

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976 (No. 147)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The matters with which this Convention deals may be beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention may necessitate consultation of other interested ministries or government agencies.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;

- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies.** The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period from _____ to _____

made by the Government of _____

on the

MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976 (No. 147)

(ratification registered on _____)

I. Please give a list of the laws and regulations which apply the provisions of the Convention. Where this has not already been done, please forward copies of the relevant laws and regulations to the International Labour Office with this report.

Please state whether these laws and regulations have been adopted or modified to permit, or as a result of, ratification.

II. Please indicate in detail *for each of the following Articles of the Convention* the provisions of the abovementioned laws and regulations, or other measures, under which the Article is applied. In addition, please provide any indications specifically requested below under particular Articles.

If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. Except as otherwise provided in this Article, this Convention applies to every seagoing ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose.

2. National laws or regulations shall determine when ships are to be regarded as seagoing ships for the purpose of this Convention.

3. This Convention applies to seagoing tugs.

4. This Convention does not apply to:

- (a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;
- (b) ships engaged in fishing or in whaling or in similar pursuits;
- (c) small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation, the decision as to which vessels are covered by this subparagraph to be taken by the competent authority in each country in consultation with the most representative organisations of shipowners and seafarers.

5. Nothing in this Convention shall be deemed to extend the scope of the Conventions referred to in the Appendix to this Convention or of the provisions contained therein.

Paragraph 2 – Please indicate when ships are to be regarded as seagoing ships for the purpose of this Convention.

Paragraph 3 – Please indicate whether the relevant national laws and regulations apply to seagoing tugs.

Paragraph 4, subparagraph (c) – Please indicate any decisions taken by the competent authority, in consultation with the most representative organizations of shipowners and seafarers, to exclude from the scope of the Convention small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation.

Article 2

Each Member which ratifies this Convention undertakes:

- (a) to have laws or regulations laying down, for ships registered in its territory:
 - (i) safety standards, including standards of competency, hours of work and manning, so as to ensure the safety of life on board ship;
 - (ii) appropriate social security measures; and
 - (iii) shipboard conditions of employment and shipboard living arrangements, in so far as these, in the opinion of the Member, are not covered by collective agreements or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;and to satisfy itself that the provisions of such laws and regulations are substantially equivalent to the Conventions or Articles of Conventions referred to in the Appendix to this Convention, in so far as the Member is not otherwise bound to give effect to the Conventions in question;
- (b) to exercise effective jurisdiction or control over ships which are registered in its territory in respect of:
 - (i) safety standards, including standards of competency, hours of work and manning, prescribed by national laws or regulations;
 - (ii) social security measures prescribed by national laws or regulations;
 - (iii) shipboard conditions of employment and shipboard living arrangements prescribed by national laws or regulations, or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;
- (c) to satisfy itself that measures for the effective control of other shipboard conditions of employment and living arrangements, where it has no effective jurisdiction, are agreed between shipowners or their organisations and seafarers' organisations constituted in accordance with the substantive provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949;
- (d) to ensure that:
 - (i) adequate procedures – subject to overall supervision by the competent authority, after tripartite consultation amongst that authority and the representative organisations of shipowners and seafarers where appropriate – exist for the engagement of seafarers on ships registered in its territory and for the investigation of complaints arising in that connection;
 - (ii) adequate procedures – subject to overall supervision by the competent authority, after tripartite consultation amongst that authority and the representative organisations of shipowners and seafarers where appropriate – exist for the investigation of any complaint made in connection with and, if possible, at the time of the engagement in its territory of seafarers of its own nationality on ships registered in a foreign country, and that such complaint as well as any complaint made in connection with and, if possible, at the time of the engagement in its territory of foreign seafarers on ships registered in a foreign country, is promptly reported by its competent authority to the competent authority of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office;
- (e) to ensure that seafarers employed on ships registered in its territory are properly qualified or trained for the duties for which they are engaged, due regard being had to the Vocational Training (Seafarers) Recommendation, 1970;
- (f) to verify by inspection or other appropriate means that ships registered in its territory comply with applicable international labour Conventions in force which it has ratified, with the laws and regulations required by subparagraph (a) of this Article and, as may be appropriate under national law, with applicable collective agreements;
- (g) to hold an official inquiry into any serious marine casualty involving ships registered in its territory, particularly those involving injury and/or loss of life, the final report of such inquiry normally to be made public.

Subparagraph (a) – Please give particulars of the provisions of national laws and regulations which deal with the matters mentioned in this subparagraph.

Please show in what manner the said laws and regulations are substantially equivalent to the Conventions or Articles of Conventions mentioned in the Appendix to the Convention.¹ In so far as the Conventions mentioned in the Appendix have been ratified by your country, reference may be made to information on their implementation supplied in reports already communicated by your Government; please provide information, however, on developments affecting the application of such Conventions since the supply of the reports in question.

Please indicate to what extent shipboard conditions of employment and shipboard living arrangements are covered by collective agreements or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned. Please communicate a representative sample of such agreements, awards or decisions.

¹ The relevant substantive provisions of the Conventions concerned are reproduced at the end of this form.

Subparagraph (b) – Please describe the measures taken to ensure effective jurisdiction or control in respect of the observance of the laws, regulations and awards or decisions of competent courts dealing with the matters mentioned in this subparagraph.

Subparagraph (c) – Please give particulars of the measures agreed between shipowners or their organizations and seafarers' organizations for the effective control of shipboard conditions of employment and living arrangements in respect of which your Government has no effective jurisdiction. Please provide copies of the agreements or other documents laying down these measures.

Subparagraph (d) – Please indicate what procedures exist:

- *for the engagement of seafarers on ships registered in your country;*
- *for investigating complaints arising in connection with the engagement of seafarers on ships registered in your country;*
- *for investigating complaints made in connection with the engagement in your country of seafarers of your country's nationality on ships registered in a foreign country.*

Please indicate which authority exercises overall supervision over the abovementioned measures, and the nature of such supervision. Please provide particulars of any tripartite consultations amongst the competent authority and the representative organizations of shipowners and seafarers regarding these matters.

Please indicate the arrangements for reporting complaints in connection with the engagement in your country of seafarers on ships registered in a foreign country to the competent authority of such country.

Subparagraph (e) – Please provide information on the measures taken to ensure that seafarers employed on ships registered in your country are properly qualified or trained for the duties for which they are engaged with due regard to the Vocational Training (Seafarers) Recommendation, 1970.²

Subparagraph (f) – Please describe the inspection or other arrangements which exist to verify compliance with the various standards mentioned in this subparagraph and give details of the functioning of these arrangements (for example: size of inspection staff, numbers and results of inspections and investigations of complaints, penalties imposed).

Subparagraph (g) – Please indicate what arrangements exist for holding an official inquiry into cases of serious marine casualties and whether the final reports of such inquiries are made public. Please provide information on the number of inquiries held during the period covered by this report, and on measures taken as a result.

Article 3

Any Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship registered in a State which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken by the ratifying State to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

Please describe the measures taken to give effect to this Article.

Article 4

1. If a Member which has ratified this Convention and in whose port a ship calls in the normal course of its business or for operational reasons receives a complaint or obtains evidence that the ship does not conform to the standards of this Convention, after it has come into force, it may prepare a report addressed to the government of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.

