

1946
NEW ZEALAND

INTERNATIONAL LABOUR CONFERENCE

REPORTS OF THE NEW ZEALAND DELEGATION ON THE TWENTY-EIGHTH
(MARITIME) SESSION OF THE INTERNATIONAL LABOUR CONFERENCE, SEATTLE,
WASHINGTON, 6TH TO 29TH JUNE, 1946

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1. REPORT OF MESSRS. G. M. F. JACKSON AND D. N. LAWRENCE, NEW ZEALAND GOVERNMENT DELEGATION

AGENDA

- I. Director's Report.
- II. Social Security for Seamen.
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- V. Entry, Training, and Promotion of Seafarers.
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Over the years it has been the practice of the International Labour Organization to convene special Maritime Sessions of the International Labour Conference to discuss problems peculiar to seafaring activities. Such Maritime Sessions of the Conference were held in 1920 (Second Session), 1926 (Ninth Session), and 1936 (Twenty-first and Twenty-second Sessions). In addition, the general Conference of 1921 (Third Session) adopted two conventions affecting maritime activities. New Zealand was not represented at any of these sessions. Hence the delegation sent to the Twenty-eighth (Maritime) Session, which met in Seattle, Washington, United States of America, from 6th to 29th June, 1946, was the first to represent the country at a Maritime Session of the International Labour Conference.

In preparation for this gathering a preparatory technical Conference in Copenhagen in November, 1945, had undertaken a preliminary consideration of a wide range of topics. This Copenhagen meeting was of representatives of Governments, shipowners, and seamen from twenty leading maritime countries. The omission of New Zealand from the list of countries participating was presumably because of its relatively low shipping tonnage. Thus those responsible for convening the gathering had regard only for the interests of the carrying agents of the world and had apparently disregarded the not inconsiderable claims of those paying for such carrying services. To a country

so dependent upon overseas markets for its produce as New Zealand, upward movement of sea freights may influence its ability to compete successfully in the world's markets. The delegates assumed that New Zealand producers would not wish to continue to take advantage of sub-standard working conditions on the ships that it hires. Further, Australia was represented, and to the extent to which it is confronted by a similar problem New Zealand's point of view may be presumed to have been put to the Copenhagen meeting.

Noticeable features of the Seattle discussions were the stubbornness of the employers' group, which unflinchingly resisted every claim for deviation from current practice, and the tendency of the workers' group to regard the Conference discussions as a bargaining-table from which they aimed to secure improvements even on the most advanced conditions. Even with the Government group there appeared in one Committee to have been a failure to have regard for a reasonable legislative viewpoint, having reference to the conditions operative in countries from which ratification was all-important. Thus on one occasion it appeared that the agreed terms of a proposed convention were such that it may have failed acceptance by the plenary session or, had it secured acceptance, that ratification would have been almost impracticable of attainment.

In contradistinction to the comment contained in the previous paragraph, it is necessary to remark on the action of the United States employers' delegate in urging reconsideration of a record vote excluding near-trade or coast-wise shipping from the Hours, Wages, and Manning Convention, thus securing a reversal of the decision. This was probably of direct and lasting benefit to a considerable number of seafarers. Taken as it was in the late hours of the night, this decision to exclude illustrates the confusion that resulted from the forced pace that was imposed during the last week of the Conference. This course of action may have been justified by the circumstances, advanced arrangements for transport of staff back to Montreal having been made previously. It is nevertheless extremely undesirable that discussion of a subject of that magnitude should be pursued in haste, and it is to be hoped that the future holds no repetition of such a happening.

A comparison of the conclusions of the Conference with the present law and practice in New Zealand will indicate that the latter is generally in advance of the standards set in Seattle. Those standards, however, were necessarily minimum ones to be placed before members having legislation that is relatively backward. Thus the standards could not be made so far in advance of the most backward nations that use of them as a legislative aim in those countries would be entirely impracticable, at any rate during a measureable period. Therefore, for the workers of those nations whose standards are already well advanced the conclusions of the Conference are only of indirect benefit—*i.e.*, they are of assistance only so far as they operate to uplift those workers who, as a result of lower standards, may be a danger in a competitive sense in that they may be the innocent means of undercutting freights, &c., to the disadvantage of the workers with advanced standards.

