa ändringar.

Konferensens ordförande,

Internationella arbetsbyråns generaldirektör,

¹ Översättning till svenska. Vid eventuella tveksamheter gäller de engelska och franska originalen.



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Bureau international du Travail
Oficina Internacional del Trabajo

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Votre réf.:

International Labour Office
Bureau international du Travail
Oficina Internacional del Trabajo

Copy of the letter addressed to:

The Minister for Employment
and Integration
Ministry of Employment
Mäster Samuelsgatan 70
103 33 STOCKHOLM
Suède

26 June 2018

Notification of the amendments of 2018 to the Code of the Maritime Labour Convention, 2006, as amended

Dear Madam,

I have the honour of bringing to the attention of your Government the *Amendments of 2018 to the Code of the Maritime Labour Convention, 2006, as amended* (MLC, 2006), which were approved on 5 June 2018 by the 107th Session of the International Labour Conference, in accordance with Article XV, paragraph 5 of the Convention. A copy of the text of the amendments may be found at: www.ilo.org/amendments-18.

The amendments relate to the protection of seafarers' wages and entitlements while they are held captives on or off the ship as a result of acts of piracy or armed robbery against ships. The first amendment relates to the Code implementing *Regulation 2.1 – Seafarers' employment agreement* – and is intended to ensure that a seafarer's employment agreement continues to have effect while a seafarer is held captive as a result of acts of piracy or armed robbery against ships. The second amendment relates to the Code implementing *Regulation 2.2 – Wages* – and provides that wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The third amendment relates to the Code implementing *Regulation 2.5 – Repatriation* – and is intended to ensure that the entitlement to repatriation may not lapse where a seafarer is held captive as a result of acts of piracy or armed robbery against ships.

In keeping with Article XV, paragraph 6 of the MLC, 2006, following approval of the amendments by the Conference, Members whose ratifications of the MLC, 2006 were registered before 5 June 2018 are being notified thereof. In line with Article XV, paragraph 7, they will be deemed to have been accepted unless more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention have communicated to the Director-General their formal expressions of disagreement with the amendments within two years of the date of this letter of notification that is, by **26 June 2020**.

As stated in Article XV, paragraph 8, amendments deemed to have been accepted in accordance with paragraph 7 will come into force on **26 December 2020**, that is six months after the end of the two-year period, for all ratifying Members, except those which have formally expressed their disagreement under paragraph 7, and have not withdrawn such disagreement in accordance with paragraph 11, as well as those which have given notice in accordance with paragraph 8(a) or (b) of the same Article.

After the entry into force of an amendment adopted under Article XV, the Convention may only be ratified in its amended form.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Guy Ryder", with a stylized flourish below it.

Guy Ryder
Director-General