

How does Brexit affect MLC conditions and employers duties after 01-01-2021? (End of the transition period)

Background:

'MLC requirements' - Shipowners are 'responsible for meeting the costs' of medical care for seafarers working on their ships, the only exceptions being that such costs may be recovered from the seafarer in respect of:

- injury suffered otherwise than in the service of the ship;
- injury or sickness arising from the willful misconduct of the seafarer who is injured or sick; or
- injury or sickness intentionally concealed by the seafarer prior to entering into the seafarer employment agreement.

The extent of medical care to be provided is defined in the Regulations and is set out in MGN 482 para 3.1.

'Financial security' is required to meet any compensation costs for long term illness or disability or death as a result of occupational illness or injury. The same exclusions apply.

The requirements for financial security are set out in section 10A of;
<https://www.legislation.gov.uk/ukxi/2018/667/regulation/2/made>

Affect to UK Seafarers and employees working in the EU following Brexit:

The requirements above will not change as a result of EU Exit. However, access of seafarers and employees who are UK nationals / residents to free medical care in Europe and vice versa European seafarers to free medical care in the UK under mutual arrangements may change, depending on the final Exit agreement. Check www.gov.uk for the latest information.

Do vessel Owners need private insurance health cover for overseas Seafarers and employees following the Transition Period?

There is no statutory requirement for health insurance or financial security for medical care – it is a commercial decision for ship owners whether to have insurance to cover any medical costs. The only statutory requirement is for financial security in respect of illness or injury is for compensation for long-term incapacity, as above. [Financial security is also required for repatriation and in case of abandonment.]

Will current E111 [EHIC] cards / E101 [A1] declarations be accepted in the UK for EU Seafarers and employees and vice versa for UK nationals working in Europe?

This will depend on the final deal for the EU Exit agreement. E111 cards may no longer apply from 1 January 2021, and anyone travelling to Europe will need (travel) insurance to cover their healthcare.

See the Government website link: <https://www.gov.uk/visit-europe-1-january-2021>

For EU workers coming into the UK, this is current relevant guidance:

<https://www.citizensadvice.org.uk/health/help-with-health-costs/nhs-charges-for-people-from-abroad/>
and

<https://www.gov.uk/government/publications/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care#health-surcharge>

Julie Carlton, Seafarer Safety and Health Manager

Maritime & Coastguard Agency

Spring Place, 105 Commercial Road, Southampton, SO15 1EG