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SEAFARER'S MENTAL HEALTH AND LEGAL LIABILITY OF SHIPOWNERS

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ABSTRACT

Life at sea is often romanticized as an adventurous escape, but beneath the waves lies a harsh reality that many seafarers face daily that is the mental health challenges. Isolated from family, enduring long hours, and coping with unpredictable conditions, these individuals confront unique psychological pressures that can affect their well-being profoundly. At the same time, shipowners carry a significant burden, not only to ensure safe and efficient voyages but also to uphold legal obligations related to their crew's mental health. This paper examines the evolving recognition of mental health as an occupational hazard, the extent of shipowners' legal duties under international and national frameworks. It argues for strengthening legal mechanisms to ensure that seafarers' mental well-being is protected as part of shipowners' duty of care, aligning maritime law with modern labour and human rights standards.

Keywords: Maritime Labour Convention, Seafarer, Mental Health, Shipowners, Welfare.

INTRODUCTION

Mental health in maritime work has become a critical concern due to the demanding nature of seafaring, which involves isolation, prolonged hours, job insecurity, and exposure to life challenges. Rising cases of depression, suicide, stress-related illness, and crew abandonment reveal systemic shortcomings, such as poor healthcare access, weak welfare support, and inadequate company-driven measures. These gaps are exacerbated by fragmented international enforcement and overlapping jurisdictions. The issue raises a central debate: should mental health be addressed strictly as part of occupational health and safety under frameworks like the Maritime Labour Convention, 2006, or should shipowners also be held legally liable for neglecting crew well-being? This highlights the tension between recognizing seafarers' mental health as a human right and determining accountability for prevention and redress in the shipping industry.

INTERNATIONAL LEGAL FRAMEWORK

A. Maritime Labour Convention, 2006

The Maritime Labour Convention, 2006 (MLC) provides robust rights and protections for seafarers regarding medical care, welfare facilities, and repatriation. The Maritime Labour Convention, 2006 (MLC, 2006), often referred to as the “*Seafarers’ Bill of Rights*”, is a comprehensive international instrument adopted under the auspices of the International Labour Organization (ILO). It was adopted in February 23rd, 2006 at the 94th International Labour Conference in Geneva and came into force on 20th August 2013. The MLC, 2006 consolidates and modernizes more than sixty-five plus existing ILO maritime labour conventions and recommendations adopted since 1920, creating a single, coherent framework for regulating the working and living conditions of seafarers worldwide. The Convention applies to all ships engaged in commercial activities and covers key areas such as conditions of employment, hours of work and rest, health and safety protection, accommodation and recreational facilities, medical care, welfare measures, and social security protection. It also introduces an innovative system of certification and inspection, requiring ships of 500 gross tonnage and above engaged in international voyages to carry a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance. The structure of the Convention is rather complex as it provides for three different kinds of provisions: Articles, Regulations and the so-called Code. The Articles and Regulations set out the core rights and principles and the basic obligations of State’s ratifying the Convention, while the Code contains the details for the implementation of the Regulations. It comprises Part A (mandatory standards) and Part B (non-mandatory Guidelines).¹ The Regulations and the Codes are organised into general areas under five titles as follows:

- Title 1: Minimum requirements for seafarers to work on a ship.
- Title 2: Conditions of employment.
- Title 3: Accommodation, recreational facilities, food and catering.
- Title 4: Health protection, medical care, welfare and social security protection.
- Title 5: Compliance and enforcement - on board complaint procedures.

Each of the four titles contains provisions relating to a particular right or principle, duly enforced in Title 5. Every Title comprises a number of Regulations, followed by the

¹ IMO Rules, GUID-4BB96176-AB3E-457C-A443-CA30E81764F2 (last visited Sept. 30, 2025), <https://www.imorules.com/GUID-4BB96176-AB3E-457C-A443-CA30E81764F2.html>

standard which together form the Code.²

a. Medical Care

Regulation 4.1 of the Maritime Labour Convention³, 2006 (MLC, 2006) concerning health protection and medical care for seafarers. The MLC ensures every seafarer the right to adequate health protection and prompt access to medical care both onboard and ashore that is comparable to care available to workers on land. Shipowners must provide:

