



Maritime Safety Awareness Bulletin

March 2024

Shaping shipping for people



Conditions of employment

The *Maritime Labour Convention, 2006* (MLC) sets out the standards relating to the working and living conditions of seafarers. In Australia, the MLC has been implemented through the Navigation Act 2012 and associated delegated legislation such as [Marine Order 11 \(Living and working conditions on vessels\)](#).

Complaints relating to Title 2 of MLC – Conditions of employment continue to make up the majority of MLC complaints received by AMSA. These complaints relate to seafarer employment agreements (SEAs), wages, hours of work and rest, entitlement to leave, repatriation, and crewing* levels.

This indicates that the MLC amendments entered into force on 18 January 2017, which address employment conditions of seafarers, have not been fully implemented by some owners and operators.

Don't ignore it - report it
Your experiences help us improve safety.



Australian Government
Australian Maritime Safety Authority

Report every
incident to AMSA



*Derivations of the word 'crewing' are used by AMSA interchangeably with derivations of the word 'manning', as in IMO, ILO, Australian legislation, and other relevant documents.



Case study 1

On 2 December 2022, a foreign-flagged vessel was arrested in Melbourne, Australia due to commercial disputes and owed wages.

On 5 January 2023, AMSA, in consultation with the flag State and the International Transport Workers' Federation (ITF) issued a notice of abandonment to the International Labour Organisation (ILO) in accordance with the ILO [Guidelines on how to deal with seafarer abandonment cases](#). This was the first time AMSA has had to issue an abandonment notice.

On 23 January 2023, all seafarers were repatriated with all outstanding wages settled by June 2023. This case demonstrates the plight seafarers may face as part of their job. In this instance, collaboration between AMSA and relevant stakeholders, and continued focus on seafarer welfare, ensured the seafarers involved were repatriated and paid all wages within an appropriate time frame.

Case study 2

In August 2023, AMSA received a complaint from the ITF that there were insufficient provisions onboard a vessel as well as issues with wages and hours of work and rest.

AMSA inspected the vessel and the evidence showed:

- seafarers were not being paid at monthly intervals in accordance with their Seafarer Employment Agreement (SEA)
- their signatures on the SEAs were forged
- seafarers were being coerced to sign new SEAs with lower salaries.

The vessel was subsequently detained. Approximately AUD\$76,890 of wages was recovered and paid in full to the seafarers prior to the vessel being released from detention and the vessel was subsequently banned from Australian waters for one year.

AMSA Safety data

MLC Complaints

Complaints relating to Title 2 of the MLC – Conditions of employment continue to make up the majority (54 per cent) of MLC complaints reported to AMSA in 2023. This is consistent with previous years. The proportion of these complaints in relation to all others decreased slightly from 57 per cent in 2022 to 54 per cent in 2023.

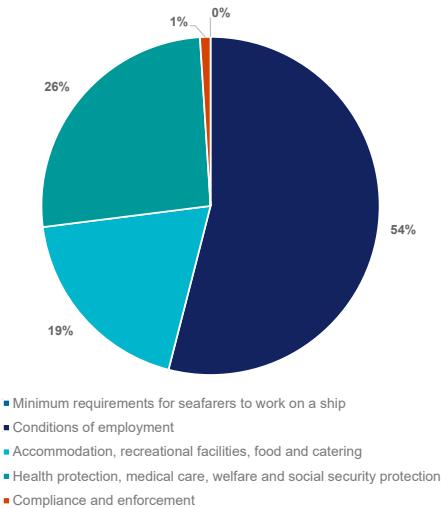


Figure 1: MLC complaints reported to AMSA in 2023 (by MLC Titles)

Complaints received on seafarer employment agreements decreased from 17.5 per cent in 2022 to 16 per cent in 2023. Similarly, repatriation-related complaints decreased from 23.9 per cent in 2022 to 14 per cent in 2023.

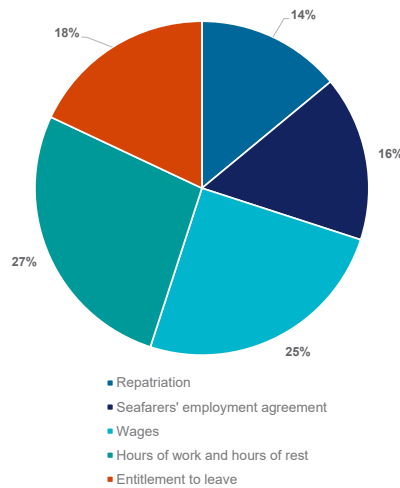


Figure 2: Breakdown of MLC Title 2 – Conditions of employment complaints received in 2023

This indicates that AMSA's response to repatriation complaints is effective, and industry and operators are more aware and better equipped to manage the repatriation of seafarers.

Most of the MLC complaints originated directly from seafarers. This is likely a result of the increased awareness of seafarers' rights under the MLC. Seafarers are therefore more confident that their concerns are taken seriously and treated confidentially when in Australia.

