

《2006 年海事劳工公约》2018 修正案

Amendment to the Code of the MLC, 2006

规则 A2.1--海员就业协议

新增加第 7 段：

7. 各成员国应确保海员就业协议在由于海盗或者针对船舶的武装劫持等行为导致的海员被劫持期间的持续有效，不管这个海员就业协议是否已经到期或者任何一方申明暂停或者终止合同。

该条文中术语的定义为：

(a) 海盗一词的含义与 1982 年联合国海洋法公约完全一致；

(b) 武装劫持船舶的含义是除海盗行为以外的任何采取暴力、滞留或者破坏船舶或针对船上海员或财产的非违法行为，该行为发生在国家内水、群岛水域、领海，或者任何煽动或者意图促进上述事件的行为。

Standard A2.1 – Seafarers’ Employment Agreements

Insert a new paragraph 7:

7. Each Member shall require that a seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it. For the purpose of this paragraph, the term:

(a) piracy shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;

(b) armed robbery against ships means any illegal act of violence or detention or any act of depredation, or threat there of, other than an act of piracy, committed for private ends and directed against as hip or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

规则 A2.2--工资

新增加第 7 段：

7.一旦海员因海盗或者针对船舶的武装劫持等行为导致海员被俘在船或被劫持离船，其海员就业协议及其相关集体协议或适用的国内法中的工资和其他权利，包括依据本标准第 4 段所述的固定所有家庭汇款，在海员整个被劫持期间也应该持续地得到支付，直至海员依据标准 A2.5.1 中被释放或者被适当的遣返。一旦海员在劫持期间死亡，该协议有效至适用国内法律法规所确定的死亡日期。该条款中的海盗和武装劫持船舶与规则 A2.1 第 7 段的含义一致。

Standard A2.2 - Wages

Insert a new paragraph 7:

7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms piracy and armed robbery against ships shall have the same meaning as in Standard A2.1, paragraph 7.

规则 B2.5.1—遣返

替换现有的第 8 段，新的第 8 段落为：

8. 除了由于海盗或者针对船舶的武装劫持等行为导致海员被俘在船或被劫持离船等原因，相关海员如果在国内法律、法规或者集体协议规定的合理时间内未提出遣返要求，其应享有的遣返权利可能失效。该条款中的海盗和武装劫持船舶与规则 A2.1 第 7 段的含义一致。

Guideline B2.5.1 - Entitlement

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms piracy and armed robbery against ships shall have the same meaning as in Standard A2.1, paragraph 7.