2. In taking such measures, the Member shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag State and shall, if possible, have such representative present. It shall not unreasonably detain or delay the ship.

3. For the purpose of this Article, "complaint" means information submitted by a member of the crew, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to its crew.

Please describe any measures taken in pursuance of this Article and give information on the functioning of these measures (such as the number and nature of cases considered and the nature of any action taken).

² The relevant substantive provisions of this Recommendation are reproduced at the end of this form.

Article 5

1. This Convention is open to the ratification of Members which:
 - (a) are parties to the International Convention for the Safety of Life at Sea, 1960, or the International Convention for the Safety of Life at Sea, 1974, or any Convention subsequently revising these Conventions; and
 - (b) are parties to the International Convention on Load Lines, 1966, or any Convention subsequently revising that Convention; and
 - (c) are parties to, or have implemented the provisions of, the Regulations for Preventing Collisions at Sea of 1960, or the Convention on the International Regulations for Preventing Collisions at Sea, 1972, or any Convention subsequently revising these international instruments.
2. This Convention is further open to the ratification of any Member which, on ratification, undertakes to fulfil the requirements to which ratification is made subject by paragraph 1 of this Article and which are not yet satisfied.
3. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the texts of these decisions.

IV. Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from reports of the authority or authorities responsible for the application of the Convention.

V. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.³ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

APPENDIX

Minimum Age Convention, 1973 (No. 138), or
Minimum Age (Sea) Convention (Revised), 1936 (No. 58), or
Minimum Age (Sea) Convention, 1920 (No. 7);
Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55), or
Sickness Insurance (Sea) Convention, 1936 (No. 56), or
Medical Care and Sickness Benefits Convention, 1969 (No. 130);
Medical Examination (Seafarers) Convention, 1946 (No. 73);
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
Accommodation of Crews Convention (Revised), 1949 (No. 92);
Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4)⁴;
Seamen's Articles of Agreement Convention, 1926 (No. 22);
Repatriation of Seamen Convention, 1926 (No. 23);
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

³ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

⁴ In cases where the established licensing system or certification structure of a State would be prejudiced by problems arising from strict adherence to the relevant standards of the Officers' Competency Certificates Convention, 1936, the principle of substantial equivalence shall be applied so that there will be no conflict with that State's established arrangements for certification.

**TEXTS OF THE RELEVANT SUBSTANTIVE PROVISIONS OF CONVENTIONS
LISTED IN THE APPENDIX TO CONVENTION No. 147 AND
OF RECOMMENDATION No. 137**

Convention No. 138: Minimum Age, 1973

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health,

safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:

- (a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
- (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Convention No. 58:

Minimum Age (Sea) (Revised), 1936

Article 1

For the purpose of this Convention, the term “vessel” includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Convention No. 7: Minimum Age (Sea), 1920

Article 1

For the purpose of this Convention, the term “vessel” includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

Children under the age of fourteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Article 1

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of:

- (a) persons employed on board,
 - (i) vessels of public authorities when such vessels are not engaged in trade;
 - (ii) coastwise fishing boats;
 - (iii) boats of less than twenty-five tons gross tonnage;
 - (iv) wooden ships of primitive build such as dhows and junks;
- (b) persons employed on board by an employer other than the shipowner;
- (c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels;
- (d) members of the shipowner's family;
- (e) pilots.

Article 2

1. The shipowner shall be liable in respect of:

- (a) sickness and injury occurring between the date specified in the articles of agreement for reporting; for duty and the termination of the engagement;
- (b) death resulting from such sickness or injury.

2. Provided that national laws or regulations may make exceptions in respect of:

- (a) injury incurred otherwise than in the service of the ship;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased person;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

Article 3

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises:

- (a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances; and
- (b) board and lodging.

Article 4

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide:

(a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme;

(b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

Article 5

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable:

- (a) to pay full wages as long as the sick or injured person remains on board;
- (b) if the sick or injured person has dependants, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide:

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to cash benefits under the insurance or compensation scheme;
- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

Article 6

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

2. The port to which the sick or injured person is to be returned shall be:

- (a) the port at which he was engaged; or
- (b) the port at which the voyage commenced; or
- (c) a port in his own country or the country to which he belongs; or
- (d) another port agreed upon by him and the master or shipowner, with the approval of the competent authority.

3. The expense of repatriation shall include all charges for the transportation, accommodation and food of the sick or injured person during the journey and his maintenance up to the time fixed for his departure.

4. If the sick or injured person is capable of work, the shipowner may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

Article 7

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical care and maintenance at the shipowner's expense.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

Article 8

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons to whom this Convention applies.

Article 9

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

Article 10

The shipowner may be exempted from liability under Articles 4, 6 and 7 of this Convention in so far as such liability is assumed by the public authorities.

Article 11

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

Article 12

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Convention No. 56: Sickness Insurance (Sea), 1936

Article 1

1. Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of:

- (a) persons employed on board vessels of public authorities when such vessels are not engaged in trade;
- (b) persons whose wages or income exceed a prescribed amount;
- (c) persons who are not paid a money wage;
- (d) persons not resident in the territory of the Member;
- (e) persons below or above prescribed age-limits;
- (f) members of the employer's family;
- (g) pilots.

Article 2

1. An insured person who is rendered incapable of work and deprived of his wages by reason of sickness shall be entitled to a cash benefit for at least the first twenty-six weeks or one hundred and eighty days of incapacity from and including the first day for which benefit is payable.

2. The right to benefit may be made conditional upon the completion of a qualifying period and of a waiting period of a few days to be counted from the beginning of the incapacity.

3. The cash benefit granted to the insured person shall never be fixed at a rate lower than that fixed by the general scheme of compulsory sickness insurance, where such a scheme exists but does not apply to seamen.

4. Cash benefit may be withheld:

- (a) while the insured person is on board or abroad;
- (b) while the insured person is maintained by the insurance institution or from public funds. Provided that in such case it shall only partially be withheld when the insured person has family responsibilities;
- (c) while in respect of the same illness the insured person receives compensation from another source to which he is entitled by law, so however that in such case benefit shall only be wholly or partially withheld if and so far as such compensation is equal to or less than the amount of the benefit payable under the sickness insurance scheme.

5. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Article 3

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical practitioner and to the supply of proper and sufficient medicines and appliances.

2. Provided that the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld while the insured person is on board or abroad.

4. Whenever the circumstances so require, the insurance institution may provide for the treatment of the sick person in hospital and in such case shall grant him full maintenance together with the necessary medical attention and care.

Article 4

1. When the insured person is abroad and by reason of sickness has lost his right to wages, whether previously payable in whole or in part, the cash benefit to which he would have been entitled had he not been abroad shall be paid in whole or in part to his family until his return to the territory of the Member.

2. National laws or regulations may prescribe or authorise the provision of the following benefits:

- (a) when the insured person has family responsibilities, a cash benefit additional to that provided for in Article 2;
- (b) in case of the sickness of members of the insured person's family living in his home and dependent on him, aid in kind or in cash.

