

Maritime Labour Law in Croatia – International and National Legal Regulations

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□ The aim/purpose of the presentation:

- present **international** and **national legal sources** related to the labour rights of Croatian seafarers
- especially, present the international legal sources to which the Republic of Croatia has committed (MLC)
- present a whole “series” of national legal sources related to Croatian seafarers (MC, other laws and regulations)

❖ national legal frameworks, emphasis will also be placed on autonomous legal sources (collective agreements)



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2. Specifics of the seafarers' status

A seafarer is a person who signs an employment agreement/contract to work on a ship, a floating object, an offshore facility, a yacht or another facility or vessel for special purposes.

In Croatia there are approximately 20,000 seafarers, 15,184 of which take part in international navigation and the rest of them take part in national navigation.

A part of seafarers have not officially been registered in the Republic of Croatia, and part of the registered number of seafarers is not active.

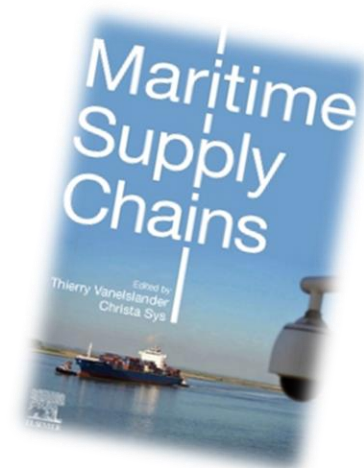


The seafarers' employment agreement is one of the most specific ones

- a special category of workers
- working conditions differ in many ways from the working and living conditions of workers in other economic activities performed on land.

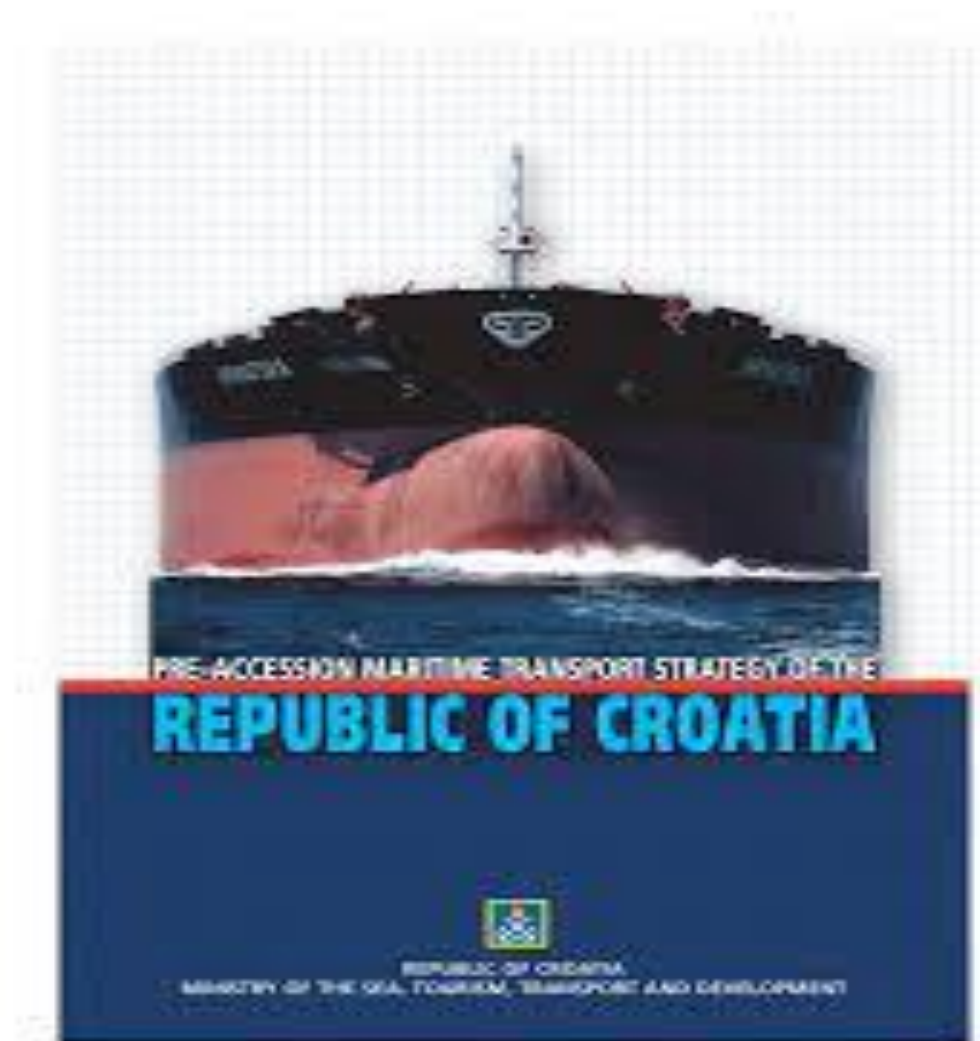
- seafarers are probably the most important component of the maritime value chain
- the seafarer's role in the maritime industry is a highly crucial one.

