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Report V(1)

Work in the fishing sector

Fifth item on the agenda

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INTRODUCTION

On 16 June 2004, the International Labour Conference, meeting in Geneva at its 92nd Session, adopted the following resolution:

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a comprehensive standard (a Convention supplemented by a Recommendation) concerning work in the fishing sector,

Decides that an item entitled “Work in the fishing sector” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a comprehensive standard (a Convention supplemented by a Recommendation).

By virtue of this resolution and in accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office is required to prepare, on the basis of the first discussion by the Conference, the texts of the proposed Convention and Recommendation. These texts are to be sent to governments and are to reach them not later than two months from the closing of the 92nd Session of the Conference. The purpose of this report is to transmit to governments the proposed texts.

Governments are asked to reply within three months, after consulting the most representative organizations of employers and workers, and to state whether they have any amendments to suggest or comments to make. Under the Standing Orders of the Conference, any amendments or comments on the proposed texts should be sent as soon as possible and in any case so as to reach the Office in Geneva not later than 15 November 2004.

Governments that have no amendments or comments to put forward are asked to inform the Office by the same date whether they consider that the proposed texts are a satisfactory basis for discussion by the Conference at its 93rd Session in June 2005.

Governments are requested to indicate which organizations of employers and workers they consulted before they finalized their replies pursuant to article 39, paragraph 6, of the Standing Orders. Such consultation is also required by Article 5(1)(a) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), for countries that have ratified this Convention. The results of the consultation should be reflected in the governments’ replies.

PROPOSED TEXTS

The texts of the proposed Convention and Recommendation concerning work in the fishing sector are given below. These texts are based on the Conclusions adopted by the International Labour Conference following the first discussion at its 92nd Session (hereinafter “the Conclusions”).

In accordance with the practice established in 1988, the report of the Committee on the Fishing Sector, appointed by the Conference to consider this item (hereinafter “the Committee”), is being sent to member States in its entirety, together with the record of the discussion in plenary session (see *Provisional Record* Nos. 21 and 26).¹

A number of drafting changes have been incorporated in the proposed instruments in the interest of greater clarity, to bring the two official language versions of the texts into line with one another and to harmonize certain provisions.

The Office notes that, at the 92nd Session of the Conference, the Committee on the Fishing Sector did not consider all of the Proposed Conclusions with a view to a Convention and a Recommendation as contained in Report V(2), *Conditions of work in the fishing sector: The constituents' views*. This is the case for: Part V. Accommodation and food; the provisions concerning social security; Annex I: Fisher's work agreement; D. Proposed Conclusions with a view to a Recommendation; and Annex II: Accommodation on board fishing vessels. In addition, certain texts were included in square brackets by the Conference. The Committee either intended to revert to a discussion of these texts at a later time during its sittings, but time did not permit, or postponed consideration to the next session of the Conference.

The Committee, in reviewing and adopting the Conclusions concerning work in the fishing sector, agreed that the Office should ensure that consultation on Part V and Annex II, both of which concern accommodation on board fishing vessels, should take place, through an appropriate mechanism, between the end of the 92nd Session of the Conference and its next session. This consultation should have before it all relevant information, including the content of the various amendments to Part V and Annex II that were submitted to, although not considered at, the 92nd Session.

At its 290th (June 2004) Session, the Governing Body agreed that the ILO should hold a Tripartite Meeting of Experts on the Fishing Sector from 13 to 17 December 2004. The purpose of the Meeting of Experts, which will be composed of six Govern-

¹ These texts are reproduced in the *Record of Proceedings* of the 92nd Session of the International Labour Conference. They can also be consulted on the web site of the International Labour Office: www.ilo.org under “International Labour Conference”. Copies will be sent on application to the Distribution Unit, ILO, CH-1211 Geneva 22.

ment experts,² six Employer experts and six Worker experts, will be to review and formulate provisions on accommodation and deal with any other pending issues identified by the Committee on the Fishing Sector.

The Committee also agreed that the Office should develop in the Convention a new Part concerning “Additional requirements for vessels of [...] metres in length or more” in order to address the specific needs of fishers working on larger vessels. The size of vessels to which these requirements would apply has not yet been agreed. The Office would therefore find it particularly helpful if the replies to the present report would address this matter.

The Office notes that in several of the Articles of the proposed Convention it has used the term “fishing vessels that undertake international voyages”. This is meant to refer to those vessels that remain at sea for more than a few days at one time, and that engage in fishing operations in the waters of other States or visit the ports of other States. Many aspects of the conditions of such fishers are comparable to those of seafarers (e.g. the need for repatriation if stranded in a foreign port, the need for an identity document that would facilitate shore leave and the transit and transfer of fishers, the need for stronger enforcement and compliance measures bearing in mind the remoteness from direct oversight by competent authorities). Governments may wish to consider whether “fishing vessels that undertake international voyages” is sufficiently clear or whether a definition, or perhaps alternative term, is necessary.

Proposed Convention

PREAMBLE

(Point 3 of the Conclusions)

The Office has established a standard preambular text that incorporates Point 3 of the Conclusions. The Preamble includes references to the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, to two of the most relevant ILO Conventions concerning occupational safety and health, and to the current seven ILO standards (five Conventions and two Recommendations) concerning the fishing sector, which are being revised. The Preamble also draws attention to the impact of globalization on the sector, and to the objective the new ILO standards seek to achieve. The final line of the Preamble states that the Convention to be adopted may be cited as the Work in Fishing Convention, 2005.

PART I. DEFINITIONS AND SCOPE

DEFINITIONS

Article 1

(Point 5 of the Conclusions)

The Office notes that, in the English text, subparagraph (a) provides that “‘commercial fishing’ means all fishing operations, including fishing operations on rivers

² The following Governments will be invited to send experts: Canada, Chile, Japan, Norway, South Africa and Spain. The following Governments will be on a reserve list: Denmark, France, Germany, India, Namibia, Portugal, Russian Federation, Thailand, the United Kingdom and the United States.

and inland waters, with the exception of subsistence fishing and recreational fishing”. When the term “inland waters” is used, it is meant in its most limited sense (i.e. lakes, canals) but not in the sense of “internal waters”, as used in the United Nations Convention on the Law of the Sea.³ See also the discussion of “inland waters” under Article 3.

In Point 5, clause (e) of the Conclusions (now Article 1, subparagraph (e)), the words “and shore-based persons carrying out work aboard a fishing vessel” remain in square brackets. Governments are invited to comment on whether these persons should be excluded from the definition of “fishers” and on whom the category of exclusions would cover. Please refer to paragraphs 132 to 175 of the Report of the Committee on the Fishing Sector.

