

INTERNATIONAL LABOUR ORGANIZATION
Sectoral Activities Programme

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

Consolidated maritime labour Convention
(Preliminary second draft)

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INTERNATIONAL LABOUR OFFICE GENEVA

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Preliminary second 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 Conventions, 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 of the core mandate of the Organization, which is to promote decent conditions of work, and

Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons, and

Considering that, given the global nature of the shipping industry, seafarers need special protection, 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 that the United Nations Convention on the Law of the Sea, 1982, sets out a general legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, and

Recalling that Article 94 of the United Nations Law of the Sea Convention, 1982, establishes the duties and obligations of a flag State with regard to, inter alia, labour

conditions, crewing and social matters on ships that fly its flag [and that Article 217 establishes the enforcement obligations], and

Recalling paragraph 8 of article 19 of the Constitution of the International Labour Organization providing that in no case shall the adoption of any Convention or Recommendation by the Conference or the ratification of any Convention 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 updateable 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 the manner set out in Article VI, in order to secure the right of all seafarers to decent employment.

2. Members shall cooperate with each other for the purpose of ensuring the effective implementation [and enforcement] 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 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)
- (b) the term declaration of compliance means the detailed document referred to in paragraph 2 of Regulation 5.1.2, by whatever name it may be known in each Member;
- (c) 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; (HLTWG,3, JMC, 29th, Res.)

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- (d) the term maritime labour certificate 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 in each Member;
 - (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 ship to which this Convention applies; (working definition, modified C.185, 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 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; (modified 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 the duties and responsibilities imposed on shipowners in accordance with this Convention. (C.179A1/1c; ISM, Reg 1, paragraph 2, modified)

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

3. In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question.

4. This Convention applies to all 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] [500]gross tons; (modified C.71)]
- (b) ships engaged in fishing or in similar pursuits;
- (c) ships of traditional build such as dhows and junks; and
- (d) oil rigs and drilling platforms [when not engaged in navigation]. (modified C.147A1/4(c))

5. In the event of doubt as to whether this Convention applies to a ship or particular category 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, [in] [after] consultation with [representatives of] the shipowners' and seafarers' organizations concerned [in its territory], exclude from the scope of application of this Convention ships that do not undertake international voyages, provided that the fundamental rights of seafarers referred to in Article III [and seafarers'

employment rights referred to in Article IV, paragraphs 1 to 4] are protected by national laws and regulations. (HLTWG, 3 W. proposal)]

7. Any exemptions or exclusions made by a Member under paragraphs 3, 5 or 6 of this Article shall be indicated in its reports to the International Labour Office pursuant to article 22 of the Constitution of the International Labour Organization.

8. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Regulations and Code.

Fundamental rights and principles

Article III

[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.

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

3. Every seafarer has a right to decent working and living conditions on board ship.

4. Every seafarer has a right to health protection and welfare measures and other forms of social protection.

5. Each Member shall ensure, within the limits of its jurisdiction, that the seafarers' employment rights set out in the preceding paragraphs of this Article are fully implemented, in national laws and regulations or in applicable collective bargaining agreements or in practice or in other measures, in accordance with the requirements of the Regulations and the Code of this Convention.

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 standards of 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 maritime labour certificate and a declaration of compliance 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 the standards of this Convention.
5. Each Member shall exercise effective jurisdiction and control over seafarer recruitment and placement services, if these are established, in its territory.
6. Members shall impose sanctions or require the adoption of corrective measures that are adequate to discourage violations of the standards in the Convention [wherever the violations occur]. (modified C.180, A15., MARPOL 73, modified C.178/A7)
7. Members shall implement their responsibilities under this Convention in such a way as to ensure that the ships of States that have not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of States that have ratified it. (modified SOLAS, Protocol, 1998)

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 due 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 or other measures 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.

[Consultation with shipowners' and seafarers' organizations

Article VII

Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners' and seafarers' organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII.]

Entry into force

Article VIII

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 IX

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 X

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

[2. The coming into force of this Convention shall not close the following revised Conventions to further ratification until three months after the date on which there have been registered ratifications of the present Convention by at least [60] [100] Members with a total share in the world's gross tonnage of ships of [50] [75] per cent:

Merchant Shipping (Minimum Standards) Convention, 1976

(other important Conventions, among those to be listed in paragraph 1 as revised)]

Depositary functions

Article XI

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)

[3. The Director-General shall draw the attention of the Members to the date upon which the Conventions referred to in paragraph 2 of Article X shall be closed to further ratification.]

Article XII

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 XIV or Article XV. (C.147A9)

Special Tripartite Committee

Article XIII

1. The International Labour Organization shall keep this Convention under continuous review through a committee established 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.

Amendment of this Convention

Article XIV

1. 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.

2. 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.

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

6. For any Member referred to in paragraph 3 above, the amendments shall come into force 12 months after the date of acceptance referred to in paragraph 5 above or 12 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 amended shall come into force 12 months after the date of acceptance referred to in paragraph 5 above or 12 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, 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 the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a Government must have been proposed or be supported by at least [10] Governments that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.

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 by the Committee 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 voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote.

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. 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 adopted by the Conference 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 that has expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. 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)

Explanatory note to the Regulations and Code of the maritime labour Convention

1. This explanatory note, which does not form part of the maritime labour Convention, is intended as a general guide to the Convention.

2. The Convention comprises three different but related parts, the Articles, the Regulations and the Code.

3. The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Articles and Regulations can only be changed by the General Conference in the framework of article 19 of the Constitution of the International Labour Organization (see Article XIV of the Convention).

4. The Code contains the details for the implementation of the Regulations. It comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines). The Code can be amended through the simplified procedure set out in Article XV of the Convention [, subject to one exception (see paragraph 3 of Title 5 of the Convention)]. Since the Code relates to detailed implementation, amendments to it must remain within the general scope of the Articles and Regulations.

5. The Regulations and the Code are organized into general areas under five Titles:

Title 1: Minimum requirements for seafarers to work on a ship

Title 2: Conditions of employment

Title 3: Accommodation, recreational facilities, food and catering

Title 4: Health protection, medical care, welfare and social protection

Title 5: Compliance and enforcement

6. Each Title contains groups of provisions relating to a particular principle or right (or enforcement measure in Title 5), with connected numbering. The first group in Title 1, for example, consists of Regulation 1.1, Standard A1.1 and Guideline B1.1 (relating to minimum age).

7. The Convention has three underlying purposes:

- (a) to lay down (in its Articles and Regulations) a firm set of principles and rights;
- (b) to allow (through the Code) a considerable degree of flexibility in the way Members implement those principles and rights; and
- (c) to ensure (through Title 5) that the principles and rights are properly complied with and enforced.

8. There are two main areas for flexibility in implementation: one is the possibility for a Member – where necessary (see Article VI, paragraph 3) – to give effect to the detailed requirements of Part A of the Code through substantial equivalence (as defined in Article VI, paragraph 4).

9. The second area of flexibility in implementation is provided by formulating the mandatory requirements of many provisions in Part A in a more general way, thus leaving a wider scope for discretion as to the precise action to be provided for at the national level. In such cases, guidance on implementation is given in the non-mandatory Part B of the Code. In this way, ratifying Members can ascertain the kind of action that might be expected of them under the corresponding general obligation in Part A (as well as action that would not necessarily be required). For example, Standard A4.1, relating to medical care on board ship and ashore, requires all ships to provide prompt access to the necessary medicines for diagnosis and treatment (paragraph 1(b)) and to “carry a medicine chest” (paragraph 8). The fulfilment in good faith of this latter obligation clearly means something more than simply having a medicine chest on board each ship. A more precise indication of what is involved (so as to ensure that the contents of the chest are properly stored, used and maintained) is provided in the corresponding Guideline B4.1 (paragraph 8).

10. Ratifying Members are not bound by the guidance concerned. They are required – under paragraph 2 of Article VI – to give due consideration to implementing their responsibilities under Part A of the Code in the manner provided for in Part B. If, having duly considered the relevant Guidelines, they decide to provide for different arrangements which ensure the proper storage, use and maintenance of the contents of the medicine chest (to take the example given above), they are free to do so. On the other hand, by following the guidance, Members (as well as the bodies responsible for reviewing implementation of international labour conventions) can be sure without further consideration that the arrangements the Members have provided for are adequate to implement the responsibilities concerned under Part A.

11. Some of the provisions in Part B of the Code are not related to the implementation of the responsibilities of Members under Part A, but provide additional guidance of the kind that was contained in international labour Recommendations at the time the Convention was adopted. They are to be found in Titles 1 to 4 covering substantive rights (not in Title 5) and are usually indicated as “Additional guidance”. In the case of these provisions the only obligation on Members is to give due consideration to the guidance concerned. Since the guidance does not relate to the fulfilment of mandatory responsibilities, a decision not to follow it would not have any incidence on the fulfilment of obligations under the Convention.

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.

Standard A1.1 – Minimum age

1. The employment of any person under the age of 16 from working on board a ship shall be prohibited.

2. The employment of seafarers under 18 years of age for work at night shall be prohibited. For the purposes of this Standard, “night” shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. (modified C180A6)

3. An exception to strict compliance with the night work restriction may be made by the competent authority when:

- (a) the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or
- (b) the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and the authority determines, after consultation with the organizations of the shipowners and of the seafarers concerned, that the work will not have a detrimental impact on their health or well-being.

4. The employment of seafarers under 18 years of age for work which is likely to jeopardize their health or safety shall be prohibited. (modified C138A3/1) The types of employment or work which is considered “hazardous” shall be determined by standards in national laws or regulations or by the competent authority, after consultation with the organizations of the shipowners and of the seafarers concerned, taking into consideration relevant international standards. (modified C182A4/1)

Guideline B1.1 – Minimum age

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 as medically fit to perform their duties. (modified C.73A3/1)
2. Exceptions can only be permitted as prescribed in the Code.

Standard A1.2 – Medical certificate

1. The competent authority shall require that, prior to their beginning work on a ship, seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.

2. This Standard shall be without prejudice to the International Convention on Seafarers' Training, Certification and Watchkeeping, 1978, as amended. A medical certificate issued in accordance with the requirements of that Convention may be accepted by the competent authority, for the purpose of Regulation 1.2. (modified C.73A3/1) A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by that Convention, shall similarly be accepted.

3. The competent authority may in urgent cases allow for exceptions to be made (modified C.73A6), subject to the requirement that the medical certificate be issued in the next port of call.

4. In order to ensure that the medical certificate genuinely reflects the seafarers' state of health, in light of the duties they are to perform, the competent authority shall, after consultation with the organizations of the shipowners and of the seafarers concerned, and giving due consideration to applicable international guidelines and the provisions in Part B of this Code, prescribe the nature of the medical examination. (modified C.73A4/1)

5. The Members shall, after consultation with the organizations of the shipowners and of the seafarers concerned, adopt national regulations ensuring that seafarers shall have the right to an administrative appeal with respect to a refusal of a certificate or any to limitations imposed, in particular with respect to time, field of work or trading area. (modified C185A/5)

6. [Unless a shorter period is required by reason of the specific duties to be performed by the seafarers concerned or is required under the International Convention on Seafarers' Training, Certification and Watchkeeping, 1978, as amended ("the STCW Convention"):

- (a) a medical certificate shall be valid for a maximum period of [two years] (C.73A5/1) unless the seafarer is under 18 years of age, in which case the maximum period of validity shall be one year; (C.16/A2)
- (b) a certification of colour vision shall be valid for a maximum period of [six] years. (modified C.73A5/2)]

7. 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. (C.73A5/3)

Guideline B1.2 – Medical certificates

B1.2.1 – Implementation of Standard A1.2

1. The medical certificate should be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. (modified C73A3/1)

2. The medical certificate should state that –

- (a) the hearing and sight of the persons concerned and, in the case of persons to be employed in capacities where their fitness for the work which they are to perform is

liable to be affected by defective colour vision, their colour vision, are all satisfactory; and (C.73A4/3/a)

- (b) 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. (C.73A4/3/b)

B1.2.2 – Additional guidance

1. The competent authorities, medical examiners, shipowners, seafarers' representatives and all other persons concerned with the conduct of medical fitness examinations of seafarer candidates and serving seafarers should be required to give due consideration to the Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers, including any revised versions and any other applicable international guidelines promulgated by the International Labour Organization and the International Maritime Organization and the World Health Organization.

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 operational and safety training requirements of this Regulation primarily apply to seafarers forming part of the ships' crew responsible for the safe operation of the ship.

3. Seafarers, other than those referred to in paragraph 2, shall not be permitted to work on a ship unless they have successfully completed a training programme for personal safety on board ship [and meet applicable national training requirements relevant to their position].]

Standard A1.3 – Training and qualifications

1. All seafarers shall be required to have undertaken familiarization training meeting the requirements in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended, adopted by the International Maritime Organization. Seafarers with designated safety or pollution-prevention duties in the operation of the ship shall have received appropriate basic training or instruction meeting the requirement of the Seafarer's Training, Certification and Watchkeeping Code.

2. [In order to meet its obligations under Regulation 1.3, a Member shall ensure that masters, deck officers, engineer officers and radio operators engaged on board ship shall meet the standards of competence in the relevant provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended.]

3. A seafarer who is to be engaged as an able seafarer or a ships' cook must be qualified and found competent for these positions in accordance with requirements set out in the laws and regulations of the Member concerned. When evaluating a seafarer's qualifications for these positions the competent authority shall give due consideration to the Guidelines dealing with qualifications in Part B of this Code.

4. [Members shall ensure that seafarers with responsibility for the ships' operations that work on board ships that fly their flag have the opportunity to benefit from initial [and ongoing] training that will enable them to perform their shipboard duties.]

5. [The competent authority shall, after consulting the organizations of shipowners and seafarers concerned, establish clear objectives for the vocational guidance, education and training of seafarers whose duties on board ship primarily relate to the safe operation and navigation of the ship, including [ongoing] training.]

Guideline B1.3 – Training and qualifications

B1.3.1 [Implementation of Standard A1.3: Certificates of qualification

1. The competent authority should make arrangements for the holding of examinations and for the granting of certificates of qualification. (C.74A2/1)

2. Seafarers should only be granted a certificate of qualification if they have:

- (a) reached a minimum age of 18;
- (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. (C.74A2/2)

3. The prescribed minimum period of service at sea should 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 ships who have served 18 months in such ships to be certificated as an able seafarer upon leaving in good standing. (C.74A2/4)]

4. The prescribed examination should 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. (C.74A2/5)]

B1.3.2 – Implementation of Standard A1.3: Certification of ships' cooks

1. [Seafarers should only be granted a certificate of qualification as a ships' cook if they have –

- (a) reached a minimum age of 18;
- (b) served at sea for a minimum period to be prescribed by the competent authority; and
- (c) passed an examination prescribed by the competent authority or passed an equivalent examination at an approved cooks' training course. (C.69A4/2)

2. The prescribed examination or examination given at an approved cooks' training course should provide a practical test of the candidates' ability to prepare meals; it should also include a test of their knowledge of food hygiene and of food values, the drawing up

of varied and properly balanced menus, and the handling and storage of food on board a ship. (C.69A4/3)

3. The prescribed examination might 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. (C.69A4/4)

4. The competent authority should provide for the recognition, where appropriate, of certificates of qualification as a ship's cook issued by other Members which have ratified this Convention or the Certification of Ships' Cooks Convention or other approved body. (C.69A6)]

B1.3.3 – Additional guidance

1. [Each Member should, after consulting the organizations of shipowners and seafarers concerned, establish clear objectives for the vocational guidance, education and training of seafarers who are the part of the crew with responsibility for the safe operation and navigation of ships including [ongoing] training.]

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. Seafarer recruitment and placement services operating in Member's territory shall conform to the standards set out in the Code.

Standard A1.4 – Recruitment and placement

1. Members that operate a public seafarer recruitment and placement service shall ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights as provided in this Convention.