Therefore, the legal regulation of the seafarers' maritime labour law is particularly important.

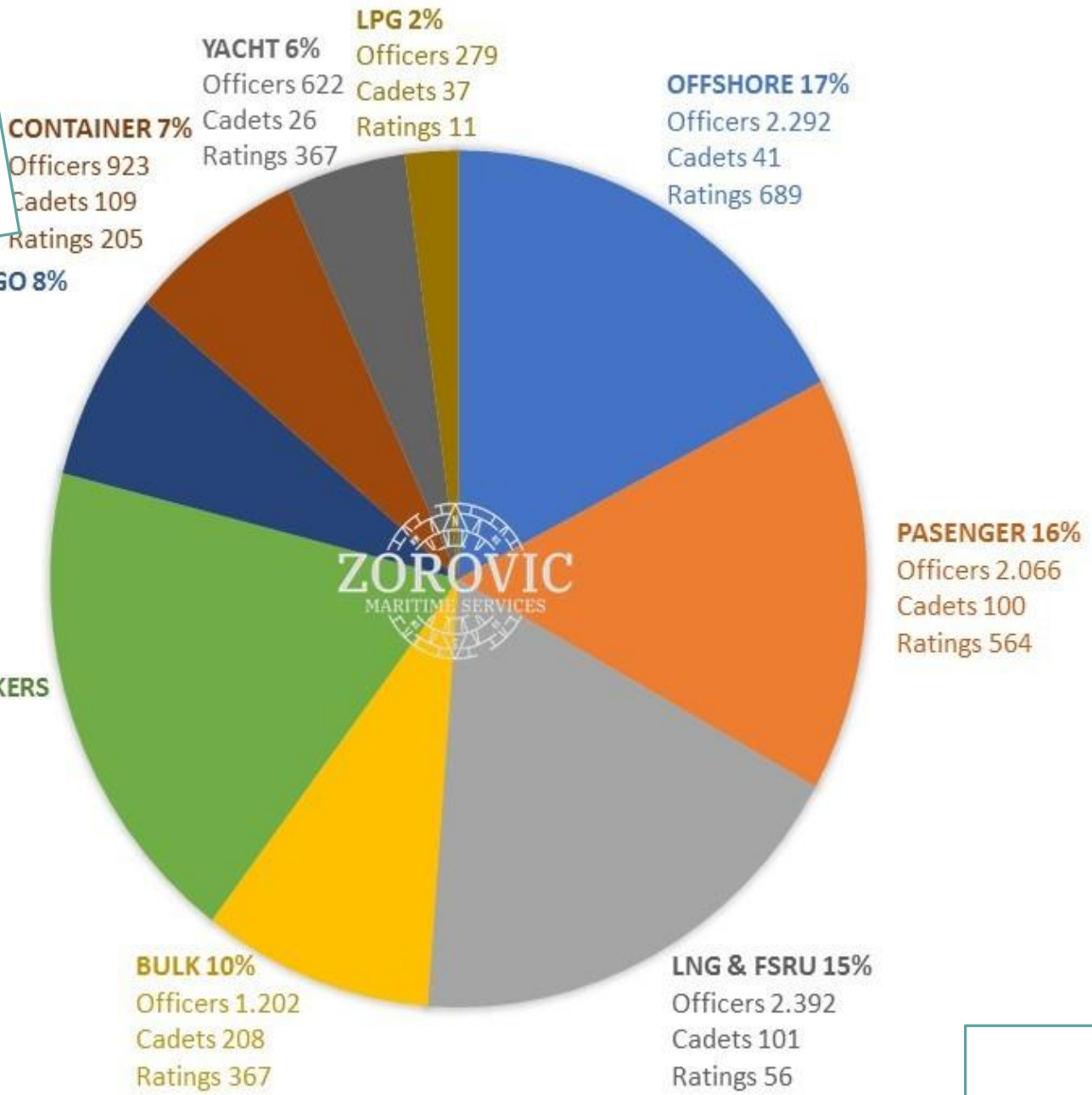


Croatian seafarers are, over the last years, the most competitive seafarers in the maritime industry.

