

---

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Activities Programme

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

**Consolidated maritime labour Convention (First draft)  
Articles and Regulations**

Geneva, 2003



INTERNATIONAL LABOUR OFFICE GENEVA

---

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Activities Programme

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

**Consolidated maritime labour Convention (First draft)  
Articles and Regulations**

Geneva, 2003

---

## **Contents**

	<i>Page</i>
First draft for a consolidated maritime labour Convention.....	1
General obligations .....	2
Article I.....	2
Definitions and scope of application.....	2
Article II.....	2
Fundamental rights and principles .....	3
Article III .....	3
Seafarers' employment rights .....	4
Article IV .....	4
Implementation and enforcement responsibilities .....	4
Article V .....	4
Regulations and Parts A and B of the Code.....	5
Article VI.....	5
Entry into force .....	5
Article VII.....	5
Denunciation.....	6
Article VIII .....	6
Effect of entry into force.....	6
Article IX.....	6
Depositary functions .....	6
Article X .....	6
Article XI.....	6
Special Tripartite Committee.....	7
Article XII.....	7
Amendments .....	7
Article XIII .....	7
Amendment of this Convention by the General Conference .....	7
Article XIV .....	7
Amendments to the Code.....	8
Article XV .....	8
Authoritative languages .....	10
Article XVI.....	10
Regulations .....	10
Title 1. Minimum requirements for seafarers to work on a ship.....	10
Regulation 1.1 – Minimum age .....	10

---

Regulation 1.2 – Medical certificate .....	10
Regulation 1.3 – Training and qualifications.....	11
Regulation 1.4 – Recruitment and placement.....	11
Regulation 1.5 – Seafarers’ identity document.....	11
Title 2. Conditions of employment and crewing.....	11
Regulation 2.1 – Seafarers’ employment agreements.....	11
Regulation 2.2 – Wages .....	12
Regulation 2.3 – Hours of work or rest and entitlement to leave .....	12
Regulation 2.4 – Repatriation .....	12
Regulation 2.5 – Safe crewing levels.....	12
Regulation 2.6 [– Continuity of employment .....	13
Title 3. Accommodation, welfare facilities, food and catering.....	13
Regulation 3.1 – Accommodation and on-board welfare facilities.....	13
Regulation 3.2 – Food and catering .....	13
Title 4. Health protection, welfare, medical care and social security protection .....	13
Regulation 4.1 – Medical care on board ship and ashore .....	13
Regulation 4.2 – Shipowners’ liability in the case of sickness or injury of seafarers or other misfortunes.....	14
Regulation 4.3 – Health and safety and accident prevention.....	14
Regulation 4.4 – Access to shore-based welfare facilities.....	14
Regulation 4.5 – Social security protection .....	15
Title 5. Compliance and enforcement .....	15
Regulation 5.1 – Flag state responsibilities .....	15
Regulation 5.1.1 – General principles.....	15
Regulation 5.1.2 – Certificates and documents of compliance.....	16
Regulation 5.1.3 – Inspection and enforcement.....	16
Regulation 5.1.4 – On-board complaint procedures .....	17
Regulation 5.1.5 – Marine casualties.....	17
Regulation 5.2 – Port state responsibilities.....	17
Regulation 5.2.1 – Inspections in port .....	17
Regulation 5.2.2 – On-shore complaint handling procedures.....	18
Regulation 5.3 – Labour-supplying responsibilities .....	19

---

## **First draft for a consolidated maritime labour Convention**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its .. Session on .. ... 2005, and

Desiring to create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour instruments, in particular:

- the Forced Labour Convention, 1930;
- the Freedom of Association and Protection of the Right to Organise Convention, 1948;
- the Right to Organise and Collective Bargaining Convention, 1949;
- the Equal Remuneration Convention, 1951;
- the Abolition of Forced Labour Convention, 1957;
- the Discrimination (Employment and Occupation) Convention, 1958;
- the Minimum Age Convention, 1973; and
- the Worst Forms of Child Labour Convention, 1999; and

Mindful also of the international standards on ship safety, human security and quality ship management in the International Convention on the Safety of Life at Sea, 1974, as amended, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, and the seafarer safety training and competency requirements in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and

