FOURTH ITEM ON THE AGENDA

Examination of the need for revision of Conventions concerning seafarers and fishermen

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Letter from the International Transport Workers' Federation and the International Shipping Federation

Annex II:

Letter from the International Organisation of Employers

Annex III:

Letter from the International Transport Workers' Federation

Introduction

1. This document contains an examination of the need for revision of 27 Conventions concerning seafarers' working and living conditions and is submitted for consideration by the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards (LILS).

2. The criteria for the examination of the Conventions concerning seafarers' working and living conditions and the methodology applied are essentially the same as those applied for other Conventions as approved by the LILS and the Governing Body at its 264th and 265th Sessions. Taking into account the specific nature of this economic sector, however, special expertise from the constituent members of the Joint Maritime Commission (JMC) has been solicited. As the Office informed the Working Party at its November 1997 meeting, the constituent members of the JMC proposed a "fast-track scenario" to examine these instruments. They undertook a case-by-case analysis of the instruments in question during the first part of 1998 which has assisted the Office in preparing proposals for consideration by the Working Party at this session.
3. An informal Joint Working Group of shipowners' and seafarers' representative organizations met in Geneva 20-21 July 1998. The group formulated unanimous views on the instruments concerning seafarers which appear in Annex I. It "urged the Office to bring these recommendations to the attention of the Working Party and to ensure that due weight is given to them". It also envisaged that representatives of the shipowners' and seafarers’ organizations could be available to attend the meeting of the Working Party in November 1998, if invited, to give further guidance or clarifications on the recommendations which had been made. The Working Party would thus be able to benefit from the expertise of representatives of the shipowners and seafarers, should it so require, during the examination of the instruments in question.

4. The recommendations made by the Joint Working Group have been mentioned in the examination of each Convention. These recommendations have been a determinative factor for the proposals made. In a few cases, however, the Office invited the Working Party to consider optional courses of action. As regards certain proposals for revision by the Joint Working Group, the Working Party is also invited to decide whether additional information would be required on the need for revision or on the form for a proposed revision. In one specific case, the Working Party is also invited to consider whether or not a proposal to revise one Convention does not entail the revision of another Convention in view of the relationship between these two Conventions. In certain other cases, the group has recommended the immediate shelving (and abrogation) of certain Conventions. Against the background of the Working Party practice regarding the level of ratifications taking into account for Conventions proposed for shelving, the Working Party is invited to determine whether shelving (and a possible abrogation) of certain Conventions should be decided immediately or deferred to a later stage when the ratification levels of these Conventions have decreased. Finally, the Working Party is also invited to consider a request for additional information on possible obstacles to ratification with respect to two Conventions which are being otherwise promoted for ratification.

5. The recommendations of the Working Party will, in accordance with previous practice, be submitted to the LILS Committee and the Governing Body for decision. It will then in due course be for the JMC to ensure the appropriate follow-up to these decisions within its own terms of reference. It should be recalled that a session of the JMC is to be held during the biennium in the Programme and Budget proposals for 2000-2001. (5)

6. With respect to the instruments on fishermen's working and living conditions, an analogous consulting procedure involving the International Organization of Employers (IOE) and the International Transport Workers' Federation (ITF) has been carried out. For the result of this procedure, see below, under section VIII.

7. As regards the Recommendations concerning seafarers, it is recalled that the Working Party will initiate its examination of Recommendations in general at the present session of the Governing Body. This will be the first time that Recommendations are submitted to a systematic case-by-case analysis, and the criteria to be applied and the methodology to be followed in this examination will be determined
by the Working Party at this session. Furthermore, it is only at the present session that the Working Party will decide on which course of action to propose with respect to the Conventions concerning seafarers and these decisions may have a determinative effect on the proposals to be made with respect to their corresponding Recommendations. Against this background, and in order to allow for an examination of the Recommendations in the light of the decisions of the Governing Body on the above two matters, it is proposed to examine the Recommendations concerning seafarers at the March 1999 session of the Governing Body or at any such later stage as the Working Party may decide.

8. The present examination makes a series of proposals concerning the instruments examined which can be arranged as follows:

**Proposals for revision**

9. With respect to nine Conventions, elements have been identified which might indicate that there is a need for revision. In three cases, however, it is proposed to request additional information regarding the need for revision or regarding the form of a proposed revision.

**Promotion of revised Conventions**

10. Thirteen of the Conventions examined have already been revised. In all these cases it is proposed that the States parties to the initial Convention be invited to ratify the revised Convention and to denounce the corresponding outdated Convention.

**Promotion of up-to-date Conventions**

11. Four of the Conventions examined are proposed to be considered up-to-date and further ratifications should be encouraged. In the case of two of them, it is in addition proposed to ask member States to inform the Office whether there are any obstacles and difficulties that might impede or delay the ratification of these Conventions.

**Shelving and possible abrogation**

12. It should be recalled that at its 85th Session in June 1997, the Conference adopted an amendment to the Constitution and the Standing Orders of the Conference so as to enable the Conference to abrogate or withdraw international labour Conventions and Recommendations. At such time as this amendment enters into force, it would seem that the possibility of shelving Conventions would serve no further purpose. Until then, however, it seems appropriate to maintain the possibility of shelving but also to include the possibility of abrogation.

13. One of the examined Conventions is proposed for immediate shelving and possible abrogation. With respect to one other Convention, the Working Party is invited to choose between immediate or deferred shelving and possible abrogation.
Withdrawal of Conventions

14. Seven of the Conventions examined have never entered into force and have also been revised. In all seven cases it is proposed to recommend that these Conventions be withdrawn immediately by the Conference.

Status quo

15. In two cases, none of the previous types of proposals seems appropriate. The maintenance of the status quo is thus proposed in these cases.

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I. General

16. The central Convention in this field, the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), is the initial Convention to be examined under this heading. It is proposed to promote the ratification of this Convention as well as the two other Conventions examined in this context, the Seafarers' Identity Document Convention, 1958 (No. 108), and the Continuity of Employment (Seafarers) Convention, 1976 (No. 145). In the latter case, it is also proposed to ask for information on possible obstacles and difficulties regarding its ratification.

I.1. C.147 -- Merchant Shipping (Minimum Standards) Convention, 1976

(1) Ratifications:

(a) Number of current ratifications: 36 ratifications. Declared applicable to 25 non-metropolitan territories (NMTs).\(^7\)

(b) Latest ratifications: Croatia, India and Israel (1996).

(c) Ratification prospects: Convention No. 147 received seven ratifications between 1976 and 1980, 13 ratifications between 1980 and 1990 and 16 ratifications since 1990. The Convention has received ratifications at an increasing rate and is likely to receive further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments by the Committee of Experts are pending for 25 countries and NMTs, including on observations from an employers' organization in Finland and workers' organizations in Finland, Japan and the United Kingdom.
(4) **Need for revision:** Convention No. 147 has partially been revised. When Convention No. 147 was adopted, the Conference also passed a resolution calling for a periodic revision of the list of Conventions in the Appendix. A review, undertaken in 1996, resulted in the adoption of a Protocol to Convention No. 147. This Protocol can only be ratified by States which have already ratified Convention No. 147 and provides that new obligations can be accepted through a Supplementary Appendix which lists six Conventions.  

(5) **Special remarks concerning the Appendix to Convention No. 147 and the Supplementary Appendix to the 1996 Protocol:** The main substantive obligations of Convention No. 147 are set out in Article 2(a). This provision requires ratifying States to have laws and regulations laying down, for ships registered in their territory, provisions which are "substantially equivalent" to those of the Conventions or Articles of Conventions referred to in the Appendix to Convention No. 147, in so far as such States are not otherwise bound to give effect to these Conventions by virtue of having ratified them and except, as regards conditions of employment and living arrangements, where these are covered by collective agreements or equally binding court decisions. Several of the Conventions listed in the Appendix to Convention No. 147 and in the Supplementary Appendix to the 1996 Protocol will be examined by the Working Party in this document. However, any decisions that might be taken as regards those Conventions would not affect any obligations entered into under Convention No. 147 in respect of them, in so far as that inclusion in the Appendix to Convention No. 147 creates independent obligations under the "umbrella" instrument. The shipowners' and seafarers' organizations have requested advice from the Office with regard to the implications on Convention No. 147 of proposals to revise instruments listed in these appendices, see Annex I.

(6) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 147 be promoted, and that the appendices be examined in due course, in the light of new instruments. It also recommended that the ratification of the 1996 Protocol to Convention No. 147 be promoted.

(7) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". A General Survey on Convention No. 147 was conducted in 1990 and it was concluded that "[i]t seems to the Committee that, despite some notable absences from the list of countries bound by Convention No. 147, there are grounds for a modest degree of satisfaction as to the level of formal acceptance it has met within the last 13 years. Although there have been only a score of ratifications, the countries concerned continue to account for about 45 per cent of the global merchant fleet". Since the General Survey was conducted, 16 additional ratifications have been registered and Convention No. 147 has been partially revised by the Protocol. The Joint Working Group recommends promotion of the Convention and re-examination of its Appendix in due course in the light of developments in the industry and the application or adoption of new instruments.
(8) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite member States to contemplate ratifying the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Protocol of 1996 to Convention No. 147;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 147 and the list of Conventions listed in its Appendix and the Appendix to the 1996 Protocol, in due course, in the light of developments in the industry and the adoption of new instruments.

I.2. C.108 -- Seafarers' Identity Documents Convention, 1958

(1) Ratifications:

(a) Number of current ratifications: 58 ratifications. Declared applicable to 19 NMTs. (12)

(b) Latest ratification: Lithuania (1997).

