

## GUIDANCE NOTE 08/2024 (Rev 01)

### 2022 AMENDMENTS TO THE MARITIME LABOUR CONVENTION –

#### Entry into force on 23 December 2024

**To: SHIPOWNERS AS DEFINED IN ARTICLE II/1(J) OF THE MARITIME LABOUR CONVENTION**

#### **PREAMBLE**

This Guidance Note applies to Cayman Islands ships subject to the Maritime Labour Convention, 2006 and other ships subject to the Maritime Labour Convention, 2006 while they are in Cayman Islands waters. This Guidance Note takes effect from 23 December 2024.

#### **1. BACKGROUND**

- 1.1 Shipowners are advised that the amendments to the Maritime Labour Convention (MLC) 2006 will enter into force on 23 December 2024. These amendments were adopted by the International Labour Organization (ILO) on 13 May 2022.
- 1.2 The amendments include a new mandatory requirement for “social connectivity”, as adapted to meet the special needs of seafarers who must live and work on ships. There is also a specific provision to provide internet access to seafarers as far as reasonably practicable. In addition, there is a requirement for meals to be free of charge and balanced and for Personal Protective Equipment (PPE) to be appropriately sized for all persons required to use it. Many of these new requirements are already requirements on Cayman Islands ships.
- 1.3 The MLC has force of Law on Cayman Islands ships and therefore the amendments will automatically apply and shipowners should consider what changes are needed prior to their entry into force. A revised DMLC part I and II will be required from the next renewal (or initial) inspection after 23 December 2024.

#### **2. ACTION REQUIRED**

- 2.1 Section 82 of the Merchant Shipping Act, 2024 provides that the MLC has force of law in the Cayman Islands and in relation to Cayman Islands Ships. As such, the amendments will apply in full on Cayman Islands ships, to which the MLC applies, from the date they enter into force on 23 December 2024.

- 2.2 Shipowners should review their policies and procedures to ensure compliance with the amendments. Section 3 of this guidance note provides detail on the amendments that require implementation by shipowners. Primarily these are under Regulation 3.1, though there are minor amendments requiring implementation under regulation 3.2 and regulation 2.5 and 4.2 relating to financial security. Other amendments which would require implementation by shipowners are already considered to have been applied under existing regulations, however they are included in the table.
- 2.3 Other amendments also come into force on the same date, but these are relating to coastal and flag states rather than shipowners and are therefore not included in section 3. The full text of the 2022 MLC amendments can be viewed here:  
<https://www.ilo.org/resource/text-amendments-adopted-13-may-2022>
- 2.4 Shipowners should prepare an amended DMLC Part II in advance of the 2022 amendments coming into force to state how they will meet the new requirement to provide social connectivity, this does not need to be submitted to the Cayman Islands Shipping Registry (CISR) at this time. The CISR will also publish an amended DMLC Part I in advance of the 2022 amendments coming into force on 23 December 2024, this will be available on the CISR website. The DMLC part I will be revised in section 9 to include the following text:
- “Shipowners should, so far as is reasonably practicable, provide seafarers on board their ships with Internet access, with charges, if any, being reasonable in amount”*
- 2.5 In order to ease the administrative burden, and not to impose any unnecessary costs on shipowners, the CISR is proposing transitional measures. A ship already on the Cayman Islands register on 23 December 2024 may continue with its current DMLC Part I & II until the first MLC renewal survey after this date. Any ship joining the register after 23 December 2024 will be required to have an updated DMLC Parts I & II.
- 2.6 A CISR or Recognized Organisation surveyor will then check the amendments have been addressed in full at the vessel’s next MLC inspection due after 23 December 2024. However, to ensure no adverse Port State Control issues, Shipowners should be able to demonstrate they have made any required changes, if needed, to comply with the amendments.

### 3. THE AMENDMENTS REQUIRING IMPLEMENTATION BY SHIPONWERS

MLC Reference	Text	Action required
Standard A3.1 – Accommodation and Recreational Facilities	<p>Replace paragraph 17 with the following:</p> <p><i>“17. Appropriate seafarers’ recreational facilities, amenities and services, including social connectivity, as adapted to meet the special needs of seafarers who must live and work on</i></p>	<p>Standard A3.1 now includes a mandatory requirement for ‘social connectivity, as adapted to meet the special needs of seafarers who must live and work on ships’.</p> <p>The term ‘social connectivity’ is used separately to ‘internet access’ within the MLC and therefore these</p>