Seafarers place Croatia in a position of a long-term maritime crew supplier.



Overview on
which type of
vessels they
are sailing:





Seafarers leave their families, and traditional life to stick with ships on the seas, exposed to a lot of dangers.

Because of all this, it is necessary to take into account their labor rights and to legally do everything necessary to make the life and work of seafarers on board as good as possible.



Not an ordinary labour relationship - recognized at international and national level.

The maritime sector represents a special challenge for international labor law.

3: International legal sources related to the labor rights of seafarers

On the international level, a lot has been done in terms of better working rights for seafarers.

- For provisions in the field of seafarers' labor law, the work of the International Labour Organization (ILO) is the most meritorious.

Seafarers have always been of special concern to the ILO.

The ILO – since 1919. // years of working with the maritime sector

Croatia

ILO Member: Member since 30.06.1992

**One of the first legal instruments that the ILO adopted was the
National Seaman's Codes Recommendation, 1920., a year after the ILO
was created.**



International
Labour
Organization



Maritime Labour Convention (MLC) 2006

At its 94th Session, 7-23 February 2006, the ILO adopted an important new legal instrument, ***Maritime Labour Convention, 2006 (MLC)***.

It was adopted by a record vote (313 in favour/none against, involving 106 ILO Member States and Shipowners and Seafarers drawn from the these countries).

MLC was ratified by the Republic of Croatia in February 2010.

MLC has been amended in 2014, 2016, and 2018.

The MLC has been described as “historical” and “away forward”, using international labour standards, to establish decent work and fair competition and to help to achieve fair globalization.



Maritime Labour Convention (MLC) 2006

The MLC, 2006 has two primary purposes:

- to bring the system of protection contained in existing labour standards closer to the workers concerned, in a form consistent with the rapidly developing, globalized sector (ensuring “decent work”)
- to improve the applicability of the system so that shipowners and governments interested in providing decent conditions of work do not have to bear an unequal burden in ensuring protection



Maritime Labour Convention (MLC) 2006

Why a new Convention?

- In response to “globalization”
- Outdated ILO instruments
- Industry changes (mix nationality crews, open registries)

MLC revises the following Conventions:

Minimum Age (Sea) Convention, 1920 (No. 7)

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)

Placing of Seamen Convention, 1920 (No. 9)

Medical Examination of Young Person (Sea) Convention, 1921 (No. 16)

Seamen's Articles of Agreement Convention, 1926 (No. 22)

Repatriation of Seamen Convention, 1926 (No. 23)

Officers' Competency Certificates Convention, 1936 (No. 53)

Holidays with Pay (Sea) Convention, 1936 (No. 54)

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)

Sickness Insurance (Sea) Convention, 1936 (No. 56)

Hours of Work and Manning (Sea) Convention, 1936 (No. 57)

Minimum Age (Sea) Convention (Revised), 1936 (No. 58)

Food and Catering (Ships' Crews) Convention, 1946 (No. 68)

Certification of Ships' Cooks Convention, 1946 (No. 69)

Social Security (Seafarers) Convention, 1946 (No. 70)

Paid Vacations (Seafarers) Convention, 1946 (No. 72)

Medical Examination (Seafarers) Convention, 1946 (No. 73)

Certification of Able Seamen Convention, 1946 (No. 74)

Accommodation of Crews Convention, 1946 (No. 75)

Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)

Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)

Accommodation of Crews Convention (Revised), 1949 (No. 92)

Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)

Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)

Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)

Continuity of Employment (Seafarers) Convention, 1976 (No. 145)

Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Seafarers' Welfare Convention, 1987 (No. 163)

Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)

Social Security (Seafarers) Convention (Revised), 1987 (No. 165)

Repatriation of Seafarers Convention (Revised), 1987 (No. 166)

Labour Inspection (Seafarers) Convention, 1996 (No. 178)

Recruitment and Placement of Seafarers Convention, 1996 (No. 179)

Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

...that support quality shipping and help to eliminate substandard shipping.