Article 5

1. National laws or regulations shall prescribe the conditions under which an insured woman, while in the territory of the Member, shall be entitled to maternity benefit.

2. National laws or regulations may prescribe the conditions under which the wife of an insured man, while in the territory of the Member, shall be entitled to maternity benefit.

Article 6

1. On the death of the insured person, a cash benefit of an amount prescribed by national laws or regulations shall be paid to the members of the family of the deceased or be applied for defraying the funeral expenses.

2. Where there is in force a pension scheme for the survivors of deceased seamen, the grant of the cash benefit provided for in the preceding paragraph shall not be compulsory.

Article 7

The right to insurance benefit shall continue even in respect of sickness occurring during a definite period after the termination of the last engagement, which period shall be fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

Article 8

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance scheme.

2. National laws or regulations may provide for a financial contribution by the public authorities.

Article 9

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the public authorities and shall not be carried on with a view to profit.

2. Insured persons, and in the case of insurance institutions set up specially for seamen under laws or regulations the employers also, shall participate in the management of the institutions under such conditions as may be prescribed by national laws or regulations, which may also provide for the participation of other persons concerned.

3. Provided that the administration of sickness insurance may be undertaken directly by the State where and so long as its administration by self-governing institutions is rendered difficult or impossible by reason of national conditions.

Article 10

1. The insured person shall have a right of appeal in case of dispute concerning his right to benefit.

2. The procedure for dealing with disputes shall be rendered rapid and inexpensive for the insured person by means of special courts or any other method deemed appropriate under national laws or regulations.

Article 11

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Convention No. 130: Medical Care and Sickness Benefits, 1969

PART I. GENERAL PROVISIONS

Article 1

In this Convention:

- (a) the term "legislation" includes any social security rules as well as laws and regulations;
- (b) the term "prescribed" means determined by or in virtue of national legislation;
- (c) the term "industrial undertaking" includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas and water; and transport, storage and communication;
- (d) the term "residence" means ordinary residence in the territory of the Member and the term "resident" means a person ordinarily resident in the territory of the Member;
- (e) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases;
- (f) the term "wife" means a wife who is dependent on her husband;
- (g) the term "child" covers:
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher: Provided that a Member which has made a declaration under Article 2 may, while such declaration is in force, apply the Convention as if the term covered a child under school-leaving age or under 15 years of age; and
 - (ii) a child under a prescribed age higher than that specified in clause (i) of this subparagraph and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions: Provided that this requirement shall be deemed to be met where national legislation

defines the term so as to cover any child under an age appreciably higher than that specified in clause (i) of this subparagraph;

- (h) the term “standard beneficiary” means a man with a wife and two children;
- (i) the term “qualifying period” means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (j) the term “sickness” means any morbid condition, whatever its cause;
- (k) the term “medical care” includes allied benefits.

Article 2

1. A Member whose economy and medical facilities are insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in Article 1, subparagraph (g), clause (i); Article 11; Article 14; Article 20; and Article 26, paragraph 2. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

3. Each Member which has made a declaration under paragraph 1 of this Article shall, as appropriate to the terms of such declaration and as circumstances permit:

- (a) increase the number of persons protected;
- (b) extend the range of medical care provided;
- (c) extend the duration of sickness benefit.

Article 3

1. Any Member whose legislation protects employees may, by a declaration accompanying its ratification, temporarily exclude from the application of this Convention the employees in the sector comprising agricultural occupations who, at the time of the ratification, are not yet protected by legislation which is in conformity with the standards of this Convention.

2. Each Member which has made a declaration under paragraph 1 of this Article shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation to what extent effect is given and what effect is proposed to be given to the provisions of the Convention in respect of the employees in the sector comprising agricultural occupations and any progress which may have been made with a view to the application of the Convention to such employees or, where there is no change to report, shall furnish all the appropriate explanations.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected in the sector comprising agricultural occupations to the extent and with the speed that the circumstances permit.

Article 4

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention:

- (a) seafarers, including sea fishermen,
 - (b) public servants,
- where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may:

- (a) exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of persons taken into account when calculating the percentages specified in Article 5, subparagraph (c); Article 10, subparagraph (b); Article 11; Article 19, subparagraph (b); and Article 20;
- (b) exclude the persons belonging to the category or categories excluded from the application of the Convention, as well as the wives and children of such persons, from the number of persons taken into account when calculating the percentage specified in Article 10, subparagraph (c).

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 5

Any Member whose legislation protects employees may, as necessary, exclude from the application of this Convention:

- (a) persons whose employment is of a casual nature;
- (b) members of the employer's family living in his house, in respect of their work for him;
- (c) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under subparagraphs (a) and (b) of this Article.

Article 6

For the purpose of compliance with this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its legislation at the time of ratification for the persons to be protected:

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial proportion of the persons whose earnings do not exceed those of the skilled manual male employee defined in Article 22, paragraph 6; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the provisions of the Convention.

Article 7

The contingencies covered shall include:

- (a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature;
- (b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.

PART II. MEDICAL CARE

Article 8

Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.

Article 9

The medical care referred to in Article 8 shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 10

The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:

- (a) all employees, including apprentices, and the wives and children of such employees; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or
- (c) prescribed classes of residents constituting not less than 75 per cent of all residents.

Article 11

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees, and the wives and children of employees in the said classes; or
- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings, and the wives and children of employees in the said classes.

Article 12

Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in respect of the contingency referred to in subparagraph (a) of Article 7.

Article 13

The medical care referred to in Article 8 shall comprise at least:

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;
- (d) hospitalisation where necessary;
- (e) dental care, as prescribed; and
- (f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed.

Article 14

Where a declaration made in virtue of Article 2 is in force, the medical care referred to in Article 8 shall comprise at least:

- (a) general practitioner care, including, wherever possible, domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and, wherever possible, such specialist care as may be available outside hospitals;
- (c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners; and
- (d) hospitalisation where necessary.

Article 15

Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

Article 16

1. The medical care referred to in Article 8 shall be provided throughout the contingency.

2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.

3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognised as entailing prolonged care.

Article 17

Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost sharing shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.

PART III. SICKNESS BENEFIT

Article 18

Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.

Article 19

The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise:

- (a) all employees, including apprentices; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24.

Article 20

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (b) of Article 7 shall comprise:

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees; or
- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings.

Article 21

The sickness benefit referred to in Article 18 shall be a periodical payment and shall:

- (a) where employees or classes of the economically active population are protected, be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a manner as to comply with the requirements of Article 24.

Article 22

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the previous earnings of the beneficiary and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary shall be calculated according to prescribed rules, and, where the persons protected are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be:

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or

- (d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency referred to in subparagraph (b) of Article 7 in the division comprising the largest number of such persons; for this purpose, the International Standard Industrial Classification of All Economic Activities adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

Article 23

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be:

- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency referred to in subparagraph (b) of Article 7 in the division comprising the largest number of such persons; for this purpose, the International Standard Industrial Classification of All Economic Activities adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

Article 24

In the case of a periodical payment to which this Article applies:

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 23;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of sickness benefits paid under this Convention exceeds by at least 30 per cent the total amount of benefits which would be obtained by applying the provisions of Article 23 and the provisions of subparagraph (b) of Article 19.

