



# Fifth meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006, as amended

Geneva, 7–11 April 2025

## Amendment to the Code relating to Regulation 2.5

### Amendment to the Code relating to Regulation 2.5 – Repatriation

#### *Standard A2.5.1 – Repatriation*

1. Add new paragraph 10 and renumber paragraph 10.

10. Each Member shall facilitate the repatriation of seafarers in a manner which excludes discrimination on any grounds and irrespective of the flag State of the ship on which they are employed, engaged or work.

## Amendments to the Code relating to Regulation 2.4

### Amendments to the Code relating to Regulation 2.4 – Entitlement to leave

#### *Standard A2.4 – Entitlement to leave*

2. Replace the heading by “Standard A2.4.1 – Annual leave”.
3. Add a new Standard:

#### *Standard A2.4.2 – Shore leave*

1. Each Member shall ensure that seafarers are allowed ashore by the public authorities while the ship on which they arrive is in a port in its jurisdiction, provided that the relevant formalities have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety and security or public order.

2. Shore leave shall be allowed in a manner which excludes discrimination on any grounds and irrespective of the flag State of the ship on which seafarers are employed, engaged or work.

3. No seafarer shall be required to hold a visa or special permit for the purpose of shore leave.

4. In any case where permission for shore leave has been refused, the relevant public authorities shall communicate their reasons for such denial to the seafarer concerned and the master. If requested by the seafarer concerned or the master, such reasons shall be provided in writing.

5. Each Member shall require shipowners to allow seafarers serving on ships that fly its flag to take shore leave to benefit their health and well-being, consistent with the operational requirements of their positions.

6. Shipowners shall allow shore leave to seafarers when off duty, upon the ship's arrival in port, except when leaving the ship is prohibited or restricted by relevant authorities of the port State, or due to safety or operational reasons.

7. Shore leave granted in accordance with the provisions of the Convention on Facilitation of International Maritime Traffic shall be considered as meeting the requirements of paragraphs 1 to 4 of this Standard.

4. Add a new Guideline:

*Guideline B2.4.5 – Facilitation of shore leave*

1. Each Member should cooperate, as appropriate, with shipowners' and seafarers' organizations and other relevant stakeholders in port to establish procedures on board ships and in ports to facilitate shore leave for seafarers.

2. Each Member should ensure that personnel in its ports and terminals are provided with appropriate information and training on seafarers' rights, including the right to shore leave.

## Amendment to the Code relating to Regulation 2.5

### Amendment to the Code relating to Regulation 2.5 – Repatriation

*Guideline B2.5 – Repatriation*

5. Add a new Guideline and renumber the subsequent Guidelines:

*Guideline B2.5.2 – Key workers*

1. Each Member should designate and recognize seafarers as key workers and take appropriate measures to facilitate their safe movement when travelling in connection with their employment or work, including, but not limited to, access to shore leave, repatriation, crew changes and medical care ashore.

## Amendments to the Code relating to Regulations 4.4 and 5.1

### Amendment to the Code relating to Regulation 4.4 – Access to shore-based welfare facilities

*Guideline B4.4.6 – Seafarers in a foreign port*

6. Amend paragraph 2 as follows:

2. Seafarers who are detained in a foreign port should be dealt with promptly under due process of law and with appropriate consular protection, taking due account of the ILO/IMO Guidelines on Fair Treatment of Seafarers detained in connection with alleged crimes.

### Amendment to the Code relating to Regulation 5.1 – Flag State responsibilities

*Standard A5.1.6 – Marine casualties*

7. Add new paragraphs 1 and 2 as follows:

1. In carrying out an inquiry into a marine casualty, Members shall take due account of the principles established by the IMO *Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident*, and the recommendations of the ILO/IMO *Guidelines on the Fair Treatment of Seafarers in the event of a maritime accident* and the ILO/IMO *Guidelines on Fair Treatment of Seafarers detained in connection with alleged crimes*.

2. Without prejudice to national legislation, Members shall cooperate, as far as practicable, with concerned States to assist in the application of the above-mentioned Guidelines.

## Amendment to the Code relating to Regulation 2.5

### Amendment to the Code relating to Regulation 2.5 – Repatriation

#### Standard A2.5.1 – Repatriation

8. Add new paragraph 3 and renumber subsequent paragraphs.

3. The costs to be borne by the shipowner for repatriation under subparagraph 2(c) shall include at least the following:

- (a) passage to the destination selected for repatriation;
- (b) accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;
- (c) transportation of up to 30 kg of the seafarer's personal luggage to the repatriation destination; and
- (d) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination.

#### Guideline B2.5.1 – Entitlement

9. Replace paragraph 3 as follows:

3. The costs to be borne by the shipowner for repatriation under Standard A2.5.1, paragraph 3, should also include pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, if provided for by national laws or regulations or collective agreements.