SCOPE

Articles 2 to 5

(Points 6 to 12 of the Conclusions)

The Office has transferred Point 7 of the Conclusions from Part I. Definitions and scope, to Part II. General principles, of the Convention, as it considered this to be a more appropriate placement. The provision now appears as the second paragraph of Article 6.

Point 9 of the Conclusions (now Article 3) has been reformulated to take account of the reference in the chapeau which had provided for exclusions “where the application is considered to be impracticable” and the phrase in clause (b) which had provided for exclusions “in respect of which special and substantial problems relating to application arise in the light of particular conditions of service of the fishers or fishing vessels’ operations”. The reformulated text has simplified the Article by using the formulation in clause (b) in the chapeau instead.

The Office also wishes to draw attention to the need for coherence between Article 3, which as far as exclusions are concerned applies to the entire Convention or specific provisions thereof, and the specific exclusions contained in Point 26 (now Article 10, paragraph 2) and Point 29 (now Article 16). It would also be necessary to ensure that provisions containing general principles (for example, scope, definitions and final clauses) should not be subject to such exclusions.

Point 12 of the Conclusions has been moved to immediately after the text contained in Point 10 to re-order the reporting requirements. It has become paragraph 2 of Article 4.

Point 11 of the Conclusions (now Article 5) concerns the units of measurement that may be used by a competent authority when determining to which vessels certain Parts or provisions of the Convention are to be applied. This provision has to be read in the light of definitions of “gross tonnage” and “length” contained in what are now Article 1(j) and (k). However, whether or not such an Article is needed will depend on how the 93rd Session of the Conference decides to deal with the issue of additional requirements for larger fishing vessels.

³ United Nations Convention on the Law of the Sea, Article 8: “*Internal waters* 1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State. 2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.”

PART II. GENERAL PRINCIPLES

*Articles 6 to 8**(Points 13 to 18 of the Conclusions)*

As noted above, the provision found in Point 7 of the Conclusions has been moved to after Point 13. It is now the second paragraph of Article 6.

PART III. MINIMUM REQUIREMENTS FOR WORK ON BOARD FISHING VESSELS

*Article 9**(Points 19 to 24 of the Conclusions)*

The Committee discussed whether Points 19 to 24 of the Conclusions (now Article 9) are consistent with the Minimum Age Convention, 1973 (No. 138) (see paragraphs 338 to 390 of the Report of the Committee on the Fishing Sector). The Office has reviewed the provisions of Article 9 of the proposed Convention and considers that some of them, namely paragraphs 3 and 6, paraphrase the provisions of Convention No. 138, omitting certain important points. The Office wishes to draw the attention of governments to the possible consequences of having provisions relating to the same subject – child labour – drafted in appreciably different terms when it comes to the application of ratified Conventions, particularly in the case of fundamental Conventions. In this respect, it would seem that an explicit reference to the provisions of Convention No. 138 would avoid weakening the obligations stipulated in the general Conventions. The Office would like to receive views on this, without, however, proposing a drafting change at this stage.

PART IV. CONDITIONS OF SERVICE

*Articles 13 to 17**(Points 29 to 34 of the Conclusions)*

Point 29 of the Conclusions (now Article 16) has been moved to become the last Article under fishers' work agreements, as it provides an exception to the general requirements concerning this issue.

Points 30 and 32 of the Conclusions have been combined and appear as Article 13. This has been done to streamline the text.

The Office recalls that Annex I is based on Article 6 of the Fishermen's Articles of Agreement Convention, 1959 (No. 114), with some additions.

*Article 18**(Point 35 of the Conclusions)*

Point 35, clause (a) of the Conclusions (now Article 18, subparagraph (a)), which concerns identity documents, has been left in square brackets (see paragraphs 552 to 582 of the report of the Committee on the Fishing Sector). Governments are

requested to indicate whether fishers covered by Article 18 should have an identity document.

PART V. ACCOMMODATION AND FOOD

Articles 20 to 23, and Annex II

(Points 37 to 40 of the Conclusions, and Annex II)

Points 37 to 40 of the Conclusions (now Articles 20 to 23) have been left in square brackets. Additional square brackets appear around Point 39 (now Article 22) and around the words “Annex II” within that Point. With regard to Part V and to Annex II: Accommodation on board fishing vessels, the Office refers to the discussion of this issue in paragraphs 600 to 609 of the report of the Committee on the Fishing Sector.

The Office notes that Annex II is drawn almost entirely from the requirements contained in the existing Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).

Particular attention is drawn to Point 39 of the Conclusions (now Article 22) and to the text of Annex II. The Committee on the Fishing Sector agreed, inter alia, that, as noted in the Introduction, the Office would ensure that the consultation on Part V and Annex II, which would take place, through an appropriate mechanism, between the end of the 92nd Session of the Conference and its next session, would have before it all relevant information, including the content of the various amendments on Part V and Annex II that were submitted to, although not considered at, the 92nd Session. This would enable the Committee, when meeting in June 2005, to have before it, as a basis for its discussion, a set of proposals that would seek to achieve an appropriate balance between the mandatory and non-mandatory provisions on accommodation and food, covered in Part V and Annex II (see paragraphs 608 and 609 of the report).

The Office has not made any changes to Annex II. Therefore, the word “should” in Annex II does not prejudice in any way the status that would need to be given in this Annex.

As concerns the present report, attention is drawn to the importance for the Office to receive comments on the present text concerning accommodation. In this regard, it would be very useful if member States could provide guidance on how to achieve a balance between the mandatory provisions which could be included in Annex II and the non-mandatory provisions which could be included as part of the Recommendation. This would greatly facilitate the work of the Tripartite Meeting of Experts on the Fishing Sector that, as noted above in the Introduction, will meet in December 2004.

PART VI. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

Article 24

(Point 41 of the Conclusions)

In Article 24, subparagraph (c) (formerly Point 41, clause (c) of the Conclusions), the words “including the necessary knowledge in using” have been replaced with “and has the necessary knowledge to use”.

*Article 26**(Point 43 of the Conclusions)*

With reference to Point 43, clause (e) (now Article 26, subparagraph (e)), the Office believes it would be useful to consider specifying whether the joint committees are to meet on board vessels, ashore, or both.

