

International Labour Organisation

Report III

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**Preparatory Technical Maritime Conference**

Geneva, October 1975

# **The Protection of young Seafarers**

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International Labour Office Geneva



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Third Item on the Agenda

# **The Protection of young Seafarers**

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## INTRODUCTION

At its 55th (Maritime) Session (Geneva, October 1970), the International Labour Conference adopted a resolution concerning the protection of young seafarers, as follows:

The General Conference of the International Labour Organisation,

Recalling that provisions for the protection of young seafarers have been included in such international instruments as the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), and the Minimum Age (Sea) Convention (Revised), 1936 (No. 58),

Considering that there may be a need for further special provisions in respect of the employment of young seafarers in such fields as -

- (a) hours of permitted duty;
- (b) holidays and rest periods;
- (c) areas of work;
- (d) opportunities for higher education;

Requests the Governing Body of the International Labour Office to arrange for these and related subjects to be examined in order to identify whether there are any areas in which a need can be demonstrated for further measures of this sort, and to arrange for the results of this study to be submitted to an early session of the Joint Maritime Commission to obtain its advice as to the desirability of any further action.

This resolution was considered by the Governing Body at its 182nd Session (March 1971), and in accordance with decisions taken then and subsequently at the 158th Session (February-March 1972), the question of the protection of young seafarers was placed on the agenda of the 21st Session of the Joint Maritime Commission, held in November-December 1972.

A report on the subject prepared by the International Labour Office for submission to the Commission was based on information received from the governments of 47 member States in response to a questionnaire. The report examined the position as regards ratification by member States of ILO Conventions relating to the employment of young seafarers, summarised the replies received from governments, and contained concluding remarks designed to assist the Commission in its discussion of this question.<sup>1</sup>

In the course of discussions the Seafarers' members suggested that the Office report confirmed the widespread recognition of the need for special measures to protect young seafarers, and pointed out that limited action had already been taken to this end in some countries either through legislation or practice. They said there were at present no ILO Recommendations providing protection for young seafarers, and that of the four relevant Conventions, three were adopted 50, and one 36, years ago, although since the Commission last met the Conventions referred to have been supplemented by the Minimum Age Convention and Recommendation, 1972, and the Paid Educational Leave Convention and Recommendation, 1974. The Seafarers' members considered that great changes had taken place through the years, and workers of other industries were now protected by a number of ILO instruments. The Seafarers' members also felt that generally, in both law and practice, young seafarers were not afforded the same protection and advantages as young persons employed in jobs ashore.

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<sup>1</sup> Cf. The Protection of Young Seafarers. Mimeographed document JMC/21/3. ILO, Geneva, 1972.

The Seafarers' members considered that provisions for the protection of young seafarers were needed with respect to such questions as the maximum hours of permitted duty at sea and in port, intervals for meals and daily and weekly rest periods, annual holidays, restrictions on performance of certain types of ship-board work, pursuit of higher general education and improvement of seafaring career prospects, including vocational training opportunities and, particularly, adaptation to technological developments in the shipping industry. They drew special attention to the need for education of the young on the dangers of drugs and similar substances and harmful activities. In their opinion governments, ship-owners and seafarers themselves had an important obligation to protect the interests of the younger generation, and in this regard they referred to relevant legislation in Norway which constituted model protective measures.

The Seafarers' members embodied their views in a draft resolution which requested that the subject of the protection of young seafarers be included in the agenda of the next Preparatory Technical Maritime Conference and Maritime Session of the International Labour Conference with a view to the adoption of additional new international instruments in this field and to the revision of existing instruments. The resolution also requested that reports prepared by the ILO for these conferences take into account information placed before the Commission, as well as any other information helpful to the two conferences in considering this question.

The Shipowners' members agreed that practical steps should be considered to further the protection of young seafarers and to assist them in making a career at sea. They considered vocational training to be of particular importance, but drew attention to the possibility of too strict requirements governing young seafarers' conditions of employment, defeating the purpose for which such standards were intended. While supporting the view that the question of protection of young seafarers should be considered by the next Preparatory and Maritime Session Conferences, they submitted a number of proposed amendments to the resolution of the Seafarers' members. These were considered and redrafted by an ad hoc working group composed of several members of the Commission from both sides. Subsequently the Commission unanimously adopted the Seafarers' resolution as amended.<sup>1</sup>

In considering the agenda for the Preparatory Technical Maritime Conference, and in the light of the resolution adopted by the Joint Maritime Commission, the Governing Body, at its 189th Session (February-March 1973), decided that the protection of young seafarers should constitute item 3 of the agenda of the Conference. Accordingly, the Office requested the governments of member States, including the new members (Bangladesh, China, Fiji, the German Democratic Republic, Qatar and the United Arab Emirates), to provide information on any developments that might have occurred in their countries subsequent to the situation described in their replies to the questionnaire mentioned above, or to reply to that questionnaire had they not yet been able to do so. As of 1 March 1975 the following 59 countries had replied to the request for information: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chad, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Federal Republic of Germany, German Democratic Republic, Ghana, Guatemala, Greece, India, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Liberia, Malagasy Republic, Malawi, Malta, Morocco, Netherlands, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Sierra Leone, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States, Uruguay, USSR and Zambia. A number of these provided new details, while nine countries from which information had not been available previously responded to the questionnaire for the first time. The Office wishes to express its appreciation of this information submitted by the governments of these countries.

The present report therefore constitutes essentially information submitted to the Joint Maritime Commission in 1972, supplemented by both new and additional details upon which an analysis and draft conclusions have been drawn.

Chapter I reproduces information on measures for the protection of young seafarers in various countries, based primarily on information provided by

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<sup>1</sup> The text of the resolution as adopted appears in Annex I.



governments and submitted to the Joint Maritime Commission in 1972, supplemented by that received from governments subsequently.

By analysis of the descriptive material appearing in the previous chapter, Chapter II identifies the principles and practical methods of protecting young seafarers which seem to have been broadly accepted throughout the world.

Chapter III contains proposed draft conclusions concerning the protection of young seafarers which the Office considers, in the light of information currently available to the ILO and the discussions of the Joint Maritime Commission, may be a suitable basis for discussion by the Preparatory Technical Maritime Conference in its consideration of possible international action on this subject. The proposed conclusions exclude the question of minimum age of seafarers, dealt with by the Minimum Age (Sea) Convention, 1920; the Minimum Age (Trimmmers and Stokers) Convention, 1921, and the Minimum Age (Sea) Convention (Revised), 1936, inasmuch as these three instruments were revised by the Minimum Age Convention, 1973, adopted after the 21st Session of the Joint Maritime Commission in 1972.

Annex I gives the text of the resolution adopted by the Joint Maritime Commission in 1972, while Annexes II and III reproduce the substantive provisions of the Medical Examination of Young Persons (Sea) Convention, 1921, and the Minimum Age Convention, 1973.



## CHAPTER I

### MEASURES FOR THE PROTECTION OF YOUNG SEAFARERS IN VARIOUS COUNTRIES

#### A. Ratification of ILO Conventions

The Minimum Age (Sea) Convention, 1920 (No. 7); Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); and Minimum Age (Sea) Convention (Revised), 1936 (No. 58) have been ratified by 43, 60, 61 and 46 countries respectively. While Conventions Nos. 7, 15 and 58 have now been superseded by the Minimum Age Convention, 1973 (No. 138), the four older instruments have had an important influence in the laying down of national statutory provisions designed to protect young seafarers throughout the world.

Essentially, and with certain permissive exceptions, Convention No. 15 prohibits the employment of young persons under the age of 18 years on steamships as trimmers and stokers; Convention No. 16 requires the annual medical certification of young persons under 18 years of age attesting to their fitness for ship-board work; and Convention No. 58 forbids children under the age of 15 years to be employed on board ship, revising the earlier Convention No. 7 on this question, which set the minimum age at 14 years. Convention No. 138, a comprehensive general instrument applicable to all industries, is designed to achieve total abolition of child labour and protects all employed young persons.

The extent of ratification of Conventions Nos. 7, 15, 16 and 58 would seem to indicate that today most maritime countries possess statutory regulations laying down minimum standards with respect to the questions covered by these instruments. Moreover, many countries have gone further, either by legislation or practice, and lay down additional requirements for the protection of young persons engaged in the seagoing professions and covering such questions as restrictions on hours of work, types of duties and conditions for apprenticeships.

The following pages summarise information supplied by governments in response to the ILO questionnaire mentioned previously concerning national statutory provisions, hours of permitted duty, rest periods and holidays, restrictions on certain types of work and opportunities for furthering education.

#### B. General national statutory provisions relating to young seafarers

Question 1 of the questionnaire was drafted as follows:

Please describe any statutory provisions existing or planned in your country that are intended specifically for the protection of young seafarers. Please include with your reply copies of these provisions.

Information furnished by governments indicates that legislation concerning the minimum age for employment at sea or as trimmers or stokers, and annual medical examinations for young seafarers in line with the substantive provisions of Conventions Nos. 15, 16 and 58, exist in the following countries which have ratified these instruments: Argentina, Belgium, Canada, Denmark, France, Ghana, Greece, Italy, Jamaica, Japan, Kenya, Netherlands, Nigeria, Norway, Sierra Leone, Spain, Sweden, Switzerland, Ukraine and USSR. This group of countries also includes Panama and Uruguay, whose legislation appears to give effect to Conventions Nos. 15 and 58. The legislation in Australia, Colombia, Finland, the Federal Republic of Germany, Malta, Poland, Singapore and the United Kingdom, which have ratified Conventions Nos. 7, 15 and 16, fulfils the requirements of these instruments, while that of Cyprus, India and Trinidad and Tobago implements the provisions of Conventions Nos. 15 and 16 to which these countries are parties. Brazil has ratified Conventions Nos. 7, 16 and 58; its legislation covers provisions of the latter. In addition it appears that the legislation in Finland, India, Ivory Coast and the United Kingdom fulfils the requirements of the substantive provisions of that instrument, as well as those of Convention No. 15 in the case of Brazil, but only the latter instrument as regards Bangladesh. The legislation of Tunisia and Turkey, parties to Conventions Nos. 16 and 58 and 15 and

58 respectively, covers the requirements of these instruments, while that of the German Democratic Republic, party to Convention No. 16, would appear to implement both Conventions Nos. 16 and 58.

Although the Dominican Republic and Portugal have ratified only Convention No. 7, in the latter special legislation relating to work at sea implements not only the essential provisions of that Convention but also those of Convention No. 15. Morocco has ratified only Convention No. 15; the Maritime Code prohibits the employment of apprentice ratings or apprentice officers as trimmers or stokers (but only in merchant vessels of more than 200 gross register tons) and determines the conditions under which this requirement may be applied to smaller ships and to fishing vessels. In Sri Lanka, which has ratified Conventions Nos. 7, 15, 16 and 58, no young persons have been employed as trimmers or stokers in national ships, and medical examinations for young seafarers under the age of 18 years, as prescribed by Convention No. 16, are required by administrative arrangements. While at present there are no statutory provisions concerning young seafarers, new regulations in conformity with Convention No. 15 will be made in the future under the Merchant Shipping Act of 1971. Australia, Liberia, Peru and the United States have ratified only Convention No. 58, the provisions of which are implemented by law. There are no statutory standards in Peru, other than those on minimum age, concerning the employment of young seafarers in the merchant marine. In Liberia and the United States existing statutory provisions relating to the age of seafarers required by Convention No. 58 have been superseded in practice, the present entry age of seafarers being at least 16 years. The employment of young seafarers is covered by provisions of the US Federal Fair Labor Standards Act, which set a 16-year minimum age standard for most jobs, with the Department of Labor having authority to decide which jobs considered as hazardous should have an 18-year standard. Seamen's documents, when issued to youths between 16 and 18 years of age, require the applicant to submit a statement of parental consent.

Although Costa Rica, Czechoslovakia, Ethiopia, Madagascar and the Syrian Arab Republic have not ratified Conventions Nos. 7, 15, 16 or 58, maritime laws of these countries would appear to contain provisions dealing with the questions covered by the four instruments. Only seafarers over 18 years of age are employed on vessels under the Czechoslovak flag, while in Costa Rica and Ethiopia legislation would appear to fulfil the most important basic requirements of Conventions Nos. 16 and 58 in Costa Rica, and Nos. 15, 16 and 58 in Ethiopia. Moreover, the maritime codes of Madagascar and Malta would seem to implement the basic requirements of Convention No. 58, although not ratified by them, and the Maritime Trading Act of Syria the essence of Convention No. 7, with the exception in the latter case that 14 year-olds or persons under the age of legal responsibility may be employed on board ship with the written consent of the parents or guardians. El Salvador and Thailand have not ratified any of the afore-mentioned Conventions, and consequently the governments point out that there are no national regulations specifically concerning employment conditions for young seafarers.

The foregoing remarks provide a basic picture of the situation in various countries with respect to the fulfilment of the fundamental requisites of Conventions Nos. 7, 15, 16 and 58. The pages which follow give a summary of additional pertinent information concerning national legislation protecting young seafarers included in the replies received from governments, and not covered by the summary given later of standards with respect to hours of permitted duty, rest periods and holidays, restrictions on undertaking certain kinds of work, and opportunities for higher education.

Existing statutory provisions in Australia provide that deck boys may not be berthed in the same room as adult ratings, and prohibit more than two apprentices or deck boys from being accommodated in a sleeping room in new vessels. Australian legislation also lays down the conditions of apprenticeship of young seafarers. These require indentures to be executed on a prescribed form by the parties thereto in the presence of a superintendent, who must ensure that the intended apprentice freely consents, has attained the age of 15 years, has passed a prescribed sight test and is otherwise physically fit for sea service and is bound to a suitable person for the purpose. Indentures of a person under the age of 21 entered into without the consent of his parent or guardian are voidable by the latter. The same Act contains provisions concerning duplicate copies of the indenture, for the administration and the master of the apprentice; reporting of the death or desertion of an apprentice or of the assignment, cancellation or cessation of the indentures; the obligation of the vessel's master, before taking an apprentice to sea, to enter on the ship's articles the name of the apprentice, the date of his indenture and of any assignment thereof and the name of every port at which they

have been registered; the obligation of an apprentice to appear before the superintendent and produce the indentures and every assignment thereof; the cessation of an indenture and reimbursement of part of any premium paid in cases where the owner of a ship carrying an indentured apprentice dies, becomes bankrupt or ceases to have any interest in the ship, provided that with the consent of all parties the indenture may continue with the succeeding owner of the vessel; the free passage to the proper return port of the apprentice and board and lodging or a sufficient allowance therefor until the apprentice arrives at that port, in cases where an indenture ceases at a time when the ship is outside Australia and does not continue, both as permitted by law. Australian legislation further provides certain guarantees relating to training opportunities for young seafarers, and concerning their safety and welfare aboard ship. Under these regulations shipowners acting jointly must provide deck and engine-room entry ratings with suitable pre-sea training ashore before employing them aboard ship, as well as with board, lodging and pocket money while they are undergoing such training. Moreover, applications for pre-sea training must be publicly advertised; candidates for training are interviewed by the superintendent and one representative of the seafarers' union and the shipowner, and trainees satisfactorily completing instruction are ensured of membership in the seafarers' union.

In Argentina national labour law (applicable to all occupations, including shipping) prohibits the employment of young persons of school age not having completed obligatory schooling, and also of women younger than 18 years of age, for more than six hours per day or 36 hours per week.

