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Press Release

KMA addresses Seafarers Concerns during Workshop

The Kenya Maritime Authority (KMA) conducted a sensitization workshop for seafarers in Mombasa on 8th February, 2021, to update seafarers on Kenya's progress in the implementation of the Maritime Labour Convention, MLC, 2006 since its ratification in 2014. The forum was also aimed to ensure free access to information for seafarers in accordance with Section 35 of the Constitution of Kenya, 2010 and constituted in accordance with the spirit of tripartism promoted by the Maritime Labour Convention, 2006. Attendees included seafarers, Government agencies involved in implementation of the Maritime Labour Convention, Recruitment and Placement Agents for seafarers and the seafarers and faith based organizations providing port welfare services for seafarers including the Apostolate of the Seas and the Mission to Seafarers.

Addressing Seafarers during the Workshop, Mr. Robert Njue, KMA's Director General, emphasized the need for Kenyan seafarers to be trained to enhance their competitiveness in the global labour market. He confirmed that KMA had signed a Service Contract with the Higher Education Loans Board (HELB) on Friday, 5th February, 2021, at the KMA Headquarters to establish a Maritime Education and Training (MET) Financial Support Scheme to support capacity building in the Maritime and Blue Economy sector by providing financial assistance to enable qualified beneficiaries access Maritime Education and Training in line with the Merchant Shipping Act, 2009. He also reiterated that KMA recognizes seafarers as key workers.

KMA's Director General also encouraged collaboration between seafarers and the Government in order to develop the Blue Economy. He also emphasized on the importance of discipline among

seafarers to ensure they continue to be engaged onboard ships, as a good seafarer will be an ambassador for Kenya and may hold the key for the employment of more Kenyans. The Director General also encouraged the seafarers to embrace self-promotion and continuous development and not to shy away from training.

He also advised seafarers to embrace a saving culture to ensure that they have dependable investments for the periods they are away from sea. He also reiterated that KMA will continue to provide assistance to seafarers in line with its mandate and existing maritime regulations.

During the workshop, seafarers were also briefed on the implementation of the Maritime Labour Convention in Kenya, the milestones the Authority has made to ensure full and complete compliance with the national laws, the functions of the Kenya Maritime Authority (KMA), step by step implementation of the Maritime Labour Convention, initiatives KMA has taken to oversee matters pertaining to the training, recruitment and welfare of seafarers in accordance with Section 5 (k) of the Kenya Maritime Authority Act, Cap 370 and Merchant Shipping Act of 2009 and establishment of a Wage Standard for Kenyan seafarers.

KMA also assured the seafarers that it had enhanced service delivery to them by enabling online access to seafarers' application forms, relevant legislation and lists of service providers. The seafarers were also encouraged to interact regularly with the KMA website for information on licensed Recruitment and Placement Agencies, licensed medical service providers, accredited maritime training institutions in the country and updated seafarers' certification. They were also encouraged to support each other and especially the women and youth interested in joining seafaring.

Seafarers were also informed about the requirements and implementation of the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention, 1978 as amended, and the Merchant Shipping (Training and Certification) Regulations, 2016 which are crucial for in Maritime Education and Training. The main focus was to guide them on the progression of seafarers from Junior to Senior Ratings. The seafarers were also instructed on how to undertake

the seafarers' certification process. The seafarers were also urged to undertake the required courses to enable them to compete in the global seafaring market.

Other issues highlighted by KMA were on crew change and the collaborative efforts undertaken by the Authority and the State Department for Shipping and Maritime with other agencies which had made crew change in the port of Mombasa possible since July, 2020, in recognition of the plight of seafarers stranded at sea due to Covid-19 restrictions. The participants were also taken through the procedures of crew change in the Country. Other speakers in the event were drawn from organizations that provide vital services to seafarers which included the Bandari Maritime Academy, Mission to Seafarers, the Apostolate of the Seas, National Health Insurance Fund (NHIF) National Social Security Fund (NSSF) and the Department of Occupation Safety and Health (DOSHS).

Clarification of Key Issues on Seafarers Welfare & Employment

During the workshop, KMA clarified key issues on Seafarers' welfare and employment as follows:

1. Status of the Implementation of the Maritime Labour Convention (MLC) 2006

The Government of Kenya is implementing the MLC, 2006, which is also monitored by the International Labour Organization (ILO). This is evident by the country's tripartite partnerships, Kenya's compliance to the ILO reporting obligations in accordance to Article 22 of the ILO Constitution and access to national social security benefits, health and maternity benefits and occupation safety and health facilities for seafarers and their seafarers through the National Health Insurance Fund (NHIF) National Social Security Fund (NSSF) and the Department of Occupation Safety and Health (DOSHS).