2. If a Member has a private seafarer recruitment and placement service operating in its territory, it shall be operated only in conformity with a system of licensing [and certification] [or other form of regulation]. This system shall be established, modified or changed only after consultation with the organizations of shipowners and seafarers concerned. Undue proliferation of such private recruitment and placement services shall not be encouraged. (C.179A2/2 modified)

3. Nothing in this Standard or Regulation 1.4 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 is forms part of or is coordinated with a public employment service for all workers and employers;
- (b) impose on a Member the obligation to establish a system for the operation of private seafarer recruitment or placement services in its territory. (C.179A2/1, modified)

4. A Member adopting a system referred to under paragraph 2 shall, in its laws and regulations, at a minimum:

-
- (a) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment, for which they are qualified;
 - (b) require 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, other than the cost of the seafarer obtaining a national statutory medical certificate, a [personal travel document] [passport], and the national seafarer's book;
 - (c) require that recruitment and placement services maintain an up-to-date register of seafarers seeking employment and of all seafarers recruited or placed through them, to be available for inspection by the competent authority; (C.179A5/1 modified)
 - (d) require that recruitment and placement services ensure that a seafarer recruited or placed by them is qualified and holds the documents necessary for the job concerned, and that the seafarer's employment agreement is in accordance with applicable laws and regulations or collective bargaining agreements, if the collective agreement is part of an employment agreement;
 - (e) require that seafarer recruitment and placement services ensure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreement before and after they are signed and for them to receive a copy of the agreement; (modified C.179A5/2)
 - (f) require that recruitment and placement services ensure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
 - (g) require that seafarer recruitment services in their territory examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint; (C.179A6/2)
 - (h) require that where complaints concerning working or living conditions on board ships are brought to the attention of the seafarer recruitment and placement services, they forward such complaints to the appropriate authority; (C.179A6/3)
 - (i) require that the seafarer recruitment and placement agency 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 [or the relevant shipowner under the seafarers' employment agreement] to meet its obligations to them. (C.179A4/2)

5. The competent authority shall closely supervise and control all recruitment and placement services operating in the territory and ensure that licences [and certificates] [and similar authorizations] for the operation of private services in its territory are granted or renewed only after verification that the recruitment and placement service concerned meets the requirements of national laws and regulations.

6. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers. (C.179A6/1)

7. Any Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Convention, until it is satisfied that standards equivalent to

those fixed by this Convention are being applied. Measures taken by the ratifying State to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties. (slightly modified C147A3)

8. Nothing in this standard shall be understood as diminishing the obligations and responsibilities of a shipowner to its employees as provided in this Convention. (C.179A5/3)

Guideline B1.4 – Recruitment and placement

B1.4.1 – Additional guidance

1. In the fulfilment of the obligations of Members under paragraph 1 of Standard A1.4.1, the competent authority should consider:

- (a) taking the necessary measures to promote effective cooperation among recruitment and placement services, whether public or private;
- (b) considering the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers that form the part of the ship's crew that is responsible for the ship's safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and the relevant training institutions;
- (c) making suitable arrangements for the cooperation of representative organizations of shipowners and seafarers in the organization and operation of the public recruitment and placement services where they exist;
- (d) determining, 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;
- (e) maintaining an arrangement for the collection and analysis of all relevant information on the maritime labour market, including the current and prospective supply of seafarers that work as crew classified by age, sex, rank and qualifications and the industry's requirements, the collection of data on age and sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age and sex;
- (f) ensuring that the staff responsible for the supervision of public and private recruitment and placement services for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations are adequately trained including approved sea-service experience and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labour standards;
- (g) prescribing operational standards and adopt codes of conduct and ethical practices for these services; and
- (h) exercising supervision of the licensing [and certification] system on the basis of a system of quality standards. (R.186P1)

2. In establishing the system referred to in Standard A1.4 paragraph 2, Members should consider requiring seafarer recruitment and placement services, established in their

territory, to develop and maintain verifiable operational practices with respect to the matters set out in paragraph 3 below.

3. These operational practices for private seafarer recruitment and placement services and, to the extent that they are applicable, for public seafarer recruitment and placement services should address the following matters:

- (a) matters pertaining to medical examinations, seafarers' identity documents and such other items as may be required for the seafarer to gain employment; (R.186P2)
- (b) maintaining, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which should include but not be limited to:
 - (i) the seafarers' qualifications;
 - (ii) record of employment;
 - (iii) personal data relevant to employment;
 - (iv) medical data relevant to employment;
- (c) maintaining up-to-date lists of the ships for which the recruitment and placement services provide seafarers and ensuring that there is a means by which the services can be contacted in an emergency at all hours;
- (d) procedures to ensure that seafarers are not subject to exploitation by the recruitment and placement services or their personnel with regard to the offer of engagement on particular ships or by particular companies;
- (e) procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the employer and the seafarers which are handled by the recruitment and placement services;
- (f) clearly publicizing costs, if any, which the seafarer will be expected to bear in the recruitment process;
- (g) ensuring that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of particular employers' policies relating to their employment;
- (h) procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;
- (i) procedures to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up-to-date and have not been fraudulently obtained and that employment references are verified;
- (j) procedures to ensure that requests for information or advice by families of seafarers while they are at sea are dealt with promptly and sympathetically and at no cost; and
- (k) verifying that labour conditions on ships where they place seafarers are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative seafarer organization and, as a matter of policy, supplying seafarers only to employers who offer terms and conditions of employment to seafarers which

comply with applicable laws or regulations or collective agreements. (R.186P3, modified)

4. Consideration should be given to encouraging international cooperation between Members and relevant organizations, such as:

- (a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;
- (b) the exchange of information on maritime labour legislation;
- (c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;
- (d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and
- (e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry. (R.186P4)

Regulation 1.5 – Seafarers’ identity document

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

All seafarers are entitled to a seafarers’ identity document that will provide access to foreign territories to enable them to perform their duties under decent working conditions.]

Standard A1.5 – Seafarers’ identity document

Guideline B1.5 – Seafarers’ identity document

Title 2. Conditions of employment

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 or referred to in a clear written legally enforceable agreement. They shall be consistent with the standards set out in the Code.

2. Seafarers’ employment agreements must be agreed to by the seafarer under conditions which ensure that the seafarer has an opportunity to review and seek advice on the terms and conditions in the agreement and freely accepts them before [signing] [signifying acceptance].

3. [Seafarers’ employment agreements [may] [shall] incorporate any applicable collective bargaining agreements.]

4. [To the extent compatible with the Member’s national law and practice, references in this Convention to the seafarers’ employment agreement shall be understood as including applicable collective bargaining agreements.]

Standard A2.1 – Seafarers’ employment agreements

1. Members shall adopt laws and regulations requiring that:

- (a) seafarers on ships that fly their flags have a signed seafarers’ employment agreement (or, where they are not employees, evidence of contractual or similar arrangements) providing them with decent working and living conditions on board the ship as required by this Convention;
- (b) seafarers signing a seafarers’ employment agreement in their territory are give an opportunity to examine and seek advice on the agreement before signing as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities; (C22A3/1 & 6)
- (c) the shipowner and seafarer concerned each have a copy of the seafarers’ employment agreement;
- (d) measures be taken to ensure that clear information can be easily obtained on board by seafarers, including the ship’s master, as to the conditions of their employment, and is also accessible for review by officers of a competent authority, including those in ports to be visited. Where a collective bargaining agreement forms all or part of a seafarers’ employment agreement a copy of that agreement shall be available on board. Where the language of the seafarers’ employment agreements and any applicable collective bargaining agreement is not English, an English language copy of a standard form of the agreement shall also be available (except for ships engaged only in domestic voyages). (modified C.22)

2. Members shall adopt laws and regulations specifying the matters that are to be included in all seafarers’ employment agreements (modified C.22A6/3) governed by its national law. Seafarers’ employment agreements shall in all cases contain the following particulars:

- (a) the seafarer’s family name and other names, date of birth or age and birthplace;
- (b) the [shipowner’s] name and address;
- (c) the place at which and date on which the seafarers’ employment agreement was entered into;
- (d) the capacity in which the seafarer is to be employed;
- (e) the amount of the seafarer’s wages;
- (f) the amount of paid annual leave;
- (g) the termination of the agreement and the conditions thereof;
- (h) the health and social protection provided to the seafarer;
- (i) the seafarer’s entitlement to repatriation;
- (j) any other particulars which national law may require. (modified C.22A6/3)

3. [The laws and regulations shall also cover cases where a seafarers' employment agreement –

- (a) is inconsistent with the standards of this Convention; or
- (b) does not include a matter required by those standards.

Any inconsistent provision shall be considered null and void and the agreement shall be deemed to include the standards, relating to the matters referred to under (b) above, as implemented in the Member's laws and regulations, applicable collective agreements or other measures.]

4. The minimum period of notice required for termination of a seafarers' employment agreement by any seafarer is [24 hours] and [30 days] by a shipowner. Notice must be in writing. The minimum period of notice is not required in circumstances which are recognized in this Convention or national law or regulations or applicable collective bargaining agreements as justifying termination of the employment relationship at shorter notice or without notice. (modified C.22A9/1)

5. Members shall ensure that all seafarers employed on ships that fly their flag are given a document containing a record of their employment on board the ship. The document shall not contain any statement as to the quality of the seafarers' work or as to their wages. (modified C.22A5/2) 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. (C.22A5/1)

Guideline B2.1 – Seafarers' employment agreements

B2.1.1 – Implementation of Standard A2.1

1. The provisions referred to in paragraph 2(g) of Standard A2.1, relating to the termination of the seafarers' employment agreement, should contain:

- (a) if the agreement has been made for an indefinite period, the conditions which should entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period should not be less for the shipowner than for the seafarer;
- (b) if the agreement has been made for a definite period, the date fixed for its expiry;
- (c) 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 should be discharged.

2. In determining the particulars to be recorded in the record of employment referred to in Standard A2.1, paragraph 5, Members should ensure that this document contains sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion. A seafarers' discharge book may satisfy the requirements of this provision.

Regulation 2.2 – Wages

Purpose: To ensure that seafarers are paid for their services

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

Standard A2.2 – Wages

1. Members shall require that payments due to seafarers working on ships that fly their flag are made [in a timely manner].

2. Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

3. Members shall require that shipowners take measures, such as those set out below in paragraph 4, to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.

4. Measures to ensure that seafarers are able to transmit their earnings to their families include –

- (a) a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means;
- (b) a requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers.

5. Any charge for the service under paragraphs 3 and 4 above must be reasonable in amount and the rate of exchange, unless otherwise provided, shall be at the prevailing market rate and not unfavourable to the seafarer.

Guideline B2.2 – Wages

B2.2.1 – Specific definitions

1. For the purpose of this Guideline:

- (a) the term basic pay or wages means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional emoluments;
- (b) the term consolidated wage means a wage or salary which includes the basic pay and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
- (c) the term hours of work means time during which seafarers are required to work to carry out their employment duties;
- (d) the term overtime means time worked in excess of the normal hours of work; (R.187P2)
- (e) the term able seafarer means any seafarer of either sex who is deemed competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a supervisory or specialist rating, or who is defined as such by national laws, regulations or practice or by collective agreement.

B2.2.2 – Additional guidance: Wages

1. For seafarers whose remuneration includes separate compensation for overtime worked:

-
- (a) for the purpose of calculating wages, the normal hours of work at sea and in port should not exceed eight hours per day;
 - (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wages should be prescribed by national laws or regulations, if not determined by collective agreements, but should not exceed 48 hours per week; collective agreements may provide for a different but not less favourable treatment;
 - (c) [the rate or rates of compensation for overtime [which should be not less than one and one-quarter times] the basic pay or wages per hour, should be prescribed by national laws or regulations or by collective agreements;]
 - (d) records of all overtime worked should be maintained by the master, or a person assigned by the master, and endorsed by the seafarer at regular intervals; and (R.187P3)
 - (e) overtime should not exceed [a maximum of 104 hours; in cases where proper records of overtime have not been maintained the maximum should be applied.]

2. National laws or regulations or collective agreements may provide for compensation for overtime or for work performed on the weekly day of rest and on public holidays by at least equivalent [to the overtime rate] in time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided. (R.187P5)

3. For seafarers whose wages are fully or partially consolidated:

- (a) the seafarers' employment agreement should specify clearly where appropriate the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances;
- (b) where hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate should be not less than [one and one-quarter times] the basic rate corresponding to the normal hours of work as defined in paragraph 1 above; the same principle should be applied to the overtime hours included in the consolidated wage;
- (c) remuneration for that portion of the fully or partially consolidated wage representing the normal hours of work as defined in paragraph 1 should be no less than the applicable minimum wage; and
- (d) for seafarers whose wages are partially consolidated, records of all overtime worked should be maintained and endorsed as provided for in paragraph 1(d). (R.187P4)

4. National laws and regulations adopted after consulting the representative organizations of shipowners and seafarers or, as appropriate, collective agreements should take into account the following principles:

- (a) equal remuneration for work of equal value should apply to all seafarers employed upon the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin;
- (b) the seafarers' employment agreement specifying the applicable wages or wage rates should be carried on board the ship; information on the amount of wages or wage rates should be made available to each seafarer, either by providing at least one signed copy of the relevant information to the seafarer in a language which the

seafarer understands, or by posting a copy of the agreement in a place accessible to the crew or by some other appropriate means;

- (c) wages should be paid in legal tender; where appropriate, they may be paid by bank transfer, bank cheque, postal cheque or money order;
- (d) wages should be paid monthly or at some other regular interval, and on termination of engagement all remuneration due should be paid without undue delay;
- (e) adequate penalties or other appropriate remedies should be imposed by the competent authorities where shipowners unduly delay, or fail to make, payment of all remuneration due;
- (f) wages should be paid directly to seafarers' designated bank accounts unless they request otherwise in writing;
- (g) subject to subparagraph (h), the shipowner should impose no limit on seafarers' freedom to dispose of their remuneration;
- (h) deduction from remuneration should be permitted only if:
 - (i) there is an express provision in national laws or regulations or in an applicable collective agreement and the seafarer has been informed, in the manner deemed most appropriate by the competent authority, of the conditions for such deductions; and
 - (ii) the deduction does not in total exceed the limit that may have been established by national laws or regulations or collective agreements or court decisions for making such deductions;
- (i) no deductions should be made from a seafarer's remuneration in respect of obtaining or retaining employment;
- (j) [monetary fines or penalties against seafarers other than those authorized by national laws or regulations, collective agreements or other measures should be prohibited;]
- (k) the competent authority should have the power to inspect stores and services provided on board ship to ensure that fair and reasonable prices are applied for the benefit of the seafarers concerned; and
- (l) to the extent that seafarers' claims for wages and other sums due in respect of their employment are not secured in accordance with the provisions of the International Convention on Maritime Liens and Mortgages, 1993, such claims should be protected in accordance with the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992, of the International Labour Organization. (R.187P6)

5. The Member should, after consulting with shipowners' and seafarers' organizations have procedures to investigate complaints relating to any matter contained in this section. (modified R.187P7)

B2.2.3 – Additional guidance: Minimum wages

1. Without prejudice to the principle of free collective bargaining, the Member should, after consulting representative organizations of shipowners and seafarers, establish procedures for determining minimum wages for seafarers. Representative organizations of shipowners and seafarers should participate in the operation of such procedures. (R.187P8(1))

2. When establishing such procedures and in fixing minimum wages, due regard should be given to international labour standards concerning minimum wage fixing, as well as the following principles:

- (a) the level of minimum wages should take into account the nature of maritime employment, crewing levels of ships, and seafarers' normal hours of work; and
- (b) the level of minimum wages should be adjusted to take into account changes in the cost of living and in the needs of seafarers. (R.187P8(2))

3. The competent authority should ensure:

- (a) by means of a system of supervision and sanctions, that wages are paid at not less than the rate or rates fixed; and
- (b) that any seafarers who have been paid at a rate lower than the minimum wage is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which they have been underpaid. (R.187P8(3))

B2.2.4 – Additional guidance:

Minimum monthly basic pay or wage figure for able seafarers

1. The basic pay or wages for a calendar month of service for an able seafarer should be no less than the amount periodically set by the Joint Maritime Commission or another body authorized by the Governing Body of the International Labour Office. Upon a decision of the Governing Body, the Director-General of the ILO shall notify any revised amount to the Members of the International Labour Organization. (R.187P10)

2. Nothing in this section should be deemed to prejudice arrangements agreed between shipowners or their organizations and seafarers' organizations with regard to the regulation of standard minimum terms and conditions of employment, provided such terms and conditions are recognized by the competent authority. (R.187P11)

Regulation 2.3 – Hours of work or rest

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

1. Members shall ensure that the hours of work or hours of rest for 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.