Belgian law forbids the employment aboard ship of women under 21 years of age, and also of children under 15, if they have not completed obligatory schooling or if the work is not suited to their education and training. It also requires young men under 18 years of age to have the consent of parents or guardians before they can be engaged as seafarers and, in line with Convention No. 15, trimmers and stokers must be at least 18 years of age. Moreover, a decree adopted in 1965 laid down new regulations concerning medical treatment at places of work and instituted a preventive medical service which provides young people with vocational guidance in the light of their physical and psychological aptitudes. The law also prescribes a qualifying medical examination for persons under 21 years of age at the time of hiring for any type of employment, this examination must include a chest X-ray. It further requires additional periodic medical examinations for all workers under 21 years of age - biennially for persons under 18 and annually for those between 18 and 21 years.

In addition to covering hours of work, hours of rest and holidays, the existing statutory provisions in Cyprus also concern apprenticeship and the obligations on a ship's captain relating to the health and safety of young seafarers. By law the captain and any seafarer senior to a young person must ensure that the latter is not assigned any type of work exceeding his physical strength. The captain is also required to take the necessary precautions and issue orders for the protection of the life, health and morals of young persons employed in his ship. This includes informing them prior to engagement of the dangers of injury or disease to which they will be exposed in work on board, and instructing them periodically as regards safe working habits, particularly in connection with operations with machinery or dangerous workplaces. Similar laws in France in addition compel the captain to instruct a young seafarer progressively in the skills of his occupation. French legislation also requires the authorisation of the legal guardian of a minor before the latter can be employed on board. In Italy this same permission is required for young persons under the age of 18.

Danish legislation prohibits the employment of any person under 19 years of age as a stoker or a watchman and of a young woman aboard ship under the age of 18 years, and in addition collective agreements require firemen to be at least 19 years of age. For the purpose of protecting young seafarers under 20 years of age, this legislation also permits the competent authorities to dispense with certain of its provisions concerning the questions of the minimum number of advance days' notice for termination of employment; the port of discharge from ship; the requirements for entitlement to discharge on demand; the termination of the work agreement in case of loss of ship; medical examination on demand of the master; sickness payment, care etc.; rest time on board; and the right to shore leave during spare time. The Seamen's Act of Finland sets a minimum age of 20 for women employed at sea. It also requires shipowners to reimburse all costs of compulsory medical examinations to seafarers under 18 years of age, and prescribes that the medical certificates of such seafarers must in particular indicate that

entry into or continuance in the employment in question will not be harmful to their health or physical development. A decree recommends that, in addition to statutory medical examinations, all seafarers should undergo a voluntary medical examination each year, the cost of which is covered by the shipowners. The legislation of the German Democratic Republic governs in a general way the promotion and protection of youth. These regulations, which also pertain to young seafarers of at least 18 years of age, include coverage of the responsibilities of management in fostering the promotion and participation of youth in the undertaking; safety and health; protection against dismissal from employment; and the duration of work and leave. Usually the only seafarers under 18 years of age are apprentices, whose employment conditions are governed by an apprenticeship contract.

In Japan no minor can become a seafarer without obtaining the consent of his legal representative, and with this consent he has the same status as an adult in respect of a contract of employment. Moreover, the regulations require the seamen's identity documents of every young person under the age of 18 to be validated by the competent authorities before the holder can be hired for employment on board ship. Statutory regulations concerning medical examination of young seafarers and their aptitude for employment at sea are also found in the Federal Republic of Germany. These regulations complement the provisions of general laws dealing with the protection of young workers in all occupations. Moreover, draft amendments to these general laws presently under consideration include provisions giving ships' captains additional responsibilities in training young seafarers in safety and health measures, and dealing with hours of work, leave and rest periods. The statutory regulations regarding employment of seafarers in Ghana require ships' masters to maintain a register of all persons under the age of 18 years employed on board, including their dates of birth and dates on which they become, or cease to be, members of the crew.

In India the legislation prohibiting the employment of young persons under 15 years of age at sea, apart from the exceptions to this rule permitted by Convention No. 58, also authorises such young persons to work in home trade vessels of less than 200 grt or where such persons are to be employed on nominal wages and will be in the charge of the father or some other adult close male relative. The government may also make rules prescribing the conditions and inspection of employment of young persons in any capacity in training ships, and as trimmers or stokers in coastal ships; the authorities whose certificates of physical fitness of young persons shall be accepted; and the form of the register of young persons to be maintained in ships where there is no agreement with the crew.

Proposed legislation regulating hours of work and rest periods for seafarers is now under consideration in the Netherlands, while existing rules contained in six different Acts and Decrees not only implement the provisions of Conventions Nos. 7, 15, 16 and 58 but also lay down safety regulations for the employment of young seafarers.

Nigerian law requires articles of agreement to include a list of young persons under the age of 18 years who are members of the crew, together with dates of birth. In the case of a vessel in which there are no articles of agreement, the captain must keep a register of all young persons employed on board with the dates of their births and the dates on which they became members of the crew. Such register must at all times be open to inspection by the competent authorities.

The employment on board ship of young persons of less than 15 years of age is prohibited by law in the Malagasy Republic, except that the competent authorities may authorise such employment of 14 year-olds to whom future benefits would consequently accrue, providing their health and physical condition are satisfactory.

In Malta the Merchant Shipping (International Labour Conventions) Act, 1925, gives effect to Conventions Nos. 15 and 16, but restrictions on the employment of children and young persons under the ages of 14 and 17 years respectively are also prescribed by the Employment of Children (Regulation) Ordinance, 1944. This Ordinance contains provisions implementing those of Convention No. 7 and also governing the hours and days of work, and the types of work for children and young persons. It requires employers to maintain prescribed registers of children or young persons employed, and to keep these available for inspection by the competent authorities concerned. Provisions of the Ordinance also empower the Governor in Council to make regulations applying to the employment of children or young persons including seafarers, and concerning such questions as hours of work, intervals for meals and rest, holidays and other conditions to be observed in relation to their employment.

The only legislative provision in Morocco concerning young seafarers stipulates that each merchant vessel of over 200 gross tons must embark one deck boy or one junior deck rating for every 15 adult members of the deck crew or fraction thereof, provided that the number of such young persons on any one vessel shall not exceed five. A proposed law now under consideration will lay down the conditions under which the foregoing provisions are required aboard ships of 200 grt or less and fishing vessels.

In Norway the competent authorities are empowered to issue regulations governing conditions under which a young person under 20 years of age may serve on board ship and concerning special protective measures designed to safeguard such persons. A young person under 18 years of age must have the formal permission of his guardian before being allowed to go to sea, such permission being revocable by the guardian for the minor's welfare. Those under 16 years of age cannot be employed in ships engaged in foreign trade or as engine boys, and a woman less than 20 years of age is not allowed to work in any merchant vessel, although special exceptions may be made in the case of those aged at least 18 years. A stoker must have completed his 19th year and have at least 18 months' sea service or equivalent experience, six months of which must have been in a ship's engine room.

The regulations concerning protective measures for youth at sea which were adopted in Norway in 1969 include protective measures of various kinds, with the purpose of protecting young persons under 20 years of age who take up employment on board ship. The regulations include a provision that boys under 17 years of age employed in ships primarily operating in the foreign-going trade, who have not attended a pre-sea course for first-voyage boys or other advanced training at a maritime school, must be given guidance concerning seafaring as a career by the engagement or mustering authority concerned before the contract is signed. In addition it is stipulated that the master of the ship aboard which the young persons are to sail must give appropriate guidance about the ship concerned and the trade in which it operates. If desired, the master may appoint a suitable member of the crew to help the young seafarer with personal and professional questions. The regulations also include a number of provisions for the special protection of the young concerning, for example, the right of a seafarer of less than 18 years of age to claim discharge for welfare reasons without the obligation to comply with the otherwise prescribed conditions; special supervision on board ship of the health of young Norwegian seafarers under the age of 20 years, with provision for their repatriation, if they are found medically unfit for duty, at the expense of the State or shipowner; supervision on board and ashore to prevent young seafarers from excesses of alcohol or other intoxicating or sedative agents, also with provision for necessary repatriation at the expense of the State; and prohibition of the sale, serving or supplying of intoxicants to youths under 20 years of age employed on board ship.

Under the regulations covering discharge from a vessel, the contract of a Norwegian seafarer under 18 years of age must stipulate that discharge may take place only in Norway, unless the voyage home is assured in another manner. The Norwegian Consul, or else the ship's captain, is responsible for ensuring that a seafarer under 18 years of age domiciled in Norway is sent home upon termination of his employment irrespective of who bears the expenses of such repatriation. The regulations also lay down special conditions for discharge abroad and the right to free passage home for young seafarers. Any boy who was under 18 years of age when he entered into a service agreement is entitled to free passage home after nine months' service on board the same ship, provided he has not had the opportunity to be discharged in a Norwegian port during the preceding three months. The period for entitlement to free passage home is otherwise 12 months.

Another important provision of the regulations concerns payment of wages on discharge abroad. When a seafarer domiciled in Norway is discharged in a foreign port, the balance of his wages must be paid by the ship's captain to the Consul or, in the absence of the latter, to the Directorate for Seamen or the shipowner, as prescribed by the regulations, depending on the conditions under which the seafarer is returning home or whether, in very exceptional circumstances, he is permitted to stay in a foreign port to seek employment. The regulations also contain rules regarding a search for seafarers under 18 years of age who disappear or fail to report on board when a ship leaves a foreign port, and in such cases requires a ship's captain to ensure that the seafarer's passport is delivered to either the Consul or ship's agent.

Provisional Regulations concerning the Mustering of Employees on Board Ship etc. were promulgated in Norway during 1971. These contain comprehensive general rules governing employment of all seafarers which are also in the interest of young seafarers. Apart from protective measures for signing on and off ship, service time, medical examinations, etc., the regulations require seafarers under 18 years of age signing on for the first time to have the permission of their guardian to serve at sea. The competent authorities are studying the possibility of applying provisions concerning minimum age equally to both sexes.

Legislation pertaining to Polish sea-going merchant vessels engaged in international shipping prohibits the employment on board of persons under 18 years of age. Consequently, an existing general Act concerning the protection of juveniles does not apply to seafarers. Similarly, in Panama and the USSR general labour legislation prohibits shipboard employment of persons of less than 18 years of age, while in Kenya, in practice, all seafarers are over 20 years of age.

In Singapore statutory provisions for the protection of young seafarers under the age of 18 years, covering indenture of apprenticeship to the sea service, lay down strict rules similar to those described previously in the case of Australia. Moreover, in order to facilitate the enforcement of legislation governing minimum age in accordance with the requirements of Convention No. 15, a short summary of such legislation must be included in all articles of agreement. Penalties are also prescribed for any breach of the laws concerning minimum age and medical examinations of young seafarers by their parents or by ships' captains. The Seamen's Registry Board Act, which lays down comprehensive provisions relating to the engagement of Singapore seafarers, would appear to offer additional protection to young persons employed at sea. These deal with such questions as qualifications for application as a seafarer and supply, selection, roster and medical examinations of seafarers.

The laws governing the merchant marine of Spain require minors of less than 21 years of age to have the written consent of parents or guardian when applying for employment aboard ocean-going vessels. Those under 18 years of age may not be engaged in night work, and must be listed in the articles of agreement with their date of birth. All seafarers must have a medical certificate attesting to suitability for work at sea.

Six legal instruments in Sweden incorporate rules for the protection of young seafarers. Among the regulations to which these give effect are those prohibiting a woman under 18 years of age being employed aboard ship, and requiring seafarers to undergo annual medical examinations according to prescribed standards. Others dealing with hours of work, rest periods and safety and health in work on board are described in the relevant sections which follow. One regulation requires that a young man may not be engaged in shipboard employment previous to the calendar year in which he reaches the age of 16, or before he has completed compulsory schooling. A person under 18 years of age may be employed on board ship as a stoker only with the permission of the competent authorities.

The federal ordinances applicable to Swiss merchant vessels, apart from fulfilling the provisions of Conventions Nos. 15, 16 and 58, empower the Government, in the light of international Conventions, practice in maritime navigation and consultations with interested parties, to promulgate regulations concerning minimum age, medical examinations, hours of work, food and accommodation on board and paid vacations for seafarers. The regulations applicable to young seafarers require ships' captains to record on articles of agreement the dates of birth of members of the crew under the age of 18, and all seafarers to undergo a medical examination when signing on board a new vessel even if this has been done by young seafarers within the preceding year, and prohibits young persons under 16 years of age being assigned night work between the hours of 9 p.m. and 6 a.m.

The Government of the Syrian Arab Republic stated that three different Acts regulating maritime transport ensure the requisite protection for cabin boys and other youthful seafarers. No shipowner, for example, may employ a person less than 14 years of age or under the age of legal responsibility without the written permission of parents or guardians.

The Maritime Labour Code, 1967, in force in Tunisia devotes nine articles to the employment of minors. These forbid young persons under 18 years of age from signing articles of agreement without the consent of parents or guardians. Ships' captains are required to provide guidance to young persons employed in their ships, including drawing the attention of parents or legal guardians to any serious cases



of misconduct. They must also assign young seafarers only work within their physical ability to perform and relating to their occupation, and must ensure that they progressively receive practical instruction in their duties on board. All merchant vessels of 250 gross tons or more are required to embark a proportion of deck boys or junior deck ratings, as mentioned previously for Morocco. In addition, each such vessel must employ one engine-room hand or junior engine-room rating for a complement of 10-15 men, and two such persons for a crew of 16 men or more. The conditions under which these manning regulations are applicable to merchant ships of less than 250 grt are fixed by decree. Other pertinent regulations deal with the hours, duration and areas of work as well as rest periods. These are described in the following sections.

Turkey, having ratified Conventions Nos. 16 and 58, has minimum age legislation implementing the provisions of these instruments. In addition, the rights and welfare of young seafarers are covered by the national Constitution. All questions relating to the protection of young seafarers in Ukraine are governed by statutory provisions and collective agreements. Persons under the age of 18 years are not accepted as crew members on any type of vessel.

The statutory standards in the United States concerned with the minimum age of seafarers have been described previously. The position with respect to such laws in the United Kingdom is somewhat complex. Although the Merchant Shipping (International Labour Conventions) Act, 1925, gives effect to Conventions Nos. 15 and 16, certain restrictions on the employment of children and young persons aboard sea-going ships and fishing vessels are also laid down in the Employment of Women, Young Persons and Children Act, 1920. This Act fulfils the requirements of Convention No. 7, and in addition requires every ship for which a crew agreement is required, to include in that agreement a list of the persons under the age of 16 years who are members of the crew, together with their dates of birth. In the case of ships in which there is no agreement the captain is required to keep a register showing these particulars if young persons under the age of 16 years are employed, with the dates on which they become or cease to be members of the crew. The expression "child" means a person under the age of 14 years, but the expression is affected by other Acts. By an Order in Council in 1972 affecting these Acts, the school-leaving age has to be set at 16 years, so that in general a person under the age of 16 cannot be employed at sea. When section 51 of the Merchant Shipping Act, 1970, comes into force, it will repeal certain sections of the Employment of Women, Young Persons and Children Act, 1920. Under section 51 the Department of Trade has powers to make regulations relating to the employment of persons under the age of 18 years on board ship. It is intended that the regulations to be made under this section of the Act will be drafted in conformity with the requirements of Convention No. 58.