2. Employment onboard ships and cadets sea service

KMA on behalf of the Government has undertaken various initiatives that enable Kenyans to access employment and sea service onboard ships. The Government through the State Department of Shipping and Maritime continues to engage with ship-owning countries to recognize Kenyan

certificates under Regulation I/10 of the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention, 2010; recently the country entered into MoUs with the Republic of Jamaica (2020) and Panama (2017). These initiatives enable Kenyan seafarers to work onboard ships owned by flags who have signed Recognition Agreements under Regulation I/10 of the STCW Convention, 2010 as amended. Robert Njue, KMA's DG, also noted that about 619 Kenyan seafarers had been employed aboard ships by March 2020, through the licensed Recruitment and Placement Agents before the outbreak of Covid-19 pandemic. He also confirmed KMA's commitment to continue working with the Government to ensure that Kenyans join the global labour market.

3. Consideration of experienced but older seafarers by ship-owners for employment

KMA clarified that the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention, 1978, as amended, and the Maritime Labour Convention, 2006, requires seafarers to be adequately trained and certificated for the work they are engaged to undertake onboard ships. Further, it was noted that the older seafarers who had experience as Ratings had been given a grace period "grandfather" clause of the STCW Convention, 2010, as amended, up to December 2016, to acquire certification based on documented experience. About 120 Kenyan seafarers applied to Kenya Maritime Authority and benefited from this initiative and were sponsored for training as Ratings and were duly certificated in consideration of their seafaring experience acquired in the five years preceding the provision. Accordingly, the allowance for "grandfather clause" expired in 2016 and from 1st January, 2017, all seafarers were required to be trained and certificated for the level and functions they undertake onboard ships as well as acquire requisite sea time for the level of certification. To promote employment of the older but experienced Kenyan seafarers, KMA also sponsored 500 Kenyan seafarers in 2016 who were experienced but did not have the STCW Basic Safety proficiency certificates.

4. Renewal of old generation Continuous Discharge Certificates (CDCs) for Seafarers

KMA explained that old generation of Continuous Discharge Certificates (CDCs) were withdrawn and deemed invalid by KMA vide Public Notice of 26th February, 2014 (attached to this press release) in compliance to international maritime Conventions – STCW 78 as amended and MLC

2006. Seafarers are now required to have the new regime of CDCs issued by KMA following successful undertaking of STCW Basic Safety Training. Seafarers are required to apply for new CDCs upon submission of Basic STCW Certificates to KMA. Seafarers are required to obtain STCW Basic Safety Training from approved maritime training institutions in the country accredited by KMA. Currently these are the Bandari Maritime Academy, Kisumu Maritime Centre and the Indian Ocean Maritime Institution.

5. Wage Standard for Kenyan Seafarers

Seafarers were informed that the Government and KMA are addressing the concern of Kenyan seafarers being paid less than other nationalities onboard ships for equal work done and are developing a Wage Standard for Kenyan Seafarers. The Authority is working closely with the State Department for Shipping and Maritime to fast track the establishment of a Wage Council to draft the Wage Standard for Kenyan Seafarers. Public participation on a Wage Standard for seafarers was held on 12th September, 2019. The seafarers were assured that the Authority will continue working with the State Department for Shipping and Maritime and the State Department for Labour to ensure that the Wage Standard is within the minimum wage scale recommended by the International Labour Organization (ILO) Joint Maritime Committee on the minimum Wage for Kenyan seafarers. Once a wage order is established, Kenyan seafarers will enjoy equitable pay for equal work onboard ships resolving the current disparity in wages of Kenyan seafarers and seafarers from other countries who have an established Wage Standard.

6. Compensation of Seafarers under the Work Injury Benefits Act, 2007 and not in accordance to the Merchant Shipping Act, 2009 or Maritime Labour Convention, (MLC) 2006

KMA informed seafarers that international Conventions are implemented through national legislation. Legislation in Kenya is complementary and therefore the Work Injury Benefits Act, 2007, covers all Kenyan workers including seafarers. The process of reporting work injury was further explained by the representative from Directorate of Occupation Safety and Health- Ministry of Labour, Mr. Bernard Simiyu, to enable seafarers report and get assessment and evaluation for work injury compensation.