*Article 27**(Point 44 of the Conclusions)*

Point 44 of the Conclusions (now Article 27) remains in square brackets, as the Committee on the Fishing Sector had agreed that it would be best to defer consideration of social security protection to 2005 because: (1) the subject was very complex, and many delegations did not have the necessary expertise available at the present meeting, and (2) the Preparatory Technical Maritime Conference in September 2004 would discuss social security protection of seafarers in detail and the Committee could learn from those deliberations (see paragraphs 678 to 694 of the Committee's report). It would also assist the Tripartite Meeting of Experts in December if governments could indicate whether (a) certain categories of fishers enjoy the same level of social security protection as seafarers and, if so, which ones, and (b) if bilateral agreements exist with other countries in this regard.

PART VII. ADDITIONAL REQUIREMENTS FOR VESSELS OF [...] METRES IN LENGTH
OR MORE

Article 30

The Committee on the Fishing Sector had extensive discussions on the issue of additional requirements for larger fishing vessels (see paragraphs 721 to 745 of the Committee's report). Following a debate and record vote on this matter, it was agreed that a new Part, Part VII. Additional requirements for vessels of [...] metres in length or more, should be developed by the Office with a view to being examined by the Conference. It was further agreed that the following text should appear under this Part:

Taking into account the number of fishers on board, the area of operation and the length of the voyage, a Member may, after consultation, exclude additional requirements for the vessels concerned.

As noted in the Introduction to the present report, it would be very useful if governments, in their replies, expressed their views on what should be included in such requirements and, where appropriate, to which vessel sizes they should apply.

PART VIII. COMPLIANCE AND ENFORCEMENT

*Article 32**(Point 50 of the Conclusions)*

The words "operate internationally" have been replaced with "undertake international voyages" to ensure consistency with other Articles of the Convention.

Proposed Recommendation

With the exception of the provisions described below, the text is identical in content to the text of the Proposed Conclusions with a view to a Recommendation provided by the Office in Report V(2), *Conditions of work in the fishing sector: The constituents' views*, as prepared for the 92nd Session of the Conference.

PREAMBLE

The Office has prepared a text that refers to the need to revise the existing two ILO Recommendations specifically concerned with the fishing sector, that notes that the Recommendation supplements the [proposed] Convention concerning work in the fishing sector, and that sets out that the Recommendation may be cited as the Work in Fishing Recommendation, 2005.

Paragraph 16

(Point 69 of the Conclusions)

The Committee on the Fishing Sector considered an amendment to the Proposed Conclusions with a view to a Convention that concerned medical supplies for women fishers. It was agreed that this amendment should be reflected in Point 69 of the Proposed Conclusions with a view to a Recommendation. This provision is now reflected in Paragraph 16.

Paragraph 24

(Point 77 of the Conclusions)

The Committee on the Fishing Sector considered an amendment to the Proposed Conclusions with a view to a Convention that had dealt with, inter alia, risk evaluation and management (see paragraphs 647 to 677 of its report). The Committee agreed to the amendment but referred it to the Recommendation. Point 77 of the Conclusions is now reflected in Paragraph 24.

Proposed Convention concerning work in the fishing sector

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 93rd Session on 31 May 2005, and

Recognizing that globalization has had a profound impact on the fishing sector, and

Noting the ILO Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Conference at its 86th Session (1998), and

Noting the relevant instruments of the International Labour Organization, in particular the Occupational Safety and Health Convention and Recommendation, 1981, and the Occupational Health Services Convention and Recommendation, 1985, and

Taking into account the need to revise the seven international standards adopted by the International Labour Conference specifically concerning the fishing sector, namely the Hours of Work (Fishing) Recommendation, 1920, the Minimum Age (Fishermen) Convention, 1959, the Medical Examination (Fishermen) Convention, 1959, the Fishermen's Articles of Agreement Convention, 1959, the Fishermen's Competency Certificates Convention, 1966, the Accommodation of Crews (Fishermen) Convention, 1966, and the Vocational Training (Fishermen) Recommendation, 1966, to bring these instruments up to date and to reach a greater portion of the world's fishers, particularly those working on board smaller vessels, and

Noting that the objective of these international standards is to help ensure that fishers have decent conditions for work on board fishing vessels with regard to: minimum requirements for work on board; conditions of service; accommodation and food; health protection, medical care and social security, and

Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fifth 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 June of the year two thousand and five the following Convention, which may be cited as the Work in Fishing Convention, 2005:

PART I. DEFINITIONS AND SCOPE

DEFINITIONS

Article 1

For the purposes of the Convention:

- (a) "commercial fishing" means all fishing operations, including fishing operations on rivers and inland waters, with the exception of subsistence fishing and recreational fishing;
- (b) "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) "consultation" means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist, on the measures to be taken to give effect to the provisions of the Convention and with respect to any derogation, exemption or other flexible application of the Convention;
- (d) "fishing vessel owner" means the owner of the fishing vessel or any other organization or person who has assumed the responsibility for the operation of the vessel 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 fishing vessel owners in accordance with the Convention;

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- (e) “fisher” means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch; it excludes pilots, naval personnel, other persons in the permanent service of a government [and shore-based persons carrying out work aboard a fishing vessel];
- (f) “fisher’s work agreement” means a contract of employment, articles of agreement or other similar arrangements and any other contract governing the terms of a fisher’s living conditions and work on board a vessel;
- (g) “fishing vessel” or “vessel” means any ship or boat, of any nature whatsoever, whether publicly or privately owned, used or intended to be used for the purposes of commercial fishing;
- (h) “new fishing vessel” means a fishing vessel for which:
- (i) on or after the date of the entry into force of the Convention, the building or major conversion contract is placed; or
 - (ii) the building or major conversion contract has been placed before the date of the entry into force of the Convention, and which is delivered three years or more after that date; or
 - (iii) in the absence of a building contract, on or after the date of the entry into force of the Convention:
 - the keel is laid, or
 - construction identifiable with a specific vessel begins, or
 - assembly has commenced comprising at least [50 tonnes] or 1 per cent of the estimated mass of all structural material, whichever is less;
- (i) “existing vessel” is a vessel that is not a new fishing vessel;
- (j) “gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention;
- (k) “length” (L) shall be taken as 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stern to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;
- (l) “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 fishers on behalf of employers or placing fishers with employers;
- (m) “skipper” means the person having command of a fishing vessel.

SCOPE

Article 2

1. Except as provided otherwise, the Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations.

2. In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent authority after consultation.

Article 3

1. The competent authority may, after consultation, exclude from the requirements of the Convention, or certain provisions thereof, where the application raises special and substantial problems in the light of particular conditions of service of the fishers or fishing vessels' operations:

- (a) fishing vessels engaged in fishing operations in rivers and inland waters; and
- (b) limited categories of fishers or fishing vessels.

2. In the case of exclusions under the preceding paragraph, and where practicable, the competent authority shall take measures, as appropriate, to progressively extend the protections under the Convention to those categories of fishers and fishing vessels.