The Governments of Peru, the Philippines and Zambia indicated that there is no national legislation in their countries designed specifically for the protection of young seafarers. In the Philippines, however, where work is under way with a view to introducing such legislation, dealing in particular with vocational training and education, the provisions of the Child Labor Law are implemented in the merchant marine. Under this law no male person below the age of 18 years is regularly employed as a seafarer.

C. National regulations and practices concerning employment of young seafarers on board ship

1. Maximum hours of permitted duty and work outside normal daytime working hours

Question 2 of the questionnaire requested information as follows:

Please describe the standards achieved in practice in your country with respect to the employment on board ship of young seafarers and relating to:

- (a) the maximum hours of permitted duty at sea and in port on a daily, weekly or other basis;
- (b) conditions under which young seafarers are permitted or required to work outside of normal daytime working hours.

(a) Maximum hours of duty

Some countries have adopted legislation specifically governing the hours of work of adult or young seafarers, while others apply the relevant provisions of general labour laws which serve as a basis for standards concerning the maximum hours of permitted duty. In addition, the maximum hours of work of seafarers are the subject of collective agreements in certain countries. The appropriateness of introducing special provisions concerning the working hours of young persons on board ships is at present under active study in Norway.

National legislation

By law in Argentina, young persons under 18 years of age are permitted to work not more than 6 hours per day and 36 hours each week, while in Australia legislation prescribes for deck boys a maximum of 40 hours per week, and 8 hours daily, performed between the hours of 6 a.m. and 5 p.m. In Belgium statutory provisions limit working hours for all occupations to 8 a day and 45 a week, the method of applying these limits to sea-going employment being determined by the competent authorities. Similar general legislation in Canada governs maximum hours of work for all employees. These provide in respect of seafarers and others employed in navigation and shipping, for the normal or standard hours of work to 650, and the maximum hours of work 676, during a 13-week period, with the payment of overtime for hours required or permitted to be worked in excess of 44 a week. They also lay down rules concerning the averaging of hours of work in a day and in a week, where irregular distribution of hours of work is involved, and concerning the authorisation for employees to work in excess of maximum hours in special circumstances such as shipboard emergencies. In Czechoslovakia the various conditions of employment of seafarers, including hours of work, are governed by the general Labour Code concerning which amendments are under consideration.

The Maritime Code of Ethiopia prescribes that normal working hours for seafarers of the deck, engine-room and radio departments in home trade vessels and ships of less than 500 grt in foreign trade may not exceed 24 in any period of two consecutive days when at sea, and 8 hours a day when in port. Those employed in vessels of 500 grt and over in foreign trade work a maximum of 8 hours a day and 48 hours a week. In passenger vessels, the normal hours for catering department ratings may not exceed 10 a day within a period of 14 hours when at sea, or when passengers are aboard; 8 a day in port without passengers; and 5 on Saturdays and holidays. Normal hours for such personnel in cargo vessels may not exceed 9 a day within any period of 13 hours when at sea, and when in port 8 a day in any period of 12 hours, 6 on Saturdays and 5 on holidays. Hours worked in excess of these limits, or of 112 hours in a period of two consecutive weeks, are regarded as overtime.

National law in Cyprus requires the maximum hours of employment of seafarers at sea and in port to be 8 a day and 48 a week, Sunday being considered a holiday. For seafarers under the age of 16, however, the daily and weekly maxima are 7 and 42 respectively. The Maritime Code of France prohibits the employment of deck boys or other young recruits to seafaring for more than 8 hours each day. In Finland and Jamaica the maximum hours of permitted duty for young seafarers are determined by legislation applicable to all seamen (8 hours per day in the latter country). In the German Democratic Republic general labour law applicable to seafarers fixes maximum weekly hours of work for young persons up to 16 years at 42 hours, and for persons over that age 43 3/4 hours. In tropical regions, the daily work time may be reduced by up to 2 hours per day without a decrease in wages. Watchkeepers also work for 43 3/4 hours weekly.

While in the Federal Republic of Germany the conditions of employment of young seafarers are not specially mentioned in collective agreements, statutory legislation governs various aspects of such conditions. Thus young seafarers under the age of 16, except those employed in catering or medical departments, have a normal working day at sea of 7 hours, or 8 hours if assigned to a watch. In port they are not permitted to work more than 7 hours per day on weekdays and 5 hours each on Saturdays and Sundays even when keeping a watch. In catering or medical departments young seafarers are not allowed to work more than 7 hours per day. By the same legislation seafarers over 16 years of age have a normal duty period of 8 hours per day and 48 per week, except those assigned to a watch, who work a maximum of 46 hours weekly. In port, working hours are not more than 8 daily on weekdays and not more than 5 in all during weekends. Proposed amendments to existing legislation would define young persons as those under the age of 18 years,

restrict the number of days per week on which young seafarers could be employed to 5 in port and 6 at sea, permit them to work only between the hours of 7 a.m. and 8 p.m., and limit their maximum number of working hours per week to 48 hours, with certain exceptions for watchkeepers.

In Ghana, which has ratified Conventions Nos. 15 and 58, no person under the age permitted for full employment may be engaged as a seafarer. Accordingly, the normal maximum hours of work at sea and in port of 8 hours per day Monday through Friday and 3 hours on Saturday, totalling 43 hours weekly as prescribed by general regulations, apply to all seafarers. In Greece, apart from legislation implementing the provisions of Conventions Nos. 15, 16 and 58, there is no special legislation concerning young seafarers, who consequently have the same hours of work and other conditions of employment as adults. Regulations prescribing conditions of employment of young persons as trimmers or stokers on Indian coastal ships limit the hours of work at sea to 6 per day, comprising two periods of duty not exceeding 3 hours with intervals between two such periods of not less than 8 hours. In port, young trimmers or stokers may not work in engine or boiler rooms, except for watchkeeping duties, for more than 7 hours per day excluding time off for meals. If port duties include tending fires and watchkeeping the permitted hours of duty are as prescribed for duty at sea.

The Japanese maritime code prescribes normal hours of work for all ships' personnel in vessels of not less than 700 grt at sea or in port as follows: watchkeepers 8 hours per day, 56 hours per week; and dayworkers 8 hours per day, 48 hours per week. A ship's captain, however, has authority to extend these hours in unavoidable circumstances. Normal working hours at sea for watchkeeping engine-room ratings can be increased as necessary for the regular alternation of watches, while those of catering and clerical ratings can be augmented by not more than 2 per day. In port, any seafarer can be required to do necessary work, even on a rest day, provided that the maximum of 48 hours per week is not thereby exceeded. The Liberian Maritime Law prescribes that the normal hours of work in port and at sea for all seafarers aboard foreign-going vessels shall be 8 per day.

The normal hours of work for all young seafarers as prescribed by national regulations in the Netherlands, which are 8 per day Monday to Friday when at sea, are extended to include an additional 8 hours on Saturday while in port. These limits may not be exceeded except for duties in connection with shipboard emergencies, drills or dog watches, or for a maximum of 8 hours on Sunday in work related to catering services on board. A similar practice exists in the Malagasy Republic, where the maritime code prescribes that seafarers of less than 18 years of age are not permitted to work for more than 8 hours in one day except on coastal vessels in which only members of the same family are employed. In Panama the general Labour Code prescribes, for young persons of less than 16 and 18 years of age, maximum working hours of 6 per day, 36 per week, and 7 per day, 42 per week respectively. Moreover, all employers of persons under 18 years of age are required to maintain a special register giving such information as the type of work performed, hours of work training received, etc., in respect of each such person.

In the Philippines the general labour laws implementing the 8-hour day for workers are applicable to all seafarers. Working hours aboard Swedish ships are regulated by recent legislation which, in principle, limits working time to 8 hours per day and 40 hours per week for all personnel, including young seafarers. Departures from this limit can be made, however, by collective agreements, and time worked in excess of 40 hours per week or 80 hours during two consecutive weeks is compensated by time off in port or other means specified by agreements. Under the same legislation regular working hours for most watchkeeping personnel aboard vessels of less than 500 grt employed in the short sea trades may not exceed 24 hours during 48 consecutive hours when the ship is at sea, or 112 hours during two consecutive weeks. The work time of catering personnel is generally limited to 8 hours per day and 56 hours per week with compensation for hours in excess of 40 per week. In certain local ships, however, regular hours for catering personnel are limited to 9 per day and 40 per week. According to the aforementioned legislation, the general rule is that the total hours of work during any 24 consecutive hours may not exceed 16, but that a seafarer may be assigned a maximum of 13 hours' overtime per week in addition to his regular hours, plus a further 5 hours' overtime per week, if permitted by collective agreements.

The legislation in Switzerland prescribes the normal hours of work for all watchkeeping seafarers as 8 per day at sea, and in port 8 per day from Monday to

Friday, plus 5 on Saturday. Compensatory leave or payment is given for work done on Sundays or holidays. At sea, seafarers of the deck and engine-room departments not on watch work 8 hours per day Mondays to Fridays, 6 hours on Saturdays and 2 hours on Sundays and holidays without the afore-mentioned compensation. In port such personnel have the same hours of duty as watchkeepers. Catering personnel work 9 hours each day whether at sea or in port, duty on Sundays and holidays being limited to necessary work only and compensated for by days of leave.

The Maritime Code of Tunisia, which lays down maximum hours of work for all seafarers as 8 per day and 48 per week, and provides for compensation for work done in excess of these limits, explicitly prescribes that deck boys and young ratings are not permitted to work more than 8 hours per day at sea or in port, and must have a weekly rest period of at least 24 hours. The same maximum hours and compensation are authorised by law in Turkey, which has no provisions specifically concerning young seafarers.

### National practice

In practice, according to collective agreements in Australia all seafarers work 8 hours per day and 40 hours per week at sea and in port over a period of 5 days, while in Bangladesh the normal working hours agreed to are 8 hours daily, 48 hours per week for watchkeepers and saloon catering personnel, and 8 hours daily plus 5 hours at weekends, totalling 45 hours per week for day workers. In Belgium such agreements determine the hours of work of the various categories of ships' ratings within the limits set by law (8 hours per day, 45 hours per week). Collective agreements in Canada are void of any reference to the employment and protection of young seafarers. The general policy in Costa Rica is to limit the employment of young seafarers over 15 but under 18 years of age to 7 hours per day and 42 per week. Aboard Danish vessels in port all seafarers ordinarily work 8 hours per day on weekdays between the hours of 6 a.m. and 6 p.m., with 1 1/2 hours for meals and coffee. At sea normal hours of work are 8 per day, falling between 6 a.m. and 6 p.m. in the case of day workers. Aboard ships of the German Democratic Republic, working time for watchkeepers is usually 42 hours per week, and for day workers 43 3/4 hours weekly. In the Federal Republic of Germany collective agreements recently concluded provide for a normal working week in port of 40 hours for all categories of seafarers without distinction. The normal maximum hours of work at sea and in port aboard ships of Ghana for all seafarers are 44 hours weekly, 8 daily from Monday to Friday and 4 on Saturday. In Italy, Malta and Poland young seafarers work the same hours as other crew members (these normally being 8 per day and 40 per week in the former country). The same applies in Spain and Madagascar where the 8-hour day and 48-hour week are established for all seafarers, and also in Singapore, which has no statutory regulations covering the maximum duty hours of young seafarers. In Nigeria no seafarer under the age of 16 years is required to work for more than 4 consecutive hours or permitted to work for more than 8 hours per day. The normal duration of work for all seafarers in Moroccan ships is 8 hours per day, but they may be required to work up to a maximum of an additional 4 hours per day at the normal rate of pay. In Sweden collective agreements covering small vessels establish normal working hours at 45 per week, and, as regards some specifically listed vessels of over 500 grt, at a maximum of 12 hours per day for certain seafarers including deck personnel. Collective agreements in Switzerland lay down normal weekly working hours for watchkeeping seafarers in accordance with national laws. They also provide compensation for work done at sea for a full day on Saturday, and prescribe 4 hours of duty without compensation on Saturday when in port. Other personnel work 4 hours on Saturday and 2 hours on Sundays and holidays at sea, and 4 hours on Saturday when in port. In practice, catering personnel normally work an 8-hour day, compensation being given for Sunday work.

Under the terms of collective agreements in the United States, 8 hours constitutes a day's work at sea or in port for all seafarers regardless of age, and overtime compensation is paid for work in excess of 8 hours per day or 40 hours per week. Likewise, working hours of United Kingdom seafarers is a subject of collective agreement only. While there is no maximum permitted limit to the number of hours worked, the ordinary hours of duty for all seafarers do not exceed 8 hours per day based on a 5-day week. Generally, time worked in excess of these limits or on holidays is subject to overtime payment. Neither of these two countries has legislation governing seafarers' working hours. Aboard United States vessels, ships' captains and chief engineers often require young officer apprentices to work only 6 hours per day, Mondays through Fridays, on condition that 2 hours each weekday is devoted to work on prescribed correspondence courses.

(b) Work outside normal hours

No information on this subject was furnished by nearly half of the countries which replied to the questionnaire. A general picture, based on the information available, of the conditions under which young seafarers are permitted or required to work outside normal daytime working hours as defined by specific legislation, general labour laws and collective agreements, is given below.

National legislation

In Australia, where the 8-hour day at sea and in port is worked between 6 a.m. and 7 p.m. by the various categories of non-watchkeeping seafarers, ships' personnel, including young seafarers, may be required to work outside these hours in connection with the completion of certain maintenance tasks in boiler or engine spaces which the chief engineer deems will exceed a 3-hour operation. Young seafarers may also be assigned to a watch when a vessel is entering or leaving port irrespective of the time of day or night. The legislation of Argentina prohibits the employment of seafarers under the age of 18 years between the hours of 8 p.m. and 8 a.m., while similar provisions in Belgium apply to seafarers under 16 years of age in vessels of more than 200 grt. between the hours of 8 p.m. and 4 a.m., and in Canada to seafarers under the age of 17 years, who are not allowed to be assigned to duties between 11 p.m. and 6 a.m. No laws exist at present in Sri Lanka, but new statutory provisions may be made under merchant shipping legislation adopted in 1971. According to legislation in Denmark, Ethiopia, Finland and Sweden, seafarers under 16 years of age must have a consecutive period of rest of at least 9 hours between 8 p.m. and 8 a.m., although the competent authorities may permit exceptions to this prohibition of night work on Danish and Finnish ships of less than 500 grt. Other exceptions permissible in all four countries as for musters, emergencies, shipboard work necessary and urgent for safety at sea, or for the proper operation of the vessel, etc. The latter exceptions are also applicable in Japan, where seafarers under the age of 18 cannot be assigned duties between 8 p.m. and 5 a.m. unless they have received 9 consecutive hours of rest either before or after midnight.

In Cyprus young persons over the age of 16 but under 18 may, for training purposes, be employed in ships recognised by the Government beyond the normal hours of work at sea up to a weekly average of 2 hours per day. They may also work overtime provided this does not exceed 9 hours daily or 50 hours weekly, and on condition that there are no adult members of the crew available for such work. Overtime work is prohibited for seafarers under the age of 16. French law forbids the employment of deck boys and other junior ratings between the hours of 8 p.m. and 4 a.m. except as necessary for ship manoeuvres when entering or leaving port or for emergency or urgent situations. Similar regulations exist in the Federal Republic of Germany, but these provide for slightly longer periods of work exclusion for young seafarers, as described in the section which follows. Proposed amendments to existing legislation, however, would restrict their working hours to the period from 7 a.m. to 8 p.m. Aboard Ivory Coast vessels it is forbidden to employ seafarers under the age of 16 years in watchkeeping on deck between the hours of 8 p.m. and 4 a.m.

