



BERMUDA

MERCHANT SHIPPING (SEAFARER'S EMPLOYMENT)
AMENDMENT REGULATIONS 2014

BR 53 / 2014

The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 3, 7, 38, 39, 40, and 45 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations, which amend the Merchant Shipping (Seafarer's Employment) Regulations 2013 (the "principal Regulations"), may be cited as the Merchant Shipping (Seafarer's Employment) Amendment Regulations 2014.

Inserts regulations 14A and 14B

2 The principal Regulations is amended by inserting, next after Regulation 14, the following—

"Entitlement to medical care

14A In addition to medical care provided on board a ship under regulation 6 of the Merchant Shipping (Manning of Ships) Regulations 2011, and the Merchant Shipping (Medical Stores) Regulations 2005, seafarers shall be entitled to visit a qualified medical doctor or dentist, without delay and where practicable, in ports of call at no cost to the seafarer.

Social security protection

14B (1) In accordance with the Maritime Labour Convention, seafarers shall be entitled the following social security protection benefits—

- (a) medical care benefit;
- (b) sickness benefit;

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- (c) unemployment benefit;
- (d) old-age benefit;
- (e) employment injury benefit;
- (f) family benefit;
- (g) maternity benefit;
- (h) invalidity benefit; and
- (i) survivors benefit,

as prescribed by paragraph 1 of the Standard A4.5 of the Code, in a progressive manner.

(2) From the date on which the Maritime Labour Convention comes into force shipowners shall provide, as a minimum, three branches of social security protection to seafarers employed on their ships. Two of the three branches of social security benefit must be—

- (a) medical care benefit; and
- (b) protection from financial consequences of—
 - (i) sickness;
 - (ii) injury; or
 - (iii) death,

occurring in connection with the seafarer's employment and the third could be any one of the other seven branches of social security benefit.”.

Inserts regulation 18A

3 The principal Regulations are amended by inserting, next after Regulation 18, the following—

“Seafarer compensation for ship's loss or foundering

18A (1) In every case of loss or foundering of a ship, the shipowner shall pay each seafarer on board such ship an indemnity against unemployment resulting from such loss or foundering.

(2) The provision made under paragraph (1) shall be without prejudice to any other rights a seafarer may have under Bermuda law for losses or injuries arising from a ship's loss or foundering.

(3) The indemnity paid under paragraph (1) shall be paid for the days during which the seafarer remains unemployed, at the same rate as the wages payable under a seafarer's employment agreement, but the total indemnity payable to any one seafarer may be limited to an amount equal to two months wages.

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(4) Legal remedies for recovering indemnities shall follow the same procedure as for recovery of arrears of wages earned during the course of employment.”.

Commencement

4 These Regulations shall come into operation on the same date on which the Merchant Shipping (ILO) Amendment Act 2012 comes into operation.

Made this 26th day of June 2014

Minister of Tourism Development and Transport