Article 4

1. Each Member which ratifies the Convention shall, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation:

- (a) list any categories of fishers or fishing vessels which may have been excluded in pursuance of Article 3, paragraph 1, above;
- (b) give the reasons for such exclusion, stating the respective positions of the representative organizations of employers and workers concerned, in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
- (c) describe any measures taken to provide equivalent protection to the excluded categories.

2. Each Member shall describe in subsequent reports submitted under article 22 of the Constitution, the measures taken with a view to extending progressively the provisions of the Convention to the excluded fishers and fishing vessels.

Article 5

The competent authority may, after consultation, decide to use other units of measurement as defined in the Convention and shall, in the first report submitted under article 22 of the Constitution, communicate the reasons for the decision and any comments arising from the consultation.

PART II. GENERAL PRINCIPLES

IMPLEMENTATION

Article 6

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

fishers and fishing vessels under its jurisdiction. Other measures may include collective agreements, court decisions, arbitration awards or other means consistent with national law and practice.

2. Nothing in this Convention shall affect any law, award, custom or any agreement between fishing vessel owners and fishers which ensures more favourable conditions or provisions than those provided for by the Convention.

COMPETENT AUTHORITY AND COORDINATION

Article 7

Each Member shall:

- (a) designate the competent authority or authorities; and
- (b) establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local level, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

RESPONSIBILITIES OF FISHING VESSEL OWNERS, SKIPPERS AND FISHERS

Article 8

1. The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities for the purpose of compliance with the obligations of the Convention.

2. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas:

- (a) providing such supervision as will ensure that as far as possible fishers perform their work in the best conditions of safety and health;
- (b) managing the fishers on board in a manner which respects safety and health, including fatigue;
- (c) facilitating occupational safety and safety awareness training on board the vessel.

3. The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgement of the skipper, is necessary for the safety of the vessel and its safe navigation, safe operation or the safety of the fishers on board.

4. Fishers shall comply with established applicable safety and health measures.

PART III. MINIMUM REQUIREMENTS FOR WORK ON BOARD FISHING VESSELS

MINIMUM AGE

Article 9

1. No person under the minimum age shall work on board a fishing vessel.

2. The minimum age at the time of the initial entry into force of the Convention is 16 years.

3. (a) The minimum age may be 15 years for persons who are no longer subject to compulsory schooling as imposed by national legislation, and who are engaged in maritime vocational training.

(b) Persons of 15 years of age may also be authorized, in accordance with national law and practice, to perform light work during school holidays; in this case they shall be granted a rest of a duration equal to at least half of each holiday period.

4. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health and safety of young persons, shall not be less than 18 years.

5. The types of employment or work to which paragraph 4 above applies shall be determined after consultation, taking into account the risks concerned and the applicable international standards.

6. The competent authority may, after consultation, authorize the performance of work referred to in paragraph 4 above as from 16 years of age, on condition that the health and safety of the young persons concerned are fully protected and that the young persons concerned have completed basic pre-sea safety training.

MEDICAL EXAMINATION

Article 10

1. No person shall work on board a fishing vessel unless they have a valid medical certificate attesting that they are medically fit to perform their duties.

2. The competent authority may, after consultation, grant exemptions from the application of the preceding paragraph, taking into account the health and safety of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, type of fishing operation and national traditions.

Article 11

Each Member shall adopt laws, regulations or other measures providing for:

- (a) the nature of medical examinations;
- (b) the form and content of medical certificates;
- (c) the medical certificate to 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 medical certificate; practitioners shall enjoy full professional independence in exercising their medical judgement in terms of the medical examination procedures;
- (d) the frequency of medical examinations and the period of validity of medical certificates;

- (e) the right to a further examination by another independent medical practitioner in the event that a person has been refused a certificate or has had limitations imposed on the work he or she may perform; and
- (f) other relevant requirements.

PART IV. CONDITIONS OF SERVICE

MANNING AND HOURS OF REST

Article 12

Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessels flying its flag ensure that:

- (a) their vessels are sufficiently and safely manned with a crew necessary for the safe navigation and operation of the vessel and under the control of a competent skipper; and
- (b) fishers are given rest periods of sufficient frequency and duration for the safe and healthy performance of their duties.

FISHERS' WORK AGREEMENTS AND LIST OF PERSONS ON BOARD

Article 13

Each Member shall adopt laws, regulations or other measures:

- (a) requiring that fishers working on vessels flying its flag have a fisher's work agreement comprehensible to them that is consistent with the provisions of the Convention;
- (b) specifying the minimum particulars to be included in fishers' work agreements in accordance with the provisions contained in Annex I.

Article 14

Each Member shall adopt laws, regulations or other measures regarding:

- (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher's work agreement before it is concluded;
- (b) maintenance of records concerning the fisher's work under such an agreement; and
- (c) the means of settling disputes in connection with such an agreement.

Article 15

The fisher's work agreement, a copy of which shall be provided to the fisher, shall be carried on board and be available to the fisher and, in accordance with national law and practice, to other concerned parties on request.

Article 16

Articles 13 to 15 inclusive, and Annex I, do not apply to a fishing vessel owner who is also single-handedly operating the vessel.

Article 17

Every fishing vessel shall carry a list of the fishers on board, a copy of which shall be provided to appropriate persons ashore prior to or shortly after departure of the vessel.

IDENTITY DOCUMENTS, REPATRIATION RIGHTS AND RECRUITMENT AND PLACEMENT SERVICES

Article 18

Fishers working on board fishing vessels that undertake international voyages shall enjoy treatment no less favourable than that provided to seafarers working on board vessels flying the flag of the Member and ordinarily engaged in commercial activities, with respect to:

- [(a) identity documents;]
- (b) repatriation conditions;
- (c) recruitment and placement services.

PAYMENT OF FISHERS

Article 19

Each Member shall, after consultation, adopt laws, regulations or other measures providing that fishers are ensured a monthly or regular payment. The competent authority shall, after consultation, define the fishers to be covered by this provision.

PART V. ACCOMMODATION AND FOOD

Article 20

[Each Member shall adopt laws, regulations or other measures with respect to accommodation, food and potable water on board for fishing vessels that fly its flag.

Article 21

Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and shall be appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures shall address, as appropriate, the following issues:

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- (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;
 - (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions;
 - (c) ventilation, heating, cooling and lighting;
 - (d) mitigation of excessive noise and vibration;
 - (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess-rooms and other accommodation spaces;
 - (f) sanitary facilities, including water closets and washing facilities, and supply of sufficient hot and cold water; and
 - (g) procedures for responding to complaints concerning substandard accommodation.