Immediately prior to the opening of the Conference, Mr. Jackson was approached regarding his acceptance of the office of Chairman of the Food and Catering Committee. It was felt that this proposed appointment was a gesture to New Zealand that could not be ignored. Hence it was arranged for Mr. Lawrence to attend the Committee on Wages, Hours, and Manning, while Mr. Jackson undertook the responsibilities of the Selection Committee, the Food and Catering Committee, the Vacation Holidays Committee, and the Accommodation Committee. Unfortunately, because the hours at which the Committees met overlapped, it was necessary to discontinue attendance at meetings of the Accommodation Committee.

We now summarize the decisions on the subjects on the agenda :—

WAGES, HOURS, AND MANNING

The following exclusions operate :—

- (i) Ships under 500 gross register tons.
- (ii) Wooden vessels of primitive build such as dhows or junks.
- (iii) Vessels engaged in fishing or operations directly connected therewith.
- (iv) Estuarial craft.

Where in any law, award, custom, or agreement between the shipowners and seafarers more favourable provisions concerning wages, hours of work on board ship, or manning are made, those provisions are not to be prejudiced.

Ratification, which can be concluded on the basis of collective agreements, by a number of listed countries (but subject to a tonnage qualification) is necessary before the convention comes into operation. The practical effect of this is that ratification by Great Britain or the United States of America is a prerequisite to the convention becoming binding.

As New Zealand seamen enjoy wages and conditions in advance of those agreed upon, and as adoption of the convention by backward countries will have the effect of raising the standards of the workers of these countries, also because the text had the approval of the workers' group (with a few dissentients), the New Zealand Government delegates voted for the adoption of the convention.

Wages.—The adoption of £16 (sterling) or \$64 (United States) a month as a minimum wage for an able seaman marks the first occasion that the amount of the wage has been set in an international convention. Associated with this decision was the determination to adopt the method used in respect of the International Monetary Fund as a means of translation from sterling or United States dollar currency to that of the other member. It is open to considerable doubt whether adoption of these two decisions was wise, as the purchasing-power of currencies vary so widely. Apart from the possible inaccuracy, the result of this translation method, there are other dangers—*e.g.*, the setting of a wage standard for seafarers that is in advance of that enjoyed by industrial and other workers within a country may upset the whole wage structure and bring as a result undesirable industrial upheavals. Again, the preferential position in relation to other workers accorded to seafarers should depreciation of the domestic currency occur is not wholly fair. It is true that seafarers necessarily spend some money overseas and are entitled to protection against higher price levels perhaps obtaining there, but it appears that the major portion of their income would normally be spent in their home territory. Further, as both sterling and United States dollars are given as a base, there will be complications should they vary in terms of each other. Adoption of the double basis was no doubt to guard against possible depreciation of one or the other.

During the discussions it was argued that the minimum wage should be determined with reference to the standard of life of the country. Apparently the speakers had in mind such nationalities as Indians, Chinese, &c. While, in our opinion, cost of living should undoubtedly be taken into account, it is not proper to base an international minimum wage upon the extremely low living standard of some countries.

The New Zealand Government delegates voted for the £16 minimum, though they realized the difficulties of the position. This figure is below that at present operating on New Zealand ships, and the country's wage structure is therefore in no way involved. At the same time, it sets a legislative aim before some carrying countries that, up to the present, are paying less and therefore are competing unfairly with our ships when on international runs.

In respect of Asiatic seamen, it was decided that the basic pay for an A.B. shall be the adjusted equivalent of the £16 sterling to be fixed in accordance with the principle of equal pay for equal work, with due allowance for (a) the extra number of ratings of these groups employed and (b) any increase or decrease in cost to the shipowner consequent on the employment of such groups.

