



भारतसरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS
नौवहनमहानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

DGS Circular No. 11 of 2022

F. No 23-CLT/1/2020-CREW - DGS-Part (2)

Date: 30.05.2022

Subject: Advisory to all seafarers and RPSL regarding applicability of CBA while entering into a contract between seafarer and RPSL/Employer for working on foreign flag vessels:

The Directorate is receiving several complaints from the next of Kin of deceased seafarers regarding applicability of the CBA with regard to death and disability compensation, wages scale etc.

2. In this regard the MS (RPS) Rules 2016 has explicit provision under the following Rule 5 of RPSL Rules, sub rule:

"(d) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the jobs concerned, and that the seafarers' employment agreements are in accordance with the applicable flag State laws and regulations and any collective bargaining agreement that forms part of their employment agreements;"

"(e) ensure that as far as practicable, that the ship owner has the means to protect such seafarers from being stranded in a port; and in such an event shall make adequate provisions for the repatriation of a stranded seafarer along with his maintenance and required emergency medical assistance prior to repatriation and the transportation of the mortal remains of a seafarer in the event of his death, and it shall also furnish a bank guarantee to cover the cost of repatriation of the seafarer in an event of his abandonment and being stranded;"

"(u) verify that the labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a ship owner and a representative seafarers organization;"

"(v) ensure that the terms and conditions of employment to seafarers comply with applicable laws or regulations or collective bargaining agreements;" and

"(w) endeavor that death compensation or disability compensation are paid by the ship owner without undue delay."

3. However, it reveals in some cases in the recent past that seafarer neither have confirmed the above said provision while signing the SEA nor RPS have clearly made the seafarer understand about the said provisions under SEA

4. All the stakeholders are hereby advised that while signing a contract between the seafarers and the RPSL/Employer for working on foreign flag vessel, the applicable CBA and its components such as compensation for death & Disability; wage scale; repatriation cost, working hours etc; may be checked and verified thoroughly whether it is in conformity with the provisions of the Flag State concerned.
5. In this regard, if any seafarer requires assistance for better understanding of the above issues, while signing the SEA, they may seek assistance or help of the same from the Shipping Master, Government Shipping Offices or Director, Seamen's Employment Offices.
6. This issues with the approval of the Director General of Shipping and Additional Secretary to the Govt. of India.



(Ashish Sinha)
Deputy Director General of Shipping