



भारत सरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

File No. 23-UNI/3/2023-CREW - DGS

Date: 28.11.2024

DGS Crew Branch Circular 28 of 2024

Subject: Constitution of Expert Committee to review the aspects of Collective Bargaining Agreement (CBAs) and other Maritime Labour Convention aspects applicable to Indian seafarers - reg.

Reference is invited to the growth of Indian seafarers in recent years notably, driven by factors like India's strong maritime heritage, the rising global demand for skilled maritime personnel and targeted initiatives by the Indian government and private sectors. Indian seafarers are highly regarded for their technical proficiency, fluency in English and adaptability to international standards and this reputation has led to increased employment opportunities of Indian seafarers on international vessels.

2. Whereas, with the advancements in maritime technology, there is a growing need for highly skilled personnel capable of operating automated and eco-friendly vessels. Indian training institutes are adapting to these changes, preparing seafarers to meet future demands. Despite the positive trend of growth, challenges remain, including addressing the high-stress nature of seafaring, ensuring consistent support and continuous adaptation of CBAs and other aspects of MLC to support and incorporate well-being of seafarers for the seafarer's sustained growth.

3. Recognizing the pressing need to address the issues and challenges being faced by Indian seafarers related to contractual matters in maritime sector effectively the Directorate General of Shipping (DGS) is pleased to constitute "Expert Committee" comprising the following members (As enclosed in Annexure 1 list) from the maritime industry, including representatives from reputable shipping companies, allied offices and other relevant stakeholders to work and look after the Seafarers cause, issues and support the seafarers well-being at sea and ashore.

4. The constituted **Expert Committee** shall review, examine and analyze the relevant rule provisions and the **Terms of Reference (ToR)** shall be following but not limited to:

- a) Review of MS Notice 07 of 2020 and its applicability
- b) Applicability of Collective Bargaining Agreement (CBAs) for Indian seafarers

[Handwritten Signature]
28/11/2024
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- c) Examine current CBAs in use for Indian seafarers, assessing the benefits, limitations, adequacy of provisions concerning wages, working hours, safety, welfare, and dispute resolutions etc.
- d) Alignment of the existing CBA with national and international standards, including conventions like the Maritime Labour Convention (MLC), 2006
- e) Applicability of various current CBAs in India and if the same can be lesser than or comparable to the minimum wages set by the Ministry of Labour & Employment (MoL&E), Govt. of India for similar industries and vocation.
- f) Applicability of CBAs of Indian seafarers on Indian, Coastal and foreign going ships
- g) Applicability of wages in accordance with the wage determined by the Joint Maritime Commission of ILO
- h) Seafarers' minimum wage determinations and applicability
- i) Merchant Shipping Maritime Labor Rules 2016 Rule 9(5) states: *The wages included in the CBAs or Seafarers' Employment Agreement (SEA) shall be in accordance with the guidelines as laid down in the Maritime Labor Convention, if applicability of MLC guideline 8.2.2.4 is to be mandatorily applied in Indian CBAs.*
- j) MLC 2006 B 2.2.4 (2) states: *"Nothing in this Guideline should be deemed to prejudice arrangements agreed between ship-owners or their organizations and seafarers' organizations with regard to the regulation of standard minimum terms and conditions of employment, provided such terms and conditions are recognized by the competent authority".* The basis and modalities for recognition of the terms and conditions which includes wages, by the Directorate General of Shipping (DGS), being the maritime administration of India, which also has to take these CBAs on record as per Para 16.19 of MS Notice 07 of 2020 and what further actions need to be initiated by DGS.
- k) Ascertain the role of DGS in recognition / determination of wages of seafarers and to suggest measures, reference to any other ministry or body engaged in determination of minimum wages, amendment if any, needed in the MS Rules, or DGS guidelines to reflect correct position of law in relation to wages of seafarers.
- l) Review of death and disability compensation for seafarers and their applicability
- m) Review and applicability of NMB agreements

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