Article 22

[Fishing vessels to which [Annex II] applies shall as a minimum comply with the standards contained therein.]

Article 23

The food carried and served on board fishing vessels shall be of an appropriate quantity, nutritional value and quality for the service of the vessel and potable water shall be of sufficient quantity and quality.]

PART VI. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

MEDICAL CARE

Article 24

Each Member shall adopt laws, regulations or other measures requiring that:

- (a) fishing vessels shall carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (b) medical equipment and supplies carried on board shall be accompanied by instructions or other information in a language and format understood by the fishers concerned;
- (c) fishing vessels shall have at least one person on board who is qualified or trained in first aid and other forms of medical care, and has the necessary knowledge to use the medical equipment and supplies for the vessel concerned, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (d) fishing vessels shall be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage;

- (e) fishers shall have the right to medical treatment ashore and to be taken ashore in a timely manner for treatment in the event of serious injuries or illnesses.

Article 25

The standards for medical care on board fishing vessels that undertake international voyages or remain away from land for a period prescribed by the competent authority shall be no less favourable than those provided to seafarers on vessels of a similar size ordinarily engaged in commercial activities.

OCCUPATIONAL SAFETY, HEALTH AND ACCIDENT PREVENTION

Article 26

Each Member shall adopt laws, regulations or other measures concerning:

- (a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;
- (b) training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;
- (c) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of the safety and health of fishers under 18 years of age;
- (d) the reporting and investigation of accidents on board fishing vessels flying its flag;
- (e) the setting up of joint committees on occupational safety and health.

SOCIAL SECURITY

Article 27

[Each Member shall ensure that fishers are entitled to benefit from social security protection on conditions no less favourable than those applicable to other workers.]

Article 28

Each Member shall, with regard to the principles of equality of treatment and the maintenance of social security protection rights, adopt measures that take into account the situation of non-national fishers.

PROTECTION IN THE CASE OF WORK-RELATED SICKNESS, INJURY OR DEATH

Article 29

1. Each Member shall take measures to provide fishers with protection for work-related sickness, injury or death determined in accordance with national laws or regulations or practice.

2. In the event of injury due to occupational accident or disease, the fisher shall have access to:

- (a) appropriate medical attention; and
- (b) the corresponding compensation in accordance with national laws.

3. Taking into account the characteristics within the fishing sector, the protection referred to in paragraph 1 above may be ensured through:

- (a) a system for fishing vessel owners' liability; or
- (b) compulsory insurance, workers' compensation or other schemes.

PART VII. ADDITIONAL REQUIREMENTS FOR VESSELS OF [...] METRES IN LENGTH
OR MORE

Article 30

[Taking into account the number of fishers on board, the area of operation and the length of the voyage, a Member may, after consultation, exclude additional requirements for the vessels concerned.]*

PART VIII. COMPLIANCE AND ENFORCEMENT

Article 31

Each Member shall exercise effective jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the standards of the Convention including, as appropriate, inspections, reporting, monitoring, appropriate penalties and corrective measures, in accordance with national laws or regulations.

Article 32

Fishing vessels that undertake international voyages shall be required to undergo a documented periodic inspection of living and working conditions on board.

Article 33

1. The competent authority shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under Article 31.

2. Each Member shall be responsible for inspection of the on-board living and working conditions of fishers on vessels that fly its flag, whether such inspections are carried out by public institutions or other competent bodies.

* Text to be developed by the Office with a view to being examined by the Conference.

Article 34

1. If a Member which has ratified the Convention and in whose port a fishing vessel calls in the normal course of its business or for operational reasons receives a complaint or obtains evidence that the fishing vessel does not conform to the standards of the Convention, after it has come into force, it may prepare a report addressed to the government of the country in which the fishing vessel is registered, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.

2. In taking such measures, the Member shall forthwith notify the nearest representative of the flag State and shall, if possible, have such representative present. It shall not unreasonably detain or delay the vessel.

3. For the purpose of this Article, "complaint" means information submitted by a fisher, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the vessel, including an interest in safety or health hazards to its fishers.

Article 35

Each Member shall apply the Convention in such a way as to ensure that the fishing vessels flying the flag of States that have not ratified the Convention do not receive more favourable treatment than the fishing vessels that fly the flag of Members that have ratified it.

ANNEX I [TO THE CONVENTION]

FISHER'S WORK AGREEMENT

The fisher's work agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations:

- (a) the fisher's family name and other names, date of birth or age and birthplace;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels on board which the fisher undertakes to serve;
- (d) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (e) the capacity in which the fisher is to be employed or engaged;
- (f) if possible, the place at which and date on which the fisher is required to report on board for service;
- (g) the scale of provisions to be supplied to the fisher, unless some alternative system is provided for by national law;

- (h) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- (i) the termination of the agreement and the conditions thereof, namely:
 - if the agreement has been made for a definite period, the date fixed for its expiry;
 - if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
 - if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the owner of the fishing vessel than for the fisher;
- (j) the insurance that will cover the fisher in the event of death, injury or illness in connection with their work on board the vessel; and
- (k) any other particulars which national law may require.

Proposed Recommendation concerning work in the fishing sector

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 93rd Session on 31 May 2005, and

Taking into account the need to revise the Hours of Work (Fishing) Recommendation, 1920, and the Vocational Training (Fishermen) Recommendation, 1966, and

Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Work in Fishing Convention, 2005 (hereinafter referred to as “the Convention”);

adopts this day of June of the year two thousand and five the following Recommendation, which may be cited as the Work in Fishing Recommendation, 2005:

PART I. CONDITIONS FOR WORK ON BOARD FISHING VESSELS

PROTECTION OF YOUNG PERSONS

1. Members should establish the requirements for the prior training of persons between 16 and 18 years of age working on board fishing vessels, taking into account international instruments concerning training for work on board fishing vessels, including occupational safety and health issues such as: night work, hazardous tasks, work with dangerous machinery, manual handling and transport of heavy loads, work in high latitudes, work for excessive periods of time and other relevant issues identified after an assessment of the risks concerned.

2. The training of persons between 16 and 18 years of age might be provided through participation in an apprenticeship or approved training programme, which should operate under established rules and be monitored by the competent authority and should not interfere with the person's general education.

3. Members should take measures to ensure that the safety, lifesaving and survival equipment carried on board fishing vessels carrying persons under the age of 18 is appropriate for the young persons concerned.

MEDICAL EXAMINATION

Nature of medical examination and content of medical certificate

4. When prescribing the nature of the examination, Members should pay due regard to the age of the person to be examined and the nature of the duties to be performed.