Young seafarers under 18 years of age in Netherlands ships are not permitted to exceed the normal number of working hours per day except for shipboard emergencies or safety, emergency drills, dog watches and certain duties on Sundays associated with catering services. However, as is the practice in all countries, every seafarer is required to perform any extra duties assigned by the ship's captain. In Nigerian vessels such emergency or extra duties can be assigned only to young persons over the age of 16 years, while in Norwegian ships this age limitation does not exist. The general legislation of Panama forbids the employment of persons under 18 years of age between the hours of 6 p.m. and 8 a.m. General legislation in Spain, concerning all workers including seafarers, prohibits night work by persons under the age of 18. The maritime regulations of Switzerland apply the same restriction to persons under 16 years of age between the hours of 9 p.m. and 6 a.m., and also stipulate that overtime work must be avoided to the greatest extent possible and as a general rule should not exceed 4 hours per day. In Tunisia seafarers under the age of 18 cannot be assigned watchkeeping duty between 8 p.m. and 5 a.m. Moreover, all seafarers are required to maintain in a state of cleanliness their accommodation spaces and related equipment, such work being done at sea outside normal working hours without overtime payment. Maritime law in Turkey permits work outside regular duty hours by all seafarers on board a ship for such purposes as emergency situations, practice emergency drills and

customs or health clearance of the vessel, overtime compensation not being payable. Overtime work may also be required for urgent repairs, etc., and of crews of salvage vessels whose main purpose is to save lives and property at sea. United States law also authorises a ship's captain to call to duty at any time the whole or any part of his crew for manoeuvring the vessel, safeguarding safety of life and property at sea, or for participation in shipboard emergency drills in port or at sea. In general, the standards applying to young seafarers in the United Kingdom as regards work outside normal daytime working hours are the same as for adults, but certain seafarers' organisations are opposed to the employment of apprentices in night work.

#### National practice

Collective agreements in Australia provide for young seafarers to work between the hours of 8 a.m. and 5 p.m.; they are normally exempt from routine watchkeeping and other duties outside these hours required of other seafarers in meeting the operational requirements of the ship. However, young seafarers are expected to turn to in emergencies and also to be on watch when a ship is entering or leaving port, at any time of day or night. In vessels of Costa Rica and Denmark they are also required to work at any time of day in cases of shipboard emergencies or in connection with very urgent operations on board. The Italian collective agreement covering passenger vessels in excess of 50 grt stipulates that seafarers not over the age of 18 years may not be required to perform night-time watch duties. In the United Kingdom, by industrial agreement it is an implied provision that hours, both ordinary and overtime, must be worked at sea and in port as required by a ship's captain. Work performed by ratings between 8 p.m. and 6 a.m., except in accordance with their normal routine, is compensated by a minimum compensation of 2 hours' overtime payment.

#### 2. Intervals for meals, daily and weekly rest periods and holidays

The text of question 3 of the questionnaire was as follows:

Please give the details of standards existing in your country concerning the employment on board ship of young seafarers and as regards:

- (a) the intervals for meals and daily rest periods, and the minimum continuous period for sleeping in any 24 hours;
- (b) the time and duration of weekly rest periods;
- (c) the prescribed number of holidays on a monthly, annual or other basis in relation to the duration of employment on board, and the intervals at which holidays fall due.

#### (a) Intervals for meals and daily rest periods

#### National legislation

In Australian vessels at sea, day workers and deck boys on the one hand, and catering staff on the other, do not work between the hours of 5 p.m. and 6 a.m., and 8.30 p.m. and 6.30 a.m. respectively. Watchkeepers have the usual intervals of 4 hours on duty followed by 8 hours of rest. In port, catering staff are off duty from 7 p.m. to 6.30 a.m. and all other members of the crew from 5 p.m. to 7 a.m. With a view to protecting the health of young seafarers, Argentine law provides that those under 18 years of age who work in the morning and afternoon must have a 2-hour rest period at mid-day. It also prohibits them from working at night between the hours of 8 p.m. and 8 a.m., thus ensuring them at least 12 hours' continuous rest.

In Belgian ships, seafarers of less than 16 years of age in vessels of more than 200 grt cannot be assigned to watchkeeping duty between 8 p.m. and 4 a.m. There are no special standards in practice in Canada as regards intervals for meals, daily rest periods and sleeping; however, the regulations relating to the manning of steamships indicate the mandatory number of consecutive hours of rest on board ship and the time interval between one period of rest and another. These

regulations prescribe for all persons employed on board a period of rest of not less than 6 consecutive hours in every 24. Not more than 18 and not less than 6 hours may elapse between the end of one period of rest and the start of the next. Moreover, every seafarer must have at least 16 hours' rest in the aggregate in every 48-hour period.

In Denmark, Ethiopia, Finland, Norway and Sweden, laws provide for young seafarers under 16 years of age to be granted an unbroken period of rest of at least 9 hours between 8 p.m. and 8 a.m. The raising of this minimum age to 17 years by amendment to existing legislation is under consideration in Norway. As regards Danish vessels, exceptions to this rule may be made for ships smaller than 500 grt and in all four countries for shipboard drills and musters or work deemed essential to the normal operation and safety of the ship.

For continuous work of 4 1/2 hours' duration aboard vessels of Cyprus, a rest period of one half-hour, or two periods of 15 minutes each, must by law be granted to young seafarers. The position is the same in the Federal Republic of Germany, whose regulations also require that seafarers of less than 16 years of age must have an unbroken rest period of 8 hours each day between 8 p.m. and 8 a.m., and those over this age a daily rest period of 8 hours between 8 p.m. and 6 a.m. Proposed new legislation would extend rest period to 60 minutes following each working period of over 6 hours. In French vessels, deck boys and other young ratings have 16 hours' free time outside their maximum daily permitted working period of 8 hours. The prohibition of their employment between 8 p.m. and 4 a.m. thus provides them with an unbroken rest period at night of 8 hours. No young person employed as a trimmer or stoker in Indian vessels may be required to perform duty at sea for a total period exceeding 6 hours per day. A period of duty may not exceed 3 hours at one time, and the intervals between periods of duty may not be less than 8 hours. While on Italian vessels young ratings of the deck and engine-room departments are either on watches of 4 hours on duty and 8 hours off or on day work, those in the catering staff may have two or more periods of duty between 6 a.m. and 12 midnight, provided that at least 8 hours of unbroken rest is allowed each day. Hours of rest at sea for Japanese ratings of the catering and clerical departments, in vessels having a capacity of more than 12 passengers as prescribed by law, may not be less than 12 hours per day, not less than 8 of which must be consecutive.

As is the practice in many countries, young seafarers of the Malagasy Republic follow the general meal hours and daily rest periods aboard ship. These are one hour for noon and evening meals, one half-hour for breakfast and one half-hour rest period for those working in excess of 4 hours between 10 p.m. and 6 a.m. As regards continuous rest periods, seafarers under 18 years of age, not being authorised to work between 9 p.m. and 6 a.m., have at least 9 hours' free time daily. Exceptions to this rule are permitted in coastal vessels in which members of the same family are employed. In Malta, young persons of less than 16 years of age are not permitted to work between the hours of 8 p.m. and 6 a.m., thereby providing a continuous rest period of 10 hours, while by law in Morocco, deck boys and other young seafarers are guaranteed 8 uninterrupted hours between 8 p.m. and 4 a.m.

With normal hours of work for young seafarers in the Netherlands being between 6 a.m. and 6 p.m., and in Nigeria between 6 a.m. and 9 p.m., 12 and 9 hours respectively of unbroken rest are assured in ships of these two countries. Labour law covering all workers in Panama ensures a mid-day rest period of not less than half an hour or more than two hours; as a corollary to their working hours young seafarers have a daily continuous period of rest between 6 p.m. and 8 a.m. Legislation protecting women and children in the Philippines, including seafarers, prescribes a 60-minute interval for meals. In Spain the law provides young seafarers with a daily continuous rest period of 11 hours' duration between 8 p.m. and 7 a.m. Seafarers under 16 years of age in vessels of Switzerland are also afforded 9 hours' continuous rest between 9 p.m. and 6 a.m.; at sea, young seafarers assigned to watchkeeping duties work 4 hours on duty and 8 hours off, while those on day work execute their duties within a 13-hour period, leaving 11 uninterrupted hours for rest. In port, all seafarers generally complete their work between 6 a.m. and 6 p.m., thereby assuring 12 unbroken hours for rest.

#### National practice

In Australia the normal interval for each meal for all seafarers is of one hour's duration at a specified appropriate time, and, by collective agreement, on



working days young seafarers are normally free from duty between the hours of 5 p.m. and 6 a.m., plus whatever portion of the period between 6 a.m. and 5 p.m. is not included in the 8 hours worked on any day. They are also exempt from watch-keeping. In vessels of Bangladesh all seafarers receive one hour for meals and 15 minutes for tea. The daily rest period is from 5 p.m. to 7 a.m., except for watchkeepers who have a minimum of 8 hours of continuous rest for sleeping in each 24 hours. On board ships of Ghana intervals for meals and rest periods are uniform for all seafarers regardless of age. One hour is allowed for meals and a 15-minute rest period both in the morning and in the afternoon are provided during the normal working day. Two consecutive hours for the noon meal are allowed all seafarers in vessels of Morocco, while one hour each for breakfast and for lunch, plus a half-hour relaxation period, comprise the intervals for meals and daily rest periods during the working day in Nigerian ships.

Under collective agreements covering seafarers in the United States, without distinction as to age, one hour each is provided for the morning, noon and evening meals. In addition dayworkers, who are normally on duty between 8 a.m. and 5 p.m. (except for catering staff), are granted mid-morning and mid-afternoon rest periods of 15 minutes. A continuous period for sleep of from 12 to 15 hours is, therefore, assured all hands. Similar practices are followed in ships of a number of other traditional maritime countries. Moreover, in United States vessels, deck and engine-room ratings required to work overtime between 12 midnight and 8 a.m. are entitled to a rest period of one hour for each hour worked, the rest period to start at 8 a.m. the same day. Stipulated intervals for meals for seafarers do not exist in the United Kingdom, but appropriate periods are normally assured during the working day. The minimum continuous period off duty in any 24-hour period is 8 hours, this condition also applying to watchkeeping seafarers.

(b) Time and duration of weekly rest periods

National legislation

All seafarers in Argentina are granted 1 1/2 days of rest for each 6 days of work in lieu of which compensatory payment is not permitted. In particular, those under 16 years of age are guaranteed Sundays and holidays as days of rest. While in Belgium the working hours of seafarers are limited to a maximum of 8 per day and 45 per week, there do not appear to be any legal provisions covering weekend rest periods for young seafarers. The same is true in Canada, where, as previously mentioned, in steamships every seafarer must have at least 16 hours of rest in the aggregate in every 48-hour period. The general labour law of Costa Rica, applicable to all seafarers, ensures one complete day of rest for each 6 days of continuous employment, during which rest period seafarers may be required to work if necessary at double the normal daily rate of pay. In Denmark, on Sundays and prescribed holidays no seafarer may be required to do work which can be postponed. When ships of Ethiopia are in port, seafarers serving on them are not required to work more than 2 hours on holidays. Work in excess of 48 hours per week is regarded as overtime, which by regulation is to be avoided whenever possible. Young seafarers in Cyprus and the Federal Republic of Germany are assured an uninterrupted interval for rest of at least 24 hours weekly following a night rest period. An unbroken rest period is also granted on each holiday falling on a working day. A weekly rest period of 24 hours falling due on Sundays, and in no case delayed by more than 24 hours, is provided for seafarers of France. Similarly, in Japan, regulations require each member of the crew of a ship in port to be given one day of rest per week.

In Panama the Labour Code prescribes Sundays and national holidays as obligatory days of rest. Young seafarers less than 18 years of age are ensured additional rest on weekends by virtue of their restricted working hours. Regulations in the Philippines ensure all workers a weekly rest period of not less than 24 consecutive hours in each 7-day period. In Spain young persons under 16 years of age are assured Sundays and holidays free of work, in lieu of which compensatory leave or payment can only be made by special authorisation. Laws in Sweden limiting most seafarers' normal working week to 40 hours have the effect in principle of providing a weekly 48-hour period of rest for those not having duties in connection with operation of a ship during weekends. In Swiss vessels, seafarers other than watchkeepers are required to work 6 hours on Saturdays, and 2 hours on Sundays and holidays. In port this schedule is reduced for all seafarers to 5 hours on Saturdays. One complete day of rest comprising 24 consecutive hours for each 6 days of work is accorded to all seafarers in vessels of



Tunisia, and only under unusual circumstances on board may they be required to work for a maximum of 2 hours of such rest period. Young deck ratings are assured a weekly day of rest without interruption both at sea and in port; it may not be delayed more than 24 hours. In Turkish vessels all seafarers not required for the actual operation of a vessel either at sea or in port are entitled to a weekly minimum of 24 hours of rest.

#### National practice

Young seafarers in Australia are generally free from duty between 5 p.m. on a Friday afternoon to 6 a.m. on the following Monday. They are not normally called upon to work during this interval. In Bangladesh vessels day workers normally have a continuous rest period from 1 p.m. on Saturday until 7 a.m. on Monday, while watchkeepers and saloon crew are free from duty between 3 p.m. on Saturday and 7 a.m. on Monday. Collective agreements for Danish seafarers specify that 1 3/4 hours of work will be done on Saturday by those not on watch or with other duties. The weekly rest period for all seafarers in ships of Ghana not having essential duties extends from noon on Saturday until the commencement of working hours on Monday. While no special standards exist in respect of weekly rest periods for young seafarers in the Malagasy Republic and Morocco, all ships' personnel are entitled to 24 hours off following 6 consecutive working days. Work required of seafarers under 18 years of age in the Netherlands between noon on Saturday and the following Monday morning is limited to the most essential duties in connection with food and catering on board. Work on Sundays is regarded as overtime.

Provisions of collective agreements in Sweden limit the assignment of work to seafarers on Sundays and holidays, while those in Switzerland define the period from Saturday to Monday morning as outside the normal working week, except for catering staff, who have the right to one day of rest weekly or an equivalent payment. On Sundays and holidays the number of catering staff required to work is reduced to a minimum. By collective agreement seafarers not required for the operation of United States vessels on weekends have a weekly period of time off from 5 p.m. on Friday evening to 8 a.m. on Monday in port, and from Saturday noon to 8 a.m. on Monday while at sea. While apprentice officers usually enjoy the above-mentioned rest periods, young watchkeeping ratings are required to work at weekends with overtime payment. No minimum weekly rest periods for seafarers are specified by collective agreements in the United Kingdom.

#### (c) Periodic holidays

Information received from governments on this particular aspect of young seafarers' conditions has been combined with that furnished under a questionnaire concerning holidays with pay for seafarers and will, therefore, be found in the separate report covering the second item on the agenda of the Preparatory Technical Maritime Conference.

#### 3. Restrictions on certain types of shipboard work

Question 4 of the questionnaire requested the following information:

Please explain any existing practices with respect to the employment of young seafarers on board ships of your country in connection with restrictions on undertaking specific types of work presenting occupational hazards such as entry into boilers or tanks, maintenance of electrical equipment, operating hoisting machinery, working aloft or on deck in heavy weather, look-out and night-watchman duties, or other tasks presenting elements of danger.