Standard A2.3 – Hours of work or rest

1. In this Standard –

- (a) the term “hours of work” means time during which seafarers are required to do work on account of the ship; (C.180A2/b)
- (b) the term “hours of rest” means time outside hours of work; this term does not include short breaks. (C.180A2/c)

2. Each Member shall within the limits set out in paragraph 5 below fix 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. (C.180A3)

3. A Member which ratifies this Convention 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)

4. In determining the national standards Members shall take account of the danger posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship.

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

- (a) maximum hours of work shall not exceed 14 hours in any 24-hour period; and 72 hours in any seven-day period; or
- (b) minimum hours of rest shall not be less than ten hours in any 24-hour period and 77 hours in any seven-day period; (C.180A5/1)
- (c) 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; (C.180A5/2)
- (d) 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; (C.180A5/3)
- (e) 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. (C.180A5/4)

6. If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraph 5(d) or (e) above are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest. (C.180A5/5)

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 ship and in English. (C.180A5)

9. Members 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 these standards. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer. (C.180A8/1)

10. Nothing in this Standard 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 provisions of this Standard 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 ships on short voyages. (C.180A5/6)

11. Nothing in this Standard shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, 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. 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. (C.180A7)

Guideline B2.3 – Hours of work or rest

B2.3.1 – Additional guidance: Young seafarers

1. At sea and in port the provisions set out in the following clauses should apply to all young persons under 18 years of age:

- (a) the working hours of young seafarers should not exceed eight hours per day and 40 hours per week and overtime should be worked only where unavoidable for safety reasons;
- (b) while sufficient time should be allowed for all meals, young seafarers should be assured of a break of at least one hour for the main meal of the day;
- (c) young seafarers should be allowed a 15-minute rest period as soon as possible following each two hours of continuous work.

2. Exceptionally, the provisions of paragraph 1 above need not be applied:

- (a) if they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system; or
- (b) if the effective training of young seafarers in accordance with established programmes and schedules would be impaired.

3. Such exceptional situations should be recorded, with reasons, and signed by the master. (R.153P4)

4. Paragraph 1 above does not exempt young seafarers from the general obligation on all seafarers to work during any emergency as provided for in paragraph 11 of Standard A2.3. (see R.153P5)

Regulation 2.4 – Entitlement to leave

1. Members shall require that seafarers employed on ships that fly their flags are given paid annual leave under appropriate conditions, in accordance with the provisions in the Code.

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

Standard A2.4 – Entitlement to leave

1. Members shall adopt laws and regulations determining the minimum standards for annual leave for seafarers serving on ships that fly their flag, taking proper account of the special needs of seafarers with respect to such leave. (modified C.146A3)

2. Subject to any collective agreement or law or regulation providing for an appropriate method of calculation that takes account of the special needs of seafarers in this respect, the annual leave with pay entitlement shall be calculated on the basis of a minimum period of 30 calendar days for one year of service. The manner in which the length of service is calculated shall be determined by the competent authority or by the appropriate machinery in each country. Justified absences from work shall be not be considered as annual leave. (modified C.146A5&6)

3. Any agreement to relinquish or forgo the entitlement to the minimum annual leave with pay prescribed in this Standard, except as provided by the competent authority, shall be prohibited. (modified C.146)

Guideline B2.4 – Entitlement to leave

B2.4.1 – Implementation of Standard A2.4: Calculation of entitlement

1. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, service off-articles should be counted as part of the period of service. (C.146A5/2)

2. Under conditions to be determined by the competent authority or in an applicable collective agreement, 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 should be counted as part of the period of service. (C.146A5/3)

3. The level of pay during annual leave should be at the seafarer's normal level of remuneration [paid in advance of the leave, unless otherwise] provided by national law or regulation or in the applicable seafarers' employment agreement. (modified C.146) For seafarers employed for periods shorter than one year or in the event of termination of the employment relationship, entitlement to leave should be pro-rated. (modified C.146)

4. The following should not be counted as part of annual leave with pay prescribed:

- (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 under an employment agreement;
- (d) compensatory leave of any kind, under conditions to be determined by the competent authority or through the appropriate machinery in each country. (C.146A6)

B2.4.2 – Implementation of Standard A2.4: Taking of annual leave

1. The time at which annual leave is to be taken should, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the shipowner or other employer after consultation and, as far

as possible, in agreement with the seafarers concerned or their representatives. (modified C.146A10/1)

2. Seafarers should in principle have the right to take annual leave in the place with which they have a substantial connection, which would normally be the same as the place to which they are entitled to be repatriated. Seafarers should not be required without their consent to take annual leave due to them in another place except under the provisions of a seafarers' employment agreement or of national laws or regulations. (C.146A10/2)

3. If seafarers are required to take their annual leave from a place other than that permitted by paragraph 1 above, they should 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 should be for the account of the shipowner; the travel time involved should not be deducted from the annual leave with pay due to the seafarer. (C.146A10/3)

4. A seafarer taking annual leave should be recalled only in cases of extreme emergency. (modified C.146A12)

B2.4.3 – Implementation of Standard A2.4: Division and accumulation

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. (C.146A8/1)

2. Subject to paragraph 1 and unless otherwise provided in an agreement applicable to the shipowner and the seafarer concerned, the annual leave with pay recommended in this Guideline should consist of an uninterrupted period. (C.146A8/2)

B2.4.4 – Additional guidance: Young seafarers

1. Young seafarers under 18 years of age who have served six months or any other shorter period of time under a collective agreement or seafarers' employment agreement without leave on a foreign-going ship which has not returned to their country of residence in that time, and will not return in the subsequent three months of the voyage, should be entitled to be repatriated at no expense to themselves to the place of original engagement in their country of residence for the purpose of taking any leave earned during the voyage. (R.153P6(2))

Regulation 2.5 – Repatriation

Purpose: To ensure that seafarers are able to return home

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

2. [Members shall require ships that fly their flag to provide financial security to ensure that seafarers are duly repatriated in accordance with the Code.] (new)

Standard A2.5 – Repatriation

1. Members shall ensure that seafarers on ships that fly their flag are entitled to repatriation in the following circumstances:

(a) if the seafarers' employment agreement expires while they are abroad;

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- (b) when their seafarers' employment agreement is terminated –
 - (i) by the shipowner; or
 - (ii) by the seafarer for justified reasons; and also
 - (c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances. (modified C.166A2/1)

2. Members shall ensure that there are appropriate provisions in their laws and regulations or other measures or in collective bargaining agreements, prescribing:

- (a) the circumstances in which seafarers are entitled to repatriation in accordance with paragraph 1(b) and (c) above;
- (b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation; such periods shall be less than 12 months; (C.166A2/2)
- (c) the precise entitlements to be accorded by shipowners for repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made by shipowners. (new)

3. Members shall prohibit shipowners from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations. (modified C.166A4/5)

4. National laws and regulations shall not prejudice any right of the shipowner to recover the cost of repatriation from other employers also responsible for repatriation of the seafarers concerned. (C.166A4/6)

5. 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 whose flag the ship flies shall arrange for 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 whose flag the ship flies;
- (b) costs incurred in repatriating seafarers shall be recoverable from the shipowner by the Member whose flag the ship flies;
- (c) the expenses of repatriation shall in no case be a charge upon the seafarers, except as provided in paragraph 3 above. (modified C.166A5)

6. Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board. (C.166A10)

7. [In particular, Members shall not refuse the right of repatriation to any seafarer on account of financial obligations of the owners or their inability or unwillingness to replace a seafarer.] (new)

8. [Members shall require that ships that fly their flags carry and make available to seafarers a copy of the applicable national provisions regarding repatriation written in an appropriate language.] (modified C.166A12)

Guideline B2.5 – Repatriation

B2.5.1 – Implementation of Standard A2.5: Entitlement

1. Seafarers should be entitled to repatriation:

- (a) in the case covered by paragraph 1(a) of Standard A2.5: upon the expiry of the period of notice given in accordance with the provisions of the seafarers' employment agreement;
- (b) in the cases covered by paragraph 1(b) and (c) of Standard A2.5:
 - (i) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel;
 - (ii) in the event of shipwreck;
 - (iii) in the event of the shipowner not being able to continue to fulfil their legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ships' registration or any other similar reason;
 - (iv) [in the event of a ship being bound for a war zone, as defined by national laws or regulations or seafarers' employment agreements, to which the seafarers do not consent to go];
 - (v) 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. (C.166A2/1)

2. In determining the maximum duration of service periods on board following which a seafarer is entitled to repatriation, in accordance with this Code, account should be taken of factors affecting the seafarers' working environment. Members should seek, wherever possible, to reduce these periods in the light of technological changes and developments and might be guided by any recommendations made on the matter by the Joint Maritime Commission. (C.166A2/2)

3. The costs to be borne by the shipowner for repatriation under Standard A2.5 should include at least the following:

- (a) passage to the destination selected for repatriation in accordance with paragraph 6 below;
- (b) accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;
- (c) pay and allowances from the moment they leave the ship 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; and

(e) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination. (C.166A4/4)

4. Time spent awaiting repatriation and repatriation travel time should not be deducted from paid leave accrued to the seafarers. (C.166A7)

5. Shipowners should be required to continue to cover the costs of repatriation until the seafarers concerned are landed at a destination prescribed pursuant to this Code or are provided with suitable employment on board a ship proceeding to one of those destinations. (C.166A8, C.55A6/4)

6. Members should require that shipowners take responsibility for repatriation arrangements by appropriate and expeditious means. The normal mode of transport should be by air. (modified C.166A4/1) Members should provide advice as to the destinations to which seafarers may be repatriated. (C.166A3/1) The destinations should include the countries with which seafarers may be deemed to have a substantial connection including: (modified C.166A3/2)

- (a) the place at which the seafarers agreed to enter into the engagement;
- (b) the place stipulated by collective agreement;
- (c) the seafarers' country of residence; or
- (d) such other place as may be mutually agreed at the time of engagement.

7. Seafarers should have the right to choose from among the prescribed destinations the place to which they are to be repatriated. (C.166A3/2)

8. Seafarers who are to be repatriated should be able to obtain their passport and other identity documents for the purpose of repatriation. (C.166A6)

9. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements. (C.166A8)

B2.5.2 – Additional guidance

1. Whenever seafarers are entitled to be repatriated pursuant to this Code, but both the shipowner and the flag State Member fail to meet their obligations under this Convention to arrange for and meet the cost of repatriation, the State from which the seafarers are to be repatriated or the State of which they are a national should arrange for their repatriation, and recover the cost from the shipowner or the Member whose flag the ship flies. (R.174)

2. A Member which has paid the cost of repatriation pursuant to this Code may detain, or request the detention of, the ships of the shipowner concerned until reimbursement has been made in accordance with paragraph 5(b) of Standard A2.5.

3. Every possible practical assistance should be given to seafarers stranded in foreign ports pending their repatriation and in the event of delay in the repatriation of seafarers, the competent authority in the foreign port should ensure that the consular or local representative of the flag State is informed immediately. (R.173P21)

4. In particular, each Member should have regard to whether proper provision is made –

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- (a) for the return of seafarers employed on a ship that flies the flag of a foreign country who are put ashore in a foreign port for reasons for which they are not responsible to –
- (i) the port at which they were engaged; or
 - (ii) a port in their own country or the country to which they belong; or
 - (iii) another port agreed upon between the seafarer concerned and the master or shipowner, with the approval of the competent authority or under other appropriate safeguards;
- (b) for medical care and maintenance of seafarers employed on a ship that flies the flag who are put ashore in a foreign port in consequence of sickness or injury incurred in the service of the ship and not due to their own wilful misconduct. (R.107P2)

5. If, after young seafarers under 18 years of age have served on a ship for at least four months during their first foreign-going voyage, it becomes apparent that they are unsuited to life at sea, they should be given the opportunity of being repatriated at no expense to themselves from the first suitable port of call in which there are consular services of the country either of the flag of the ship or of the nationality of the young seafarer. Notification of any such repatriation, with the reasons therefor, should be given to the authority which issued the papers enabling the young seafarers concerned to take up seagoing employment. (R.153P6(1))

Regulation 2.6 – Seafarer compensation for the ship’s loss or foundering

Purpose: To ensure that seafarers are compensated when a ship is lost or has foundered

Seafarers are entitled to adequate compensation, as provided for in the Code, in the case of injury, loss or damage arising from the ship’s loss or foundering.

Standard A2.6 – Seafarer compensation for the ship’s loss or foundering

1. Members shall require that, in every case of loss or foundering of any ship, the shipowner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering. (C.8A2/1)

Guideline B2.6 – Seafarer compensation for the ship’s loss or foundering

B2.6.1 – Implementation of Standard A2.6

1. The indemnity against unemployment resulting from a ship’s foundering or loss should be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement, but the total indemnity payable to any one seafarer may be limited to two months’ wages. (C.8A2/2)

2. Members should ensure that seafarers have the same legal remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service. (C.8A3)

Regulation 2.7 – Safe manning 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 that fly their flag have a sufficient number of seafarers employed on board in positions [related to the safe operation and navigation of the ship] to ensure that ships are operated safely under all navigating conditions [taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage].

Standard A2.7 – Safe manning levels

1. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure safety, under all navigating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of this Convention. (modified C.180A11/1) In particular, the crew assigned to navigation and watchkeeping duties shall be sufficient to allow the watch to be strengthened when navigating conditions so require.

2. When determining, approving or revising manning levels, the competent authority shall take into account applicable international instruments (especially those of the International Maritime Organization) as well as the need to avoid or minimize[, as far as practicable,] excessive hours of work to ensure sufficient rest and to limit fatigue, (C.180A11/2) in accordance with this Convention.

Guideline B2.7 – Safe manning levels

B2.7.1 – Additional guidance

1. Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of any complaint or dispute concerning the manning levels on a ship. (modified R.109P11)

2. Representatives of organizations of shipowners and seafarers should participate, with or without other persons or authorities, in the operation of such machinery. (R.109P12)

Regulation 2.8 [– Continuity of employment

Purpose: To promote the regular employment of seafarers

All seafarers [domiciled in the territory of a Member] shall benefit from a national policy [national policies] promoting continuous or regular employment.]

Standard A2.8 [– Continuity of employment

1. Members shall have national policies that encourage the continuous or regular employment for qualified seafarers in so far as this is practicable, in order to provide the maritime industry with a stable and competent workforce. (C.145A2/1)

2. Members shall make every effort for seafarers domiciled on its territory 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.] (C.145A2/2)]

Guideline B2.8 [– Continuity of employment

B2.8.1 – Implementation of Standard A2.8: Continuity measures

1. Measures to achieve the objectives set out in Standard A2.8 might include:

- (a) 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.] (C.145A3)

B2.8.2 – Implementation of Standard A2.8: Register of seafarers

1. Where the continuity of employment of seafarers is assured solely by the establishment and maintenance of registers or lists, these should include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement. (C.145A4/1)

2. Seafarers on such a register or list should have priority of engagement for seafaring. (C.145A4/2)

3. Seafarers on such a register or list should be required to be available for work in a manner to be determined by national law or practice or by collective agreement. (C.145A4/3)

4. To the extent that national laws or regulations permit, the strength of registers or lists of seafarers should be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry. (C.145A5/1)

5. When a reduction in the strength of such a register or list becomes necessary, all appropriate measures should be taken to prevent or minimize detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned. (C.145A5/2)]

Title 3. Accommodation, recreational facilities, food and catering

Regulation 3.1 – Accommodation and recreational facilities

Purpose: To ensure that seafarers have decent accommodation and recreational facilities on board

1. Members shall ensure that ships that fly their flag provide seafarers living on board with decent living accommodation and recreational facilities to protect the seafarers' health and well-being.

2. Unless expressly provided otherwise, any amendment to the Code implementing this Regulation which relates to the structure of crew accommodation shall apply only to ships the keels of which are laid or which are at a similar stage of construction, on or after the date on which the amendment enters into force. (new)

Standard A3.1 – Accommodation and recreational facilities

1. Each Member shall adopt laws and regulations requiring that ships that fly its flag meet minimum standards for safe and decent living accommodations and recreational

facilities for seafarers who are required to live on board and that ships are inspected to ensure initial and ongoing compliance with those standards.

2. In developing and applying the laws and regulations to implement these Standards, the competent authority shall give due consideration to the guidance contained in Part B of this Code in consultation with the relevant shipowner and seafarer organizations. (modified C.92A3)

3. The inspections required under Title 5 of this Convention shall be carried out when –

- (a) a ship is registered or re-registered; or
- (b) the seafarer accommodation on a ship has been substantially altered.

