

SHIPPING NOTICE 03/2021

MARITIME LABOUR CONVENTION AMENDMENTS TO SEAFARER EMPLOYMENT AGREEMENTS

To: MLC SHIPOWNERS, EMPLOYERS, RECRUITMENT & PLACEMENT AGENCIES,
MANAGERS, MASTERS and SEAFARERS

1. BACKGROUND

- 1.1 The Maritime Labour Convention, 2006 (MLC) requires that every seafarer working on a ship to which the convention applies is provided with a Seafarers Employment Agreement (SEA).
- 1.2 Title 2 of MLC outlines the minimum conditions of employment that must be contained in a SEA.
- 1.3 These requirements are given effect in Cayman Islands law by the *Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement, Shipowners' liabilities and Wages) Regulations, 2014* which can be downloaded [HERE](#)¹.
- 1.4 To assist MLC Shipowners in drafting SEAs for use on their ships, the Cayman Islands Shipping Registry (CISR) has produced a *Model Seafarer Employment Agreement* which can be downloaded [HERE](#)².

2. AMENDMENTS TO SEAs.

- 2.1 As part of the initial certification of a ship under MLC, CISR reviews the proposed SEA against the requirements of MLC Title 2 and the regulations.

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<https://www.cishipping.com/sites/default/files/The%20Merchant%20Shipping%20%28Maritime%20Labour%20Convention%29%28Seafarer%20Employment%20Agreement%2C%20Shipowners%27%20Liability%20and%20Wages%29%20Regulations%202014.pdf>

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<https://www.cishipping.com/system/files/resources/documents/Model%20Cayman%20Islands%20Seafarer%20Employment%20Agreement-%20LATEST%20270313.pdf?download=1>

- 2.2 SEAs which are considered to be in accordance with MLC Title 2 and the regulations are accepted for use on board and stamped and signed to denote this acceptance.
- 2.3 If the terms of a SEA are to be amended after the initial acceptance of the proposed SEA, these changes will require further review by CISR in the following circumstances –
 - 2.3.1 When there is any question as to whether the proposed terms meet the requirements of MLC Title 2 or the regulations; or
 - 2.3.2 The proposed terms are in any way less favorable to the seafarer than the terms contained in the *Model Seafarer Employment Agreement* published by CISR (above).
- 2.4 Unless a shipowner or employer is certain that the proposed changes to a SEA do not require further review under 2.3.1 or 2.3.2, the proposed amendments must be submitted to CISR for review.
- 2.5 Amendments that require further review should be forwarded to technical@cishipping.com.

3. DISPUTES AS TO SEA TERMS & CONDITIONS

- 3.1 Any dispute that arises over the terms and conditions contained in a SEA will be decided by the Shipping Master. The office of the Shipping Master is independent of the review and acceptance process for SEAs and the MLC certification process for ships.
- 3.2 Where the Shipping Master decides that the terms of a SEA are not in accordance with MLC Title 2 or the regulations, the Convention and the regulations will prevail regardless of any previous acceptance of the SEA.
- 3.3 Any dispute regarding the terms and conditions in a SEA should be forwarded to shipping.master@cishipping.com.