#### National regulations

Under the national labour laws of Argentina, which include provisions designed to ensure the safety and protect the health of all young workers, young seafarers are never assigned to certain types of work on board ship involving danger. These include cargo-handling operations and employment as machinery operator, fireman or night watchman. Existing statutory provisions in Australia provide that a person under the age of 18 years may not serve in the stokehold of

a steamship or as a fireman or trimmer. Moreover, boys and ordinary seamen may not act as winch or crane operators, attend on yardarm or hatch, keep night watches or look after gangways. As is the case for all other countries having ratified Convention No. 15, employment of young persons under the age of 18 as trimmers or stokers is also prohibited in Belgium; in addition, that country prohibits their employment or any other type of work which could be beyond their physical capacity or endanger their health or morals. Although Ethiopia is not a party to Convention No. 15, by law young persons under the age of 18 cannot be employed as trimmers or stokers.

Under statutory provisions, work on board Danish vessels must be arranged with due regard to the experience and qualifications of each seafarer, and as far as possible in such a way that each can become proficient in his particular trade. Moreover, the work supervisor is under an obligation to observe the necessary precautionary measures for the prevention of accidents and disease. Young seafarers are, therefore, not assigned to particularly dangerous work unless trained for it or working under the guidance of a supervisor. Statutory regulations in Cyprus and Tunisia impose certain obligations on a ship's captain relating to the health and safety of young seafarers. These ensure that the latter are not employed in any operation exceeding their physical strength. They also require the captain to take precautions and issue orders for the protection of the life, health and morals of young seafarers; to inform them before they are employed on board of the dangers of injury or disease to which they will be exposed in their work, particularly with regard to machinery and dangerous workplaces; and to instruct them periodically in the use of equipment and other measures to prevent such dangers, including proper working methods. In France, aboard vessels of more than 250 grt, young recruit seafarers may not be employed on watch between 8 p.m. and 4 a.m.; as trimmers, stokers or galley stove fire tenders; as watchkeepers in the engine room for more than 4 hours per day; or in machinery or boiler spaces when a high ambient temperature may endanger their health.

Similar maritime regulations exist in Finland, where those under whose supervision work is performed must take fully into account all that is reasonably necessary in respect of the nature and conditions of work, and the age, sex, qualifications and training of the seafarer concerned in order to protect him from injury or health risks in his work. In particular, employment of seafarers under 16 years of age as night watchmen is restricted by the requirement that they must have 9 hours' continuous rest between 8 p.m. and 8 a.m.

In the German Democratic Republic general labour law prohibits the employment of young persons in heavy work or work which may endanger their health. Statutory regulations in the Federal Republic of Germany lay down detailed restrictions and prohibitions relating to the employment of young seafarers. Those under 15 years of age may not be employed anywhere on board ship without the authorisation of the competent industrial safety authorities; in a ship's engine-room department no young may be employed without having passed a qualifying examination for the particular work involved. Moreover, the competent authorities are empowered to forbid the employment of young persons aboard particular vessels or in certain types of work on board which may present risks to their life, health or morals. In particular, special regulations prohibit the assignment of young persons to the following duties: operator or assistant operator of elevators or certain other lifting machinery; in charge of operating boilers; use and maintenance of systems or equipment using acetylene gas or any other gas under pressure; operation and maintenance of steam machinery or catapults; use of spray painting or similar equipment; control of dredging or dragging operations; work with dangerous materials unless under direct supervision of specialised personnel; and any work presenting a risk of influence from injurious products. In addition, in certain vessels young persons are not permitted to operate winches or windlasses or work aloft on masts.

In India the regulations regarding the employment of young persons as trimmers or stokers go further than required by the provisions of Convention No. 15. Apart from the restrictions on hours of work previously mentioned, young stokers may not be required to tend more than two fires or to clean and relay more than one fire during any one watch, and young trimmers may not be required to assist in the cleaning and relaying of fires. Finally, neither young stokers nor trimmers may be employed in a ship where the stokehold or bunker temperature exceeds 110 degrees Fahrenheit (43.5 degrees centigrade). Statutory regulations in the Ivory Coast require a ship's master to supervise each young seafarer closely, ensuring that he is employed only on duties which are commensurate with his physical aptitudes and related to his occupation. Moreover, seafarers of less than 16 years of age may

not be assigned to watchkeeping on deck during night hours, and those of less than 18 years of age may not be employed in the engine room.

Under Japanese law, shipowners may not employ seafarers under the age of 18 years in work which is dangerous or detrimental to their safety and health. More general maritime legislation in Japan prohibits the employment of young seafarers in any type of operation on board ship endangering their physical well-being, while in the Netherlands and Nigeria general labour law applicable to shipboard work lays down safety regulations designed to protect all seafarers. In Nigeria young persons over the age of 16 can be employed at night only in cases of emergency, and in Portugal the minimum age established for ships' electricians and sea divers are 18 and 21 years respectively. In Norway, provisions of the Seamen's Act empower the competent authorities to lay down regulations concerning safety and health in work on board ship. While specific legislation to this effect has not yet been promulgated, young seafarers are already protected by general labour laws covering all workers. A committee set up in 1965 to study the question of revision of the Seamen's Act has recommended that the latter should incorporate appropriate rules concerning safety and health of young persons on board ship corresponding to the safety regulations protecting workers in other industries, and in particular covering such matters as safety in the operation, maintenance and repair of machinery, and work which is especially arduous or dangerous to life or health. The preparation of such regulations is now under active study by committees established during 1970 to assess current arrangements for labour inspection aboard ships. It is expected that the committee will soon recommend whether separate legislation concerning occupational safety and health aboard ship and covering young seafarers should be adopted, and if so, the committee will prepare appropriate draft proposals.

The national Labour Code of Panama prohibits the employment of young persons under 18 years of age in a number of tasks considered dangerous or hazardous to health by the competent authorities. Statutory regulations concerning shipboard and general industrial work safety in Sweden have similar requirements and objectives to those previously described for Finland. However, they also prohibit a person under the age of 18 years from performing the following tasks: crane or winch operation, signalling, welding, painting with toxic paints or solutions, cleaning of tanks containing injurious substances, and the installation or repair of electrical equipment unless professionally qualified. Moreover, with a view to tightening up provisions in the Safety on Board Ship Act, which aim among other things at protecting minors employed on board ship, legislation promulgated in 1973 instructs ships' masters to take particular care to see that the use of minors in work on board ship does not involve a risk of accident or strain, or other detrimental effect on the minor's health or physical development. Under the law, if the use of minors in a certain type of work is found to constitute a particular risk in any of these respects, then the competent authorities may prescribe special conditions for the employment of minors in such work or prohibit such employment.

Although the United Kingdom and United States have no significant national legislation regarding safety in work for young seafarers, the former country implements the provisions of Convention No. 7, and also published in 1970 a detailed official code of safe working practices for shipboard personnel. By regulations in the latter country, seafarers under the age of 18 years are not permitted to operate hoisting machinery. In Uruguay young persons under the age of 18 years are employed aboard ship only as cabin boys.

#### National practice

The general practice in Costa Rica is to prohibit the employment of young persons in tasks which might be excessively strenuous, dangerous or unhealthy in the light of their limited professional experience and training, and to instruct them in proper and safe working methods. Collective agreements in France prohibit the employment of young seafarer recruits for more than 2 hours per day in cleaning and maintenance work, and it is also the practice to avoid assigning them to the operation of winches or other lifting gear. Agreements concluded between shipowners and crews of state-controlled Italian passenger vessels of over 50 grt include a provision that seafarers not over the age of 18 years may not be required to perform night watch. While in Madagascar and Morocco no statutory restrictions exist concerning types of work for young seafarers, the practice aboard ship is to avoid assignment of such personnel to difficult or dangerous tasks for which they have inadequate experience, training and qualifications, such as operation of

winches, handling of mooring lines, serving as night watchmen or on night watches on the navigation bridge. Aboard merchant ships of Switzerland young seafarers under the age of 18 are never assigned tasks which could endanger their safety or health. Ships' ratings have substantial training and experience before taking up work in the engine room or such duties as look-out or night watchman at the gangway. A similar practice exists aboard Turkish vessels, in which all work involving special skills or safety precautions is undertaken only by experienced and qualified seafarers who are familiar with accepted safe working methods.

Certain aspects of ensuring safe working conditions for young seafarers are the subject of collective agreement in the United Kingdom. In particular a young seafarer below the grade of Senior Ordinary Seaman (i.e. of less than 17 1/2 years of age) cannot be on duty alone as a night watchkeeper or as the only rating on duty on a navigational watch. In practice, on board ships special efforts are made to protect the safety and health of young persons. They would not be expected to enter boilers, maintain electrical equipment or operate hoists or derricks. Work aloft is generally reserved for adult ratings, but there are no rules prohibiting the employment of young persons on deck during heavy weather. One engineers' union contends that at sea apprentice engineers should never work alone, but rather with and under the direction of an adult engineer officer.

#### 4. Opportunities for furthering training and education

Question 5 of the questionnaire requested the following information:

Please describe any measures which may have been taken in your country to give young seafarers opportunities for continuing their education to acquire the knowledge and skills necessary to perform their duties on board ship efficiently and safely, to encourage their retention and advancement in the sea-going profession, to provide better opportunities for eventual employment ashore, and to enable them to adapt to the pace of a changing society. In this connection, please include a description of any pre-sea vocational training schemes provided for young seafarers before admission to employment.

##### National legislation

Existing statutory provisions in Australia provide certain guarantees relating to training opportunities for deck boys and junior engine-room ratings. Essentially these require that shipowners, acting jointly, furnish these personnel with suitable preliminary shore training before being placed in employment aboard ship. Trainees are given free board and lodging and a spending allowance while under instruction, upon successful completion of which they are registered for employment and admitted to membership in the seafarers' union. Applications for traineeships are sought by public advertisement, and all applicants are interviewed by representatives of the competent authorities, shipowners and seafarers with a view to selecting the most suitable trainees. Trainees qualify for more senior rating positions by various types of sea service for prescribed periods. As previously described, other national laws lay down regulations for the conditions of apprentice-ship training of young persons as future ships' officers.

In Belgium the regulations in force require 50 hours' satisfactory experience at the ship's helm for a young deck rating to qualify for a helmsman's certificate. The pre-sea training of young seafarer ratings at seamen's schools or on board a training vessel, as well as courses for further or advanced training, are regulated by national legislation in Denmark which deals with the state training ship, instruction of deck hands at state seamen's schools, training of ships' cooks, instruction of trainee cooks at state seamen's schools, and courses for engine ratings. In France training opportunities for seafarers have been improved by the application to the national maritime training programme of the recently enacted regulations concerning the remuneration of students enrolled in vocational training schemes. A great number of seafarers have benefited from these regulations, which essentially provide an indemnity for loss of wages while under instruction. Other recently adopted legislation is intended to equate standards of maritime training with those for other occupations and to ensure development of career-oriented training and advanced technical instruction for the merchant marine. Moreover, an agreement concluded by the government and shipowners during 1968 aims at the retraining of seafarers no longer able or willing to remain at sea, and the retraining of experienced seafarers to qualify them for positions of higher responsibility or new types of jobs on board modern vessels.

By decree, masters of Ivory Coast vessels are required to teach young seafarers, or ensure that they are taught, the practical aspects of their occupation on board. Maritime legislation in Norway stipulates that work must be organised with due consideration to the position held by the seafarer concerned, and that seafarers must be afforded opportunities to exercise and develop their skills. In particular it lays down regulations regarding the training of ships' personnel in the use of lifeboats and other emergency equipment, and requires a pre-sea training course or equivalent training or experience for all young persons under the age of 17 years going to sea for the first time in vessels mainly engaged in foreign trade. In Singapore, legislation concerning apprenticeship to sea service lays down rules dealing with such subjects as minimum age, medical certificates and indentures. Similarly, in Spain the maritime labour code contains special regulations concerning seafarers' vocational training. These require the collaboration of shipowners in the training of seafarers, by encouraging and assisting them to advance in their careers through education and training, and recommends that captains of vessels promote the vocational, moral, social and cultural training of crews and instruct them in their rights and obligations and the regulations affecting them. Other statutory rules deal with arrangements for the training of apprentices on board ship, the obligation of shipowners to make arrangements enabling seafarers to take examinations qualifying them for higher levels of responsibility and, at a seafarer's request, the provision of a certificate attesting to his aptitude and conduct during his service on board. The Maritime Code of Tunisia includes provisions governing the placement of young persons on board ship as part of their initial training to become ships' officers. In so far as possible, shipowners are required to accept aboard their vessels student officers who by law must be supernumeraries to a ship's regular crew. The duration of the period of training aboard ship as a student officer must not exceed 24 months.

#### National practice

The national nautical school of Argentina runs a comprehensive training programme designed to provide officer candidates with the various skills and knowledge required to prepare them for employment on board the most modern ships, and through advanced training to qualify for higher levels of responsibility in a sea-going career. Training is available to those who have attended a secondary school or the equivalent, and assumes that trainees have sufficient general education, combined with 4 years' instruction at the school, to adapt to the conditions in modern society. Formal pre-sea training of future ratings is essentially practical in character, although in certain cases this includes theoretical instruction in both nautical and general education subjects, including physical training and character development. Training terminates with an examination and a certificate qualifying the recipient for employment aboard ship.

As previously mentioned, in Australia pre-sea training of six weeks' duration for deck and engine-room ratings is provided by shipowners as required by legislation. While a deck rating after a period of sea service is eligible to be examined for a certificate of competency as deck officer, there is no formal training scheme for young ratings leading to this examination. On the other hand, unlike deck ratings, engine-room ratings cannot progress to the rank of engineering officer without some training as such and without meeting prescribed workshop service requirements. Part-time and full-time courses are available at technical colleges for all or some parts of the relevant engineers' certificates. Some students are sponsored by shipowners for part of their studies, while study leave is provided for further parts of certificates. A four-year part-time course for a certificate of marine engineering technology is available. Students usually serve an apprenticeship in an engineering workshop, and shipowners provide some students with practical sea experience for familiarisation purposes. Most candidates for examination for engineers' certificates have followed a preparatory course, although this is not compulsory. Deck officer training is a combination of formal courses and sea service. Nearly all deck officer candidates serve the necessary sea time as officer apprentices indentured to shipping companies rather than as deck ratings. All apprentices take correspondence courses, and about 25 per cent attend a three-month pre-sea course and a six-month mid-apprenticeship course. To prepare for the examination as a second mate, apprentices usually complete a four-month preparatory course at a nautical school upon termination of their indentures.

Bangladesh operates a merchant marine academy which conducts pre-sea courses for young persons undergoing training as future ships' officers. A number of

permanent training courses are maintained in Belgium with a view to providing young ratings with the skills and knowledge necessary for employment on board ship. These include a two-week pre-sea course for trainees from 15 to 18 years of age; a short practical fire-fighting course; and for experienced ratings a seven-week course leading to a certificate as ordinary seaman, and a course for second cook and baker. Opportunities for young men to qualify as ships' deck or engineer officers are also made available through training courses at permanent schools ashore combined with practical experience at sea. Young seafarers in Canada have access to correspondence courses made available by vocational schools for qualifying certificates. In addition, provincial governments provide correspondence courses in general academic subjects and some also maintain pre-sea vocational training schemes.