“Fourth Pillar” of International Maritime Law

International Regulatory Regime for Quality Shipping

SOLAS

International Convention for the Safety of Life at Sea, 1974 (as amended)

STWC

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (as amended)

MARPOL

International Convention for the Prevention of Pollution from Ships, 1973 (as amended by Protocol of 1978)

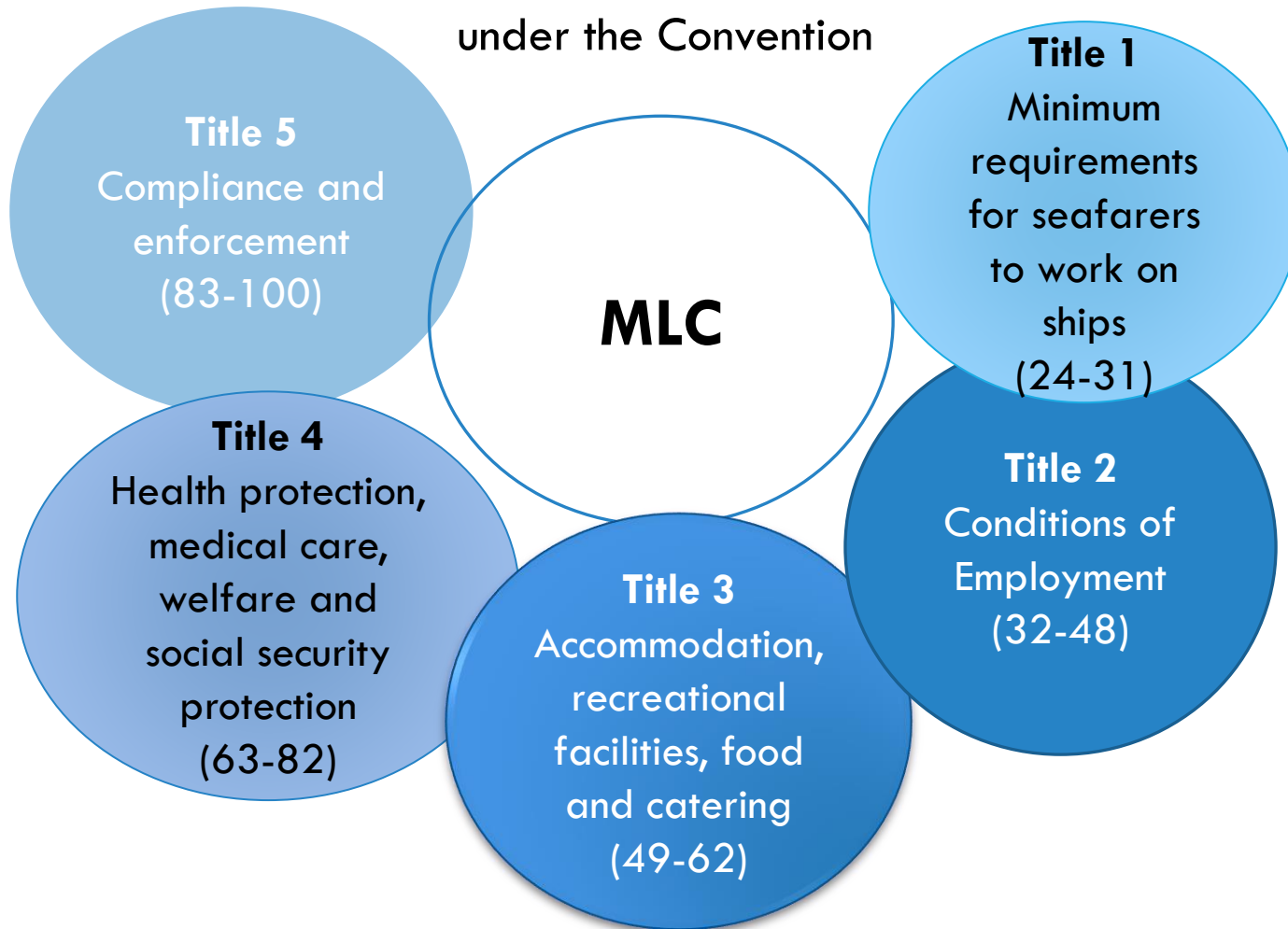
MLC

Maritime Labour Convention, 2006

What are Seafarers' rights under the MLC, 2006?

MLC has **5 titles** which taken together set out to all members

under the Convention





Each Title contains groups of provisions relating to a particular right or principle (or enforcement measure in Title 5).

The MLC has three underlying purposes:

(a) to lay down, in its articles/regulations, a firm set of rights and principles;

(b) to allow a considerable degree of flexibility in the way Members implement those rights and principles; and

(c) to ensure, through Title 5, that the rights and principles are properly complied with and enforced



How are these seafarers' rights to be provided?

