

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**HEALTH PROTECTION AND MEDICAL CARE
(SEAFARERS) CONVENTION, 1987 (No. 164)**

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 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."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

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 organisations of employers and workers and on any observations received from these organisations;

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

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

HEALTH PROTECTION AND MEDICAL CARE (SEAFARERS) CONVENTION, 1987 (No. 164)

(ratification registered on

I. Article 2 of the Convention reads as follows:

Effect shall be given to this Convention by national laws or regulations, collective agreements, works rules, arbitration awards or court decisions or other means appropriate to national conditions.

Please state whether the provisions of the Convention are applied by means of:

- (a) national laws or regulations;
- (b) collective agreements or works rules;
- (c) arbitration awards or court decisions;
- (d) in some other manner.

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

Please state whether the above measures 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 above-mentioned laws and regulations, or other measures, which give effect to the Article.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps, such as measures to define its exact scope and to institute the practical arrangements and procedures required for its implementation.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations 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. This Convention applies to every seagoing ship whether publicly or privately owned, which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation.

2. To the extent it deems practicable, after consultation with the representative organisations of fishing-vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3. In the event of doubt as to whether or not any ships are to be regarded as engaged in commercial maritime navigation or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the competent authority after consultation with the organisations of shipowners, seafarers and fishermen concerned.

4. For the purpose of this Convention the term "seafarer" means any person who is employed in any capacity on board a seagoing ship to which this Convention applies.

Paragraph 2. Please indicate to what extent the provisions of the Convention are applied to commercial maritime fishing and provide information on the consultations which have taken place in this regard.

Paragraph 3. Please supply information on such cases as may have occurred, the manner in which they were settled and the consultations which took place in this regard.

Article 3

Each Member shall by national laws or regulations make shipowners responsible for keeping ships in proper sanitary and hygienic conditions.

Article 4

Each Member shall ensure that measures providing for health protection and medical care for seafarers on board ship are adopted which:

- (a) ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to the seafaring profession, as well as of special provisions peculiar to work on board;
- (b) aim at providing seafarers with health protection and medical care as comparable as possible to that which is generally available to workers ashore;
- (c) guarantee seafarers the right to visit a doctor without delay in ports of call where practicable;
- (d) ensure that, in accordance with national law and practice, medical care and health protection while a seafarer is serving on articles are provided free of charge to seafarers;
- (e) are not limited to treatment of sick or injured seafarers but include measures of a preventive character, and devote particular attention to the development of health promotion and health education programmes in order that seafarers themselves may play an active part in reducing the incidence of ill health among their number.

Paragraph (a). Please indicate what are the general provisions on occupational health protection and medical care that are applied to seafarers.

Paragraph (b). Please indicate to what extent the health protection and medical care provided to seafarers differ from that which is generally available to workers ashore.

Paragraph (e). Please describe the measures of a preventive character and the health promotion and health education programmes that have been adopted in accordance with this provision.

Article 5

1. Every ship to which this Convention applies shall be required to carry a medicine chest.

2. The contents of the medicine chest and the medical equipment carried on board shall be prescribed by the competent authority taking into account such factors as the type of ship, the number of persons on board and the nature, destination and duration of voyages.

3. In adopting or reviewing the national provisions concerning the contents of the medicine chest and the medical equipment carried on board, the competent authority shall take into account international recommendations in this field, such as the most recent edition of the *International medical guide for ships* and the *List of essential drugs* published by the World Health Organisation, as well as advances in medical knowledge and approved methods of treatment.

4. The medicine chest and its contents as well as the medical equipment carried on board shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who shall ensure that the expiry dates and conditions of storage of all medicines are checked.

5. The competent authority shall ensure that the contents of the medicine chest are listed and labelled with generic names in addition to any brand names used, expiry dates and conditions of storage, and that they conform to the medical guide used nationally.

6. The competent authority shall ensure that where a cargo which is classified dangerous has not been included in the most recent edition of the *Medical first aid guide for use in accidents involving dangerous goods* published by the International Maritime Organisation, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes is made available to the master, seafarers and other interested persons. Such specific antidotes and personal protective devices shall be on board whenever dangerous goods are carried.