In Colombia a national nautical training centre was recently created to provide training courses for young persons of at least 15 years of age who are commencing a seagoing career, and official studies have been undertaken on the question of giving young seafarers the opportunity to develop their skills and general education. Under the educational system in Denmark, any person in principle has the opportunity to obtain the level of academic or vocational training or education to which he aspires. Extensive training courses for the basic and advanced instruction of ships' ratings, for the training of the various categories of ships' officers, and for academic qualifications from institutions of higher learning, provide opportunities for all young seafarers both to advance in their seagoing careers and to develop their education generally for eventual employment ashore.

While training facilities for seafarers do not exist at present in Cyprus, young persons interested in a career at sea as a ship's officer can attend appropriate nautical schools abroad through a certain number of scholarships made available each year by the Government. An investigation is now being made with a view to determining whether there is justification for the establishment of national maritime training facilities. The objective of vocational training schools for ratings in Finland is to provide both theoretical and practical instruction for all young persons entering the shipping industry, and for experienced ratings of the deck, engine-room or catering departments to enable them to advance in their careers to such positions as boatswain or ship's cook. Pre-sea courses of up to six months' duration for entry ratings in the deck, engine-room or catering departments are available to young men and women of at least 16 and 19 years of age respectively. Other courses, of ten months for cooks and 24-30 months for electricians, are available to men of 18, and women of 19, years of age. Completion of an appropriate training course is required for a certificate as able seaman, boatswain or ship's steward, a six months' course in respect of the latter being open to men and women of at least 19 years of age. Deck and engine-room ratings can acquire further training at nautical schools for future ships' navigating officers, or in technical schools offering engineering instruction leading to qualifications as a ship's engineer. Ratings who have completed courses at one of the vocational training schools often succeed in qualifying for employment ashore once they leave the sea.

The French maritime training programme has the three main objectives of providing separate institutions for the technical instruction of young persons embarking on a sea-going career to qualify them for certificates of competency either as a ship's officer or rating, of making available training courses to enable experienced seafarers to qualify for promotion in the merchant marine, and to provide training for seafarers that will both keep them abreast of technical developments on board ship and also qualify them for suitable employment ashore should they eventually leave the seafaring profession during their working lives. These objectives are promoted by the government, which is responsible for maritime manpower development and recently promulgated the legislation concerning seafarers' training mentioned previously, in the light of conditions in modern society and the shipping industry.

Training of young persons as seafarers in the German Democratic Republic is provided up to the level of able seaman or skilled engine-room hand by means of a two-year apprenticeship course. Thereafter possibilities exist for them to continue their studies for three-and-a-half years with a view to qualifying as ships' officers. In the Federal Republic of Germany young deck ratings receive three months of pre-sea training for qualification as ordinary seamen, and continue on a voluntary basis through short courses for advancement to able seamen and boatswains. Young persons with formal training as seamen and suitable educational standards can

also study to be ships' officers at training centres, during which time financial assistance is provided by shipowners in accordance with legislation concerning the promotion of vocational training generally. Young seafarers terminating sea-going employment usually have to undergo further training in order to qualify for a suitable job ashore. All seafarers of Ghana receive vocational training to give them the knowledge and skills required in the performance of their duties. They also have the opportunity to continue their education while at sea by means of correspondence courses. Greece already possesses both public and private schools for the training of future ships' navigating officers, engineers, radio officers and stewards, and facilities for the pre-sea training of young entry ratings will be provided in the very near future. In India completion of a six month pre-sea course for ratings at a training institution operated by the Government is mandatory for all young persons before they are permitted to be employed on board ship. This instruction is designed primarily to give trainees the knowledge required for their particular jobs on board modern ships, and places some emphasis on discipline and character development.

Both pre-sea and advanced courses for the various categories of ships' ratings are provided by numerous training institutions ashore in Italy. At sea, young catering ratings in particular benefit from organised vocational training on the job and in the learning of foreign languages. In Jamaica, owing to the absence of any formal training scheme for seafarers, discussions concerning the establishment of appropriate facilities are presently in progress. In Japan, government maritime schools offer comprehensive pre-sea training courses for young persons preparing for employment as ships' ratings. The courses are of one year's duration for work on coastal vessels and two years for assignment to a foreign-going ship. Correspondence courses in both nautical and general subjects, available from a government maritime institute, provide opportunities both for advancement in a sea-going career and for further education.

Liberia reported the existence of training activities aboard family and school vessels, which are subject to government supervision. In Madagascar, a national maritime training school provides opportunities for young persons, including experienced young ratings, to qualify as ships' officers; fellowships are offered by the government and by shipowners to assist trainees in achieving their educational objective. In Malta there exists a short pre-sea course for young seafarers leading to their employment as deck boys. In order to be employed as a rating on board ships of Morocco a young person must have completed a pre-sea course of two years' duration at one of two training centres. Trainees must be at least 14 years of age and have finished their primary education. Upon successful completion of training they receive a certificate as an apprentice seaman of the deck or engine-room department. After five years' sea service, a young seafarer may apply for admission to the residential national navigation school for training as a deck or engineer officer, which is provided without cost to trainees. While young graduates of the navigation school have good opportunities for advancement in the sea-going profession, particularly as chief officers or captains of small coastal vessels, prospects for employment ashore for former navigating officers are not as good as for former ships' engineers.

The Government of Malta proposes the establishment of a nautical school which would provide training for all young men preparing for a seafaring career, either as a rating or as a deck or engineer officer. A pre-sea course leading to eventual certification as able seaman, and courses for radio officers, are in operation. In the Netherlands, pre-sea training courses of two years' duration are conducted for deck, engine-room and catering ratings on board two training vessels. There are also advanced courses ashore which enable young seafarers to qualify for higher levels of responsibility within their particular speciality, and also elementary and advanced nautical schools where they can receive training leading to an officer's certificate of competency. Moreover, qualified young seafarer ratings who leave the sea are assisted in finding employment ashore in the field for which they have been trained, and also in furthering their education through day-release courses with a view both to improving employment prospects and to meeting the regulations requiring young persons to attend a school up to the age of 16 years. The problems of young persons who prematurely leave the sea are currently under study.

In Norway, training for young ratings is sponsored jointly by the Government and shipowners' and seafarers' organisations. There are four different schemes: (a) a two-year entry course at sea leading to qualifications as able seaman or



motorman for boys having completed primary school and three months of pre-sea instruction ashore; (b) one or two years' entry training at sea for future motor-men or engine maintenance men respectively, for boys with metal workshop training plus two months of pre-sea instruction ashore; (c) a course at sea for training as combined able seaman/motorman; and (d) a course at sea for cook apprentices. In each case, at the commencement of instruction at sea, trainees sign a special contract with the shipowner concerned. The schemes, which apply only to vessels approved for systematic training, are also open to experienced ratings who have gone to sea under the usual conditions and may be awarded a trade certificate on the basis of qualifications and necessary additional training. Young persons having received vocational instruction for certain industries ashore may also enter the shipping industry by completing two months of pre-sea training followed by one year of training on board to qualify as an able seaman.

Young persons in Panama may receive formal pre-sea training as a future ship's officer at a government-operated nautical school, or as a junior deck, engine-room or catering rating through courses conducted by a seafarers' organisation. In the Philippines the subject of instituting training for seafarers to meet the requirements of modern ship operations is under study. It is envisaged that such formal training would subsequently constitute educational credit towards advanced vocational studies for those young trainees pursuing a career in the sea-going profession. Pre-sea training centres for future ships' officers and for ships' ratings are in operation. In Portugal, Singapore and Spain separate institutions exist for the conventional training of ships' officers and ratings. In particular, the Singapore Government operates a training vessel in which young persons between the ages of 16 and 21 are enrolled for periods of instruction of up to three months to prepare them for careers at sea in the deck, engine-room or catering departments. While there are no maritime training facilities in Sri Lanka at present, the Government intends, in view of the current development of the national merchant fleet, to institute a pre-sea training scheme for young persons wishing to become ships' officers. Although in Sweden pre-sea training is not required for employment aboard ship, vocational preparatory courses are conducted by national schools for young persons intending to go to sea as deck, engine-room or catering ratings. In addition, certain shipowners provide organised training of entry ratings on board ships in which they are serving. To progress in their chosen profession, young experienced seafarers having the requisite sea time and qualifications may enrol in navigation schools which train future deck, engineer and radio officers. Moreover, in-service training courses for both officers and ratings, designed to assist them in improving their skills and to qualify for promotion, are also made available.

There are no pre-sea training courses for young persons in Switzerland entering the seafaring profession, apart from normal general schooling and any apprenticeship they may have served subsequently. Ships' ratings are trained on the job and develop their technical and general education by studying at sea. They rely primarily on their seafaring experience and previous education when seeking employment ashore. In Tunisia, the national nautical school carries out the training of young persons as future navigating and engineer officers who, during the course of their instruction, undergo a six-month period at sea as apprentice officers designed to fit them for and establish them in the seafaring profession. As in most countries, young seafarers in Turkey have the opportunity of advancing to higher responsibility and making a worthwhile career in the merchant marine by qualifying in terms of training experience and examination for successive grades of certificates of competency. Apart from national courses available at training centres ashore, senior officers aboard Turkish ships instruct young seafarers in the skills of their trade and also organise various non-vocational courses to improve the level of their general education - a nationally recognised need of all seafarers.

In the United Kingdom all young entrants to the merchant marine receive some form of pre-sea training. Entrants as deck, engine-room and catering ratings are given up to 14 weeks' practical instruction in a nautical training centre ashore. Apprentice deck and engineer officers undergo a carefully controlled course of combined training ashore in nautical colleges and employment at sea receiving instruction and completing correspondence courses. While at sea, shipping companies are required to allocate to apprentices six hours of the working week for academic work. All young seafarers perform their practical tasks under the guidance of ships' officers, which together with the training given are recorded in special booklets issued to trainees at the start of their shipboard training. In addition, they can follow correspondence courses for the qualifications required for promotion. To assist officer candidates in acquiring qualifications



acceptable for employment in other occupations ashore, efforts have been made to equate courses leading to maritime certificates of competency with nationally recognised qualifications. Moreover, successful navigation officer trainees can qualify for both a nationally recognised certificate or diploma in nautical science and the maritime certificate as second mate. The engineer officer candidate may obtain a national diploma in marine engineering or a nationally recognised marine engineer technician's certificate which will gain exemptions from part of the national examinations for maritime engineers. As regards career opportunities for ships' ratings, those having experience in the engine room may attend a two-year course to qualify as a certificated ship's engineer, while correspondence courses are available to deck boys for meeting the requirements for a deck officer's certificate. Catering boys may attend various courses ashore to improve their professional competence. As is the case in a number of other countries, such as the Ukrainian SSR, young seafarers may be entitled to financial payment in lieu of wages while attending courses ashore to qualify for higher responsibility on board ship.

The training of seafarers in the United States is a product of the efforts of the federal and state governments, the shipping industry and private schools. Most young persons entering the merchant marine have the benefit of preparatory training ashore prior to signing on board for the first time. The majority of persons who secure officers' certificates of competency enter one of several public merchant marine academies at the age of 17-19 years, and upon completion of three or four years' comprehensive and specialised training, including a period of sea service as a cadet officer under carefully controlled instruction, qualify as deck or engineer officers. Two ships' officers' labour unions also operate permanent schools for training of teenage youths without experience at sea as future deck or engineer officers. These schools, which receive financial support from shipowners, are also open to experienced officers seeking the specialised training required for modern ship operations and for promotion. Organisations of marine radio officers also maintain schools to retrain and upgrade experienced vessel personnel. While pre-sea training for entry ratings is not required by law, short courses for young persons embarking on a career at sea are carried out by seafarer ratings' labour unions and certain public and private schools. Most entry ratings have completed a course of up to 12 weeks' duration for persons between the ages of 16 and 21 years wishing to qualify as deck, engine-room or catering ratings, at schools operated by labour unions and receiving financial support from shipowners. These schools also offer a variety of short upgrading courses for the various categories and grades of ratings intended to improve their knowledge and skills so that they may qualify for greater responsibility on board ship.

For many years all but one of the academies for officers have provided a fully accredited college education together with maritime training as a ship's officer. Graduates of these institutions are, therefore, on an equal footing in both technical and liberal education, with persons trained in universities and other institutions of higher learning. They consequently have little difficulty in entering other occupations ashore once they decide to leave the sea. In addition to the vocational training for entry ratings, one seafarer ratings' union conducts academic instruction designed to further the general education of trainees, who can participate in a general high school equivalency diploma programme or a remedial reading course. A variety of recognised correspondence courses of both a maritime and general educational nature are available to all American seafarers from various educational institutions. These, combined with good libraries and study facilities aboard modern vessels, in many of which every man enjoys a private cabin, provide excellent conditions for any determined young person to improve his knowledge, education and career opportunities, both in the merchant marine and in occupations ashore.

In the USSR there is a network of maritime schools and vocational training centres in which young persons receive specialised instruction at state expense. The courses in these establishments last from one to two years, and the merchant fleet in practice draws its recruits from this source. Young seafarers may also continue their education by means of correspondence courses in secondary technical and higher educational establishments. Tuition is free, and additional paid leave is granted for taking examinations and submitting written work, as follows: 30 calendar days for the first and second courses; 40 calendar days for the third and subsequent courses; 30 days for taking the state examinations; for presentation of written work for a diploma, four months in the case of higher educational establishments and two months in the case of specialised secondary establishments. Half the fare to the educational establishment is paid once a year, and there are other, unspecified, benefits.

## CHAPTER II

### COMPARATIVE ANALYSIS OF NATIONAL MEASURES FOR THE PROTECTION OF YOUNG SEAFARERS

The information contained in the previous pages gives a fairly comprehensive picture of the efforts currently being made by 56 maritime countries throughout the world by means of both legislation and practice to safeguard the interests and promote the wellbeing of young persons employed on board merchant vessels. The nature, scope and contents of these protective measures are by no means the same in the various countries, yet essentially their objectives are based on principles and practices which are somewhat similar in all countries and which can perhaps be identified and briefly described.

Either through legislation or collective agreements, regulations and rules have been laid down or are under consideration, dealing with a number of questions affecting the employment aboard ship of young seafarers, such as the requirement that the consent of a parent or guardian should be obtained before being engaged, rules governing apprenticeships, obligatory pre-sea training, restrictions on working hours, rest periods, accommodation on board, moral protection, safety regulations in employment, opportunities for furthering education, career development and repatriation. Moreover, eight countries have proposed legislation concerning such matters as hours of work, minimum age and safety, which are at present under consideration, while at least four others have adopted statutory rules within the last five years.