Recalling Article 94 of the United Nations Law of the Sea Convention, 1982, regarding state responsibilities for labour conditions, crewing and social matters on ships, and

Recalling article 19(8) of the Constitution of the International Labour Organization, providing that in no case shall the adoption of any Convention or Recommendation by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention, and

Determined that this new instrument should be designed to secure the widest possible acceptability among governments, shipowners and seafarers committed to the principles of decent work, that it should be readily updatable and that it should lend itself to effective enforcement, and

Having decided upon the adoption of certain proposals for the realization of such an instrument, which is the ... item on the agenda of the session, and

---

Having determined that these proposals shall take the form of an international Convention;

adopts this ... day of ... of the year two thousand and five the following Convention, which may be cited as the Maritime Labour Convention, 2005.

## **General obligations**

### *Article I*

1. Each Member which ratifies this Convention undertakes to give complete effect to its provisions in order to secure the right of all seafarers to decent employment.

2. The Regulations and Code in this Convention form an integral part of it. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Regulations and Code.

3. Members shall cooperate with each other for the purpose of ensuring the effective implementation of this Convention.

## **Definitions and scope of application**

### *Article II*

1. For the purpose of this Convention and unless provided otherwise in particular provisions:

- (a) the term *certificate of compliance* means a valid document corresponding to the certificate referred to in paragraph 1 of Regulation 5.1.2, by whatever name it may be known;
- (b) the term *competent authority* means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject-matter of the provision concerned; (C.179, C.180, R.187)
- (c) the term *document of compliance* means the detailed document referred to in paragraph 2 of Regulation 5.1.2, by whatever name it may be known;
- (d) the term *gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention (antifouling Convention and modified ILO draft 1);
- (e) the term *recruitment and placement service* means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers; (C.179A1/1b)
- (f) the term *seafarer* means any person who is employed or engaged or works in any capacity on board a seagoing ship to which this Convention applies, other than pilots, and travelling dockers (longshoremen) that are not members of the ship's crew and persons employed in ports who are not ordinarily employed at sea; (modified C.180 + C.164; C.166; C.178 + C.179 + C.73A2/1)

- 
- (g) the term *seafarers' employment agreement* includes both a contract of employment and articles of agreement;
- (h) the term *seagoing ship* or *ship* means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply; (STCW)
- (i) the term *shipowner* means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner or other organization or person and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities. (modified definition taken from C.179, C.180, ISM Code (for company))

2. Except as expressly provided otherwise, this Convention applies to all seafarers.

3. This Convention applies to all seagoing ships, whether publicly or privately owned, ordinarily engaged in commercial activities (C.7, C.8, C.15, C.16, C.22, C.23, C.58) other than:

- (a) [ships of less than [200] gross tonnage; (modified C.71)]
- (b) ships engaged in fishing or in whaling or in similar pursuits;
- (c) ships of traditional build such as dhows and junks.

4. To the extent deemed practicable, after consultation with the representative organizations of owners of maritime mobile offshore units and seafarers serving on such units, as the case may be, the competent authority may apply the provisions of this Convention to seafarers serving on maritime mobile offshore units. (modified C.179A1(2))

5. In the event of doubt as to whether this Convention applies to a ship or categories of ships, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question. (modified C.147, C.180A1/3, C.178A1/7d)

6. A Member may, after consultation with the shipowners' and seafarers' organizations concerned, exclude from the scope of application of this Convention seagoing ships that do not undertake international voyages, provided that the fundamental rights of seafarers referred to in Article III are protected by national laws and regulations. (ILO draft 1, revised after February 2003 meeting)

7. With respect to the ships of States that have not ratified this Convention, Members shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships. (modified SOLAS, Protocol, 1998).

## **Fundamental rights and principles**

### *Article III*

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

- 
- (a) freedom of association and the effective recognition of the right to collective bargaining;
  - (b) the elimination of all forms of forced or compulsory labour;
  - (c) the effective abolition of child labour; and
  - (d) 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.