- A well-equipped medicine chest and medical equipment.
- A ship's doctor for vessels with 100 or more persons engaged in international voyages of more than three days; all other ships must have at least one trained person responsible for medical care.
- 24-hour access to onshore specialist medical advice via radio or satellite.
- Free access to medical care for seafarers, including the cost of necessary treatment, until the seafarer recovers or is declared permanently unfit, generally up to 16 weeks, with extended liability until repatriation when overseas.⁴

b. Welfare Facilities

Welfare is enshrined as a fundamental right under Article IV of the MLC and encompasses all aspects related to the quality of life of seafarers. Welfare provisions include:

- a. Access to shore-based welfare facilities and services at ports (e.g., accommodation, recreation, post, and communication).
- b. Cooperation among government, port authorities, and welfare organizations to maintain and improve welfare facilities.
- c. Regular observation by welfare boards and employment of dedicated staff for seafarer support.
- d. Suitable standards for shore accommodation in some cases, including the provision for seafarers' families wherever feasible.⁵

² Lloyd's Register, *The Maritime Labour Convention, 2006*, LR, <https://www.lr.org/en/services/statutory-compliance/the-maritime-labour-convention-2006/> (last visited Sept. 30, 2025).

³ IMO Rules, GUID-4BB96176-AB3E-457C-A443-CA30E81764F2 (last visited Sept. 30, 2025), <https://www.imorules.com/GUID-4BB96176-AB3E-457C-A443-CA30E81764F2.html>

⁴ Seafarers' Rights Int'l, *Right to Medical Care on Board Ship and Ashore*, SEAFARERS' RIGHTS, <https://seafarersrights.org/right-to-medical-care-on-board-ship-and-ashore/> (last visited Sept. 30, 2025).

⁵ Int'l Chamber of Shipping, *Guide to Welfare on Board* (Aug. 2020), <https://www.ics-shipping.org/wp-content/uploads/2020/08/welfare-guide.pdf> (last visited Sept. 30, 2025).

c. Repatriation

The MLC guarantees seafarers the right to be repatriated at no cost in specified circumstances such as illness, injury, shipwreck, or upon expiry of their employment agreement. Shipowners are responsible for:

- The repatriation of seafarers at no cost in situations covered by the MLC.
- Continuing liability for costs relating to medical care and board until the seafarer has been repatriated, ensuring no seafarer is left stranded.
- Transport to a proper place of residence and provision of basic needs during the process.⁶

The ISM Code (International Safety Management Code)

It mandates the establishment of a Safety Management System (SMS) aboard ships to ensure safe operation and environmental protection, explicitly including provisions for managing occupational risks such as stress. The **ISM Code's Safety Management System (SMS)** requires shipping companies to identify and assess occupational risks, including hazards from work processes, equipment, working conditions, and stress. Stress is recognized as a major occupational risk, linked to workload, shift schedules, manning levels, interpersonal relations, administrative burdens, and company culture. Effective SMS measures—such as training, rest periods, support systems, and clear procedures—help manage stress, reduce fatigue, and maintain crew well-being. Occupational health and safety under the ISM Code (Elements 7, 8, and 10) mandates risk assessments, preventive procedures, and contingency plans, in line with wider occupational legislation. Stress management is integrated into this framework, covering ergonomic, psychological, and safety aspects, consistent with IMO guidelines.⁷

The International Labour Organization (ILO) and International Maritime Organization (IMO) have developed guidelines to address mental health in the maritime sector, emphasizing awareness, training, and onboard practices. The ILO, mainly through the Maritime Labour Convention (MLC) 2006, treats mental health as part of occupational safety, urging shipowners to minimize stressors, promote early recognition of distress, ensure access to welfare facilities, and foster stigma-free reporting. Practical steps include mental health, first aid training, peer

⁶ Maritime & Coastguard Agency, *Marine Guidance Note MGN 482 (M), Amendment 1: Maritime Labour Convention, 2006 — Medical Care* (Jan. 2021), https://assets.publishing.service.gov.uk/media/60145964d3bf7f70c036db81/MGN_482_Amendment_1_MLC_Medical_care.pdf (last visited Sept. 30, 2025).

