

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

DOCK WORK CONVENTION, 1973 (No. 137)

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."

Annexed to this report form will be found the text of a Recommendation whose provisions supplement those of the present Convention. The sole object of appending the text of this Recommendation to the report form is to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application.

The government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

GENEVA

1980

REPORT

for the period to , made by the Government of , in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

DOCK WORK CONVENTION, 1973

ratification of which was registered on

I. Article 7 of the Convention provides:

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

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

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

Please give a list of the measures by which the provisions of the Convention are applied. 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 give any available information concerning the extent to which the said 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, regulations or other measures, under which the Article is applied.

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 for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

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 persons who are regularly available for work as dockworkers and who depend on their work as such for their main annual income.

2. For the purpose of this Convention the terms “ dockworkers ” and “ dock work ” mean persons and activities defined as such by national law or practice. The organisations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of such definitions. Account shall be taken in this connection of new methods of cargo handling and their effect on the various dockworker occupations.

Paragraph 2. Please indicate the definition given to the terms “ dockworkers ” and “ dock work ” by national law or practice.

Please indicate the arrangements made for revising these definitions in the light of new methods of cargo handling and their effect on the various dockworker occupations.

Please indicate the manner in which the organisations of employers and workers concerned are consulted or otherwise participate in the establishment and revision of these definitions.

Article 2

1. It shall be national policy to encourage all concerned to provide permanent or regular employment for dockworkers in so far as practicable.

2. In any case, dockworkers shall be assured minimum periods of employment or a minimum income, in a manner and to an extent depending on the economic and social situation of the country and port concerned.

Paragraph 1. Please indicate whether permanent or regular employment is assured for dockworkers. If not, please describe the measures taken to encourage the provision of permanent or regular employment for them.

Paragraph 2. Please indicate the minimum periods of employment or minimum income assured to dockworkers and describe the manner in which they are assured. Please indicate whether there are uniform rules on these matters applicable throughout the country or whether they vary according to the port.

Article 3

1. Registers shall be established and maintained for all occupational categories of dockworkers, in a manner to be determined by national law or practice.

2. Registered dockworkers shall have priority of engagement for dock work.

3. Registered dockworkers shall be required to be available for work in a manner to be determined by national law or practice.

Paragraph 1. Please describe the manner in which registers are established and maintained for all occupational categories of dockworkers, indicating in particular whether there is a single register or separate registers for various occupational categories. In the latter case, please give particulars of the occupational categories covered.

Paragraphs 2 and 3. Please indicate the manner in which registered dockworkers are assured priority of engagement for dock work and are required to make themselves available for work.

Article 4

1. The strength of the registers shall be periodically reviewed, so as to achieve levels adapted to the needs of the port.

2. Any necessary reduction in the strength of a register shall be accompanied by measures designed to prevent or minimise detrimental effects on dockworkers.

Paragraph 1. Please describe the arrangements for the periodic review of the strength of registers of dockworkers.

Paragraph 2. Please describe the measures instituted to prevent or minimise detrimental effects on dockworkers when a reduction in the strength of a register becomes necessary, and the criteria and procedures laid down for the implementation of these measures.

Article 5

In order to secure the greatest social advantage of new methods of cargo handling, it shall be national policy to encourage co-operation between employers or their organisations, on the one hand, and workers' organisations, on the other hand, in improving the efficiency of work in ports, with the participation, as appropriate, of the competent authorities.

Please describe the arrangements for co-operation between employers and their organisations and workers' organisations in improving the efficiency of work in ports, and the participation, if any, of the competent authorities in these arrangements. Please indicate whether any measures have been taken to encourage further co-operation.

Article 6

Each Member shall ensure that appropriate safety, health, welfare and vocational training provisions apply to dockworkers.

Please provide particulars of the safety, health, welfare and vocational training provisions which apply to dockworkers.

- III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.**
- 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 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 referred to under III above and, if available, particulars of the numbers of dockworkers on the registers maintained in accordance with Article 3 and of variations in their numbers during the period covered by the report.**
- 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 the observations received, together with any comments that you consider useful.

¹Article 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."

ANNEX

DOCK WORK RECOMMENDATION, 1973

I. SCOPE AND DEFINITIONS

1. Except as otherwise provided in Paragraph 36, this Recommendation applies to persons who are regularly available for work as dockworkers and who depend on their work as such for their main annual income.

2. For the purpose of this Recommendation the terms "dockworkers" and "dock work" mean persons and activities defined as such by national law or practice. The organisation of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of such definitions. Account should be taken in this connection of new methods of cargo handling and their effect on the various dockworker occupations.

II. THE IMPACT OF CHANGES IN CARGO-HANDLING METHODS

3. In each country and, as appropriate, each port, the probable impact of changes in cargo-handling methods, including the impact on the employment opportunities for, and the conditions of employment of, dockworkers, as well as on the occupational structure in ports, should be regularly and systematically assessed, and the action to be taken in consequence systematically reviewed, by bodies in which representatives of the organisations of employers and workers concerned and, as appropriate, of the competent authorities participate.