## **Seafarers' employment rights**

### *Article IV*

1. Every seafarer has the right to a safe and secure workplace that complies with safety standards, including standards of competency, training, hours of rest and work and crewing levels that are necessary to ensure the safety of life on board ship.

2. Every seafarer has a right to fair terms of employment.

3. Every seafarer has a right to decent shipboard conditions of employment and shipboard living arrangements.

4. Every seafarer has a right to health, medical and appropriate social security and welfare measures for themselves and their families.

5. Each Member shall ensure, within the limits of its jurisdiction, that the minimum seafarers' rights set out in this Article are fully implemented, in accordance with the provisions of this Convention, in national laws and regulations or applicable collective bargaining agreements or practice.

## **Implementation and enforcement responsibilities**

### *Article V*

1. Each Member shall implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to ships and seafarers under its jurisdiction.

2. Each Member shall accordingly exercise effective jurisdiction and control over ships that fly its flag by establishing a system for ensuring compliance with the Regulations and Standards in this Convention, including regular inspections, reporting, monitoring and legal proceedings under the applicable laws.

3. Each Member shall ensure that ships that fly its flag carry a certificate of compliance and a document of compliance properly issued by a competent authority, as required by this Convention.

4. A ship to which this Convention applies may, in accordance with international law, be inspected by Members other than the flag State when the ship is in their ports to determine whether the ship is in compliance with this Convention.

---

5. A Member shall 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 rights in Article III, paragraph 1(i). (C.147A2(c))

6. Each Member shall exercise effective jurisdiction and control over seafarer recruitment and placement services in its territory, as well as effective jurisdiction over seafarers' employment agreements that are concluded in its territory.

7. Members shall impose sanctions that are adequate in severity to discourage violations of the standards in the Convention that are equally severe irrespective of where the violations occur. (MARPOL 73, modified C.178/A7)

## **Regulations and Parts A and B of the Code**

### *Article VI*

1. The Regulations and the provisions of Part A of the Code are mandatory for Members. The provisions of Part B of the Code are not mandatory.

2. Each Member undertakes to respect the principles and rights set out in the Regulations and to implement each Regulation in the manner set out in the corresponding provisions of Part A of the Code. In addition, the Member shall give full consideration to implementing its responsibilities in the manner provided for in Part B of the Code.

3. A Member which is not in a position to implement the principles and rights in the manner set out in Part A of the Code may implement Part A of the Code through provisions in its laws and regulations which are substantially equivalent to the provisions of Part A.

4. Subject to any directions that may be given in the Code with respect to particular provisions, a law, regulation, collective agreement or other implementing measure shall, for the purpose of paragraph 3, be considered to be substantially equivalent to a provision of this Convention if –

- (a) it is conducive to the full achievement of the general object or purpose of the provision concerned, and
- (b) in all material respects, it complies with the specific requirements of the provision or has effects that are equivalent to those resulting from such compliance.

## **Entry into force**

### *Article VII*

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration. (C.147A5)

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

---

3. It shall come into force 12 months after the date on which there have been registered ratifications by at least ten [25] Members with a total share in the world's gross tonnage of ships of 25 [50] per cent.

4. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered. (C.147A6)

## **Denunciation**

### *Article VIII*

1. A Member may denounce this Convention 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 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. (C.147A7)

## **Effect of entry into force**

### *Article IX*

1. [Identification of international labour Conventions and Recommendations that are revised by the present Convention]

2. [Question of closure of previous Conventions to further ratification]

3. [Question of the ipso jure denunciation of previous Conventions by Members ratifying the present Convention]

## **Depositary functions**

### *Article X*

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 of this Convention.

2. When the conditions provided for in paragraph 1 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. (C.180A20)

### *Article XI*

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 with the Organization in accordance with the

---

provisions of the preceding Articles, as well as of ratifications of amendments under Article XIII or Article XIV. (C.147A9)

## **Special Tripartite Committee**

### *Article XII*

1. The Governing Body of the International Labour Office shall keep this Convention under continuous review, through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by each Government of a Member which has ratified this Convention and the representatives of Shipowners and Seafarers appointed by the Governing Body.