4. The competent authority shall pay particular attention to ensuring implementation of the standards of this Convention relating to:

- (a) the size of rooms and other accommodation spaces;
- (b) heating and ventilation;
- (c) noise and vibration;
- (d) sanitary facilities; and
- (e) lighting.

5. *[The competent authority of each Member shall require that ships that fly its flag meet the following minimum standards for on-board accommodation and recreational facilities:*

- (a) there is adequate headroom in all seafarer accommodation to ensure full and free movement; (modified C.133) and there are no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas;*
- (b) bulkheads separating such places from sleeping rooms and external bulkheads are efficiently constructed of steel or other approved substance and are watertight and gas-tight; (C.92A6/2) and the fire prevention measures are compliant with the requirements of the International Convention on the Safety of Life at Sea, 1974, as amended, and of any codes of practice adopted pursuant to that Convention; (modified, replaces C.92A6/8)*
- (c) the accommodation is adequately insulated; (C.92A6/3, 5, 6) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings are suitable for the purpose and are conducive to ensuring a healthy environment; (C.92A6/4, 7, 8, 9, 11, 12), properly lighted and sufficient drainage is provided; (C.92A6/13)*
- (d) sleeping rooms and dining areas are adequately ventilated; (modified C.92A7/1) adequate heat through an appropriate heating system is provided, except in ships exclusively on voyages in tropical climates; (C.92A8/1), and all ships are equipped with fresh air conditioning for seafarer accommodation, the radio room and any centralized machinery control room; (R.140P1)*
- (e) ships regularly trading to mosquito-infested ports are fitted with suitable protective screens to side scuttles, ventilators and doors to the open deck; (C.92A15/3)*

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- (f) *sleeping rooms are of adequate size (C.133A11/1) and properly equipped so as to ensure reasonable comfort and to facilitate tidiness; (C.92A10/21)*
 - (g) *individual sleeping rooms (C.133A8) are provided to seafarers of 18 years and older (C.133A5), and to the extent that is practicable and reasonable, to any younger seafarers. A separate berth for each seafarer shall in all circumstances be provided. (modified C.92A10/12) Separate sleeping rooms shall likewise be provided for men and for women, where necessary;*
 - (h) *sleeping rooms are situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead; (C.92A10/1&2)*
 - (i) *all seafarers have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided at least for men and for women, where necessary; (C.92A13/1; C.133A8/1)*
 - (j) *mess rooms, located apart from the sleeping rooms and as close as practicable to the galley, (C.92A11/8) are of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time; (C.133A6/1&2, A11/9&10)*
 - (k) *all ships shall have a space or spaces on open deck to which the personnel can have access when off duty, which is of adequate area having regard to the size of the ship and of the number of seafarers on board; (modified C.92A12/1)*
 - (l) *appropriately situated and furnished recreation and laundry facilities are available; (modified C.133A7/1, C.133A8/6)*
 - (m) *all ships have separate sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre; (C.133A9/1) small ships may be individually exempted by the competent authority after consultation with the organizations of shipowners and seafarers concerned;*
 - (n) *with the exception of small ships to be determined by the competent authority after consultation with the organizations of shipowners and seafarer concerned, all ships shall be provided with separate offices for use by the deck and by the engine departments; (C.92A15/2)*
 - (o) *appropriate provision is made to prevent the occurrence of potentially hazardous noise levels on board ships and to provide an acceptable environment for seafarers. [Ships of 1,600 tons gross tonnage or over whose keels were laid after the entry into force of this Convention for the Member concerned shall meet the requirements of the 'Code on noise levels on board ships' (IMO Resolution. A.468, XII)].*

6. *Each Member shall ensure that the recreation facilities and services on ships that fly its flag are provided for the benefit of all seafarers on board. (C.163A4), due consideration being given to providing accommodation and services of the kind indicated in the relevant provisions of Part B of this Code. Recreational 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. (C.163A5)*

7. *In accordance with the ongoing compliance procedures under Title 5 of this Convention, the competent authority shall require frequent inspections to be carried out on board ships, by or under the authority of the master, to ensure that seafarer accommodation is maintained in a good state of repair, clean and decently habitable. (modified C.92A6/10, C.92A17/1). The results of each such inspection shall be recorded. (modified C.92A17/2)*

8. *In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the competent authority may, after consultation with the organizations of shipowners and seafarers concerned, and provided that these two sides are in agreement, permit variations in respect of these Standards on the 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 Standard. (modified C.133A12)*

Guideline B3.1 – Accommodation and recreational facilities

B3.1.1 – Implementation of Standard A3.1: Construction and design

1. *The minimum headroom in all seafarer accommodation where full and free movement is necessary should be not less than 208 centimetres (6 feet 10 inches): 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 would not result in discomfort to the seafarers. (modified C.133A10) There should 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. (C.92A6/2)*

2. *External bulkheads of sleeping rooms and mess rooms should be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care should also be taken to provide protection from heat effects of steam and/or hot-water service pipes. (C.92A6/3)*

3. *Sleeping rooms, mess rooms, recreation rooms and alley-ways in the accommodation space should be adequately insulated to prevent condensation or overheating. (C.92A6/5)*

4. *Steam and exhaust pipes should not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to seafarer accommodation; where they do pass through such alley-ways they should be adequately insulated and encased. (C.92A6/6)*

5. *Internal bulkheads should be of approved material which is not likely to harbour vermin. (C.92A6/4)*

6. *Inside panelling or sheeting should be of material with a surface easily kept clean. No form of construction likely to harbour vermin should be used. (C.92A6/7)*

7. *The wall surface and deckheads in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, non-toxic finish. (C.92A6/9)*

8. *The wall surfaces should be renewed or restored as necessary. (C.92A6/10)*

9. *The decks in all seafarer accommodation should be of approved material and construction and should provide a surface impervious to damp and easily kept clean. (C.92A6/11)*

10. *Where the floorings are of composition the joinings with sides should be rounded to avoid crevices. (C.92A6/12)*

B3.1.2 – Implementation of Standard A3.1: Ventilation

1. *The system of ventilation for sleeping rooms and mess rooms should 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. (C.92A7/2)*

2. *All ships should be equipped with a full fresh air conditioning system covering the entire accommodation.*

3. *Air conditioning systems, whether of a centralized or individual unit type, should be designed to –*

(a) *maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, and ensure a sufficiency of air changes in all air-conditioned spaces, while preventing the incoming fresh air from being contaminated by the outgoing stale air;*

(b) *take account of the particular characteristics of operations at sea and not produce objectionable noises or vibrations. (R.140P3)*

4. *Ships which are not yet equipped with air conditioning should be equipped with either mechanical means of ventilation or electric fans. (C.92A7/4)*

5. *Power for the operation of the air conditioning and other aids to ventilation required by the preceding paragraphs of this Section should be available at all times when the crew is living or working on board and conditions so require. (C.92A7/5)*

B3.1.3 – Implementation of Standard A3.1: Heating

1. *The system of heating the seafarer accommodation should be in operation at all times when seafarers are living or working on board and conditions require its use. (C.92A8/2)*

2. *In all ships in which a heating system is required, the heating should be by means of steam, hot water, warm air or electricity. (C.92A8/3). The heating system should be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate likely to be met within the trade in which the ship is engaged. The competent authority should prescribe the standard to be provided. (C.92A8/5)*

3. *Radiators and other heating apparatus should be placed and, where necessary, shielded so as to avoid risk of fire or danger or discomfort to the occupants. (C.92A8/6)*

B3.1.4 – Implementation of Standard A3.1: Lighting

1. *Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms should be lit by natural light and should be provided with adequate artificial light. (C.133A11/2)*

2. *In all ships electric light should be provided in the seafarer accommodation. If there are not two independent sources of electricity for lighting, additional lighting should be provided by properly constructed lamps or lighting apparatus for emergency use. (C.133A11/3)*

3. *In sleeping rooms an electric reading lamp should be installed at the head of each berth. (C.133A11/4)*

4. *Suitable standards of natural and artificial lighting should be fixed by the competent authority. (C.133A11/5)*

B3.1.5 – Implementation of Standard A3.1: Noise control

1. *The competent authority in each maritime country, in conjunction with the competent international bodies and with representatives of organizations of shipowners and seafarers concerned, should review research (including information on existing standards) into the problem of noise on board ships with the object of obtaining and pooling data on the basis of which authoritative criteria and standards can be established at an early date, so that national provisions can be drawn up to protect seafarers, so far as necessary, from the ill effects of noise.*

2. *Such research should cover the effect of exposure to excessive noise on the hearing, health and comfort of seafarers and the measures which should be prescribed to reduce shipboard noise and/or to protect the hearing of seafarers. (R.141P1)*

3. *The competent authority in each country should, in the light of that research, establish provisions for the reduction of, and protection of seafarers from, excessive and harmful noise on board a ship as soon as this becomes reasonably possible. (R.141P2)*

4. *As appropriate in the light of the research, the measures to be considered might include the following:*

- (a) instruction of seafarers in the dangers to hearing and health of prolonged exposure to high noise levels and in the proper use of noise protection devices and equipment;*
- (b) provision of ear plugs and/or ear muffs, approved by the competent authority, to seafarers in the engine room where necessary;*
- (c) the reduction of noise in sleeping rooms, mess rooms, recreation rooms and other crew accommodation by –*
 - (i) the locating of such spaces as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus;*
 - (ii) the use of acoustic insulation and other appropriate sound-absorbing materials in the construction and finishing of bulkheads, overheads and decks within the sound-producing spaces, and self-closing noise-isolating doors for machinery spaces;*
- (d) the reduction and control of noise levels in engine rooms and other machinery spaces by –*
 - (i) provision, wherever practicable, of soundproof centralized machinery control rooms for engine-room personnel;*

(ii) *insulation, as far as practicable, of working spaces such as the machine shop from the general engine-room noise;*

(iii) *measures to reduce noise in the operation of machinery. (R.141P3)*

5. *Maximum noise levels should be in conformity with IMO resolution A.468 (XII) of 19 November 1981 (Code on noise levels on board ships) and should in no case exceed the following levels:*

	dB(a)
(a) Machinery spaces	
<i>Machinery space permanently manned</i>	90
<i>Machinery space not permanently manned</i>	110
<i>Control rooms in machinery spaces</i>	75
<i>Workshops</i>	85
<i>Unmentioned working areas</i>	90
<i>(Ear protection should be used at all times when noise levels exceed 85 dB(a))</i>	
(b) Navigation spaces	
<i>Wheelhouse and chart rooms</i>	65
<i>Listening posts, including bridge wings and windows</i>	70
<i>Radio stations</i>	60
<i>Radar rooms</i>	65
(c) Accommodation	
<i>Cabins and hospitals</i>	60
<i>Mess rooms</i>	65
<i>Recreation rooms</i>	65
<i>Spaces for deck recreation</i>	75
<i>Offices</i>	65
(d) Galley and pantries	
<i>Galley without operation of cooking apparatus</i>	75
<i>Spaces of issue and pantries</i>	65
(e) Other spaces not regularly manned	90

B3.1.6 – Implementation of Standard A3.1: Sleeping rooms

1. *In ships other than passenger ships an individual sleeping room should be provided for each seafarer. The berth in this sleeping room should be fitted with a sliding mechanism to enlarge the breadth to a minimum of 130 centimetres (4 feet 3 inches) to enable the seafarer to be accompanied by his or her partner.*

2. *Sleeping rooms should be planned and equipped including a separate bathing room and toilet as to ensure reasonable comfort for the occupants and to facilitate tidiness. (C.92A10/21)*

3. As far as practicable berthing of seafarers should in passenger ships be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers. (C.92A10/28) The maximum number permissible should be four.

4. The floor area per person of seafarers' sleeping rooms should be not less than 7.5 square meters (80 square feet).

5. However, the floor area per person of sleeping rooms that will be occupied by two seafarers should be not less than [xxxx]

6. Moreover, the floor area of sleeping rooms for seafarers working on passenger ships should be not less than –

(a) 6 square metres (64 square feet) in rooms accommodating one person;

(b) 10 square metres (107 square feet) in rooms accommodating two persons;

(c) 15 square metres (161 square feet) in rooms accommodating three persons;

(d) 18 square metres (194 square feet) in rooms accommodating four persons. (modified C.133A5/3)

7. Separate private sanitary accommodation should be provided. (C133A8)

8. The number of seafarers performing the duty of petty officers on passenger ships occupying sleeping rooms should not exceed one or two persons per room. (C.133A5/5)

9. In sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person should not be less than 7.50 square metres (80.73 square feet). (modified C.133A5/6)

10. The chief engineer officer and the chief navigating officer should have, in addition to their sleeping room, an adjoining sitting room or day room. (C.133A5/8) Derogation from this should only be permitted in individual small ships after consultation with the organizations of shipowners and seafarers concerned.

11. Space occupied by berths and lockers, chests of drawers and seats should 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 should be excluded. (C.133A5/9)

12. Berths on passenger ships should not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there should be only a single tier where a sidelight is situated above a berth. (C.92A10/14)

13. The lower berth in a double tier should be not less than 12 inches (30 centimetres) above the floor; the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams. (C.92A10/15)

14. The minimum inside dimensions of a berth should be at least 198 centimetres by 80 centimetres (6 feet 6 inches by 2 feet 7.5 inches). (C.133A5/10) Single berths should be fitted with a sliding mechanism which enables them to be widened to a minimum of 130 centimetres (4 feet 3 inches).

15. The framework and the lee-board, if any, of a berth should be of approved material, hard, smooth, and not likely to corrode or to harbour vermin. (C.92A10/17)

16. *If tubular frames are used for the construction of berths, they should be completely sealed and without perforations which would give access to vermin. (C.92A10/18)*

17. *Each berth should be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of material likely to harbour vermin should not be used. (C.92A10/19)*

18. *When on passenger ships one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material should be fitted beneath the spring bottom of the upper berth. (C.92A10/20)*

19. *The furniture should include a clothes locker of ample space (minimum 500 litres) for each occupant. It should be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy. (C.92A10/22)*

20. *Each sleeping room should be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary. (C.92A10/23)*

21. *The furniture should be of smooth, hard material not liable to warp or corrode. (C.92A10/24)*

22. *The drawer or equivalent space for each occupant should be not less than 2 cubic feet (0.056 cubic metres). (C.92A10/25)*

23. *Sleeping rooms should be fitted with curtains for the sidelights. (C.92A10/26)*

24. *Sleeping rooms should be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks. (C.92A10/27)*

B3.1.7 – Implementation of Standard A3.1: Mess rooms

1. *Where separate mess room facilities are to be provided to seafarers, then separate mess rooms should be provided for:*

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

2. *However, in small ships where the total number of seafarers is eight or less a single mess room may be provided taking fully into account the interests of the seafarers having different and distinctive cultural, religious and or social practices.*

3. *On passenger ships adequate mess room accommodation should 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; with more than five persons in the catering department consideration should be given to the provision of a separate mess room. (C.92A11/4)*

4. *The floor area of mess rooms for seafarers should be not less than 2 square metres (21.5 square feet) per person of the planned seating capacity. (modified C.133A6/1)*

5. *Mess rooms should be equipped with tables and approved seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time. (C.133A6/2)*

6. *There should be available at all times when seafarers are on board:*

- (a) *a refrigerator, which should 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. (C.133A6/3)*

7. *Where a system of separate mess rooms is adopted the competent authority should permit such exceptions to the provisions above concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships. (C.133A6/4)*

8. *Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils should be provided. (C.92A11/9)*

9. *The tops of tables and seats should be of damp-resistant material, without cracks and able to be easily cleaned. (C.92A11/10)*

B3.1.8 – Implementation of Standard A3.1: Sanitary accommodation

1. *In all ships a minimum of one water closet and one tub and/or shower bath for every four persons or less who do not have the personal facilities of paragraph 2 of B3.1.6 above should be provided at a convenient location. (modified C.133A8/1)*

2. *Each sleeping room should be provided with a washbasin having hot and cold running fresh water, except where such washbasin is situated in the private bathroom provided.*

3. *When the total number of the seafarers exceeds [100] and in passenger ships 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. (C.92A13/5)*

4. *Cold fresh water and hot fresh water should be available in all communal wash places.*

5. *Washbasins and tub baths should be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode. (C.92A13/7)*

6. *All water closets should have ventilation to the open air, independently of any other part of the accommodation. (C.92A13/8)*

7. *All water closets should be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable. (C.92A13/9)*

8. *Soil pipes and waste pipes should be of adequate dimensions and should be so constructed as to minimize the risk of obstruction and to facilitate cleaning. (C.92A13/10)*

9. *Sanitary accommodation intended for the use of more than one person should comply with the following requirements:*

- (a) *floors should be of approved durable material, easily cleaned and impervious to damp, and should be properly drained;*
- (b) *bulkheads should be of steel or other approved material and should be watertight up to at least 9 inches (23 centimetres) above the level of the deck;*

-
- (c) *the accommodation should be sufficiently lit, heated and ventilated;*
 - (d) *water closets should 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 should not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than two persons;*
 - (e) *where there is more than one water closet in a compartment, they should be sufficiently screened to ensure privacy. (C.92A13/11)*

10. The laundry facilities provided for seafarers' use should include:

- (a) *washing machines;*
- (b) *drying machines or adequately heated and ventilated drying rooms; and*
- (c) *iron and ironing boards or their equivalent. (C.133A8/7)*

B3.1.9 – Implementation of Standard A3.1: Other facilities

1. Where separate facilities for engine department personnel to change their clothes are provided, they should 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 washbasins having hot and cold running fresh water. (C.133A9/2)*

B3.1.10 – Additional guidance: Bedding, mess utensils and miscellaneous provisions

1. Each Member should consider applying the following principles:

- (a) *Clean bed linen, blankets, bedspreads and mess utensils should be supplied by the shipowner to all seafarers for use on board during service on the ship, and such members should be responsible for their return at times specified by the master and on completion of service in the ship.*
- (b) *Bed linen, blankets and bedspreads should be of good quality, and plates, cups and other mess utensils should be of approved material which can be easily cleaned. (R.78P2)*
- (c) *Towels, soap and toilet paper for all seafarers should be provided by the shipowner. (R.78P3)*
- (d) *Arrangements should be made by shipowners to ensure that all seafarers have proper bedding, mess utensils and other provisions.*

B3.1.11 – Implementation of Standard A3.1: Recreational facilities

1. Except in small ships, to be determined by the competent authority after consultation with the organizations of shipowners and seafarers concerned recreation facilities and amenities should be provided on board a ship for the benefit of the seafarers.

