



MONGOLIA MARITIME ADMINISTRATION

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Ref. 01/299

Marine Circular № 01/299/2024

SUBJECT: Guidelines on Entitlement to leave

APPLICATION: This Marine Circular is applicable to all seafarers working on board Mongolian-flagged ships, shipowners, operators, management companies, agents, recognized organizations and other relevant stakeholders.

PURPOSE OF THE GUIDELINE

The marine circular offers guidance regarding seafarers' entitlement to leave, as required by the Maritime Labour Convention (MLC, 2006).

REFERENCES

- Regulation 2.4 of the MLC, 2006;
- Article 19, paragraph 1, and Article 20 of the Maritime Law of Mongolia;
- Marine Circular No. 01-181-2024;
- Marine Circular No. 01-248-2024.

ENTITLEMENT TO LEAVE

1. All seafarers shall be given paid annual leave.
2. All seafarers shall be granted shore leave to benefit their health and wellbeing, whenever and wherever possible and with the operational requirements of their positions.
3. All seafarers shall receive annual leave with pay calculated on the basis of a minimum of 2.5 calendar days per month of employment.
4. Justified absences from work shall not be considered as annual leave.
 - 4.1. Any absence from work to attend an approved maritime vocational training course or for such reasons as illness or injury or for maternity should be counted as part of the period of service.
 - 4.2. The following should not be counted as part of annual leave with pay:
 - public and customary holidays recognized as such in the country in which the seafarer is ordinarily resident and/or as indicated in the seafarer's employment agreement, whether or not these falls during the annual leave with pay;
 - periods of incapacity for work resulting from illness or injury or from maternity;
 - temporary shore leave granted to a seafarer while under an employment agreement;
 - compensatory leave of any kind.
5. Any agreement to forgo the minimum annual leave with pay shall be prohibited, except in cases provided by the Administration. The maximum period that a seafarer can serve on board a ship is eleven (11) months before taking minimum paid annual leave. This is also linked to the requirement in Standard A2.5, paragraph 2(b), regarding the entitlement to repatriation in a period of less than 12 months. The Administration will

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take into consideration the following when permitting a seafarer to forego the minimum annual leave with pay and continue being engaged under the seafarers' employment agreement for a period not exceeding 14 months:

- 5.1. the reason for foregoing minimum annual leave with pay;
- 5.2. the shipowner or operator can satisfactorily demonstrate that all possible efforts have been expended to repatriate the seafarer without success;
- 5.3. the seafarer has provided written confirmation accepting the extension of the seafarers' employment agreement;
- 5.4. the shipowner or operator provides a repatriation plan for approval and which will result in the repatriation of the seafarer;
- 5.5. a proper risk assessment carried out by the shipowner taking into account the ships trading pattern, the seafarers' record of rest hours, fatigue and other identified hazards.
6. A seafarer taking annual leave should be recalled only in cases of extreme emergency and with the seafarers' consent.

Any inquiries or requests regarding this marine circular should be directed to Mongolia Maritime Administration (E-mail address: info@monmarad.gov.mn)

This Marine Circular will enter into effect as of 01 July 2024

Sincerely,



OTGONSUREN DAMDINSUREN
DIRECTOR-GENERAL
MONGOLIA MARITIME ADMINISTRATION