7. Kenya's ratification of the ILO Convention 185 on Seafarer Identity Document

Seafarers were informed that the Authority proposed ratification of Convention 185 - Seafarers Identity Document. The procedure for ratification is outlined in the Treaty Making and Ratification Act, 2014, which requires involvement of the State Department for Shipping (in the case of maritime related treaties), the Office of the Attorney General, The Ministry of Foreign Affairs (which deposits the instruments with ILO or International Maritime Organization (IMO) and ultimately approval by the Parliament. KMA assured the seafarers' that their participation will be sought once a draft regulation is prepared by the technical and legal teams.

8. Seafarers' Employment Agreements

KMA noted that it provides seafarers the opportunity to confirm that their Seafarers' Employment Agreement is in accordance to national requirements in line with the Merchant Shipping Act, 2009. It was noted that many seafarers fear to seek clarification from the Authority on the contents of the Seafarers Employment Agreement before signing. Similarly, it was reported that many seafarers who face challenges onboard ships did not have employment agreements with their employers and they did not seek employment through recruitment and placement agents licensed by KMA as required. KMA informed seafarers that all recruitment and placement agents are required to submit employment agreements for seafarers recruited every first week of the month, and are regularly monitored by KMA for compliance with the requirements of Merchant Shipping Act, 2009 and the Maritime Labour Convention, 2006. KMA reminded seafarers to sign employment agreements which are binding for both parties as this may reduce violation of seafarers' rights to a large extent.

9. Crew Change in Kenya

Many countries across the world have imposed and continue to impose travel/movement restrictions due to the Coronavirus pandemic. This has led to thousands of seafarers being stranded onboard ships since they are unable to sign off/disembark from ships after either running out their employment contracts or working for the maximum continuous period that a seafarer can serve onboard a vessel which is set at 11 months by the Maritime Labour Convention (MLC) 2006. Seafarers are also not able to sign on/ board ships hence denying them the chance to work and earn

their living. This of course poses a serious threat to the seafarers' physical, mental and financial wellbeing which in turn poses a threat to the safety and efficiency of shipping.

On recognizing this humanitarian crisis facing seafarers and after the IMO called on member states to facilitate crew changes in their sea ports, the State Department of Shipping and Maritime affairs led a government multi agency team constituting of KMA, other government agencies and local ship agents in adopting and domesticating crew change protocols recommended by the IMO and global shipping industry associations in July 2020 to ensure the safe and sustainable operation of global maritime transport.

During the above Seafarers Workshop, KMA assured seafarers that Kenya continues to recognize the key role Seafarers play in running global supply chains even as the world grapples with the Covid-19 pandemic. Kenya has effected crew changes for over 1800 seafarers from 15th July 2020 to date. This has enabled crew to sign off at the Port of Mombasa and travel to their home countries to join their families while others have signed on to ships giving them the opportunity to work and earn their living. The implementation of the International Maritime Organization (IMO) Crew Change protocols by Kenya has also availed other opportunities such as:

- Marketing of Mombasa Port as a Crew Change Centre to the global shipping industry which has brought with it various opportunities for local businesses such as shipping agents, hotels, airlines and local transport providers.
- Employment of Kenyan seafarers who have been sought to replace foreign crew signing off in Kenya.
- Strengthening the Inter-agency cooperation between government agencies involved in crew change i.e. State Department of Shipping and Maritime, Kenya Maritime Authority, Kenya Ports Authority, Port Health and Immigration as they work together daily to facilitate crew change requests.

10. KMA Port State Control Officers

KMA clarified that it has 5 competent Port State Control officers who conduct Port State Control inspections at the Port of Mombasa in line with the Indian Ocean Memorandum of Understanding (IOMOU). They hold a Master Unlimited Certificate of Competency (COC) Class 1 and Chief

Marine Engineer Chief Certificate of Competency (COC) Class 1 from the United Kingdom and Singapore with over 5 years' experience at sea. They inspect all eligible ships calling at the Port of Mombasa to ensure compliance with international safety and operational standards.

Robert M. Njue HSC 'ndc' (K)
DIRECTOR GENERAL

For more information on the above issue kindly contact us using the following addresses:

info@kma.go.ke; www.kma.go.ke

Twitter handle: @KmaKenya

Facebook: Kenya Maritime Authority

Youtube: Kenya Maritime Authority