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of Governments represented at the meeting concerned and entitled to vote.

## **Amendments**

### *Article XIII*

Amendments to any of the provisions of this Convention may be adopted by the General Conference in the framework of article 19 of the Constitution of the International Labour Organization and the rules and procedures of the Organization for the adoption of Conventions. Amendments to the Code may also be adopted following the procedures in Article XV.

## **Amendment of this Convention by the General Conference**

### *Article XIV*

1. Amendments adopted in the framework of article 19 of the Constitution shall be binding only upon those Members of the Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. 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.

3. 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.

---

4. 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 five [12] Members with a total share in world shipping tonnage of 12.5 [25] per cent.

5. For any Member referred to in paragraph 2 above, the amendments shall come into force 12 months after the date of acceptance referred to in paragraph 4 above or 12 months after the date on which its ratification of the amendment has been registered, whichever date is the later.

6. For any other Member of the Organization, the Convention as amended [revised] shall come into force 12 months after the date of acceptance referred to in paragraph 4 above or 12 months after the date on which its ratification of the Convention has been registered, whichever date is the later.

7. 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.

8. 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, unless any such amendment provides otherwise.

## **Amendments to the Code**

### *Article XV*

1. The Code may be amended by either the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the following paragraphs.

2. An amendment to the Code may be proposed to the Director-General by the Government of any Member of the Organization or by any representative of the Shipowners or Seafarers who has been appointed to the Committee referred to in Article XII. An amendment proposed by a Government must be supported by at least half the Governments that have ratified the Convention or by [12] of those Governments if this number is lower than half. An amendment proposed by a Shipowner or Seafarer representative must be supported, respectively, by at least half of the Shipowner or the Seafarer representatives in the Committee or by [12] of the said Shipowner or Seafarer representatives if this number is lower than half.

3. Having verified that the proposals for amendment meet the requirements of the preceding paragraph, the Director-General shall promptly communicate such proposals, accompanied by any comments or suggestions deemed appropriate, 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 for consideration at a meeting. An amendment shall be considered adopted if –

- 
- (a) at least half the Governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered, and
  - (b) a majority of at least two-thirds of the Committee members vote in favour of the amendment, and
  - (c) this majority comprises the votes in favour of at least half the Government members, half the Shipowner members and half the Seafarer members 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, article 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 date of such approval by the General Conference. These Members are referred to below as “the ratifying Members”. 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 which have ratified the Convention and represent not less than [50 per cent] of the world’s gross tonnage of ships. (STCW modified)

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period, for all the ratifying Members except those which had expressed their disagreement in accordance with the preceding paragraph and have not withdrawn such disagreement. However –

- (a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that the amendment shall enter into force for it only after a subsequent express notification of its acceptance, and
- (b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it exempts itself from giving effect to that amendment for a specified period.

9. Amendments which are the subject of a notice referred to in paragraph 8(a) above shall enter into force for the Member giving such notice six months after the latter has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is the later.

10. The period referred to in paragraph 8(b) above shall not go beyond one year from the date of entry into force of the amendment or beyond such longer period as may have been determined by the General Conference at the time of approval of the amendment.

---

11. 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.

12. A Member that has accepted an amendment to the Convention which has entered into force shall not be obliged to extend the benefit of the Convention in respect of certificates issued to ships operating under the flag of a Member which is not bound by the amendment and is not covered by an exemption filed by it pursuant to paragraph 8(b) above, but only to the extent that the certificate relates to matters covered by the amendment in question. (modified SOLAS, 1974, Article VIII(d)(i)(ii))

## **Authoritative languages**

### *Article XVI*

The English and French versions of the text of this Convention are equally authoritative. (C.147A12)

## **Regulations**

1. These Regulations and the associated provisions in the Code set out the principles and standards required to achieve the seafarers' right to decent conditions of employment as provided for in Article IV of this Convention.

2. The Regulations and the applicable parts of the Code shall be effectively implemented and enforced by Members through national laws and regulations or collective bargaining agreements.