4. The introduction of new methods of cargo handling and related measures should be co-ordinated with national and regional development and manpower programmes and policies.

5. For the purposes set out in Paragraphs 3 and 4, all relevant information should be collected continuously, including in particular—

- (a) statistics of freight movement through ports, showing the methods of handling used;
- (b) flow charts showing the origin and the destination of the main streams of freight handled, as well as the points of assembly and dispersion of the contents of containers and other unit loads;
- (c) estimates of future trends, if possible similarly presented;
- (d) forecasts of manpower required in ports to handle cargo, taking account of future developments in methods of cargo handling and in the origin and destination of the main streams of freight.

6. As far as possible, each country should adopt those changes in the methods of handling cargo which are best suited to its economy, having regard in particular to the relative availability of capital, especially foreign exchange, and of labour, and to inland transport facilities.

III. REGULARISATION OF EMPLOYMENT AND INCOME

A. *Permanent or Regular Employment*

7. In so far as practicable, permanent or regular employment should be provided for all dockworkers.

B. *Guarantees of Employment or Income*

8. (1) Where permanent or regular employment is not practicable, guarantees of employment and/or income should be provided, in a manner and to an extent depending on the economic and social situation of the country and port concerned.

(2) These guarantees might include any or all of the following:

- (a) employment for an agreed number of hours or shifts per year, per month or per week, or pay in lieu thereof;
- (b) attendance money, payable for being present at calls or otherwise available for work when no employment is obtained, under a scheme to which no financial contribution from the dockworkers is required;
- (c) unemployment benefit when no work is available.

9. Positive steps should be taken by all concerned to avert or minimise as far as possible any reduction of the workforce, without prejudice to the efficient conduct of dock work operations.

10. Adequate provision should be made for giving dockworkers financial protection in case of unavoidable reduction of the workforce by such means as—

- (a) unemployment insurance or other forms of social security;
- (b) severance allowance or other types of separation benefits paid by the employers;
- (c) such combination of benefits as may be provided for by national laws or regulations, or collective agreements.

C. *Registration*

11. Registers should be established and maintained for all occupational categories of dockworkers, in a manner determined by national law or practice, in order to—

- (a) prevent the use of supplementary labour when the work available is insufficient to provide an adequate livelihood to dockworkers;
- (b) operate schemes for the regularisation of employment or stabilisation of earnings and for the allocation of labour in ports.

12. The number of specialised categories should be reduced and their scope altered as the nature of the work changes and as more dockworkers become able to carry out a greater variety of tasks.

13. The distinction between work on board ship and work on shore should be eliminated, where possible, with a view to achieving greater interchangeability of labour, flexibility in allocation and efficiency in operations.

14. Where permanent or regular employment is not available for all dockworkers, the registers should take the form of either—

- (a) a single register; or
- (b) separate registers for—
 - (i) those in more or less regular employment;
 - (ii) those in a reserve pool.

15. No person should normally be employed as a dockworker unless he is registered as such. Exceptionally, when all available registered dockworkers are employed, other workers may be engaged.

16. The registered dockworker should make himself available for work in a manner determined by national law or practice.

D. *Adjusting the Strength of the Registers*

17. The strength of the registers should be periodically reviewed by the parties concerned, so as to achieve levels adequate, but not more than adequate, to the needs of the port. In such reviews, account should be taken of all relevant factors and in particular the long-term factors such as the changing methods of cargo handling and changing trends in trade.

18. (1) Where the need for particular categories of dockworkers decreases, every effort should be made to retain the workers concerned in jobs within the port industry by retraining them for work in other categories; the retraining should be provided well in advance of any anticipated change in the methods of operation.

(2) If reduction in the over-all strength of a register becomes unavoidable, all necessary efforts should be made to help dockworkers to find employment elsewhere through the provision of retraining facilities and the assistance of the public employment services.

19. (1) In so far as practicable, any necessary reduction in the strength of a register should be made gradually and without recourse to termination of employment. In this respect, experience with personnel planning techniques at the level of the undertaking can be usefully applied to ports.

(2) In determining the extent of the reduction, regard should be had to such means as—

- (a) natural wastage;
- (b) cessation of recruitment, except for workers with special skills for which dockworkers already registered cannot be trained;
- (c) exclusion of men who do not derive their main means of livelihood from dock work;
- (d) reducing the retirement age or facilitating voluntary early retirement by the grant of pensions, supplements to state pensions, or lump-sum payments;
- (e) permanent transfer of dockworkers from ports with excess of dockworkers to ports with shortage of such workers, wherever the situation warrants and subject to collective agreements and to the agreement of the workers concerned.