2. Furnishing for recreation facilities should as a minimum include a bookcase and facilities for reading, writing and, where practicable, for games. (C.133A7/2)

3. *In connection with the planning of recreation facilities, the competent authority should give consideration to the provision of a canteen. (C.133A7/4)*

B3.1.12 – Additional guidance: Recreational facilities

1. *Consideration should be given to including the following facilities, where practicable –*

- (a) a smoking room;*
- (b) television viewing and the reception of radio broadcasts;*
- (c) projection of films or video films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;*
- (d) sports equipment including exercise equipment, table games, deck games;*
- (e) where possible, facilities for swimming;*
- (f) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;*
- (g) facilities for recreational handicrafts;*
- (h) electronic equipment such as a radio, T.V., video recorders, DVD/CD player, personal computer and software, cassette recorder/player.*

2. *Where possible and appropriate, the provision of bars on board a ship for seafarers should be considered, unless this is contrary to national, religious or social customs. (R.173P23)*

3. *Access to ship-to-shore telephone communications, where available, should be granted and charges for the use of the service should be reasonable in amount and a dedicated communication system should, where possible, also be provided including email and Internet facilities.*

4. *Every effort should be made to ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should also be made to avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control. (R.173P25)*

5. *Measures should be considered to ensure, subject to any applicable national or international laws or regulations, that whenever possible and reasonable seafarers are expeditiously granted permission to have their spouses, relatives and friends as visitors on board their ship when in port.*

6. *Consideration should be given to the possibility of allowing seafarers to be accompanied by their partners on occasional voyage where this is practicable and reasonable. Such partners should carry adequate insurance cover against accident and illness; the shipowners should give every assistance to the seafarer to effect such insurance. (R.173P26)]*

Regulation 3.2 – Food and catering

Purpose: To ensure that seafarers have access to good quality food provided under regulated hygienic conditions

1. Members shall ensure that ships that fly their flag have a supply of sufficient food of good quality, and catering arrangements that secure the health and well-being of seafarers living on board [and take account of differing cultural, religious and gastronomic backgrounds].
2. Seafarers living on board a ship shall be provided with food free of charge during the period of engagement.

Standard A3.2 – Food and catering

1. Members shall adopt laws and regulations to provide minimum standards for the quantity and quality of food and for the catering standards that apply to meals provided to seafarers on ships that fly its flag and shall undertake educational activities, giving due consideration to the Guidelines in Code B, to promote awareness and implementation of the standards.

2. Members shall ensure that ships meet the following minimum standards:

- (a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, are suitable in respect of quantity, nutritive value, quality, variety;
- (b) the organization and equipment of the catering department are such as to permit the provision to the seafarers adequate, varied and nutritious meals prepared and served in hygienic conditions; (C.68A5/2)
- (c) catering staff are properly trained or instructed for their positions.

3. In accordance with the ongoing compliance procedures under Title 5 of this Convention, the competent authority shall require that frequent documented inspections be carried out on board ships, by or under the authority of the master, with respect to:

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

Guideline B3.2 – Food and catering

B3.2.1 – Implementation of Standard A3.2: Inspections

1. The master of the ship, or an officer specially deputed for the purpose together with a responsible member of the catering department, should, at intervals of not more than a week, inspect:

- (a) supplies of food and drinking 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;

and should ensure that the relevant regulations are complied with to the extent that this is within the control of the master. The results of each such inspection should be recorded and available for review by competent flag and port state authorities. (modified C.68A7/1,2)

B3.2.2 – Implementation of Standard A3.2: Inspections, education, research and publication

1. The competent authority should, in cooperation with other relevant agencies and organizations, 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 ship. (C.68A12/1)

2. This information should 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. Appropriate forms of publicity, such as manuals, brochures, posters, charts or advertisements in trade journals, should be used for this purpose. (C.68A12/2)

3. The competent authority should issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of hygiene, and ensure the maximum practicable convenience in working arrangements.

4. The competent authority should [work with relevant organizations and agencies to] develop educational materials and on-board information, concerning methods of ensuring proper food supply and catering services. (C.68A2)

5. The competent authority should work in close cooperation with the organizations of shipowners and seafarers concerned and with national or local authorities concerned with questions of food and health, and may where necessary utilize the services of such authorities. (C.68A3/1)

Title 4. Health protection, medical care, welfare and social protection

Regulation 4.1 – Medical care on board ship and ashore

Purpose: To protect the health the health of seafarers and ensure their prompt access to medical care on board ship and ashore

1. Each Member shall ensure that all seafarers on ships that fly its flag are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care whilst working on board.

2. The protection and care under paragraph 1 shall, in principle, be provided at no cost to the seafarers [during their service under the seafarers' employment agreement.]

3. Each Member shall ensure that seafarers on board ships in its territory who are in need of immediate medical care are given access to the Member's medical facilities on shore.

4. The requirements for onboard health protection and medical care set out in the Code include standards for measures aimed at providing seafarers with health protection and medical care as comparable as possible [no less than] to that which is generally available to workers ashore.

Standard A4.1 – Medical care on board ship and ashore

1. Members shall ensure that measures providing for health protection and medical care (including dental care) for seafarers working on board a ship that flies their flag are adopted which:

- (a) ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions peculiar to work on board ship; (C.164A4/a)
- (b) ensure that seafarers are given 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, medical equipment and facilities for diagnosis and treatment and to medical information and expertise; (C.164A4/b)
- (c) give seafarers the right to visit a qualified doctor or dentist without delay in ports of call, where practicable; (modified C.164A4/c)
- (d) ensure that, to the extent consistent with the Member's national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and (modified C.164A4/d)
- (e) are not limited to treatment of sick or injured seafarers but include measures of a preventive character including health promotion and health education programmes. (modified C.164A4/e)

2. There shall be a standard medical report form specially designed to facilitate the exchange (on a confidential basis) of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury. (C.164A12/2)

3. In ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided and used exclusively for medical purposes. (C.164A11/9) The competent authority may relax this requirement in respect of ships engaged in coastal trade. (C.164A11/1) In approving onboard hospital accommodation, the competent authority shall, giving due consideration to the guidance in Part B of the Code, ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.

4. All ships carrying 100 or more seafarers and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care. (C.164A8/1) National laws or regulations shall determine which other ships shall be required to carry a medical doctor, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board. (C.164A8/2)

5. Members shall adopt laws and regulations establishing the minimum requirements for onboard hospital and medical care facilities and training. (new)

6. Ships which do not carry a doctor shall have at least one seafarer on board who is trained and qualified to provide medical care on board. (C.164A9/1) Persons in charge of medical care on board who are not doctors shall have satisfactorily completed training in medical care and emergency first aid that meets the requirements of the International Convention on Seafarers' Training, Certification and Watchkeeping, 1978, as amended ("the STCW Convention"). [In the case of larger ships or ships voyaging out of range of qualified medical assistance and facilities, the course shall also cover practical training in

emergency and life-saving techniques and in standard medical care. (C.164A9/2)] The training shall be approved by the competent authority giving due consideration to Part B of the Code.

7. In addition to the person in charge of medical care on board, specified seafarers shall receive appropriate instruction in medical first aid that meets the requirements of the STCW Convention.

8. All ships shall be required to carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed by the competent authority giving due consideration to the guidance in Part B of the Code and taking into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant international recommended standards. (C.164A5/3)]

9. 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. (C.164A7/1) Medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly. (C.164A7/2)

Guideline B4.1 – Medical care on board ship and ashore

B4.1.1 – Implementation of Standard A4.1: Hospital accommodation and provision of medical care

1. The hospital accommodation should be designed so as to facilitate consultation and the giving of medical first aid and preventing the spread of infectious diseases. (modified C.164A11/5)

2. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply should be designed to ensure the comfort and facilitate the treatment of the occupants. (C.164A11/6)

3. The number of hospital berths required should be prescribed by the competent authority. (C.164A11/7)

4. Water closet accommodation should be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto. (C.164A11/8)

5. Persons in charge of medical care on board who are not qualified medical doctors should have taken a course comprising –

- (a) for ships 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 ship and to make use of medical advice by radio or satellite communication;
- (b) for all other ships, more advanced medical training, including practical training in the emergency/casualty department of a hospital where practicable and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board. (C.164A9/2)

6. The courses should 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. (C.164A9/3)

7. Persons referred to in paragraph 5 above and such other seafarers as may be required by the competent authority should 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. (C.164A9)

8. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, should be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who should ensure that the labelling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required. (modified C.164A5/4,5) In adopting or reviewing the ship's medical guide used nationally, the competent authority should 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. (C.164A6/3)

9. 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 should be made available to the seafarers. Such specific antidotes and personal protective devices should be on board whenever dangerous goods are carried. (C.164A5/6)

10. All ships should carry a complete and up-to-date list of radio stations through which medical advice can be obtained; (C.164A7/3a) and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained. (C.164A7/3b) Persons in charge of medical care on board should 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. (C.164A7/4)

B4.1.2 – Implementation of Standard A4.1: Medical report form

1. The standard medical report form for seafarers required under Part A of this Code should be adopted by the competent authority, following the model suggested in Appendix B4-I to this Code, for use by ships' doctors, masters or persons in charge of medical care on board and hospitals or doctors ashore. (C.164A12/1) The information contained in the medical report form should be kept confidential and should be used for no other purpose than to facilitate the treatment of seafarers. (C.164A12/3)

B4.1.3 – Additional guidance: Medical care ashore

1. Shore-based medical facilities for treating seafarers should be adequate for the purposes and the doctors, dentists and other medical personnel properly qualified.

2. Measures should be taken to ensure that seafarers have access when in port to –

(a) out-patient treatment for sickness and injury;

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- (b) hospitalization when necessary;
 - (c) facilities for dental treatment, especially in cases of emergency. (R.173P17)

3. The treatment of seafarers suffering from disease should be facilitated by suitable measures including the prompt admission of seafarers to clinics and hospitals in ports, without difficulty and irrespective of nationality or religious belief and the provision, whenever possible, of arrangements designed to ensure, when necessary, continuation of treatment with a view to supplementing the medical facilities available to seafarers. (R.48P8)

B4.1.4 – Additional guidance: Medical assistance to other ships and international cooperation

1. Each Member should give due consideration to participating in international cooperation in the area of assistance, programmes and research in health protection and medical care. Such cooperation 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 ship 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 on Maritime Search and Rescue, 1979, and the *International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual* developed by the International Maritime Organization and the International Civil Aviation Organization;
- (b) making optimum use of fishing ships carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;
- (c) compiling and maintaining an international list of doctors and medical care facilities available 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:
 - (i) conduct research on the health status, medical treatment and preventive health care of seafarers;
 - (ii) train medical and health service staff in maritime medicine;
- (h) collecting and evaluating statistics concerning occupational accidents, diseases and fatalities to seafarers and integrating and harmonizing them with any existing national system of statistics on occupational accidents, diseases and fatalities covering other categories of workers;
- (i) organizing international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;

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- (j) providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services;
 - (k) arranging for the repatriation of the bodies or ashes, in accordance with the wishes of the next of kin, of deceased seafarers as soon as practicable. (C.164A13/2)

2. International cooperation in the field of health protection and medical care for seafarers should be based on bilateral or multilateral agreements or consultations among Members. (C.164A13/3)

B4.1.5 – Additional guidance: Dependants of seafarers

1. Members should adopt measures to secure proper and sufficient medical care for the dependants of seafarers [domiciled in their territory] pending the development of a medical care service which would include within its scope workers generally and their dependants [where such services do not exist] and should inform the International Labour Office concerning the measures taken for this purpose.

Regulation 4.2 – Shipowners' liability

Purpose: To ensure that seafarers are protected from the financial consequences of sickness, injury or death occurring in connection with their employment

1. Members shall ensure that measures, in accordance with the Code, are in place on ships that fly their flag to provide seafarers employed on the ships with a right to material assistance and support from the shipowner with respect to the financial consequences of sickness or injury or death occurring while they are serving under a seafarers' employment agreement [or arising from their employment under such agreement].

2. [This Regulation is without prejudice to the legal provisions providing for liability under private law in other cases. (new)]

Standard A4.2 – Shipowner's liability

1. Each Member shall adopt laws and regulations requiring that shipowners of ships that fly its flag are responsible for health protection and medical care of all seafarers working on board the ships in accordance with the following minimum standards: (modified C 55A2)

- (a) shipowners shall be liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarer occurring between the date of commencing duty and the [date upon which they are deemed duly repatriated and] termination of the engagement [or arising from their employment between those dates];
- (b) [shipowners shall obtain insurance coverage to provide compensation [set by national law or the seafarers' employment agreement or collective agreement] in the event of the death or the long-term disability of a seafarer [due to an occupational injury, disease or hazard] occurring between the date of commencing duty and the [date they are deemed duly repatriated upon and] termination of the engagement;]
- (c) shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character;

(d) shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.

2. National laws or regulations may 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. (C.55A4/2)

3. Where the sickness or injury results in incapacity for work the shipowner shall be liable –

(a) to pay full wages as long as the sick or injured seafarers remain on board (C.55A5/1) or are left behind in the territory of a State other than the Member; (C.165A14)

(b) to pay wages in whole or in part as prescribed by national laws or regulations from the time when the seafarers are repatriated or landed until their recovery or (if earlier) until they are entitled to cash benefits under the legislation of the Member concerned. (modified C.55A5/1, C.165A15)

4. National laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a seafarer no longer on board to a period which shall not be less than [12] [16] weeks from the day of the injury or the commencement of the sickness. (C.55A5/2, C.165A14&15) [A Member may, if this is also required for workers ashore, condition the payment of wages and other cash benefits to a period of employment prior to the sickness.]

5. National laws or regulations may exclude the shipowner from liability in respect of –

(a) injury incurred otherwise than in the service of the ship;

(b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased seafarer;

(c) sickness or infirmity intentionally concealed when the engagement is entered into. (C.55A2)

6. In so far as such liability is assumed by the public authorities, national laws or regulations may exempt the shipowner from liability to defray the expense of medical care and board and lodging and burial expenses. (C.55A4 and 10)

7. Shipowners or their representatives shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin. (C.55A8, amended)]

Guideline B4.2 – Shipowners' liability

B4.2.1 – Implementation of Standard A4.2

1. The payment of full wages required by paragraph 3(a) of Standard A4.2 may be exclusive of bonuses. (C.165A14 and 15)

2. National laws or regulations may also provide that a shipowner shall cease to be liable to bear the costs 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 workers' compensation for accidents. (C.55A4/3, A5/3)

3. 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 workers' compensation. (C.55A7/2)

Regulation 4.3 – Health and safety protection and accident prevention

Purpose: To ensure that seafarers' work environment on board ships promotes occupational health and safety

1. Each Member shall ensure that seafarers on ships that fly its flag are provided with occupational health protection and live, work and train on board ship in a safe and hygienic environment.

