

INTERNATIONAL LABOUR OFFICE

REPORT FORM
FOR THE
REPATRIATION OF SEAFARERS CONVENTION
(REVISED), 1987 (No. 166)

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 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."

The Government may deem it useful to consult the appended text of the Repatriation of Seafarers Recommendation, 1987 (No. 174), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

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 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 organisations of employers and workers and on any observations received from these organisations;

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

Article 22 of the Constitution of the ILO

Report for the period to.....
made by the Government of

on the

REPATRIATION OF SEAFARERS CONVENTION (REVISED), 1987 (No. 166)

(ratification registered on.....)

I. Article 9 of the Convention reads as follows:

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements or in such other manner as may be appropriate under national conditions, shall be given effect by national laws or regulations.

Please state whether the provisions of the Convention are applied by means of:

- (a) national laws or regulations;
- (b) collective agreements;
- (c) in some other manner.

Please give a list of the measures which apply the provisions of the Convention and indicate their scope. Where this has not already been done, please forward copies of the relevant laws, regulations, agreements, etc., to the International Labour Office with this report.

Please state whether the above measures have been adopted 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 above-mentioned laws and regulations, or other measures, which give effect to each Article.

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, such as measures to define its exact scope and to institute the practical arrangements and procedures required for its implementation.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations 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 applies to every seagoing ship whether publicly or privately owned which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation and to the owners and seafarers of such ships.

2. To the extent it deems practicable, after consultation with the representative organisations of fishing-vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3. In the event of doubt as to whether or not any ships are to be regarded as engaged in commercial maritime navigation or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the competent authority after consultation with the organisations of shipowners, seafarers and fishermen concerned.

4. For the purpose of this Convention the term "seafarer" means any person who is employed in any capacity on board a seagoing ship to which this Convention applies.

Paragraph 2. Please state to what extent the provisions of the Convention are applied to commercial maritime fishing.

Please provide information on the consultations which have taken place in accordance with this paragraph.

Article 2

1. A seafarer shall be entitled to repatriation in the following circumstances:

- (a) if an engagement for a specific period or for a specific voyage expires abroad;
- (b) upon the expiry of the period of notice given in accordance with the provisions of the articles of agreement or the seafarer's contract of employment;
- (c) in the event of illness or injury or other medical condition which requires his or her repatriation when found medically fit to travel;
- (d) in the event of shipwreck;
- (e) in the event of the shipowner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarer by reason of bankruptcy, sale of ship, change of ship's registration or any other similar reason;
- (f) in the event of a ship being bound for a war zone, as defined by national laws or regulations or collective agreements, to which the seafarer does not consent to go;
- (g) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

2. National laws or regulations or collective agreements shall prescribe the maximum duration of service periods on board following which a seafarer is entitled to repatriation; such periods shall be less than 12 months. In determining the maximum periods, account shall be taken of factors affecting the seafarers' working environment. Each Member shall seek, wherever possible, to reduce these periods in the light of technological changes and developments and may be guided by any recommendations made on the matter by the Joint Maritime Commission.

Paragraph 1. Please give the definition of a "war zone" for the purpose of subparagraph (f).

Paragraph 2. Please state the maximum duration of service periods on board prescribed in accordance with this paragraph, the factors which have been taken into account in determining these periods and the measures which may have been taken or envisaged to reduce them.

Article 3

1. Each Member for which this Convention is in force shall prescribe by national laws or regulations the destinations to which seafarers may be repatriated.

2. The destinations so prescribed shall include the place at which the seafarer agreed to enter into the engagement, the place stipulated by collective agreement, the seafarer's country of residence or such other place as may be mutually agreed at the time of engagement. The seafarer shall have the right to choose from among the prescribed destinations the place to which he or she is to be repatriated.

Article 4

1. It shall be the responsibility of the shipowner to arrange for repatriation by appropriate and expeditious means. The normal mode of transport shall be by air.