(3) Termination of employment should be envisaged only after due regard has been had to the means referred to in subparagraph (2) of this Paragraph and subject to whatever guarantees of employment may have been given. It should be based as far as possible on agreed criteria, should be subject to adequate notice, and should be accompanied by payments as set out in Paragraph 10.

E. *Allocation*

20. Except where permanent or regular employment with a particular employer exists, systems of allocation should be agreed upon which—

- (a) subject to the provisions of Paragraphs 11, 15 and 17, provide each employer with the labour required to secure a quick turn-round of ships, or, in case of shortage, a fair share of such labour consistent with any established system of priorities;
- (b) provide each registered dockworker with a fair share of available work;
- (c) reduce to a minimum the necessity for attending calls for selection and allocation to a job and the time required for this purpose;
- (d) ensure that, so far as practicable and subject to the necessary rotation of shifts, dockworkers complete a task begun by them.

21. Subject to conditions to be prescribed by national laws or regulations or collective agreements, the transfer of dockworkers in the regular employment of one employer to temporary work with another should be permitted when required.

22. Subject to conditions to be prescribed by national laws or regulations or collective agreements, the temporary transfer of dockworkers on a voluntary basis from one port to another should be permitted when required.

IV. LABOUR-MANAGEMENT RELATIONS

23. Discussions and negotiations between employers and workers concerned should aim not merely at settlement of current issues such as wages and conditions of work, but at an over-all arrangement encompassing the various social measures required to meet the impact of new methods of cargo handling.

24. The existence of organisations of employers and of dockworkers established in accordance with the principles of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, able freely to enter into negotiations and to ensure the execution of agreements arrived at, should be recognised as being important for this purpose.

25. Where it does not already exist, appropriate joint industrial machinery should be set up with a view to creating a climate of confidence and co-operation between dockworkers and employers in which social and technical change can be brought about without tension or conflict and grievances promptly settled in accordance with the Examination of Grievances Recommendation, 1967.

26. Employers' and workers' organisations, together as appropriate with the competent authori-

ties, should participate in the application of the social measures required, and in particular in the operation of schemes for the regularisation of employment or stabilisation of earnings.

27. Effective policies of communication between employers and dockworkers and between the leaders of workers' organisations and their members should be established in accordance with the Communications within the Undertaking Recommendation, 1967, and implemented by all possible means at all levels.

V. ORGANISATION OF WORK IN PORTS

28. In order to secure the greatest social advantage of new methods of cargo handling, agreements should be concluded between employers or their organisations, on the one hand, and workers' organisations, on the other hand, with a view to their co-operation in improving the efficiency of work in ports, with the participation, as appropriate, of the competent authorities.

29. The measures to be covered by such agreements might include—

- (a) the use of scientific knowledge and techniques concerning the work environment with particular reference to conditions in ports;
- (b) comprehensive vocational training schemes, including training in safety measures;
- (c) mutual efforts to eliminate outdated practices;
- (d) increased flexibility in the deployment of dock labour between hold and hold, ship and ship, and ship and shore, and between shore jobs;
- (e) recourse, where necessary, to shift work and weekend work;
- (f) work organisation and training designed to enable dockworkers to carry out several related tasks;
- (g) the adaptation of the strength of gangs to agreed needs, with due regard to the necessity of ensuring reasonable rest periods;
- (h) mutual efforts to eliminate unproductive time as far as practicable;
- (i) provision for the effective use of mechanical equipment, subject to the observance of relevant safety standards and the weight restrictions required by the certified safe working capacity of the machine.

30. Such measures should be accompanied by agreements concerning the regularisation of employment or stabilisation of earnings and by the improvements in conditions of work referred to in the following Part of this Recommendation.

VI. CONDITIONS OF WORK AND LIFE

31. Laws and regulations concerning safety, health, welfare and vocational training applicable to industrial undertakings should be effectively applied in ports, with such technical variations as may be necessary; there should be adequate and qualified inspection services.

32. Standards as regards hours of work, weekly rest, holidays with pay and similar conditions should be not less favourable for dockworkers than for the majority of workers in industrial undertakings.

33. Measures should be adopted in regard to shift work, which include—

- (a) not placing the same worker on consecutive shifts, except within limits established by national laws or regulations or collective agreements;
- (b) special compensation for the inconvenience caused to the worker by shift work, including weekend work;
- (c) fixing an appropriate maximum duration and an appropriate timing of shifts, regard being had to local circumstances.

34. Where new methods of cargo handling are introduced and where tonnage rates or other forms of payment by results are in use, steps should be taken to review and, where necessary, revise the methods and the scales of pay. Where possible, the earnings of the dockworkers should be improved as a result of the introduction of the new methods of cargo handling.

35. Appropriate pension and retirement schemes should be introduced where they do not already exist.

VII. MISCELLANEOUS PROVISIONS

36. Appropriate provisions of this Recommendation should, as far as practicable, also be applied to occasional and to seasonal dockworkers in accordance with national law and practice.