



*“For safe and efficient water transport”*

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## **KENYA MARITIME AUTHORITY**

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# **MARINE NOTICE**

**NO. 1 OF 2021**

**13<sup>th</sup> January, 2021**

## **RECRUITMENT AND WELFARE OF FISHING CREW ON FISHING VESSELS OPERATING IN KENYAN WATERS**

**TO: Fishing vessel owners, Seafarers, Seafarer welfare organization, Fishing vessel Managers, Shipping Agents and Seafarer Recruitment and Placement Agents**

### **1. SCOPE**

This Notice advises on the requirement for recruitment and welfare of seafarers to work onboard fishing vessels operating in Kenyan waters.

### **2. INTRODUCTION**

The Authority has in the recent past received several complaints from seafarers working onboard fishing vessels in Kenyan waters relating to seafarers employment agreements, payment of wages and general living and working conditions onboard the fishing vessels.

Investigations have revealed that the complaints arose from the seafarer having been recruited without going through the licensed recruitment and placement agencies and not having been issued with written contracts to cover the period of their service onboard. This is a contravention of the Merchant Shipping Act on the part of the ship owner as well as the seafarer.

In view of the above, the Authority issues this notice to advise the ship owners and the seafarers on the requirements for recruitment and placement of seafarers, in line with the Merchant Shipping Act, 2009

### **3. REQUIREMENTS FOR RECRUITMENT AND PLACEMENT OF SEAFARERS**

Ship owners, seafarers and agents are notified as follows:

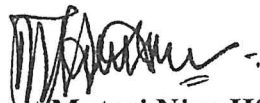
- i. Section 118 (3) of the Merchant Shipping Act, 2009, states that “No person shall, either as principal or agent, engage or recruit a Kenyan seafarer for employment on board a

- Kenyan or foreign ship, without first obtaining a license in the prescribed form from Kenya Maritime Authority authorizing such person to engage or recruit Kenyan seafarers for sea service”.
- ii. Licensed recruitment and placement agents for seafarers shall not charge seafarers agency fees for recruitment services offered
  - iii. Recruitment and placement agencies must deposit copies of Seafarers Employment Agreement with the Registrar of Seafarers in accordance to Section 118 of the Merchant Shipping Act, 2009.
  - iv. Seafarers Employment Agreement requirements set out under Section 119 of the Merchant Shipping Act, 2009 should be adhered to before any seafarer is placed to work onboard.
  - v. Payment of seafarers wages requirements set out under Section 136 of the Merchant Shipping Act, 2009 should be adhered to within two days of arrival of a ship at the port or at the port where the seafarer is to be discharged.
  - vi. Seafarers are entitled to leave with pay after twelve months of continuous service on a Kenyan ship or a proportionate pay of the annual leave as stipulated under Section 156 the Merchant Shipping Act, 2009.
  - vii. Complaints regarding provisions and water shall be addressed under Section 166 of the Merchant Shipping Act, 2009
  - viii. Statutory obligations including NSSF, NHIF shall be complied with in accordance with the relevant laws of Kenya
  - ix. Ship owners are reminded to strictly adhere to standards of working and living conditions onboard ships.
  - x.

#### **4. ADVISE TO FISHING VESSEL OWNERS AND SEAFARERS**

Ship owners and seafarers are advised as follows:

- i. Ship owners engaging seafarers to work onboard ships without going through licensed recruitment and placement agencies and without valid seafarer employment agreements risk being subjected to administrative action including detention, fine or revocation of the ship registry certificate and other licenses.
- ii. The Authority will not be responsible for seafarers and fishers who accept engagement without going through licensed recruitment and placement agents and without employment agreements.



**Robert Mutegi Njue HSC “ndc’ K**

**DIRECTOR GENERAL**