(c) Ratification prospects: Convention No. 108 attracted more than half of its ratifications between 1960 and 1980 and eight ratifications between 1980 and 1990. Since 1990, 12 additional ratifications or confirmations of existing ratifications following accession to independence of States have been registered. Convention No. 108 seems likely to receive further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 16 countries and NMTs including on an observation by a workers' organization in the United Kingdom and on a general direct request to all governments to forward a specimen of the current seafarers' identity document with the 1998 report.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 108 be promoted.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this instrument in the category of "instruments to be promoted on a priority basis". The current interest in Convention No. 108 has recently been demonstrated by its inclusion in Part B of the Appendix to the Protocol of 1996 to Convention No. 147. Convention No. 108 is a well-ratified Convention and the Joint Working Group has recommended its promotion.
(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite member States to contemplate ratifying the Seafarers' Identity Documents Convention, 1958 (No. 108);

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 108 in due course.


(1) Ratifications:

(a) Number of current ratifications: 17 ratifications and declared applicable to nine NMTs.

(b) Latest ratification: Brazil (1990).

(c) Ratification prospects: Uncertain. All ratifications, except one, were registered before 1983.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 15 countries and NMTs including on observations by workers' organizations in the Netherlands and New Zealand.

(4) Need for revision: Convention No. 145 has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 145 be promoted.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". However, Convention No. 145 has not received many ratifications and it has, compared to the number of ratifications, quite a high number of comments pending before the Committee of Experts. While the Joint Working Group recommended promoting the Convention, the Office considers that it may be useful to invite to such a proposal an invitation to the member States to provide information on the obstacles and difficulties encountered that may prevent or delay ratification of Convention No. 145.

(7) Proposals:
The Working Party might recommend to the Governing Body:

(a) that it invite member States to contemplate ratifying the Continuity of Employment (Seafarers) Convention, 1976 (No. 145), and to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 145;

(b) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 145 in due course.

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II. Training and entry into employment

II.1. C.9 -- Placing of Seamen Convention, 1920

(1) Ratifications:

(a) Number of current ratifications: 39 ratifications and declared applicable to 14 NMTs.

(b) Latest ratifications: Bosnia and Herzegovina and Lebanon (1993).

(c) Ratification prospects: Minimal. This Convention has been revised by the Recruitment and Placement of Seafarers Convention, 1996, (No. 179). Convention No. 9 was adopted before the introduction of the final Article providing, inter alia, for the closure of the Convention to further ratification upon the adoption of a revising Convention. Convention No. 179 could therefore not close Convention No. 9 to further ratifications. Most of the ratifications of the Convention were registered during the first 20 years after its adoption. Since 1990, five additional ratifications or confirmations of existing ratifications following accession to independence of States have been registered.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 13 countries.

(4) Need for revision: Revised by the Recruitment and Placement of Seafarers Convention, 1996 (No.179).

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommended that Convention No. 9 be "maintained". It also recommended the promotion of the revising instrument, the Recruitment and Placement of Seafarers Convention, 1996 (No. 179).
(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified Convention No. 9 in the category of "instruments to be promoted on a priority basis". Convention No. 9 has subsequently been revised by Convention No. 179. The latter Convention has not yet entered into force but it constitutes the modern standard in this field. The Joint Working Group recommended maintaining Convention No. 9, but at the same time promoting Convention No. 179. It is therefore proposed to encourage the ratification of the recently adopted modern standard in this area, Convention No. 179. However, Convention No. 9 still retains an interim validity until Convention No. 179 enters into force. The Working Party may therefore also wish to re-examine the situation with respect to Convention No. 9 at a later stage.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Placing of Seamen Convention, 1920 (No. 9), to ratify the Recruitment and Placement of Seafarers Convention, 1996, (No. 179), and to denounce Convention No. 9 at the same time;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 9 in due course.

II.2. C.22 -- Seamen's Articles of Agreement Convention, 1926

(1) Ratifications:

(a) Number of current ratifications: 57 ratifications and declared applicable to 22 NMTs. This Convention is included in the Appendix to Convention No. 147 and, in addition to the countries having ratified Convention No. 22, it also applies to 12 countries based on the "substantially equivalent" provision in Article 2(a) in Convention No. 147.

(b) Latest ratifications: Bosnia and Herzegovina (1993).

(c) Ratification prospects: Convention No. 22 received 25 ratifications between 1926 until 1940, six between 1940 and 1960, 17 between 1960 and 1980 and four between 1980 and 1990. Since 1990 four additional ratifications or confirmations of existing ratifications by States following their accession to independence have been recorded for this Convention. It seems likely to receive some further ratifications.

(2) Denunciations: None.
(3) Comments by the Committee of Experts: Comments are pending for 40 countries and NMTs, including on observations transmitted by workers' organizations in Argentina, France, New Zealand and Pakistan.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 22 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 22 is a well-ratified Convention and applies, as noted above, through Convention No. 147 to 12 additional countries. Comments by the Committee of Experts are pending for a large number of countries compared to the number of ratifications. However, there are no indications in the comments by the Committee of Experts that point towards a particular problem with the Convention. The Joint Working Group has recommended that Convention No. 22 be revised. Against this background the Working Party may wish to consider either proposing a revision of the Convention immediately or proposing that additional information on the need for revision be solicited from the member States prior to deciding this issue.

(7) Proposals:

The Working Party is invited to recommend to the Governing Body, either:

(a) to invite member States to inform the Office of the obstacles encountered, if any, that might prevent or delay the ratification of the Seamen's Article of Agreement Convention, 1926 (No. 22), or that might point to the need for a full or partial revision of the Convention and that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 22 in due course; or

(b) the revision of the Seamen's Articles of Agreement Convention, 1926 (No. 22), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

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III. Conditions for admission to employment

17. Two groups of Conventions are examined here. The first group concerns minimum age for seafarers and reflects the Organization's efforts to abolish child labour, which, for it, is an issue of the highest priority. Two instruments adopted in 1920, 1921 and 1936, respectively, are examined. The Minimum Age (Sea) Convention (Revised), 1936 (No. 58), fixed a minimum age of 15 years. In addition, the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), fixed the minimum age at 18 for
trimmers and stokers (occupational groups which, for all practical purposes, are non-existent today). As previously noted in this Working Party, these Conventions are a part of a series of Conventions adopted by the ILO which fixed or revised minimum age for admission to employment in different sectors of economic activities and which were consolidated in the Minimum Age Convention, 1973 (No. 138). Convention No. 138 is thus the modern standard in this area. It should be noted in this context, however, that the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), which deals with working hours and/or rest periods and manning of ships in general, includes a provision in its Article 12 that no persons under 16 years of age should work on a ship. Under this Convention, the minimum age for work at sea will thus gradually change to 16 years. Until Convention No. 180 enters into force and has received a sufficient number of ratifications, it is proposed to encourage the ratification of Convention No. 138 in line with ILO's general approach in its efforts to abolish child labour. For reasons examined below, it is proposed to defer the examination of the Minimum Age (Sea) Convention, 1920 (No. 7).

18. The second group consists of two Conventions on medical examination; one applying to young persons (Convention No. 16) and the other to seafarers in general (Convention No. 73). Both these Conventions are proposed for revision, and the Working Party is also invited to consider if member States should be invited to provide additional information on a possible joint consideration of the revision of these Conventions. The Working Party has previously examined three Conventions on medical examination of young persons, which were proposed for consolidation. For reasons examined below, the situation is different with respect to these two Conventions.

III.1. C.7 -- Minimum Age (Sea) Convention, 1920

(1) Ratifications:

(a) Number of current ratifications: 27 ratifications and declared applicable to 14 NMTs. Convention No. 7 (as well as Conventions Nos. 58 and 138) is listed in the Appendix to Convention No. 147. It is optional under Convention No. 147 whether a country wants to base its legislation on the provisions in Conventions Nos. 7 or 58 or 138 in so far as such States are not otherwise bound to give effect to any of these Conventions in question by virtue of having ratified them. Three of the countries having ratified Convention No. 147 have not ratified any of the three Conventions on minimum age listed in the Appendix to Convention No. 147 and these are therefore required to base their legislation on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Belize (1983).

(c) Ratification prospects: Virtually nil. The Convention has been revised on two occasions. First by the Minimum Age (Sea) Convention, 1936 (No. 58), and later by the Minimum Age
Convention, 1973 (No. 138). However, it was not closed to further ratifications, as it was adopted before the introduction of the final Article concerning the effect of the adoption of a revising Convention. Article 10(3) of Convention No. 138 provides, however, that Convention No. 7 shall be closed to further ratifications "when all the parties thereto have consented to such closing by ratification of (Convention No. 138) or by a declaration communicated to the Director-General of the International Labour Office". Convention No. 7 has, however, received eight ratifications or confirmations of existing ratifications following accession to independence of States even after having been revised.

(2) Denunciations: 26 denunciations. Two denunciations following the ratification of Convention No. 58. Twenty-four denunciations following the ratification of Convention No. 138.

(3) Comments by the Committee of Experts: According to ILO practice, no reports are requested concerning the application of Convention No. 7 from member States which also have ratified Convention No. 58. Comments are pending for one country.

(4) Need for revision: As noted above, Convention No. 7 has been revised by Convention No. 58 as well as by Convention No. 138.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group recommended that Convention No. 7 be shelved and abrogated.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "other instruments", since it has already been revised by Conventions Nos. 58 and 138. The first revision of Convention No. 7 did not significantly alter its ratification rate. Convention No. 138 has had a greater impact; 24 countries have ratified Convention No. 138 and denounced Convention No. 7. As Convention No. 138 is the most modern and comprehensive standard on minimum age for admission to employment or work, it is proposed to promote its ratification together with a concomitant denunciation of Convention No. 7. The Joint Working Group has recommended that Convention No. 7 be shelved and abrogated. This Convention is included in the Appendix to Convention No. 147. The question of the effect on a possible shelving or abrogation of Conventions included in the Appendix to Convention No. 147 requires some further consideration by the Office. The Working Party may therefore wish to defer the examination of this Convention until its next meeting in March 1999.

