
INTERNATIONAL LABOUR ORGANIZATION
Sectoral Activities Programme

**High-level Tripartite Working Group
on Maritime Labour Standards
(Second meeting)**

**First preliminary draft of provisions for the new
consolidated maritime labour Convention**

Geneva, 2002



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Introduction

1. The attached informal document, prepared at the suggestion of the Subgroup of the High-level Tripartite Working Group on Maritime Labour Standards, is essentially intended to be an illustration of the possible content of the proposed consolidated Convention on maritime labour standards. It has taken as its basis the *Compilation of relevant provisions of maritime labour Conventions and related texts*, a document distributed to members of the High-level Tripartite Working Group, containing the source material of the existing corpus of international labour Conventions and other relevant texts. This material has been rearranged and adapted in the present document so as to correspond to the kind of instrument envisaged by the High-level Tripartite Working Group at its first meeting in December last year, as developed by its Subgroup – namely, an international labour Convention containing Articles relating to fundamental principles and rights and provisions applicable to the instrument as a whole, followed by a number of parts covering the various families of subjects. Each part consists of mandatory “Regulations” and “Rules” and non-binding “Recommendations”. The Regulations set forth the basic principles of each maritime labour standard; the Rules provide for the detailed implementation of those principles and rights. The Recommendations provide guidance relevant to the subjects dealt with.
2. Most of the provisions in Parts I to IV, and some of the other provisions, are taken from existing maritime labour Conventions. Where this is the case, the source of the provision concerned is given inside brackets. Other provisions are illustrations of proposals being made to the High-level Working Group at its present meeting. This is the case with Articles XI to XIV, setting out a possible amendment procedure,¹ as well as Part V, relating to enforcement.² Some new proposals for possible solutions are embodied to cover questions such as how to provide sufficient flexibility to enable the widespread ratification of the new Convention without lowering existing standards,³ and how to deal with several Conventions on the same subject, particularly where an older Convention has been widely ratified.⁴
3. Although it takes account of the provisions of all relevant maritime labour Conventions, the preliminary draft is incomplete in some important respects: in particular, the provisions of relevant maritime labour Recommendations have not yet been included. Nor have suggestions been made on the difficult question of the various definitions and provisions on scope of application; this is another subject to be discussed by the High-level Tripartite

¹ ILO: *Simplified amendment procedure for the proposed new maritime labour Convention*, High-level Tripartite Working Group on Maritime Labour Standards (second meeting), doc. TWGMLS/2002/2 (Geneva, 2002).

² *Considerations for provisions on inspection and control in a consolidated maritime labour Convention*, High-level Tripartite Working Group on Maritime Labour Standards (second meeting), doc. TWGMLS/2/1 (Geneva, 2002).

³ See, for example, paras. 2-4 of Article V.

⁴ See, for example, section G of Rule 2.5 in Part II of the preliminary draft.

Working Group at the present meeting.⁵ Another important provision which will have to be considered in due course relates to the requirements for entry into force and the status of existing maritime labour Conventions that are in force for Members ratifying the new instrument.

4. It is not suggested that the substance of this preliminary draft should be discussed at the present meeting of the High-level Tripartite Working Group. It has not been possible to prepare the preliminary draft in time to give participants in the Working Group an opportunity to have a proper discussion on the subject; nor indeed has it been possible for the preliminary draft to be reviewed by the competent services of the Office. Guidance at this stage from the Working Group would however appear useful on general questions, such as:
 - (a) Are there further subjects which should be dealt with in the future instrument, particularly in the basic Articles?
 - (b) Should some of the subjects which have been dealt with (e.g. certification and training) be covered in more general terms?
 - (c) Have the substantive subjects to be covered been appropriately distributed in Parts I to V?
5. In addition, the preliminary draft – as adapted in the light of discussions of the kind referred to in the preceding paragraph, as well as those on such questions as the definitions, the simplified amendment procedure and enforcement – could provide an initial working basis for drafting the various components of the new instrument.

⁵ *Definitions and scope provisions in existing maritime labour instruments and related texts*, High-level Tripartite Working Group on Maritime Labour Standards (second meeting), doc. TWGMLS/2002/4 (Geneva, 2002).

Articles

Definitions and scope of application

Article I

- General definitions.

Article II

- General scope of application.

Fundamental principles and rights

Article III

1. Each Member which ratifies this Convention recognizes its responsibility to ensure, within the limits of its jurisdiction and in accordance with the standards required by the provisions of this Convention –

- (a) that all ships are covered by the safety standards, including standards of competency, hours of work and manning, that are necessary to ensure the safety of life on board ship;
- (b) that all seafarers enjoy –
 - (i) fair terms of employment;
 - (ii) decent shipboard conditions of employment and shipboard living arrangements; and
 - (iii) appropriate social security and welfare measures.

2. The rights referred to in paragraph 1(b) above shall be secured through laws and regulations in so far as, in the opinion of the Member, they are not covered by collective agreements or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned. (C147A2(a))

3. Each Member reaffirms its commitment to respect, in the context of this Convention, the principles concerning the fundamental rights of –

- (i) freedom of association and the effective recognition of the right to collective bargaining;
- (ii) the elimination of all forms of forced or compulsory labour;
- (iii) the effective abolition of child labour; and
- (iv) the elimination of discrimination in respect of employment and occupation, as referred to in the ILO Declaration on Fundamental Principles and Rights at Work, 1998.

Article IV

1. Each Member shall:

- (a) 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 its national laws or regulations, except to the extent that the seafarers concerned are covered by at least equivalent measures under the laws or regulations of the foreign country of nationality or domicile; and
 - (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; (C147A2(b))
- (b) 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 organizations and seafarers' organizations constituted in line with the fundamental principles referred to in paragraph 3(i) of Article III; and (C147A2(c))
- (c) ensure that adequate procedures exist for the engagement of seafarers on ships registered in its territory and for the investigation of complaints arising in that connection. (C147A2(d)(i))

2. Each Member shall:

- (a) exercise effective jurisdiction or control over contracts for the placement of seafarers and contracts of employment of seafarers that are concluded in its territory;
- (b) ensure that adequate procedures exist for the investigation of any complaint made in connection with 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 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; (C147A2(d)(ii))
- (c) in so far as practicable, advise its nationals on the possible problems of signing on a ship registered in a State which does not observe the standards required by this Convention; and (C147A3)
- (d) ensure that seafarers employed on ships registered in its territory are properly qualified or trained for the duties for which they are engaged. (C147A2(e))

Regulations and Rules; Recommendations

Article V

1. Each Member undertakes to respect the principles and rights set out in the Regulations under this Convention and to implement each such Regulation in the manner set out in the Rules corresponding to it.

2. However, a Member which is not in a position to implement the principles and rights in the manner set out in the Rules may –

- (a) implement the Rules through provisions in its laws and regulations which can be demonstrated to be substantially equivalent to the provisions of the Rules of this Convention; or
- (b) implement an initial lower standard, to the extent expressly permitted by the said Rules, and make adequate provision for the progressive achievement, in the shortest possible time, of the full standards set out in the Rules.

3. A Member may avail itself of the flexibility provided for in paragraph 2(b) only if the lower standard to be initially applied is specified in a declaration in or accompanying its instrument of ratification of this Convention. Such declaration shall have been made by the Member after consultation with the organizations of shipowners and seafarers concerned, where such exist. In no case may a Member apply a standard lower than any standard of an international labour Convention that was applicable to the Member at the time of ratification of this Convention.

4. Any Member availing itself of the flexibility provided for in paragraph 2(b) shall, in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization, indicate the measures that have been taken or are proposed to be taken to achieve the full standards set out in the Rules concerned.

5. Each Member shall give full consideration to implementing the provisions of the Recommendations set out in this Convention.

6. With respect to ships entitled to fly the flag of a State which is not a party to this Convention, each Member shall apply standards that are substantially equivalent to those under the Regulations and Rules of this Convention, to the extent necessary to ensure that no more favourable treatment is given to such ships.

Entry into force and denunciation

Article VI

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. (C147A5)

Article VII

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which there have been registered ratifications by at least ... Members with a total share in world shipping gross tonnage of ... per cent.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered. (C147A6)

Article VIII

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article. (C147A7)

Depositary functions

Article IX

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When the conditions provided for in Article VII, paragraph 2, above have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force. (C180A20)

Article X

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of

denunciation registered by him in accordance with the provisions of the preceding Articles, as well as of ratifications of amendments under Article XII or Article XIII. (C147A9)

Amendment

Article XI

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review, through a Committee established by it with special competence in the area of maritime labour standards.
2. The Committee shall consist of representatives nominated by the governments which have ratified this Convention and the representatives of Shipowners and Seafarers appointed by the Governing Body.
3. The Government, Shipowner and Seafarer groups in the Committee shall have equal voting power, unless otherwise provided in this Convention.
4. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee without right of vote. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

Article XII

1. Amendments to any of the provisions of this Convention may be adopted by the General Conference in accordance with article 19 of the Constitution of the International Labour Organization and the Organization's rules and procedures for the adoption of Conventions.
2. Amendments shall be binding only upon those Members of the Organization whose ratifications have been registered with the Director-General of the International Labour Office.
3. In the case of Members whose ratification of this Convention was registered before the adoption of the amendment, the text of the amendment shall be communicated to them for ratification.
4. In the case of other Members of the Organization, the text of the Convention as amended shall be communicated to them for ratification in accordance with article 19 of the Constitution.
5. The amendments shall be deemed to have been accepted on the date when there have been registered ratifications, of the amendment or of the Convention as amended, as the case may be, by at least ... Members of the Organization with a total share in world shipping gross tonnage of ... per cent.
6. For any Member referred to in paragraph 3 above, the amendments shall come into force ... months after the date of acceptance referred to in paragraph 5 above or ... months after the date on which its ratification of the amendment has been registered, whichever date is the later.
7. For any other Member of the Organization, the Convention as revised shall come into force ... months after the date of acceptance referred to in paragraph 5 above or ... months after the date on which its ratification of the Convention has been registered, whichever date is the later.

8. This Convention shall remain in force in its unamended form and content for those Members whose ratification of the Convention was registered before the adoption of the amendment concerned but which have not ratified the amendment.

9. A Member which subsequently ratifies this Convention shall be bound by all amendments entering into force which were adopted before its ratification of the Convention was registered.

Article XIII

1. Except where provided otherwise in this Convention, the Rules of this Convention may also be amended in accordance with the procedure set out in the following paragraphs.

2. An amendment to the Rules may be proposed to the Director-General by the government of any Member which has ratified this Convention or by any representative of the shipowners or seafarers who has been appointed to the Committee referred to in Article XI. The amendment must be supported by at least half the Governments that have ratified the Convention, if it has been proposed by a government, and by at least half of the shipowner or seafarer representatives in the Committee if proposed by a representative of the shipowners or seafarers, respectively.

3. The Director-General shall promptly communicate such proposals for amendment as have received the required support to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposals within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body.

4. At the end of the period referred to in the preceding paragraph, the proposal, accompanied by a summary of any observations or suggestions made by Members, shall be transmitted to the Committee referred to in Article XI, for consideration. An amendment shall be considered adopted if –

- (a) at least [half] [one-third of] the governments of Members that have ratified this Convention have appointed a representative to attend the meeting at which the proposal is to be considered, and
- (b) a majority of at least two-thirds of the members of the Committee entitled to vote is in favour of the amendment, and
- (c) this majority comprises the votes in favour of at least half the governments represented at the meeting concerned.

5. Amendments adopted in accordance with the preceding paragraph shall be submitted to the next session of the General Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present [see ILO Constitution, art. 19.2]. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should it so wish.

6. Amendments approved by the General Conference shall be notified by the Director-General to each of the Members whose ratification of this Convention was registered before the approval of the amendment referred to in the preceding paragraph. The notification shall contain a reference to the present article and shall prescribe the period for the communication of any disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than one-third of the Members referred to in the first sentence of the preceding paragraph.

8. An amendment deemed to have been accepted shall come into force, six months after the end of the prescribed period, for all Members whose ratification of this Convention was registered before the approval of the amendment by the General Conference, except those which had expressed their disagreement in accordance with the preceding paragraph and have not withdrawn such disagreement. However, before the date of entry into force, any ratifying Member may give notice to the Director-General that it exempts itself from giving effect to that amendment for a specified period. This period shall not go beyond one year from the date of entry into force or beyond such longer period as may have been determined by the General Conference at the time of approval of the amendment.

9. A Member which subsequently ratifies this Convention shall be bound by all amendments entering into force which were adopted before its ratification of the Convention was registered.

Article XIV

Except where provided otherwise in this Convention, amendments to Recommendations relating to provisions of the Rules of this Convention may also be adopted in accordance with the procedure for the amendment of the Rules, as set out in Article XIII, paragraphs 1 to 5. They shall come into force upon approval by the General Conference in accordance with paragraph 5 of the said Article.

Authoritative languages

Article XV

The English and French versions of the text of this Convention are equally authoritative. (C147A12)

Part I. Prerequisites for going to sea and related provisions

Regulation 1.1. Minimum age

Subject to such exceptions as may be provided for in the Rules –

- (a) no persons shall work on a vessel if they are under the age at which a person is generally recognized to be physically and mentally fit for such work and to be no longer in need of full-time schooling; (C180A12)
- (b) no seafarer under the age at which a person is generally recognized as attaining full legal capacity shall:
 - (i) work at night; or (C180A6)
 - (ii) engage in any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young seafarers. (C138A3/1)

Regulation 1.2. Medical certification

No persons shall be employed in a vessel to which this Convention applies unless they are certified to be medically fit. (C73A3/1).

Regulation 1.3. Certification of competency and qualification

No seafarers shall be engaged to perform, or shall perform on board any vessel, any navigational duties, or other duties of responsibility, unless they are certified as competent or qualified to perform such duties. (C53A3/1)

Regulation 1.4. Safety, health, welfare and training

Members shall ensure that appropriate safety, health, welfare and vocational training provisions apply to seafarers. (C145A6)

Regulation 1.5. Public and private recruitment and placement services

1. Seafarers shall not be subject to any fees or other charges for obtaining recruitment or employment. (C179A4/1)
2. They shall be protected from any action by recruitment and placement services to prevent or deter them from gaining employment.
3. They shall be protected by those services from being stranded in a foreign port.

4. They shall be compensated for monetary loss resulting from the failure of such services to meet their obligations to them. (C179A4/2)

5. They shall be properly informed by those services of the terms of their contracts of employment and articles of agreement. (C179A5/2)

6. The operations of all recruitment and placement services established on the Member's territory shall be subject to close supervision and control. (C179A4&5)

7. In addition, the operations of any private recruitment and placement services established on the Member's territory shall be closely regulated. (C179A2/2)

8. Nothing in this Regulation or in the Rules under it shall be deemed to –

- (a) prevent a Member from maintaining a free public recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether it forms part of or is coordinated with a public employment service for all workers and employers; or
- (b) impose on a Member the obligation to establish a system for the operation of private recruitment and placement services. (C179A2/1)

9. Nothing in this Regulation or in the Rules under it shall in any manner –

- (a) prejudice the ability of a seafarer to exercise basic human rights, including trade union rights; (C179A3) or
- (b) affect the right of a Member to apply its laws and regulations to vessels flying its flag in relation to the recruitment and placement of seafarers. (C179A2/3)

Regulation 1.6. Seafarers' identity document

1. Under the conditions established by the Rules, all seafarers shall have the right to bear a seafarers' identity document issued by their country of nationality and having the form and content prescribed by the Rules.

