



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 001-17
Date: January 06, 2017
Contact: LT Chris Nichols
Phone: (202) 372-1208
E-Mail: CG-CVC-1@uscg.mil

2014 Amendments to the Maritime Labour Convention

1. The 2014 Amendments to the Maritime Labour Convention (MLC) established requirements for shipowners to provide financial security for the repatriation of seafarers (Regulation 2.5.2) and financial security relating to shipowners' liability in cases of a seafarer's injury or death (Regulation 4.2.1). In addition, a "certificate or other documentary evidence" of this required financial security is to be carried on board the vessel. The amendments and associated requirements enter into force on **January 18, 2017**. This bulletin describes how U.S. vessels, through existing national laws and regulations, collective bargaining agreements and established industry practices, conform to the above mentioned MLC provisions and how they will be integrated into the existing voluntary inspection program that was established through the related Navigation and Vessel Inspection Circular (NVIC) No. 02-13. The U.S. conformance measures for these MLC requirements are detailed below:

a) Financial security for repatriation (Regulation 2.5.2)

U.S. law provides for the repatriation of seafarers working aboard such ships at no cost to them in case of illness, injury, or abandonment (including sale of vessel) as per 46 USC §§ 10318(e), 11104 & 11105. In addition, negotiated collective bargaining agreements provide supplementary arrangements concerning repatriation. Owners or operators of U.S. Flag merchant ships are responsible for the repatriation of all seamen separated from their vessels at foreign ports for any reason (ill or injured) including stragglers, except in cases of shipwreck, desertion, or other acts of misconduct by the mariner. In the event that the vessel is unable to repatriate the seafarer, the local U.S. consular officer will arrange the repatriation, with costs to be borne by the U.S. government.

b) Financial security relating to shipowners' liability (Regulation 4.2.1)

The U.S. maintains a comprehensive system of worker protections associated with a shipowner's liability for medical care needs arising from seafarer employment. This consists of statutory laws such as the Jones Act (46 USC § 30104) and the Death on the High Seas Act (46 USC Chapter 303). Additionally, principles of general maritime law such as maintenance, cure and unseaworthiness hold the shipowner liable for seafarers' costs associated with injury, sickness and death in connection with their employment. These protections are broad and well established and include both fault-based and strict liability principles; meaning seafarers may expect coverage even when the cause of their injuries is their own negligence or bad judgment. Additionally, there are extensive U.S. laws that assist all workers with medical expenses and care associated with work related injuries, both immediate and long-term social security schemes.

Lastly, under U.S. law, the vessel itself is considered personified, allowing seafarers to assert a claim against the vessel on which they are employed for recovery of costs associated with injury or sickness. The same applies to seafarers' contractual claims for payment of earned wages and other

liabilities. In such an action against the vessel, it may be arrested and held until such time as the owner/operator provides assurances of an ability to pay the required amounts. Claims by seafarers for wages or personal injury are given a high priority when considering a vessel's potential liability to any party asserting a maritime lien.

2. Demonstrating Compliance

- a) To meet the "documentary evidence" provisions of the new MLC amendments, owners and operators that currently hold a valid MLC Statement of Voluntary Compliance (SOVC-MLC) issued by a Recognized Organization (RO) will automatically and electronically receive a form letter from the Coast Guard's Office of Commercial Vessel Compliance (CG-CVC); see enclosure (1). Following receipt, the letter should be sent to and placed on board the subject vessel(s) no later than January 18, 2017. The letter will remain valid as long as the vessel holds a valid U.S. Certificate of Documentation (COD).
 - b) Owners and operators that hold an SOVC-MLC and do not receive a letter from CG-CVC prior to January 18, 2017 should submit a request via e-mail to CG-CVC-1@uscg.mil. The request should include the vessel's Official Number, a copy of the SOVC-MLC and the expiration date of the COD. Owners and operators seeking an initial SOVC-MLC on or after January 18, 2017 should submit a request following this same procedure.
 - c) By the first renewal survey after January 18, 2017, RO's will issue a new Declaration of Maritime Labour Compliance (DMLC) Part I, that will include the explanations provided above in the new paragraph 15 (Financial security for repatriation) and in the new paragraph 16 (Financial security relating to shipowners' liability).
 - d) By the first renewal survey after January 18, 2017, owners and operators will be expected to update the vessel's DMLC Part II, which is to provide additional details on how they comply with new provisions. These additional details may include appropriate explanations of any collective bargaining agreements, supplementary arrangements or other contractual obligations, and may provide financial security in addition to those provided in U.S. law.
3. NVIC 02-13 will be updated (i.e. Change 1) to reflect the new provisions and the voluntary compliance measures.
 4. Questions regarding these new requirements should be forwarded to the Coast Guard Office of Commercial Vessel Compliance, Domestic Compliance Division (CG-CVC-1) by email at CG-CVC-1@uscg.mil.

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Enclosure(1) to MSIB 001-17

2703 Martin Luther King Ave, SE
STOP 7501
Washington, DC 20593-7501
Staff Symbol: CG-CVC
Phone: (202) 372-1208
Email: CG-CVC-1@uscg.mil

16713

From: J. F. Williams, CAPT
CG-CVC

Reply to U.S. Vessel Inspections
Attn of: CG-CVC-1@uscg.mil

To: Master, [Vessel Name]

Subj: DOCUMENTARY EVIDENCE OF A FINANCIAL SECURITY SYSTEM UNDER
STANDARDS A2.5.2 AND A4.2.1 OF THE INTERNATIONAL LABOUR
ORGANIZATION (ILO) MARITIME LABOUR CONVENTION

1. This document is to confirm that under the existing laws of the United States of America the below vessel is covered by a financial security system substantially equivalent to that required by MLC regulations 2.5.1 and 4.2.1.

2. The following additional information is provided:

(a) Name of ship - [name of the ship]

(b) Port of registry - [port of registry of the ship]

(c) Ship call sign - [call sign of the ship]

(d) Ship IMO number - [IMO number of the ship]

(e) The United States Government ensures that shipowners are liable to seafarers for the financial consequences of sickness, injury or death and that there is a financial security system in place for repatriation. See the Statement of Voluntary Compliance-Declaration of Maritime Labour Compliance (SOVC-DMLC) Part I (e) 15, 16 for further information.

(f) Contact Information

i. For financial security under standard A2.5.2 (Repatriation) contact the nearest United States consulate, Phone: 1-888-407-4747 or 1-202-501-4444

ii. For financial security under standard A4.2.5 (Owners Liability) contact the nearest United States Coast Guard Officer in Charge of Mariner Inspection. To determine applicable unit visit <https://www.uscg.mil/top/units/>, noting that outside the United States, the nearest unit may be USCG Activities Europe (Phone: +31-61-297-9335) or USCG Activities Far East (Phone: +81-42-507-6545)

(g) Name of shipowner - [name of the shipowner]

(h) Period of Validity - While in possession of a valid U.S. Certificate of Documentation (COD)

(i) The United States Government confirms that through its laws and domestic regulations, as well as seafarer employment agreements, a seafarer is provided financial security for relief and for the handling of contractual claims.

3. Any questions on this matter should be e-mailed to CG-CVC-1@uscg.mil.

#