III.2. C.15 -- Minimum Age (Trimmers and Stokers) Convention, 1921

(1) Ratifications:

(a) Number of current ratifications: 37 ratifications and declared applicable to 25 NMTs. (29)

(b) Latest ratification: Belize (1983).
(c) Ratification prospects: Virtually nil. The Convention has been revised by Convention No. 138. However, it was not closed to further ratifications, as it was adopted before the introduction of the final Article concerning the effect of the adoption of a revising Convention. Article 10(3) of Convention No. 138 provides, however, that Convention No. 15 shall be closed to further ratifications "when all the parties thereto have consented to such closing by ratification of (Convention No. 138) or by a declaration communicated to the Director-General of the International Labour Office". Convention No. 15 has received six ratifications or confirmations of existing ratifications following accession to independence of States even after having been revised.

(2) Denunciations: 32 denunciations following the ratification of Convention No. 138.

(3) Comments by the Committee of Experts: None. This Convention was declared dormant in 1985. (30)

(4) Need for revision: As noted above, the Convention has been revised by Convention No. 138.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 15 be shelved and abrogated.

(6) Remarks: Convention No. 15 fixed the minimum age at 18 years for trimmers and stokers employed on board a vessel. However, as a result of technical developments and according to all available information trimmers and stokers no longer work on ships. The Convention therefore appears to have lost its purpose. It is proposed to shelve Convention No. 15 with immediate effect, invite States parties to it to ratify Convention No. 138, and that it be abrogated at such time as the 1997 constitutional amendment enters into force.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Minimum Age Trimmers and Stokers Convention, 1921 (No. 15), to contemplate ratifying the Minimum Age Convention, 1973 (No. 138);

(b) that Convention No. 15 be shelved with immediate effect;

(c) that Convention No. 15 be considered for abrogation by the Conference when the constitutional amendment enabling abrogations enters into force.

III.3. C.58 -- Minimum Age (Sea) Convention (Revised), 1936

(1) Ratifications:
(a) Number of current ratifications: 30 ratifications and declared applicable to 23 NMTs. Convention No. 58 (and Conventions Nos. 7 and 138) is listed in the Appendix to Convention No. 147. It is optional under Convention No. 147 whether a ratifying State wants to apply the provisions in Conventions Nos. 7, 58 or 138 in so far as such States are not otherwise bound to give effect to any of these Conventions in question by virtue of having ratified them. Three of the member States which have ratified Convention No. 147 have not ratified any of the Conventions on minimum age listed in its Appendix and are therefore requested to base their legislation on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Lebanon (1993).

(c) Ratification prospects: Minimal. Most of the ratifications of this Convention were registered between 1950 and 1970. The revising Convention No. 138 did not close Convention No. 58 to further ratification, and Convention No. 58 has received five ratifications between 1973 and 1983 and two in the past 15 years.

(2) Denunciations: 22 denunciations as a result of the ratification of Convention No. 138. A ratification of Convention No. 138 results in an immediate denunciation of Convention No. 58 on the condition that a minimum age of not less than 15 years is specified pursuant to Article 2 of Convention No. 138 or 18 years is specified for maritime employment pursuant to Article 3 of Convention No. 138.

(3) Comments by the Committee of Experts: Comments are pending for four countries and NMTs, including on an observation from a workers' organization in Turkey.

(4) Need for revision: This Convention revises Convention No. 7, examined above, and has, in turn, been revised by Convention No. 138.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 58 be maintained, but that its status be reviewed after the entry into force of Convention No. 180.

(6) Remarks: Since the adoption of Convention No. 138 the number of States parties to Convention No. 58 has been reduced by 22. Convention No. 138 is the most modern and comprehensive standard on minimum age for admission to employment of work. It is therefore proposed to promote its ratification resulting in the denunciation of Convention No. 58 on the conditions noted above. The shipowners and seafarers have recommended maintaining this Convention, but to review its status after entering into force of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180). As mentioned above, Convention No. 180 stipulates the minimum age of 16 years. Until Convention No. 180 has entered into force and has received a sufficient number of ratifications, the ratification of Convention No. 138 should be encouraged to be in line with the ILO's general approach to abolishing
child labour.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), the ratification of which will, ipso jure, involve the denunciation of Convention No. 58 on the conditions stated in Article 10(4)(d) of Convention No. 138;

(b) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 58 in due course.

III.4. C.16 -- Medical Examination of Young Persons (Sea) Convention, 1921

(1) Ratifications:

(a) Number of current ratifications: 79 ratifications and declared applicable to 25 NMTs. (36)

(b) Latest ratification: Tajikistan (1993).

(c) Ratification prospects: Limited. Thirty-six ratifications were registered between 1920 and 1940. From 1960 to 1970, 17 ratifications were registered and it has received between five and seven ratifications per decade since 1970. It seems still likely to receive some further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 21 countries and NMTs, including on an observation by an employers' organization in Finland and on an observation transmitted by a workers' organization in the Seychelles.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 16 be revised and that the Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers should be taken into account in this context. (37)

(6) Remarks: This is one of two Conventions for seafarers on medical examination adopted by the ILO. Medical examination has been and still is particularly important for seafarers given the nature of their work and the workplace. Convention No. 16 provides that young persons under the age of 18 should be
medically examined for work on board a ship by a doctor approved by the competent authority prior to taking up employment and at intervals of not more than one year. The Ventejol Working Parties of 1979 and 1987 both classified Convention No. 16 in the category of "other instruments". One of the problems identified concerning the working of this Convention has been that "fitness standards for seafarers vary widely". In order to remedy this situation an international standard was developed in the form of a set of Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers. These were developed by a joint ILO/WHO Consultation in 1997. The Joint Working Group has recommended that Convention No. 16 be revised and that these Guidelines be taken into account in this context. In view of the conclusions concerning the related Convention No. 73, examined below, the Working Party may also wish to propose that additional information be solicited from the member States on the question whether a possible revision of this Convention should be considered together with a possible revision of Convention No. 73.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) the revision of the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16);

(b) to request the member States to provide the Office with information on whether a revision of this Convention should be included in the portfolio of proposals for the agenda of the International Labour Conference as a separate item or for a joint consideration with a revision of the Medical Examination (Seafarers) Convention, 1946.

III.5. C.73 -- Medical Examination (Seafarers) Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: 43 ratifications and declared applicable to 11 NMTs. Convention No. 73 is listed in the Appendix to Convention No. 147 and thereby it applies to 11 additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Lithuania (1997).

(c) Ratification prospects: This Convention has received a rather even flow of ratifications. Since 1990, 13 ratifications or confirmations of existing ratifications following accession to independence of States have been registered. The Convention seems likely to receive further ratifications.

(2) Denunciations: None.
(3) **Comments by the Committee of Experts:** Comments are pending for seven countries and NMTs, including on observations transmitted by an employers' organization in Finland and by a workers' organization in France.

(4) **Need for revision:** This Convention has not been revised.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 73 be revised and that the Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examination for Seafarers be taken into account in this context.

(6) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 73 has not received as many ratifications as Convention No. 16. In addition, as noted in the context of the examination of Convention No. 16, it has been a problem that fitness standards for seafarers vary widely. The recently adopted guidelines are intended to contribute to improving the situation. The Joint Working Group considered that Convention No. 73 should be revised and that the recently adopted guidelines be taken into account in this process. In view of the conclusions concerning the related Convention No. 16, examined above, the Working Party may also wish to propose that additional information be solicited from the member States on the question of whether a possible revision of this Convention should be considered together with a possible revision of Convention No. 16.

(7) **Proposals:**

The Working Party might recommend to the Governing Body:

(a) the revision of the Medical Examination (Seafarers) Convention, 1946 (No. 73);

(b) to request the member States to provide the Office with information on whether a revision of this Convention should be included in the portfolio of proposals for the agenda of the International Labour Conference as a separate item or for a joint consideration with a revision of the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16).

IV. Certificates of competency

19. The three Conventions examined below concern the certification of seafarers. None of them have been revised. The International Maritime Organization adopted in 1978 a convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) providing for requirements on training, certification and watchkeeping for seafarers. With respect to the first Convention, the Officers' Competency Certificates Convention, 1936 (No. 53), the Joint Working Group proposes shelving. It is proposed that the Working Party considers whether such a decision should be deferred to a later stage.
20. Certification of able seafarers, as provided for in the Certification of Able Seamen Convention, 1946 (No. 74), is not covered by the STCW convention. This latter convention introduces, however, a new and more modern approach to training and certification of seafarers in general. This seems to indicate a need for revision of Convention No. 74. In line with the Joint Working Group's recommendation, this Convention is proposed for revision.

21. As regards the Certification of Ships' Cooks Convention, 1946 (No. 69), indications of a need for revision have also been noted and in line with the Joint Working Group's recommendation, this Convention is also proposed to be revised. This Convention is related to the Food and Catering (Ships' Crew) Convention, 1946 (No. 68), which is examined below.

IV.1. C.53 -- Officers' Competency Certificates Convention, 1936

(1) Ratifications:

(a) Number of current ratifications: 33 ratifications and declared applicable to 15 NMTs. Articles 3 and 4 of Convention No. 53 are listed in the Appendix to Convention No. 147 and these Articles will thereby apply to 20 additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Bosnia and Herzegovina (1993).

(c) Ratification prospects: Minimal. Convention No. 53 received 12 ratifications from its adoption until 1950. From 1950 to 1990 it received 16 ratifications. Since 1990 five ratifications have been registered and four of them are confirmations of existing ratifications following accession to independence of States.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for seven countries, including on an observation by a workers' organization in Argentina.

(4) Need for revision: This Convention has not been revised. However, the 1978 STCW convention, amended in 1995, adopted by the IMO, provides for requirements on training, certification and watchkeeping for seafarers.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 53 be shelved.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified Convention No. 53 in the
The STCW convention and Convention No. 53 apply, with some exceptions, to the same type of ships and the same officers. The STCW convention provides for a modern approach and gives more detailed requirements regarding training, certification and watchkeeping of seafarers. The STCW convention of 1978 has been ratified by 130 of the member States of the IMO and has a coverage of 97.6 per cent of the world's tonnage. The STCW convention, as amended in 1995, imposes certain reporting obligations on its ratifying parties. Convention No. 53 still plays a role in some situations, however: firstly, for countries that have not ratified the STCW convention but have ratified Convention No. 53; secondly, because the STCW convention does not cover some of the officers on very small vessels; and thirdly, because Convention No. 53 (Articles 3 and 4 only) is listed in the Appendix to Convention No. 147 and this will require that ratifying States have minimum provisions concerning certificates to officers and an efficient system of inspection in this regard. The Joint Working Group has recommended that Convention No. 53 be shelved. This Convention is included in the Appendix to Convention No. 147. The question of the effect on a possible shelving or abrogation of Conventions included in the Appendix to Convention No. 147 require some further consideration by the Office. The Working Party may therefore wish to defer the examination of this Convention until its next meeting in March 1999.