More specifically, and apart from the questions of duty hours, rest periods, holidays, areas of work and educational opportunities, which are examined in detail below, 11 countries require the formal consent of a parent or guardian of a young person, defined in most cases as being under the age of 18, before he can be employed on board ship, while six others absolutely forbid employment of seafarers under this age. Another country requires a special examination to be made of the seaman's papers of any young person before permitting him to sign on board ship. There are also restrictions in five countries on the employment of young women at sea; regulations in one set a minimum age of 18, two of 20 and one of 21, while one country imposes special regulations concerning the working hours on board of women under 18 years of age. Moreover, the possibility of applying provisions concerning minimum age equally to both sexes is under consideration in one country. Minimum age also relates to the type of work to which young persons may be assigned. At least one country forbids assignment of such duties as fireman, stoker or watchman to seafarers of less than 19 years of age. The regulations of eight other countries lay down specific instructions for ships' captains relating to the health and safety of young seafarers, explicitly prohibit young persons from being employed in hazardous jobs on board, or prescribe special safety regulations for young persons or restrictions on their serving in certain types of merchant vessels. One country has such draft regulations under consideration. Specific requirements, such as a chest X-ray, with respect to medical certificates attesting to a young person's physical and psychological suitability for the merchant marine are also incorporated in the laws of at least three countries, while in two others, respectively, a law requires a biennial medical examination of young persons under 18 years, and a decree recommends that all seafarers undergo voluntarily an annual physical examination at the expense of shipowners. Standards of crew accommodation on board are also the subject of statutory provisions in two countries, one of which forbids the berthing of young ratings with adult seafarers. Not more than two deck boys or apprentices may be berthed in the same cabin aboard ships of the other country. Strict control over conditions on board which have a bearing on the vocational training and general educational development of young seafarers is also imposed by the maritime codes of at least 11 countries. These include such matters as requiring a ship's captain and officers to ensure optimum on-the-job vocational training opportunities for young ratings and officer apprentices, including guidance as regards maximising educational opportunities while in the sea-going profession, and laying down comprehensive details with respect to the requisites, character and responsibilities of those involved with apprenticeships and indentures of young persons to the sea service.

Norway is perhaps foremost in prescribing special legislation on protective measures for youths at sea, details of which have been given in preceding pages.

These regulations, most of which were adopted in 1969, apply for the most part to youths under 20 years of age, but in certain respects to those under 18, and cover such questions as vocational guidance, agreed port of discharge, signing off ship for welfare reasons, payment of wages on discharge abroad, passage home and right to apply for employment abroad, responsibility for passage home of young seamen, right to free passage home after prolonged service, supervision of health conditions on board ship, prohibition of the sale or serving of intoxicants to minors, protection against the abuse of alcohol or other intoxicants or sedatives, and search for absent or missing young seafarers. Moreover, in 1968 special regulations were promulgated concerning compulsory training courses for boys under the age of 17 making their first voyage in foreign-going vessels. Other maritime legislation adopted in Norway during the past four years pertaining to young seafarers concerns standards of medical examinations and certificates for sea service, and administration and supervision of the mustering and engagement of seafarers. The adoption of further regulations concerning the minimum age of applying a limitation on working hours and obligatory pre-sea training courses, are presently under consideration. Denmark also has special regulations protecting young seafarers under 20 years of age and covering a variety of subjects such as dispensation from normal rules governing repatriation of seamen, sickness payment, general care of young seafarers, shore leave and time of rest on board, while in the German Democratic Republic general legislation fosters the protection and promotion of youth.

#### Maximum hours of permitted duty

The normal or maximum hours of duty for young seafarers may be governed either by relevant provisions of general labour laws or by specific regulations of national maritime codes. In most countries it would appear to be the subject of maritime regulations prescribing standards applying equally to adult and young seafarers alike. In fact, information provided by governments reveals that only ten countries have special rules for young persons under the age of 16 or 18 years, and even then in most cases the number of ordinary or normal hours of work is indicated rather than the mandatory maximum. Five of these prescribe as the normal working hours of seafarers under 16 years, at sea and in port, either 6 or 7 per day, and 36, 42 or 45 per week; while the limits set in three countries for those under 18 years of age are 6, 7 or 8 hours per day, and 36, 37 1/2 or 42 per week at sea or in port. Generally speaking, therefore, the majority of the world's young seafarers have, in common with all other seafarers, normal hours of duty comprising 8 hours per day plus a full or partial day's work on Saturday, and perhaps also up to 2 hours on Sunday at sea or in port. Watchkeepers and catering personnel, however, are often required to work 8 hours each day of the week, overtime compensation being given for hours worked in excess of a prescribed weekly maximum. In very few cases are young seafarers required to work more than 8 hours per day, catering ratings in passenger vessels and seafarers re-employed in certain coastal or local trade ships being cases in point, but even then the maximum number of ordinary hours of work is usually limited to 9 per day. In two countries consideration is being given to amending existing legislation so as to raise standards pertaining to the number of days at sea and in port that young seafarers may be employed, their maximum number of working hours per week, and the age limits to which regulations on working hours apply.

In many countries both young and adult seafarers enjoy more favourable conditions as regards hours of work under collective agreements than under national legislation. Moreover, such agreements may also give special conditions for young seafarers, examples being 7 hours per day and 42 per week for seafarers under 18 years of age, or a daily absolute maximum of 8 hours for those under the age of 16. Available information reveals that in practice the 8-hour day and 40- or 48-hour week are most prevalent. Mention might also be made of the discretion given to captains and chief engineers aboard ships of some nations as regards work assignments for cadet officers and apprentices, who may be required to work less than a full 8 hours each day, the remainder to be devoted to studies.

#### Work outside normal hours

Although few countries furnished information concerning the conditions under which young seafarers are permitted or required to work outside normal daytime working hours (apart, of course, from times during which all hands must turn to for shipboard emergency drills, the safety of life or ships at sea, or the proper operation of the vessel, including customs or quarantine clearance as determined by the captain), a representative indication is given by the following examples of

national legislation. In one country all seafarers without exception may be required to work outside normal hours to complete certain maintenance operations in boiler and machinery spaces which take more than three hours, while in another they are required to maintain and clean their living quarters and execute certain catering functions outside normal working hours and without payment of overtime. Work outside normal hours may also be required of young seafarers when a vessel is entering or leaving port, for urgent repairs or for those employed aboard ocean-going salvage vessels. In one country young persons under the age of 18, but not under 16, may for training purposes be required to turn to at sea beyond normal working hours up to a weekly average of 2 hours per day. In the absence of available adult seafarers, they may also be required to work a maximum of 50 hours' weekly. In two other countries deck boys and other junior deck ratings can be required to work at any time of day as necessary for regular ship manoeuvres when entering or leaving port.

The laws of a number of countries lay down rules regulating hours of the day during which young seafarers cannot normally be assigned work. Thus in two countries those under 16 years of age cannot be employed between 8 p.m. and 4 a.m. the following day, or between 9 p.m. and 6 a.m. The hours between 11 p.m. and 6 a.m. are barred from duty for persons under 17 years of age in one national merchant fleet, while in four others those under 18 years of age cannot, respectively be (i) assigned any type of work between 6 p.m. and 8 a.m.; (ii) assigned any type of work between 8 p.m. and 8 a.m.; (iii) given watchkeeping duties between 8 p.m. and 5 a.m.; or (iv) permitted to work between 8 p.m. and 5 a.m. unless they have nine consecutive hours of rest either before or after midnight. One country is considering the adoption of regulations restricting working hours to the period from 7 a.m. to 8 p.m.

Restrictions on hours of work are also made in collective agreements which may require young seafarers to complete their daily routine between 8 a.m. and 5 or 6 p.m., except when entering or leaving port, or preclude them from certain night work, in particular as night watchmen.

#### Breaks for meals and daily rest periods

Judging from the information furnished by governments, it would appear that few countries have regulations concerning intervals for meals on board ship, and that this, together with short mid-morning and mid-afternoon rest periods, is a matter left almost exclusively to agreement between shipowners and seafarers. Moreover, it seems doubtful whether many, if any, countries, either through regulations or custom, provide young seafarers with meal hours or brief rest periods during working hours different from those enjoyed by other members of the crew. Nevertheless, the laws of one country lay down a two-hour period for the mid-day meal, while in another they prescribe one half-hour for breakfast and one hour each for the noon and evening meals. All other countries indicated that it was the usual practice for the three meals aboard ship to have a duration of one hour each, except in one national fleet where two hours are devoted to the noon meal. While brief mid-morning and mid-afternoon rest periods for shipboard day workers do not seem to be the subject of legislation in more than four countries, two of which require a rest period of 30 minutes or two periods of 15 minutes each for every period of continuous work of 4 1/2 hours' duration done by young seafarers, and the third country a 30-minute rest period for all seafarers working in excess of 4 hours between 10 p.m. and 6 a.m., there is reason to believe that shipowners in a great number of countries customarily give all seafarers two 15-minute rest periods during the working day even if not required to do so by regulations. Proposed amendments to regulations in one of the aforementioned countries would extend rest period to 60 minutes following each working period of over 6 hours. In another country the labour code prescribes a mid-day rest period of not less than half an hour or more than two hours for all workers.

It is generally accepted that young persons require a sufficiently long daily period of continuous time free from duties for relaxation, vocational study and sleep to ensure their physical and psychological wellbeing. It is therefore not surprising that 23 countries, or nearly half of those furnishing information on national conditions of employment of young seafarers, have legislation concerning this aspect of such conditions. These regulations differ to a certain extent from one country to another, but the general practice is to ensure young persons under the age of either 16 or 18 years, whether at sea or in port, a minimum of from 8 to 12 consecutive hours of rest from the evening of one day to early morning of the next during each 24-hour period. Often this is brought about as a consequence

of restrictions on the employment under normal conditions of young persons during these hours. Thus by law in one country young seafarers have 14 hours of continuous rest daily between 6 p.m. and 8 a.m., while in two countries young seafarers under the age of 16 are assured of an unbroken rest period of 12 hours between 8 p.m. and 8 a.m. and 6 p.m. and 6 a.m. respectively, whether at sea or in port; in one country a rest period of 11 hours between 6 p.m. and 6 a.m. in port only; in two countries a daily rest period of 11 hours between 8 p.m. and 7 a.m.; in one country 10 hours between 8 p.m. and 6 a.m.; in five countries 9 hours between 8 p.m. and 8 a.m.; in one country 9 hours between 9 p.m. and 8 a.m.; in two countries 9 hours between 9 p.m. and 6 a.m.; and in six countries 8 hours between 8 p.m. and 4 a.m., 8 p.m. and 6 a.m., or 8 p.m. and 8 a.m. Moreover, in a few countries different rules apply to the various categories of young persons on board. In one country, for example, ratings on daywork at sea have 11 hours of unbroken rest between 5 p.m. and 6 a.m., while catering ratings at sea have 10 hours of such rest between 8.30 p.m. and 6.30 a.m. During the time a ship is in port the same personnel have unbroken free time between 5 p.m. and 9 a.m. and 7 p.m. and 6.30 a.m. respectively. Another country prohibits young persons under the age of 16 years from being assigned to watchkeeping duties between 8 p.m. and 4 a.m.

On the basis of available information it seems that conditions for unbroken daily rest afforded to young seafarers by collective agreements are not substantially different from those laid down by law. In two countries, however, young seafarers, except catering staff and watchkeepers, are normally free from work between 5 p.m. and 8 a.m. and 5 p.m. and 7 a.m. respectively, whether at sea or in port. Moreover, one collective agreement specifies that ratings required to work overtime between 12 midnight and 8 a.m. are entitled to a rest period of one hour for each hour worked, this rest period to commence at 8 a.m. on the same day.

#### Weekly rest periods

Information received from governments on the subject of time off during week-ends at sea and in port reveals that national labour legislation often provides for a minimum unbroken rest period at week-ends for all seafarers not required for operation of a vessel at that time. While there do not appear to be regulations to this effect specially intended for young persons, it seems to be a common practice for all seafarers who are not watchkeepers or catering personnel to have, as a minimum, the right to one complete day of rest each week, following a night rest period, those required to work on this day receiving compensation. Such a rest period, usually extending from Saturday afternoon to Monday morning, is provided in nearly all of the countries surveyed. Young seafarers in many countries are ensured additional rest at week-ends by virtue of their restricted working hours. Moreover, in one country seafarers are granted a 48-hour period of rest at week-ends, and in another 1 1/2 days for each 6 days of work. On the other hand, the laws of one country require all seafarers to work 6 hours on Saturday and 2 hours on Sunday and holidays at sea, and 5 hours on Saturday when in port, while regulations in a second country assure the weekly day of rest only when in port.

The situation in practice as regards standards for maximum weekly hours of work or rest periods is similar to that mentioned above, but with some variation from one country to another. Usually, and particularly when at sea, all seafarers not on watch or other duties are required to put in up to one half-day's work on Saturday, but in certain countries a full 8-hour spell of duty on Saturday may constitute the end of the working week. In port, although work on Saturday in a few countries is eliminated, it would seem that in most national merchant marines the working rules for week-ends in port are essentially no different from those at sea.

#### Restrictions on certain types of shipboard work

The information requested from governments concerning this question was intended to assist the Office in appraising the extent and nature of measures being taken in merchant fleets of the world to minimise occupational dangers to inexperienced young seafarers in the course of their routine duties on board.

There is no doubt that considerable special attention is being given to this question through national legislation, collective agreements and general safety practices aboard ship. Of the 34 countries from which observations were received, 14 have specific regulations protecting young seafarers who, on the other hand, in nine additional countries, receive similar safeguards under more general labour legislation concerning all seafarers, all young workers or all workers. In one

country, regulations amending existing maritime labour legislation to incorporate specific rules dealing with the occupational safety and health of young seafarers aboard ship were promulgated during 1973. Essentially, these regulations instruct ships' masters to take particular care that the assignment of minors to certain tasks does not involve risk of accident or other effect detrimental to their health or physical development. In another country, protection of young seafarers under the age of 18 years is fostered by permitting them to be employed only as cabin boys. Whereas only three countries mentioned the ensuring of safe working conditions for young seafarers as being covered by collective agreements, others pointed out that it was a general practice in their merchant vessels never to assign tasks to young persons that could endanger their wellbeing unless trained for the specific work and/or working under the guidance of a qualified supervisor.

Apart from restrictions on persons under the age of 18 being engaged as trimmers or stokers as required by Convention No. 15, the most frequently mentioned types of work in which by regulation young seafarers should not be engaged are as follows:

- watchkeeping on deck during night hours,
- dry cargo-handling operations,
- liquid cargo or bunkering operations unless directly supervised,
- winch or crane operator,
- signalman,
- handling mooring lines unsupervised,
- work aloft,
- attending yardarm or hatch,
- on duty alone as lookout,
- on duty alone as night watchman,
- only rating on navigational watch,
- attending gangway alone,
- work on deck during heavy weather,
- operating machinery or power tools without supervision,
- operation and maintenance of steam machinery unsupervised,
- galley stove operator,
- in charge of operating boilers,
- cleaning and relaying of fires in coal-burning vessels,
- entering boilers,
- entering tanks, cofferdams etc., without supervision,
- use of spray painting or similar equipment,
- using toxic paints or solutions,
- cleaning tanks containing injurious substances,
- work with dangerous or harmful materials,
- installation and repair of electrical equipment,
- operator of elevators or other lifting machinery,
- welding,
- use of acetylene or other gases under pressure.

In some countries special efforts are made to assign young seafarers to work only for which they are trained, and even then only under the guidance of an experienced ship's hand. In particular, young persons are not given any task beyond their physical strength and they are often instructed periodically on the dangers to which they will be exposed in their work, as well as proper working techniques and other precautions necessary to avoid accidents.

#### Opportunities for further education and training

While it does not appear that separate national regulations concerning the education and training of young seafarers are found in many countries, several do lay down mandatory rules governing such questions as the pre-sea training of entry ratings and the details of conditions of apprenticeship and indenture to the sea service. Under such rules, either the government or the shipowners must provide all entry ratings, without cost, with a preparatory course of instruction before they can be placed on board ship. Strict guidelines are also prescribed as regards the minimum age for entry ratings and for apprentices, indentures, the duty of ships' captains to apprentices, and for the vocational training and general instruction on board of all members of a vessel's crew, and the obligation of shipowners to enable seafarers to enrol in courses and take examinations ashore with a view to promotion.