⁷ "ISM Code and International Safety Management," Intoglo (Feb. 28, 2025), <https://blog.intoglo.com/ism-full-form-in-shipping-code/> (last visited Sept. 30, 2025).

support networks, and awareness campaigns. The IMO, through its Human Element, Training and Watchkeeping Sub-Committee, integrates mental health and psychological safety into training modules, such as IMO Model Course 1.21, focusing on stress management, leadership, and anti-harassment measures. Guidance documents like *Mentally Healthy SIP*⁸ encourage companies to embed mental health policies, conduct risk assessments, and organize workshops. Onboard practices recommended by both organizations include fatigue and stress management training, cadet preparation, leadership skills for senior officers, appointment of mental health first aiders, and initiatives to reduce isolation and cultural stress. Measures such as peer support, HR-linked workshops, and visible support resources collectively aim to create a supportive, mentally healthy environment at sea.⁹

NATIONAL LAWS

Indian laws related to seafarers' mental health and shipowners' liability encompass a mix of legislative reforms, international conventions incorporated into domestic law, and emerging frameworks addressing mental health awareness. India has recently taken steps to address seafarers' mental health through an agreement with the International Transport Workers' Federation (ITF). This initiative includes mental health training and the inclusion of stress management modules in the national maritime curriculum to build resilience and ensure supportive environments for seafarers, including cadets and students.¹⁰ The government recognizes rising mental health challenges such as stress and suicides among seafarers and promotes early intervention and stigma-free discussions about mental health onboard ships.¹¹

LIABILITY OF SHIPOWNERS

Shipowner liability in India is governed primarily by the Merchant Shipping Act, 1958 (being reformed by the Merchant Shipping Act 2025), and international conventions ratified by India. The shipowner is liable for injuries, illnesses (including mental health-related if they impact

⁸ Mentally healthy "SIP" guidelines likely refer to strategies for Self-care, Interaction, and Present-moment awareness (or "Pay attention") to improve mental wellbeing, which includes connecting with others, being physically active, practicing mindfulness, getting enough sleep, and eating healthily.

⁹ Int'l Mar. Org., *HTW Sub-Committee, 8th Session* (Feb. 2021), <https://www.imo.org/en/mediacentre/meetingsummaries/pages/htw-8th-session.aspx> (last visited Sept. 30, 2025).

¹⁰ Dr. Sarika J. Sagar & Dr. Bhupender Singh, *An Analysis of International Law of Sea for Mental Health and Rights of Seafarers and Its Application in India*, 8 *IJRTI* 481 (2023), <https://www.ijrti.org/papers/IJRTI2303084.pdf>

¹¹ S. Venkiteswaran, *Medical Problems of Seafarers, Legal System Prevalent in India for Ports, Maritime Law on Piracy at Sea, Salvage, General Average and Marine Insurance*, *PANDI INDIA* (Apr. 1, 2024), <https://pandiindia.in/medical-problems-of-seafarers-legal-system-prevalent-in-india-for-ports-maritime-law-on-piracy-at-sea-salvage-general-average-and-marine-insurance-by-mr-s-venkiteswaran/>

the seafarer's capacity), or death of seafarers during employment on the ship. Liability extends through whole service duration from reporting to termination.¹²The Indian Merchant Shipping Act, 1958 (MSA 1958) contains comprehensive provisions related to the health, welfare, and accommodation of seafarers. Key health and welfare provisions under this Act include:

- Mandatory provision of sufficient provisions and water on ships¹³.
- Requirements for ships to carry a duly certificated cook, medical stores, medicines, and in some cases a medical officer¹⁴.
- Free medical attendance and treatment onboard or ashore in case of illness or injury, with the expenses borne by the shipowner.¹⁵
- Adequate accommodation standards for seafarers including proper bedding, towels, and hygienic living conditions¹⁶.
- Inspection authority for provisions, water, and accommodation by shipping masters.¹⁷
- Nomination and handling of deceased seamen's property.¹⁸
- Relief, maintenance, and assistance provisions for distressed seamen.¹⁹

MENTAL HEALTH OF SEAFARERS

Seafarers, who spend extended periods of time aboard ships in a restricted and secluded environment, far from the comforts of home and with limited connection to their loved ones, face tremendous pressures on their health and well-being. Physically taxing jobs, erratic timetables, and disturbed sleep are common in daily routines, particularly in inclement weather and when ships roll in storms. Food shortages, severe weather, and limited recreational possibilities are common for seafarers, all of which increase mental and physical stress. Under such difficult circumstances, crew welfare and operational safety are fundamentally based on onboard health.

