

ANTIGUA AND BARBUDA



RESOLUTION OF THE HOUSE OF REPRESENTATIVES RATIFYING THE
AMENDMENTS TO THE MARITIME LABOUR CONVENTION 2006

STATUTORY INSTRUMENT

2020, No. 84

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WHEREAS Antigua and Barbuda is a party to the Maritime Labour Convention 2006 ('the Convention') which was done in Geneva on the 28th February 2006 and was ratified by the Government of Antigua and Barbuda on the 8th August 2011; and

WHEREAS there have been subsequent amendments to the Maritime Labour Convention in 2016 and in 2018 which affects or concerns the relationship of Antigua and Barbuda with international organisation; and

WHEREAS the Ratification of Treaties Act (Cap. 364) provides in section 3 (1) *inter alia* that where a treaty to which Antigua and Barbuda becomes a Party is one which affects or concerns the relationship of Antigua and Barbuda with any international organisation, agency, association or similar body, such Treaty shall not enter into force with respect to Antigua and Barbuda unless it has been ratified or approved in accordance with the provisions of the Act;

NOW THEREFORE BE IT RESOLVED BY this Honourable House that the 2016 amendments to the Maritime Labour Convention, the text of which are attached hereto as Schedule I; and the 2018 amendments to the Maritime Labour Convention, the text of which are attached hereto as Schedule II, be ratified under section 3(1) (c) of the Ratification of Treaties Act, Cap.364.

Passed the House of Representatives this 15th day of December, 2020

Gerald Watts, Q.C.,
Speaker of the House of Representatives.

A. Peters,
Clerk to the House of Representatives. (Acting)

SCHEDULES I & II

SCHEDULE I

INTERNATIONAL LABOUR CONFERENCE AMENDMENTS OF 2016 TO THE MARITIME LABOUR CONVENTION, 2006

Amendments to the Code relating to Regulation 4.3 of the MLC, 2006

Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases at the end of paragraph 1, add the following text:

Account should also be taken of the latest version of the *Guidance on eliminating shipboard harassment and bullying* jointly published by the International Chamber of Shipping and the International Transport Workers' Federation.

In paragraph 4, move “and” from the end of subparagraph (b) to the end of subparagraph (c). Add the following new subparagraph:

- (a) harassment and bullying.

Guideline B4.3.6 – Investigations

In paragraph 2, move “and” from the end of subparagraph (e) to the end of subparagraph (j). Add the following new subparagraph:

- (g) problems arising from harassment and bullying

Amendments to the Code relating to Regulation 5.1 of the MLC, 2006

Standard A5.1.3 – Maritime labour certificate and declaration of maritime labour compliance
Move the text of the current paragraph 4 to the end of paragraph 3. Replace the current paragraph 4 with the following:

Notwithstanding paragraph 1 of this Standard, where, after a renewal inspection completed prior to the expiry of a maritime labour certificate, the ship is found to continue to meet national laws and regulations or other measures implementing the requirements of this Convention, but a new certificate cannot immediately be issued to and made available on board that ship, the competent authority, or the recognized organization duly authorized for this purpose, may extend the validity of the certificate for a further period not exceeding five months from the expiry date of the existing certificate, and endorse the certificate accordingly. The new certificate shall be valid for a period not exceeding five years starting from the date provided for in paragraph 3 of this Standard.

Appendix A5-II

Maritime Labour Certificate

Add the following text to the end of the model form for the maritime labour certificate:

Extension after renewal inspection (if required)

This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of this Convention, and that the present certificate is hereby extended,

in accordance with paragraph 4 of Standard A5.1.3, until..... (not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship.

Completion date of the renewal inspection on which this extension is based was:

Signed:

(Signature of authorized official)

Place:

Date:

SCHEDULE II

**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:

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 7.5