The seafarers rights - set out in the MLC are implemented by the flag State and its shipowners, in accordance with the requirements of MLC

Unless specified otherwise in the Convention, implementation of Seafarers' rights may be achieved through:

- national laws or regulations
- through applicable collective agreements
- or other measures
- or in practice.

Convention structure

Articles & Regulations				
Title 1	Title 2	Title 3	Title 4	Title 5
Minimum requirements for seafarers to work on a ship	Conditions of Employment	Accommodation, recreational facilities, food & catering	Health protection, medical care, welfare & social security	Compliance & enforcement
Minimum Age Medical Certificate Training & Qualification Recruitment & placement	Seafarers' employment agreements Wages Hours of work & rest Entitlement to leave Repatriation Manning Levels Compensation for ship's loss or foundering Career & Skills development	Accommodation & recreational facilities Food & catering	Medical care on board and ashore Ship-owners liability Health, safety protection & accident prevention Access to shore based facilities Social security	Flag state responsibilities Recognized organizations Inspection & Enforcement On-board compliant procedure Port state responsibilities On-shore compliant procedure Labor supplying responsibilities

Title 1

Minimum
requirements
for seafarers
to work on
ships

Art. 24-31

- prescribes the minimum age of **16** for admission to work in maritime affairs
- every seafarer must have a **health certificate** before being employed on board which is proof of his psychophysical health

Title 2

Conditions of
Employment
Art. 32-48

- this chapter prescribes the longest period in which the employer is obliged to pay the worker a salary for the work performed, as well as the longest duration daily and weekly working hours, rest time, right to repatriation, use vacation etc.

Convention structure

Articles & Regulations				
Title 1	Title 2	Title 3	Title 4	Title 5
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Title 5

Compliance and
enforcement
83-100

Port State responsibilities under the MLC, 2006

Port State control inspection under the MLC, 2006, is to be carried out by “authorized” officers (Regulation 5.2.1, paragraph 3)

This means that persons must be authorized, by the competent authority in the port State to carry out these inspections and should carry official identification that can be shown to ships’ masters and to seafarers.



How seafarers' know about their rights?

Under the MLC seafarers' are entitled to read and sign and have a copy of their seafarers' employment agreement (SEA) (which could include a collective agreement) setting out the conditions for their employment and the name of the shipowner that is responsible for conditions on board.

A copy of the MLC must be on board ship and be available for seafarers to read.

In addition to these provisions, let's list some other provisions of the MLC:

Article III of the MLC helps to ensure that seafarers are also provided with the fundamental rights relating to:

- freedom of association
- elimination of forced labour
- elimination of child labour
- elimination of discrimination

Article IV of the MLC states that all seafarers are entitled to:

- a safe and secure workplace that complies with safety standards
- fair terms of employment
- decent working and living conditions on board ship
- health protection, medical care, welfare measures and other forms of social protection

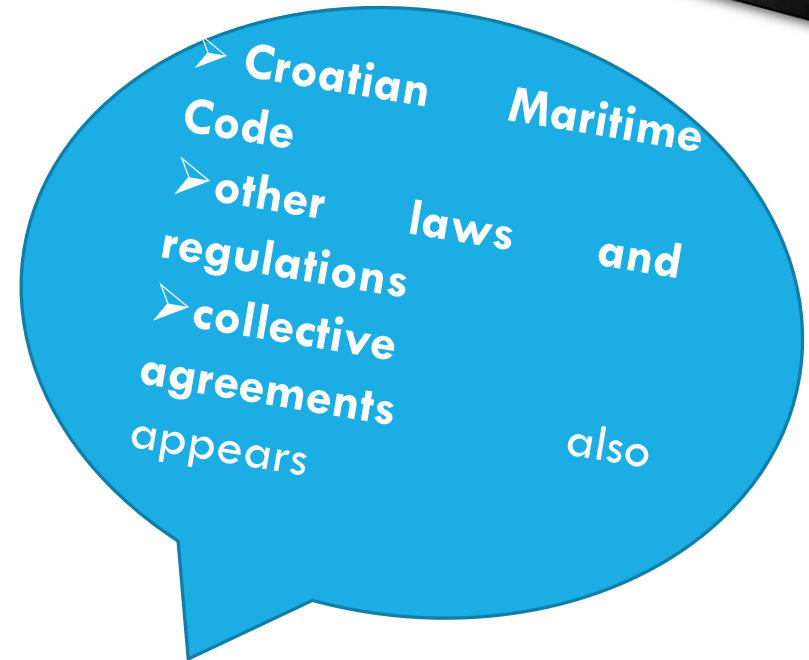
4: National legal sources related to the labor rights of seafarers

➤ In addition to the MLC as an important source of law for regulating the working status of seafarers in the Republic of Croatia the **national legal sources related to the labor rights of seafarers** also appears.