2. The cost of repatriation shall be borne by the shipowner.

3. Where repatriation has taken place as a result of a seafarer being found, in accordance with national laws or regulations or collective agreements, to be in serious default of his or her employment obligations, nothing in this Convention shall prejudice the right of recovery from the seafarer of repatriation costs or part thereof in accordance with national laws or regulations or collective agreements.

4. The cost to be borne by the shipowner shall include:

- (a) passage to the destination selected for repatriation in accordance with Article 3 above;
- (b) accommodation and food from the moment the seafarer leaves the ship until he or she reaches the repatriation destination;
- (c) pay and allowances from the moment he or she leaves the ship until he or she reaches the repatriation destination, if provided for by national laws or regulations or collective agreements;
- (d) transportation of 30 kg of the seafarer's personal luggage to the repatriation destination;
- (e) medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

5. The shipowner shall not require the seafarer to make an advance payment towards the cost of repatriation at the beginning of his or her employment, nor shall the shipowner recover the cost of repatriation from the seafarer's wages or other entitlements except as provided for in paragraph 3 above.

6. National laws or regulations shall not prejudice any right of the shipowner to recover the cost of repatriation of seafarers not employed by the shipowner from their employer.

Article 5

If a shipowner fails to make arrangements for or to meet the cost of repatriation of a seafarer who is entitled to be repatriated:

- (a) the competent authority of the Member in whose territory the ship is registered shall arrange for and meet the cost of the repatriation of the seafarer concerned; if it fails to do so, the State from which the seafarer is to be repatriated or the State of which he or she is a national may arrange for his or her repatriation and recover the cost from the Member in whose territory the ship is registered;
- (b) costs incurred in repatriating the seafarer shall be recoverable from the shipowner by the Member in whose territory the ship is registered;
- (c) the expenses of repatriation shall in no case be a charge upon the seafarer, except as provided for in paragraph 3 of Article 4 above.

Please describe all measures taken and arrangements made for giving effect to this Article.

Article 6

Seafarers who are to be repatriated shall be able to obtain their passport and other identity documents for the purpose of repatriation.

Article 7

Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave accrued to the seafarer.

Article 8

A seafarer shall be deemed to have been duly repatriated when he or she is landed at a destination prescribed pursuant to Article 3 above, or when the seafarer does not claim his or her entitlement to repatriation within a reasonable period of time to be defined by national laws or regulations or collective agreements.

Please indicate the period of time defined by national laws or regulations or collective agreements after which the seafarer cannot claim his or her entitlement to repatriation.

Article 10

Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

Please describe any specific measures taken in pursuance of this Article.

Article 11

The competent authority of each Member shall ensure by means of adequate supervision that the owners of ships registered in its territory comply with the provisions of the Convention, and shall provide relevant information to the International Labour Office.

Please indicate the competent authority or authorities designated for the purpose of this Article.

Article 12

The text of this Convention shall be available in an appropriate language to the crew members of every ship which is registered in the territory of any Member for which it is in force.

III. Please state to what authority or authorities the application of the above-mentioned legislation, administrative regulations, etc., is entrusted, and by what methods such application is supervised.

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 and supply — in so far as the information in question has not already been supplied in connection with other questions in this form — information on the number of seafarers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.

VI. Please indicate the representative organisations 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 organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations 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 copy 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."

ANNEX

REPATRIATION OF SEAFARERS RECOMMENDATION, 1987 (No. 174)

.....
Whenever a seafarer is entitled to be repatriated pursuant to the provisions of the Repatriation of Seafarers Convention (Revised), 1987, but both the shipowner and the Member in whose territory the ship is registered fail to meet their obligations under the Convention to

arrange for and meet the cost of repatriation, the State from which the seafarer is to be repatriated or the State of which he or she is a national should arrange for his or her repatriation, and recover the cost from the Member in whose territory the ship is registered in accordance with Article 5 (a) of the Convention.