## **Title 1. Minimum requirements for seafarers to work on a ship**

### *Regulation 1.1 – Minimum age*

*Purpose: To ensure that no under-age persons work on a ship*

1. No person below the minimum age shall be engaged, employed or work on a ship.

2. The minimum age at the time of the initial entry into force of this Convention is 16 years. (modified C180A12)

3. A higher minimum age shall be required in the circumstances set out in the Code.

### *Regulation 1.2 – Medical certificate*

*Purpose: To ensure that all seafarers are medically fit*

1. Seafarers shall not work on a ship unless they are certified to be medically fit to perform their duties. (modified C.73A3/1).

2. Exceptions can only be permitted as prescribed in the Code.

---

### Regulation 1.3 – *Training and qualifications*

*Purpose: To ensure that seafarers are qualified and have access to required training*

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties. (modified C.53A3/1)
2. The Code may exempt Members from its provisions implementing this Regulation if they are bound by equivalent provisions in other international instruments.
3. Notwithstanding paragraph 1 above, all seafarers shall have the opportunity to benefit from initial and ongoing training that will enable them to perform their duties on board a ship. (new)

### Regulation 1.4 – *Recruitment and placement*

*Purpose: To ensure access to an efficient and well-regulated seafarer recruitment and placement system*

1. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer. (modified C.9A4/1)
2. In order to help achieve the objectives of this Regulation, seafarer recruitment and placement services must be regulated in accordance with the standards set out in the Code.

### Regulation 1.5 – *Seafarers' identity document*

*[Purpose: To ensure that seafarers can obtain an identity document*

1. All seafarers are entitled to a seafarers' identity document that gives them sufficient access to foreign territories as is necessary for them to perform their duties under decent conditions.
2. The rights and obligations of Members issuing the seafarers' identity document, as well as those of Members whose territory is visited by seafarers holding such documents, are set out in the Code
3. [Standards to ensure authenticity and facilitate verification of seafarers' identity documents are provided in the Code.]

## **Title 2. Conditions of employment and crewing**

### Regulation 2.1 – *Seafarers' employment agreements*

*Purpose: To ensure that seafarers have a fair employment agreement*

1. The terms and conditions for employment of a seafarer must be set out in a clear written legally enforceable agreement.
2. Seafarers' employment agreements must be signed by the seafarer under conditions which ensure that the seafarer has an opportunity to review and seek

---

advice on the terms and is otherwise informed of and freely accepts the terms and conditions in the agreement before signing.

3. The form and content of seafarers' employment agreements shall conform to the minimum requirements set out in the Code.

4. Seafarers' employment agreements may incorporate applicable collective bargaining agreements.

#### Regulation 2.2 – Wages

*Purpose: To ensure that seafarers are paid for their services*

All seafarers shall be paid regularly for their work in accordance with their employment agreements.

#### Regulation 2.3 – Hours of work or rest and entitlement to leave

*Purpose: To ensure that seafarers have regulated hours of work or rest and adequate leave*

1. Members shall ensure that, as for other workers, the normal hours of work or hours of rest for all seafarers are regulated.

2. Members shall establish maximum hours of work or minimum hours of rest over given periods that are consistent with the provisions in the Code, taking into account, where applicable, the risk of fatigue, emergency situations and requirements and practice for safe navigation.

3. All seafarers are entitled to paid annual leave under appropriate conditions, in accordance with the provisions in the Code.

4. Seafarers shall be granted shore leave consistent with their health and well-being and with the operational requirements of their positions.

#### Regulation 2.4 – Repatriation

*Purpose: To ensure that seafarers are able to return home*

Seafarers have a right to be repatriated at no cost to themselves under the conditions specified in the Code.

#### Regulation 2.5 – Safe crewing levels

*Purpose: To ensure that seafarers work on board ships with sufficient personnel to safely navigate and operate the ship*

Members shall require that all ships flying its flag have a sufficient number of seafarers employed on board to ensure that ships are operated safely and efficiently, [taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage. (new)].

---

## Regulation 2.6 [*– Continuity of employment*]

*Purpose: To promote the regular employment of qualified seafarers*

All seafarers shall benefit from a national policy promoting continuous or regular employment at sea.]