2. The seafarers' identity document may be issued to seafarers who are not nationals of the country concerned only in the circumstances specified by the Rules.

3. The Rules shall cover the design of the document, as well as procedures for its issue and for the verification of the data contained in it, with the object, in particular, of –

- (a) preventing the seafarers' identity document from being falsified or tampered with or issued to persons who are not seafarers;
- (b) ensuring easy and reliable identification of the bearer of the document as well as the reliability of the related data contained in the document;
- (c) ensuring that the materials and technology needed for the design and verification of the document are widely available at the lowest possible cost;
- (d) maintaining the quality of the procedures for the issue of the document; and
- (e) fully respecting the seafarers' right to privacy and other rights.

4. Each Member shall recognize seafarers' identity documents validly issued, in accordance with this Regulation and the related Rules, by the competent authorities of the other Members ratifying this Convention.

5. On the basis of the seafarers' identity document, seafarers shall be granted admission into the territory of each Member for the purpose of temporary shore leave and for other purposes, specified in the Rules, which are necessary for or consequent upon the exercise of their professional activities.

Rules for Part I

Rule 1.1. Minimum age

A. *General*

1. Subject to paragraphs 2 to 5 below, no person under 16 years of age shall be employed or work on vessels other than vessels upon which only members of the same family are employed. (C180A12).

2. National laws or regulations may provide for the issue in respect of children of not less than 14 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. (C58A2/2)

3. Paragraphs 1 and 2 above shall not apply to work done by children on school vessels or training vessels, provided that such work is approved and supervised by public authority. (C58A3)

4. 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.

5. 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 4 above.

6. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 4 and 5 above and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken. (C138A7/1-3)

7. In the case of Members availing themselves of paragraph 2(b) of Article V –

- (a) a minimum age lower than that specified in paragraph 1 above may initially be applied. It shall not be less than .. years;

-
- (b) the ages 12 and 14 may initially be substituted for the ages 13 and 15 in paragraph 4 and the age 14 for the age 15 in paragraph 5 above. (C138A7/4)

B. Work at night

1. No seafarer under 18 years of age shall work at night. For the purpose of this paragraph, “night” means a period of at least nine consecutive hours, including the interval from midnight to 5 a.m. This provision need not be applied when the effective training of young seafarers between the ages of 16 and 18 in accordance with established programmes and schedules would be impaired. (C180A6)

2. In the case of Members availing themselves of paragraph 2(b) of Article V, a lower minimum age may initially be applied. It shall not be less than .. years.

C. Hazardous work

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 jeopardize the health, safety or morals of young seafarers shall not be less than 18 years. (C138A3/1)

2. The types of employment or work to which paragraph 1 applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of shipowners and seafarers concerned, where such exist. (C138A3/2)

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the organizations of shipowners and seafarers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young seafarers concerned are fully protected and that the young seafarers have received adequate specific instruction or vocational training in the relevant branch of activity. (C138A3/3)

D. Enforcement

1. In order to facilitate the effective enforcement of the provisions of this Rule –

- (a) appropriate penalties shall be provided for; (C138A9/1)
- (b) national laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to this Rule; (C138A9/2)
- (c) national laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the shipowner; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of seafarers whom the shipowner employs or who work for the shipowner and who are less than 18 years of age. (C138A9/3)

Rule 1.2. Medical certification

A. General

1. In accordance with Regulation 1.2, prior to any engagement for employment in a vessel, the persons concerned shall produce a certificate attesting to their fitness for the

work for which they are to be employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning their sight, by a person authorized by the competent authority to issue such a certificate. (C73A3/1).

2. Regulation 1.2 does not apply to:

- (a) pilots (not members 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. (C73A2/1)

3. The competent authority shall, after consultation with the shipowners' and seafarers' organizations concerned, prescribe –

- (a) the nature of the medical examination to be made for the purpose of the required certification, and
- (b) the particulars to be included in the medical certificate. (C73A4/1)

4. 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. (C73A4/2)

5. In particular, the medical certificate shall attest –

- (a) that the hearing and sight of the persons concerned and, in the case of persons 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), their colour vision, are all satisfactory; and (C73A3/a)
- (b) that they are not suffering from any disease likely to be aggravated by, or to render them unfit for, service at sea or likely to endanger the health of other persons on board. (C73A3/b)

6. The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted. (C73A5/1)

7. 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. (C73A5/2)

8. 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. (C73A5/3)

9. 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 paragraphs. (C73A6/1)

10. 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. (C73A6/2)

11. Employment in virtue of this Rule shall not be deemed on any subsequent occasion to be previous employment for the purpose of paragraph 1 of section D of this Rule. (C73A6/3)

12. 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. (C73A7/0)

13. 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 organization of shipowners or seafarers. (C73A8/0)

B. Medical certification of young persons

1. The employment of any child or young person under 18 years of age on any ship, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority. (C16A2)

2. The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage. (C16A3)

3. In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in paragraphs 1 and 2 above, always provided that such an examination shall be undergone at the first port at which the ship calls. (C16A4)

C. Delegation

1. Any of the functions of the competent authority under this Rule may, after consultation with the organizations of shipowners and seafarers concerned, where such exist, be discharged by delegating the work, or part of it, to an organization or authority exercising similar functions in respect of seafarers generally. (C73A9/1)

D. Transitional provision

1. For a period of two years from the date of the entry into force of this Convention for the territory concerned, a Member which has not ratified the Medical Examination (Seafarers) Convention, 1946 may allow persons to be engaged as a seafarer notwithstanding paragraph 1 of section A of this Rule if such persons produce evidence that they have been employed in a seagoing vessel to which this Convention applies for a substantial period during the previous two years.

Rule 1.3. Certification of competency and qualification

A. Certificates of competency

1. No seafarer shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless they hold a certificate of

competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered. (C53A3/1)

2. Exceptions to the provisions of this section A may be made only in cases of *force majeure*. (C53A3/2)

3. No seafarers shall be granted a certificate of competency unless:

- (a) they have reached the minimum age prescribed for the issue of the certificate in question;
- (b) their professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and
- (c) they have passed the examinations organized and supervised by the competent authority for the purpose of testing whether they possess the qualifications necessary for performing the duties corresponding to the certificate for which they are a candidate. (C53A4/1)

4. 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 organization 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. (C53A4/2)

5. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this section. (C53A5/2)

6. Where the authorities of a Member find a breach of its provisions on a vessel registered in the territory of another Member for which this Convention is in force, the said authorities shall take the action provided for in paragraph 3 of Regulation 5.2 of this Convention. (C53A5/3)

7. Penalties or disciplinary measures under national laws or regulations shall be prescribed, in particular, for cases in which:

- (a) a shipowner, shipowner's agent or master has engaged a seafarer not certificated as required by this section;
- (b) a master has allowed any of the duties defined in paragraph 1 of this section to be performed by a seafarer not holding the corresponding or a superior certificate;
- (c) a seafarer has obtained by fraud or forged documents an engagement to perform any of the duties defined in paragraph 1 of this section without holding the requisite certificate. (C53A6/2)

B. Certificates of qualification (C74/1946[27])

1. No seafarers shall be engaged on any vessel as an able seafarer unless they are persons who by national laws or regulations are deemed to be competent to perform any duty which may be required of a member of the crew serving in the deck department (other than an officer or leading or specialist rating) and unless they hold a certificate of qualification as an able seafarer granted in accordance with paragraph 2 below. (C74A1)

2. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification. (C74A2/1)

3. No seafarers shall be granted a certificate of qualification unless they have:

- (a) reached a minimum age to be prescribed by the competent authority;
- (b) served at sea in the deck department for a minimum period to be prescribed by the competent authority; and
- (c) passed an examination of proficiency to be prescribed by the competent authority. (C74A2/2)

4. The prescribed minimum age shall not be less than 18 years. (C74A2/3)

5. The prescribed minimum period of service at sea shall not be less than 36 months. The competent authority may however:

- (a) permit seafarers with a period of actual service at sea of not less than 24 months who have successfully passed through a course of training in an approved training school to reckon the time spent in such training, or part thereof, as sea service; and
- (b) permit seafarers trained in approved seagoing training vessels who have served 18 months in such vessels to be certificated as able seafarers upon leaving in good standing. (C74A2/4)

6. The prescribed examination shall provide a practical test of the candidate's knowledge of seamanship and of his or her ability to carry out effectively all the duties that may be required of an able seafarer, including those of a lifeboatman; it shall be such as to qualify a successful candidate to hold the special lifeboatman's certificate provided for in Chapter III, Regulation 10, of the International Convention for the Safety of Life at Sea, 1974, or in the corresponding provision of any subsequent Convention revising or replacing that Convention for the time being in force for the territory concerned. (C74A2/5)

7. No seafarers shall be engaged as ship's cook on board any vessel to which this Convention applies unless they hold a certificate of qualification as ship's cook granted in accordance with paragraphs 8 to 12 below. (C69A3/1)

8. The competent authority may grant exemptions from paragraph 7 if in its opinion there is an inadequate supply of certificated ships' cooks. (C69A3/2)

9. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification. (C69A4/1)

10. No seafarers shall be granted a certificate of qualification unless they have:

- (a) reached a minimum age to be prescribed by the competent authority;

-
- (b) served at sea for a minimum period to be prescribed by the competent authority; and
 - (c) passed an examination to be prescribed by the competent authority. (C69A4/2)

11. The prescribed examination shall provide a practical test of the candidates' ability to prepare meals; it shall also include a test of their knowledge of food values, the drawing up of varied and properly balanced menus, and the handling and storage of food on board a vessel. (C69A4/3)

12. The prescribed examination may be conducted and certificates granted either directly by the competent authority or, subject to its control, by an approved school for the training of cooks or other approved body. (C69A4/4)

13. The competent authority may provide for the recognition of certificates of qualification issued in other territories. (C74A4)

Rule 1.4. Safety, health, welfare and training

1. Each Member shall, after consulting the organizations of shipowners and seafarers concerned, where such exist, establish clear objectives for the vocational guidance, education and vocational training of seafarers, particularly young seafarers, taking due account of the Recommendations related to the present Rule.

Rule 1.5. Public and private recruitment and placement services

A. Regulation of recruitment and placement services

1. Each Member shall, by means of national laws or applicable regulations:
 - (a) ensure that no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer; for this purpose, costs of the national statutory medical examination, certificates, a personal travel document and the national seafarer's identity document shall not be deemed to be fees or other charges for recruitment;
 - (b) determine whether and under which conditions recruitment and placement services may place or recruit seafarers abroad;
 - (c) specify, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by recruitment and placement services including the collection, storage, combination and communication of such data to third parties;
 - (d) determine the conditions under which the licence, certificate or similar authorization of a recruitment and placement service may be suspended or withdrawn in case of violation of relevant laws and regulations; and
 - (e) specify, where a regulatory system other than a system of licensing or certification exists, the conditions under which recruitment and placement services can operate, as well as sanctions applicable in case of violation of these conditions. (C179A4/1)

2. Where private recruitment and placement services have been or are to be established, they shall be operated within the territory of a Member only in conformity with a system of licensing or certification or other form of regulation. This system shall be established, maintained, modified or changed only after consultation with the organizations of shipowners and seafarers concerned, where such exist. Undue proliferation of such private recruitment and placement services shall not be encouraged. (C179A2/2)

B. Supervision and control of recruitment and placement services

1. Each Member shall ensure that the competent authority:
 - (a) closely supervise all recruitment and placement services;
 - (b) grant or renew the licence, certificate, or similar authorization only after having verified that the recruitment and placement service concerned meets the requirements of national laws and regulations;
 - (c) require that the management and staff of recruitment and placement services for seafarers should be adequately trained persons having relevant knowledge of the maritime industry;
 - (d) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment;
 - (e) require that recruitment and placement services adopt measures to ensure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port; and
 - (f) ensure that a system of protection, by way of insurance or an equivalent appropriate measure, is established to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service to meet its obligations to them. (C179A4/2)

C. Obligations of recruitment and placement services

1. All recruitment and placement services shall maintain a register of all seafarers recruited or placed through them, to be available for inspection by the competent authority. (C179A5/1)
2. All recruitment and placement services shall ensure that:
 - (a) any seafarer recruited or placed by them is qualified and holds the documents necessary for the job concerned;
 - (b) contracts of employment and articles of agreement are in accordance with applicable laws, regulations and collective agreements;
 - (c) seafarers are informed of their rights and duties under their contract of employment and articles of agreement prior to or in the process of engagement; and
 - (d) proper arrangements are made for seafarers to examine their contract of employment and articles of agreement before and after they are signed and for them to receive a copy of the contract of employment and articles of agreement. (C179A5/2)

3. Nothing in paragraph 2 above shall be understood as diminishing the obligations and responsibilities of the shipowner or the master. (C179A5/3)

D. Complaints concerning the activities of services

1. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers. (C179A6/1)

2. All recruitment and placement services shall examine and respond to any complaint concerning their activities and shall advise the competent authority of any unresolved complaint. (C179A6/2)

3. Where complaints concerning working or living conditions on board vessels are brought to the attention of the recruitment and placement services, they shall forward such complaints to the appropriate authority. (C179A6/3)

4. Nothing in this section D shall prevent the seafarer from bringing any complaint directly to the appropriate authority. (C179A6/4)

Rule 1.6. Seafarers' identity document

A. Issue of the seafarers' identity document

1. The seafarers' identity document referred to in Regulation 1.6 shall be issued by each Member to each of its nationals who is a seafarer and who applies for such document.

2. The seafarers' identity document may be issued to seafarers who are not nationals of the Member concerned only where the seafarer:

- (a) has been recognized as a refugee by the Member or, in accordance with international arrangements, has sought or been granted asylum on the Member's territory; or
- (b) is a stateless person, or a person whose nationality is in doubt due to the absence of records in the country of apparent nationality, and has been granted permission to reside in the Member's territory, including permission to return to it.

3. The seafarer's identity document shall remain in the seafarer's possession at all times. (C108A3)

B. Model for the seafarers' identity document

1. The seafarers' identity document shall conform – in its physical characteristics and in its form and content – to the model set out in Appendix I to this Rule.

2. This model is based on the criteria set forth in section C below. Provided that the provisions of that section are respected, the appendix may be amended by the General Conference by a majority of two-thirds of the votes cast by the delegates present. In adopting amendments, the Conference shall specify when they will enter into effect, taking account of the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures.