➤ **There are two collective agreements in force in the Republic of Croatia which prescribe the status of seafarers:**

➤ *National Collective Agreement for Croatian Seafarers on Board Ships in the International Shipping Trade (2021-2022)*

➤ *National Collective Agreement for Croatian Seafarers on Passenger Ships and Ferries*



➤ other laws and regulations

4.1. Croatian Maritime Code

Regulation of 24 November 2016 on maritime booklets and authorization for boarding, and procedures and means of registration and termination for compulsory pension and health insurance

- prescribes conditions for the acquisition of maritime booklet, authorization to board, seafarer documents, information contained in maritime booklet, competence for data verification for the issuance of a maritime booklet, registration procedure for compulsory pension and health insurance.

**Regulations of 27 April
2007 on titles and
certificates of competency
of seafarers (Text No. 1673).**

Part One - Introductory provisions
Part Two - Titles and certificates of competency of seafarers
Part Three - Basic competencies
Part Four - Additional competencies
Part Five - Education and training of seafarers
Part Six - Procedure of delivery of certificates of competency
Part Seven - Recognition, renewal and replacement of certificates of competency
Part Eight - Registers for certificates of competency
Part Nine - Seizure of certificates of competency
Part Ten - Transitional and final provisions

**Regulations of 18 July 2016
to amend and supplement
Regulations on titles and
certificates of competency
of seafarers**

Amends article 3 on definitions, article 39 on conditions for certification, article 49 on obligatory safety training, article 67 on additional certificates, and other minor amendments.

Decree of 15 April 2008 to supplement the Decree on categories of navigation of sea-going ships (Text No. 1627).

Adds new Section III which classifies different sea areas, as determining navigation of ships, and their required distance from the coast.

**Decree of 9 November 2007
on mediation in recruitment
of seafarers (Text No. 3470).**

Decides the required qualifications, and rights and obligations of the mediator in the procedure of recruitment of seafarers, and a system of mediator supervision.

**Regulations of 20
December 2002 to amend
and supplement the
Regulations on titles and
certificates of competency
of seafarers on merchant
marine ships (Text No. 45).**


Amends, inter alia, provisions relating to competency to work on ships transporting chemical substances, fire protection, training programme, and equipment maintenance.

*Regulations of 13
December 2001 on the
minimum number of crew
members that must be on
board of merchant marine
ships for the security of
navigation (Text No. 214).*

*Regulations of 20
December 2002 to amend
and supplement the
Regulations on the
minimum number of crew
members that must be on
board of merchant marine
ships for the security of
navigation (Text No. 46).*

**Regulations of 20
December 2002 to amend
and supplement the
Regulations on tasks and
guards of crew members
on merchant marine ships
(Text No. 47).**

Presents in annex a format for a table of shipboard working arrangements and selected texts from ILO Convention 180 (*Seafarers' Hours of Work and the Manning of Ships Convention, 1996*).



*Regulations of 22 May 2000
on ship booklets and
authorizations to embark
(Text No. 1141).*

*Regulations of 29 June
1998 on titles and
certificates of competency
of seafarers on merchant
marine ships (Text No.
1430).*

- ❖ so many legal sources in the field of labor law for seafarers.
- ❖ in the Republic of Croatia there is not just one legal act which regulates labour law of seafarer, so those provisions are contained in several regulations.
- ❖ the most important source is the *Maritime Code* (our focus on the content of some provisions).

When it comes to the labour rights of Croatian seafarers, it took time for Croatian maritime legislation to recognise the particularities of seafaring and the needs of seafarers.

It was not until 2007 that the passing of the *Act on the Amendments to the Maritime Code* established the **health and pension system and the system of the payment for mandatory insurances.**



According to Article 129 of the Maritime Code, all seafarers on board ships in international navigation, regardless of the ship's nationality, are equal in their rights and obligations with respect to pension and health insurance.

The obligation of Croatian employers to register their seafarers directly to the Croatian pension and health insurance institutes remains.

