



Marine Notice No. 62 of 2023

Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers and Seafarers

Transparent and Predictable Working Conditions

The Department of Enterprise, Trade and Employment has transposed the EU Directive 2019/1152 on transparent and predictable working conditions in the EU. This transposition has been undertaken through the development of new Regulations: the European Union (Transparent and Predictable Working Conditions) Regulations 2022 ([S.I. No. 686 of 2022](#)) and amendments to the [Terms of Employment \(Information\) Act 1994](#).

Ship owners should be aware of their obligations under the Maritime Labour Convention, including with regard to the provision of a Seafarer's Employment Agreement as set out in the Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement and Wages) Regulations 2014 ([S.I. No. 373/2014](#)).

Separately, fishing vessel owners should also be aware of their obligations under EU Directive 2017/159 implementing the social partners' agreement on the Work in Fishing Convention 2007, including the provision of a Fisherman's Work Agreement, as set out in the European Union (Crew List and Fisherman's Work Agreement) Regulations 2020 ([S.I. No. 333/2020](#)).

In addition to the requirements related to a Seafarer's Work Agreement under S.I. No. 373/2014 and to a Fisherman's Work Agreement under S.I. No. 333/2020, the legislation transposing EU Directive 2019/1152 imposes additional obligations on employers. In particular, shipowners and fishing vessel owners should also include the following in any employment contract:

- Frequency and method of payment of wages;
- Training entitlement provided by the shipowner or fishing vessel owner as the employer, if any;
- Duration and conditions of the probationary period, if there is one;
- Where the work pattern is predictable, the length of the seafarer's or fisherman's standard working day or week and any arrangements for overtime and its remuneration and any arrangements for shift changes;
- In the case of a seafarer or fisherman employed through an agency on a temporary contract, the identity of the person who will be supervising them or to whom they will directly report.

Any change to the employment relationship must be provided in writing to the seafarer or fisherman at the earliest opportunity but before any such change takes effect.

Where the seafarer or fisherman is subject to probationary period, it cannot be for a period of more than 6 months and in the case of a renewal of contract for the same function and tasks there should be no new probationary period. Where a seafarer or fisherman has been absent from work during the probationary period, that period may be extended in relation to the duration of the absence. In the case of a fixed-term contract, the length of the probationary period must be proportionate to the expected duration of the contract and the nature of the work. On an exceptional basis, the period of probation may be for a period up to 12 months where it is in the interest of the seafarer or fisherman.

Where a shipowner or fishing vessel owner is required to provide training to a seafarer or fisherman to carry out the work for which they are employed, it must be provided to the seafarer or fisherman free of cost and must count as working time. Where possible, it should be provided during working hours. An example of this is where the master delegates the maintenance and use of medical supplies to a seafarer or fisherman who then must be provided with special training to carry out this task.

Provisions have also been put in place under section 6C of the Terms of Employment (Information) Act 1994 which prohibits seafarers and fishermen from being penalised for exercising their rights under that Act and includes references to demotion, change of location of work, reduction in wages, suspension and dismissal among other actions which would be deemed to be to the detriment of the seafarer's or fisherman's terms and conditions of employment.

The above mentioned additional obligations on shipowners and fishing vessel owners imposed by S.I. No 686 of 2022 will be enforced by the Workplace Relations Commission.

Any queries regarding the European Union (Transparent and Predictable Working Conditions) Regulations 2022 (S.I. No. 686 of 2022) and amendments to the Terms of Employment (Information) Act 1994 should be directed to:

- **Department of Enterprise, Trade and Employment**
Telephone: +353 1 631 2121
Email: info@enterprise.gov.ie

Shipowners and fishing vessel owners should ensure that they familiarise themselves with these requirements and that they are implemented appropriately to avoid any breaches.

Note: Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

Irish Maritime Administration,
Department of Transport,
Leeson Lane, Dublin 2, D02 TR60, Ireland.

22/09/2023

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, email: MSO@transport.gov.ie.

For general enquiries, please contact the Maritime Safety Policy Division, email:
MaritimeSafetyPolicyDivision@transport.gov.ie.

Written enquiries concerning Marine Notices should be addressed to:
Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60, Ireland.
email: MarineNotices@transport.gov.ie or visit us at: www.gov.ie/transport.