IV.2. C.69 -- Certification of Ships' Cooks Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: 36 ratifications and declared applicable to 21 NMTs.

(b) Latest ratification: Australia (1995).

(c) Ratification prospects: Uncertain. Over the years this Convention has attracted a slow, but rather steady flow of ratifications. Since 1990 it has received ten additional ratifications or confirmations of existing ratifications following accession to independence of States.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for six countries.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 69 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 69 and the Food and
Catering (Ships' Crews) Convention, 1946 (No. 68), complement each other and provide that seafarers are entitled to adequate and well-prepared food. This is particularly important for seafarers that often spend weeks or months on board a ship without an alternative source of supply. The Convention forms a part of the ILO's effort to improve the health of seafarers' on board merchant ships. This Convention has, however, received a modest number of ratifications. Furthermore, a recent campaign focused on the working and living conditions of seafarers seemed to indicate that there was a number of deficiencies related to food and catering. Against this background and the recommendation of the Joint Working Group, it is proposed to recommend a revision of this Convention.

7 Proposal:

The Working Party might recommend to the Governing Body the revision of the Certification of Ships' Cooks Convention, 1946 (No. 69), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

IV.3. C.74 -- Certification of Able Seamen Convention, 1946

1 Ratifications:

(a) Number of current ratifications: 27 ratifications and declared applicable to 26 NMTs.

(b) Latest ratifications: Bosnia and Herzegovina and Lebanon (1993).

(c) Ratification prospects: Uncertain. This Convention received 16 ratifications between 1946 and 1970. Between 1970 and 1990 it received five ratifications. Since 1990 it has received six additional ratifications or confirmations of existing ratifications following accession to independence of States.

2 Denunciations: None.

3 Comments by the Committee of Experts: Comments are pending for two countries.

4 Need for revision: This Convention has not been revised.

5 Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 74 be revised.

6 Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 74 has not been revised, it is not well ratified and it has attracted ratifications at a decreasing rate over the last three decades. While
the certification of able seafarers, as provided for in Convention No. 74, is not covered by the STCW convention, this latter convention has introduced a new and modern approach to training and certification of seafarers which may point to a need for revision of Convention No. 74 to bring it in line with the modern approach for training and certification of seafarers. Against this background, and the recommendation by the Joint Working Group, it is proposed to recommend a revision of the Convention.

(7) Proposal:

The Working Party might recommend to the Governing Body the revision of the Certification of Able Seamen Convention, 1946 (No. 74), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

V. General conditions of employment

22. Nine Conventions covering three subjects are examined under this heading. The first subject is the question of repatriation of seamen. Convention No. 23, which was revised by Convention No. 166 in 1987, is examined. For reasons examined below, it is proposed to defer examination of this Convention.

23. The second is holidays with pay. Four Conventions are examined of which two (Nos. 54 and 72) have never entered into force and it is suggested to withdraw these two Conventions. Convention No. 91, which revised Conventions Nos. 54 and 72, has in turn been revised by Convention No. 146 which thus is the modern standard in this area. The Joint Working Group proposes to promote this Convention. However, as the number of ratifications of Convention No. 146 has increased rather moderately, it is suggested also to join to a proposal to promote it and request information as to the reasons impeding ratification.

24. The third subject is wages, hours of work and manning of ships. Four Conventions (Nos. 57, 76, 93 and 109) none of which has entered into force, are examined in this context. These four Conventions have all been revised in 1996 by the Seafarers' Hours of Work and the Manning of Ships Convention (No. 180) which as yet has not attracted any ratification. In the report by the Office for the Tripartite Meeting on Maritime Labour Standards in 1994 (55) it was suggested that Convention Nos. 76, 93 and 109 might have failed to attract the necessary ratifications for their entry into force because of an attempt to link hours of work and manning with wages. It was therefore decided not to include provisions on wages in Convention No. 180 and instead to deal with this question in the accompanying Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation No. 187. In line with the Joint Working Group's recommendations, it is suggested to withdraw Conventions Nos. 57, 76, 93 and 109 and to invite the States parties to these Conventions to contemplate ratifying Convention No. 180.

V.I. C.23 -- Repatriation of Seamen Convention, 1926

(1) Ratifications:
(a) Number of current ratifications: 45 ratifications and declared applicable to 20 NMTs. Convention No. 23 is listed in the Appendix to Convention No. 147. In addition to the 45 countries having ratified Convention No. 23, it will also apply to 13 additional countries which have ratified Convention No. 147, but not Convention No. 23, based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Cyprus (1995).

(c) Ratification prospects: Minimal. Convention No. 23 was adopted before the introduction of the final Article concerning the effect of the adoption of a revising Convention. It therefore remains open to ratification, although it has been revised by the Repatriation of Seafarers Convention, 1987 (No. 166). Since 1987, Convention No. 23 has received eight additional ratifications or confirmations of existing ratifications following accession to independence of States.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 12 countries and NMTs including on an observation from a workers' organization in New Zealand.

(4) Need for revision: This Convention has been revised in 1987 by the adoption of Convention No. 166.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 23 be shelved and abrogated.

(6) Remarks: The revising Convention No. 166 is the modern standard in this area and it is listed in the Appendix to the Protocol of 1996 to Convention No. 147 in Part B. The Joint Working Group recommended shelving and abrogation of Convention No. 23. This Convention is included in the Appendix to Convention No. 147. The question of the effect on a possible shelving or abrogation of Conventions included in the Appendix to Convention No. 147 require some further consideration by the Office. The Working Party may therefore wish to defer the examination of this Convention until its next meeting in March 1999.

**V.2. C.54 -- Holidays with Pay (Sea) Convention, 1936**

(1) Ratifications:

(a) Number of current ratifications: four ratifications and declared applicable to three NMTs.

(b) Latest ratification: Uruguay (1954).
(c) Ratification prospects: This Convention has not entered into force. It was closed to further ratifications by the entry into force of the revising Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91).

(2) Denunciations: Two, following ratifications of Convention No. 91.

(3) Comments by the Committee of Experts: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions that have not entered into force.

(4) Need for revision: This Convention has been revised on several occasions. It was first revised in 1946 by the Paid Vacations (Seafarers) Convention (No. 72) and in 1949 it was revised by the Paid Vacations (Seafarers) Convention (Revised) (No. 91). Convention No. 91 was revised in 1976 by the Seafarers' Annual Leave with Pay Convention No. 146.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 54 be withdrawn and that the ratification of Convention No. 146 be promoted.

(6) Remarks: The Convention has never entered into force and has been revised on several occasions. Convention No. 146 is the modern standard in this area. It is therefore proposed to withdraw Convention No. 54 and to invite States parties to Convention No. 54 to contemplate ratifying Convention No. 146.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Holidays with Pay (Sea) Convention, 1936 (No. 54), to contemplate ratifying the Seafarers Annual Leave with Pay Convention, 1976 (No. 146);

(b) to recommend the withdrawal of Convention No. 54 to the Conference.

V.3. C.72 -- Paid Vacations (Seafarers) Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: One.

(b) Latest ratification: Algeria, 1962 (ratification denounced).

(c) Ratification prospects: This Convention has not entered into force. It was closed to further ratifications by the entry into force of the revising Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91).
(2) **Denunciations:** Four, following ratifications of Convention No. 91.

(3) **Comments by the Committee of Experts:** None. Reports in accordance with article 22 of the Constitution are not requested for Conventions that have not entered into force.

(4) **Need for revision:** This Convention has been revised by Convention No. 91 which in turn has been revised by the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146).

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 72 be withdrawn.

(6) **Remarks:** This Convention has never entered into force and it has been revised. It is therefore proposed to withdraw Convention No. 72 and to invite States parties to Convention No. 72 to contemplate ratifying Convention No. 146 which is the modern standard in this area.

(7) **Proposals:**

The Working Party might recommend to the Governing Body:

(a) that it invite the State party to the Paid Vacation (Seafarers) Convention, 1946 (No. 72), to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146);

(b) to recommend the withdrawal of Convention No. 72 to the Conference.

### V.4. C.91 -- Paid Vacations (Seafarers) Convention (Revised), 1949

(1) **Ratifications:**

(a) Number of current ratifications: 18.

(b) Latest ratification: Bosnia and Herzegovina (1993).

(c) Ratification prospects: This Convention was revised in 1976 by the Seafarers' Annual Leave with Pay Convention No. 146. Following the coming into force of this Convention in 1979, Convention No. 91 is no longer open to further ratifications. Since 1979, Convention No. 91 has received four additional ratifications consisting of confirmations of existing ratifications following accession to independence of States.

(2) **Denunciations:** Six denunciations following ratification of Convention No. 146.
(3) Comments by the Committee of Experts: Comments are pending for seven countries.

(4) Need for revision: This Convention has been revised by Convention No. 146.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 91 be shelved and abrogated and that the ratification of Convention No. 146 be promoted.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "other instruments". The Convention is closed to further ratification since the entry into force of Convention No. 146. It is therefore proposed to invite member States to contemplate ratifying Convention No. 146 and to denounce Convention No. 91 at the same time. The Joint Working Group has recommended immediate shelving and abrogation of Convention No. 91. However, as 18 ratifications are still registered for this Convention, the Working Party may wish to consider deferring the question of its shelving and possible abrogation until a later stage when the ratification level of Convention No. 91 has decreased sufficiently.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite States parties to the Paid Vacation (Seafarers) Convention (Revised), 1949 (No. 91) to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146), which will, ipso jure, involve the immediate denunciation of Convention No. 91; and

(b) that Convention No. 91 be shelved with immediate effect and that it be considered for a possible abrogation by the Conference when the constitutional amendment to that effect enters into force; or

(c) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 91 in due course, with a view to its shelving and possible abrogation when the level of ratifications of Convention No. 91 has substantially decreased as a consequence of ratification of Convention No. 146.