C. Criteria for the model

1. The seafarers' identity document shall be designed in a simple manner, be made of durable material and shall incorporate the most recent technology which:

- (a) will, as far as possible, prevent tampering with the document or falsification and will enable easy detection of alterations; and
- (b) is generally accessible to governments at the lowest cost consistent with reliably achieving the purpose set out in (a) above.

2. The seafarers' identity document shall be no larger than a normal passport. It may contain extra pages.

3. The seafarers' identity document shall contain the name and title of the issuing authority, the date and place of issue, and a statement that the document is a seafarers' identity document for the purpose of this Protocol.

4. The seafarers' identity document shall include the following particulars concerning the bearer:

- (a) full name (first and last names where applicable);
- (b) date and place of birth;
- (c) nationality;
- (d) physical characteristics;
- (e) digital photograph;
- (f) signature or, if bearer is unable to sign, a thumbprint;
- (g) the date when the identity document or its latest renewal will expire; and
- (h) reference number.

5. A template or other representation of a biometric of the bearer may also be required in the seafarers' identity document, provided that the following preconditions are satisfied:

- (a) the biometric can be captured without any invasion of privacy of the persons concerned or offence against their dignity;
- (b) seafarers are given the right to refuse to provide biometric data and, instead, to authenticate their identity by means of a national passport;
- (c) the equipment needed for the provision and verification of the biometric is user-friendly and is generally accessible to governments at low cost; and
- (d) the equipment can be conveniently operated on board ship, in ports and in other places where verification of identity is normally carried out.

6. The above particulars may be followed by an appropriate heading and space to enable the national issuing authorities to enter such other particulars as may be prescribed

by their national laws or regulations, including other international arrangements to which their State is party.

7. All data recorded on the document shall be eye-readable and also, to the maximum extent possible, machine-readable.

D. Details to be kept in a database

1. Each Member shall ensure that a reference to each seafarers' identity document issued by it is stored in an electronic database, which shall at all times be immediately accessible to the immigration or other competent authorities of all Members for which this Convention is in force.

2. The information contained in the reference shall be restricted to details which are essential to assist the verification of a seafarers' identity document or of the status of a seafarer and which are consistent with the seafarer's right to privacy. They are set out in Appendix II to this Rule, which may be amended by the General Conference as provided for in section B, paragraph 2, above, taking account of the need to give Members sufficient time to make any necessary revisions of their national database systems.

3. Each Member shall designate a permanent focal point for responding to inquiries, from the immigration or other competent authorities of Members for which this Convention is in force, concerning any seafarers' identity document issued by its competent authorities.

E. Control and evaluation of procedures for the issue of documents

1. The General Conference may by a majority of two-thirds of the votes cast by the delegates present adopt minimum requirements and recommended practices concerning procedures for the issue of seafarers' identity documents, including quality-control procedures.

2. At intervals decided by the Conference or the Governing Body of the International Labour Office, each Member shall carry out an evaluation of the aforementioned procedures in the light of the minimum requirements and recommended practices. It shall include a copy of its national procedures including quality-control procedures, and of each evaluation, in its reports submitted in accordance with article 22 of the Constitution of the International Labour Organization. It shall also make such copies available, subject to the removal of any confidential material, to other Members for which this Protocol is in force.

3. The recognition of seafarers' identity documents issued by a Member may be subject to its compliance with the minimum requirements referred to in paragraph 1.

F. Rights of the holders of seafarers' identity documents

1. Any seafarer who holds a valid seafarers' identity document issued in accordance with this Convention by a Member for which the Convention is in force shall, subject to paragraph 3 of section E above, be recognized as a seafarer within the meaning of the Convention unless clear grounds exist for doubting the bona fides of the bearer of the identity document in a particular case.

2. Any seafarer who holds a valid seafarers' identity document issued by the competent authority of a territory for which this Convention is in force shall be readmitted to that territory. (C108A5/1)

3. The seafarer shall be so readmitted during a period of at least one year after any date of expiry indicated in the said document. (C108A5/2)

4. Each Member shall permit the entry into a territory for which this Convention is in force of a seafarer holding a valid seafarer's identity document, when entry is requested for temporary shore leave while the vessel is in port. (C108A6/1)

5. If the seafarer's identity document contains space for appropriate entries, the Member shall also permit the entry into a territory for which this Convention is in force of a seafarer holding a valid seafarer's identity document when entry is requested for the purpose of:

- (a) joining his or her vessel or transferring to another vessel;
- (b) passing in transit to join his or her vessel in another country or for repatriation; or
- (c) any other purpose approved by the authorities of the Member concerned. (C108A6/2)

6. Any Member may, before permitting entry into its territory for one of the purposes specified in the preceding paragraph, require satisfactory evidence, including documentary evidence, from the seafarer, the shipowner or agent concerned, or from the appropriate consul, of a seafarer's intention and of the seafarer's ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question. (C108A6/3)

7. Nothing in this Article shall be construed as restricting the right of a Member to prevent any particular individual from entering or remaining in its territory. (C108A6/4)

Appendix I to Rule 1.6

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Appendix II to Rule 1.6

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Part II. Conditions of employment and manning

Regulation 2.1. Contracts of employment and articles of agreement

Each Member shall, by laws or regulations, ensure –

- (a) that seafarers' conditions of employment are provided for in a clear, written contract, freely entered into by the seafarer concerned after being adequately informed of their content; and
- (b) that those conditions incorporate (expressly, by implication, by reference or by operation of law) terms on working and living conditions which:
 - (i) in general, are at least as favourable as the terms required by the standards under the Regulations and Rules of this Convention;
 - (ii) specifically conform to the standards set out below in this Regulation and the corresponding Rules.

Regulation 2.2. Termination of contracts

All contracts of employment or articles of agreement shall –

- (a) provide for proper notice of termination to be given except in cases where such termination takes place by operation of law or in circumstances for which immediate termination is justified by law;
- (b) specify appropriate rights for the seafarer upon termination of the contract.

Regulation 2.3. Wages

All contracts of employment or articles of agreement shall contain appropriate provisions for compensation in the form of wages and other entitlements, and for appropriate modalities of payment.

Regulation 2.4. Hours of work

All contracts of employment or articles of agreement shall provide for appropriate normal hours of work and, taking due account of emergency situations, set maximum amounts for hours of work or minimum amounts for hours of rest over given periods.

Regulation 2.5. Annual leave

All contracts of employment or articles of agreement shall establish appropriate entitlements to annual leave with pay.

Regulation 2.6. Record of employment

A proper record of employment shall be kept for each seafarer.

Regulation 2.7. Continuity of employment

1. Members shall have a national policy to encourage all concerned to provide continuous or regular employment for qualified seafarers in so far as this is practicable and, in so doing, to provide shipowners with a stable and competent workforce. (C145A2/1)

2. Every effort shall be made for seafarers to be assured minimum periods of employment, or either a minimum income or a monetary allowance, in a manner and to an extent depending on the economic and social situation of the country concerned. (C145A2/2)

Regulation 2.8. Repatriation

It shall be the responsibility of the shipowner to arrange for the repatriation of seafarers by appropriate and expeditious means and at no cost to the seafarers at the end of an engagement or contract of employment or where such engagement or contract is interrupted for necessary or justified reasons.

Regulation 2.9. Manning of vessels

Every vessel to which this Convention applies shall be sufficiently, safely and efficiently manned. (C180A11/1)

Rules for Part II

Rule 2.1. Contracts of employment and articles of agreement

A. *Establishment of articles of agreement*

1. Articles of agreement shall be signed both by the shipowner or the latter's representative and by the seafarer. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seafarers concerned and also to their advisers. (C22A3/1)

2. The seafarer shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent authority. (C22A3/2)

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 the latter's representative and by the seafarer. (C22A3/3)

4. National laws shall make adequate provision to ensure that the seafarer has understood the agreement. (C22A3/4)

5. The agreement shall not contain anything which is contrary to the provisions of national law or of this Rule. (C22A3/5)

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 seafarer. (C22A3/6)

7. 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. (C22A4/1)

8. Paragraph 7 above shall not be interpreted as excluding a reference to arbitration. (C22A4/2)

B. Content of articles of agreement

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. (C22A6/1)

2. The agreement shall state clearly the respective rights and obligations of each of the parties. (C22A6/2)

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

- (a) the seafarer's family name and other names, date of birth, age and birthplace;
- (b) the place at which and date on which the agreement was completed;
- (c) the name of the vessel or vessels on board which the seafarer undertakes to serve;
- (d) the number of the crew of the vessel, if required by national law;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the seafarer is to be employed;
- (g) if possible, the place and date at which the seafarer is required to report on board for service;
- (h) the scale of provisions to be supplied to the seafarer, unless some alternative system is provided for by national law;
- (i) the amount of the seafarer's wages;
- (j) the termination of the agreement and the conditions thereof, that is to say:
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer shall be discharged;

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- (iii) 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 seafarer;
 - (k) the annual leave with pay granted to the seafarer after one year's service with the same shipping company, if such leave is provided for by national law;
 - (l) any other particulars which national law may require. (C22A6/3)

C. Transparency of conditions of employment

1. In order that seafarers may satisfy themselves as to the nature and extent of their 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. (C22A8)

2. 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. (C22A7)

Rule 2.2. Termination of employment

A. Termination of employment

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 24 hours. (C22A9/1)

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. (C22A9/2)

3. National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement. (C22A9/3)

4. 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 seafarer;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided in national law or in this Convention. (C22A10).

B. Discharge

1. National law shall determine the circumstances in which the shipowner or master may immediately discharge a seafarer. (C22A11)

2. National law shall also determine the circumstances in which the seafarer may demand his or her immediate discharge. (C22A12)

3. If seafarers show to the satisfaction of the shipowner concerned or the latter's agent that they can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than they actually hold, or that any other circumstance has arisen since their engagement which renders it essential to their interests that they should be permitted to take their discharge, they may claim their discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or the latter's agent they furnish a competent and reliable seafarer in their place. (C22A13/1)

4. In such case, the seafarers shall be entitled to their wages up to the time of their leaving their employment. (C22A13/2)

5. Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seafarer in accordance with Rule 2.6 and in the list of crew showing that he or she has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority. (C22A14/1)

6. Seafarers shall at all times have the right, in addition to the record mentioned in Rule 2.6, to obtain from the master concerned a separate certificate as to the quality of their work or, failing that, a certificate indicating whether they have fully discharged their obligations under the agreement. (C22A14/2)

Rule 2.3. Wages

1. Each Member shall ensure that, in the establishment and calculation of the wages and other entitlements of seafarers, full account is taken of the Recommendations related to this Rule as well as of amounts or criteria established in accordance with such Recommendations.

Rule 2.4. Hours of work

A. *Fixing of hours of work or hours of rest*

1. Within the limits set out in section C below, there shall be fixed either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time. (C180A3)

B. *Normal working hours*

1. Each Member acknowledges that the normal working hours' standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers' normal working hours on a basis no less favourable than this standard. (C180A4)

C. Maximum hours of work and minimum hours of rest

1. The limits on hours of work or rest shall be as follows:

(a) maximum hours of work shall not exceed:

(i) 14 hours in any 24-hour period; and

(ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest shall not be less than:

(i) ten hours in any 24-hour period; and

(ii) 77 hours in any seven-day period. (C180A5/1)

2. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours. (C180A5/2)

3. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue. (C180A5/3)

4. In respect of situations when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work. (C180A5/4)

5. If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the collective agreement or arbitration award in respect of paragraphs 3 or 4 above are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest. (C180A5/5)

6. Nothing in paragraphs 1 and 2 above shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board vessels on short voyages. (C180A5/6)

7. The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

(a) the schedule of service at sea and service in port; and

(b) the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State. (C180A5/7)

8. The table referred to in paragraph 7 above shall be established in a standardized format in the working language or languages of the vessel and in English. (C180A5/8)

D. Work necessary for the immediate safety of the vessel

1. Nothing in this Rule shall be deemed to impair the right of the master of a vessel to require a seafarer to perform any hours of work necessary for the immediate safety of the vessel, persons on board or cargo, or for the purpose of giving assistance to other vessels or persons in distress at sea. (C180A7/1)

2. In accordance with paragraph 1 above, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. (C180A7/2)

3. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest. (C180A7/3)

E. Records of daily hours of work or rest

1. The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in section C of this Rule. The seafarers concerned shall receive a copy of the records pertaining to them, which shall be endorsed by the master, or a person authorized by the master, and by the seafarer. (C180A8/1)

2. The competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded. The competent authority shall establish the format of the records of the seafarers' hours of work or of their hours of rest taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided for by paragraph 8 of section C of this Rule. (C180A8/2)

3. A copy of the relevant provisions of the national legislation pertaining to this Convention and the relevant collective agreements shall be kept on board and be easily accessible to the crew. (C180A8/3)

F. Enforcement

1. The competent authority shall examine and endorse the records referred to in section E of this Rule, at appropriate intervals, to monitor compliance with the provisions governing hours of work or hours of rest that give effect to this Rule. (C180A9)

2. If the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the vessel, are taken so as to avoid future infringements. (C180A10)

Rule 2.5. Annual leave

A. Minimum period of annual leave

1. Every seafarer to whom this Convention applies shall be entitled to annual leave with pay of a specified minimum length. (C146A3/1)

2. Each Member which has not ratified the Seafarers' Annual Leave with Pay Convention, 1976 shall specify the length of the annual leave in a declaration appended to its ratification of this Convention. (C146A3/2)

3. For any Member which has ratified the Seafarers' Annual Leave with Pay Convention, 1976, the minimum length shall be that specified by the Member in accordance with that Convention unless, at the time of ratification of the present Convention, the Member specifies a longer period in accordance with paragraph 2 above.

4. The Member may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies annual leave longer than that specified at the time of ratification. (C146A3/4)

5. The leave shall in no case be less than 30 calendar days for one year of service. (C146A3/3)

6. Seafarers whose length of service in any year is less than that required for the full entitlement prescribed in the preceding paragraph shall be entitled in respect of that year to annual leave with pay proportionate to their length of service during that year. (C146A4/1)

7. Periods of paid vacations in Members which have ratified the Paid Vacations (Seafarers) Convention (Revised), 1949 shall not be less than the periods provided for under that Convention.