Hours of Work.—Hours of work for seafarers received consideration by Conferences of the Organization as early as 1920, when two recommendations were adopted in respect of fishing and inland navigation. Again, in 1936 a convention and recommendation was adopted on hours of work at sea. The deliberations at the Seattle Conference carried these decisions further by provisions as follows:—

1. The normal hours of work of an officer or rating shall not exceed—
 - (a) In the case of near-trade ships, when the vessel is at sea, 24 hours in any period of two consecutive days.
 - (b) In the case of distant-trade ships, when the vessel is at sea and on days of sailing and arrival, not exceeding 8 hours in any one day.
 - (c) When a vessel is in port—
 - (i) On the weekly day of rest, such time not exceeding two hours as is necessary for ordinary routine and sanitary duties;
 - (ii) On other days, 8 hours, except where a collective agreement provides for less on any day.
2. The normal hours of work for persons employed in the catering department shall not exceed:—
 - (a) When the vessel is at sea and on days of sailing and arrival—
 - (i) In the case of a passenger-ship, 10 hours in any consecutive period of fourteen hours;
 - (ii) In the case of a vessel not a passenger-ship, 9 hours in any period of thirteen hours.
 - (b) When the vessel is in port—
 - (i) In the case of a passenger-ship if passengers are on board, 10 hours in any period of fourteen hours; in other cases, on the weekly day of rest, 5 hours for persons engaged in messing duties, and such time not exceeding two hours as is necessary for ordinary routine and sanitary duties in the case of other persons; on the day preceding the weekly day of rest, 5 hours; on any other days, 8 hours.
 - (ii) In the case of a vessel not a passenger-ship, on the weekly day of rest, 5 hours; on the day preceding the weekly day of rest, 6 hours; on any other days, 8 hours in any period of twelve hours.

3. When in the case of near-trade ships the total number of hours worked in a period of two consecutive weeks exceeds 112 in the case of near-trade ships and in the case of distant-trade ships the number of hours worked in a period of one week (excluding hours regarded as overtime) exceeds 48, the person concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organizations of shipowners and seafarers concerned.

4. In the case of night-watchmen, national laws or regulations or collective agreements between the organizations of shipowners and seafarers concerned may make special arrangements for the regulation of hours of work.

Manning.—In respect of manning it is provided that a vessel shall be sufficiently and efficiently manned for the purposes of—

- (a) Ensuring the safety of life at sea.
- (b) Giving effect to the provisions of the hours of work provided in the convention.
- (c) Preventing excessive strain upon the crew and avoiding or minimizing as far as is practicable the working of overtime.

MEDICAL EXAMINATION OF SEAFARERS

This convention provides that no person shall be employed on a vessel to which this convention applies unless he produces a certificate attesting to his fitness for the work for which he is employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning his sight, by a person authorized by the competent authority to issue such a certificate. In the case of the medical examination the certi-

ificate would remain in force for not exceeding two years, and in the case of colour vision, not exceeding six years. In making the examination due regard should be made to the age of the seaman and the work he has to perform, also, in the case of the deck department, that his hearing, sight, and colour vision are satisfactory, and also that the seaman is not suffering from any disease likely to be aggravated by sea service or is likely to endanger the health of other persons on board.

New Zealand has not in the past instituted a system of medical examination for seamen, but this convention is one that, in the interests of the seamen themselves, should receive consideration, especially with young persons who are setting out to make a seafaring career.

CERTIFICATION OF ABLE SEAMEN

This convention provides for the examination of able seamen for certificates of qualification after they have served the prescribed period of thirty-six months at sea with a proviso that this period may be reduced to twenty-four months if the seaman has passed through a course in an approved training school. The rights of existing able seamen are protected. Section 51 of the Shipping and Seamen Act, 1908, provides for a minimum period of thirty-six months' sea service on deck before a seaman is qualified to ship as able seaman. To bring this convention into operation in New Zealand, therefore, it would be necessary to amend the Shipping and Seamen Act and also to provide facilities for the holding of the necessary examinations.

ORGANIZATION OF TRAINING FOR SEA SERVICE

This recommendation provides for the setting-up of establishments in each country for the training and entry of seamen for the Merchant Service. As the provision of shore training for young persons wishing to make the sea a profession is already under consideration by the Marine Department, the proposals outlined in this recommendation were approved by the New Zealand delegates.