Article 25

Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

Article 26

1. The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed.

2. Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.

3. Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.

Article 27

1. In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under pre-

scribed conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.

2. A member may derogate from the provision of paragraph 1 of this Article where:

- (a) it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
- (b) it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and
- (c) the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.

PART IV. COMMON PROVISIONS

Article 28

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;
- (e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
- (g) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and
- (h) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.

2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Article 29

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

Article 30

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 31

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:

- (a) representatives of the persons protected shall participate in the management under prescribed conditions;
- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.

Article 32

Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.

Article 33

1. A Member:
 - (a) which has accepted the obligations of this Convention without availing itself of the exceptions and exclusions provided for in Article 2 and Article 3,
 - (b) which provides over-all higher benefits than those provided in this Convention and whose total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income, and
 - (c) which satisfies at least two of the three following conditions:
 - (i) it covers a percentage of the economically active population which is at least ten points higher than the percentage required by Article 10, subparagraph (b), and by Article 19, subparagraph (b), or a percentage of all residents which is at least ten points higher than the percentage required by Article 10, subparagraph (c),
 - (ii) it provides medical care of a curative and preventive nature of an appreciably higher standard than that prescribed by Article 13,
 - (iii) it provides sickness benefit corresponding to a percentage at least ten points higher than is required by Articles 22 and 23,

may, after consultation with the most representative organisations of employers and workers, where such exist, make temporary derogations from particular provisions of Parts II and III of this Convention on condition that such derogation shall neither fundamentally reduce nor impair the essential guarantees of this Convention.

2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisa-

tion the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

Convention No. 73: Medical Examination (Seafarers), 1946

Article 1

1. This Convention applies to every seagoing vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as seagoing.

3. This Convention does not apply to:

- (a) vessels of less than 200 tons gross register tonnage;
- (b) wooden vessels of primitive build such as dhows and junks;
- (c) fishing vessels;
- (d) estuarial craft.

Article 2

Without prejudice to the steps which should be taken to ensure that the persons mentioned below are in good health and not likely to endanger the health of other persons on board, this Convention applies to every person who is engaged in any capacity on board a vessel except:

- (a) a pilot (not a member of the crew);
- (b) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company;
- (c) travelling dockers (longshoremen) not members of the crew;
- (d) persons employed in ports who are not ordinarily employed at sea.

Article 3

1. No person to whom this Convention applies shall be engaged for employment in a vessel to which this Convention applies unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning his sight, by a person authorised by the competent authority to issue such a certificate.

2. Provided that, for a period of two years from the date of the entry into force of this Convention for the territory concerned, a person may be so engaged if he produces evidence that he has been employed in a seagoing vessel to which this Convention applies for a substantial period during the previous two years.

Article 4

1. The competent authority shall, after consultation with the shipowners' and seafarers' organisations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.

2. When prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.

3. In particular, the medical certificate shall attest:
- (a) that the hearing and sight of the person and, in the case of a person to be employed in the deck department (except for certain specialist personnel, whose fitness for the work which they are to perform is not liable to be affected by defective colour vision), his colour vision, are all satisfactory; and
 - (b) that he is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

Article 5

1. The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted.

2. In so far as a medical certificate relates to colour vision it shall remain in force for a period not exceeding six years from the date on which it was granted.

3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Article 6

1. In urgent cases the competent authority may allow a person to be employed for a single voyage without having satisfied the requirements of the preceding Articles.

2. In such cases the terms and conditions of employment shall be the same as those of seafarers in the same category holding a medical certificate.

3. Employment in virtue of this Article shall not be deemed on any subsequent occasion to be previous employment for the purpose of Article 3.

Article 7

The competent authority may provide for the acceptance in substitution for a medical certificate of evidence in a prescribed form that the required certificate has been given.

Article 8

Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees who shall be independent of any shipowner or of any organisation of shipowners or seafarers.

Article 9

Any of the functions of the competent authority under this Convention may, after consultation with the organisations of shipowners and seafarers, be discharged by delegating the work, or part of it, to an organisation or authority exercising similar functions in respect of seafarers generally.

Convention No. 134: Prevention of Accidents (Seafarers), 1970

Article 4

1. Provisions concerning the prevention of occupational accidents shall be laid down by laws or regulations, codes of practice or other appropriate means.

2. These provisions shall refer to any general provisions on the prevention of accidents and the protection of health in employment which may be applicable to the work of seafarers, and shall specify measures for the prevention of accidents which are peculiar to maritime employment.

3. In particular, these provisions shall cover the following matters:

- (a) general and basic provisions;
- (b) structural features of the ship;
- (c) machinery;
- (d) special safety measures on and below deck;
- (e) loading and unloading equipment;
- (f) fire prevention and fire-fighting;
- (g) anchors, chains and lines;
- (h) dangerous cargo and ballast;
- (i) personal protective equipment for seafarers.

Article 7

Provision shall be made for the appointment, from amongst the crew of the ship, of a suitable person or suitable persons or of a suitable committee responsible, under the Master, for accident prevention.

Convention No. 92: Accommodation of Crews (Revised) 1949

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to every seagoing mechanically propelled vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as seagoing vessels for the purpose of this Convention.

3. This Convention does not apply to:

- (a) vessels of less than 500 tons;
- (b) vessels primarily propelled by sail but having auxiliary engines;
- (c) vessels engaged in fishing or in whaling or in similar pursuits;
- (d) tugs.

4. Provided that the Convention shall be applied where reasonable and practicable to:

- (a) vessels between 200 and 500 tons; and
- (b) the accommodation of persons engaged in usual seagoing routine in vessels engaged in whaling or in similar pursuits.

5. Provided also that any of the requirements contained in Part III of this Convention may be varied in the case of any ship if the competent authority is satisfied, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, that the variations to be made provide corresponding advantages as a result of which the overall conditions are not less favourable than those which would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organisation.

Article 2

In this Convention:

- (a) the term “ship” means a vessel to which the Convention applies;
- (b) the term “tons” means gross register tons;
- (c) the term “passenger ship” means a ship in respect of which there is in force either (i) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force or (ii) a passenger certificate;
- (d) the term “officer” means a person other than a master ranked as an officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom;
- (e) the term “rating” means a member of the crew other than an officer;
- (f) the term “petty officer” means a rating serving in a supervisory position or position of special responsibility who is classed as petty officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom;
- (g) the term “crew accommodation” includes such sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew;
- (h) the term “prescribed” means prescribed by national laws or regulations or by the competent authority;
- (i) the term “approved” means approved by the competent authority;
- (j) the term “re-registered” means re-registered on the occasion of a simultaneous change in the territory of registration and ownership of the vessel.

Article 3

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III and IV of this Convention.

2. The laws or regulations shall:

- (a) require the competent authority to bring them to the notice of all persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties for any violation thereof;
- (d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;
- (e) require the competent authority to consult the organisations of shipowners and/or the shipowners and the recognised bona fide trade unions of seafarers in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

PART II. PLANNING AND CONTROL OF CREW ACCOMMODATION

Article 4

1. Before the construction of a ship is begun a plan of the ship, showing on a prescribed scale the location and general arrangement of the crew accommodation, shall be submitted for approval to the competent authority.