MLC Reference	Text	Action required
	<p><i>ships, shall be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention.”</i></p>	<p>terms should be considered as related but distinct requirements.</p> <p>Social Connectivity should be interpreted as relating to both onboard interactions between crews and interactions with wider world by way of internet access, telephone and postal facilities.</p> <p>Shipowners should consider this requirement in their company policies and whether amendments are required to endure that the new requirements are complied with.</p> <p>Although this requirement is inserted into Standard A3.1 which covers accommodation and recreational facilities, it is interpreted to apply to all MLC ships this means that its application is <b>not</b> limited to ships constructed after the entry into force date of the MLC in the Cayman Islands, as is this case for some parts of Standard A3.1.</p>
<p>Guideline B3.1.11 – Recreational Facilities, Mail and Ship Visit Arrangements</p>	<p>Replace paragraph 4(j) with the following:</p> <p><i>“(j) reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount.”</i></p> <p>Insert new paragraph 8:</p> <p><i>“8. Shipowners should, so far as is reasonably practicable, provide seafarers on board their ships with Internet access, with charges, if any, being reasonable in amount.”</i></p>	<p>The amendments to this guideline require reasonable ship-to shore telephone access for seafarers and internet access should also be provided to seafarers as far as reasonably practicable.</p> <p>It is the opinion of the CISR that the term “so far as is reasonably practicable” means that it should be provided –</p> <ul style="list-style-type: none"> <li>• When Internet connectivity is already available on board;</li> <li>• At sufficient bandwidth for emails, instant messaging, web browsing etc, but need not necessarily extend to video calls, online gaming,</li> </ul>

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		<p>streaming music or streaming video.</p> <ul style="list-style-type: none"> <li>• Need only be available when the full bandwidth is not being used on the business of the ship;</li> <li>• Any data charges passed on to seafarers should not be more than the Internet Service Provider (ISP) charges the shipowner; and</li> <li>• Internet access for seafarers should comply with the cyber security policies of the shipowner.</li> </ul> <p>Shipowners should consider the above requirements in detail and consider what changes are needed to meet this guideline and the CISR's consideration of what the term "so far as is reasonably practicable" means. This may result in changes to policies (including cyber security policies) and other documentation.</p> <p>There will be a requirement to specifically address this in section 9 of the DMLC part II.</p>
Standard A3.2 – Food and Catering	<p>Replace paragraphs 2(a) and (b) with the following:</p> <p><i>“(a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety, and shall be provided</i></p>	<p>Paragraph 2(a) makes it clear that food and drinking water supplies shall be provided to seafarers free of charge. This is already a requirement of the existing Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014 so no change is required.</p> <p>Paragraph 2(b) inserts the word 'balanced' to the requirements for meals for seafarers. Shipowners should consider whether their policies and other documentation</p>

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	<p><i>free of charge during the period of engagement;</i></p> <p><i>(b) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals prepared and served in hygienic conditions;” and</i></p> <p>Replace paragraph 7(a) with the following:</p> <p><i>“(a) supplies of food and drinking water in relation to their quantity, nutritional value, quality and variety;”</i></p>	<p>requires amendment to meet this requirement.</p> <p>Paragraph 7(a) requires inspections of galley stores to take account of additional criteria i.e. quantity, nutritional value, quality and variety. Shipowners should consider whether their policies and other documentation requires amendment to meet this requirement.</p>
Standard A4.3 – Health and Safety Protection and Accident Prevention	<p>Replace paragraph 1(b) with the following:</p> <p><i>“(b) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately-sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;”</i></p>	<p>Appropriately-size personal protective equipment is now formally required. This is already an existing requirement within the Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014.</p>
Appendix A2-I – Evidence of financial security under Regulation 2.5, paragraph 2	<p>Replace item (g) with the following:</p> <p><i>“(g) name of the shipowner, or of the registered owner if different from the shipowner;”</i></p>	<p>This amendment requires that the documentary evidence of financial security (from the 2014 MLC Amendments) includes the name of the registered owner if different from the shipowner.</p>

MLC Reference	Text	Action required
Appendix A4-I – Evidence of financial security under Regulation 4.2	Replace item (g) with the following:  <i>“(g) name of the shipowner, or of the registered owner if different from the shipowner;”</i>	This amendment requires that the documentary evidence of financial security (from the 2014 MLC Amendments) includes the name of the registered owner if different from the shipowner.

#### 4 FURTHER INFORMATION

- 4.1 Should you have any queries on any aspect of the MLC, please contact the Shipping Master for the Cayman Islands at [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com).