

TEXT OF THE CONVENTION (No 72) CONCERNING VACATION HOLIDAYS WITH PAY FOR SEAFARERS

The General Conference of the International Labour Organization,

Having been convened at Seattle by the Governing Body of the International Labour Office, and having met in its Twenty-eighth Session on 6 June 1946,
and

Having decided upon the adoption of certain proposals with regard to holidays with pay for seafarers, which is the sixth item on the agenda of the Session,
and

Considering that these proposals involve the total revision of the Holidays with Pay (Sea) Convention, 1936, and must take the form of an International Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Paid Vacations (Seafarers) Convention, 1946 :

Article 1

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as seagoing vessels for the purpose of this Convention.

3. This Convention does not apply to—

- (a) Wooden vessels of primitive build such as dhows and junks ;
- (b) Vessels engaged in fishing or in operations directly connected therewith ; or in sealing or similar pursuits ;

4. National laws or regulations or collective agreements may provide for the exemption from the provisions of this Convention of vessels of less than 200 gross register tons.

Article 2

1. This Convention applies to every person who is engaged in any capacity on board a vessel except—

- (a) A pilot not a member of the crew ;
- (b) A doctor not a member of the crew ;
- (c) Nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew ;
- (d) Persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;
- (e) Persons not remunerated for their services or remunerated only by a nominal salary or wage ;
- (f) Persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;
- (g) Travelling dockers (longshoremen) not members of the crew ;
- (h) Persons employed in whale-catching vessels, in floating factories or otherwise, for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organization of seafarers ;
- (i) Persons employed in port who are not ordinarily employed at sea.

2. The competent authority may, after consultation with the organizations of ship-owners and seafarers concerned, exempt from the application of the Convention masters, chief navigating officers and chief engineers who by virtue of national laws or regulations or collective agreements enjoy conditions of service which are not less favourable in respect of annual leave than those required by the Convention.