2. Before the construction of the crew accommodation is begun and before the crew accommodation in an existing ship is altered or reconstructed, detailed plans of, and information concerning, the accommodation, showing on a prescribed scale and in prescribed detail the allocation of each space, the disposition of furniture and fittings, the means and arrangement of ventilation, lighting and heating, and the sanitary arrangements, shall be submitted for approval to the competent authority: Provided that in the case of emergency or temporary alterations or reconstruction effected outside the territory of registration it shall be sufficient compliance with this provision if the plans are subsequently submitted for approval to the competent authority.

Article 5

On every occasion when:

- (a) a ship is registered or re-registered,
- (b) the crew accommodation of a ship has been substantially altered or reconstructed, or
- (c) complaint has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel by a recognised bona fide trade union of seafarers representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the ship that the crew accommodation is not in compliance with the terms of this Convention, the competent authority shall inspect the ship and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

PART III. CREW ACCOMMODATION REQUIREMENTS

Article 6

1. The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

2. There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

3. External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

4. Internal bulkheads shall be of approved material which is not likely to harbour vermin.

5. Sleeping rooms, mess rooms, recreation rooms and alley-ways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

6. Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-

ways leading to crew accommodation; where they do pass through such alley-ways they shall be adequately insulated and encased.

7. Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

8. The competent authority shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

9. The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in colour; lime wash must not be used.

10. The wall surfaces shall be renewed or restored as necessary.

11. The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

12. Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.

13. Sufficient drainage shall be provided.

Article 7

1. Sleeping rooms and mess rooms shall be adequately ventilated.

2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

3. Ships regularly engaged on voyages in the tropics and the Persian Gulf shall be equipped with both mechanical means of ventilation and electric fans: Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

4. Ships engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The competent authority may exempt ships normally employed in the cold waters of the northern or southern hemispheres from this requirement.

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Article 8

1. An adequate system of heating the crew accommodation shall be provided except in ships engaged exclusively in voyages in the tropics and the Persian Gulf.

2. The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.

3. In all ships in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity.

4. In any ships in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.

5. The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and

climate likely to be met with on service; the competent authority shall prescribe the standard to be provided.

6. Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

Article 9

1. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.

2. All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with a normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

3. In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

4. Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.

5. In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

Article 10

1. Sleeping rooms shall be situated above the load line amidships or aft.

2. In exceptional cases the competent authority may, if the size, type or intended service of the ship render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.

3. In passenger ships the competent authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alley-ways.

4. The floor area per person of sleeping rooms intended for ratings shall be not less than:

- (a) 20 sq. ft. or 1.85 sq. m in vessels under 800 tons;
- (b) 25 sq. ft. or 2.35 sq. m in vessels of 800 tons or over, but under 3,000 tons;
- (c) 30 sq. ft. or 2.78 sq. m in vessels of 3,000 tons or over: Provided that, in the case of passenger ships in which more than four ratings are berthed in one room, the minimum per person may be 24 sq. ft. (2.22 sq. m).

5. In the case of ships in which are employed such groups of ratings as necessitate the employment of a substantially larger number of ratings than would otherwise be employed, the competent authority may, in respect of such groups, reduce the minimum floor area of sleeping rooms per person, subject to the conditions that:

- (a) the total sleeping space allotted to the group or groups is not less than would have been allotted had the numbers not been so increased, and
- (b) the minimum floor area of sleeping rooms is not less than:
 - (i) 18 sq. ft. (1.67 sq. m) per person in ships under 3,000 tons;
 - (ii) 20 sq. ft. (1.85 sq. m) per person in ships of 3,000 tons or over.

6. Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

7. The clear head room in crew sleeping rooms shall not be less than 6 ft. 3 ins. (190 cm).

8. There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department: Provided that the competent authority may relax this requirement in the case of small ships.

9. The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima:

- (a) officers in charge of a department, navigating and engineer officers in charge of a watch and senior radio officers or operators: one person per room;
- (b) other officers: one person per room wherever possible, and in no case more than two;
- (c) petty officers: one or two persons per room, and in no case more than two;
- (d) other ratings: two or three persons per room wherever possible, and in no case more than four.

10. With a view to ensuring adequate and more comfortable accommodation the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and the bona fide trade unions of seafarers, grant permission to accommodate up to ten ratings per sleeping room in the case of certain passenger ships.

11. The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.

12. Members of the crew shall be provided with individual berths.

13. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

14. Berths shall not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there shall be only a single tier where a sidelight is situated above a berth.

15. The lower berth in a double tier shall be not less than 12 ins. (30 cm) above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

16. The minimum inside dimensions of a berth shall be 6 ft. 3 ins. by 2 ft. 3 ins. (190 cm by 68 cm).

17. The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

18. If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

19. Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other material likely to harbour vermin shall not be used.

20. When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.

21. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

22. The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 5 ft. (152 cm) in height and of a cross-section area of 300 sq. ins. (19.30 sq. decimetres) and shall be fitted with a shelf and a hasp for a padlock. The padlock shall be provided by the occupant.

23. Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type, and with comfortable seating accommodation as necessary.

24. The furniture shall be of smooth, hard material not liable to warp or corrode.

25. The drawer or equivalent space for each occupant shall be not less than 2 cu. ft. (0.056 cu. m).

26. Sleeping rooms shall be fitted with curtains for the sidelights.

27. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

28. As far as practicable berthing of crew members shall be so arranged that watches are separated and that no daymen share a room with watch-keepers.

Article 11

1. Sufficient mess room accommodation shall be provided in all ships.

2. In ships of less than 1,000 tons separate mess room accommodation shall be provided for:

- (a) master and officers;
- (b) petty officers and other ratings.

3. In ships of 1,000 tons and over, separate mess room accommodation shall be provided for:

- (a) master and officers;
 - (b) deck department petty officers and other ratings;
 - (c) engine department petty officers and other ratings:
- Provided that:

- (i) one of the two mess rooms for the petty officers and other ratings may be allotted to the petty officers and the other to the other ratings;
- (ii) a single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organisations of shipowners and/or shipowners and the recognised bona fide trade unions of seafarers concerned have expressed a preference for such an arrangement.

4. Adequate mess room accommodation shall be provided for the catering department, either by the provision of a separate mess room or by giving them the right to the use of the mess rooms assigned to other groups; in the case of ships of 5,000 tons or over with more than five persons in the catering department consideration shall be given to the provision of a separate mess room.

5. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

6. Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

7. The competent authority may permit such exceptions to the foregoing rules concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships.

8. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

9. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

10. The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

Article 12

1. In all ships a space or spaces to which the crew can have access when off duty shall be provided on an open deck; the space or spaces shall be of adequate area, having regard to the size of the ship and the crew.

2. Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished, and equipped to give recreational facilities.

Article 13

1. Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all ships.

2. The following minimum number of separate water closets shall be provided:

- (a) in ships of under 800 tons: three;
- (b) in ships of 800 tons or over, but under 3,000 tons: four;
- (c) in ships of 3,000 tons or over: six;
- (d) in ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.

3. National laws or regulations shall prescribe the allocation of water closets to various groups, subject to the provisions of paragraph 4 of this Article.

4. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for each group of the crew on the following scale:

- (a) one tub and/or shower bath for every eight persons or less;
- (b) one water closet for every eight persons or less;
- (c) one wash basin for every six persons or less;

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than one-half of the specified number this surplus may be ignored for the purpose of this paragraph.

5. When the total number of the crew exceeds 100 and in passenger vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the competent authority to special arrangements or a reduction in the number of facilities required.

6. Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The competent authority, in consultation with the organisations of shipowners and/or the shipowners and with the recognised bona fide trade unions of seafarers, may fix the maximum amount of fresh water which the shipowner may be required to supply per man per day.

7. Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

8. All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

9. All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

10. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

11. Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:

- (a) floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained;
- (b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 9 ins. (23 cm) above the level of the deck;
- (c) the accommodation shall be sufficiently lighted, heated and ventilated;
- (d) water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access: Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons;
- (e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

12. In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

13. The facilities for washing clothes shall include suitable sinks, which may be installed in wash rooms, if separate laundry accommodation is not reasonably practicable, with an adequate supply of cold fresh water and hot fresh water or means of heating water.

14. The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Article 14

1. In any ship carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided. The competent authority may relax this requirement in respect of vessels engaged in coastal trade.

2. The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weathers.

3. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

4. The number of hospital berths required shall be prescribed by the competent authority.

5. Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.

6. Hospital accommodation shall not be used for other than medical purposes.

7. An approved medicine chest with readily understandable instructions shall be carried in every ship which does not carry a doctor.

Article 15

1. Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

2. In ships of over 3,000 tons one room for the deck department and one room for the engine department shall be provided and equipped for use as an office.

3. In ships regularly trading to mosquito-infested ports provision shall be made to protect the crews' quarters against the admission of mosquitoes by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

4. All ships trading regularly to or in the tropics and the Persian Gulf shall be equipped with awnings for use over exposed decks above crew accommodation and over recreation deck space or spaces.

Article 16

1. In the case of the ships mentioned in paragraph 5 of Article 10 the competent authority may, in respect of the members of the crew there referred to, modify the requirements laid down in the foregoing Articles as far as may be necessary to take account of their distinctive national habits and customs and in particular may make special arrangements concerning the number of persons occupying sleeping rooms and concerning mess room and sanitary facilities.

2. In modifying the said requirements the competent authority shall be bound by the specifications set forth in paragraphs 1 and 2 of Article 10 and by the minimum sleeping space requirements prescribed for such groups of ratings in paragraph 5 of Article 10.

3. In ships in which the crew in any department are persons of widely different national habits and customs, separate and appropriate sleeping and living accommodation shall be provided as may be necessary to meet the requirements of the different groups.

4. In the case of the ships mentioned in paragraph 5 of Article 10 the hospital, dining, bathing and sanitary facilities shall be provided and maintained on a standard, in regard to their quantity and practical usefulness, equal or comparable to that which obtains aboard all other ships of similar type and belonging to the same registry.

5. The competent authority shall, when framing special regulations under this Article, consult the recognised bona fide trade unions of seafarers concerned and the organisations of shipowners and/or the shipowners employing them.

Article 17

1. Crew accommodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores not the personal property of the occupants.

2. The master, or an officer specially deputed for the purpose by him, accompanied by one or more members of the crew, shall inspect all crew accommodation at intervals of not more than one week. The results of each such inspection shall be recorded.

PART IV. APPLICATION OF CONVENTION TO EXISTING SHIPS

Article 18

1. Subject to the provisions of paragraphs 2, 3 and 4 of this Article, this Convention applies to ships the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a ship which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by Part III of this Convention, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible, having regard to the practical problems involved, to be made when:

- (a) the ship is re-registered;
- (b) substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or emergency.

3. In the case of a ship in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship be re-registered.

4. In the case of a ship, other than such a ship as is referred to in paragraphs 2 and 3 of this Article or a ship to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship is again re-registered.

PART V. FINAL PROVISIONS

Article 19

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seafarers which ensures more favourable conditions than those provided for by this Convention.

Convention No. 68: Food and Catering (Ships' Crews), 1946

Article 5

1. Each Member shall maintain in force laws or regulations concerning food supply and catering arrangements designed to secure the health and well-being of the crews of the vessels mentioned in Article 1.

2. These laws or regulations shall require:

- (a) the provision of food and water supplies which, having regard to the size of the crew and the duration and nature of the voyage, are suitable in respect of quantity, nutritive value, quality and variety;
- (b) the arrangement and equipment of the catering department in every vessel in such a manner as to permit of the service of proper meals to the members of the crew.

**Convention No. 53:
Officers' Competency Certificates, 1936**

Article 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of force majeure.

Article 4

1. No person shall be granted a certificate of competency unless:

- (a) he has reached the minimum age prescribed for the issue of the certificate in question;
- (b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and
- (c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall:

- (a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;
- (b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2(b) of this Article who:

- (a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and
- (b) have no record of any serious technical error against them.

**Convention No. 22:
Seamen's Articles of Agreement, 1926**

Article 1

1. This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention and to the owners, masters and seamen of such vessels.

2. It shall not apply to:

- (a) ships of war,
- (b) government vessels not engaged in trade,
- (c) vessels engaged in the coasting trade,
- (d) pleasure yachts,
- (e) Indian country craft,
- (f) fishing vessels,
- (g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz.:

- (a) the term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation;
- (b) the term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government;
- (c) the term "master" includes every person having command and charge of a vessel except pilots;
- (d) the term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

Article 3

1. Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seaman and also to his adviser.

2. The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

3. The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

4. National laws shall make adequate provision to ensure that the seaman has understood the agreement.

5. The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

6. National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

Article 4

1. Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

2. This Article shall not be interpreted as excluding a reference to arbitration.

Article 5

1. Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

2. The document shall not contain any statement as to the quality of the seaman's work or as to his wages.

Article 6

1. The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

2. The agreement shall state clearly the respective rights and obligations of each of the parties.

3. It shall in all cases contain the following particulars:

- (1) the surname and other names of the seaman, the date of his birth or his age, and his birthplace;
- (2) the place at which and date on which the agreement was completed;
- (3) the name of the vessel or vessels on board which the seaman undertakes to serve;
- (4) the number of the crew of the vessel, if required by national law;
- (5) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (6) the capacity in which the seaman is to be employed;
- (7) if possible, the place and date at which the seaman is required to report on board for service;
- (8) the scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law;
- (9) the amount of his wages;
- (10) the termination of the agreement and the conditions thereof, that is to say:
 - (a) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged;
 - (c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the shipowner than for the seaman;
- (11) the annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law;
- (12) any other particulars which national law may require.

Article 7

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

Article 8

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

Article 9

1. An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.

2. Notice shall be given in writing; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.

3. National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

Article 10

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by:

- (a) mutual consent of the parties;
- (b) death of the seaman;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided in national law or in this Convention.

Article 11

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

Article 12

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

Article 13

1. If a seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

2. In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

Article 14

1. Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

2. The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

Article 15

National law shall provide the measures to ensure compliance with the terms of the present Convention.