5. In particular, the medical certificate should attest that the person is not suffering from any disease likely to be aggravated by or to render them unfit for service on board a fishing vessel or likely to endanger the health of other persons on board.

Medical certificate

6. The certificate should be signed by a medical practitioner approved by the competent authority.

Period of validity of the medical certificate

7. In the case of young persons of less than 21 years of age, the medical certificate should remain in force for a period not exceeding one year from the date on which it was granted.

8. In the case of persons who have attained the age of 21 years, the competent authority should determine the period for which the medical certificate should remain in force.

9. If the period of validity of a certificate expires in the course of a voyage, the certificate should continue in force until the end of that voyage.

Right to administrative appeal

10. Arrangements should be made to enable a person who, after examination, is determined to be unfit for work on board fishing vessels, or on board certain types of vessels, or for certain types of work on board vessels, to apply for a further examination by a medical referee or referees who should be independent of any fishing vessel owner or of any organization of fishing vessel owners or fishers.

International guidance

11. Competent authorities should take into account international guidance on medical examination and certification of persons working at sea, such as the ILO/

WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers.

Special measures

12. For fishers exempted from the application of the provisions concerning medical examination in the Convention, the competent authority should take alternative adequate measures to provide health surveillance for the purpose of occupational safety and health.

COMPETENCY AND TRAINING

13. Members should:

- (a) ensure that competencies required for skippers, mates, engineers and other persons working on board fishing vessels take into account generally accepted international standards concerning training and competencies of fishers;
- (b) address, with regard to the vocational training of fishers, the issues of: national planning and administration, including coordination; financing and training standards; training programmes, including pre-vocational training and short courses for working fishers; methods of training; and international cooperation;
- (c) ensure that there is no discrimination with regard to access to training.

PART II. CONDITIONS OF SERVICE

RECORD OF SERVICE

14. At the end of each voyage, a record of service in regard to that voyage should be available to the fisher concerned or entered in their service book.

SPECIAL MEASURES

15. For fishers excluded from the scope of the Convention, the competent authority should take measures to provide them with adequate protection with respect to their conditions of work and with means of dispute settlement.

PART III. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

MEDICAL CARE ON BOARD

16. The competent authority should establish the list of medical supplies, including women's sanitary protection and discreet environmentally friendly disposal units, and equipment to be carried on fishing vessels appropriate to the risks concerned.

17. Fishing vessels carrying 100 or more fishers and ordinarily engaged in international voyages of more than three days' duration should carry a qualified medical doctor.

18. Fishers should receive training in basic first aid in accordance with national laws and regulations, taking into account applicable international instruments.

19. There should be a standard medical report form specially designed to facilitate the confidential exchange of medical and related information concerning individual fishers between the fishing vessel and the shore in cases of illness or injury.

OCCUPATIONAL SAFETY AND HEALTH

20. In order to contribute to the continuous improvement of safety and health of fishers, member States should have in place programmes for the prevention of accidents on board fishing vessels which should, inter alia, provide for the gathering and dissemination of occupational health and safety materials, research and analysis.

21. Information concerning particular hazards should be brought to the attention of all fishers and other persons on board through official notices containing instructions or guidance on such hazards or other appropriate means.

22. When establishing methods and programmes concerning safety and health of fishers, the competent authority should take into consideration technological progress and knowledge in the field of occupational safety and health, as well as relevant international instruments.

Technical specifications

23. Members should, to the extent practicable and as appropriate to the conditions in the fishing sector, address the following:

- (a) seaworthiness and stability of fishing vessels;
- (b) radio communications;
- (c) temperature, ventilation and lighting of working areas;
- (d) mitigation of the slipperiness of deck surfaces;
- (e) machinery safety, including guarding of machinery;
- (f) vessel familiarization for fishers or fisheries observers new to the vessel;
- (g) personal protective equipment;
- (h) fire-fighting and lifesaving;
- (i) loading and unloading of the vessel;
- (j) lifting gear;
- (k) anchoring and mooring equipment;
- (l) safety and health in living quarters;
- (m) noise and vibration in work areas;
- (n) ergonomics, including in relation to the layout of workstations and manual lifting and handling;

- (o) equipment and procedures for the catching, handling, storage and processing of fish and other marine resources;
- (p) vessel design, construction and modification relevant to occupational safety and health;
- (q) navigation and vessel handling;
- (r) hazardous materials used on board the vessel;
- (s) safe means of access to and exit from fishing vessels in port;
- (t) special safety and health requirements for young persons;
- (u) prevention of fatigue;
- (v) other issues related to safety and health.

Occupational safety and health management systems

24. (1) When establishing methods and programmes concerning safety and health in the fishing sector, competent authorities should take into account any relevant international guidelines concerning occupational safety and health management systems, including the Guidelines on occupational safety and health management systems of the International Labour Office.

(2) Risk evaluation in relation to fishing should be conducted as appropriate, with the participation of fishers or their representatives and should include:

- (a) risk evaluation and management;
- (b) training, taking into consideration the relevant provisions of Chapter III of the International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel (STCW-F Convention);
- (c) on-board instruction of fishers.

(3) To give effect to the provision of subparagraph 2(a) above, Members should adopt, after consultation, laws, regulations or other measures requiring that:

- (a) all fishers are regularly actively involved in improving safety and health through continually identifying hazards, assessing risks and taking action to address the risks through safety management;
- (b) an occupational safety and health management system is established that may include an occupational safety and health policy, provisions for fisher participation and provisions concerning organizing, planning, implementing and evaluating the system and taking action to improve the system;
- (c) a system is established for the purpose of assisting in the implementation of the fishing vessel owner's or the organization's safety and health policy and programme and to provide fishers with a forum to influence safety and health matters.

(4) When developing the provisions referred to in subparagraph 2(a), Members should take into account the possible and relevant international instruments developed on risk assessment and management.

25. Members should establish a list of diseases known to arise out of exposure to substances or dangerous conditions in the fishing sector.

SOCIAL SECURITY

26. (1) Members should take measures to extend social security protection progressively to all fishers.

(2) To this end, Members should maintain up-to-date information on the:

- (a) percentage of fishers covered;
- (b) range of contingencies covered; and
- (c) level of benefits.

27. The benefits referred to in Article 29 of the Convention should be granted throughout the contingency.

Common provisions

28. Every claimant should have a right of appeal in the case of refusal of the benefit or complaint as to quality and quantity of the benefit.

29. Members should take steps to secure the protection of foreign fishers, including by entering into agreements to that effect.