V.5. C.146 -- Seafarers' Annual Leave with Pay Convention, 1976

(1) Ratifications:

(a) Number of current ratifications: 12 ratifications and declared applicable to nine NMTs. (61)

(c) Ratification prospects: Uncertain. This Convention was adopted as recently as in 1976, but it has received a rather modest amount of ratifications. Ten of its ratifications were registered before 1985. No ratifications have been recorded since 1990.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 12 countries and NMTs including on an observation from a workers' organization in France.

(4) Need for revision: This Convention revises the Paid Vacations (Seafarers) Convention, 1946 (No. 91).

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 146 be promoted.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of Conventions to be "promoted on a priority basis". This Convention is more than 20 years old and has, as noted above, received a rather limited total number of ratifications and no ratifications during the last eight years. The Joint Working Group has recommended that Convention No. 146 be promoted. In view of the relatively modest number of ratifications, the Working Party may wish to join to this proposal an invitation to the member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay its ratification.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) to invite member States to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146);

(b) to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 146;

(c) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 146 in due course.

V.6. C.57 -- Hours of Work and Manning (Sea) Convention, 1936

(1) Ratifications:
(a) Number of current ratifications: four ratifications and declared applicable to five NMTs.

(b) Latest ratification: Bulgaria (1949).

(c) Ratification prospects: This Convention has never entered into force, and it is not likely to receive any further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) Need for revision: As noted above, this Convention was revised in 1946 by Convention No. 76, in 1949 by Convention No. 93, in 1958 by Convention No. 109 and in 1996 by Convention No. 180. Conventions Nos. 57, 76, 93 and 109 have never entered into force, and the entry into force of Convention No. 180 will close these Conventions to further ratifications.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 57 be withdrawn and that the ratification of Convention No. 180 be promoted.

(6) Remarks: The four States parties to this Convention should be invited to ratify the revising Convention No. 180. It is also proposed to withdraw Convention No. 57.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Hours of Work and Manning (Sea) Convention, 1936 (No. 57), to contemplate ratifying the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) to recommend the withdrawal of Convention No. 57 to the Conference.

V.7. C.76 -- Wages, Hours of Work and Manning (Sea) Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: One ratification (Australia) and declared applicable to one NMT.
(b) Ratification prospects: This Convention has never entered into force. Convention No. 76 is not likely to receive more ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) Need for revision: See above, under Convention No. 57.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 76 be withdrawn and that the ratification of Convention No. 180 be promoted.

(6) Remarks: Convention No. 76 has never entered into force. The State party to this Convention should be invited to ratify the revising Convention No. 180. It is also proposed to withdraw Convention No. 57.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the State party to the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76), to contemplate ratifying the Seafarers Hours of Work and Manning (Sea) Convention, 1996 (No. 180);

(b) to recommend the withdrawal of Convention No. 76 to the Conference.

V.8. C.93 -- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949

(1) Ratifications:

(a) Number of current ratifications: Six.

(b) Latest ratification: Iraq (1985).

(c) Ratification prospects: The Convention has not entered into force. It is not likely that this Convention will receive more ratifications.

(2) Denunciations: None.
(3) *Comments by the Committee of Experts*: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) *Need for revision*: See above under Convention No. 57.

(5) *Comments from shipowners' and seafarers' organizations*: The Joint Working Group has recommended that Convention No. 93 be withdrawn and that the ratification of Convention No. 180 be promoted.

(6) *Remarks*: The six States parties to this Convention should be invited to ratify the revising Convention No. 180. It is also proposed to withdraw Convention No. 93.

(7) *Proposals*:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93), to contemplate ratifying the Seafarers Hours of Work and Manning (Sea) Convention, 1996 (No. 180);

(b) to recommend the withdrawal of Convention No. 93 to the Conference.

V.9. C.109 -- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958

(1) *Ratifications*:

(a) Number of current ratifications: 16 ratifications and declared applicable to eight NMTs.  

(b) Latest ratifications: Bosnia and Herzegovina and Lebanon (1993).

(c) Ratification prospects: Convention No. 109 has never entered into force. It is not likely that Convention No. 109 will receive any more ratifications.

(2) *Denunciations*: None.

(3) *Comments by the Committee of Experts*: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) *Need for revision*: This Convention has been revised by Convention No. 180. For additional information see above under Convention No. 57.
(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 109 be withdrawn. *(66)*

(6) Remarks: Although this Convention has received 16 ratifications it has not entered into force. The States parties to Convention No. 109 are encouraged to contemplate ratifying the revising Convention No. 180. The Joint Working Group has proposed a withdrawal of Convention No. 109.

(7) Proposals:

The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention, 1958 (No. 109), to contemplate ratifying the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) to recommend the withdrawal of this Convention to the Conference.

* * *

VI. Safety, health and welfare

25. A group of five Conventions are examined under this heading. Of these the Food and Catering (Ships' Crew) Convention, 1946 (No. 68), bears a close relationship with the Certification of Ships' Cooks Convention, 1946 (No. 69), and it is likewise proposed for revision. Revision is also proposed with respect to one Convention (No. 134) concerning accident prevention. The remaining three Conventions all concern accommodation of crews. Of these, one Convention (No. 75) has never entered into force and is proposed for withdrawal. The remaining two Conventions are intrinsically linked as the more recent Convention (No. 133) not only supplements Convention No. 92, but also provides that a ratification of the former entails the obligation to comply with parts of Convention No. 92. As Convention No. 92 is proposed for revision, the Working Party is invited to consider whether such a proposal entails a concomitant revision of Convention No. 133.

VI.1. C.68 -- Food and Catering (Ships' Crew) Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: 23 ratifications and declared applicable to 17 NMTs. *(67)*

Article 5 of the Convention is listed in the Appendix to Convention No. 147. In addition to the 23 countries having ratified Convention No. 68, the provisions in Article 5 of this Convention will also apply to 22 other countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147. *(68)*
(b) Latest ratifications: Equatorial Guinea (1996).

(c) Ratification prospects: Uncertain. This Convention was ratified by ten countries between 1950 and 1960. Since then, it has attracted a rather slow flow of ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for one country.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 68 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 68 and the Certification of Ships' Cooks Convention, 1946 (No. 69), are, to a certain extent, complementary (see above under Convention No. 69). The relevance of the subject matter of these Conventions was recently demonstrated by a campaign carried out by the members of the Paris Memorandum of Understanding on Port State Control in the autumn of 1997. The campaign focused on working and living condition for seafarers. The result of the campaign shows a number of deficiencies relating to food and catering for seafarers. Against this background and the recommendation of the Joint Working Group, it is proposed to recommend a revision of this Convention.

(7) Proposal:

The Working Party might recommend to the Governing Body the revision of the Food and Catering (Ships' Crew) Convention, 1946 (No. 68) and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

VI.2. C.75 -- Accommodation of Crews Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: One.

(b) Latest ratifications: Bulgaria (1949).

(c) Ratification prospects: This Convention has never entered into force and it has been revised by the Accommodation of Crews Convention (Revised), 1949 (No. 92). It is closed to further
ratifications.

(2) **Denunciations**: Four denunciations as a result of the ratification of Convention No. 92.

(3) **Comments by the Committee of Experts**: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) **Need for revision**: This Convention has been revised by the Accommodation of Crews Convention, 1949 (No. 92), which was later supplemented by the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).

(5) **Comments from shipowners' and seafarers' organizations**: The Joint Working Group has recommended that Convention No. 75 be withdrawn.

(6) **Remarks**: The Ventejol Working Parties of 1979 and 1987 both classified this instrument in the category of "other instruments". As noted above this Convention was revised three years after it was adopted and it has never entered into force. It is therefore proposed to withdraw this Convention. Conventions Nos. 92 and 133 are the most modern standards in this area. In view of the proposals related to these two latter Conventions, it is proposed to invite the State party to Convention No. 75 to contemplate ratifying these Conventions.

(7) **Proposals**: The Working Party might recommend to the Governing Body:

(a) that it invite the State party to Accommodation of Crews Convention, 1946 (No. 75), to contemplate ratifying the Accommodation of Crews Convention, 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133);

(b) to recommend the withdrawal of Convention No. 75 to the Conference.

VI.3. C.92 -- Accommodation of Crews Convention (Revised), 1949

(1) **Ratifications**: 

(a) Number of current ratifications: 42 ratifications and declared applicable to 20 NMTs. Convention No. 92 is listed in the Appendix to Convention No. 147 and in addition to the 42 countries having ratified Convention No. 92 it will also apply to seven additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratifications: Equatorial Guinea (1996).
(c) Ratification prospects: This Convention has received a steady flow of ratifications. Since 1990, 11 ratifications or confirmations of existing ratifications following accession to independence of States have been recorded. It seems likely to receive further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments by the Committee of Experts are pending for 20 countries and NMTs.

(4) Need for revision: This Convention revises Convention No. 75. The provisions contained in Convention No. 92 have been supplemented by the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 92 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this instrument in the category of "instruments to be promoted on a priority basis". Convention No. 133, adopted in 1970, raises the standards provided for in Convention No. 92. As noted below (under VI.4(4)) Conventions Nos. 92 and 133 are intrinsically related. It would therefore seem necessary to recommend the same course of action with respect to both these Conventions. Against the background of the present examination and due recommendations of the Joint Working Group, the Working Party may either consider to recommend the status quo for both these Conventions or to propose them for a joint revision.

(7) Proposals:

The Working Party might recommend to the Governing Body either:

(a) the maintenance of status quo with regard to the Accommodation of Crews Convention (Revised), 1949 (No. 92); or

(b) the revision of Convention No. 92 in conjunction with the revision of Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), and the inclusion of an item on the accommodation of crews in the portfolio of proposals for the agenda of the International Labour Conference.