7. In cases of urgent necessity and when a medicine prescribed by qualified medical personnel for a seafarer is not available in the medicine chest, the shipowner shall take all necessary steps to obtain it as soon as possible.

Paragraph 4. Please provide particulars concerning the status and qualifications of persons responsible for inspecting medicine chests and medical equipment.

Article 6

1. Every ship to which this Convention applies shall be required to carry a ship's medical guide adopted by the competent authority.
2. The medical guide shall explain how the contents of the medicine chest are to be used and shall be designed to enable persons other than a doctor to care for the sick or injured on board both with and without medical advice by radio or satellite communication.
3. In adopting or reviewing the ship's medical guide used nationally, the competent authority shall take into account international recommendations in this field, including the most recent edition of the *International medical guide for ships* and the *Medical first aid guide for use in accidents involving dangerous goods*.

Please supply a sample copy of the medical guide adopted by the competent authority.

Article 7

1. The competent authority shall ensure by a pre-arranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any hour of the day or night.
2. Such medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the territory in which they are registered.
3. With a view to ensuring that optimum use is made of facilities available for medical advice by radio or satellite communication:
 - (a) all ships to which this Convention applies which are equipped with radio installations shall carry a complete list of radio stations through which medical advice can be obtained;
 - (b) all ships to which this Convention applies which are equipped with a system of satellite communication shall carry a complete list of coast earth stations through which medical advice can be obtained;
 - (c) the lists shall be kept up to date and in the custody of the person on board responsible for communication duties.
4. Seafarers on board requesting medical advice by radio or satellite communication shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the *International code of signals* published by the International Maritime Organisation so as to enable them to understand the type of information needed by the advising doctor as well as the advice received.
5. The competent authority shall ensure that doctors providing medical advice in accordance with this Article receive appropriate training and are aware of shipboard conditions.

Paragraph 1. Please give details of the pre-arranged system for providing medical advice by radio and satellite.

Paragraph 3. Please supply sample copies of the lists referred to in this paragraph.

Paragraphs 4 and 5. Please give details on the instruction and training provided.

Article 8

1. All ships to which this Convention applies carrying 100 or more seafarers and ordinarily engaged on international voyages of more than three days' duration shall carry a medical doctor as a member of the crew responsible for providing medical care.
2. National laws or regulations shall determine which other ships shall be required to carry a medical doctor as a member of the crew, taking into account, *inter alia*, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board.

Paragraph 2. Please specify the ships or classes of ships determined by national laws or regulations for the purposes of giving effect to this provision.

Article 9

1. All ships to which this Convention applies and which do not carry a doctor shall carry as members of the crew one or more specified persons in charge of medical care and the administering of medicines as part of their regular duties.
2. Persons in charge of medical care on board who are not doctors shall have satisfactorily completed a course approved by the competent authority of theoretical and applied training in medical skills. This course shall comprise:

- (a) for ships of less than 1,600 gross tonnage which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours, elementary training which will enable such persons to take immediate effective action in case of accidents or illnesses likely to occur on board ship and to make use of medical advice by radio or satellite communication;
- (b) for all other ships, more advanced medical training, including practical training in the emergency/casualty department of a hospital where practicable and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in co-ordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board. Wherever possible, this training shall be provided under the supervision of a physician with a thorough knowledge and understanding of the medical problems and circumstances relating to the seafaring profession, including expert knowledge of radio or satellite communication medical services.

3. The courses referred to in this Article shall be based on the contents of the most recent edition of the *International medical guide for ships*, the *Medical first aid guide for use in accidents involving dangerous goods*, the *Document for guidance — An international maritime training guide* published by the International Maritime Organisation, and the medical section of the *International code of signals* as well as similar national guides.

4. Persons referred to in paragraph 2 of this Article and such other seafarers as may be required by the competent authority shall undergo refresher courses to enable them to maintain and increase their knowledge and skills and to keep abreast of new developments at approximately five-year intervals.