B. Calculation of annual leave entitlement

1. The manner in which the length of service is calculated for the purpose of leave entitlement shall be determined by the competent authority or through the appropriate machinery in each country. (C146A5/1)

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, service off articles shall be counted as part of the period of service. (C146A5/2)

3. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work to attend an approved maritime vocational training course or for such reasons beyond the control of the seafarer concerned as illness, injury or maternity shall be counted as part of the period of service. (C146A5/3)

4. The following shall not be counted as part of the minimum annual leave with pay prescribed in paragraph 5 of section A of this Rule:

- (a) public and customary holidays recognized as such in the country of the flag, whether or not they fall during the annual leave with pay;
- (b) periods of incapacity for work resulting from illness, injury or maternity, under conditions to be determined by the competent authority or through the appropriate machinery in each country;
- (c) temporary shore leave granted to a seafarer while on articles;
- (d) compensatory leave of any kind, under conditions to be determined by the competent authority or through the appropriate machinery in each country. (C146A6)

C. Taking of annual leave

1. The time at which the leave is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the shipowner after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives. (C146A10/1)

2. Seafarers shall not be required without their consent to take annual leave due to them at a place other than that where they were engaged or recruited, whichever is nearer their home, except under the provisions of a collective agreement or of national laws or regulations. (C146A10/2)

3. If seafarers are required to take their annual leave from a place other than that permitted by paragraph 2 above, they shall be entitled to free transportation to the place where they were engaged or recruited, whichever is nearer their home; subsistence and other costs directly involved in their return there shall be for the account of the shipowner; the travel time involved shall not be deducted from the annual leave with pay due to the seafarer. (C146A10/3)

4. A seafarer taking annual leave shall be recalled only in cases of extreme emergency, with due notice. (C146A12)

D. Division and accumulation of annual leave

1. The division of the annual leave with pay into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave, may be authorized by the competent authority or through the appropriate machinery in each country. (C146A8/1)

2. Subject to paragraph 1 above and unless otherwise provided in an agreement applicable to the employer and the seafarer concerned, the annual leave with pay prescribed by this Rule shall consist of an uninterrupted period. (C146A8/2)

E. Pay whilst on annual leave

1. All seafarers taking the annual leave envisaged in this Rule shall receive in respect of the full period of that leave at least their normal remuneration (including the cash equivalent of any part of that remuneration which is paid in kind), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country. (C146A7/1)

2. The amounts due in pursuance of paragraph 1 above shall be paid to the seafarers concerned in advance of the leave, unless otherwise provided by national laws or regulations or in an agreement applicable to them and the employer. (C146A7/2)

3. Seafarers who leave or are discharged from the service of their employer before they have taken annual leave due to them shall receive in respect of such leave due to them the remuneration provided for in paragraph 1 above. (C146A7/3)

F. Forgoing of annual leave

1. In exceptional cases, provision may be made by the competent authority or through the appropriate machinery in each country for the substitution for annual leave due

in virtue of this Rule of a cash payment at least equivalent to the remuneration provided for under section E of this Rule. (C146A9)

2. Any agreement to relinquish the right to the minimum annual leave with pay prescribed in paragraph 5 of section A of this Rule, or – except as provided, exceptionally, in pursuance of paragraph 1 above – to forgo such leave, shall be null and void. (C146A11)

G. *Transitional provision*

1. A Member which –

- (a) has ratified the Paid Vacations (Seafarers) Convention (Revised), 1949; and
- (b) has not ratified the Seafarers' Annual Leave with Pay Convention, 1976 may, in a declaration appended to its ratification of this Convention, specify that it wishes to continue to apply the provisions of the Paid Vacations (Seafarers) Convention (Revised), 1949 during a transitional period, which shall not exceed [three] years, beginning from the date when the present Convention comes into force for that Member.

2. During the said transitional period the Member shall be deemed to be in compliance with the provisions of the present Rule to the extent that it is in compliance with the Convention referred to under paragraph 1(a) above.

Rule 2.6. Record of employment

1. All seafarers shall be given a document containing a record of their 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. (C22A5/1)

2. The document shall not contain any statement as to the quality of the seafarers' work or as to their wages. (C22A5/2)

Rule 2.7. Continuity of employment

A. *Continuity measures*

1. Measures to achieve the objectives set out in Regulation 2.7 might include:

- (a) contracts or agreements providing for continuous or regular employment with a shipowner or an organization of shipowners; or
- (b) arrangements for the regularization of employment by means of the establishment and maintenance of registers or lists, by categories, of qualified seafarers. (C145A3)

B. *Register of seafarers*

1. Where the continuity of employment of seafarers is assured solely by the establishment and maintenance of registers or lists, these shall include all occupational

categories of seafarers in a manner determined by national law or practice or by collective agreement. (C145A4/1)

2. Seafarers on such a register or list shall have priority of engagement for seafaring. (C145A4/2)

3. Seafarers on such a register or list shall be required to be available for work in a manner to be determined by national law or practice or by collective agreement. (C145A4/3)

4. To the extent that national laws or regulations permit, the strength of registers or lists of seafarers shall be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry. (C145A5/1)

5. When a reduction in the strength of such a register or list becomes necessary, all appropriate measures shall be taken to prevent or minimize detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned. (C145A5/2)

Rule 2.8. Repatriation

A. Entitlement to repatriation

1. Seafarers shall be entitled to repatriation in the following circumstances:

- (a) if an engagement for a specific period or for a specific voyage expires abroad;
- (b) upon the expiry of the period of notice given in accordance with the provisions of the seafarers' contract of employment and articles of agreement;
- (c) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel;
- (d) in the event of shipwreck;
- (e) in the event of the shipowner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarers by reason of bankruptcy, sale of vessel, change of vessel's registration or any other similar reason;
- (f) in the event of a vessel being bound for a war zone, as defined by national laws or regulations or collective agreements, to which the seafarers do not consent to go;
- (g) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason. (C166A2/1)

2. National laws or regulations or collective agreements shall prescribe the maximum duration of service periods on board following which a seafarer is entitled to repatriation; such periods shall be less than 12 months. In determining the maximum periods, account shall be taken of factors affecting the seafarers' working environment. Each Member shall seek, wherever possible, to reduce these periods in the light of technological changes and developments and may be guided by any recommendations made on the matter by the Joint Maritime Commission. (C166A2/2)

B. Destinations for repatriation

1. The Member shall prescribe by national laws or regulations the destinations to which seafarers may be repatriated. (C166A3/1)

2. The destinations so prescribed shall include the place at which the seafarers agreed to enter into the engagement, the place stipulated by collective agreement, the seafarers' country of residence or such other place as may be mutually agreed at the time of engagement. Seafarers shall have the right to choose from among the prescribed destinations the place to which they are to be repatriated. (C166A3/2)

3. In the case of repatriation in the circumstance referred to in paragraph 1(c) of section A of this Rule, seafarers shall also have the right to choose –

- (a) the port at which the voyage commenced; or
- (b) another port agreed upon by the seafarer and the master or shipowner, with the approval of the competent authority. (C55A6/2)

C. Arrangements for repatriation

1. It shall be the responsibility of the shipowner to arrange for repatriation by appropriate and expeditious means. The normal mode of transport shall be by air. (C166A4/1)

2. Seafarers who are to be repatriated shall be able to obtain their passport and other identity documents for the purpose of repatriation. (C166A6)

3. The cost of repatriation shall be borne by the shipowner. (C166A4/2)

4. Where repatriation has taken place as a result of a seafarer being found, in accordance with national laws or regulations or collective agreements, to be in serious default of the seafarer's employment obligations, nothing in this Rule shall prejudice the right of recovery from the seafarer of repatriation costs or part thereof in accordance with national laws or regulations or collective agreements. (C166A4/3)

5. The cost to be borne by the shipowner shall include:

- (a) passage to the destination selected for repatriation in accordance with section B of this Rule;
- (b) accommodation and food from the moment the seafarers leave the vessel until they reach the repatriation destination;
- (c) pay and allowances from the moment they leave the vessel until they reach the repatriation destination, if provided for by national laws or regulations or collective agreements;
- (d) transportation of 30 kg of the seafarers' personal luggage to the repatriation destination;
- (e) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination. (C166A4/4)

6. In the case of repatriation in the circumstance referred to in paragraph 1(c) of section A of this Rule, if the sick or injured seafarer is capable of work shipowners may discharge their liability under this Rule by providing the seafarer with suitable employment on board a vessel proceeding to one of the destinations mentioned in section B of this Rule. (C55A6/4)

7. Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave accrued to the seafarers. (C166A7)

8. Seafarers shall be deemed to have been duly repatriated when they are landed at a destination prescribed pursuant to section B of this Rule, or when they do not claim their entitlement to repatriation within a reasonable period of time to be defined by national laws or regulations or collective agreements. (C166A8)

9. The shipowner shall not require seafarers to make an advance payment towards the cost of repatriation at the beginning of their employment, nor shall the shipowner recover the cost of repatriation from the seafarers' wages or other entitlements except as provided for in paragraph 4 above. (C166A4/5)

10. National laws or regulations shall not prejudice any right of the shipowner to recover the cost of repatriation of seafarers not employed by the shipowner from their employer. (C166A4/6)

D. Obligations of Members for repatriation

1. If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers who are entitled to be repatriated:

- (a) the competent authority of the Member in whose territory the vessel is registered shall arrange for and meet the cost of the repatriation of the seafarers concerned; if it fails to do so, the State from which the seafarers are to be repatriated or the State of which they are a national may arrange for their repatriation and recover the cost from the Member in whose territory the vessel is registered;
- (b) costs incurred in repatriating seafarers shall be recoverable from the shipowner by the Member in whose territory the vessel is registered;
- (c) the expenses of repatriation shall in no case be a charge upon the seafarers, except as provided for in paragraph 4 of section C of this Rule. (C166A5)

2. Each Member shall facilitate the repatriation of seafarers serving on vessels which call at its ports or pass through its territorial or internal waters, as well as their replacement on board. (C166A10)

E. Enforcement

1. The competent authority of each Member shall ensure by means of adequate supervision that the owners of ships registered in its territory comply with the provisions of this Rule, and shall provide relevant information to the International Labour Office. (C166A11)

2. The text of this Rule shall be available in an appropriate language to the crew members of every vessel which is registered in the territory of any Member for which this Convention is in force. (C166A12)

F. Transitional provision

1. A Member which –
 - (a) has ratified the Repatriation of Seamen Convention, 1926; and
 - (b) has not ratified the Repatriation of Seafarers Convention (Revised), 1987 may, in a declaration appended to its ratification of this Convention, specify that it wishes to continue to apply the provisions of the Repatriation of Seamen Convention, 1926 during a transitional period, which shall not exceed [three] years, beginning from the date when the present Convention comes into force for that Member.
2. During the said transitional period the Member shall be deemed to be in compliance with the provisions of the present Rule to the extent that it is in compliance with the Convention referred to under paragraph 1(a) above.

Rule 2.9. Manning of vessels

1. Every vessel shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issued by the competent authority. (C180A11/1)
2. When determining, approving or revising manning levels, the competent authority shall take into account:
 - (a) the need to avoid or minimize, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue; and
 - (b) the relevant provisions of the following instruments of the International Maritime Organization: International Convention for the Safety of Life at Sea, 1974, as amended, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995, Assembly resolution A 481 (XII) (1981) on Principles of Safe Manning, Assembly resolution A 741 (18) (1993) on the International Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), and Assembly resolution A 772 (18) (1993) on Fatigue Factors in Manning and Safety. (C180A11/2+preamble)

Part III. Working and living conditions

Regulation 3.1. Accommodation

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. (C92A6/1)

2. Crew accommodation shall include the provision of adequate space, ventilation, lighting and heating and such other facilities as may be necessary to ensure that the conditions in which seafarers are accommodated are consistent with their health as defined in the preamble to the Constitution of the World Health Organization.

3. Inspections and certification of crew accommodation pursuant to Regulation 5.1 of this Convention, and the corresponding Rules, shall include the supervision and approval of plans for the construction or modification of crew accommodation.

Regulation 3.2. Food and catering

1. Each Member is responsible for the promotion of a proper standard of food supply and catering service for the crews of seagoing vessels. (C68A1/1)

2. The Member shall maintain in force laws or regulations concerning food supply and catering arrangements, including training, information-gathering and research and publication, designed to secure the health and well-being of the crews of the vessels. (C68A5/1)

Regulation 3.3. Health and safety and accident prevention

1. Shipowners shall be responsible for keeping ships in proper sanitary and hygienic conditions. (C164A3)

2. Each Member shall ensure that all measures conducive to the prevention of occupational accidents at sea are taken, including the training and instruction of seafarers, the reporting and investigation of accidents occurring within the jurisdiction of the Member or on ships registered in its territory and the gathering and dissemination of relevant information as well as research and analysis.

3. Seafarers shall be protected by any general provisions on the prevention of accidents and the protection of health in employment which may be applicable to their work, and by specific measures for the prevention of accidents which are peculiar to maritime employment. (C134A4)

Regulation 3.4. Medical care on board ship and ashore

1. Each Member shall ensure that measures providing for health protection and medical care for seafarers 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; (C164A4/a)
 - (b) aim at providing seafarers with health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, to the necessary medical equipment and facilities for diagnosis and treatment and to medical information and expertise; and (C164A4/b)
 - (c) 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. (C164A4/e)

2. Seafarers shall have the right to visit a doctor without delay to the extent practicable. (C164A4/c)

3. All vessels to which this Regulation applies shall provide all possible medical assistance, where practicable, to other vessels which may request it. (C164A10)

4. Members for which this Regulation is in force shall cooperate with one another in promoting protection of the health of seafarers and medical care for them on board a vessel. (C164A13/1)

Regulation 3.5. Welfare on board and ashore

1. Each Member undertakes to ensure that adequate welfare facilities and services are provided for seafarers both in port and on board ship. (C163A2/1)

2. Each Member shall ensure that the necessary arrangements are made for financing the welfare facilities and services provided in accordance with the provisions of this Regulation. (C163A2/2)

3. Each Member undertakes –

- (a) to cooperate with other Members with a view to ensuring the application of this Regulation; and
- (b) to ensure cooperation between the parties engaged and interested in promoting the welfare of seafarers at sea and in port. (C163A6)

Rules for Part III

Rule 3.1. Accommodation

A. Approval of crew accommodation

1. Before the construction of a vessel is begun a plan of the vessel, showing on a prescribed scale the location and general arrangement of the crew accommodation, shall be submitted for approval to the competent authority. (C92A4/1)

2. Before the construction of the crew accommodation is begun and before the crew accommodation in an existing vessel 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. (C92A4/2)

B. Inspection of crew accommodation

1. The inspection required under section B.3 of Rule 5.1 of this Convention shall be carried out when –

- (a) a vessel is registered or re-registered;
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed; or
- (c) a complaint has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel by a recognized 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 vessel that the crew accommodation is not in compliance with the terms of Regulation 3.1 or the present Rule. (C92A5)

2. In the case referred to in paragraph 1(b) above, the inspection shall be carried out within three months of the changes concerned. (C178A3/3)

C. Crew accommodation requirements

1. The minimum headroom in all crew accommodation where full and free movement is necessary shall be not less than 198 centimetres (6 feet 6 inches): Provided that the competent authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that it is reasonable to do so and also that such reduction will not result in discomfort to the crew. (C133A10)

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. (C92A6/2)

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. (C92A6/3)

4. Internal bulkheads shall be of approved material which is not likely to harbour vermin. (C92A6/4)

5. Sleeping rooms, mess rooms, recreation rooms and alleyways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating. (C92A6/5)

6. Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alleyways leading to crew accommodation; where they do pass through such alleyways they shall be adequately insulated and encased. (C92A6/6)

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. (C92A6/7)

