

Merchant Shipping (Maritime Labour Convention) (Wages) Regulations 2014

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No. S 174

**MERCHANT SHIPPING
(MARITIME LABOUR CONVENTION) ACT 2014
(ACT 6 OF 2014)**

MERCHANT SHIPPING (MARITIME LABOUR CONVENTION)
(WAGES) REGULATIONS 2014

In exercise of the powers conferred by section 82 of the Merchant Shipping (Maritime Labour Convention) Act 2014, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Wages) Regulations 2014 and shall come into operation on 1st April 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“basic wages” means the wages, salary or pay, however composed, for normal hours of work and does not include payments for overtime work, bonuses, allowances, paid leave or any other additional remuneration;

“consolidated wage” means a wage, salary or pay which includes the basic wages and other wage-related benefits, and may include compensation for all overtime hours which are worked and all other wage-related benefits, or it may include only certain benefits in a partial consolidation;

“overtime” means time worked in excess of the normal hours of work.

Application

3. These Regulations shall apply to —

- (a) all Singapore ships to which the Act applies; and
- (b) all seafarers employed on ships referred to in paragraph (a).

Manner in which wages are to be paid

4. The wages due to a seafarer under a seafarer’s employment agreement shall be paid as cash, or by means of a cheque or money order, or directly by transfer to a bank account or by inter-bank GIRO, as the seafarer so desires.

Account of seafarer’s wages

5.—(1) The monthly account of wages to be delivered to a seafarer under section 20(4) of the Act shall contain the particulars specified in the First Schedule and shall indicate which amounts (if any) stated in the accounts are estimated amounts.

(2) The further account of wages to be delivered to a seafarer under section 20(7) of the Act shall —

- (a) contain the same particulars as are required to be contained in the monthly account of wages to be delivered to a seafarer under section 20(4) of the Act adjusted in such manner as the circumstances may require;
- (b) indicate which amounts stated in the account are adjusted amounts;
- (c) state the amount of wages already paid to the seafarer; and
- (d) state the balance of wages remaining to be paid to the seafarer.

Calculation and payment

6.—(1) Where a seafarer's remuneration includes separate compensation for overtime, then —

- (a) for the purpose of calculating wages, the normal hours of work at sea and in port shall not exceed 8 hours per day;
- (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic wages shall not exceed 48 hours per week; and
- (c) the rate or rates of compensation for overtime shall not be less than one and one-quarter times the basic wages per hour.

(2) The master of a ship, or a person assigned by the master, shall maintain records of all overtime worked by a seafarer, which shall be endorsed by the seafarer at intervals of no greater than monthly intervals.

(3) Where a seafarer's remuneration is fully or partially consolidated and where hourly overtime pay is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate for such overtime shall not be less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in paragraph (1)(a).

(4) Where a seafarer's remuneration is fully or partially consolidated, the hourly rate for overtime covered by the consolidated wage shall not be less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in paragraph (1)(a).

(5) Where a seafarer's remuneration is fully or partially consolidated, the seafarer's employment agreement should clearly specify the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which are due in addition to the consolidated wage, and in which circumstances such allowances are due.

(6) Where a seafarer's remuneration is partially consolidated, records of all overtime worked shall be maintained and endorsed in accordance with paragraph (2).

(7) Nothing in these Regulations shall prevent any shipowner from agreeing with any seafarer that the wages of the seafarer shall be paid at an agreed rate in accordance with the task, that is, the specific amount of work required to be performed, and not by the day or the hour.

Payment on termination of employment

7.—(1) Except as otherwise provided by the Act or any other written law, any amount of the wages remaining unpaid and due to a seafarer under a seafarer's employment agreement shall be paid to the seafarer in full no later than at the time when his employment terminates.

(2) If any amount of wages due to a seafarer is not paid in accordance with paragraph (1), the seafarer shall be entitled to wages at the rate last payable under the seafarer's employment agreement for every day on which it remains unpaid until the full amount is paid.

(3) Paragraph (2) shall not apply if the failure to pay the seafarer's wages was due to —

- (a) any reasonable dispute as to liability for payment;
- (b) the act or default of the seafarer; or
- (c) any other cause, not being the wrongful act or default of the person liable to pay the seafarer's wages or of his employee or agent.

Deductions from wages

8.—(1) Subject to paragraph (5), the deductions specified in paragraph (2) are authorised to be made from the wages due to a seafarer under a seafarer's employment agreement.

(2) The deductions referred to in paragraph (1) are —

- (a) deductions of any amount payable by the seafarer to his employer in respect of —
 - (i) bar bills;
 - (ii) goods supplied;
 - (iii) radio or telephone calls;