As stipulated by Article 129 of the Maritime Code, a seafarer in international navigation shall be payer of the contributions for mandatory insurances according to **a monthly basis for calculating the contributions**, which is stipulated and published by the minister of sea, transport and infrastructure.

The amount of the monthly basis for the calculation of the contribution shall be **determined according to the salary that the seafarer would receive for the same or similar jobs on board a ship in national navigation.**



In the context of maritime labour law for seafarers, the provision of Article 128 of the Maritime Code is important.

The said provision refers to cases of “inability” to realise 183 days of sailing for **the exemption from the tax obligation of seafarers** based on work on board a ship in international navigation.

The Maritime Code, stipulates that the following shall be included for the purpose of achieving the necessary 183 days of navigation in the year for which income tax obligation is established:

- included for the purpose of achieving the necessary 183 days of navigation:

- days of navigation,
- days spent travelling from the place of residence to the place of embarkation,
- days necessary for the return trip,
- days of treatment due to illness or injury occurring while travelling to the place of embarkation or on board or during return,
- or treatment due to illness or injury occurring after disembarkation or before embarkation which would prevent the obtaining of a certificate of medical fitness for navigation,
- and days spent in training abroad or in the country,
- as well as days until the expiration of the employment contract that have not been realised because the shipowner left the crew members or the termination of the employment contract due to business-related reasons.

- all these days count
in the year for which income tax obligation
is established

❖ Maritime Code stipulates that the Ministry of the Sea, Transport and Infrastructure *may* participate in covering the costs of salaries and contributions for mandatory pension and health insurance of seafarers during the **traineeship**.

The conditions for determining the right to coverage of the costs are laid down by the minister in an ordinance/special regulation.



The regulation of the seafarers' pension is within the scope of the Maritime Code.

According to Maritime Code, seafarers are entitled to a pension at the age of 60 and after 15 years of navigation.



≠ general regulations of pension (employees, in general, realise the right to pension later, at the age of 64, after 15 years of work).

4.2. Autonomous legal sources (collective agreements)

Today's labor law in the world cannot be imagined without **collective agreements** which have an important economic, political, social, educational function.

A collective agreement can be defined as a written agreement between a seafarers union and an employer

- it includes provisions on employment conditions, payment methods, working hours, and the rights or obligations of the contracting parties.

There are two collective agreements in force in the Republic of Croatia which prescribe the status of seafarers:

- *National Collective Agreement for Croatian Seafarers on Board Ships in the International Shipping Trade (2021-2022) and*
- *National Collective Agreement for Croatian Seafarers on Passenger Ships and Ferries*



National Collective Agreement for Croatian Seafarers on Board Ships in the International Shipping Trade (2021-2022)

- between: “MARE NOSTRUM” - CROATIAN SHIOWNERS’ ASSOCIATION” and SEAFARERS’ UNION OF CROATIA (is a member of the International Federation of Transport Workers)


The members of the association (MN) are the following shippers: *Jadrolinija Rijeka; Jadranski pomorski servis d.d. Rijeka; Rapska plovidba d.d. Rab; Atlantska plovidba d.d. Dubrovnik; Tankerska plovidba d.d. Zadar; Jadroplov d.d. Split; Brodospas d.d. Split; Brodosplit-Plovidba d.o.o. Split; Alpha Adriatic d.d. Pula (bivši Uljanik Plovidba d.d. Pula) te Hrvatski registar brodova i Golar Viking Management d.o.o. Split k*

This Agreement is applicable to all Croatian seafarers with either permanent/temporary residence in the Croatia serving on board ships in the international trade, registered either in the Croatian/any other register of ships.

This Collective Agreement has been brought in compliance with provisions of the MLC.

Collective agreement concluded is for two years, and if none of the contracting parties cancels it after its expiration, it will be extended until termination or conclusion of a new collective agreement.



- 
- Hours of Duty - The normal hours of duty for all seafarers shall be 8 hours per day, Monday to Friday, which makes the total of 40 hours per week or 173 hours monthly on the average.
 - Overtime - Any hour of duty performed in excess of 8 hours shall be paid at the rate of 1.25 of the basic hourly rate according to the rank on board and the weekday hourly rate.