PART IV. OTHER PROVISIONS

30. In its capacity as a coastal State, a Member might require, when it grants licences for fishing in its exclusive economic zone, that fishing vessels comply with the standards of the Convention.

[ANNEX II

[Not currently attached to either the Convention or Recommendation]

ACCOMMODATION ON BOARD FISHING VESSELS [MODIFIED FROM C. 126]

PART I. GENERAL PROVISIONS

1. The provisions of this annex should apply to fishing vessels [of more than 24.4 m in length].

2. This annex might be applied to vessels of [between 13.7 and 24.4 m] in length where the competent authority determines, after consultation, that this is reasonable and practicable.

3. In respect of vessels which normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port, the provisions concerning the following do not apply:

- (a) lighting in paragraph 35 below;
- (b) sleeping rooms;
- (c) mess-rooms;
- (d) sanitary accommodation;
- (e) sick bay;
- (f) space to hang oilskins;
- (g) cooking equipment and galley.

4. In the case of vessels referred to in paragraph 3 above, adequate sanitary installations as well as messing and cooking facilities and accommodation for resting are provided.

5. The provisions of Part III of this annex might be varied in the case of any vessel if the competent authority is satisfied, after consultation, that the variations to be made provide corresponding advantages as a result of which the overall conditions are no less favourable than those that would result from the full application of the provisions of the annex.

PART II. PLANNING AND CONTROL OF CREW ACCOMMODATION

6. Before the construction of a fishing vessel is begun, and before the crew accommodation of an existing vessel is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation should be submitted to the competent authority for approval.

7. The competent authority should inspect the vessel and satisfy itself that the crew accommodation complies with the requirements of the laws or regulations or other measures, on every occasion when:

- (a) a fishing vessel is registered or re-registered;
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed; or
- (c) a complaint that the crew accommodation is not in compliance with the terms of this annex has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel, by a recognized fishers' organization representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the vessel.

PART III. CREW ACCOMMODATION REQUIREMENTS

GENERAL ACCOMMODATION STANDARDS [BASED ON C. 126, ART. 6]

8. The location, means of access, structure and arrangement of crew accommodation in relation to other spaces should be such as to ensure adequate security,

protection against weather and sea and insulation from heat or cold, undue noise or effluvia from other spaces.

9. Emergency escapes should be provided from all crew accommodation spaces as necessary.

10. Every effort should be made to exclude direct openings into sleeping rooms from fish holds and fish meal rooms, from spaces for machinery, from galleys, lamp and paint rooms or from engine, deck and other bulk store rooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads should be efficiently constructed of steel or other approved substance and should be watertight and gastight.

11. 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 when 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.

12. Internal bulkheads should be of approved material which is not likely to harbour vermin.

13. Sleeping rooms, mess-rooms, recreation rooms and passageways in the crew accommodation space should be adequately insulated to prevent condensation or overheating.

14. Main steam and exhaust pipes for winches and similar gear should, whenever technically possible, not pass through crew accommodation or through passageways leading to crew accommodation; where they do pass through such accommodation or passageways they should be adequately insulated and encased.

15. Inside panelling or sheeting should be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin should not be used.

16. The competent authority should decide to what extent fire prevention or fire-retarding measures should be required to be taken in the construction of the accommodation.

17. The wall surface and deck heads in sleeping rooms and mess-rooms should be easily kept clean and, if painted, should be light in colour; lime wash should not be used.

18. The wall surfaces should be renewed or restored as necessary.

19. The decks in all crew accommodation should be of approved material and construction and should provide a surface impervious to damp and easily kept clean.

20. Overhead exposed decks over crew accommodation should be sheathed with wood or equivalent insulation.

21. Where the floorings are of composition the joining with sides should be rounded to avoid crevices.

22. Sufficient drainage should be provided.

23. All practicable measures should be taken to protect crew accommodation against the admission of flies and other insects.

NOISE AND VIBRATION [NEW PROVISION, NOT FROM C. 126]

24. Noise and vibration in accommodation spaces should not exceed limits established by the competent authority taking into account international instruments.

VENTILATION [BASED ON C. 126, ART. 7]

25. Sleeping rooms and mess-rooms should be adequately ventilated taking into account climatic conditions.

26. The system of ventilation 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.

27. Vessels regularly engaged on voyages in the tropics and other areas with similar climatic conditions should, as required by such conditions, be equipped both with mechanical means of ventilation and with electric fans, provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

28. Vessels engaged elsewhere should be equipped either with mechanical means of ventilation or with electric fans. The competent authority might exempt vessels normally employed in the cold waters of the northern or southern hemispheres from this requirement.

29. Power for the operation of the aids to ventilation required should, when practicable, be available at all times when the crew is living or working on board and conditions so require.

HEATING [BASED ON C. 126, ART. 8]

30. An adequate system of heating the crew accommodation should be provided taking into account climatic conditions.

31. The heating system should, when practicable, be in operation at all times when the crew is living or working on board and conditions so require.

32. The heating system should be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the competent authority should prescribe the standard to be provided.

33. Radiators and other heating apparatus should be so placed and, where necessary, shielded and fitted with safety devices so as to avoid risk of fire or danger or discomfort to the occupants.

LIGHTING [BASED ON C. 126, ART. 9]

34. All crew spaces should be adequately lighted. The minimum standard for natural lighting in living rooms should be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard should be provided.

35. In all vessels electric lights should, as far as practicable, be provided in the crew 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.

36. Artificial lighting should be so disposed as to give maximum benefit to the occupants of the room.

37. Adequate reading light should be provided for every berth in addition to the normal lighting of the cabin.

38. A permanent blue light should, in addition, be provided in the sleeping room during the night.

SLEEPING ROOMS [BASED ON C. 126, ART. 10, REDUCED TEXT]

39. Sleeping rooms should be situated amidships or aft; the competent authority might, in particular cases, if the size, type or intended service of the vessel renders any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel but in no case forward of the collision bulkhead.

40. The floor area per person of sleeping rooms, excluding space occupied by berths and lockers, should not be less than:

- (a) in vessels of [13.7] metres but below [19.8] metres in length: [0.5] square metre;
- (b) in vessels of [19.8] metres but below [26.8] metres in length: [0.75] square metre;
- (c) in vessels of [26.8] metres but below [35.1] metres in length: [0.9] square metre;
- (d) in vessels of [35.1] metres in length or over: [1.0] square metre.

41. The clear headroom in the crew sleeping room should, wherever possible, be not less than 1.90 m.

42. There should be a sufficient number of sleeping rooms to provide a separate room or rooms for each department.

43. The number of persons allowed to occupy sleeping rooms should not exceed the following maxima:

- (a) officers: one person per room wherever possible, and in no case more than two;
- (b) ratings: two or three persons per room wherever possible, and in no case more than the following:
 - (i) in vessels of [35.1] metres in length and over, four persons;
 - (ii) in vessels under [35.1] metres in length, six persons.