VI.4. C.133 -- Accommodation of Crews (Supplementary Provisions) Convention, 1970

(1) Ratifications:
(a) Number of current ratifications: 26 ratifications and declared applicable to 17 NMTs. (74)

(b) Latest ratifications: Armenia (1994).

(c) Ratification prospects: Convention No. 133 has received a steady flow of ratifications. It is likely to receive further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for three countries and NMTs.

(4) Need for revision: This Convention has not been revised. It supplements the provisions in Convention No. 92. (75) Pursuant to its Article 3, countries ratifying Convention No. 133 must comply with the provisions of Parts II and III of Convention No. 92. Convention No. 92 contains the basic requirements concerning "Planning and control of crew accommodation" (Part II) and "Crew accommodation requirements" (Part III).

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 133 be maintained.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". The current interest in Convention No. 133 has recently been demonstrated by the inclusion of it in Part A of the Appendix to the Protocol of 1996 to Convention No. 147. The Joint Working Group has recommended that Convention No. 133 be maintained. For the reasons examined above, the Working Party may also wish to consider a proposal for a joint revision of Conventions Nos. 92 and 133.

(7) Proposals:

The Working Party might recommend to the Governing Body either:

(a) the maintenance of status quo with regard to the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133); or

(b) the revision of Convention No. 133 in conjunction with the revision of the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the inclusion of an item on the accommodation of crews in the portfolio of proposals for the agenda of the International Labour Conference.

VI.5. C.134 -- Prevention of Accidents (Seafarers) Convention, 1970

(1) Ratifications:
(a) Number of current ratifications: 27 ratifications and declared applicable to four NMTs. Articles 4 and 7 of Convention No. 134 are listed in the Appendix to Convention No. 147. In addition to the 27 countries having ratified Convention No. 134, it will also apply to 17 additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratifications: Brazil (1996).

(c) Ratification prospects: Convention No. 134 attracted 15 of its ratifications between 1970 and 1980. Between 1980 and 1990 seven ratifications of this Convention were recorded and since 1990 it has received five ratifications. It is likely to receive further ratifications.

(2) **Denunciations**: None.

(3) **Comments by the Committee of Experts**: Comments by the Committee of Experts pending for 17 countries and NMTs including on an observation from a workers' organization in France.

(4) **Need for revision**: This Convention has not been revised.

(5) **Comments from shipowners' and seafarers' organizations**: The Joint Working Group has recommended that Convention No. 134 be revised.

(6) **Remarks**: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". The current interest in the subject matter of this Convention is illustrated by the development of a Code of Practice on "Accident prevention on board ship at sea and in port" (1994). However, the Convention has received a modest number of ratifications and has quite a high number of comments pending by the Committee of Experts compared to the number of ratifications. The Joint Working Group recommended that Convention No. 134 should be revised. In view of the foregoing it is proposed to recommend the revision of this Convention.

(7) **Proposal**:

The Working Party might recommend to the Governing Body the revision of the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

* * *

**VII. Social security**

**VII.1. C.8 -- Unemployment Indemnity (Shipwreck) Convention, 1920**
26. As regards the instruments on social security for seafarers, the Joint Working Group noted that many of the Conventions had been superseded by the Social Security for Seafarers Convention (Revised), 1987 (No. 165), but that this Convention had received only two ratifications. It was the view of the Group that Convention No. 165 "was unlikely to attract widespread ratifications in the near future and could not therefore be regarded as an adequate replacement for the previously adopted instruments". The group appreciated, however, that it was not mandated to review Convention No. 165 and it therefore decided to meet again in order to discuss the problem concerning social security standards for seafarers and to prepare a report for consideration by the JMC.

27. Against this background it is proposed that the JMC be invited to undertake a case-by-case examination of the social security Conventions and Recommendations concerning seafarers and to submit its conclusions to the Governing Body at a forthcoming session in 2001 or 2002 and that the Working Party (or the LILS Committee) subsequently could undertake a tripartite examination of these instruments.

* * *

VIII. Fishermen

VIII.1. C.112 -- Minimum Age (Fishermen) Convention, 1959

VIII.2. C.113 -- Medical Examination (Fishermen) Convention, 1959

VIII.3. C.114 -- Fishermen's Articles of Agreement Convention, 1959

VIII.4. C.125 -- Fishermen's Competency Certificates Convention, 1966

VIII.5. C.126 -- Accommodation of Crews (Fishermen) Convention, 1966

28. With respect to instruments on fishermen's working and living conditions an analogous consulting procedure involving the International Organization of Employers (IOE) and the ITF has been carried
out. As a result, the IOE has informed the Office by letter (Annex II) that it had consulted a number of employers' organizations on the instruments applying to fishermen and that most of the employers' organizations preferred to defer the consideration of these instruments until further research had been carried out. For its part, the ITF has submitted detailed recommendations on each of the instruments at issue (Annex III) which the ITF "urged the Office to bring [...] to the attention of the Working Party and to ensure that due weight is given to them".

29. It should be recalled that a Tripartite Meeting on Safety and Health in the Fishing Industry is to be held on 13-17 December 1999. This Meeting would, as suggested by the IOE, be an appropriate forum for a discussion and examination of these instruments. Against the background of the report of this Meeting to the Governing Body, the Working Party could then carry out its examination of the instruments in question.

30. The Working Party is therefore invited to decide on the appropriate course of action with respect to the Conventions and Recommendations on fishermen.

* * *

Final remarks

31. The Working Party may wish to examine the question of the planning of its future work on the basis of a more detailed proposal, which would be presented during its meeting at the current session of the Governing Body.

32. On the basis of the case-by-case examination of the Conventions and of the proposals set out above, the Working Party is invited to make recommendations to the Committee on Legal Issues and International Labour Standards.


Point for decision: Paragraph 32.

Annex I

Letter from the International Transport Workers' Federation and the International Shipping Federation

Mr. B. Klerck Nilssen, Chief
Maritime Industries Branch
Dear Bjorn,

Review of ILO maritime instruments

As a result of your letters dated 1 and 30 October 1997 we arranged a meeting of the ISF/ITF Working Group in order to review ILO maritime instruments so as to guide the Working Party on Policy regarding the Revision of Standards. The ISF/ITF Working Group met in Geneva 20-21 July 1998 and a list of those who attended is attached at Appendix I.

The meeting proceeded in a very constructive way and the unanimous recommendations of the Working Group are attached at Appendix 2.

We urge the Office to bring these recommendations to the attention of the Working Party on Policy and to ensure that due weight is given to them. In order to assist, members of the ISF and ITF secretariats and the spokesmen of both groups will be prepared to attend the meeting of the Working Party in November 1998, if necessary, to give further guidance or clarification on our recommendations which have been made.

In reaching our recommendations, we received valuable advice from the Legal Branch and Standards Branch particularly with regard to the implications on Convention No. 147 of proposals to revise instruments listed in the appendix. We should also be grateful if this advice could be communicated to us in writing as a matter of record of an issue which is of crucial importance to both sides.

We should also like to emphasize that the deliberations of the ISF/ITF Working Group were confined solely to the technical merits of the instruments. The recommendations should not be regarded as in any way limiting the scope of any debate which might take place at the next meeting of the Joint Maritime Commission.

Yours sincerely,

(Signed) David Dearsley,
Secretary, Shipowners Group of the Joint Maritime Commission.

(Signed) Mark Dickinson,
Appendix 1 to the letter to B. Klerck Nilssen, ILO, dated 23 July 1998

ISF/ITF Working Group on the review of ILO

maritime instruments, meeting in Geneva,

20-21 July 1998

List of participants

International Shipping Federation (ISF)
Capt. A. Akatsuka (Japan)
R. Aliota (Italy)
T. Kazakos (Cyprus)
G. Koltsidopoulos (Greece)
D. Lindemann (Germany)
J. Lusted (United Kingdom)
H.v. Meenen (Netherlands)
Ms. E. Midelfart (Norway)
H. Springborg (Denmark)
D. Dearsley (ISF)
J. Dulley (ISF)

International Transport Workers' Federation (ITF)
L. Barnes (India)
J. Fay (United States)
O. Jacobsen (Faeroe Islands)
M. Taguchi (Japan)
A. Tselentis (Greece)
M. Dickinson (ITF)
W. Steinvorth (ITF)

International Labour Office
Temporarily present to provide advice and assistance:
B. Wagner, I. Gregersen, Maritime Industries Branch
J. Llobera, Office of the Legal Adviser
S. Oates, International Labour Standards Department
J. Ancel-Lenners, K. Schindler, Application of Standards Branch, International Labour Standards
## Appendix 2 to the letter to B. Klerck Nilssen, ILO, dated 23 July 1998


<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
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<td>Merchant Shipping (Minimum Standards) Convention, 1976</td>
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146 Seafarers' Annual Leave with Pay Convention, 1976 12 13.06.79 Promote
23 Repatriation of Seamen Convention, 1926 45 16.04.28 Shelve and abrogate
27 Repatriation (Ship Masters and Apprentices) Recommendation, 1926 Shelve and abrogate
166 Repatriation of Seafarers Convention (Revised), 1987 7 03.07.91 Promote
174 Repatriation of Seafarers Recommendation, 1987 Promote
153 Protection of Young Seafarers Recommendation, 1976 Promote

**Safety, health and welfare**

68 Food and Catering (Ships' Crews) Convention, 1946 23 24.03.57 Revise
75* Accommodation of Crews Convention, 1946 5 Withdraw
78 Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 Revise
92 Accommodation of Crews Convention (Revised), 1949 42 29.01.53 Revise
133* Accommodation of Crews (Supplementary Provisions) Convention, 1970 26 27.08.91 Maintain
140 Crew Accommodation (Air Conditioning) Recommendation, 1970 Maintain
141 Crew Accommodation (Noise Control) Recommendation, 1970 Maintain
134 Prevention of Accidents (Seafarers) Convention, 1970 27 17.02.73 Revise
142 Prevention of Accidents (Seafarers) Recommendation, 1970 Revise
48 Seamen's Welfare in Ports Recommendation, 1936 Shelve and abrogate
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**Labour inspection**

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**Social security**

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<td>Unemployment Insurance (Seamen) Recommendation, 1920 29.10.39</td>
<td>See comments</td>
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<tr>
<td>55</td>
<td>Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 29.10.39</td>
<td>See comments</td>
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<td>56+</td>
<td>Sickness Insurance (Sea) Convention, 1936 09.12.49</td>
<td>See comments</td>
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<tr>
<td>165</td>
<td>Social Security (Seafarers) Convention (Revised), 1987 02-07.92</td>
<td>See comments</td>
<td></td>
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<tr>
<td>70*</td>
<td>Social Security (Seafarers) Convention, 1946</td>
<td>See comments</td>
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</tr>
<tr>
<td>75</td>
<td>Seafarers' Social Security (Agreements) Recommendation, 1946</td>
<td>See comments</td>
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</tr>
<tr>
<td>76</td>
<td>Seafarers' (Medical Care for Dependents) Recommendation, 1946</td>
<td>See comments</td>
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Comments on instruments on social security

Members of the ISF/ITF Working Group considered the following instruments concerning maritime social security standards: Conventions Nos. 8, 55, 56, 70 and 71 and Recommendations Nos. 10, 75 and 76.