### **Title 3. Accommodation, welfare facilities, food and catering**

#### Regulation 3.1 – *Accommodation and on-board welfare facilities*

*Purpose: To ensure that seafarers have decent accommodation as well as welfare facilities on board*

Members shall require that ships flying their flag provide seafarers on board with decent accommodation, as well as welfare facilities to protect the seafarers' health and well-being.

#### Regulation 3.2 – *Food and catering*

*Purpose: To ensure that seafarers have access to good quality food provided under regulated sanitary conditions by qualified personnel*

1. Members shall ensure that ships flying their flag have a supply of sufficient food of good quality, and catering arrangements designed to secure the health and well-being of seafarers working on board.

2. Seafarers shall be provided with food free of charge.

### **Title 4. Health protection, welfare, medical care and social security protection**

#### Regulation 4.1 – *Medical care on board ship and ashore*

*Purpose: To ensure that seafarers working on ship have prompt access to on-board and shore-based medical care*

1. Members shall ensure that all seafarers on ships that fly its flag have access to prompt and adequate medical and emergency dental care whilst working on board.

2. The care and protection under paragraph 1 shall be provided at no cost to the seafarer.

3. Members shall ensure that a ship in their territory that has a seafarer on board in need of immediate medical or dental care has access to facilities on shore.

4. The requirements set out in the Code include standards for measures aimed at providing seafarers with rights and benefits as comparable as possible to those which are generally available to workers ashore.

---

*Regulation 4.2 – Shipowners’ liability in the case of sickness or injury of seafarers or other misfortunes*

*Purpose: To ensure that seafarers are protected from the financial consequences of sickness, injury or death, or other misfortunes, occurring during their employment*

1. Members shall ensure that seafarers have the right to material assistance and support from the shipowner to cover the consequences of sickness or injury or death occurring when the seafarers are working under an employment agreement.
2. Seafarers are entitled to adequate compensation in the case of other misfortunes, such as shipwreck, as provided for in the Code.
3. The requirements set out in the Code include the specific obligations of shipowners with respect to their liability for the financial consequences of the illness, injury or death of a seafarer as well as for the payment of indemnities in the case of other misfortunes.

*Regulation 4.3 – Health and safety and accident prevention*

*Purpose: To ensure that seafarers’ work environment on board promotes occupational health and safety*

1. Members shall ensure that seafarers are provided with occupational health protection and live, work and train in a safe and hygienic environment.
2. The requirements set out in the Code include standards for:
  - (a) on-board measures to be taken for the prevention of occupational accidents at sea, including risk evaluation and management as well as training and instruction of seafarers;
  - (b) reporting and investigation of accidents occurring within the jurisdiction of the Member or on ships flying its flag; and
  - (c) the gathering and dissemination of relevant information as well as research and analysis.

*Regulation 4.4 – Access to shore-based welfare facilities*

*Purpose: To ensure that seafarers have access to shore-based facilities to secure their health and well-being when working on board a ship*

1. Members shall ensure that seafarers on ships within their ports shall have access to adequate welfare facilities in port, including facilitation of shore-leave arrangements in cooperation with the flag State and relevant seafarers’ and shipowners’ organizations.
2. The requirements set out in the Code include the responsibilities of flag and port States with respect to the provision of and access to welfare facilities.
3. [Seafarers who are detained in a foreign port shall be dealt with promptly under due process of law and with appropriate consular protection. (R.173P20) (new)].

---

#### Regulation 4.5 – *Social security protection*

*Purpose: To ensure that measures are taken with a view to providing seafarers with social security protection equivalent to that provided to shore-based workers*

1. Members shall ensure that seafarers that are its [nationals] and, where applicable, their dependants, shall be entitled to participate in and benefit from [national] social security systems, including social insurance. (modified 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 entitlement for social security matters falling within its jurisdiction. (modified Covenant, article 2.1)

3. The Code provides guidance on the steps to be progressively taken by each Member in consultation with relevant shipowners' and seafarers' organizations, with a view to the full coverage of seafarers in all branches of social security [applying to shoreworkers in the seafarer's country of residence, either through terms in seafarers' employment agreements or other systems.]