ANNUAL HOLIDAYS

The convention on this subject adopted in 1936 (Twenty-first Session) had not come into force because insufficient ratifications had been registered. Because of this it was urged at the Seattle discussions that review of the matter was not warranted. Nevertheless, the Conference adopted a convention on the subject. The New Zealand law on this matter is broadly in advance of the provisions of the convention. The latter, however, provides for eighteen working-days' vacation leave for masters, officers, and radio officers or operators. In the Annual Holidays Act, 1944, two weeks' paid vacation is provided for, while in some industrial agreements and awards a higher vacation is given. While the members of the New Zealand delegation felt that the provisions of conventions should be of general rather than particular application, they nevertheless voted for this convention, for the reason that ratification can be registered if the provisions are applied pursuant to collective agreements (industrial agreements or Arbitration Court awards). Thus, as some masters now enjoy the higher period, it is open for them to have this provision generalized, and ratification can then be considered.

Considerable difficulty occurred in Committee because the basis submitted for discussion provided for holidays after one month's service. The employers' group took exception to this, and the principle of an annual holiday emerged. Then discussions ranged around the allowance of a proportionate holiday to those seamen who do not complete a year's service whether because of circumstances beyond their control or not. As finally adopted, provision was made giving proportionate leave after six months when a man leaves for his own purposes, but should a man be discharged through no fault of his own he is to receive proportionate leave, whatever the period of service. It was during these discussions that the comment by the employers regarding a reward for continuous service was made (see paragraph on "Continuous Employment for Seafarers").

CREW ACCOMMODATION ON BOARD SHIP

The Conference sought to define a standard which should be aimed for in new vessels, also on those where major reconstruction occurs. There can be no doubt that ship-construction of previous years has been neglectful in the matter of provision for the crew of living-spaces that approach normal standards of decency. Thus this convention, which is one containing considerable detail of a technical character, should receive early consideration in the matter of ratification. It is understood that the Shipping and Seamen Act, 1908, contains certain supervisory powers in respect of approvals of vessels being built, also that it may be practice to follow the United Kingdom rules in this respect. We suggest that the code should be written into the New Zealand law, also that in respect of larger vessels being built overseas but for New Zealand registry power should be taken, if necessary, to require plans to be submitted to the Marine Department for approval. This convention contemplates that discussions with the workers' organizations should occur.

FOOD AND CATERING ON BOARD SHIPS

The two conventions adopted in respect of this subject aim to improve the standard of food and catering by imposing duties on the Administration to distribute information and arranging for the certification of ships' cooks. Those at present employed in the capacity of a cook can continue their vocation. There appears to be no reason why men aiming to cook for the crews of vessels should not undergo training courses. This is one occupation where the apprenticeship procedure has not been applied, and the training at present current is, to say the least of it, haphazard in the extreme. There is, in fact, a section in the New Zealand Shipping and Seamen Amendment Act, 1909, providing for the employment of certificated cooks for foreign-going ships, a section that, as we understand it, has never been enforced.

SOCIAL SECURITY FOR SEAFARERS

Two conventions were adopted as a result of discussions under this heading. One is declaratory of the principle that seafarers (and the dependants of seafarers) should receive benefits equal to those enjoyed by workers in other employments. It also states the responsibility in respect of a seafarer who by reason of injury in the service of the ship or sickness not due to his own wilful act is left in a territory other than his own. This convention received the support of the New Zealand representatives, who, however, abstained from voting on the other convention, which seeks to provide pensions for seamen. This convention is really for use in those countries where no general pension scheme is in operation. Thus it has no application to New Zealand conditions and is, in any case, based on a principle that appeared to be repugnant to the basis of the Social Security Act, 1938—*i.e.*, it gives differential rights to seafarers as a class (pensions at an earlier age), and the New Zealand approach is on a universal-application basis.

SAFETY OF LIFE AT SEA

(Provisional Records 29 and 32)

It is understood that an International Diplomatic Conference on this topic is to be convened. Presumably, it will have before it previous representations concerning the continuance of wartime requirements as to safety measures to be provided. Thus the Conference resolution that there be representation from the Joint Maritime Commission requires no action.

