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제 목 (subject): 캐나다 기항 선박대상 선원 최대근로기간 및 송환관련 정보 알림

본 동향지는 선박소유자 또는 선박관리자 등 기타 이해관계자들에게 정보를 제공하기 위한 참조 문서이며, 실제 이행에 있어서의 책임은 전적으로 이행 당사자들에게 있습니다.

캐나다 정부는 COVID-19 상황에서의 자국 항만에 기항하는 외국적 선박에 대한 선원 최대근로기간 및 송환에 대한 SHIP SAFETY BULLETIN (01/2021)을 공표하였으며, 주요 내용은 아래와 같습니다.

1. 선박소유자는 선원이 최대근로기간이 11개월을 초과하지 않도록 조치하여야 함.
2. 선원최대근로 기간이 11개월을 초과하는 경우, 다음을 거증할 수 있어야 함;
 - 선원송환을 위한 선박소유자의 조치사항
 - 선원의 자의에 의한 근로계약 연장
 - 선박 기국 허가를 득한 신속한 선원 송환 계획
 - 선원의 정신적 육체적 피로를 예방할 수 있는 대책
3. PSC Inspection 시 상기 사항들을 점검할 예정임.

상세 사항은 첨부된 Transport Canada – SHIP SAFETY BULLETIN (01-2021)을 참조하시어 PSC 출항정지 방지에 유의하여 주시기 바랍니다.

[첨부] : Transport Canada – SHIP SAFETY BULLETIN (01-2021) – 1부 <끝>

협약심사팀장



SHIP SAFETY BULLETIN

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We issue Ship Safety Bulletins for the marine community. Visit our Website at www.tc.gc.ca/ssb-bsn to view existing bulletins and to sign up to receive e-mail notices of new ones.



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Subject: Maximum period of service on board and repatriating seafarers during COVID-19

Purpose

The purpose of this bulletin is to remind shipowners of their continued responsibility and obligation to respect a seafarers' right to return to their home country (repatriation), even during the COVID-19 pandemic.

Scope

This bulletin applies to all foreign vessels that operate in Canadian waters.

What you need to know

Due to the travel restrictions related to COVID-19, there are reports of seafarers long overdue for repatriation and stranded on board ships around the world. Issues of fatigue and mental health of seafarers may have deteriorated to a point that they may endanger health and safety.

In Canada, seafarers are considered as workers in the marine transportation sector who are essential for the movement of goods by vessel during the COVID-19 pandemic. Transport Canada is working closely with Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency to help with crew changes.

Canada as a signatory to international conventions such as the *Maritime Labour Convention, 2006 (MLC 2006)*, has certain obligations to enforce the provisions of the Convention and the protection of seafarers rights.

Keywords:

1. Maritime Labour Convention
2. Seafarer Employment Agreement
3. COVID-19

Questions concerning this Bulletin should be addressed to:

AMSE

Transport Canada
Marine Safety and Security
Tower C, Place de Ville
330 Sparks Street, 11th Floor
Ottawa, Ontario K1A 0N8

Contact us at: marinesafety-securitemaritime@tc.gc.ca or 1-855-859-3123 (Toll Free).

Since the start of the pandemic, Canada has used a pragmatic approach to deal with the issue of extending service periods on board ships. This work has been guided by the International Labour Organization (ILO), and relevant Port State Control Memoranda of Understanding.

To this end, Transport Canada Port State Control Officers will continue to promptly respond to any complaint or indication that a vessel is not operating in accordance with the requirements of the *Maritime Labour Convention, 2006* respecting the right of seafarers to repatriation.

Seafarer employment agreements (SEA)

The latest [Information note on maritime labour issues and COVID-19](#) from the ILO, indicates that the competent authority (e.g. flag State) can authorize exemptions to *the MLC 2006* for imperative reasons of public health emergency and situations of force majeure.

As a foreign vessel operating in Canadian waters, remember:

- you must comply with the *Maritime Labour Convention, 2006* at all times
- you must have a valid Seafarer Employment Agreement (SEA) on board for each crew member
 - this agreement must be signed by both the seafarer and shipowner, or a representative of the shipowner
 - the seafarer must be given enough time to review and get advice on the agreement (or extension), and freely accepts the terms and conditions before signing
 - each seafarer must have a valid employment agreement until they are repatriated
- All efforts must be made by the shipowner to repatriate crew members to ensure they are not serving longer than 11 months from the date of joining the vessel.

Foreign vessels in Canadian waters operating without a valid SEA for all crew members will be subject to enforcement action such as, but not limited to, detention and/or Administrative Monetary Penalty.

If your vessel has seafarers that have been onboard **more than 11 months**, you need to show that:

- all possible efforts have been made to repatriate the seafarer and that there are unforeseen event(s) beyond the control of the ship-owner that have made it impossible to perform crew change
- the seafarer has freely accepted the extension
- you have a plan, approved by your vessel's flag State, to return the seafarer to their home country (repatriate) that you will put into action as soon as possible
- you have taken action to protect the mental health of seafarers and fight fatigue

Port state control inspections

As a foreign vessel operating in Canadian waters, your vessel can be inspected to make sure you are complying with the *Canada Shipping Act, 2001* and international conventions.

During port state control inspections, the PSC Officers will check on any crew who have been on board more than 11 months. The officers will verify, among others:

- the date of joining
- the number and length of consecutive contracts that the seafarer has signed
- why crew change was not planned or done in Canada
- whether or not the vessel was recently in a port where crew could have changed

If there are any issues, the officers won't allow the vessel to proceed to sea until the non-conformities have been rectified, or until they accept a flag State-approved plan of action to rectify such non-conformities and is satisfied that the plan will be put in place as soon as possible.

Questions?

If you have any questions or would like to submit a complaint about living conditions on board foreign vessels in Canadian waters, please email the Port State and Cargo Inspections Group: TC.PSCCanada-CNEPCanada.TC@tc.gc.ca.