



► Fourth Meeting (Part II) of the Special Tripartite Committee of the MLC, 2006 - 5 to 13 May 2022

► Resolution on contractual redress for seafarers

13 May 2022

The Special Tripartite Committee established by the Governing Body of the International Labour Office under Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006), on the occasion of the second part of its fourth meeting, which took place in a hybrid format from 5- 13 May 2022,

Recalling that Article II paragraph 1(j) of the MLC, 2006 provides that an organization or person other than the shipowner may fulfil certain duties or responsibilities on behalf of a shipowner in respect of the rights and entitlements of seafarers under the Convention;

Noting that, notwithstanding the above, shipowners have the fundamental responsibility to seafarers working on their vessels in respect of those duties and responsibilities;

Noting also that the Committee of Experts on the Application of Conventions and Recommendations has repeatedly stressed the importance of the basic legal relationship that the MLC, 2006 establishes between the seafarer and the shipowner and that every seafarer's employment agreement must be signed by the seafarer and the shipowner or a representative of the shipowner;

Believing that all seafarers should be assured of a means of contractual redress to enforce their rights against the shipowner under their seafarers' employment agreements;

Noting that the Committee of Experts on the Application of Conventions and Recommendations has highlighted instances where this might not have been assured under national laws or regulations;

Noting that Standard A2.1 paragraph 1(a), requires shipowners, or their representatives, to sign seafarers' employment agreements thereby generating an obligation to guarantee seafarers their rights and entitlements under their contract,

Calls upon Member States to ensure that all seafarers have adequate means of contractual redress against the shipowner, and that any necessary steps to ensure correct implementation in this respect are taken as soon as possible, taking into account the comments formulated by the Committee of Experts on the Application of Conventions and Recommendations on this issue, if any;

Further calls upon Flag States to ensure that shipowners are in compliance with Standard A2.1 before issuing to their ships with a Maritime Labour Certificate, and in any intermediate inspections;

Draws the attention of the Committee of Experts on the Application of Conventions and Recommendations to the issues discussed during the meeting in relation to the implementation of Standard A2.1.