

GIBRALTAR MARITIME ADMINISTRATION
(Ministry of Maritime Affairs)



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Maritime Labour Notice (MLN) – 016

To: Ship Owners, Operators, Masters, Officers and Classification Societies

MLC Title 4.2 Ship-owners Liability

This MLN provides guidance on compliance with Gibraltar regulations which give effect to MLC 2006 Title 4.2. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.

The guidelines do not preclude the ship-owner from demonstrating an equivalent or higher standard as an “alternative method” of evidence of compliance.

Documents referred to in this notice:
Maritime Labour Convention 2006

Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2012. Reg. 29

Most regulations and notices are available on the Gibraltar website; www.gibraltarship.com

Financial security

Evidence of Compliance

1. Ship-owners are to provide financial security that assures compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard whilst serving under a Seafarers Employment Agreement.
2. Relevant documents confirming that the ship owner has provided financial security should be carried on board. The relevant documents confirming financial security should be in English or a copy in English made available for inspection.
3. Ship-owners are liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the dates of commencement of duty as stated on the SEA and the date upon which they are deemed duly repatriated, or arising from their employment between those dates.

4. The cost of medical care and treatment and board and lodgings away from home until the seafarer has recovered or the incapacity has been declared of a permanent character should be provided for a minimum period of 16 weeks from the day of the injury or commencement of sickness.
5. Ship-owners should cease to be liable to bear the above medical and boarding costs of a sick or injured seafarer from the time when that liability is assumed by public authorities.
6. The ship-owner is liable to pay full basic wage at the rate stated on the SEA while the sick or injured seafarer remains incapacitated while on board and until repatriated.
7. Following repatriation the ship-owner should continue to pay wages in whole or in part as stated on the SEA to a sick or injured seafarer until either the seafarer's recovery, or for a minimum of 16 weeks from the date of the injury or commencement of sickness, or as provided for in collective agreements.
8. Ship-owners should be liable to pay the costs of burial expenses in the case of death occurring on board or ashore during the period of engagement.
9. The ship-owner is not liable for:
 - a. injury or sickness due to wilful misconduct of the seafarer;
 - b. sickness or infirmity intentionally concealed when the engagement was entered into.
10. Measures should be taken to safeguard the property left on board by sick, injured or deceased seafarers and returning it to them or their next of kin.
11. The seafarer's right to seek any other legal remedies is not affected by these guidance notes or related Gibraltar regulations.

Alan Cubbin
Maritime Administrator

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All notices are available through www.gibraltarship.com

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