Convention No. 23: Repatriation of Seamen, 1926

Article 1

1. This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

2. It shall not apply to:

- (a) ships of war,
- (b) government vessels not engaged in trade,
- (c) vessels engaged in the coasting trade,
- (d) pleasure yachts,
- (e) Indian country craft,
- (f) fishing vessels,
- (g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz.:

- (a) the term “vessel” includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation;
- (b) the term “seaman” includes every person employed or engaged in any capacity on board any vessel and entered on the ship’s articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government;
- (c) the term “master” includes every person having command and charge of a vessel except pilots;
- (d) the term “home trade vessel” means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

Article 3

1. Any seaman who is landed during the term of his engagement or on its expiration shall be entitled to be taken back to his own country, or to the port at which he was engaged, or to the port at which the

voyage commenced, as shall be determined by national law, which shall contain the provisions necessary for dealing with the matter, including provisions to determine who shall bear the charge of repatriation.

2. A seaman shall be deemed to have been duly repatriated if he has been provided with suitable employment on board a vessel proceeding to one of the destinations prescribed in accordance with the foregoing paragraph.

3. A seaman shall be deemed to have been repatriated if he is landed in the country to which he belongs, or at the port at which he was engaged, or at a neighbouring port, or at the port at which the voyage commenced.

4. The conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated shall be as provided by national law or, in the absence of such legal provisions, in the articles of agreement. The provisions of the preceding paragraphs shall, however, apply to a seaman engaged in a port of his own country.

Article 4

The expenses of repatriation shall not be a charge on the seaman if he has been left behind by reason of:

- (a) injury sustained in the service of the vessel, or
- (b) shipwreck, or
- (c) illness not due to his own wilful act or default, or
- (d) discharge for any cause for which he cannot be held responsible.

Article 5

1. The expenses of repatriation shall include the transportation charges, the accommodation and the food of the seaman during the journey. They shall also include the maintenance of the seaman up to the time fixed for his departure.

2. When a seaman is repatriated as member of a crew, he shall be entitled to remuneration for work done during the voyage.

Article 6

The public authority of the country in which the vessel is registered shall be responsible for supervising the repatriation of any member of the crew in cases where this Convention applies, whatever may be his nationality, and where necessary for giving him his expenses in advance.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

PART I. FREEDOM OF ASSOCIATION

Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 10

In this Convention the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 11

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to:

- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Article 5

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of

this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 6

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

VOCATIONAL TRAINING (SEAFARERS) RECOMMENDATION, 1970 (No. 137)

I. SCOPE

1. (1) This Recommendation applies to all training designed to prepare persons for work on board a publicly or privately owned seagoing ship engaged in the transport of cargo or passengers for the purpose of trade, engaged in training or engaged in scientific exploration. National laws or regulations, arbitration awards or collective agreements, as may be appropriate under national conditions, should determine when ships are to be regarded as seagoing ships.

(2) This Recommendation applies to training for the performance of the duties of persons in the deck, engine, radio or catering departments or of general purpose crews. It does not apply to fishermen.

II. OBJECTIVES OF TRAINING

2. The basic objectives of policy concerning vocational training of seafarers should be:

- (a) to maintain and improve the efficiency of the shipping industry and the professional ability and potential of seafarers, with due regard to the educational needs of the latter and the economic and social interests of the country;
- (b) to maintain and improve accident prevention standards on board merchant ships, both at sea and in port, in order to reduce the risk of injury;
- (c) to encourage a sufficient number of suitable persons to make the merchant marine their career;
- (d) to ensure that adequate induction training is given to all new recruits, ashore as far as possible, or on board ship;
- (e) to provide training and retraining facilities commensurate with the current and projected manpower needs of the shipping industry for all the various categories and grades of seafarers;
- (f) to provide the training facilities necessary in order that technical developments in the fields of operation, navigation and safety can be put into effect;
- (g) to make training for upgrading and for promotion up to the highest ranks on board available to all seafarers with appropriate ability, and thereby to assist them to develop their efficiency, potential productivity and job satisfaction;
- (h) to provide suitable practical training for the various categories and grades of seafarers;
- (i) to ensure, as far as possible, the entry into employment of all trainees after completion of their courses.

III. NATIONAL PLANNING AND ADMINISTRATION

A. Organisation and Co-ordination

3. In planning a national education and training policy, the competent authorities in countries possessing or intending to develop a shipping industry should ensure that adequate provision is made in the general network of training facilities for the training of seafarers in order to achieve the objectives set out in Paragraph 2 of this Recommendation.

4. Where national circumstances do not permit the development of facilities for the training of seafarers of all categories and grades required, collaboration with other countries, as well as with international organisations, in setting up joint maritime training schemes for such seafarers as cannot be covered by national programmes should be considered.

5. (1) The training programmes of all public and private institutions engaged in the training of seafarers should be co-ordinated and developed in each country on the basis of approved national standards.

(2) Such programmes should be drawn up in co-operation with government departments, educational institutions and other bodies which have an intimate knowledge of the vocational training of seafarers, and should be so designed as to meet the operational requirements of the shipping industry, as established in consultation with shipowners' and seafarers' organisations.

6. Bodies which draw up such programmes should, in particular:

- (a) maintain close contacts between the training institutions and all those concerned so as to keep training in line with the needs of the industry;
- (b) make regular visits to the training schools with which they are concerned and be fully conversant with the programmes being carried out;
- (c) ensure that information about available training opportunities is disseminated to all those concerned;
- (d) co-operate in setting up and operating practical maritime training schemes;
- (e) participate in establishing the general training standards provided for in Paragraph 11;
- (f) participate in establishing such national certification standards as are appropriate for the various grades and categories of seafarers;
- (g) promote direct co-operation between training institutions and those responsible for recruitment and employment.

7. The competent authorities and bodies, in co-operation with shipowners' and seafarers' organisations, should ensure that full information on public and private training schemes for seafarers and on conditions of entry into the shipping industry is available to those providing vocational guidance and employment counselling services, to public employment services and to vocational and technical training institutions.

8. The competent authorities and bodies should endeavour to ensure that:

- (a) the facilities of shipyards, engineering workshops, manufacturers of equipment, naval installations, etc., are utilised where available and appropriate in training both officers and ratings;
- (b) arrangements are made in order that, other things being equal, preference may be given in employment placement to persons who have received appropriate and recognised training.

9. (1) Training programmes should be regularly reviewed and kept up to date in the light of the developing needs of the industry.

(2) In the review of training programmes, account should be taken of the Document for Guidance, 1968 – which was prepared jointly by the International Labour Organisation and the Inter-Governmental Maritime Consultative Organization and agreed by both organisations and which deals, in technical detail, with the subjects directly affecting the safety of life at sea – as well as of any subsequent amendments or additions thereto.

B. Financing

10. (1) Seafarers' training schemes should be systematically organised and their financing should be on a regular and adequate basis, having regard to the present and planned requirements and development of the shipping industry.

(2) Where appropriate, the government should make financial contributions to training schemes carried on by local government or private bodies. These contributions may take the form of general subsidies, grants of land, buildings or demonstration material such as boats, engines, navigational equipment and other apparatus, the provision of instructors free of charge, payment of trainees' allowances or payment of fees for trainees in day or boarding schools or on training ships.