### **Title 5. Compliance and enforcement**

1. The Regulations in this Title amplify each Member's responsibility to fully implement and enforce the principles and rights set out in the Articles as well as the particular obligations provided for under Titles 1, 2, 3 and 4.

2. [The provisions of Part A of the Code that implement this Title may be amended only in accordance with the procedure set out in Article XIV. Part B and the appendices to Part A may also be amended in accordance with Article XV.]

#### Regulation 5.1 – *Flag state responsibilities*

*Purpose: To ensure that each Member implements its responsibilities under this Convention with respect to ships that fly its flag*

##### Regulation 5.1.1 – *General principles*

1. Responsibility for the implementation of the provisions of this Convention that relate to seafarers' shipboard conditions of employment and living arrangements lies with the State whose flag the ship flies.

2. Each Member shall ensure that all ships that fly its flag are regularly inspected and are not registered or allowed to sail without a certificate of compliance and a document of compliance, issued in accordance with Regulation 5.1.2, certifying that the standards in this Convention, as they pertain to seafarers' conditions of employment and living arrangements, have been met.

3. Each Member shall establish clear objectives and standards covering the administration of its inspection and certification systems, as well as adequate overall procedures for its assessment of the extent to which those objectives and standards are being attained.

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

---

### Regulation 5.1.2 – *Certificates and documents of compliance*

1. Where the competent authority of the Member has ascertained through inspection that a ship within its jurisdiction meets or continues to meet the standards of this Convention, it shall issue or renew a certificate to that effect. (modified SOLAS; MARPOL).

2. Each ship shall maintain a detailed document stating applicable national and ship-specific requirements and referring to the relevant legislation of the Member concerned that implements the standards of this Convention relating to the shipboard conditions of employment and living arrangements. It shall also fully describe the way in which those standards will be implemented on the ship concerned and how such implementation will be ensured in the intervals between inspections. Each document of compliance shall be based on a model drawn up by the Member concerned for all ships within its jurisdiction and shall be approved by the competent authorities of that Member. The statement of relevant legislation shall indicate any provisions of that legislation that have been adopted on the basis of substantial equivalence pursuant to paragraph 3 of Article VI.

3. Each certificate of compliance and document of compliance shall be registered with the competent authority of the Member concerned and carried on board ship for presentation on request.

4. The detailed requirements for certificates of compliance and documents of compliance, including their period of validity, are set out in the Code.

### Regulation 5.1.3 – *Inspection and enforcement*

1. Each Member shall verify, through an effective and coordinated system of regular inspections, monitoring and other control measures, that ships flying its flag remain in compliance with the requirements of this Convention as implemented in national law and regulations.

2. Each Member shall appoint a sufficient number of inspectors for this purpose. Adequate provision 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 above. (based partly on C.178A4)

3. Compensation shall be payable for any loss or damage suffered as a result of the wrongful or unjustified exercise of the inspectors' powers. (based on C.178A6/2)

4. Wherever necessary or desirable to facilitate inspection and control, each Member shall require appropriate records to be kept and made public with respect to situations covered or measures required by this Convention.

5. Subject to any exceptions that may be provided for in the Code a publicly accessible record shall be kept of each inspection and inspectors shall submit to the competent authority reports on their inspections, which shall be accessible to the public.

6. Each Member shall provide for penalties that are sufficiently severe as to prevent obstruction of the verification process and to promote compliance with the standards of this Convention.

---

#### Regulation 5.1.4 – *On-board complaint procedures*

1. Each Member shall require that ships flying its flag have fair, expeditious, publicized and documented on-board procedures for effectively handling seafarer complaints alleging a violation of the standards of this Convention. Such procedures shall seek to resolve complaints at the lowest level possible, however, in all cases, seafarers shall have a right to complain directly to the master and, where necessary, to appropriate external authorities.