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. (C92A6/8)

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. (C92A6/9)

10. The wall surfaces shall be renewed or restored as necessary. (C92A6/10)

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. (C92A6/11)

12. Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices. (C92A6/12)

13. Sufficient drainage shall be provided. (C92A6/13)

D. Ventilation

1. Sleeping rooms and mess rooms shall be adequately ventilated. (C92A7/1)

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. (C92A7/2)

3. Vessels 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. (C92A7/3)

4. Vessels engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The competent authority may exempt vessels normally employed in the cold waters of the northern or southern hemispheres from this requirement. (C92A7/4)

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 of this section D shall, when practicable, be available at all times when the crew is living or working on board and conditions so require. (C92A7/5)

E. Heating

1. An adequate system of heating the crew accommodation shall be provided except in vessels engaged exclusively in voyages in the tropics and the Persian Gulf. (C92A8/1)
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. (C92A8/2)
3. In all vessels in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity. (C92A8/3)
4. In any vessels 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. (C92A8/4)
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. (C92A8/5)
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. (C92A8/6)

F. Lighting

1. Crew accommodation shall be properly lighted. (C133A11/1)
2. Subject to such special arrangements as may be permitted in passenger vessels, sleeping rooms and mess rooms shall be lighted by natural light and shall be provided with adequate artificial light. (C133A11/2)
3. In all vessels electric light 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. (C133A11/3)
4. In sleeping rooms an electric reading lamp shall be installed at the head of each berth. (C133A11/4)
5. Suitable standards of natural and artificial lighting shall be fixed by the competent authority. (C133A11/5)

G. Sleeping rooms

1. Sleeping rooms shall be situated above the load line amidships or aft. (C92A10/1)
2. In exceptional cases the competent authority may, if the size, type or intended service of the vessel render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel, but in no case forward of the collision bulkhead. (C92A10/2)
3. In passenger vessels 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 alleyways. (C92A10/3)

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

- (a) 3.75 square metres (40.36 square feet) in vessels of 1,000 tons or over but less than 3,000 tons;
- (b) 4.25 square metres (45.75 square feet) in vessels of 3,000 tons or over but less than 10,000 tons;
- (c) 4.75 square metres (51.13 square feet) in vessels of 10,000 tons or over. (C133A5/1)

5. Provided that the floor area per person of sleeping rooms intended for two ratings shall be not less than:

- (a) 2.75 square metres (29.60 square feet) in vessels of 1,000 tons or over but less than 3,000 tons;
- (b) 3.25 square metres (34.98 square feet) in vessels of 3,000 tons or over but less than 10,000 tons;
- (c) 3.75 square metres (40.36 square feet) in vessels of 10,000 tons or over. (C133A5/2)

6. Provided also that the floor area of sleeping rooms intended for ratings in passenger vessels shall be not less than:

- (a) 2.35 square metres (25.30 square feet) per person in vessels of 1,000 tons or over but less than 3,000 tons;
- (b) in vessels of 3,000 tons or over:
 - (i) 3.75 square metres (40.36 square feet) in rooms accommodating one person;
 - (ii) 6.00 square metres (64.58 square feet) in rooms accommodating two persons;
 - (iii) 9.00 square metres (96.88 square feet) in rooms accommodating three persons;
 - (iv) 12.00 square metres (129.17 square feet) in rooms accommodating four persons. (C133A5/3)

7. The number of ratings occupying sleeping rooms shall not exceed two persons per room, except in passenger vessels where the maximum number permissible shall be four. (C133A5/4)

8. The number of petty officers occupying sleeping rooms shall not exceed one or two persons per room. (C133A5/5)

9. In sleeping rooms for officers, where no private sitting room or day room is provided, the floor area per person shall not be less than 6.50 square metres (69.96 square feet) in vessels of less than 3,000 tons, and not less than 7.50 square metres (80.73 square feet) in vessels of 3,000 tons or over. (C133A5/6)

10. In vessels other than passenger vessels an individual sleeping room shall be provided for each adult member of the crew, where the size of the vessel, the activity in which it is to be engaged, and its layout make this reasonable and practicable. (C133A5/7)

11. Where practicable in vessels of 3,000 tons or over, the chief engineer officer and the chief navigating officer shall have, in addition to their sleeping room, an adjoining sitting room or day room. (C133A5/8)

12. 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. (C133A5/9)

13. Members of the crew shall be provided with individual berths. (C92A10/12)

14. Berths shall not be arranged in tiers of more than two; in the case of berths placed along the vessel's side, there shall be only a single tier where a sidelight is situated above a berth. (C92A10/14)

15. The lower berth in a double tier shall be not less than 12 inches (30 centimetres) 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. (C92A10/15)

16. The minimum inside dimensions of a berth shall be 198 centimetres by 80 centimetres (6 feet 6 inches by 2 feet 7.50 inches). (C133A5/10)

17. The framework and the leeboard, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin. (C92A10/17)

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. (C92A10/18)

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. (C92A10/19)

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. (C92A10/20)

21. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness. (C92A10/21)

22. The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 5 feet (152 centimetres) in height and of a cross-section area of 300 square inches (19.30 square decimetres) and shall be fitted with a shelf and a hasp for a padlock. The padlock shall be provided by the occupant. (C92A10/22)

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. (C92A10/23)

24. The furniture shall be of smooth, hard material not liable to warp or corrode. (C92A10/24)

25. The drawer or equivalent space for each occupant shall be not less than 2 cubic feet (.056 cubic metres). (C92A10/25)

26. Sleeping rooms shall be fitted with curtains for the sidelights. (C92A10/26)

27. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks. (C92A10/27)

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 watchkeepers. (C92A10/28)

H. Mess rooms

1. Sufficient mess room accommodation shall be provided in all vessels. (C92A11/1)

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

- (a) master and officers;
- (b) petty officers and other ratings. (C92A11/2)

3. In vessels 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) single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organizations of shipowners and seafarers concerned, where such exist, have expressed a preference for such an arrangement. (C92A11/3)

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 vessels 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. (C92A11/4)

5. The floor area of mess rooms for officers and for ratings shall be not less than 1 square metre (10.76 square feet) per person of the planned seating capacity. (C133A6/1)

6. Mess rooms shall be equipped with tables and approved seats, fixed or movable, sufficient to accommodate the greatest number of members of the crew likely to use them at any one time. (C133A6/2)

7. There shall be available at all times when members of the crew are on board:

- (a) a refrigerator, which shall be conveniently situated, of sufficient capacity for the number of persons using the mess room or mess rooms;
- (b) facilities for hot beverages; and

(c) cool water facilities. (C133A6/3)

8. The competent authority may permit such exceptions to the provisions of paragraphs 5 and 6 of this Article concerning mess room accommodation as may be necessary to meet the special conditions in passenger vessels. (C133A6/4)

9. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley. (C92A11/8)

10. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided. (C92A11/9)

11. The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned. (C92A11/10)

I. Recreation accommodation

1. In all vessels 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 vessel and the crew. (C92A12/1)

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. (C133A7/1)

3. Furnishing for recreation accommodation shall as a minimum include a bookcase and facilities for reading, writing and, where practicable, for games. (C133A7/2)

4. In respect of vessels of 8,000 tons or over, a smoking room or library room in which films or television may be shown and a hobby and games room shall be provided; consideration shall be given to the provision of a swimming pool. (C133A7/3)

5. In connection with the planning of recreation accommodation, the competent authority shall give consideration to the provision of a canteen. (C133A7/4)

J. Sanitary accommodation

1. Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all vessels. (C92A13/1)

2. In all vessels a minimum of one water closet and one tub and/or shower bath for every six persons or less who do not have facilities in pursuance of paragraphs 3 to 5 below shall be provided at a convenient location for officers and for ratings. When women are employed in a vessel, separate sanitary facilities shall be provided for them. (C133A8/1)

3. In vessels of 5,000 tons or over but less than 15,000 tons, individual sleeping rooms for at least five officers shall have attached to them a separate private bathroom fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water; the wash basin may be situated in the sleeping room. In addition, in vessels of 10,000 tons or over but less than 15,000 tons, the sleeping rooms of all other officers shall have private intercommunicating bathrooms similarly fitted. (C133A8/2)

4. In vessels of 15,000 tons or over, individual sleeping rooms for officers shall have attached to them a separate private bathroom fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water; the wash basin may be situated in the sleeping room. (C133A8/3)

5. In vessels of 25,000 tons or over, other than passenger vessels, a bathroom for every two ratings shall be provided, either in an intercommunicating compartment between adjoining sleeping rooms or opposite the entrance of such rooms, which shall be fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water. (C133A8/4)

6. In vessels of 5,000 tons or over, other than passenger vessels, each sleeping room, whether for officers or ratings, shall be provided with a wash basin having hot and cold running fresh water, except where such wash basin is situated in a bathroom provided in conformity with paragraph 3, 4 or 5 above. (C133A8/5)

7. 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. (C92A13/5)

8. 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 organizations of shipowners and seafarers concerned, where such exist, may fix the maximum amount of fresh water which the shipowner may be required to supply per man per day. (C92A13/6)

9. 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. (C92A13/7)

10. All water closets shall have ventilation to the open air, independently of any other part of the accommodation. (C92A13/8)

11. All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable. (C92A13/9)

12. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimize the risk of obstruction and to facilitate cleaning. (C92A13/10)

13. 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 inches (23 centimetres) 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;

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- (e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy. (C92A13/11)

14. In all vessels, facilities for washing, drying and ironing clothes shall be provided for officers and ratings on a scale appropriate to the size of the crew and the normal duration of the voyage. These facilities shall, whenever possible, be located within easy access of their accommodation. (C133A8/6)

15. The facilities to be provided shall be:

- (a) washing machines;
- (b) drying machines or adequately heated and ventilated drying rooms; and
- (c) iron and ironing boards or their equivalent. (C133A8/7)

K. Other facilities

1. In vessels of 1,600 tons or over there shall be provided:

- (a) a separate compartment containing a water closet and a wash basin having hot and cold running fresh water, within easy access of the navigating bridge deck primarily for those on duty in the area; and
- (b) a water closet and a wash basin having hot and cold running fresh water, within easy access of the machinery space if not fitted near the engine-room control centre. (C133A9/1)

2. In vessels of 1,600 tons or over, other than vessels in which private sleeping rooms and private or semi-private bathrooms are provided for all engine department personnel, facilities for changing clothes shall be provided which shall be:

- (a) located outside the machinery space but with easy access to it; and
- (b) fitted with individual clothes lockers as well as with tubs and/or shower baths and wash basin having hot and cold running fresh water. (C133A9/2)

3. Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms. (C92A15/1)

4. In vessels 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. (C92A15/2)

5. In vessels 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. (C92A15/3)

6. All vessels 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. (C92A15/4)

L. Crews with differing and distinctive religious and social practices

1. In the case of vessels the manning of which has to take account, without discrimination, of the interests of crews having differing and distinctive religious and social practices, the competent authority may, after consultation with the organizations of shipowners and seafarers concerned, where such exist, and provided that these two sides are in agreement, permit variations in respect of the provisions of paragraphs 4 to 7 and 10 of section G above and paragraphs 2 and 5 of section J above on condition that such variations do not result in overall facilities less favourable than those which would result from the application of the provisions of this Rule. Particulars of all such variations shall be communicated by the Member concerned to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organization. (C133A12)

M. Maintenance and inspection

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. (C92A17/1)

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. (C92A17/2)

N. Transitional provision

1. A Member which –

- (a) has ratified the Accommodation of Crews Convention (Revised), 1949; and
- (b) has not ratified the Accommodation of Crews (Supplementary Provisions) Convention, 1970 may, in a declaration appended to its ratification of this Convention, specify that it wishes to continue to apply the provisions of the Accommodation of Crews Convention (Revised), 1949 during a transitional period, which shall not exceed [three] years, beginning from the date when the present Convention comes into force for that Member.

2. During the said transitional period the Member shall be deemed to be in compliance with the provisions of the present Rule to the extent that it is in compliance with the Convention referred to under paragraph 1(a) above.

Rule 3.2. Food and catering

A. Responsibilities of the competent authority

1. The following functions shall be discharged by the competent authority, except in so far as these functions are adequately discharged in virtue of collective agreements:

- (a) the framing and enforcement of regulations concerning food and water supplies, catering, and the construction, location, ventilation, heating, lighting, water system and equipment of galleys and other catering department spaces on board a vessel, including storerooms and refrigerated chambers;

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- (b) the inspection of food and water supplies and of the accommodation, arrangements and equipment on board a vessel for the storage, handling and preparation of food;
 - (c) the certification of such members of the catering department staff as are required to possess prescribed qualifications;
 - (d) research into, and educational and propaganda work concerning, methods of ensuring proper food supply and catering service. (C68A2)

2. The competent authority shall work in close cooperation with the organizations of Shipowners and Seafarers concerned, where such exist, and with national or local authorities concerned with questions of food and health, and may where necessary utilize the services of such authorities. (C68A3/1)

3. The activities of the various authorities shall be duly coordinated so as to avoid overlapping or uncertainty of jurisdiction. (C68A3/2)

4. The competent authority shall have a permanent staff of qualified persons, including inspectors. (C68A4)

5. Any of the functions of the competent authority in respect of the certification of catering department staff and the collection and distribution of information may be discharged by delegating the work, or part of it, to a central organization or authority exercising similar functions in respect of seafarers generally. (C68A13)

B. Food supply and catering arrangements

1. The laws or regulations concerning food supply and catering arrangements referred to in paragraph 2 of Regulation 3.2 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. (C68A5/2)

C. Inspection and enforcement

1. The inspection required under section B.3 of Rule 5.1 of this Convention shall cover:

- (a) supplies of food and water;
- (b) all spaces and equipment used for the storage and handling of food and water;
- (c) galley and other equipment for the preparation and service of meals; and
- (d) the qualification of such members of the catering department of the crew as are required by such laws or regulations to possess prescribed qualifications. (C68A6)

2. National laws or regulations or, in the absence of such laws or regulations, collective agreements between shipowners and seafarers shall provide for inspection at sea

at prescribed intervals by the master, or an officer specially deputed for the purpose by him or her, together with a responsible member of the catering department of:

- (a) supplies of food and water;
- (b) all spaces and equipment used for the storage and handling of food and water, and galley and other equipment for the preparation and service of meals.

