

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM
FOR THE
SEAMEN'S ARTICLES OF AGREEMENT
CONVENTION, 1926 (No. 22)

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 reports

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:

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

- (b) in reply 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) **in reply 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 made 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 _____ to _____

made by the Government of _____

on the

SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926 (No. 22)

(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 the said legislation, etc., to the International Labour Office with this report.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- 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 the exact scope of the Convention 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 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. This Convention shall apply to all sea-going vessels registered in the country of any Member ratifying this Convention and to the owners, masters and seamen of such vessels.

2. It shall not apply to:

- (a) ships of war,
- (b) government vessels not engaged in trade,
- (c) vessels engaged in the coasting trade,
- (d) pleasure yachts,
- (e) Indian country craft,
- (f) fishing vessels,
- (g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

Please indicate the tonnage limit, if any, in respect of vessels engaged in the home trade prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

Article 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz.:

- (a) the term “vessel” includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation;
- (b) the term “seaman” includes every person employed or engaged in any capacity on board any vessel and entered on the ship’s articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government;
- (c) the term “master” includes every person having command and charge of a vessel except pilots;
- (d) the term “home trade vessel” means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

Please indicate the geographical limits determined by the national law for the purposes of paragraph (d) of this Article.

Article 3

1. Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seaman and also to his adviser.

2. The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

3. The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

4. National laws shall make adequate provision to ensure that the seaman has understood the agreement.

5. The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

6. National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

Please indicate the provisions of the national legislation under which the different paragraphs of this Article are applied and give full information regarding the additional formalities and safeguards mentioned in the last paragraph of this Article, forwarding all relevant legislative texts, etc.

Article 4

1. Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

2. This Article shall not be interpreted as excluding a reference to arbitration.

Article 5

1. Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

2. The document shall not contain any statement as to the quality of the seaman’s work or as to his wages.

Please forward to the International Labour Office with this report a copy of the document mentioned in this Article and indicate the provisions of the national legislation relating to the particulars to be recorded and the manner in which such particulars are to be entered in the document.

Article 6

1. The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.
2. The agreement shall state clearly the respective rights and obligations of each of the parties.
3. It shall in all cases contain the following particulars:
 - (1) the surname and other names of the seaman, the date of his birth or his age, and his birthplace;
 - (2) the place at which and date on which the agreement was completed;
 - (3) the name of the vessel or vessels on board which the seaman undertakes to serve;
 - (4) the number of the crew of the vessel, if required by national law;
 - (5) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
 - (6) the capacity in which the seaman is to be employed;
 - (7) if possible, the place and date at which the seaman is required to report on board for service;
 - (8) the scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law;
 - (9) the amount of his wages;
 - (10) the termination of the agreement and the conditions thereof, that is to say:
 - (a) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged;
 - (c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the shipowner than for the seaman;
 - (11) the annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law;
 - (12) any other particulars which national law may require.

If the national law of your country permits the concluding of an agreement for an indefinite period, please indicate the conditions which shall entitle either party to rescind it as well as the required period of notice for rescission (paragraph 3, subparagraph (10) (c)).

Please indicate the nature of the particulars required by national law under paragraph 3, subparagraph (12).

Article 7

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

Article 8

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

Article 9

1. An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.
2. Notice shall be given in writing; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.
3. National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

Please give full information regarding the nature of the exceptional circumstances as determined by national law in application of paragraph 3 of this Article.

Article 10

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by:

- (a) mutual consent of the parties;
- (b) death of the seaman;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided in national law or in this Convention.

If advantage has been taken of paragraph (d) of this Article please give full information regarding the relevant provisions in national law, forwarding legislative texts, etc.

Article 11

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

Please give full information concerning the nature of the circumstances as determined by national law in application of this Article.

Article 12

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

Please give full information concerning the nature of the circumstances as determined by national law in application of this Article.

Article 13

1. If a seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

2. In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

Article 14

1. Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

2. The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

III. Article 15 of the Convention is as follows:

National law shall provide the measures to ensure compliance with the terms of the present Convention.

Please state with reference to this Article to what authority or authorities the application of the legislation and administrative regulations, etc., mentioned under I and II 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 tribunals 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 give 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 and registration services, and, if such statistics are available, information concerning the number of seamen signed on during the year under review, the number and nature of the contraventions reported, 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 Organization.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 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.”