In one country legislation has been enacted recently concerning the remuneration of trainees enrolled in vocational training courses, and the development of seafarers' training schemes which not only provide the skilled manpower needed for modern ship operations but put training for the sea-going profession on a par with training given to young persons for employment in industries ashore.

In practice, nearly all maritime countries provide both pre-sea and advanced vocational training courses for seafarers designed to give them the various skills and knowledge required for their particular jobs on board, to keep them abreast of technological developments affecting their jobs, and to qualify them for promotion as an officer or rating, and from rating to officer.

Pre-sea training ashore for young entry ratings or apprentice officers is often essential for commencing a sea-going career, and these personnel may also be given systematic training while on board ship. Training ashore may be given free by the government, or by shipowners' or seafarers' organisations or individual shipowners, who in some countries also grant study leave with pay to seafarers enrolled in courses for specialised vocational instruction or promotion. In a number of countries a variety of technical correspondence courses are also made available to seafarers. To sum up, it would appear that the majority of young persons employed on board ship are not denied ample opportunities for properly preparing for, and advancing in, the sea-going profession.

As regards opportunities for general education, the long-term training of future ships' officers not only usually caters to trainees who already have a good liberal education but ordinarily includes a substantial number of good courses designed to broaden their education, make them effective leaders and, in some countries, put them on a par with persons trained for other professions. While training for ratings is normally of a practical character, in some countries general education is included. A few countries require or offer courses for ratings of from one to two years' duration, the curricula of which may include extensive instruction in non-vocational subjects. In one country vocational training for ratings includes remedial reading and special courses leading to a recognised diploma of secondary education. Correspondence courses from academic institutions in general educational subjects up to the college level are also available to seafarers in many countries. Those fortunate enough to be in modern vessels having excellent accommodation and other facilities conducive to study would seem to have very good opportunities to improve their knowledge, education and career prospects both at sea and for occupations ashore.

To assist young seafarers in acquiring qualifications acceptable for employment in occupations ashore once they leave the sea-going profession, a growing number of countries are making efforts to equate the standards of maritime training courses to those of training and education for jobs outside the shipping industry. This has the obvious advantage of providing young seafarers with recognised accredited training which will not only give them reasonable assurance of worthwhile career prospects, but facilitate the furtherance of their education throughout a lifetime.

### CHAPTER III

#### CONCLUDING CONSIDERATIONS AND PROPOSED CONCLUSIONS CONCERNING THE PROTECTION OF YOUNG SEAFARERS

##### 1. Concluding considerations

The information presented in the preceding pages illustrates the substantial measure being taken nationally to ensure the safety, health and general welfare of young persons employed in the sea-going profession. It is quite clear from this information that considerable progress in providing for the protection of young seafarers has been made since the adoption of ILO Conventions Nos. 7, 15, 16 and 58, whose provisions have not only gained widespread acceptance among maritime nations, as manifested by national legislation, but have been exceeded in many countries. Not only does the legislation and practice in a number of countries cover aspects of young seafarers' conditions untouched by these instruments, but considerable practical experience appears to have been accumulated nationally in dealing with the special problems associated with the employment of young persons in modern ship operations. It is also apparent that a certain amount of forward planning is under way in this regard.

Although there are some countries in which little seems to have been done to implement special protective measure for youths in the sea service, or for which comprehensive information has not been available, the picture as a whole appears to be one of a wide recognition of the importance of such measures and of action having been or being taken to fill this need. It should, however, be emphasised that proper working conditions and training, combined with good career prospects for young seafarers, can assist in mitigating certain maritime manpower problems existing in many countries today, and thereby contribute to the efficiency of shipping operations. The establishment and development of national merchant fleets, expanding international sea-borne trade, the new labour problems of seafaring manpower brought about by modern ship operations, as well as changes in technology and the organisation of work on board ship which are altering the nature of duties performed by all seafarers, experienced and young alike, are some of the considerations calling perhaps for a closer look at the role of protective conditions for young persons entering the merchant marine - a role which could well be more important today than heretofore.

In view of the contents of the resolutions concerning the protection of young seafarers adopted by the 55th (Maritime) Session of the Conference and the 21st Session of the Joint Maritime Commission, reproduced in the introduction and Annex I to this report respectively, and in the light of information furnished by governments in response to the Office questionnaire on this subject which is summarised in the foregoing pages, the following draft conclusions might be considered in whole or in part by the Preparatory Technical Maritime Conference as a basis for its discussions and proposals to the subsequent Maritime Session of the International Labour Conference with respect to the provisions of an international instrument or instruments, if it should be so decided.

The draft conclusions are based on the aspects of young seafarers' working conditions highlighted in the resolution adopted by the Joint Maritime Commission and other conclusions drawn from information concerning law and practice in countries throughout the world on the subject of protection of young seafarers found in Chapter I.

The Preparatory Conference will of course be aware that the Minimum Age Convention, 1973, applicable to seafarers, supersedes Conventions Nos. 7, 15 and 58 concerning minimum age of seafarers, and it may therefore also wish to consider revision of the Medical Examination of Young Persons (Sea) Convention, 1921, in accordance with the suggestion in the resolution adopted by the Joint Maritime Commission.

##### 2. Proposed conclusions on the protection of young seafarers

1. There should be an international instrument concerning the protection of young seafarers.



2. The instrument should take the form of a Recommendation.

3. The instrument should refer, in its preamble, to the existence of international labour standards concerning young seafarers, including the Medical Examination of Young Persons (Sea) Convention, 1921, and the Minimum Age Convention, 1973, as well as other such standards containing provisions relevant to the protection and welfare of young persons employed on board ship, in particular the Protection of Accidents (Seafarers) Convention and Recommendation, 1970, and the Vocational Training (Seafarers) Recommendation, 1970.

4. The instrument should, however, mention in the preamble that considerable progress has been made through national legislation and practice in providing for the protection of young seafarers in various matters not covered by existing instruments applicable to them, and should express the view that further action at the international level as regards recommending minimum standards for certain additional aspects of young seafarers' conditions of employment would accordingly seem desirable.

5. The instrument should contain the following provisions:

#### I. METHODS OF IMPLEMENTATION

6. Effect may be given to this Recommendation through national laws or regulations, collective agreements, work rules, arbitration awards or court decisions, or in such other manner as may be appropriate under national conditions.

#### II. DEFINITION

7. For the purposes of this Recommendation, the term "young seafarers" includes all young persons under 18 years of age employed in any capacity on a ship other than a ship of war.

#### III. OBJECTIVES

8. In each country possessing ships in which young seafarers are employed, provision should be made for:

- (a) the effective protection of such seafarers, including the safeguarding of their health, safety and morals, and the promotion of their general welfare; and
- (b) the vocational guidance, education and vocational training, in their interest as well as that of the efficiency of shipboard operations and of safety of life and property at sea.

#### IV. HOURS OF PERMITTED DUTY AND REST PERIODS

9. At sea and in port, except in so far as this is not possible for seafarers assigned to watchkeeping, catering or clerical duties:

- (a) the working hours of young seafarers should not exceed 7 hours per day and 42 hours per week;
- (b) young seafarers should not be employed during the period 9 p.m. to 6 a.m.;
- (c) young seafarers should be provided with an uninterrupted rest period comprising not less than 33 hours in the course of each period of seven days, such rest period including, wherever possible, the day of the week established as a day of rest nationally;

- (d) young seafarers should be assured a break of at least one hour for the mid-day meal, as well as one hour for the morning or the evening meal in case either of these occurs within their daily working hours;
- (e) young seafarers should be allowed a 15-minute rest period following each two hours of continuous work.

10. Employment of young seafarers in excess of the working hours or during the rest periods specified above may be permitted occasionally when the master deems it necessary in connection with the special operational requirements of a vessel, or the safety of the vessel, passengers, crew or cargo, or for the saving of other vessels, lives or cargoes.

#### V. SAFETY IN WORK AND HEALTH EDUCATION

11. Regulations concerning safety and health of young seafarers in work on board ship should be adopted.

12. These regulations should refer to any general provisions on the prevention of accidents and the protection of health in employment which may be applicable to the work of all seafarers, and should specify measures in this regard which will minimise occupational dangers to young seafarers in the course of their duties.

13. In particular, these regulations should specify restrictions on young seafarers undertaking, either by assignment or voluntarily, certain types of work presenting special risk of accident or detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill, such as:

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise 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) work involving rigging;
- (g) working aloft or on deck in heavy weather;
- (h) look-out or night-watchman duties;
- (i) servicing of electrical equipment;
- (j) work with potentially harmful materials such as inorganic substances, toxic organic compounds and radio-active materials and X-rays.

14. Practical measures should be taken by the competent authority or through 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 ship, for instance by means of adequate instruction at sea training schools, official accident-prevention publicity intended for young persons, in the forms specified by paragraph 8(2) of the Prevention of Accidents (Seafarers) Recommendation, 1970, and by ensuring the professional instruction and supervision of young seafarers in their work by ships' masters and officers.

15. Education and training of young seafarers both ashore and on board ship should include appropriate instruction in the subjects referred to in paragraph 12(f) of the Vocational Training (Seafarers) Recommendation, 1970, Regulation 237 of the ILO Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry, as amended, and on the detrimental effects on their health and wellbeing of the use of drugs and similar substances and other harmful activities.

VI. OPPORTUNITIES FOR VOCATIONAL GUIDANCE,  
EDUCATION AND VOCATIONAL TRAINING

16. Young persons should be provided with information concerning training and career opportunities and the conditions of entry into the shipping industry, in accordance with Paragraph 7 of the Vocational Training (Seafarers) Recommendation, 1970, as well as regarding shipboard employment and conditions of work, general aspects of collective agreements and seafarers' rights and obligations under maritime labour legislation.

17. Measures should be taken to give young seafarers education and training in conformity with the objectives specified in Paragraph 2 of the Vocational Training (Seafarers) Recommendation, 1970, and in the Human Resources Development Convention and Recommendation, 1975, respectively.

18. Basic and further training for occupations in the shipping industry should be broad and comprehensive and combined, as appropriate, with further general education; it should combine theoretical instruction with a systematic programme of practical experience designed to prepare for a career within the shipping industry; standards applied in training for the sea-going profession should, whenever possible, be co-ordinated with those applying to occupations ashore so that trainees may acquire nationally recognised qualifications acceptable in both the shipping industry and in other branches of economic activity.

19. Young seafarers should be assisted in receiving preparatory education and training for shipboard employment, and subsequently for continuing their general and vocational education, through the various means of financial support specified in Paragraphs 10(1) to 10(5) of the Vocational Training (Seafarers) Recommendation, 1970.

20. The general education and vocational training specified in Paragraphs 12(g) and 15 respectively of the Vocational Training (Seafarers) Recommendation, 1970, should be provided ashore for all young persons before admission to shipboard employment.

21. Young seafarers should be provided with opportunities for progressively continuing their vocational education and training while on board ship as a means of enabling them to acquire the knowledge and experience essential for the efficient performance of their duties, to qualify for promotion and to pursue their general and technical education. In this regard, ships' masters and officers should encourage and assist young seafarers in applying and fully developing the skills and knowledge gained in pre-sea training ashore, in obtaining appropriate practical experience on board and in pursuing self-study courses at sea.

22. In addition to the training methods referred to in Paragraphs 20 to 25 of the Vocational Training (Seafarers) Recommendation, 1970, there should be provided for young seafarers systematically planned and broadly conceived shipboard training, correspondence courses, programmed instruction and other self-study material in general and nautical subjects specially designed for the needs of young seafarers in qualifying for promotion and also affording opportunities for them to pursue studies to nationally recognised standards in other fields.

23. Training facilities provided for young seafarers on board ship should include accommodation suitable for study purposes, a ship's library, and appropriate training equipment for self-study; young seafarers on board ship should receive special help in their studies by itinerant training officers embarking periodically.

24. In giving effect to Paragraph 5(1) of the Vocational Training (Seafarers) Recommendation, 1970, and as a means of ensuring that young seafarers develop the skills and competence necessary for performing their duties efficiently, as well as encouraging entry and retention of young persons into shipboard employment and eventually assisting them in following a career ashore, training for young seafarers should;

- (a) constitute a broad and comprehensive basic education and training combined with a systematic programme of practical experience which will facilitate further training for a career within the shipping industry; and
- (b) provide skills and knowledge which are applicable to occupations ashore, as well as qualifications which are nationally recognised.



ANNEX I

RESOLUTION ON THE PROTECTION OF YOUNG SEAFARERS

(Adopted by the Joint Maritime Commission  
at its 21st Session)

The 21st Session of the Joint Maritime Commission, meeting in Geneva from 20 November to 1 December 1972,

HAVING CONSIDERED the report of the ILO on the protection of young seafarers as requested in a resolution adopted by the 55th (Maritime) Session of the International Labour Conference and subsequently approved by the Governing Body;

NOTING that while considerable progress has been made through national legislation and practice in providing for the protection of young seafarers since the adoption of the Minimum Age (Seafarers) Convention, 1920 (No. 7), the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), and the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), progress has also been made in many countries in matters concerning young seafarers not covered by these instruments, though in some countries progress has been slow;

CONSIDERING that international standards have been adopted by the ILO covering such questions as night work, apprenticeship, safety, welfare, weekly rest periods, holidays and training in respect of the conditions of employment of young persons in certain occupations ashore;

RECOGNISING that it is in the interests of the shipping industry and of society as a whole that young seafarers should have proper working conditions; training; and opportunities for advancement in their careers;

CONSIDERS that the Preparatory Technical Maritime Conference should examine the desirability of adopting an instrument or instruments for the protection of young seafarers, covering any special provisions that may be appropriate in relation to:

- (a) hours of work and rest periods;
- (b) specified tasks which require a particular degree of maturity, experience or skill;
- (c) the maritime career structure in so far as it applies to young seafarers;
- (d) opportunities for young seafarers to continue their general education in both nautical and non-nautical subjects;
- (e) education on the harmful effects of the use of drugs and similar substances and on the effects of other harmful activities;

and revising the existing instruments where appropriate;

REQUESTS therefore the Governing Body of the International Labour Office:

- (1) to include the subject of protection of young seafarers in the agenda of the next Preparatory Technical Maritime Conference (1974) and the Maritime Session of the International Labour Conference (1975), with a view to the adoption of appropriate international standards in this field, and
- (2) to request the Director-General, when preparing reports on this question for the conferences, to take account of the information contained in the report of the ILO on the protection of young seafarers submitted to the 21st Session of the Joint Maritime Commission, together with any additional information which would assist the conferences in their consideration of this subject.

ANNEX II

SUBSTANTIVE PROVISIONS OF THE MEDICAL EXAMINATION  
OF YOUNG PERSONS (SEA) CONVENTION, 1921

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

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

Article 3

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

Article 4

In urgent cases, the competent authority may allow a young person below the age of 18 years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

ANNEX III

SUBSTANTIVE PROVISIONS OF THE  
MINIMUM AGE CONVENTION, 1973

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which as specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement:

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

#### Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

#### Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:

- (a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
- (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

#### Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible.
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or



- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

#### Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

#### Article 8

1. After consultation with the organisation of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

#### Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted:

- (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
- (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
- (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
- (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,
- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention:

- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,
- (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

- (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

#### Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