There shall be no overtime pay for any additional hours worked during an emergency affecting the immediate safety of the ship, her passengers and crew,

or for safety drills or work required to give assistance to other Ships or persons,

or fire drill or any drill provided by:

- IMO International Management Code for the Safe Operation of Ships and for Pollution Prevention 1998, as revised (ISM Code),
- and by the Safety Management System (SMS Regulations),
- the International Ship and Port Facility Security 2002, as revised (ISPS Code),
- and any other drills provided for in the International Convention for the Safety of Life at Sea (SOLAS Convention) 1974, as revised

- ❑ Public Holidays
- ❑ Rest periods - Each Seafarer shall have a minimum of 10 hours rest in any 24 hours' period and 77 hours rest in any 7 days' period.
- ❑ Wages
- ❑ Family Allotment
- ❑ Annual Leave
- ❑ Watch-keeping - Watch-keeping at sea and at anchorage and, where deemed necessary, in ports, shall be organized on a three-watch basis.
- ❑ Manning Levels

- 
- ❑ Service in Warlike Operations Areas/High Risk Areas
 - ❑ Crew's Safety and Welfare in Emergency Situations
 - ❑ Termination of Employment - The employment shall be terminated:
 - a) upon expiry of the agreed period of service
 - b) upon signing off due to sickness or injury after medical examination
 - c) upon termination of the employment agreement either by Seafarer or Employer



Any Seafarer may terminate the employment agreement with employer or request their signing off:

- by giving one months' notice of termination
- when, during a voyage, his child, parent or partner has dangerously ill
- if the ship is about to sail into a warlike operations or high-risk area,
- if the ship does not meet the standards in relation to the provisions of SOLAS, the International Convention on Loadlines (LL), STCW, MARPOL
- if the ship has been arrested.




Employer may terminate seafarer's employment agreement:

- by giving one month's written notice to the seafarer
- upon the total loss of the ship, or when the ship has been laid up for a continuous period of at least one month or sold by employer;
- in case of seafarer's serious breach of work duties (leaving the ship without permit, unlawful possession of alcohol, drugs)
- due to the seafarer's inability to perform the works and duties competently and properly.



National Collective Agreement for Croatian Seafarers on Passenger Ships and Ferries

- was concluded in 1998 between the Croatian Seamen's Union and Association of Croatian employers




- it is very detailed and includes 125 articles, which are divided into heads and few attachments (minimum number of crew members, food, salary table).

- regulates the labor relations of seafarers who sail on ships under the Croatian flag, with which the shipowner performs:

regular liner service,

maritime transport of passengers and cargo in internal sea waters, territorial sea of Republic of Croatia and in international navigation.



❖ For a long time there has been a **need** to conclude a new national collective agreement for Croatian seafarers on passenger ships and ferries, whose provisions would enable better adaptation of domestic shipping companies to new conditions **on the liner transport market**.

Namely, from 2018, **all shipowners** from the European Economic Area can apply to tenders for the awarding of concessions and the conclusion of contracts on state lines for regular lines transport in internal sea waters and the territorial sea of the Republic of Croatia, and the Collective Agreement from 1998, which is in force, puts domestic shipping companies at a disadvantage position to the European competition.



COLLECTIVE BARGAINING AGREEMENT

FOR NON-EU SEAFARERS SERVING ON BOARD OF CROATIA FLAG VESSELS IN THE INTERNATIONAL SHIPPING TRADE (2020)

«Non-EU seafarer» means any person who is employed or engaged or works in any capacity to whom this Agreement applies and a person who is not resident of the Croatia or the European Union (EU)/European Economic Area (EEA)»

5. CONCLUSION

Seafarers are a special category of workers.

Working conditions differ in many ways from the working and living conditions of workers in other economic activities performed on land.

Therefore, the legal regulation of the seafarers' employment status is particularly important.

The greatest success in these terms was made with the adoption of the Maritime Labor Convention (MLC), 2006, which was ratified by the Republic of Croatia in February 2010.

In the Republic of Croatia there is not just one legal act which regulates labour law of seafarer, so those provisions are contained in several regulations.

Collective agreements are particularly important acts. Two such collective agreements are in force in the Republic of Croatia - *National Collective Agreement for Croatian Seafarers on Ships in the International Shipping Trade (2021-2022)*, which has been in force since 2021. - *the National Collective Agreement for Croatian Seafarers on Passenger Ships and Ferries* concluded in 1998.

These legal sources are quite detailed, but labour law is a "living matter" so it needs to be constantly supplemented.

There is certainly still room for improvement labor rights of seafarers.

The improvement of labor law is important for the safety of navigation and protection of the marine environment.



**THANK YOU FOR YOUR
ATTENTION!**

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INTERNATIONAL MARITIME AND TRANSPORT LAW COURSE
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