## Amendment to the Code relating to Regulation 4.1

### Amendment to the Code relating to Regulation 4.1 – Medical care on board ship and ashore

#### Guideline B4.1.1 – Provision of medical care

10. Amend paragraph 2 as follows:

2. The training referred to in paragraph 1 of this Guideline should be based on the contents of the most recent editions of the International Medical Guide for Seafarers and Fishers, the *International Medical Guide for Ships*, the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the *Document for Guidance – An International Maritime Training Guide*, and the medical section of the *International Code of Signals* as well as similar national guides.

11. Amend paragraph 4 as follows:

4. [...] In adopting or reviewing the ship's medical guide used nationally, and in determining the contents of the medicine chest and medical equipment, the competent authority should take into account international recommendations in this field, including the latest edition of the *International Medical Guide for Seafarers and Fishers*, the *International Medical Guide for Ships*, and other guides mentioned in paragraph 2 of this Guideline.

## Amendments to the Code relating to Regulations 1.4, 3.1, 4.3, 5.1

### Amendment to the Code relating to Regulation 1.4 – Recruitment and placement

#### *Guideline B1.4.1– Organizational and operational guidelines*

- 12.** Add new paragraph 2(l) (and delete “and” from paragraph 2(j) and add it at the end of paragraph 2(k)).

(l) measures to prevent and address violence and harassment, including sexual harassment, bullying and sexual assault, in recruitment and placement processes.

### Amendment to the Code relating to Regulation 3.1 – Accommodation and recreational facilities

#### *Guideline B3.1.10 – Bedding, mess utensils and miscellaneous provisions*

- 13.** Add new paragraph 1(d) (and delete “and” from paragraph 1(b) and add it at the end of paragraph 1(c)).

(d) appropriate and sufficient menstrual hygiene products and means of disposal should be available for seafarers.

### Amendment to the Code relating to Regulation 4.3 – Health and safety protection and accident prevention

#### *Standard A4.3 – Health and safety protection and accident prevention*

- 14.** Add new paragraph 1(e) (and delete “and” from paragraph 1(c) and add it at the end of paragraph 1(d)).

(e) prevention and elimination, including through prohibition in law, of shipboard violence and harassment, including sexual harassment, bullying, and sexual assault, with due regard to the Violence and Harassment Convention, 2019 (No. 190).

- 15.** Add new paragraphs 2(e) to 2(h) (and delete “and” from paragraph 2(c)).

(e) define shipboard violence and harassment, including sexual harassment, bullying and sexual assault, in accordance with Article 1 of the Violence and Harassment Convention, 2019 (No. 190);<sup>1</sup>

(f) require shipowners to adopt and implement relevant policies and measures to prevent and address shipboard violence and harassment, including sexual harassment, bullying and sexual assault;

<sup>1</sup> Under Article 1.1(a) of the Violence and Harassment Convention, 2019 (No. 190), the term “violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.

- (g) require seafarers and others concerned to comply with the applicable policies and measures implemented to prevent and address shipboard violence and harassment, including sexual harassment, bullying and sexual assault; and
- (h) establish, after consultation with shipowners' and seafarers' organizations, safe, fair and effective reporting mechanisms and procedures for cases of shipboard violence and harassment, including sexual harassment, bullying and sexual assault.

#### *Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases*

**16.** Amend paragraph 1 as follows:

1. [...] Account should also be taken of the Violence and Harassment Recommendation, 2019 (No. 206), and 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.

**17.** Amend paragraph 2(m) as follows:

- (m) provision of all necessary appropriately-sized personal protective equipment for seafarers;

**18.** Amend paragraph 4(d) as follows:

- (d) harassment and bullying shipboard violence and harassment, including sexual harassment, bullying and sexual assault.

#### *Guideline B4.3.6 – Investigations*

**19.** Amend paragraph 2(g) as follows:

- (g) problems arising from harassment and bullying shipboard violence and harassment, including sexual harassment, bullying and sexual assault.

**20.** Add new paragraph 3.

3. Flag States, port States and labour-supplying States should cooperate during investigations into incidents of shipboard violence and harassment, including sexual harassment, bullying and sexual assault.

#### *Guideline B4.3.11 – International cooperation*

**21.** Add new paragraph 4.

4. Each Member should give due consideration to initiating and participating in international cooperation in the area of assistance, programmes and research on issues pertaining to preventing and addressing shipboard violence and harassment, including sexual harassment, bullying and sexual assault.

### **Amendment to the Code relating to Regulation 5.1 – Flag State responsibilities**

#### *Standard A5.1.5 – On-board complaint procedures*

**22.** Amend paragraph 2 as follows:

2. Each Member shall ensure that, in its laws or regulations, appropriate on-board complaint procedures are in place to meet the requirements of Regulation 5.1.5. Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right

to complain directly to the master and, where they consider it necessary, to appropriate shoreside personnel or to appropriate external authorities.

**23.** Amend paragraph 3 as follows:

3. The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term "victimization" covers any adverse action taken by any person with respect to ~~a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.~~ complainants, victims, witnesses and whistle-blowers. Due regard shall be given to situations where a complaint is manifestly vexatious or maliciously made.

**24.** Add new paragraph 5.

5. Appropriate steps shall be taken, at all stages, to safeguard the confidentiality of complaints made by seafarers.