

PART V.—APPLICATION OF THE CONVENTION

Article 21

1. Effect may be given to this Convention by (a) laws or regulations ; (b) collective agreements between shipowners and seafarers (except as regards paragraph 2 of Article 20) ; or (c) a combination of laws or regulations and collective agreements between shipowners and seafarers. Except as may be otherwise provided herein, the provisions of this Convention shall be made applicable to every vessel registered in the territory of the ratifying Member and to every person engaged on any such vessel.

2. Where effect has been given to any provision of this Convention by a collective agreement in pursuance of paragraph 1 of this Article, then notwithstanding anything contained in Article 9 of this Convention the Member shall not be required to take any measures in pursuance of Article 9 of this Convention in respect of the provisions of the Convention to which effect has been so given by collective agreement.

3. Each Member ratifying this Convention shall supply to the Director of the International Labour Office information on the measures by which the Convention is applied, including particulars of any collective agreements in force which give effect to any of its provisions.

4. Each Member ratifying this Convention undertakes to take part, by means of a tripartite delegation, in any committee representative of governments and shipowners' and seafarers' organizations and including, in an advisory capacity, representatives of the Joint Maritime Commission of the International Labour Office which may be set up for the purpose of examining the measures taken to give effect to the Convention.

5. The Director shall lay before the said committee a summary of the information received by him under paragraph 3 above.

6. The committee shall consider whether the collective agreements reported to it give full effect to the provisions of the Convention. Each Member ratifying the Convention undertakes to give consideration to any observations or suggestions concerning the application of the Convention made by the committee, and further undertakes to bring to the notice of the organizations of shipowners and of seafarers who are parties to any of the collective agreements mentioned in paragraph 1 any observations or suggestions of the aforesaid committee concerning the degree to which such agreements give effect to the provisions of the Convention.

Article 22

1. Each Member which ratifies this Convention shall be responsible for the application of its provisions to vessels registered in its territory and shall, except where effect is given to the Convention by collective agreements, maintain in force laws or regulations which—

- (a) Determine the respective responsibilities of the shipowner and the master for ensuring compliance therewith ;
- (b) Prescribe adequate penalties for any violation thereof ;
- (c) Provide for adequate public supervision of compliance with Part IV of the Convention ;
- (d) Require the keeping of the records of hours worked necessary for the purposes of Part III of the Convention and of the compensation granted in respect of overtime and of excess hours of work ;
- (e) Ensure to seafarers the same remedies for recovering payments due to them in respect of compensation for overtime and for excess hours of work as they have for recovering other arrears of pay.

2. The organizations of shipowners and seafarers concerned shall, so far as is reasonable and practicable, be consulted in the framing of all laws or regulations for giving effect to the provisions of this Convention.