SEAMEN'S WELFARE IN PORTS

(Provisional Records 17 and 26 ; see Recommendation No. 48 of 1936)

This matter has been before the New Zealand Government for many years and the resolution drawing attention to it does not introduce new ground. It is understood from the comment that the aim of the workers is to gain welfare in ports as a right and to remove the provision of such facilities from social, philanthropic, or religious institutions.

POSITION OF FISHING INDUSTRY (Provisional Records 17 and 26)

As the fishing industry is excluded from most conventions and recommendations affecting maritime workers (the exception is recommendation No. 7, "Hours of Work—Fishing," 1920), it is appropriate that the International Labour Office has now been asked to commence studies with a view to the adoption of minimum standards of wages, working-conditions, &c.

JOINT MARITIME COMMISSION (Provisional Records 24 and 30)

It has been the practice of the Governing Body of the Organization to establish advisory Committees to which it has referred matters from time to time. In the case of matters affecting seafarers, the Organization is advised and guided by the Joint Maritime Commission, a standing Committee of nine representatives of shipowners and nine representatives of seamen chosen from different maritime countries. Meetings of the Commission were, of course, interrupted by the war in 1939, but it met on 26th to 30th June, 1942, and on 8th to 12th January, 1945.

The constitution of the Commission was considered in Seattle, and as a result a resolution was adopted recommending the Governing Body to consider the desirability of reconstituting the Commission on a tripartite basis—*i.e.*, by providing for representation of Governments in addition to employers and workers, the groups to be increased to twelve members (at present, nine on a bipartite basis). It was nevertheless envisaged that bipartite discussions continue where suitable or desirable.

Considerable opposition to this proposal came from the employers' group, who claimed that the Commission had successfully dealt with many problems during its existence. As against this, the workers' group asserted that on many matters no progress could be made because, with the employers and workers equal in numbers, decisions were never possible where contentious issues arose. They therefore felt the widened basis and the admission of Government representatives to be fully justified, as decisions could then be reached. The Commission is, of course, an advisory not an executive body, and therefore its decisions operate only as recommendations to the Governing Body of the Organization. It was, in fact, consulted in connection with the preliminaries to the Copenhagen Conference, and therefore there is proof that the Commission is not so ineffective as the workers' group asserts. Nevertheless, as there appeared to be merit in the arguments advanced by the workers, the New Zealand Government delegates supported the idea of the admission of Government representatives.

RECOGNITION OF SEAFARERS' ORGANIZATIONS (Provisional Records 17 and 26)

A resolution on this subject was adopted unanimously. In New Zealand, of course, the law as contained in the Industrial Conciliation and Arbitration Act, 1925, provides for registration of organizations and confers on them equal rights with other workers to participate in the collective bargaining procedure.

CONTINUOUS EMPLOYMENT FOR SEAFARERS (Provisional Records 17 and 26)

While a separate report was submitted for consideration, the matter was actually dealt with by the Resolutions Committee. The resolution as adopted appears as an Appendix to this report, the idea contained in it appearing to be in line with New Zealand Government policy. There was unanimous acceptance of the principle. In fact, during the discussions in the Committee on vacation holidays the employers frequently stated that their support of this measure was because they wanted employment to be continuous

and that they regarded paid annual holidays as a reward for continuity of service, it being implied that they desired men to be trained to the sea and encouraged to remain there. Considerable labour turnover occurs at present and is obviously undesirable. Continuity of engagement rests, however, on a number of considerations, some of which appear to be almost beyond control.

RATIFICATION OF CONVENTIONS (Provisional Records 29 and 32)

By 37 votes to 15 a resolution was adopted urging the necessity for prompt and simultaneous ratification of the conventions adopted at the Seattle Conference. At previous Conferences provision has usually been made for conventions to become operative following ratification by two or three member States. On this occasion, however, it is required that ratification by a number of listed countries with a tonnage qualification in addition shall be a prerequisite to a convention coming into operation. The number of countries is variously stated as five, seven, and nine, and the tonnage qualification similarly varies, while in the Wages, Hours, and Manning Convention an aggregate of 15,000,000 gross register tons is required. This arrangement is stated to be to encourage ratification—presumably it ensures that a member undertaking ratification has some protection against competitors who fail to do so (*i.e.*, the convention comes into operation simultaneously for all nine competitors).