5. All seafarers, during their maritime vocational training, shall receive instruction on the immediate action that should be taken on encountering an accident or other medical emergency on board.

6. In addition to the person or persons in charge of medical care on board, a specified crew member or crew members shall receive elementary training in medical care to enable him or them to take immediate effective action in case of accidents or illnesses likely to occur on board ship.

Paragraphs 2, 3, 4 5 and 6. Please give details of the various courses and training referred to in these provisions, specifying, in the case of the refresher courses provided for in accordance with paragraph 4, the time intervals at which they shall be taken.

Article 10

All ships to which this Convention applies shall provide all possible medical assistance, where practicable, to other vessels which may request it.

Article 11

1. In any ship of 500 or more gross tonnage, carrying 15 or more seafarers 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 ships engaged in coastal trade.

2. In any ship of between 200 and 500 gross tonnage and in tugs this Article shall be applied where reasonable and practicable.

3. This Article does not apply to ships primarily propelled by sail.

4. 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.

5. The hospital accommodation shall be so designed as to facilitate consultation and the giving of medical first aid.

6. 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.

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

8. 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.

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

Paragraph 1. If advantage has been taken of the exception provided for in this paragraph, please indicate the types and sizes of vessels exempted.

Paragraph 2. Please indicate to what extent this Article is applied to vessels between 200 and 500 gross tonnage and to tugs.

Paragraph 7. Please indicate the number of hospital berths prescribed.

Article 12

1. A standard medical report form for seafarers shall be adopted by the competent authority as a model for use by ships' doctors, masters or persons in charge of medical care on board and hospitals or doctors ashore.

2. The form shall be specially designed to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.

3. The information contained in the medical report form shall be kept confidential and shall be used for no other purpose than to facilitate the treatment of seafarers.

Please supply a sample copy of the medical report form adopted.

Article 13

1. Members for which this Convention is in force shall co-operate with one another in promoting protection of the health of seafarers and medical care for them on board ship.

2. Such co-operation might cover the following matters:

- (a) developing and co-ordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a ship through such means as periodic ship-position reporting systems, rescue co-ordination centres and emergency helicopter services, in conformity with the provisions of the International Convention of Maritime Search and Rescue, 1979, and the *Merchant ship search and rescue manual* and *IMO search and rescue manual* developed by the International Maritime Organisation;
- (b) making optimum use of fishing vessels carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;
- (c) compiling and maintaining an international list of doctors and medical care facilities available world-wide to provide emergency medical care to seafarers;
- (d) landing seafarers in port for emergency treatment;
- (e) repatriating seafarers hospitalised abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
- (f) arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;
- (g) endeavouring to set up health centres for seafarers to:
 - (i) conduct research on the health status, medical treatment and preventive health care of seafarers;
 - (ii) train medical and health service staff in maritime medicine;
- (h) collecting and evaluating statistics concerning occupational accidents, diseases and fatalities to seafarers and integrating and harmonising them with any existing national system of statistics on occupational accidents, diseases and fatalities covering other categories of workers;
- (i) organising international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;
- (j) providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services;
- (k) arranging for the repatriation of the bodies or ashes, in accordance with the wishes of the next of kin, of deceased seafarers as soon as practicable.

3. International co-operation in the field of health protection and medical care for seafarers shall be based on bilateral or multilateral agreements or consultations among Members.

Please supply information on any measures taken in accordance with this Article, including copies of relevant bilateral or multilateral agreements.

III. Please state to what authority or authorities the application of the above-mentioned legislation, etc., is entrusted, and by what methods application is supervised and enforced.

IV. 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 text of these decisions.

V. Please give also a general appreciation of the manner in which the Convention is applied in your country, and attach — in so far as the information in question has not already been supplied in connection with other questions in this form — information on the number of seafarers covered by

the measures giving effect to the Convention, the number and nature of the contraventions reported, etc.

VI. Please indicate the representative organisations 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.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations 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 a copy of the observations received, together with any comments that you consider useful.

¹ 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."