2. The requirements set out in the Code include standards for:

- (a) onboard 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) the systematic reporting and investigation of accidents on ships that fly the Member's flag;
- (c) a system for reporting and investigation of accidents occurring on foreign ships within the Member's territory, without prejudice to the responsibility of the Member referred to under (b) above; and
- (d) the gathering and dissemination of occupational health and safety materials and research and analysis.

Standard A4.3 – Health and safety protection and accident prevention

1. Members shall adopt laws and regulations or other measures concerning:

- (a) the prevention of occupational accidents on board ship, including requirements for occupational health and safety training;
- (b) programmes for the prevention of such accidents, involving all parties concerned in their implementation; and
- (c) requirements for investigating and reporting of on-board occupational accidents.

2. The above provisions shall cover all matters relevant to the prevention of occupational accidents that may be applicable to the work of seafarers and particularly those which are peculiar to maritime employment. (C.134A4/2) The accident-prevention provisions shall clearly specify the obligation of shipowners, seafarers and others concerned to comply with them, (C.134A5/1) with special attention being paid to the health and safety of seafarers under 18 years of age.

3. The competent authority shall ensure that occupational accidents are adequately reported, and that comprehensive statistics of such accidents are kept, analysed and published and, where appropriate, followed up by research into general trends and into the hazards brought to light. (C.134A2&3) All serious occupational accidents shall be investigated. (C.134A2)

4. All appropriate and practicable measures shall also be taken to bring to the attention of all seafarers information concerning particular hazards, for instance, by means

of official notices containing relevant instructions or outcomes of a systematic risk evaluation process. (C.134A9/2)

5. The competent authority shall require that shipowners use statistical materials from their ships and general statistics provided by the State whose flag they fly in an effort to ensure that risk evaluation and management is used to prevent accidents and occupational disease. (new)

Guideline B4.3 – Health and safety protection and accident prevention

B4.3.1 – Implementation of Standard A4.3: Provisions on occupational accidents [and illnesses]

1. The provisions required under Standard A4.3 should take into account the International Labour Organization's code of practice on the prevention of accidents at sea and in ports and address the following matters, in particular:

- (a) general and basic provisions;
- (b) structural features of the ship;
- (c) machinery;
- (d) special safety measures on and below deck;
- (e) loading and unloading equipment;
- (f) fire prevention and fire-fighting;
- (g) anchors, chains and lines;
- (h) dangerous cargo and ballast;
- (i) personal protective equipment for seafarers; (C.134A4/3)
- (j) work in confined spaces. (new)

B4.3.2 – Implementation of Standard A4.3: Obligations of shipowners

1. Generally, any obligation on the shipowner to provide protective equipment or other accident prevention safeguards should 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 and health protection measures. (modified C.134A5/2)

2. Account should also be taken of Articles 7 and 11 of the Guarding of Machinery Convention, 1963 – and the corresponding provisions of the Guarding of Machinery Recommendation, 1963 – under which the obligation to ensure compliance with the requirement that machinery in use is properly guarded, and its use without appropriate guards prevented, rests on the employer, while there is an obligation on the worker not to use machinery without the guards being in position nor to make inoperative the guards provided. (R.142P5)

B4.3.3 – Implementation of Standard A4.3: Reporting and collection of statistics

1. All occupational accidents and diseases should be reported so that they can be investigated and comprehensive statistics of such accidents can be kept, analysed and

published. Reports should not be limited to fatalities or to accidents involving the ship. (C.134A2/2)

2. The statistics should record the numbers, nature, causes and effects of occupational accidents, with a clear indication of the department on board a ship, the type of accident and whether at sea or in port. (C.134A2/3)

3. Members should have due regard to any international system or model for recording accidents to seafarers which may have been established by the International Labour Organization. (R.142P2)

B4.3.4 – Implementation of Standard A4.3: Investigation

1. The competent authority should undertake an investigation into the causes and circumstances of all occupational accidents [and illnesses] resulting in loss of life or serious personal injury, and such other accidents as may be specified in national laws or regulations. (C.134A2/4)

2. Consideration should be given to including the following as subjects of investigation –

- (a) working environment, such as working surfaces, layout of machinery and means of access and lighting, and methods of work;
- (b) incidence of accidents in different age groups;
- (c) special physiological or psychological problems created by the shipboard environment;
- (d) problems arising from physical stress on board a ship, in particular as a consequence of increased workload;
- (e) problems arising from and effects of technical developments and their influence on the composition of crews;
- (f) problems arising from any human failures such as carelessness. (R.142P3)

B4.3.5 – Implementation of Standard A4.3: Programmes for the prevention of occupational accidents

1. In order to provide a sound basis for the prevention of accidents which are due to particular hazards of maritime employment, research should be undertaken into general trends and into such hazards as are brought out by statistics. (C.134A3)

2. The implementation of programmes for the prevention of occupational accidents should be so organized that the competent authority, shipowners and seafarers or their representatives and other appropriate bodies may play an active part. (C.134A8/2)

3. In particular, national or local joint accident prevention committees or ad hoc working parties and onboard committees, on which organizations of shipowners and seafarers concerned are represented, should be established. (C.134A8/3)

4. Where such activity takes place at company level, the representation of seafarers on any safety committee on board that shipowner's ships should be considered.

B4.3.6 – Additional guidance: Prevention programmes

1. Consideration should be given to including the following in the functions of the committees and other bodies referred to in paragraph 3 of B4.3.5 above –

- (a) the preparation of accident prevention provisions, rules and manuals;
- (b) the organization of accident prevention training and programmes;
- (c) the organization of accident prevention publicity, including films, posters, notices and brochures;
- (d) the distribution of accident prevention literature and information so that it reaches seafarers on board a ship.

2. Relevant provisions or recommendations adopted by the appropriate national authorities or organizations or responsible international maritime organizations should be taken into account by those preparing texts of accident prevention measures and/or recommended practices. (R.142P6)

3. In formulating the accident prevention programmes Members should have due regard to any code of practice concerning the safety and health of seafarers which may have been published by the International Labour Office. (R.142P4)

B4.3.7 – Additional guidance: Instruction in the prevention of occupational accidents

1. The curriculum for the training referred to in paragraph 1(a) of Standard A4.3 should be reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in crewing practices, nationality, language and the organization of work on board a ship. (R.142P7)

2. There should be continuous accident prevention publicity. Such publicity might take the following forms:

- (a) instructional films, film strips and shorts, for use in vocational training centres for seafarers and where possible in film programmes screened on board a ship;
- (b) display of safety posters on board a ship;
- (c) inclusion of articles on hazards of maritime employment and accident prevention measures in periodicals read by seafarers; and
- (d) special campaigns, during which various media of publicity are used to instruct seafarers in accident prevention and safe working practices.

3. The publicity should take into account that there are often seafarers of different nationalities, languages and habits on board a ship. (R.142P8)

B4.3.8 – Additional guidance: Safety and health education of young seafarers

1. Safety and health regulations should refer to any general provisions on medical examinations before and during employment and on the prevention of accidents and the protection of health in employment, which may be applicable to the work of seafarers; they should specify measures which will minimize occupational dangers to young seafarers in the course of their duties. (R.153P8)

2. Except where a young seafarer is recognized as fully qualified in a pertinent skill by a competent authority, the regulations should specify restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill. In determining the types of work to be restricted by the regulations, the competent authority might consider in particular work involving –

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
- (e) handling mooring or tow lines or ground tackle;
- (f) rigging;
- (g) work aloft or on deck in heavy weather;
- (h) night-watch duties;
- (i) servicing of electrical equipment;
- (j) exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances, and ionizing radiations;
- (k) the cleaning of catering machinery;
- (l) the handling or taking charge of ships' boats. (R.153P9)

3. Practical measures should be taken by the competent authority or through the appropriate machinery to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health in work on board a ship, for instance by means of adequate instruction in courses, by official accident prevention publicity intended for young persons and by ensuring the professional instruction and supervision of young seafarers in their work in ships. (modified R.153P10)

4. Education and training of young seafarers both ashore and on board a ship should include guidance on the detrimental effects on their health and well-being of the abuse of drugs and other potentially harmful substances, and of other harmful activities. (R.153P11)

B4.3.9 – Additional guidance: International cooperation

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

2. In developing programmes for the prevention of occupational accidents under Standard A4.3, Members should have due regard to relevant codes of practice published by the International Labour Office and the appropriate standards of international organizations for standardization.

3. Members should further have regard to the need for international cooperation in the continuous promotion of action for the prevention of occupational accidents; such cooperation might take the form of –

- (a) bilateral or multilateral arrangements for uniformity in accident prevention standards and safeguards;
- (b) exchange of information on particular hazards affecting seafarers and on means of preventing accidents;
- (c) assistance in testing of equipment and inspection according to the national regulations of the country of registration of the ship;
- (d) collaboration in the preparation and dissemination of accident prevention provisions, rules or manuals;
- (e) collaboration in the production and use of training aids;
- (f) joint facilities for or mutual assistance in the training of seafarers in accident prevention and safe working practices. (R.142P9)

Regulation 4.4 – Access to shore-based welfare facilities

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

1. Members shall ensure that shore-based welfare facilities, where they exist, are easily accessible. Member shall also promote the development of welfare facilities, such as those listed in the Code, in designated ports to provide seafarers on ships that are in their ports with access to adequate welfare facilities and services.

2. The responsibilities of Members with respect to shore-based facilities such as welfare, cultural, recreational and information facilities and services, are set out in the Code.

Standard A4.4 – Access to shore-based welfare facilities

1. Members shall require, where welfare facilities exist on their territory, that they are available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State of the flag flown by the ship on which they are employed. (modified C.163A3/1)

2. Members shall promote the development of welfare facilities in appropriate ports of the country and determine, after consultation with the organizations of shipowners and seafarers concerned, which ports are to be regarded as appropriate. (modified C.163A3/2)

3. Member shall establish welfare boards which shall regularly review welfare facilities and services 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. (C.163A5)

Guideline B4.4 – Access to shore-based welfare facilities

B4.4.1 – Additional guidance: Responsibilities of Members

1. Measures should be taken by Members to ensure that adequate welfare facilities and services are provided for seafarers in designated ports of call and that adequate protection is provided to seafarers in the exercise of their calling.

2. In the implementation of these measures, Members should take into account the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities. (R.173P3)

3. Arrangements for the supervision of welfare facilities and services should include participation by representative organizations of seafarers and shipowners concerned, where such exist. (R.173P4)

4. Members should take measures designed to expedite the free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore. (R.138P14)

5. Members should cooperate with one another in promoting the welfare of seafarers at sea and in port. Such cooperation should include the following:

- (a) consultations between the competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board a ship;
- (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
- (c) organization of international sports competitions and encouraging the participation of seafarers in sports activities;
- (d) organization of international seminars on the subject of welfare of seafarers at sea and in port. (R.173P6)

B4.4.2 – Additional guidance: Welfare facilities and services in ports

1. Members should provide or ensure the provision of such welfare facilities and services as may be required in appropriate ports of the country.

2. Welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:

- (a) the public authorities;
- (b) the organizations of shipowners and seafarers concerned, where such exist, under collective agreements or other agreed arrangements;
- (c) voluntary organizations. (R.173P8/1)

3. Necessary welfare and recreational facilities should be established or developed in ports. These should include:

- (a) meeting and recreation rooms as required;

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- (b) facilities for sports and outdoor facilities, including competitions;
 - (c) educational facilities;
 - (d) where appropriate, facilities for religious observances and for personal counselling.

4. These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use. (R.173P12)

5. 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, as well as the international associations concerned, should consult and cooperate with the competent authorities and bodies of the country in which the port is situated and with one another, with a view to the pooling of resources and to avoiding unnecessary duplication. (R.173P13)

6. Hotels or hostels suitable for seafarers should be available where there is need for them; they should provide facilities equal to those found in a good-class hotel, and should wherever possible be located in good surroundings away from the immediate vicinity of the docks. Such hotels or hostels should be properly supervised, the prices charged should be reasonable in amount and, where necessary and possible, provision should be made for accommodating seafarers' families. (R.138P9, R.173P11)

7. These accommodation facilities should be open to seafarers of all nationalities, irrespective of colour, race or creed. Without in any way infringing this principle, it may be necessary in certain ports to provide several types of facilities, comparable in standard but adapted to the customs and needs of different groups of seafarers. (R.138P10)

8. Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers. (R.173P8/2)

B4.4.3 – Additional guidance: Welfare boards

1. Welfare boards should be established, at the port, regional and national levels, as appropriate, whose functions should include –

- (a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of under-utilized facilities;
- (b) assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.

2. Welfare boards should include among their members representatives of organizations of shipowners and seafarers, the competent authorities and, where appropriate, voluntary organizations and social bodies.

3. As appropriate, consuls of maritime States and local representatives of foreign welfare organizations should be associated with the work of port, regional and national welfare boards in accordance with national laws and regulations. (R.173P9)

B4.4.4 – Additional guidance: Financing of welfare facilities

1. [Standard A4.4 should not be understood as in any way obligating Members to provide financial support for port welfare facilities.]

2. In accordance with national conditions and practice, financial support should be made available through one or more of the following:

- (a) grants from public funds;
- (b) levies or other special dues from shipping sources;
- (c) voluntary contributions from shipowners, seafarers, or their organizations;
- (d) voluntary contributions from other sources.

3. Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised. (R.173P10)

B4.4.5 – Additional guidance: Dissemination of information and facilitation measures

1. Information should be disseminated among seafarers concerning facilities open to the general public in ports of call – particularly transport, welfare, entertainment and educational facilities and places of worship – as well as facilities provided specifically for seafarers.

2. Adequate means of transport at moderate prices should be available at any reasonable time, in order to enable seafarers to reach urban areas from convenient locations in the port. (R.173P15)

3. All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardize their freedom. (R.173P18)

4. Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers. (R.173P19)

B4.4.6 – Additional guidance: Seafarers in a foreign port

1. For the protection of seafarers in ports in which they are not nationals, measures should be taken to facilitate –

- (a) access to their consuls;
- (b) effective cooperation between consuls and the local or national authorities.

2. Seafarers who are detained in a foreign port should be dealt with promptly under due process of law and with appropriate consular protection.

3. Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should, if he or she so requests, immediately inform the flag State and the State of nationality of the seafarer. The competent authority should promptly inform the seafarer of the right to make such a request. The State of nationality of the seafarer should promptly notify the seafarer's next of kin. The Member should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is detained.

4. Every possible practical assistance should be given to seafarers stranded in foreign ports pending their repatriation.

5. In the event of delay in the repatriation of seafarers, the competent authority should ensure that the consular or local representative of the flag State is informed immediately. (R.173P21)

6. Members should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports. (R.173P22)

7. Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port. (R.173P27)

Regulation 4.5 – Social protection

Purpose: To ensure that measures are taken with a view to providing seafarers with access to social protection

1. *Members shall ensure that seafarers working on ships that fly their flag and, where applicable, their dependants, are entitled to participate in and benefit from a social protection system schemes as provided for in the Code.*

2. *Each Member undertakes to take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social protection for seafarers.*

Standard A4.5 – Social protection

1. *Members shall require that the social protection referred to in paragraph 1 of Regulation 4.5 be specified in the seafarer's employment agreement.*

2. *Social protection for seafarers, and where applicable their dependants, shall be provided through:*

- (a) the relevant seafarers' employment agreement or applicable collective bargaining agreement; or*
- (b) the legislation of the Member in whose territory the seafarer is resident; or*
- (c) the legislation of the Member whose flag the ship is flying; or*
- (d) a combination of the measures referred to above.*

3. *With a view to avoiding conflicts of laws the legislation applicable in respect of seafarers who are or have been subject to the legislation of one or more Members shall be determined by the Members concerned in accordance with the following rules:*

- (a) seafarers shall, in principle, be subject to the legislation of one Member only;*
- (b) the Members concerned may, however, determine, by mutual agreement, other rules concerning the legislation applicable to seafarers, in the interest of the persons concerned; (C.165A17+A16)*

4. *Members shall establish fair and effective procedures for the settlement of disputes.*

5. *The branches of social protection to be considered with a view to full coverage in accordance with paragraph 2 of Regulation 4.5 are: medical care; sickness benefits;*

unemployment benefits; pensions or provident funds; employment injury benefits; family benefits; maternity benefits; invalidity benefits; and survivors' benefits.