It was noted that many of these instruments had been superseded by the Social Security (Seafarers) Convention (Revised), 1987 (No. 165), but that Convention No. 165 had received only two ratifications at 25.05.98. It was the view of the Working Group that Convention No. 165 was unlikely to attract widespread ratification in the near future and could not therefore be regarded as an adequate replacement for the previously adopted instruments. It was appreciated, however, that the Working Group was not mandated to review Convention No. 165.

The Working Group therefore decided to meet again in order to discuss the problem concerning social security standards for seafarers and to prepare a report for consideration by the Joint Maritime Commission. For the time being, however, the instruments should be maintained.

Annex II

Letter from the International Organisation of Employers

Mr. Bjorn Klerck Nilssen, Chief
Maritime Industries Branch
International Labour Office
Geneva

9 September 1998

Dear Mr. Nilssen,

Review of ILO instruments on fishermen

In response to your request on the subject, we have consulted the employers’ organizations on the
question of the revision of Conventions Nos. 112, 113, 114, 125 and 126, all of which relate to fishermen.

From the responses received from them, I would like to point out that an important concern of the Employers' group in respect of the standards concerning fishermen remains the issue of how commercial maritime fishing was included in the agenda of the last two Maritime Conferences, which were held in 1987 and 1996 respectively. As you are well aware, we were rather disappointed and had considerable concerns when the Conventions referred to above were adopted by these Conferences.

You are also aware of the fact that these Conventions have attracted a low rate of ratification. Having said that, however, most of the employers' organizations that we consulted prefer to maintain the status quo until further research is undertaken. In this regard, we believe that the next meeting on the fishing industry in 1999 should provide guidance to the Governing Body on the subject.

With best regards,

Yours sincerely,

(Signed) Antonio Peñalosa,
Deputy Secretary-General.

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Annex III

Letter from the International Transport Workers' Federation

Mr. B. Klerck Nilssen, Chief
Maritime Industries Branch
International Labour Office
4 route des Morillons
CH-1211 Geneva 22
Switzerland

31 July 1998

Dear Bjorn,

ILO fisheries specific instruments

The ITF Fisheries Section Conference, during its meeting in London, 3-5 September 1997, and the
Fisheries Section Steering Committee, meeting in London, 30-31 July 1998, analysed the ILO instruments with specific reference to the fisheries sector. To facilitate the work of the ILO Governing Body's Working Party on Policy regarding the Revision of Standards the ITF would like to make the following recommendations:

- ILO Recommendation No. 7 should be revised to provide a 40-hour working week or ILO Convention No. 180 (seafarers' wages and hours of work and the manning of ships) should be made applicable to the fisheries sector through the adoption of a Protocol;

- ILO Convention No. 138 should be revised in order to establish a minimum age of 16;

- ILO Convention No. 113 should be revised as it has been overtaken by events and should reflect the new guidelines which have been produced by the ILO and WHO which, although drafted with seafarers in mind, are just as relevant for the engagement of fishermen;

- ILO Convention No. 114 should be revised to include a requirement for fishermen's identity documents;

- ILO Convention No. 125 needs to be revised to reflect the fact that the IMO has adopted the 1995 STCW-F convention;

- ILO Convention No. 126 still remains relevant and should be promoted for ratification; and

- ILO Recommendation No. 126 still remains relevant and should be promoted for implementation.

A number of maritime instruments, specifically addressing seafarers, may be applied to the fisheries sector following consultations with the social partners; however, in practice this formula does not work. Therefore, the ITF would suggest that the following list of maritime instruments should be made directly applicable to the fisheries sector through the adoption of a Protocol:

- ILO Convention No. 163 -- seafarers' welfare at sea and in port;

- ILO Convention No. 164 -- health protection and medical care of seafarers;

- ILO Convention No. 166 -- repatriation of seafarers;

- ILO Convention No. 178 -- inspection of seafarers' working and living conditions;

- ILO Convention No. 179 -- recruitment and placement of seafarers; and

- ILO Convention No. 180 -- seafarers' hours of work and the manning of ships.
The growing number of abandoned fishermen, which has been reported in the United Nations Secretary-General's Report on the Implementation of the Law of the Sea and the ILO Conference resolution adopted by the 84th (Maritime) General Conference, held in 1996, clearly demonstrate the need to formally extend ILO Convention No. 166 concerning the repatriation of seafarers to the fisheries sector.

It should also be noted that article 8.2.8 of the FAO Code of Conduct for Responsible Fisheries, which was unanimously adopted on 31 October 1996 by an FAO Conference, provides that: "Flag States should ensure that crew members are entitled to repatriation, taking account of the principles laid down in the Repatriation of Seafarers Convention (Revised), 1987 (No. 166)."

The ITF would also suggest that the following ILO Maritime Conventions (specifically addressing seafarers) should be applied to the fisheries sector through the adoption of a suitable Protocol:

- ILO Convention No. 68 -- food and catering;
- ILO Convention No. 134 -- prevention of accidents;
- ILO Convention No. 145 -- continuity of employment; and
- ILO Convention No. 146 -- annual leave with pay.

In view of the increasing globalization of the fisheries sector there is a growing need for:

- an instrument which establishes minimum standards on social security; however, in the light of the comments made by the ISF/ITF Working Group on instruments on social security for the maritime sector the discussion and report of the working group should be waited for, and for the time being there is no recommendation to apply Convention No. 165 to the fisheries sector; and
- an instrument similar to ILO Convention No. 147 which establishes minimum standards and, in addition to addressing flag States, also provides for port state control.

I would like to urge the Office to bring these recommendations to the attention of the Working Party on Policy and to ensure that due weight is given to them. These recommendations also highlight the need for an early tripartite meeting for the fishing sector to assess which of the ILO maritime instruments should be applied to the fishing sector, and/or the adoption of new international labour standards for the sector in this regard to place the issue of new labour standards for fishermen on the agenda of an early session of the International Labour Conference, as stipulated in the resolution on the application of revised Convention No. 9 to the fisheries sector, adopted by the 84th (Maritime) General Conference of the ILO in 1996.

The ITF is prepared to arrange for suitable fisheries worker representatives to attend the meeting of the
Working Party in November in order to assist and to give further guidance or clarification, if necessary.

If you need any further clarification on the issues raised, please do not hesitate to contact me, or in my absence, Wulf Steinvorth. We hope this assists you.

Yours sincerely,

(Signed) Mark Dickinson,
Assistant General Secretary.

1. GB.264/9/2, para. 16, and GB.265/8/2, para. 24. For a brief summary of the criteria adopted and the methodology applied, see GB.267/LILS/WP/PRS/2, paras. 2-4.

2. The JMC is composed of 42 members. Two members are appointed by the Governing Body of the ILO, representing respectively the Employers' group and the Workers' group of the Governing Body. The other 40 members are nominated by the International Labour Conference at a session dealing with maritime questions (the last one was held in 1996), 20 of whom are selected by the Shipowners' delegates and 20 by the Seafarers' delegates at the Conference. The Chairperson of the Governing Body is *ex officio* Chairperson of the Commission. The JMC advises the Governing Body on issues related to seafarers' working and living conditions suitable for standard setting.

3. GB.270/LILS/WP/PRS/2, para. 22.

4. A "fast-track scenario" was proposed against the background that no meeting of the JMC was foreseen during the current biennium.

5. It is expected that the agenda for that session will include a review of relevant maritime instruments ripe for revision, updating of the basic wage for able seamen in accordance with Paragraph 10 of Recommendation No. 187, a report on the effects of "second" or international registers on seafarers' working and living conditions and an update on ILO maritime activities. The most recent session of the JMC was held in 1991.

6. The amendment will enter into force when it has been ratified or accepted by two-thirds of the Members of the Organization (116 of the 174 Members) including five of the ten Members of chief industrial importance. The amendment had, at 26 August 1998, received 14 ratifications.

7. American Samoa, Anguilla, Aruba, Bermuda, British Virgin Islands, Faeroe Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Greenland, Guadeloupe, Guam, Isle of Man, Mariana Islands, Martinique, New Caledonia, Pacific Islands, Puerto Rico, Réunion, St. Helena, St. Pierre and Miquelon, Virgin Islands. The Office has also
been notified of its applicability to the Hong Kong Special Administrative Region. Reference to these areas or territories has been included in the Working Party documents for the first time. The reason is that some of them have a considerable fleet registered, and that the Conventions in question, through these declarations, will apply to a considerable number of seafarers and ships.

