

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920 (No. 8)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;

- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies.** The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period from _____ to _____

made by the Government of _____

on the

UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920 (No. 8)

(ratification registered on _____)

I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of said legislation, etc., to the International Labour Office with this report.

II. Please indicate in detail *for each of the following Articles of the Convention* the provisions of the abovementioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If, in your country, ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. For the purpose of this Convention, the term “seamen” includes all persons employed on any vessel engaged in maritime navigation.

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

Article 2

1. In every case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

2. This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

1. Please indicate the manner in which the words “loss or foundering” are interpreted in your country for the purpose of this Article. Does it cover:

- (a) total loss;
- (b) damage so substantial that, although the ship is physically capable of being repaired, it would not, commercially speaking, be worthwhile repairing it; and
- (c) damage to a vessel which can be and is subsequently repaired, but is so substantial that it frustrates the completion as a commercial venture of the particular voyage upon which the damage occurs?

2. Please indicate the manner in which the words “unemployment resulting from such loss or foundering” are interpreted in your country for the purpose of this Article, in the case of the loss or foundering of a vessel the crew of which would, had there been no loss or foundering, have had their contract of service terminated, owing to the completion of the voyage, within a period of less than two months from the loss or foundering which in fact resulted. In such a case is the indemnity for two months after the loss or foundering of the vessel due in full, irrespective of the time which has still to elapse between the date of the wreck and the date on which the contract would have terminated if the wreck had not taken place?

3. Please indicate the manner in which the term “wages” is interpreted in your country for the purpose of this Article, with particular reference to the possible inclusion of an allowance for food in addition to the money wage mentioned in the muster-roll.

4. Please state whether the indemnity payable under this Article has been limited to two months’ wages.

Article 3

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

Please state what are the remedies available to seamen in your country for the purposes of Article 3.

- III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organization and working of inspection.
- IV. Please state whether courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- V. Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number of vessels wrecked or otherwise lost, the number of cases in which indemnities have been granted under Article 2 of the Convention, etc.
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: “Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.”