3. The results of each such inspection shall be recorded. (C68A7/1,2)

4. A special inspection shall be made by the representatives of the competent authority of the territory of registration on written complaint made by a number or proportion of the crew prescribed by national laws or regulations or on behalf of the organizations of shipowners or seafarers concerned, where such exist. In order to avoid delay in sailing, such complaints should be submitted as soon as possible and at least 24 hours before the scheduled time of departure from port. (C68A/8)

5. In accordance with section F of Rule 5.1 of this Convention –

- (a) national laws or regulations shall prescribe penalties for:
 - (i) failure by a shipowner, master, member of the crew, or other person responsible to comply with the requirements of the national laws or regulations in force; and
 - (ii) any attempt to obstruct an inspector in the discharge of his or her duties. (C68A9/2)
- (b) Inspectors shall have authority to make recommendations to the shipowner, or to the master or other person responsible, with a view to the improvement of the standard of catering. (C68A9/1)

6. Inspectors shall submit regularly to the competent authority reports framed on uniform lines dealing with their work and its results. (C68A9/3)

D. Annual report

1. For the purposes of the quality control referred to in paragraph 8 of Regulation 5.1, the competent authority shall prepare an annual report. (C68A10/1)

2. The annual report shall be issued as soon as practicable after the end of the year to which it relates and shall be made readily available to all bodies and persons concerned. (C68A10/2)

3. Copies of the annual report shall be transmitted to the International Labour Office. (C68A10/3)

E. Training courses

1. Courses of training for employment in the catering department of seagoing vessels shall be organized either in approved schools or by means of other arrangements acceptable to organizations of shipowners and seafarers concerned, where such exist. (C68A11/1)

2. Facilities shall be provided for refresher courses to enable persons already trained to bring their knowledge and skill up to date. (C68A11/2)

F. Research and publication

1. The competent authority shall collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board a vessel. (C68A12/1)

2. This information shall be made available, free of charge or at reasonable cost, to manufacturers of and traders in ships' food supplies and equipment, masters, stewards and cooks, and to organizations of shipowners and seafarers concerned, where such exist, generally; appropriate forms of publicity, such as manuals, brochures, posters, charts or advertisements in trade journals, shall be used for this purpose. (C68A12/2)

3. The competent authority shall issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of cleanliness, and ensure the maximum practicable convenience in working. (C68A12/3)

Rule 3.3. Health and safety and accident prevention

A. General

1. Special attention shall be paid to the health and safety of young seafarers.

2. Provisions concerning the prevention of occupational accidents shall be laid down by laws or regulations, codes of practice or other appropriate means. (C134A4/1)

3. 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. (C134A4/2)

B. Reporting, statistics and research on occupational accidents

1. The competent authority in each maritime country shall take the necessary measures to ensure that occupational accidents are adequately reported and investigated, and comprehensive statistics of such accidents kept and analysed. (C134A2/1)

2. All occupational accidents shall be reported and statistics shall not be limited to fatalities or to accidents involving the vessel. (C134A2/2)

3. The statistics shall record the numbers, nature, causes and effects of occupational accidents, with a clear indication of the department on board a vessel – for instance, deck, engine or catering – and of the area – for instance, at sea or in port – where the accident occurred. (C134A2/3)

4. The competent authority shall undertake an investigation into the causes and circumstances of occupational accidents resulting in loss of life or serious personal injury, and such other accidents as may be specified in national laws or regulations. (C134A2/4)

5. In order to provide a sound basis for the prevention of accidents which are due to particular hazards of maritime employment, research shall be undertaken into general trends and into such hazards as are brought out by statistics. (C134A3)

C. Provisions on occupational accidents

1. The provisions required under section A.2 above shall cover the following matters, in particular:

- (a) general and basic provisions;
- (b) structural features of the vessel;
- (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. (C134A4/3)

2. The provisions shall clearly specify the obligation of shipowners, seafarers and others concerned to comply with them. (C134A5/1)

3. Generally, any obligation on the shipowner to provide protective equipment or other accident prevention safeguards shall be accompanied by provision for the use of such equipment and safeguards by seafarers and a requirement that they comply with the relevant accident prevention measures. (C134A5/2)

D. Programmes for the prevention of occupational accidents

1. Programmes for the prevention of occupational accidents shall be established by the competent authority with the cooperation of organizations of shipowners and seafarers concerned, where such exist. (C134A8/1)

2. Implementation of such programmes shall be so organized that the competent authority, shipowners and seafarers or their representatives and other appropriate bodies may play an active part. (C134A8/2)

3. In particular, national or local joint accident prevention committees or ad hoc working parties, on which both organizations of shipowners and seafarers concerned, where such exist, are represented, shall be established. (C134A8/3)

E. Training and instruction in occupational accidents

1. The competent authority shall promote and, in so far as appropriate under national conditions, ensure the inclusion, as part of the instruction in professional duties, of instruction in the prevention of accidents and in measures for the protection of health in employment in the curricula, for all categories and grades of seafarers, of vocational training institutions. (C134A9/1)

2. All appropriate and practicable measures shall also be taken to bring to the attention of seafarers information concerning particular hazards, for instance by means of official notices containing relevant instructions. (C134A9/2)

F. Enforcement

1. All necessary steps shall be taken to ensure that inspection and enforcement authorities are familiar with maritime employment and its practices. (C134A6/3)

2. In order to facilitate application, copies or summaries of the provisions shall be brought to the attention of seafarers, for instance by display in a prominent position on board a vessel. (C134A6/4)

3. Provision shall be made for the appointment, from amongst the crew of the vessel, of a suitable person or suitable persons or of a suitable committee responsible, under the master, for accident prevention. (C134A7)

G. International cooperation

1. Members, with the assistance as appropriate of intergovernmental and other international organizations, shall endeavour, in cooperation with each other, to achieve the greatest possible measure of uniformity of other action for the prevention of occupational accidents. (C134A10)

Rule 3.4. Medical care on board ship and ashore

A. General

1. The action required under paragraph 1 of Regulation 3.4 shall, inter alia:

- (a) guarantee seafarers the right to visit a doctor without delay in ports of call where practicable; and (C164A4/c)
- (b) 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. (C164A4/d)

B. Medicine chests

1. Every vessel shall be required to carry a medicine chest. (C164A5/1)

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. (C164A5/2)

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 Organization, as well as advances in medical knowledge and approved methods of treatment. (C164A5/3)

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. (C164A5/4)

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. (C164A5/5)

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 Organization, 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. (C164A5/6)

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. (C164A5/7)

C. Ship's medical guide

1. Every vessel to which this Convention applies shall be required to carry a ship's medical guide adopted by the competent authority. (C164A6/1)

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. (C164A6/2)

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. (C164A6/3)

D. Medical advice by radio

1. The competent authority shall ensure by a prearranged 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. (C164A7/1)

2. Such medical advice, including the onward transmission of medical messages by radio or satellite communication between a vessel and those ashore giving the advice, shall be available free of charge to all vessels irrespective of the territory in which they are registered. (C164A7/2)

3. With a view to ensuring that optimum use is made of facilities available for medical advice by radio or satellite communication – (C164A7/3)

(a) all vessels which are equipped with radio installations shall carry a complete list of radio stations through which medical advice can be obtained; (C164A7/3a)

(b) all vessels 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; (C164A7/3b)

(c) the lists shall be kept up to date and in the custody of the person on board responsible for communication duties. (C164A7/3c)

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 Organization so as to enable them to understand the type of information needed by the advising doctor as well as the advice received. (C164A7/4)

5. The competent authority shall ensure that doctors providing medical advice in accordance with this Rule receive appropriate training and are aware of shipboard conditions. (C164A7/5)

E. Medical doctor

1. All vessels 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. (C164A8/1)

2. National laws or regulations shall determine which other vessels 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. (C164A8/2).

F. Persons in charge of medical care

1. All vessels 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. (C164A9/1)

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 vessels 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 a vessel and to make use of medical advice by radio or satellite communication;

(b) for all other vessels, 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 coordinated schemes for medical assistance to vessels 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. (C164A9/2)

3. The courses referred to in this Rule 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 Organization, and the medical section of the International Code of Signals as well as similar national guides. (C164A9/3)

4. Persons referred to in paragraph 2 above 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. (C164A9/4)

G. Medical emergency training

1. 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. (C164A9/5)

2. 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 her or them to take immediate effective action in case of accidents or illnesses likely to occur on board a vessel. (C164A9/6)

H. Medical assistance to other vessels and international cooperation

1. The international cooperation referred to in paragraph 4 of Regulation 3.4 might cover the following matters:

- (a) developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a vessel through such means as periodic ship position reporting systems, rescue coordination 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 Organization;
- (b) making optimum use of fishing vessels carrying a doctor and stationing vessels at sea which can provide hospital and rescue facilities;
- (c) compiling and maintaining an international list of doctors and medical-care facilities available worldwide to provide emergency medical care to seafarers;
- (d) landing seafarers in port for emergency treatment;
- (e) repatriating seafarers hospitalized 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:

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- (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;
 - (iii) collecting and evaluating statistics concerning occupational accidents, diseases and fatalities to seafarers and integrating and harmonizing them with any existing national system of statistics on occupational accidents, diseases and fatalities covering other categories of workers;
 - (iv) organizing international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;
 - (v) 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;
 - (vi) 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. (C164A13/2)

2. International cooperation in the field of health protection and medical care for seafarers shall be based on bilateral or multilateral agreements or consultations among Members. (C164A13/3)

Rule 3.5. Welfare on board and ashore

A. *Welfare facilities and services*

1. Each Member undertakes to ensure that welfare facilities and services are provided in appropriate ports of the country for all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State in which the vessel on which they are employed is registered. (C163A3/1)

2. Each Member shall determine, after consultation with the organizations of shipowners and seafarers concerned, where such exist, which ports are to be regarded as appropriate for the purposes of paragraph 1 above. (C163A3/2)

3. Each Member undertakes to ensure that the welfare facilities and services on every seagoing vessel, whether publicly or privately owned, which is registered in its territory, are provided for the benefit of all seafarers on board. (C163A4)

4. Welfare facilities and services shall be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry. (C163A5)

B. *Financing of the facilities and services*

1. The financing of welfare facilities and services should be on an adequate and regular basis. (R138P1)

C. *International cooperation*

1. Consuls and local representatives of foreign welfare organizations should, as appropriate, be associated with the work of regional and port welfare boards. (R138P5)

2. Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities or bodies of the countries of origin of the seafarers and of the flag States should consult and cooperate with the competent authorities and bodies of the country in which the port is situated and with each other, with a view both to the pooling of resources and to avoiding unnecessary duplication. (R138P7)

Part IV. Social security

Regulation 4.1. General principles

1. Seafarers and, where applicable, their dependants, shall have the right to social security, including social insurance. (International Covenant on Economic, Social and Cultural Rights, Article 9)

2. Each Member undertakes to take steps, individually and through international cooperation, to the maximum of its available resources, with a view to achieving progressively the full realization of this right. (Covenant, Article 2.1)

3. The Rules under this Regulation shall:

- (a) initially require Members to provide for at least a minimum protection in at least three of the branches of social security referred to in Regulation 4.2 to Regulation 4.10 below;
- (b) be progressively extended, in line with developments in national legislations, to eventually cover all the said branches.

4. In principle, the social security protection afforded to seafarers shall not be less favourable than that enjoyed by shoreworkers in respect of the branch of social security concerned. (C165A7)

5. With a view to avoiding conflicts of laws and the undesirable consequences that might ensue for those concerned either through lack of protection or as a result of undue plurality of contributions or other liabilities or of benefits, the legislation applicable in respect of seafarers who are or have been subject to the legislation of one or more Members, as well as, where applicable, to their dependants and their survivors, shall be determined by the Members concerned in accordance with the following rules:

- (a) seafarers shall be subject to the legislation of one Member only;
- (b) in principle this legislation shall be:
 - (i) the legislation of the Member whose flag the ship is flying; or
 - (ii) the legislation of the Member in whose territory the seafarer is resident;
- (c) the Members concerned may, however, determine, by mutual agreement, other rules concerning the legislation applicable to seafarers, in the interest of the persons concerned. (C165A17+A16)

6. Seafarers who are subject to the legislation of a Member and are nationals of another Member, or are refugees or stateless persons resident in the territory of a Member, shall enjoy under that legislation equality of treatment with the nationals of the first Member, both as regards coverage and as regards the right to benefits. They shall enjoy equality of treatment without any condition of residence on the territory of the first Member to the extent prescribed by the Rules under this Regulation. This requirement shall also apply, where appropriate, as regards the right to benefit of seafarers' dependants and survivors irrespective of their nationality. (C165A18)

7. Members shall cooperate, as appropriate, in schemes for the maintenance of social security rights in course of acquisition. (C165A21)

8. Fair and effective procedures shall be established for the settlement of disputes.

9. Members shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Regulation. (C165A34)

Regulation 4.2. Medical care

The right referred to in paragraph 1 of Regulation 4.1 includes the right to medical care.

Regulation 4.3. Sickness benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to sickness benefit.

Regulation 4.4. Unemployment benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to unemployment benefit.

Regulation 4.5. Old-age benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to old-age benefit.

Regulation 4.6. Employment injury benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to employment injury benefit.

Regulation 4.7. Family benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to family benefit.

Regulation 4.8. Maternity benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to maternity benefit.

Regulation 4.9. Invalidity benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to invalidity benefit.

Regulation 4.10. Survivors' benefit

The right referred to in paragraph 1 of Regulation 4.1 includes the right to survivors' benefit.

Regulation 4.11. Shipowners' liability

1. The shipowner shall be liable, in principle, in respect of:

- (a) sickness and injury occurring between the date specified in the contract of employment and articles of agreement for reporting for duty and the termination of the engagement;
- (b) death resulting from such sickness or injury. (C55A2/1)

2. The shipowner shall be required to provide to seafarers whose condition requires medical care while they are on board or who are left behind by reason of their condition in the territory of a State other than the Member under whose legislation they can claim benefit:

- (a) proper and sufficient medical care;
- (b) board and lodging;
- (c) repatriation; and (C165A13+A1/f)
- (d) other similar measures specified in the Rules under this Regulation.

3. Shipowners shall be required, during a reasonable period, to continue to pay wages to –

- (a) seafarers who by reason of their condition are left behind in the territory of a State other than the Member under whose legislation they can claim benefit; and (C165A14+A1/f)
- (b) seafarers who by reason of their condition are repatriated or are landed in the territory of the Member under whose legislation they can claim benefit. (C165A15+A1/f)

4. Shipowners shall be required to pay reasonable compensation to seafarers in the case of shipwreck or similar contingencies.

5. The laws and regulations of each Member relating to shipowners' liability provided for under this Regulation shall ensure equality of treatment to seafarers irrespective of their place of residence. (C165A20)

6. Rapid and inexpensive procedures shall be established for the settlement of disputes. (C165A32)

7. This Regulation and national laws or regulations relating to benefits under the Regulation or the related Rules shall be so interpreted and enforced as to ensure equality of treatment to all seafarers irrespective of nationality, domicile or race. (C55A11)

8. Nothing in this Regulation or the related Rules shall affect any law, award, custom or agreement between shipowners and seafarers which ensures more favourable conditions. (C55A12)

Rules for Part IV

Rule 4.1. General principles

A. *Branches of social security*

1. Members shall provide protection in accordance with the Rules set out below in respect of at least three of the following branches of social security:

- (a) medical care;
- (b) sickness benefit;
- (c) unemployment benefit;
- (d) old-age benefit;
- (e) employment injury benefit;
- (f) family benefit;
- (g) maternity benefit;
- (h) invalidity benefit;
- (i) survivors' benefit.