Source	2019	2020	2021	2022	2023
Seafarer	69	180	171	159	135
ITF	42	92	54	40	26
Welfare group	13	13	9	24	24
Government agency	9	4	10	18	9
Other ⁽¹⁾	13	31	35	20	20

Table 1: Source of complaints 2019- 2023

Port State control (PSC) efficiencies

MLC PSC deficiency rates per inspection remained static between 2022 and 2023 at 0.4 MLC deficiencies per PSC inspection. The share of detainable MLC deficiencies reduced from 7.3 per cent in 2022 to 4.2 per cent in 2023. This reduction is likely due to a focus by some flag States on vessels coming to Australia and the return to pre-pandemic repatriation throughout 2023.

Concentrated inspection campaign

Increased concern in this area has prompted the Tokyo Memorandum of Understanding (MoU) and Indian Ocean MoU to initiate a concentrated inspection campaign (CIC) focusing on seafarers'

employment conditions to ensure shipping companies are fulfilling their obligations in accordance with the relevant provisions of the MLC, such as providing financial security, repatriation of seafarers and wages. AMSA intends to launch this CIC from 1 September 2024 to 30 November 2024.

Fair employment conditions

Regulation 2.1 of the MLC requires shipowners to ensure that seafarers are given the opportunity to examine and seek advice on their work agreements before signing them, including their rights and responsibilities. It is important that clear information on the conditions of employment can be easily obtained on board by seafarers.

Seafarers have a right to a workplace where their rights are respected, and where they have fair terms of employment that are delivered through decent living and working conditions, fair wages, and social protection. Improving the working conditions and increased attention to seafarers' rights can provide "added benefits such as reducing risks of incidents and undesirable ship culture that could undermine productivity and staff retention"⁵. AMSA will continue to pay particular attention to these aspects when conducting PSC inspections.



Associations with conditions of employment

A study conducted collaboratively between AMSA, University of Queensland and University of Western Australian¹ provided insights into seafarers' safety and wellbeing through an examination of key organisational factors influencing safety culture.

The study revealed that seafarers who have more job security and support at work report higher levels of wellbeing and compliance with safety rules and procedures, as well as a more developed safety culture. In contrast, work conditions that leave seafarers struggling to stay vigilant during work hours, or constantly having to deal with changes, poor planning, and disruptions to operations, will likely lead to a less mature safety culture that impacts overall safety.

Impact on wellbeing

The study also identified that high work demands, and operational uncertainty, have a negative impact on seafarers' recovery and long-term wellbeing. Seafarers also tend to experience or observe near misses and injuries onboard.

Job security is generally understood as "encompassing a worker's reasonable certainty about tenure of employment, pay, and conditions".² There is relatively strong evidence from studies³ that job insecurity is "causally related to adverse mental and physical health as well as organisational outcomes".

According to the Australian Medical Association (AMA)⁴, job insecurity has a range of well-evidenced effects on individual health, including:

- stress and anxiety resulting from uncertainty about future work
- an increased likelihood of psychological distress and psychiatric morbidity
- a higher risk of coronary heart disease
- higher incidences of high cholesterol and hypertension
- feeling unable to report injuries or accidents suffered in the workplace.

While many of the work demands experienced by seafarers are inherent to the industry, increases in job relevant resources and better management of working conditions will likely foster improved seafarer safety and wellbeing.¹



Key messages

- Seafarers' rights and welfare must be respected to ensure a healthy, safe and secure work environment.
- Seafarers who have more job security, trust, and support at work report higher levels of wellbeing and compliance to safety rules and procedures, and a more developed safety culture.
- Owners and operators should strive to increase the levels of support seafarers receive and ensure fair terms of employment are being delivered. This is an effective approach to reducing employees' job insecurity and its associated negative consequences⁶.
- AMSA expects owners and operators to comply with the MLC requirements and adhere to the seafarer's work agreement.

References

- ¹Andrei, D., Grech, M., Crous, R., Ho, J., McIlroy, T., Griffin, M. & Neal, A. (2018). [Assessing the determinants and consequences of safety culture in the maritime industry.](#)
- ²The Treasury (2023). [Working Future: The Australian Government's White Paper on Jobs and Opportunities](#)
- ³LaMontagne AD, King T, Taouk Y. (2022). Submission to the Australian Senate Select Committee on Job Security on the Impact of Insecure or Precarious Employment on the Economy, Wages, Social Cohesion, and Workplace Rights and Conditions. *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*. doi:[10.1177/10482911211032946](#)
- ⁴ Select Committee on Job Security (2022). The job insecurity report. ISBN: 978-1-76093-350-0.
- ⁵ Institute for Human Rights and Business, Sustainable Shipping Initiative, Rafto Foundation for Human Rights (2021). [Code of Conduct - Delivering on seafarers' rights.](#)
- ⁶ Lee, J., & Peccei, R. (2007). Perceived organizational support and affective commitment: The mediating role of organization-based self-esteem in the context of job insecurity. *Journal of Organizational Behavior*, 28, 661- 685.