44. The competent authority might permit exceptions to the requirements of the preceding two paragraphs in particular cases if the size, type or intended service of the vessel make these requirements unreasonable or impracticable.

45. The maximum number of persons to be accommodated in any sleeping room should be legibly and indelibly marked in some place in the room where it can conveniently be seen.

46. Members of the crew should be provided with individual berths of adequate dimensions. Berths should not be placed side by side in such a way that access to one berth can be obtained only over another.

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

48. The lower berth in a double tier should not be less than [0.30] metres above the floor; the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deck head beams.

49. The minimum inside dimensions of a berth should, wherever practicable, be 1.90 m by 0.68 m.

50. The framework and the leeboard, if any, of a berth should be of approved material, hard, smooth and not likely to corrode or to harbour vermin.

51. If tubular frames are used for the construction of berths, they should be completely sealed and without perforations which would give access to vermin.

52. Each berth should be fitted with a spring mattress of approved material or with a spring bottom and a mattress of approved material. Stuffing of straw or other material likely to harbour vermin should not be used.

53. When one berth is placed over another, a dust-proof bottom of wood, canvas or other suitable material should be fitted beneath the upper berth.

54. Sleeping rooms should be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

55. The furniture should include a clothes locker for each occupant, fitted with a hasp for a padlock and a rod for holding clothes on hangers. The competent authority should ensure that the locker is as commodious as practicable.

56. Each sleeping room should be provided with a table or desk which might be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

57. The furniture should be of smooth, hard material not liable to warp or corrode or to harbour vermin.

58. The furniture should include a drawer or equivalent space for each occupant which should, wherever practicable, be not less than 0.056 cubic metre.

59. Sleeping rooms should be fitted with curtains for the sidelights.

60. Sleeping rooms should be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

61. As far as practicable, berthing of crew members should be so arranged that watches are separated and that no day worker share a room with watchkeepers.

MESS-ROOMS [BASED ON C. 126, ART. 11]

62. Mess-room accommodation separate from sleeping quarters should be provided in all vessels carrying a crew of more than ten persons. Wherever possible it should be provided also in vessels carrying a smaller crew. If, however, this is impracticable, the mess-room might be combined with the sleeping accommodation.

63. In vessels engaged in fishing on the high seas and carrying a crew of more than 20, separate mess-room accommodation might be provided for the skipper and officers.

64. The dimensions and equipment of each mess-room should be sufficient for the number of persons likely to use it at any one time.

65. Mess-rooms should be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

66. Mess-rooms should be as close as practicable to the galley.

67. Where pantries are not accessible to mess-rooms, adequate lockers for mess utensils and proper facilities for washing them should be provided.

68. The tops of tables and seats should be of damp-resisting material without cracks and easily kept clean.

69. Wherever practicable mess-rooms should be planned, furnished and equipped to give recreational facilities.

SANITARY ACCOMMODATION [BASED ON C. 126, ART. 12]

70. Sufficient sanitary accommodation, including washbasins and tub or shower, should be provided in all vessels.

71. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached should, wherever practicable, be provided for each department of the crew on the following scale:

- (a) one tub or shower for every eight persons or less;
- (b) one water closet for every eight persons or less;
- (c) one washbasin for every six persons or less.

72. Cold fresh water and hot fresh water or means of heating water should be available in all communal wash places. The competent authority, after consultation, might fix the minimum amount of fresh water which should be supplied per person per day.

73. 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.

74. All water closets should have ventilation to the open air, independently of any other part of the accommodation.

75. The sanitary equipment to be placed in water closets should be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

76. Soil pipes and waste pipes should be of adequate dimensions and should be constructed so as to minimize the risk of obstruction and to facilitate cleaning. They should not pass through fresh water or drinking water tanks; neither should they, if practicable, pass overhead in mess-rooms or sleeping accommodation.

77. 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 0.23 m above the level of the deck;
- (c) the accommodation should be sufficiently lighted, heated and ventilated.

78. Water closets should be situated convenient to, but separate from, sleeping rooms and washrooms, 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 between two sleeping rooms having a total of not more than four persons. Where there is more than one water closet in a compartment they should be sufficiently screened to ensure privacy.

79. Facilities for washing and drying clothes should be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

80. The facilities for washing clothes should include suitable sinks equipped with drainage, which might be installed in washrooms if separate laundry accommodation is not reasonably practicable. The sinks should be provided with an adequate supply of cold fresh water and hot fresh water or means of heating water.

81. The facilities for drying clothes should be provided in a compartment separate from sleeping rooms, mess-rooms and water closets, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

SICK BAY [BASED ON C. 126, ART. 13]

82. Whenever possible, an isolated cabin should be provided for a member of the crew who suffers from illness or injury. On vessels of 45.7 m or over in length, there should be a sick bay.

SPACE TO HANG OILSKINS [BASED ON C. 126, ART. 14]

83. Sufficient and adequately ventilated accommodation for the hanging of oilskins should be provided outside but convenient to the sleeping rooms.

CLEAN AND HABITABLE CONDITION [BASED ON C. 126, ART. 15]

84. Crew accommodation should be maintained in a clean and decently habitable condition and should be kept free of goods and stores which are not the personal property of the occupants.

COOKING EQUIPMENT AND GALLEY [BASED ON C. 126, ART. 16]

85. Satisfactory cooking equipment should be provided on board and should, wherever practicable, be fitted in a separate galley.

86. The galley should be of adequate dimensions for the purpose and should be well lit and ventilated.

87. The galley should be equipped with cooking utensils, the necessary number of cupboards and shelves, and sinks and dish racks of rust-proof material and with satisfactory drainage. Drinking water should be supplied to the galley by means of pipes. Where it is supplied under pressure, the system should contain protection against backflow. Where hot water is not supplied to the galley, an apparatus for heating water should be provided.

88. The galley should be provided with suitable facilities for the preparation of hot drinks for the crew at all times.

89. A provision storeroom of adequate capacity should be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores. Where necessary, refrigerators or other low-temperature storage space should be provided.

90. Where butane or propane gas is used for cooking purposes in the galley the gas containers should be kept on the open deck.

PART IV. APPLICATION TO EXISTING SHIPS [BASED ON C. 126, ART. 17]

91. The requirements of this annex should apply to fishing vessels constructed subsequent to the coming into force of the proposed Convention for the Member concerned.]