The shipmaster is responsible for ensuring the protection of a seafarer's entitlements to health safety, medical care, welfare services, and social security in accordance with the standards

¹² Hafsa Sheikh, Rights, Liability and Limitation of Liability of Shipowners under International and Indian Legal Framework, LEGAL BITES (Jan. 30, 2023), <https://www.legalbites.in/rights-liability-limitation-of-liability-of-shipowners>.

¹³ Section.168 of Merchant Shipping Act,1958

¹⁴ Sections 170, 172, 173 of Merchant Shipping Act,1958

¹⁵ Section 174 of Merchant Shipping Act,1958

¹⁶ Section 175 of Merchant Shipping Act,1958

¹⁷ Section 176 of Merchant Shipping Act,1958

¹⁸ Sections 153 to 160 of Merchant Shipping Act,1958

¹⁹ Sections 161 to 167 of Merchant Shipping Act,1958

outlined in the Maritime Labour Convention (MLC). The definition of health encompasses aspects of social, mental and physical health, and is not just the absence of diseases. Hence, it is important to prioritise mental health in the same way as we do with physical health.

Seafarers can suffer from loneliness, anxiety, despair, tiredness, and stress during emergencies such as pandemics, and given the potential for extended sea voyages and changing crew circumstances, this warrants serious attention towards mental health onboard. A decline in mental health can lead to interpersonal conflict, incompetence, and consequential safety risks, which will negatively affect the outcome of the journey. The shipmaster has a moral and legal responsibility to oversee the physical and mental health of the crew. Even if regulations do not provide prescription in circumstances of international emergencies or other regulated jurisdictions, responsibility of care is still apparent.

It is important to recognize the early signs of mental distress. The Shipmaster is not expected to become versed in mental fitness, but taking the steps to learn about and support his crew (including readily available and established systems such as a buddy system) can go a long way in improving the morale and smooth operation of the crew as a whole. Overall, mental health is not distinct from physical health; both mental and physical health will require equal attention and awareness to create a safe and functional working environment at sea.²⁰

MENTAL HEALTH CHALLENGES AMONG SEAFARERS

Seafarers face significant and unique mental health challenges that arise from multiple sources. Social stressors include extended time away from family and familiar environments, navigating cultural and language barriers among diverse crews, and the isolating effects of communication technologies that can worsen feelings of loneliness or helplessness. Additionally, a culture of self-reliance often discourages seafarers from admitting distress or seeking help, while communal living and long working hours can foster stigma around mental health struggles. Workplace stressors are equally impactful. Life aboard ship operates non-stop, blurring the division between work and rest, which limits opportunities for mental and physical recuperation. Reduced crew sizes increase workloads, and exposure to bullying, harassment, or cultural disparagement further harms wellbeing. Seafarers must also continuously adapt to new technologies, regulatory demands, and frequent inspections, all of which heighten stress.

²⁰ Maritime Crew Health: Regulations and Welfare Management, available at: [Maritime Crew Health: Regulations and Welfare Management](#) (last visited on October 02, 2025)

Personal stressors include unresolved past traumas, concerns about family difficulties at home, the acclimate challenges faced by new seafarers, and the gap between expectations and reality of ship life. Environmental factors such as navigating dangerous waters, extreme weather, and lack of natural light add to psychological strain. Acute episodic traumas like fires, collisions, witnessing death, or threats from piracy or conflicts cause further mental health risks.

Seafarers often face significant challenges in accessing timely and adequate medical treatment, especially when working in remote or offshore locations. Many vessels lack comprehensive medical infrastructure, limiting access to specialized equipment, diagnostic tools, and healthcare professionals. Emergency medical evacuations to onshore facilities, when necessary, are often costly, time-consuming, and logistically complex. Language barriers and cultural differences can impede accurate diagnosis and clear communication. Additionally, the demanding nature of maritime work frequently causes seafarers to postpone or neglect medical care, and many lack training to manage minor health issues onboard.²¹

Health insurance coverage can be limited, especially regarding specialized care like mental health services, further complicating access. Regulatory inconsistencies across countries also pose hurdles for standardized medical care. Addressing these obstacles requires coordinated efforts among maritime stakeholders, governments, healthcare providers, and industry groups. Solutions include expanding telemedicine access, enhancing onboard medical training, improving shipboard medical facilities, and developing uniform healthcare standards to ensure seafarers receive proper care regardless of their location at sea.