2. The branches in which protection is to be provided under paragraph 1 shall include at least one of the branches specified in subparagraphs (c), (d), (e), (h), and (i) of that paragraph. (C165A3)

B. *Standard of protection*

1. At the time it ratifies this Convention, each Member shall specify in respect of which of the branches of social security referred to in section A above it undertakes to provide protection under this Part, and shall indicate separately in respect of each of the branches specified whether it undertakes to apply the minimum standards or the superior standards as set out respectively in subparagraph (a) or subparagraph (b) of paragraph 1 of Rule 4.2 to Rule 4.10 below. (C165A4)

2. Each Member may subsequently notify the Director-General of the International Labour Office that it undertakes, with effect from the date of the notification, to provide protection under this Part in respect of one or more of the branches mentioned in paragraph 1 above not already specified at the time of its ratification, indicating separately in respect of each of these branches whether it undertakes to apply to that branch the aforesaid minimum or superior standards. (C165A5)

3. A Member may by a notification to the Director-General of the International Labour Office, which shall take effect as from the date of the notification, subsequently undertake to apply, in place of the minimum standards, the superior standards in respect of any branch accepted. (C165A6)

4. A Member availing itself of paragraph 2(b) of Article V of this Convention may, to the extent permitted by the said paragraph 2(b), apply the standards set out in the annex to this Part.

C. Relationship with the rights of shoreworkers

1. The legislation of each Member shall provide for seafarers to whom the legislation of that Member is applicable social security protection not less favourable than that enjoyed by shoreworkers in respect of each of the branches of social security mentioned in section A of this Rule for which it has legislation in force. (C165A7)

2. Arrangements for the maintenance of rights in course of acquisition by a person who, having ceased to be subject to a Member's scheme of compulsory social security for seafarers, becomes subject to an equivalent scheme of that Member for shoreworkers, or vice versa, shall be made between the schemes concerned. (C165A8)

D. Non-compulsory insurance

1. In the implementation of its obligations under this Part, a Member may, if so permitted under the relevant Rule set out below, take account of protection effected by means of insurance which is not made compulsory for seafarers by its legislation when this insurance:

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of shipowners and seafarers;
- (b) covers a substantial proportion of the seafarers whose earnings do not exceed those of a skilled employee; and
- (c) complies, in conjunction with other forms of protection where appropriate,
 - (i) with the relevant provisions of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or (C165A10)
 - (ii) with the provisions of the Conventions referred to in connection with the application of the superior standards of protection. (C165A12)

E. Protection of foreign or migrant seafarers

1. Seafarers referred to in paragraph 6 of Regulation 4.1 shall enjoy the equality of treatment provided for in that paragraph without any condition of residence on the territory of the Member concerned if its nationals are protected without any such condition. This requirement shall also apply, where appropriate, as regards the right to benefit of seafarers' dependants and survivors irrespective of their nationality. (C165A18)

2. The award of non-contributory benefits may however be made conditional on the beneficiary having resided in the territory of the Member concerned or, in the case of survivors' benefit, on the deceased having resided there for a period which may not be set at more than –

- (a) six months immediately preceding the lodging of the claim, for unemployment benefit and maternity benefit;

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- (b) five consecutive years immediately preceding the lodging of the claim, for invalidity benefit, or immediately preceding the death, for survivors' benefit;
- (c) ten years between the age of 18 and the pensionable age, of which it may be required that five years shall immediately precede the lodging of the claim, for old-age benefit. (C165A19)

3. Each Member shall endeavour to participate with every other Member concerned in schemes for the maintenance of rights in course of acquisition, as regards each branch of social security specified in section A above, for which each of these Members has legislation in force, for the benefit of persons who have been subject successively or alternately, in the capacity of seafarers, to the legislation of the said Members. (C165A21)

4. The schemes for the maintenance of rights in course of acquisition referred to in paragraph 3 above shall provide for the adding together, to the extent necessary, of periods of insurance, employment or residence, as the case may be, completed under the legislation of the Members concerned for the purposes of acquisition, maintenance or recovery of rights and, as the case may be, calculation of benefits. (C165A22)

5. The schemes for the maintenance of rights in course of acquisition referred to in paragraph 3 above shall determine the formula for awarding invalidity, old-age and survivors' benefits, as well as the apportionment, where appropriate, of the costs involved. (C165A23)

6. Each Member shall guarantee the provision of invalidity, old-age and survivors' cash benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under its legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons, irrespective of their place of residence, subject to measures for this purpose being taken, where necessary, by agreement between the Members or with the States concerned. (C165A24)

7. Notwithstanding the provisions of paragraph 6 above, in the case of non-contributory benefits the Members concerned shall determine by mutual agreement the conditions under which the provision of these benefits shall be guaranteed to beneficiaries resident outside the territory of the competent Member. (C165A25)

8. A Member having accepted the obligations of the Equality of Treatment (Social Security) Convention, 1962, for one or more of the branches of social security referred to in paragraph 6 above, but not those of the Maintenance of Social Security Rights Convention, 1982, may, in respect of each branch for which it has accepted the obligations of the first-mentioned Convention, derogate from the provisions of paragraph 6 and apply in its place the provisions of Article 5 of that Convention. (C165A26)

9. Members concerned shall endeavour to participate in schemes for the maintenance of rights acquired under their legislation as regards each of the following branches of social security for which each of these Members has legislation applicable to seafarers in force: medical care, sickness benefit, unemployment benefit, employment injury benefits other than pensions and death grants, family benefit and maternity benefit. These schemes shall guarantee such benefits to persons resident or temporarily resident in the territory of one of these Members other than the competent Member, under conditions and within limits to be determined by mutual agreement between the Members concerned. (C165A27)

10. The provisions of this section E do not apply to social and medical assistance. (C165A28)

11. Members may derogate from the provisions of paragraphs 1 to 7 and 9 of the present section by making special arrangements in the framework of bilateral or multilateral instruments concluded amongst two or more of them, on condition that these do not affect the rights and obligations of other Members and provide for the protection of foreign or migrant seafarers in matters of social security under provisions which, in the aggregate, are at least as favourable as those required under these Articles. (C165A29)

F. Legal and administrative safeguards

1. Every person concerned shall have a right of appeal in case of refusal of the benefit or complaint as to its nature, level, amount or quality. (C165A30)

2. Where a government department responsible to a legislature is entrusted with the administration of medical care, every person concerned shall have a right, in addition to the right of appeal provided for in paragraph 1 above, to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority. (C165A31)

3. Members shall accept general responsibility for the due provision of the benefits provided in compliance with Part IV of this Convention and shall take all measures required for this purpose. (C165A33)

4. Members shall accept general responsibility for the proper administration of the institutions and services concerned in the application of Part IV of this Convention. (C165A34)

5. 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 seafarers protected shall participate in the management under conditions prescribed by national legislation;
- (b) national legislation shall also, where appropriate, provide for the participation of representatives of the shipowners;
- (c) national legislation may also provide for the participation of representatives of the public authorities. (C165A35)

Rule 4.2. Medical care

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers and, where applicable, their dependants who are protected by the legislation of that Member shall be entitled to medical care not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 8, 10 (paragraphs 1, 2 and 3), 11 and 12 (paragraph 1) of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
- (b) Articles 7(a), 8, 9, 13, 15, 16 and 17 of the Medical Care and Sickness Benefits Convention, 1969, where the superior standards of protection are applied.

2. Account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

Rule 4.3. Sickness benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers shall be entitled to a sickness benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 14, 16 (in conjunction with Article 65 or 66 or 67), 17 and 18 (paragraph 1) of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
- (b) Articles 7(b), 18, 21 (in conjunction with Article 22 or 23 or 24), 25 and 26 (paragraphs 1 and 3) of the Medical Care and Sickness Benefits Convention, 1969, where the superior standards of protection are applied.

2. Account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

3. A Member which –

- (a) has ratified the Sickness Insurance (Sea) Convention, 1936, and
- (b) has not ratified the Social Security (Seafarers) Convention (Revised), 1987 may, in a declaration appended to its ratification of this Convention, specify that it wishes to continue to apply the provisions of the Sickness Insurance (Sea) Convention, 1936, during a transitional period, which shall not exceed [three] years, beginning from the date when the present Convention comes into force for that Member.

4. During the said transitional period the Member shall be deemed to be in compliance with the provisions of the present Rule to the extent that it is in compliance with the Convention referred to under paragraph 3(a) above.

Rule 4.4. Unemployment benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers shall be entitled to an unemployment benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 20, 22 (in conjunction with Article 65 or 66 or 67), 23 and 24 of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
- (b) the Articles specified under (a) above and any superior standards in a future Convention which the General Conference of the International Labour Organization has, after its coming into force, recognized as applicable for the purpose of this clause by means of a Protocol adopted in the framework of a special maritime question included in its agenda, where the superior standards of protection under the present Convention are applied.

2. Account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

Rule 4.5. Old-age benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers shall be entitled to an old-age benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 26, 28 (in conjunction with Article 65 or 66 or 67), 29 and 30 of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
- (b) Articles 15, 17 (in conjunction with Article 26 or 27 or 28), 18, 19 and 29 (paragraph 1) of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, where the superior standards of protection are applied.

2. Account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

3. A Member which –

- (a) has ratified the Seafarers' Pensions Convention, 1946; and
- (b) has not ratified the Social Security (Seafarers) Convention (Revised), 1987 may, in a declaration appended to its ratification of this Convention, specify that it wishes to continue to apply the provisions of the Seafarers' Pensions Convention, 1946, during a transitional period, which shall not exceed [three] years, beginning from the date when the present Convention comes into force for that Member.

4. During the said transitional period the Member shall be deemed to be in compliance with the provisions of the present Rule to the extent that it is in compliance with the Convention referred to under paragraph 3(a) above.

Rule 4.6. Employment injury benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers and, where applicable, their dependants and survivors who are protected by the legislation of that Member shall be entitled to an employment injury benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 32, 34 (paragraphs 1, 2 and 4), 35, 36 (in conjunction with Article 65 or 66) and 38 of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
- (b) Articles 6, 9 (paragraphs 2 and 3 (introductory sentence)), 10, 13 (in conjunction with Article 19 or 20), 14 (in conjunction with Article 19 or 20), 15 (paragraph 1), 16, 17, 18 (paragraphs 1 and 2) (in conjunction with Article 19 or 20) and 21 (paragraph 1) of the Employment Injury Benefits Convention, 1964, where the superior standards of protection are applied.

Rule 4.7. Family benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers shall be entitled to a family benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

-
- (a) Articles 40, 42, 43, 44 (in conjunction with Article 66, where applicable) and 45 of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
 - (b) the Articles specified under (a) above and any superior standards in a future Convention which the General Conference of the International Labour Organization has, after its coming into force, recognized as applicable for the purpose of this clause by means of a Protocol adopted in the framework of a special maritime question included in its agenda, where the superior standards of protection under the present Convention are applied.

Rule 4.8. Maternity benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers and, where applicable, their dependants and survivors who are protected by the legislation of that Member shall be entitled to a maternity benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 47, 49 (paragraphs 1, 2 and 3), 50 (in conjunction with Article 65 or 66), 51 and 52, where the minimum standards of protection are applied; or
- (b) Articles 4 to 7 of the Maternity Protection Convention, 2000, where the superior standards of protection are applied.

2. As regards medical care, account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

Rule 4.9. Invalidity benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers shall be entitled to an invalidity benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

- (a) Articles 54, 56 (in conjunction with Article 65 or 66 or 67), 57 and 58 of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
- (b) Articles 8, 10 (in conjunction with Article 26 or 27 or 28), 11, 12, 13 and 29 (paragraph 1) of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, where the superior standards of protection are applied.

2. Account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

Rule 4.10. Survivors' benefit

1. When a Member has undertaken to provide protection in accordance with this Rule, seafarers' dependants and survivors who are protected by the legislation of that Member shall be entitled to a survivors' benefit not less favourable in respect of contingencies covered, conditions of award, level and duration than those specified in –

-
- (c) Articles 60, 62 (in conjunction with Article 65 or 66 or 67), 63 and 64 of the Social Security (Minimum Standards) Convention, 1952, where the minimum standards of protection are applied; or
 - (d) Articles 21, 23 (in conjunction with Article 26 or 27 or 28), 24, 25 and 29 (paragraph 1) of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, where the superior standards of protection are applied.

2. Account may be taken of the protection effected by means of non-compulsory insurance to the extent specified under section D of Rule 4.1 above.

Rule 4.11. Shipowners' liability

A. *Medical care and maintenance*

1. National laws or regulations may make exceptions to the principle of the shipowners' liability in the cases set out in paragraphs 1 to 3 of Regulation 4.11, in respect of:

- (a) injury incurred otherwise than in the service of the vessel;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased seafarer;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into. (C55A2/2)

2. 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 engagement the seafarer employed refused to be medically examined. (C55A2/3)

3. In so far as such liability is assumed by the public authorities, national laws or regulations may exempt the shipowner from liability to defray –

- (a) the expense of medical care and board and lodging referred to in paragraph 5 below;
- (b) the expenses of repatriation referred to in paragraph 1(c) of section A of Rule 2.8; and
- (c) burial expenses referred to in section C below. (C55A2/10)

4. Proper and sufficient medical care, referred to in paragraph 2(d) of Regulation 4.11, includes medical treatment and the supply of proper and sufficient medicines and therapeutical appliances (C55A3/a)

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

6. National laws or regulations may, however, limit the liability of the shipowner to defray the expense of medical care and board and lodging to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness. (C55A4/2)

7. National laws or regulations may also provide:

- (a) that a shipowner shall cease to be liable in respect of a sick or injured seafarer from the time at which that seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents;
- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the said insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured seafarers are not covered by the scheme in question, unless they are excluded from the scheme by reason of any restriction which affects particularly foreign seafarers or seafarers not resident in the territory in which the benefit can be claimed. (C55A4/3)

B. *Payment of wages to seafarers requiring medical care*

1. Seafarers in the situation referred to in paragraph 3(a) of Regulation 4.11 shall continue to be entitled to their full wages (exclusive of bonuses) from the time when they are left behind until they receive an offer of suitable employment, or until they are repatriated, or until the expiry of a period of a length (which shall not be less than 12 weeks) prescribed by the national laws or regulations of that Member or by collective agreement, whichever event first occurs. The shipowner shall cease to be liable for the payment of wages from the time such seafarers are entitled to cash benefits under the legislation of the Member concerned. (C165A14)

2. Seafarers in the situation referred to in paragraph 3(b) of Regulation 4.11 shall continue to be entitled to their full wages (exclusive of bonuses) from the time when they are repatriated or landed until their recovery, or until the expiry of a period of a length (which shall not be less than 12 weeks) prescribed by the national laws or regulations of that Member or by collective agreement, whichever event first occurs. Any period during which wages were paid by virtue of paragraph 1 above shall be deducted from such period. The shipowner shall cease to be liable for the payment of wages from the time such seafarers are entitled to cash benefits under the legislation of the competent Member. (C165A15)

C. *Burial expenses in case of death*

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 the seafarer concerned was, at the time of death entitled to medical care and maintenance at the shipowner's expense. (C55A7/1)

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 seafarer under laws or regulations relating to social insurance or workmen's compensation. (C55A7/2)

D. *Seafarers' property*

1. National laws or regulations shall require shipowners or their representatives to take measures for safeguarding property left on board by sick, injured or deceased seafarers to whom the present Rule applies. (C55A8)

E. Compensation in the case of shipwreck

1. In every case of loss or foundering of any vessel, the shipowner or person with whom the seafarer has contracted for service on board the vessel shall pay to each seafarer employed thereon an indemnity against unemployment resulting from such loss or foundering. (C8A2/1)

2. This indemnity shall be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the contract/agreement, but the total indemnity payable under paragraph 1 above to any one seafarer may be limited to two months' wages. (C8A2/2)

3. Seafarers shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service. (C8A3)

Annex to Part IV

Standards for Members availing themselves of paragraph 2(b) of Article V

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Part V. Enforcement

Regulation 5.1. Flag state responsibilities

General

1. Unless the context otherwise requires, responsibility for the implementation of the provisions of this Convention that relate to ships or to the working or living conditions of seafarers on board ship shall lie with the State in whose territory the ship is registered.

