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Circular Letter No.4246/Add.5
3 September 2020

To: All IMO Members
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Republic of the Union of Myanmar**

The Government of the Republic of the Union of Myanmar has sent the attached communication, dated 3 September 2020, with the request that it be circulated by the Organization.



THE REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF TRANSPORT AND COMMUNICATIONS
DEPARTMENT OF MARINE ADMINISTRATION
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Letter No: DMA/DDG-Tech/229
Date: 3rd September 2020

To

His Excellency Mr. Kitack Lim
Secretary General
International Maritime Organization
4 Albert Embankment London, SE 17 SR
United Kingdom

Subject: **Marine Guidance for Extension of Seafarer Employment Agreement during the outbreak of Coronavirus Disease (COVID-19) Pandemic**

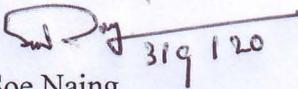
Your Excellency,

On behalf of the Department of Marine Administration under the Ministry of Transport and Communications of the Republic of the Union of Myanmar, we would like to express our appreciation to the International Maritime Organization for continuously ensuring strong coordination between IMO Member States amidst this COVID-19 pandemic.

The Department of Marine Administration presents its compliments to the Secretary General of the International Maritime Organization and is pleased to forward, herewith attached, Marine Guidance (5/2020) regarding extension of seafarer employment agreement during the outbreak of Coronavirus Disease (COVID-19) Pandemic.

We would highly appreciate it if you could circulate this document to the IMO Member States.

With our highest esteem and warmest regards,


Soe Naing
Director General
Department of Marine Administration



THE REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF TRANSPORT AND COMMUNICATIONS
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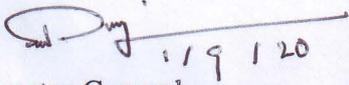
Date: 1st September 2020

Marine Guidance (5 / 2020)

Extension of Seafarer Employment Agreement during the outbreak of Coronavirus Disease (COVID-19) Pandemic

1. The entire global shipping industry is currently facing a serious challenge of the COVID-19 pandemic, especially travel and quarantine restrictions affecting the seafarers as they are unable to return home at the end of their contract. The Department of Marine Administration (DMA) has recognized that it is a reasonable case of *force majeure* as consequences of unforeseen exceptional circumstances.
2. The purpose of this Marine Guidance is to protect the health, safety and wellbeing of seafarers as well as to ensure the safe operation of ships and to fulfill the legal obligations of the DMA as Myanmar has ratified the MLC 2006, as amended.
3. For the seafarer, who is onboard Myanmar flagged ships longer than the original contract for reasons related to the COVID-19 pandemic, the extension of his seafarers' employment agreement (SEA) shall only be used as a last option due to the facts, such as exhaustion, fatigue, anxiety and mental stress. A physical and mental fatigued seafarer has a much higher risk of being involved in a marine casualty. Therefore, the shipowner shall make every effort to repatriate the seafarers in the first available port once the SEA has expired.
4. In case if the extension of SEA is unavoidable, the shipowner:
 - (a) shall consider the mitigation measures to avoid fatigue and to support their well being, such as rearranging of work patterns to allow additional rest periods and shore leave where possible and providing increased connectivity enabling the seafarers to contact home and access entertainment onboard, in any case the maximum period of continuous service onboard shall not exceed 15 months;
 - (b) shall consult the seafarer and obtain his written consent for extension with the same terms and conditions;
 - (c) may either extend the validity of the existing SEA using an addendum or make a new SEA, for a maximum period of 3 (three) months for both; and
 - (d) apply DMA for an approval of such extension by providing a copy of addendum or new SEA and written consent of seafarer.

5. Seafarers shall monitor and be alert for any signs of fatigue and report any concerns to the master or the safety committee without any delay. If any sign of fatigue is reported, the master shall take appropriate actions to ensure the seafarer is fit for duty.

A handwritten signature in black ink, followed by a horizontal line and the date '11/9/20' written below it.

Director General
Department of Marine Administration