Despite these challenges, stigma around mental health remains a major barrier to seeking help. Seafarers may fear losing their jobs or being seen as weak, leading to silence and untreated distress. Therefore, it is critical to promote safe, culturally sensitive environments aboard ships and within maritime organizations where mental health can be openly discussed and timely support accessed. Encouraging mental health awareness and reducing isolation bolster both seafarers' wellbeing and overall maritime safety.²²

²¹ Abraham S., "Overview Of The Health And Safety Of Seafarers" 10 International Journal of Research and Analytical Reviews 184 (2023)

²² Addressing and Managing Seafarer Mental Health Challenges, available at: https://www.american-club.com/Addressing_and_Managing_Seafarer_Mental_Health_Challenges/ (last visited on October 02, 2025)

STRATEGIES FOR IMPROVING SEAFARER'S MENTAL HEALTH

A recent study identifies key factors positively correlated with depression, anxiety, and suicidal ideation among seafarers. These include inadequate training on handling mental health crises aboard, an unaware or uncaring work environment, exposure to violence or threats, co-existing medical conditions, low job satisfaction, and overall ill health.

Shipowners, operators, and ship Masters can enhance crew resilience by implementing preventative policies and support mechanisms. Recommendations include:

- Establishing clear mental wellness policies and relevant training for Masters and crewing/human resources staff ashore. This should cover prevention (e.g., anti-bullying/harassment training), risk identification, and coordinated management of seafarers at-risk. Training should also address challenges faced by Masters, including their own mental health and cultural barriers.
- Providing good internet access to enable confidential communication with family and mental health professionals. Telemedicine mental health consultations should be considered part of medical benefits.
- Creating onboard support systems like buddy or mentorship programs, especially to support new or less experienced crew, recognizing seafarers tend to confide first in trusted peers rather than officers.
- Encouraging contact with trusted persons ashore or port chaplains who can offer neutral, confidential listening and morale assessment.
- Prioritizing shore leave, which provides vital respite and opportunities to decompress, acknowledging pandemic related restrictions have had severe negative effects.
- Conducting regular drills and skills training from fire safety to anti-piracy and harassment prevention which empower crew and reduce stress.
- Recognizing and appreciating seafarers' service can further boost morale.
- On an individual level, seafarers should be encouraged to normalize mental wellness as part of overall health and safety, maintain healthy routines of rest, exercise, and nutrition, communicate regularly with others, engage in positive activities, and seek confidential professional help when possible.²³

Collectively, these strategies can form a robust framework for addressing and managing seafarer mental health challenges effectively.

²³ Ibid

CONCLUSION

Despite their vital role in global trade, seafarers frequently lack adequate access to mental health support, partly due to stigma and partly due to the demanding environment aboard ships. Seafarers face immense mental health challenges that often go unnoticed and unaddressed. Long periods away from family, the isolating nature of life at sea, constant pressure, and unpredictable working conditions can take a heavy toll on their wellbeing. The COVID-19 pandemic only deepened these struggles, with many seafarers experiencing heightened depression, anxiety, and loneliness.

From a legal perspective, shipowners have a clear responsibility to ensure the mental health and safety of their crews under international conventions such as the Maritime Labour Convention (MLC) 2006. This includes providing a safe work environment, access to medical care, and protection against workplace abuses. Beyond legal obligations, creating a culture where mental health is openly acknowledged and supported is key. Training, clear policies, open communication, and access to professional support not only protect seafarers' wellbeing but also enhance operational safety and efficiency. Addressing seafarers' mental health requires the collective effort of shipowners, operators, crewing agencies, and policymakers. Investing in mental health resources, reducing stigma, improving living and working conditions, and ensuring compliance with legal standards are all crucial steps. Ultimately, the maritime industry must prioritize mental health as an integral part of seafarer welfare—because taking care of those who keep the world's trade moving is both a moral duty and essential for sustainable maritime operations. It will be highly commendable to expedite in including the amendments adopted at the 5th meeting of the ILO Special Tripartite Committee for the Maritime Labour Convention, 2006 (MLC, 2006) held in Geneva from 7 to 11 April 2025 and include amendments into the national legal framework.

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