8. This Supplementary Appendix consists of two parts: Part A and Part B. When a State ratifies the Protocol it automatically accepts the two Conventions included in Part A of the Appendix (Conventions Nos. 133 and 180 when it has come into force). Regarding the four Conventions in Part B (Conventions Nos. 108, 135, 164 and 166) a ratifying State must declare which, if any, of these Conventions it wishes to accept. Conventions Nos. 164, 166 and 180 were adopted after 1985 and will therefore not be examined by the Working Party. As at 30.09.98, neither the Protocol of 1996 nor Convention No. 180 had received any ratifications.

9. For the Conventions of general application listed in the Appendices to Convention No. 147 and the Protocol of 1996 (Nos. 87, 98 and 138), see GB.271/LILS/WP/PRS/4/1, and GB.265/LILS/WP/PRS/1.

10. The Ventejol Working Parties of 1979 and 1987 classified international labour standards into four categories: (1) instruments for promotion on a priority basis; (2) instruments for revision; (3) other existing instruments; and (4) subjects for new standards. The purpose of the first category was to identify the modern instruments that constituted useful objectives on a universal basis. The instruments that could not be classified in this category or in that of "instruments to be revised" were placed in the category of "other instruments". The latter category thus comprised three kinds of Conventions: those that constituted useful interim targets for States that were not in a position to ratify the more recent instruments, the Conventions closed to further ratifications and Conventions that were obsolete (Final Report of the Working Party on International Labour Standards, in Official Bulletin, Vol. LXII, 1987, Series A, Special Number, paras. 3-9, and Final Report of the Working Party on International Labour Standards, ibid., Vol. LXX, 1987, Series A, Appendix III, paras. 2-4).


12. Anguilla, Bermuda, British Virgin Islands, French Guiana, Falkland Islands, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, New Caledonia, Réunion, St. Pierre and Miquelon, St. Helena. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.


14. Both the Fee-Charging Employment Agencies Conventions (Revised), 1949 (No. 96), and the Private Employment Agencies Convention, 1997 (No. 181), specifically exclude seafarers from their...
application. Convention No. 96 applies to all categories of workers with the exception of seafarers. A resolution adopted at the 84th (Maritime) Session of the International Labour Conference recommended to the 85th Session of the Conference, when revising Convention No. 96, to maintain the exclusion of the placing of seafarers. This exclusion was maintained in Convention No. 181. The Working Party at the Governing Body's session in March 1998 decided, after an exchange of views, to adjourn the examination of Convention No. 96 until its next meeting. See GB. 271/LILS/5, paras. 30-32.


16. As at 30 September 1998, this Convention had been ratified by one member State (the Philippines).

17. As at 30.05.1998.

18. Anguilla, Aruba, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Norfolk Island, Réunion, St. Helena, St. Pierre and Miquelon. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.

19. Azerbaijan, Costa Rica, Cyprus, Denmark, Greece, Israel, Kyrgyzstan, Lebanon, Russian Federation, Sweden, Tajikistan, Ukraine, United States.

20. For an explanation of the "substantially equivalent" provision, see under I.1(5) above.


22. As at 8.7.1998.

23. Article 12 of Convention No. 180 was introduced as an amendment by the Worker members in the Conference Committee in 1996. The intention was to ensure that persons under 16 could not work on a ship, although other Conventions contained lower age limits. During the discussion on Article 12 at the Conference the possible conflict between this Convention and Convention No. 138 was considered. It was the consensus in the Committee that the minimum age was within its mandate, and the amendment carrying the introduction of Article 12 was adopted, see Record of Proceedings, International Labour Conference, 84th (Maritime) Session, p. 6/25, paras.160-170.

24. See GB.270/LILS/3.

25. Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Faeroe Islands, Gibraltar, Greenland, Guernsey, Isle of Man, Jersey, Montserrat, Norfolk Island, St. Helena. The Office has also been notified
of its applicability to the Hong Kong Special Administrative Region.

26. Egypt, India, Morocco.

27. For an explanation of the "substantially equivalent" provision, see under I.1(5) above.

28. This concerns Australia, Belize, Canada, Grenada, Jamaica, Japan, Seychelles, Sierra Leone, Sri Lanka and the United Republic of Tanzania.

29. Anguilla, Bermuda, British Virgin Islands, Cook Islands, Falkland Islands, Faeroe Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Greenland, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, New Caledonia, Niue, Norfolk Island, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.

30. See GB.229/10/19, para. 22(b).

31. American Samoa, Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Faeroe Islands, French Guinea, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guam, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Norfolk Island, Puerto Rico, Réunion, St. Helena, St. Pierre and Miquelon, Virgin Islands. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.

32. Egypt, India, Morocco.

33. For an explanation of the "substantially equivalent" provision, see under I.1(5) above.

34. Australia, Lebanon.

35. See Article 10(4)(d) of Convention No. 138.

36. Anguilla, Bermuda, British Virgin Islands, Cook Islands, Falkland Islands, Faeroe Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Greenland, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, New Caledonia, Niue, Norfolk Island, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.


38. As pointed out by the Joint ILO/WHO Committee on the Health of Seafarers (Seventh Session, May

40. Barbados, Brazil, Costa Rica, Cyprus, India, Iraq, Israel, Liberia, Morocco, United Kingdom, United States.

41. For an explanation of the "substantially equivalent" provision, see under I.1(5) above.


43. For an explanation of the "substantially equivalent" provision, see under I.1(5) above.

44. The STCW convention does not provide for the issuing of certificates to officers in charge of a navigational watch and of master on ships of less than 500 gross tons when serving on board vessels engaged in near-costal voyages (45).

45. See Regulation Nos. I/1 and II/3 of the Amended Annex to the 1978 STCW Convention. "Near-costal voyages" is defined as voyages in the vicinity of a Party as defined by the Party. (46)

46. See the Amended annex to the 1978 STCW Convention, Chapter III.

47. Article IV of the STCW convention states that the Parties should communicate the text of laws, decrees, orders, regulations, and instruments promulgated on the various matters within the scope of the convention, contents and durations of study courses, together with national examinations and other requirements for each certificate issued in compliance with the convention, and a sufficient number of specimen certificates issued in compliance with the convention. The STCW Code, section A-1/7 gives further details about the material to be provided. In addition, in accompanying regulations it is provided that competent persons appointed by the IMO will assist in the preparation of a report to the Maritime Safety Committee, and the Committee will on the basis of this report identify the parties having demonstrated that full and complete effect is given to the provisions of the convention. See Regulation 1/7, Amended Annex to 1978 STCW convention.

48. As at 1.4.1998, four countries (Bosnia and Herzegovina, Djibouti, The former Yugoslav Republic of Macedonia, Syrian Arab Republic) had ratified Convention No. 53 but neither the STCW convention nor Convention No. 147.

50. Examined below.

51. The IMO's STCW convention does not cover ships' cooks.

52. In a report prepared by the International Labour Office for the Maritime Preparatory Technical Conference held in Copenhagen, Denmark, in November 1945 it was pointed out that "it is particularly important that every effort should be made to give to the seafarer the best possible service of food, since, unlike the shore worker, he has no alternative source of supply to which he can have recourse, and is particularly liable to suffer from the disadvantages of monotony".

53. For more details on this campaign, see below in the context of the examination of Convention No. 68.

54. American Samoa, Anguilla, Aruba, Bermuda, British Virgin Islands, Cook Islands, Falkland Islands, French Guiana, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guam, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, Niue, Pacific Islands, Puerto Rico, Réunion, St. Helena, Tokelau, Virgin Island. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.


56. Anguilla, Aruba, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Isle of Man, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.


58. It also recommended that the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), and the Repatriation of Seafarers Recommendation, 1987 (No. 174), be promoted.

59. Guam, Puerto Rico, Virgin Islands.

60. It also recommended that the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146), be
promoted.


62. Another instrument in this area, the Holidays with Pay Convention (Revised), 1970 (No. 132), examined by the Working Party at previous sessions, has also failed to attract a substantial number of ratifications and a short survey on this Convention will be submitted to the Working Party for consideration at its meeting in March 1999. See GB.271/LILS/5, paras. 75 and 76.

63. American Samoa, Guam, Norfolk Island, Puerto Rico, Virgin Islands.

64. Norfolk Island.


66. It has also recommended that the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), and the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), be promoted.

67. Anguilla, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, Réunion, St. Helena, Tokelau.

68. For an explanation of the "substantially equivalent" provision, see under I.1(5) above.

69. The Paris Memorandum of Understanding on Port State Control (Paris MOU) has been signed by 18 Maritime Authorities (EU Members plus Canada, Croatia, Norway, Poland and the Russian Federation). The Paris MOU aims at eliminating the operation of sub-standard ships through a harmonized system of port state control.

70. Both examined below.

71. Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Faeroe Islands, French Guiana, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, Norfolk Island, Réunion, St. Helena, Tokelau. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.

72. Examined above.
73. Examined below.

74. Bermuda, French Guiana, Falkland Islands, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Isle of Man, Martinique, Montserrat, New Caledonia, Norfolk Island, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau. The Office has also been notified of its applicability to the Hong Kong Special Administrative Region.

75. Examined above.

76. Faeroe Islands, French Southern and Antarctic Territories, Greenland, Tokelau.

77. Article 4 (required provisions concerning accident prevention specifically targeting maritime employment) and Article 7 (appointment of a competent person or committee for accident prevention).

78. The objective of the code is to provide practical guidance on safety and health in shipboard work with a view to: preventing accidents, diseases and other harmful effects on the health of seafarers arising from employment on board ship at sea and in port; ensuring that responsibility for safety and health is understood and remains a priority for all concerned with maritime transport, including governments, shipowners' and seafarers; and promoting consultation among governments as well as shipowners' and seafarers' organizations on the improvement of safety and health on board ship. The code also provides practical guidance in the implementation of Convention No. 134 and its accompanying Recommendation No. 142.

79. Including Recommendations Nos. 10, 75, 76.

80. See Appendix II to the letter from the Joint Working Group in Annex I to this document.

For further information, please contact the Official Relations Branch at Tel: +41.22.799.7732, Fax: +41.22.799.8944 or by e-mail: RELOFF@ilo.org