6. In their reports to the International Labour Office pursuant to article 22 of the Constitution of the International Labour Organization, Members shall provide information regarding the realization of each of the branches of social protection listed in paragraph 4 above as they apply to the residents of its territory and under what, if any, circumstances these entitlements can be extended to non-residents of its territory. The International Labour Office shall maintain a register of this information and shall make it available to all interested parties.

7. Members shall cooperate, as appropriate, in schemes for the maintenance of social protection as provided for this Convention.

Guideline B4.5 – Social protection

B4.5.1 – Implementation of Standard A4.5

1. Each Member should apply the following principles when ensuring the social protection of seafarers working on ships that fly its flag and should inform the International Labour Office concerning the measures taken to give effect to these principles:

- (a) the social protection afforded to seafarers resident in the territory of a Member should not be less favourable than that enjoyed by shore workers resident in the territory of that Member, in respect to each of the branches of social protection;*
- (b) seafarers resident in the territory of a Member, but serving on a ship that flies the flag of another Member, should be entitled to participate in and benefit from the social protection schemes of the territory of the Member in which the seafarer is resident;*
- (c) in principle, and as far as practicable, all seafarers serving on a ship that flies the flag of a Member, should be entitled to participate in and benefit from the same branches of social security entitlement as seafarers resident and insured in the territory of that Member.*

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. [Paragraphs 3 and 4 of Article VI, permitting the implementation of Part A of the Code through substantially equivalent provisions, do not apply to Part A of the Code in this Title.]

3. [The provisions of Part A of the Code in 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.]

4. In accordance with paragraph 2 of Article VI of this Convention, each Member shall give due consideration to implementing its responsibilities under each of the Standards in Part A of the Code in this Title in the manner provided for in the corresponding Guideline in Part B of the Code.

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. Each Member is responsible for ensuring implementation of the provisions of this Convention that relate to seafarers' working and living conditions on ships that fly its flag.
2. Members shall establish an effective system for the inspection and certification of maritime labour conditions, in accordance with Regulations 5.1.2 and 5.1.3, ensuring that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in this Convention.
3. A maritime labour certificate, complemented by a declaration of compliance, shall constitute prima facie evidence that the ship has been duly inspected by the Member whose flag it flies and that the requirements of this Convention relating to working and living conditions of the seafarers have been met to the extent so certified.
4. Information about the system referred to in paragraph 2, including the method used for assessing its effectiveness, shall be included in the Member's reports to the International Labour Office pursuant to article 22 of the Constitution of the International Labour Organization.

Standard A5.1.1 – General principles

1. 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.
2. Each Member shall require all ships that fly its flag to have a copy of the present Convention available on board.

Guideline B5.1.1 – General principles

1. The competent authority of each Member should make appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' shipboard working and living conditions. (modified R.185P1)
2. To better ensure cooperation between inspectors, shipowners, seafarers and their respective organizations, and in order to maintain or improve seafarers' working and living conditions, the competent authority should consult the representatives of such organizations at regular intervals as to the best means of attaining these ends. The manner of such consultation should be determined by the central coordinating authority after consulting with shipowners' and seafarers' organizations. (R.185P2)

Regulation 5.1.2 – Maritime labour certificate and declaration of compliance

1. Members shall require ships that fly their flag to carry and maintain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including measures for ongoing compliance to be included in the declaration of compliance referred to in paragraph 2, have been inspected and meet the requirements of national laws or regulations or other measures implementing the Convention.

2. Members shall require ships that fly their flag also to carry and maintain a declaration of compliance stating the national requirements implementing the standards in this Convention for the working and living conditions for seafarers and setting out the measures adopted by the shipowner to ensure compliance with the requirements on the ship or ships concerned.

3. Where the competent authority of the Member has ascertained through inspection that a ship that flies its flag meets or continues to meet the standards of this Convention, it shall issue or renew and register a maritime labour certificate to that effect. (modified SOLAS; MARPOL)

4. Detailed requirements for the maritime labour certificate and the declaration of compliance, including a list of the matters that must be inspected and approved, are provided in the Code.

Standard A5.1.2 – Maritime labour certificate and declaration of compliance

1. The general form of the maritime labour certificate and the declaration of compliance referred to Regulation 5.1.2 shall be the same for all ships that fly the flag of the Member concerned. Members shall give due consideration to the guidance on form provided in the two model documents in Appendix B5-I. to this Code.

2. The printed wording on the maritime labour certificate shall also be the same for all ships that fly the Member's flag.

3. The particular format adopted for the declaration of compliance shall be developed by each Member after consultation with the representative shipowners' and seafarers' organizations in its territory.

4. The declaration of compliance shall have two main components:

- (a) a national component, which shall be the same in form and content for all ships that fly the Member's flag, which shall set out the relevant national requirements for the working and living conditions of seafarers on those ships, including any special requirements for ships of a certain category. Any substantially equivalent provisions adopted pursuant to paragraph 3 of Article VI shall be specifically indicated in this component;
- (b) a ship-specific component, which shall describe:
 - (i) the measures that the shipowner has adopted to comply with those requirements on the ship concerned, as well as
 - (ii) the measures to be taken by the shipowner to ensure that there is ongoing compliance, including verification of compliance and, where appropriate, the maintenance of records, on the ship in the intervals between inspections.

5. When a declaration of compliance is first drawn up for a particular ship, it shall be submitted to the competent authority for review and to make a determination that:

- (a) that the measures stated in the declaration that have been adopted to comply with the national requirements are adequate and, after inspection of the working and living conditions on board the ship, are found to have been properly implemented; and
- (b) that the measures proposed for ongoing compliance with the national requirements are adequate.

6. A list of matters that must be inspected and found to meet national requirements for the working and living conditions of seafarers on ships that fly its flag before a maritime labour certificate can be issued by the competent authority is found in Appendix A5-I.

7. A maritime labour certificate and a declaration of compliance shall be valid for a period not exceeding [five] [three] years.

8. The results of all subsequent inspections or other verifications carried out with respect to the ship concerned and any significant deficiencies found during any such verification shall be recorded, together with the date when the deficiencies were found to have been remedied. This record shall, in accordance with national laws or regulations, be inscribed upon or appended to the declaration of compliance or made available in some other way to the persons referred to in paragraph 9.

9. An up-to-date copy of the maritime labour certificate and declaration of compliance, accompanied by an English-language translation where it is not in English, shall be carried on the ship and made available to seafarers, flag state inspectors, authorized officers in port States, and shipowners' and seafarers' representatives.

10. The requirement for an English-language translation does not apply in the case of ships engaged only in domestic voyages.

Guideline B5.1.2 – Maritime labour certificate and declaration of compliance

1. The statement of national requirements in the declaration of compliance, referred to in paragraph 4(a) of Standard A5.1.2, should be comprehensive, covering the essence of the relevant provisions of national laws and regulations relating to seafarers' conditions of working and living conditions in each of the general areas listed in Appendix A5-I. It should include or be accompanied by precise references to the legislative provisions concerned.

2. The measures referred to in paragraph 4(b)(i) of Standard A5.1.2 should (except where this is obvious from the terms of a requirement) indicate how each of the national requirements is to be implemented on the ship or category of ships covered by the declaration of compliance, having regard to the particular features of the ship or ships concerned[, in terms of the size and type of ship, the types of voyages to be performed, the number of seafarers or any special risks linked to the cargo or other factors, for example; wherever relevant and possible, quantities should be specified in each requirement].

3. The measures referred to in paragraph 4(b)(ii) of Standard A5.1.2 should, in particular, indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted.

4. The declaration of compliance should, above all, be drafted in clear terms designed to help all persons concerned – such as national inspectors, authorized officers in port States and seafarers – to check that the requirements are being properly implemented.

5. Provided that the documents clearly appear, respectively, as a maritime labour certificate and a declaration of compliance issued pursuant to this Convention, they may take a number of forms. The documents could for example be joined together and the declaration of compliance could be established as a complementary document to the maritime labour certificate. The declaration of compliance could also be part of more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector.

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 that fly its flag comply with the requirements of this Convention as implemented in national law and regulations.

2. Detailed requirements regarding the inspection and enforcement system referred to in paragraph 1 are set out in the Code.

Standard A5.1.3 – Inspection and enforcement

1. Each Member shall maintain a regular system of inspection of working and living conditions of seafarers on ships that fly its flag, (modified C.178A2/1) including verification that the measures set out in the declaration of compliance are being followed and that the requirements of this Convention are met.

2. The competent authority of the Member shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under paragraph 1. (modified C.178A4 and A2/3) While it may authorize public institutions or other competent organizations (including those of another Member, if the latter agrees) that it recognizes as competent and independent to carry out inspections on its behalf, it shall in all cases be responsible for the inspection of the working and living conditions of the seafarers concerned on ships that fly its flag. It shall make available a list of such institution or organizations.

3. 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)

4. Such inspections shall take place at intervals not exceeding [three] years. (modified C.178A3/1)

5. If a Member receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the standards of this Convention or that there are serious deficiencies in the implementation of the measures set out in the declaration of compliance, the Member shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found. (modified C.178A3/2)

6. Inspectors shall have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences. (C.178A5/1)

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

- (a) to board a ship that flies the Member's flag 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 standards are being strictly observed;
- (c) to require that deficiencies are remedied and, where they have grounds to believe that a deficiency constitutes a significant danger to seafarers' health or safety or security, to prohibit, subject to any right of appeal to a judicial or administrative authority, a ship from leaving port until necessary measures are taken. (C.178A5/2)

8. Inspectors shall have the discretion to give warnings and advice instead of instituting or recommending proceedings (C.178A7/2) when the breach of the standard does not endanger the safety or health or security of the seafarers concerned and where there is no prior history of similar violations. A record shall be kept of such exercises of discretion.

9. Inspectors shall submit a report of each inspection to the competent authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers and sent to their representatives.

10. The competent authority shall maintain records of inspections of the working and living conditions of seafarers on ships that fly its flag (C.178A8/1) and shall publish an annual report on inspection activities, within a reasonable time after the end of the year to which each inspection relates and in any case within six months. (C.178A8/2)

11. In the case of an inspection pursuant to a major incident, the report shall be submitted to the competent authority as soon as practicable but not later than one month following the conclusion of the inspection. (C.178A9/2)

12. When an inspection is conducted or when measures are taken under this Title, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed. (C.178A6/1)

13. Compensation shall be payable to a shipowner for any loss or damage suffered as a result of the wrongful or unjustified exercise of the inspectors' powers. (based on C.178A6/2). The burden of proof in each case shall be on the complainant.

14. Adequate penalties and other corrective measures for violations of the standards of this Convention and for obstructing inspectors in the performance of their duties shall be provided for and effectively enforced in each Member. (modified C.178A7/1)

Guideline B5.1.3 – Inspection and enforcement

1. The competent authority and any other service or authority wholly or partly concerned with the inspection of seafarers' working and living conditions should have the resources necessary to fulfil their functions. (R.185P3). In particular:

- (a) members should take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors; (R.185P9)
- (b) inspectors should be provided with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties. (R.185P11)

2. The competent authority should develop a compliance and enforcement policy to ensure consistency and otherwise guide inspection and enforcement activities related to this Convention. Copies of this policy should be provided to all inspectors and relevant law-enforcement officials and should be available to the public and shipowners and seafarers.

3. The competent authority should establish simple procedures to enable it to receive information in confidence concerning possible violation of the standards of this Convention presented by seafarers directly or through representatives, and permit inspectors to investigate such matters promptly, including:

-
- (a) enabling masters, seafarers or representatives of the seafarers to call for an inspection when they consider it necessary; and
 - (b) supplying technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the standards of this Convention and of bringing about a continual improvement in seafarers' on-board conditions. (R.185P6)

4. Inspectors should be fully trained and sufficient in numbers to secure the efficient discharge of their duties with due regard to:

- (a) the importance of the duties which the inspectors have to perform, in particular the number, nature and size of ships liable to inspection and the number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which inspections must be carried out in order to be effective. (R.185P4)

5. Subject to any conditions for recruitment to the public service which may be prescribed by national laws and regulations, inspectors should have qualifications and adequate training to perform their duties and where possible should have a maritime education or experience as a seafarer. They should have adequate knowledge of seafarers' working and living conditions and of the English language.

6. Measures should be taken to provide inspectors with appropriate further training during their employment. (R.185P8)

7. All inspectors should have a clear understanding of the circumstances in which an inspection should be carried out, the scope of the inspection to be carried out in the various circumstances referred to and the general method of inspections. Recommended criteria for inspections are set out in Appendix B5-II.

8. Inspectors provided with proper credentials under the national law should at a minimum be empowered –

- (a) to board ships and enter relevant premises freely and without previous notice [at any hour of the night or day.] (R.185P5) However, when commencing the ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives; (R.185P13)
- (b) to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the standards required under national law and regulations, in the presence of any witness that the person may have requested;
- (c) to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with the national laws and regulations implementing this Convention;
- (d) to enforce the posting of notices required under the national laws and regulations implementing this Convention;
- (e) to take or remove, for the purposes of analysis, samples of products, cargo, drinking-water, provisions and materials and substances used or handled. The shipowner or the

shipowner's representative, and where appropriate the seafarer, should be notified of any sample being taken or removed or should be present at the time a sample is taken or removed. The quantity of such a sample should be properly recorded by the inspector; (R.185P12)

- (f) following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master deficiencies which may affect the health and safety of those on board ship; (R.185P15)
- (g) to alert the competent authority to any deficiency or abuse not specifically covered by existing laws or regulations and submit proposals to it for the improvement of the law and regulations;
- (h) to notify the competent authority of any occupational injuries or diseases affecting seafarers in such cases and in such manner as may be prescribed by national laws or regulations. (R.185P14)

9. Inspectors should not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties. (R.185P10) In particular, inspectors should –

- (a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect;
- (b) subject to appropriate penalties or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties;
- (c) treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a complaint.

10. The annual report published by the competent authority should also contain:

- (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments which have come into operation during the year;
- (b) details of the organization of the system of inspection;
- (c) statistics of ships or other premises liable to inspection and of ships and other premises actually inspected;
- (d) statistics on [its national or resident seafarers] [all seafarers subject to its national laws and regulations];
- (e) statistics and information on infringements of legislation, penalties imposed and cases of detention of ships; and
- (f) statistics on [reported] occupational injuries and diseases affecting seafarers. (R.185P16)

Regulation 5.1.4 – On-board complaint procedures

1. Each Member shall require that ships that fly its flag have [fair, expeditious, publicized and documented] onboard procedures for [effectively] [the fair and effective] handling seafarer complaints alleging a violation of the standards of this Convention.

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

3. [The provisions in this Regulation and related sections of the Code are without prejudice to a seafarer’s right to seek redress through whatever legal means he or she considers appropriate, including direct recourse to external authorities or through any competent judicial, administrative or legislative authorities, or by any other competent authority.]

Standard A5.1.4 – On-board complaint procedures

1. Without prejudice to any wider scope that may be given in national laws or regulations or collective agreements, the onboard procedures may be used by seafarers to lodge complaints relating to any matter that is alleged to constitute a violation of the standards of this Convention.

2. In its national laws or regulations, each Member shall ensure that appropriate onboard complaint procedures are in place to meet the requirements of Regulation 5.1.4. 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 they consider it necessary, to appropriate external authorities.

3. The onboard complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as the investigation of allegations of victimization of seafarers for filing complaints. The term “victimization” covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

4. All seafarers must [be provided, together with a copy of their seafarers’ employment agreement, with] [be given easy access to] a copy of the onboard complaint procedures applicable on the ship including contact information for the competent authority in the flag State and, where different, in the seafarers’ country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.

Guideline B5.1.4 – On-board complaint procedures

1. Subject to any relevant provisions of an applicable collective agreement, the competent authority should, in close consultation with organizations of shipowners and seafarers, develop a model for fair, expeditious and well-documented on-board complaint-handling procedures for ships that fly its flag.