(3) Seafarers should not, through lack of financial resources or training opportunities, be denied the possibility of reaching the highest ranks on board. Therefore, it should be possible for seafarers to earn or receive sufficient financial resources to enable them to obtain appropriate training.

(4) Training in publicly run training centres for seafarers should, where possible, be given without charge to trainees.

(5) Retraining necessitated by the introduction of technical innovations should be provided free of charge to the seafarers concerned. During the period of such retraining, seafarers should receive adequate allowances; seafarers sent to courses of such retraining by a shipowner should receive their full basic wage.

C. Training Standards

11. Training standards should be laid down in conformity with national requirements for obtaining the various seafarers' certificates of competency. In particular, there should be laid down:

- (a) the nature of medical examinations, including chest X-rays and diabetic, hearing and sight tests, required for persons entering training schemes; the standards of such examinations, particularly of the hearing and sight tests, could differ according to the departments which the persons concerned are planning to enter, but should in no case be lower than the medical standards required for entry into employment in the shipping industry;
- (b) the level of general education required for admission to vocational training courses leading to certificates of competency;
- (c) the subjects, such as navigation, seamanship, radio, electronics, engineering, catering and human relations, that should be included in the training curricula;
- (d) the nature of any examination to be taken upon completion of training courses which are subject to examination;
- (e) a procedure whereby the authorities ensure that the teaching staff of training institutions have the requisite experience and qualifications, including adequate practical and theoretical knowledge of technical and operational developments.

IV. TRAINING PROGRAMMES

12. The various training programmes should be realistically based on the work to be performed on board ship. They should be periodically reviewed and kept up to date in order to keep abreast of technical developments. They should include the following, as appropriate:

- (a) training in navigation, seamanship, ship handling, signalling, cargo handling and stowage, ship maintenance, and other matters relating to the operation of merchant ships;
- (b) training in the use of electronic and mechanical aids, such as radio and radar installations, radio direction-finders and compasses;
- (c) theoretical and practical instruction in the use of life-saving and fire-fighting equipment, survival at sea procedures, and other aspects of the safety of life at sea;
- (d) theoretical and practical instruction in the operation, maintenance and repair of main propulsion installations and auxiliary machinery, with emphasis on the types of equipment, including electronic equipment, installed in ships of the country concerned;
- (e) training for the catering department as appropriate for those to be employed as stewards, cooks, waiters and galley staff, account being taken of training requirements for different categories of ships;
- (f) training in accident prevention on board ship, particularly as regards safe working practices in all departments, and including personal safety as part of training in professional subjects, training in first aid, medical care and other related matters and health and physical training, especially swimming; training in medical care and particularly special training for personnel placed in charge of medical care on board should in all cases be related to the content of medical guides compiled by competent authorities and to full utilisation of medical radio services;
- (g) particularly in the case of trainees under 18 years of age, instruction in subjects of general educational value;
- (h) instruction in elements of social and labour legislation related to merchant ship operations and to industrial relations, regulations concerning seafarers, transportation economics, maritime insurance, maritime law, etc.;
- (i) instruction in management techniques, including such subjects as personnel relations and work study.

13. Training programmes should be designed, inter alia, to prepare trainees for certificates of competency and should be directly related, where appropriate, to national certification standards. They should include adequate practical training and take account of any minimum age and minimum working experience laid down by the competent authorities in respect of the various grades of certificates. Account should also be taken of other nationally recognised certificates.

14. The duration of the various training programmes should be sufficient to enable trainees to assimilate the teaching given and should be determined with reference to such matters as:

- (a) the level of training required for the shipboard occupation for which the course is designed;
- (b) the general educational level and age required of trainees entering the course;
- (c) the trainees' previous practical experience.

V. GENERAL TRAINING SCHEMES FOR SEAFARERS

15. Induction training designed to introduce trainees to the shipboard environment and safe working practices on board ship or, where appropriate and practicable, pre-sea training courses which provide adequate training for the duties regularly assigned to ratings of the deck, engine and catering departments, develop character and inculcate a sense of self-discipline and responsibility should be available for young persons with no sea experience.

16. Suitable courses or instruction should also be provided to enable young persons of appropriate ability to prepare themselves for statutory certificates or diplomas currently in effect in the merchant navy of their country in respect of both officer and rating categories.

17. Training for upgrading and promotion should, among other means, be provided by short-term courses at nautical schools and technical institutions and correspondence courses specially adapted to the needs of specific categories of officers and ratings and to the grades to which they aspire.

VI. ADVANCED TRAINING

18. (1) Retraining, refresher, familiarisation and upgrading courses should be available as required for suitable officers and ratings to enable them to increase and widen their technical skills and knowledge, to keep abreast of technological changes, in particular in the development of automated ships, and to meet the requirements of new methods of operations on board ship.

(2) Such courses may be used, for instance, to complement general courses and provide advanced specialised training opening the way to promotion, as well as to provide advanced electronics courses for appropriate personnel.

(3) Special attention should be given to the ability of masters, other officers and ratings to navigate and handle new types of ships safely.

19. Where training would be facilitated thereby, shipowners should release suitable seafarers employed on board their ships for training periods ashore, at appropriate schools, to enable them to improve their skills, learn to use new techniques and equipment and qualify for promotion. Persons in a supervisory position on board ship should take an active part in encouraging such training.

VII. TRAINING METHODS

20. The training methods adopted should be the most effective possible, having regard to the nature of the instruction, the trainees' experience, general edu-

cation and age, and the demonstration equipment and financial resources available.

21. Practical training, requiring active participation of the trainees themselves, should be an important part of all training programmes. It may be provided by assigning seafarers to merchant ships for periods of training at sea, to engineering workshops or shipyards or to shipping company offices.

22. Training vessels used by training institutions should provide practical instruction in navigation, seamanship, machinery operation and maintenance and other nautical subjects as well as comprehensive shipboard safety education.

23. Appropriate demonstration equipment such as simulators, engines, boat models, ship equipment, life-saving equipment, navigational aids and cargo gear should be used in training schemes. Such equipment should be selected with reference to the shipboard machinery and equipment which the trainee may be called upon to use.

24. Films and other audio-visual aids should be used, where appropriate:

- (a) as a supplement to, but not a substitute for, demonstration equipment in the use of which trainees take an active part;
- (b) as a primary training aid in special fields such as the teaching of languages.

25. Theoretical training and general education given as part of a training course should be related to the theoretical and practical knowledge required by seafarers.

VIII. INTERNATIONAL CO-OPERATION

26. Countries should co-operate in promoting the vocational training of seafarers. In some cases it may be of particular value to do so on a regional basis.

27. In so doing they might collaborate with the International Labour Organisation and other international institutions, in particular the Inter-Governmental Maritime Consultative Organization, or other countries:

- (a) in recruiting and training teaching staff;
- (b) in setting up and improving training facilities for officers and ratings;
- (c) in setting up joint training facilities with other countries where necessary;
- (d) in making training facilities available to selected trainees or instructor-trainees from other countries and in sending trainees or instructor-trainees to other countries;
- (e) in organising international exchanges of personnel, information and teaching materials, as well as international seminars and working groups;
- (f) in providing qualified and experienced instructors for maritime training schools in other countries.