Inspection and control

2. Each Member shall verify, through an effective and coordinated system of inspection and control, that ships registered in its territory comply with its laws and regulations referred to in Article III, paragraph 2, of this Convention and, as may be appropriate under national law, with applicable collective agreements. (C147A2(f))

3. It shall appoint a sufficient number of inspectors for this purpose. Adequate provisions shall be made to ensure that the inspectors have the training, competence, terms of reference, powers, status and independence necessary or desirable so as to enable them to carry out the verification and ensure the compliance referred to in paragraph 2 above. Compensation shall be payable for any loss or damage suffered as a result of the wrongful or unjustified exercise of the inspectors' powers.

4. The Member's laws and regulations shall provide for such penalties as may be necessary to prevent obstruction of the verification or to ensure the compliance referred to in paragraph 2 above.

Certification

5. When the competent authority is satisfied after such inspection that a ship conforms with the standards set by the Regulations and Rules of this Convention, the ship shall be issued with a certificate of conformity, whose form and content shall be established by the Rules under the present Regulation.

6. Subject to any exceptions that may be provided for in the Rules under this Regulation –

- (a) a publicly accessible record shall be kept of each inspection;
- (b) inspectors shall submit, to the competent authority, reports on their inspections which shall be accessible to the public;
- (c) a Member shall not permit ships registered in its territory to put to sea without a valid certificate of conformity, which shall be posted in a prominent position in the ship concerned.

Record-keeping

7. To the extent practicable, and necessary or desirable to facilitate inspection and control, the Member's laws and regulations shall require appropriate records to be kept and made public with respect to situations covered or measures required by this Convention.

Quality control

8. The laws and regulations of each Member shall establish clear objectives and quality standards covering the administration of the inspection and certification systems referred to above as well as adequate procedures for the quality control of such systems, including an independent evaluation.

9. Information on such objectives, standards and procedures, as well as on such evaluations, shall be included in reports to the International Labour Office pursuant to article 22 of the Constitution of the International Labour Organization.

Internal resolution of grievances

10. Each Member shall ensure that ships registered in its territory have adequate procedures for the hearing and documentation of grievances. Under such procedures, each seafarer shall, inter alia, have –

- (a) a right of direct access to the master of the ship concerned;
- (b) adequate safeguards of confidentiality; and
- (c) adequate protection from any kind of victimization for lodging the grievance.

Marine casualties (C147, Art. 2(g))

11. Each Member shall 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.

Regulation 5.2. Port state responsibilities

General

1. Subject to the provisions of this Convention, States may take such action as may be necessary to verify and ensure that the provisions of this Convention relating to ships or to the working or living conditions of seafarers on board ship are being implemented on ships calling at its ports.

Inspection and control (C147, Art. 4)

2. Every ship calling, in the normal course of its business or for operational reasons, in the port of a Member which has ratified this Convention shall be subject to inspection and control by authorized officers of the Member –

- (a) for the purpose of ascertaining that the ship is covered by a valid certificate, issued pursuant to paragraph 5 of Regulation 5.1; or

-
- (b) for the purpose of ascertaining that the shipboard conditions of employment and shipboard living arrangements conform to standards that are substantially equivalent to the standards under the Regulations and Rules of this Convention –
 - (i) where no certificate is produced or the certificate produced is found not to be valid; or
 - (ii) where there are clear grounds for believing that the shipboard conditions of employment and shipboard living arrangements do not conform to the aforementioned standards of this Convention; or
 - (c) for the purpose of investigating any complaint, as defined in the Rules under this Regulation, alleging that specific shipboard conditions of employment or living arrangements do not conform to the aforementioned standards.

3. Where, following an inspection under the previous paragraph, the ship is found not to conform to the aforementioned standards of this Convention –

- (a) the shortcomings and measures needed to rectify them shall be brought to the attention of the master of the ship and notified to the nearest maritime, consular or diplomatic representative of the flag State; the flag State shall be invited to discuss the matter (C147A4/2) and requested to reply to the notification within a prescribed deadline;
- (b) the competent authorities of the next port of call shall be provided with relevant information;
- (c) the Member in which the inspection is carried out shall have the right to transmit a copy of the inspector's report, which must be accompanied by any reply received from the competent authorities of the flag State within the prescribed deadline, to the Director-General of the International Labour Office with view to such action as may be considered appropriate and expedient in order to ensure that a record is kept of such information and that it is brought to the attention of parties which might be interested in availing themselves of relevant recourse procedures.

4. Where the conditions on board are clearly hazardous to safety or health (C147A4/1), the inspector carrying out the control shall take steps to ensure that the ship shall not sail except as provided for in the Rules under this Regulation. (SOLAS, Reg. 19(c))

5. When exercising control under this Regulation, all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained or delayed it shall be entitled to compensation for any loss or damage suffered. (SOLAS, Reg. 19(f))

Facilities available to seafarers

6. The competent authorities of the Member shall take all possible steps to safeguard the confidentiality of complaints made by crew members in accordance with the preceding paragraphs.

7. Seafarers on ships calling at a port in the territory of a Member ratifying this Convention who allege circumstances amounting to a violation of their rights relating to their working or living conditions shall, where such circumstances are causing them or are likely to cause them severe hardship –

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- (a) have prompt access to the competent judicial or administrative authorities, and to effective measures of execution, including interim measures of execution; and
 - (b) benefit from legal aid on the same conditions as that which may be available to the Member's citizens resident in its territory.

8. All seafarers on ships calling at a port in the territory shall be provided with facilities enabling them to conveniently obtain advice on appropriate recourse procedures, where they allege circumstances amounting to a violation of their rights relating to working or living conditions.

Regulation 5.3. Responsibilities of States of domicile or contract

General

1. Unless the context otherwise requires and without prejudice to paragraph 1 of Regulation 5.1 –

- (a) responsibility for the implementation of the provisions of this Convention that relate to the social protection and welfare of seafarers shall lie with the State in which the seafarer is ordinarily resident, to the extent that such responsibility is provided for in Part IV of this Convention;
- (b) responsibility for the implementation of the provisions of this Convention that relate to the contractual conditions of seafarers shall lie with the State in which the contract is concluded or in which any or the parties thereto, or their representatives, are domiciled to the extent that the State concerned has the necessary jurisdiction.

Enforcement through contracts of employment

2. The laws and regulations of each Member shall ensure that –

- (a) the standards on working and living conditions under the Regulations and Rules of this Convention are adequately reflected in all seafarers' contracts of employment and articles of agreement concluded in its territory, irrespective of the country in which the ships concerned were registered or of which the parties are resident or nationals; and
- (b) private recruitment and placement agencies, coming within the scope of paragraph 7 of Regulation 1.5 and its implementing Rules, established in the Member's territory and procuring the services of a seafarer for a shipowner, wherever located, are made jointly and severally liable with the shipowner, or other party for whom the said services are procured, for the fulfilment of the terms of the said contracts of employment and articles of agreement.

Rules for Part V

Rule 5.1. Flag state responsibilities

A. *Inspection of ships*

1. Each Member shall maintain a system of inspection of seafarers' working and living conditions. (C178A2/1)

2. The central coordinating authority, as defined in Rule 5.4, shall coordinate inspections wholly or partly concerned with seafarers' working and living conditions and shall establish principles to be observed. (C178A2/2)

3. The central coordinating authority shall in all cases be responsible for the inspection of seafarers' working and living conditions. It may authorize public institutions or other organizations it recognizes as competent and independent to carry out inspections of seafarers' working and living conditions on its behalf. It shall maintain and make publicly available a list of such institutions or organizations. (C178A2/3)

B. *Schedule of inspections*

1. Each Member shall ensure that all vessels registered in its territory are inspected at intervals not exceeding three years and, when practicable, annually, to verify that the seafarers' working and living conditions on board a vessel conform to national laws and regulations. (C178A3/1)

2. If a Member receives a complaint or obtains evidence that a vessel registered in its territory does not conform to national laws and regulations in respect of seafarers' working and living conditions, the Member shall take measures to inspect the vessel as soon as practicable. (C178A3/2)

3. With respect to construction or accommodation arrangements, the vessel shall be inspected according to the schedule set out in section B.1 of Rule 3.1 of this Convention. (C178A3/3)

C. *Status, functions and powers of inspectors*

1. Each Member shall appoint inspectors qualified for the performance of their duties and shall take the necessary steps to satisfy itself that inspectors are available in sufficient number to meet the requirements of this Part of the Convention. (C178A4)

2. Inspectors shall have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences. (C178A5/1)

3. Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

- (a) to board a vessel registered in the territory of the Member and to enter premises as necessary for inspection;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed;

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- (c) to require that deficiencies are remedied; and
 - (d) where they have grounds to believe that a deficiency constitutes a significant danger to seafarers' health and safety, to prohibit, subject to any right of appeal to a judicial or administrative authority, a vessel from leaving port until necessary measures are taken, the vessel not being unreasonably detained or delayed. (C178A5/2)

4. When an inspection is conducted or when measures are taken under this Part, all reasonable efforts shall be made to avoid a vessel being unreasonably detained or delayed. (C178A6/1)

5. If a vessel is unreasonably detained or delayed, the shipowner or operator of the vessel shall be entitled to compensation for any loss or damage suffered. In any instance of alleged unreasonable detention or delay, the burden of proof shall lie with the shipowner or operator of the vessel. (C178A6/2)

D. Certification

1. The certificate of conformity referred to in paragraph 5 of Regulation 5.1 shall be in the form prescribed in Annex I to these Rules.

2. The certificate shall contain the following details:

- (i) authority issuing the certificate;
- (ii) period of validity of the certificate;
- (iii) name and title of the inspector;
- (iv) telephone number or other means of contacting the inspector;
- (v) name of the ship;
- (vi) port of inspection;
- (vii) date(s) of the inspection(s);
- (viii) dates of any previous inspections.

3. The certificate shall cover the following general areas of working and living conditions in so far as they are applicable to the ship concerned:

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...

4. The specific matters to be covered by the inspection, and the criteria to be applied, are set out in Annex II to these Rules.

5. The declaration, to be signed and dated by the inspector, shall be worded as follows: "I certify that, on the date(s) and in the port stated above, I inspected the abovementioned ship in the following general areas of working and living conditions

[indication of the areas] and have found that, in all those areas, the ship fully conforms to the standards set out in the Regulations and Rules of the ... Convention.”

6. Each certificate shall be posted in a prominent position on the ship to which it relates.

E. Records and reports

1. The central coordinating authority shall maintain records of inspections of seafarers' working and living conditions. (C178A8/1)

2. It shall publish an annual report on inspection activities, including a list of institutions and organizations authorized to carry out inspections on its behalf. This report shall be published within a reasonable time after the end of the year to which it relates and in any case within six months. (C178A8/2)

3. Inspectors shall submit a report of each inspection to the central coordinating authority. One copy of the report in English or in the working language of the vessel shall be furnished to the master of the vessel and another copy shall be posted on the vessel's noticeboard for the information of the seafarers or sent to their representatives. (C178A9/1)

4. In case of an inspection pursuant to a major incident, the report shall be submitted as soon as practicable but not later than one month following the conclusion of the inspection. (C178A9/2)

F. Penalties

1. Adequate penalties for violations of the legal provisions enforceable by inspectors and for obstructing inspectors in the performance of their duties shall be provided for by national laws or regulations and shall be effectively enforced. (C178A7/1)

2. Inspectors shall have the discretion to give warnings and advice instead of instituting or recommending proceedings. (C178A7/2)

G. Quality control

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Rule 5.2. Port state responsibilities

1. Where an inspection is lawfully carried out in the circumstances set out in paragraph 2(b) of Regulation 5.2 –

- (a) the full cost of the inspection may be charged to the ship concerned;
- (b) the ship may be required to remain in port until the inspection has been completed and the cost of it paid;
- (c) the competent authority of the port State shall, at the request of the ship, issue it with a certificate corresponding, as far as appropriate, to that issued in accordance with paragraph 5 of Regulation 5.1 and valid for the period that may reasonably be needed for the ship to remedy all the reported shortcomings and to obtain a certificate from the State in which it is registered.

2. Where the ship is found not to conform to standards that are substantially equivalent to the standards under the Regulations and Rules of this Convention –

- (a) the inspector shall forthwith send a report to the master of the ship, stating the shortcomings found as well as the measures needed to rectify them;
- (b) the inspector shall at the same time notify the nearest maritime, consular or diplomatic representative of the flag State –
 - (i) inviting the competent authority of that State to send a representative to discuss the matter; (C147A4/2)
 - (ii) referring to Regulation 5.2 of this Convention and to the present Rule and drawing attention to the possibility that the inspector’s report, accompanied by the flag State’s reply, may be sent to the Director-General of the International Labour Office with a view to appropriate action;
 - (iii) requesting the maritime, consular or diplomatic representative of the flag State, inter alia, to outline the measures taken by the flag State to verify or to require the correction of the reported shortcomings; and
 - (iv) setting a deadline for the reply from the competent authority; the deadline, which shall be at least three weeks, shall take account of the time that may reasonably be needed for the ship to remedy all the reported shortcomings;
- (c) a copy of the inspector’s report shall be sent to the competent authorities of the next port of call, together with information on any undertakings that the ship may have made to remedy the defects found.

3. Where the conditions on board are clearly hazardous to safety or health (C147A4/1), the inspector carrying out the control shall take steps to ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the ship or persons on board. (SOLAS, Reg. 19(c))

4. For the purpose of paragraph 2(c) of Regulation 5.2, “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. (C147A4/3)

Rule 5.3. Responsibilities of States of domicile or contract

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Rule 5.4. Definitions and scope of application

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