2. In developing these procedures the following matters should be considered:

- (a) Procedures should be directed as much as possible to encouraging the early peaceful resolution of conflicts and complaints on board the ship expeditiously and at the lowest level possible in the process. However many complaints may relate specifically to those individuals to whom the complaint is to be made or even to the

master of the ship. In all cases seafarers should also be able to complain directly to the master and to make a complaint externally.

- (b) In order to help avoid problems of victimization of seafarers making complaints about matters under this Convention, the procedures should encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by the complainant seafarer, also attend any meetings or hearings into the subject matter of the complaint.

3. At a minimum the procedures should provide that:

- (a) complaints be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;
- (b) the head of department or superior officer should then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;
- (c) if the head of department or superior officer cannot resolve the grievance to the satisfaction of the seafarer, the latter may refer it to the master, who should handle the matter personally;
- (d) seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned;
- (e) all complaints and the decisions on them should be recorded and a copy provided to the seafarer concerned;
- (f) if a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who should be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representatives;
- (g) in all cases seafarers should have a right to file their complaints directly with the master and the shipowner and competent authorities.

Regulation 5.1.5 – Marine casualties

1. 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))

2. Member shall cooperate with each other to facilitate the investigation of serious marine casualties referred to in paragraph 1 above.

Regulation 5.2 – Port state responsibilities

Purpose: To enable each Member to implement 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 may be the subject of inspection in accordance with paragraph 4 of Article V, for the purpose of reviewing compliance with the standards of this Convention relating to the working and living conditions of seafarers on the ship.

2. Members shall accept the maritime labour certificate and the declaration of compliance required under Regulation 5.1.2. (modified C.147A.4) as prima facie evidence of compliance with the standards of this Convention; accordingly, the inspection in their ports shall, except in the circumstances specified in the Code, be limited to a review of the certificate and declaration.

3. Inspections in a port shall be carried out by authorized officers in accordance with the provisions of the Code and other applicable international arrangements governing port State control inspections in the Member.

4. Members shall have an effective port State inspection and monitoring system to help ensure that the working and living conditions for seafarers on ships entering its port continue to meet the standards of this Convention.

5. Information about the system referred to in paragraph 4, including the method used for assessing its effectiveness, shall be included in the Member's reports to the International Labour Office pursuant to article 22 of the Constitution of the International Labour Organization.

Standard A5.2.1 – Inspections in port

1. Where an authorized officer, having requested the maritime labour certificate and the declaration of compliance, finds that:

- (a) the required documents are not produced or the documents produced do not contain the information and certifications required by this Convention or are otherwise invalid; or
- (b) there are clear grounds for believing that the working and living conditions on the ship do not conform to the standards of this Convention; or
- (c) there is a complaint alleging that specific working and living conditions on the ship do not conform to the standards of this Convention,

a more detailed inspection may be carried out to ascertain the working and living conditions on board the ship. Such inspection shall in any case be carried out where the deficiency concerned could constitute a clear hazard to the safety or the health or the security of seafarers.

2. Where a more detailed inspection is carried out on a foreign ship in the port of a Member by authorized officers in the circumstances set out in subparagraph (a) or (b) of paragraph 1 above, it shall in principle cover the matters listed in Appendix A5-II.

3. In the case of a complaint under subparagraph (c) of paragraph 1, the inspection shall generally be limited to matters within the scope of the complaint, although a complaint may also provide clear evidence for a detailed inspection. For the purpose of that subparagraph, "complaint" means information submitted by a seafarer, 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 seafarers on board. (C.147A4/3)

4. Where, following a more detailed inspection the ship is found not to conform to the standards of this Convention, the authorized officer shall [, as appropriate]:

- (a) forthwith bring the deficiencies and the measures needed to rectify them to the attention of the master of the ship and notify the nearest maritime, consular or diplomatic representative of the flag State accordingly;

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- (b) invite a representative of the flag State to be present, if possible, (C.147A4/2) and request the flag State to reply to the notification within a prescribed deadline;
 - (c) provide the competent authorities of the next port of call with relevant information; and
 - (d) [also bring the deficiencies and the measures needed to rectify them to the attention of the appropriate seafarers' and shipowners' organizations in the Member in which the inspection is carried out].

5. 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.

6. [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 the standards of this Convention, and there is evidence that the ship concerned has on several recent occasions been in serious violation of those standards,

the authorized officer 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))]

7. Each Member shall ensure that its inspectors are given guidance, of the kind indicated in Part B of the Code, as to the kinds of circumstances justifying detention of a ship under paragraph 6 above.

8. When implementing their 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, compensation shall be paid for any loss or damage suffered. The burden of proof shall lie with the complainant. (modified C178A6.2)

Guideline B5.2.1 – Inspections in port

1. The competent authority should develop an inspection policy for authorized officers carrying out inspections under Regulation 5.2.1. The objective of the policy should be to ensure consistency and to otherwise guide inspection and enforcement activities related to the standards of this Convention. Copies of this policy should be provided to all authorized officers and should be available to the public and shipowners and seafarers.

2. When developing a policy with respect to the circumstances warranting a detention of the ship under paragraph 6 of Standard A5.2.1, the competent authority should consider the following:

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- (a) [The term “serious material hardship” in paragraph [6(b) of Standard A5.2.1 would normally be of a financial nature and threaten the livelihood of the seafarers concerned. A typical example of a deficiency giving rise to such hardship would be the non-payment of wages over several months. In such cases, the inspectors should consider the normal effect of such a situation on seafarers, in general. They should not, for example, be required to look into any other means of support that may be available to the persons concerned or the precise situation in the countries where the seafarers reside.]
- (b) With respect to the term “serious violation” in paragraph 6(c) of Standard A5.2.1, the seriousness could be due to the nature of the deficiency concerned. This would be particularly relevant in the case of the violation of fundamental rights and principles or seafarers’ employment rights under Articles III and IV of this Convention. The employment of a person who is more than six months under age, for example, should be considered as a serious violation even if there is only one such person on board. In other cases, the number of defects found during a particular inspection should be taken into account: for example, several instances of defects relating to accommodation or food and catering (which do not threaten safety or health) might be needed before they should be considered as constituting a serious violation.
- (c) With respect to the further condition required if a ship is to be detained pursuant to paragraph 6(c) of Standard A5.2.1, namely “several recent occasions” on which the ship has been in serious violation of principles or rights laid down in this Convention, the term “several recent occasions” might be understood as requiring reports of serious violations on at least [three] occasions over the preceding year.

3. Members should cooperate with each other to the maximum extent possible in the adoption of internationally agreed guidelines on inspection policies, especially those relating to the circumstances warranting the detention of a ship.

Regulation 5.2.2 – Onshore seafarer complaint-handling procedures

Members shall ensure that seafarers on ships calling at a port in the Member’s territory, who allege violations of the standards of this Convention relating to their working and living conditions, have convenient access to advice and appropriate assistance for the settlement of their complaints.

Standard A5.2.2 – Onshore complaint-handling procedures

1. Complaints by seafarers alleging a violation of the standards of the Convention relating to their working and living conditions may be heard by authorized officers in the port at which the seafarer’s ship has called.

2. In such cases, the officers shall take into account the desirability, where appropriate, given the nature of the complaint, that:

- (a) on-board complaint-handling procedures should have been explored;
- (b) [complaints that could not be appropriately handled on board or are not resolved on board:
- (i) are dealt with by the competent administrative or judicial authorities of the flag State where procedures are available for an expeditious and fair resolution of the complaint by such authorities; and]

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- (ii) are [, where such procedures are not available,] investigated expeditiously and, where possible, resolved;
 - (c) the flag State is informed of unresolved substantiated complaints, particularly those regarding matters that are outside the jurisdiction of the port State and cases of victimization of seafarers for alleging violations of the standards of this Convention; and
 - (d) appropriate steps are taken to safeguard the confidentiality of complaints made by seafarers.

Guideline B5.2.2 – Onshore complaint-handling procedures

1. Where a complaint referred to in Standard A5.2.2 is dealt with by an authorized officer, the latter should first check whether it is a general one – concerning seafarers on the ship, or a category of them – or whether it relates to the individual case of the seafarers concerned.

2. If the complaint is a general one, consideration should be given to undertaking an inspection in accordance with paragraphs 1(c) and 3 of Standard A5.2.1.

3. If the complaint relates to an individual case, an examination of the results of any onboard procedure for the resolution of the complaint concerned should be undertaken. If such a procedure has not been invoked or is not yet exhausted, the authorized officer should not, without a good reason, deal with the complaint but rather suggest that the complainant take advantage of the existing onboard procedures available. Good reasons for considering a complaint in such circumstances would include the inadequacy or dilatoriness of the internal procedures or the complainant's legitimate fear of reprisal for lodging a grievance.

[4. If a complaint appears to be well-founded, the authorized officer should refer the matter, or advise the seafarer to refer the matter, to the competent administrative or judicial authorities of the flag State where procedures are available for an expeditious and fair resolution of the complaint by such authorities. This should be presumed unless there are clear grounds for concluding otherwise as, for example, the absence, in an urgent case, of any nearby maritime, consular or diplomatic representative of the flag State.]

5. If the authorized officer decides to hear the case, before arriving at any conclusions, he or she should give the master, the shipowner and any other person criticized in the complaint a proper opportunity to make known their positions.

Regulation 5.3 – Labour-supplying responsibilities

Purpose: To ensure that each Member implements its responsibilities under this Convention as they pertain to seafarer recruitment and placement and the social protection of its seafarers

1. Without prejudice to the principle of flag state responsibility for the working and living conditions of seafarers on ships that fly its flag, Members also have a responsibility to ensure the implementation of the standards of this Convention regarding the recruitment and placement of seafarers as well as the social protection of seafarers that are its nationals or are resident or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in this Convention.

2. Detailed requirements for the implementation of paragraph 1 are found in the Code.

3. [Each Member shall, through its national laws and regulations, make appropriate provision to cover cases where a seafarers' employment agreement –

- (a) is inconsistent with the standards of this Convention; or
- (b) does not include a matter required by those standards.

Any inconsistent provision shall be considered null and void and the agreement shall be deemed to include the standards, relating to the matters referred to under (b) above, as implemented in the Member's laws and regulations, applicable collective agreements or other measures.]

4. Each Member shall establish an effective inspection and monitoring system for enforcing its labour-supply responsibilities under this Convention.

5. Information about the system referred to in paragraph 4 above, including the method used for assessing its effectiveness, shall be included in the Member's reports to the International Labour Office pursuant to article 22 of the Constitution of the International Labour Organization.

Standard A5.3 – Labour-supplying responsibilities

1. Each Member shall enforce the standards of this Convention applicable to the operation and practice of seafarer recruitment and placement services established on its territory through a system of inspection and monitoring and legal proceedings for violations of licensing and other operational requirements provided for in Standard A1.4.

Guideline B5.3 – Labour-supplying responsibilities

1. Private seafarer recruitment and placement services established in the Member's territory and procuring the services of a seafarer for a shipowner, wherever located, should be required to assume obligations to ensure the proper fulfilment by the shipowner of the terms of the employment agreements concluded between them and the seafarers.

Appendix A5-I

The working and living conditions of seafarers that must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.2, paragraph 6.

Minimum age

Medical certification

Qualifications of seafarers

[Seafarers' identity documents]

Seafarer employment agreements

[Use of a licensed or certificated private recruitment and placement agency (if appropriate)]

Hours of work or rest

Manning levels for the ship

Accommodation

On-board recreational facilities

Food and catering

Health and safety and accident prevention

On-board medical care

[On-board complaint procedures]

[Payment of wages]

Appendix A5-II

General areas that are subject to a detailed inspection by an authorized officer in a port State carrying out an inspection pursuant to Standard A5.2.1.

Minimum age

Medical certification

Qualifications of seafarers

[Seafarers' identity documents]

Seafarers' employment agreements

[Use of a licensed or certificated private recruitment and placement agency (if appropriate)]

Hours of work or rest

Manning levels for the ship

Accommodation

On-board recreational facilities

Food and catering

Health and safety and accident prevention

On-board medical care

[On-board complaint procedures]

[Payment of wages]

Appendix B4-I

(See Guideline B4.1.2 above – Medical report form to be completed.)

Appendix B5-I

Declaration

DECLARATION OF COMPLIANCE TO BE MAINTAINED BY ALL SHIPS flying the flag of [Name of country]

This declaration, which addresses the rights and standards set out in the maritime labour Convention, 2005 (“the Convention”) is maintained in accordance with [reference to the relevant law or regulation].

Reference number

Ship’s name

Ship’s IMO number

Name and address of the shipowner [including a Company as defined in the International Safety Management (ISM) Code]

Date of first certification (see under “CERTIFICATIONS” below)

Certifying authority

Model for requirements under national laws and regulations

1. No one employed on the ship shall be less than 16 years old. No one under the age of 18 shall work at night or engage in hazardous work of the types set out in Schedule [insert applicable reference] hereto. (See [reference to the relevant legal provision].)

2. All persons employed or engaged on the ship shall be certified as medically fit and have a valid medical certificate on board. (See [reference to the relevant legal provision].)

3. All persons employed or engaged on board the ship shall have valid and appropriate certificates of competency or other appropriate qualifications. (See [reference to the relevant legal provision].)

[4. All persons employed or engaged on board the ship shall have been issued with a valid seafarers’ identity document, at their request. (See [reference to the relevant legal provision].)]

5. On board the ship there shall be up-to-date copies of seafarers’ employment agreements that deal with each person employed or engaged on board the ship and the shipowner, corresponding to the model set out in Schedule [insert applicable reference] hereto. (See [reference to the relevant legal provision].) [Payment under the seafarers’ employment agreements shall be made on or before the [day or days] of each month.]

6. The hours of work or rest shall be in accordance with Schedule [insert applicable reference] hereto and the relevant records shall be maintained. (See [reference to the relevant legal provision].)

[7. The ship shall at all times be crewed in accordance with the crew list, appended as Schedule [insert applicable reference] [delete this statement if it is not applicable]. (See [reference to the relevant legal provision].)]

8. The approved accommodation detailed in Schedule [insert applicable reference] hereto shall be maintained. (See [reference to the relevant legal provision].)

9. The food and catering standards set out in Schedule [insert applicable reference] hereto shall be observed. (See [reference to the relevant legal provision].)

10. All persons employed or engaged on the ship, particularly young persons, shall have received training in health and safety and accident prevention. (See [reference to the relevant legal provision].)

11. The medical facilities and trained personnel shall be in accordance with Schedule [insert applicable reference] hereto. (See [reference to the relevant legal provision].)

12. The welfare facilities on board shall be as specified in Schedule [insert applicable reference] hereto. (See [reference to the relevant legal provision].)

13. Any person employed or engaged on the ship may lodge a complaint with the master concerning shipboard working and living conditions. If such a complaint cannot be addressed or resolved on board the ship or with the shipowner/company, the complainant may contact [contact details for the appropriate office of the country] or an authorized officer in a port. Records shall be kept of each complaint and of the action taken on it. (See [reference to the relevant legal provision].)

[The ship-specific requirements to be set out in the Schedules.]

Substantial equivalencies, if any, as provided under the Maritime Labour Convention, Article VI, paragraphs 3 and 4

[insert description if applicable]

Measures adopted to ensure ongoing compliance between inspections

[insert description]

[Signature and title of competent official]

[date]

Model maritime labour certificate

First certification

The ship which is the subject of the declaration of compliance numbered [reference number] was inspected by [name and title of inspector(s)] on [date] at [place] for the purpose of checking conformity with the requirements of the maritime labour Convention, 2005].

The conditions of working and living conditions on board the ship were found to correspond to [the requirements set out in the abovementioned [Declaration]].

Explanations

[Signature and title of competent official]

[date]

Subsequent certifications

The ship which is the subject of the declaration of compliance numbered [reference number] and maritime labour certificate numbered [reference number] was inspected on [date] at [place]:

for the purpose of [renewal, changes to ship construction affecting shipboard conditions of working and living conditions]

The conditions of working and living conditions on board the ship were found to continue to be in compliance with the maritime labour Convention 2005, except in the following significant respects:*

All the above deficiencies were found to have been fully remedied at a later inspection by [name and title of inspector(s)] on [date] at [place].*

[Signature and title of competent official]

[date]

* Please strike out the statements which do not apply.

Appendix B5-II

(See Guideline B5.1.3, paragraph 7)

[to be completed]

[Possible Appendix B1-I]

(See Guideline B1.3.3 above)

Guidance for maritime education and training and vocational planning for seafarers that are crew members

...]