2. Members shall prohibit and penalize any kind of victimization of a seafarer for filing a complaint.

#### Regulation 5.1.5 – *Marine casualties*

Each Member shall hold an official inquiry into any serious marine casualty involving a ship that flies its flag, particularly those involving injury and/or loss of life. The final report of an inquiry shall normally be made public. (C.147A.2(g))

#### Regulation 5.2 – *Port state responsibilities*

*Purpose: To ensure that each Member implements its responsibilities under this Convention regarding international cooperation in the implementation and enforcement of the Convention standards*

##### Regulation 5.2.1 – *Inspections in port*

1. Every ship calling, in the normal course of its business or for operational reasons, in the port of a Member shall be subject to inspection by authorized officers of the Member for the purpose of reviewing compliance with the standards of this Convention relating to shipboard conditions of employment and shipboard living arrangements. Except in the circumstances specified below, such inspection shall be limited to a review of the certificate of compliance and the document of compliance required under Regulation 5.1.2. (modified C.147A.4)

2. Where an authorized officer, on requesting the certificate of compliance and the document of compliance finds that:

- (a) the required documents are not produced or the documents produced are found not to contain the information and certifications required by this Convention or are otherwise invalid; or
- (b) there are clear grounds for believing that the shipboard conditions of employment and shipboard living arrangements do not conform to the standards of this Convention; or
- (c) there is a complaint, as defined in the Code, alleging that specific conditions of employment or living arrangements on board do not conform to the Convention standards,

a more detailed inspection may be carried out to ascertain the conditions of employment and living arrangements on board the ship. In the case of a complaint under subparagraph (c), this inspection shall be limited to matters within the scope of the complaint. Such inspection shall in any case be carried out where the deficiency alleged could constitute a clear hazard to the safety or the health or the security of seafarers.

---

3. Where, following a more detailed inspection by an authorized officer the ship is found not to conform to the standards of this Convention –

- (a) the deficiencies and the 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 (C.147A4/2) 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 officer'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 a 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, following a more detailed inspection by an authorized officer, the ship is found not to conform to the standards of this Convention, and

- (a) the conditions on board are clearly hazardous to the safety or the health or the security of seafarers; (modified C.147A4/1) or
- (b) the non-conformity with the standard concerned could, in all likelihood, cause serious material hardship to seafarers; or
- (c) the non-conformity constitutes a serious violation of this Convention, and there is clear evidence that the ship concerned has on several recent occasions been in serious violation of the standards required by this Convention,

the officer carrying out the inspection shall take steps to ensure that the ship does not sail except in the circumstances provided for in the Code.

5. When implementing its responsibilities under this Regulation, Members shall make all possible efforts to avoid a ship being unduly detained or delayed. If a ship is found to be unduly detained or delayed it shall be entitled to compensation for any loss or damage suffered.

6. Each Member shall establish clear objectives and standards covering the administration of its port inspection and monitoring system as well as adequate procedures for assuring the quality of its system.

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

#### *Regulation 5.2.2 – On-shore complaint handling procedures*

Members shall ensure that seafarers on ships calling at a port in the Member's territory shall be provided with information about, and access to, facilities enabling them to conveniently obtain advice on appropriate administrative and judicial recourse procedures, where they allege a violation of the standards of the Convention relating to shipboard conditions of employment or living arrangements.

---

### Regulation 5.3 – *Labour-supplying responsibilities*

*Purpose: To ensure that each Member implements its responsibilities under this Convention as they pertain to the regulation of seafarers' employment contracts and the social protection and welfare of seafarers*

1. Without prejudice to the principle of flag state responsibility for shipboard conditions of work and living for seafarers, Members shall implement the provisions of this Convention that relate to seafarers that are its nationals or ordinarily resident or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in this Convention.

2. Each Member shall ensure that the standards in this Convention applicable to the operation and practice of seafarer recruitment and placement services established on its territory are effectively implemented in its laws and regulations and enforced through a system of inspection and monitoring and legal proceedings for violations.

3. Each Member shall, through its national laws and regulations, ensure that the standards in this Convention relating to shipboard conditions of employment and living arrangements are adequately reflected in all seafarers' employment agreements concluded in its territory, irrespective of the country in which the ships concerned were registered or of which the parties are resident or nationals.

4. Each Member shall establish clear objectives and standards covering the administration of its system for enforcing applicable labour-supply responsibilities under this Convention as well as procedures for assuring the quality of its system.

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