Of the conventions adopted by previous sessions of the Conference, the following have not been ratified by New Zealand :—

| Year. | No. | Title |
|-------|-----|--|
| 1920 | 8 | Unemployment Indemnity (Shipwreck). |
| 1921 | 15 | Minimum Age (Trimmers and Stokers). |
| | 16 | Medical Examination of Young Persons (Sea). |
| 1926 | 23 | Repatriation of Seamen. |
| 1936 | 55 | Shipowners' Liability (Sick and Injured Seamen). |
| | 56 | Sickness Insurance (Sea). |

Text of the several conventions adopted at the Conference is attached.

G. M. F. JACKSON.

D. N. LAWRENCE.

APPENDIX

DRAFT RESOLUTION CONCERNING CONTINUOUS EMPLOYMENT FOR SEAFARERS

Whereas regularity and continuity of employment are of the utmost importance to all workers ; and

Whereas seafarers have in the past suffered particularly from the lack of this essential guarantee : and

Whereas in time of war systems promoting regularity and continuity of employment for seafarers were organized and operated with notable success by a number of countries ; and

Whereas the results of other systems furthering continuous employment for seafarers have demonstrated the desirability of extending to all seafarers the opportunity for regular and continuous employment ; and

Whereas it is eminently desirable that systems should exist to provide seafarers with regularity and continuity of employment in time of peace,

The Conference—

1. Strongly urges all States Members to consider the desirability of instituting, after consultation with the representative organizations of seafarers and with the shipowners or shipowners' organizations concerned, such systems, taking into account practices and arrangements normally in force in the respective States and in accordance with the following general principles :—

- (a) The general purpose should be to provide for the establishment and maintenance of national schemes for promoting regularity and continuity of employment of seafarers and in so doing to consider the possibility of providing for the payment of allowance to seafarers during intervals between periods of normal employment :
- (b) Each national scheme should apply to seafarers who are nationals of or domiciled in the country in question and are ordinarily engaged in that country for service in sea-going ships, with such limited exceptions as regards men and ships as may be considered essential by the competent national authority :
- (c) Seafarers and shipowners should undertake to collaborate fully in such a national scheme and to accept all the obligations compliance with which may be necessary for the proper working of the system :
- (d) The competent authority should make such arrangements as may be necessary to co-ordinate the national Scheme with any existing unemployment insurance system in the country.

2. Expresses the hope that the question of promoting regularity and continuity of employment for seafarers in accordance with the principles outlined above should at an early date be considered by a Maritime Session of the International Labour Conference with a view to the adoption of a Convention on the subject.

3. Invites all States Members to inform the International Labour Office of developments regarding the promotion of schemes referred to above.

TEXT OF THE CONVENTION (No. 76) CONCERNING WAGES, HOURS OF WORK ON BOARD SHIP AND MANNING

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 concerning wages, hours of work on board ship and manning, which is the ninth item on the agenda of the session, and

Considering that these proposals involve a complete revision of the Hours of Work and Manning (Sea) Convention, 1936, and must take the form of a 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 Wages, Hours of Work and Manning (Sea) Convention, 1946 :

PART I.—GENERAL PROVISIONS

Article 1

Nothing in this Convention shall be deemed to prejudice any provision concerning wages, hours of work on board ship, or manning, by law, award, custom or agreement between shipowners and seafarers, which ensures the seafarers conditions more favourable than those provided for by this Convention.

Article 2

1. This Convention applies to every vessel, whether publicly or privately owned, which is—

- (a) Mechanically propelled ;
- (b) Registered in a territory for which the Convention is in force ;
- (c) Engaged in the transport of cargo or passengers for the purpose of trade ; and
- (d) Engaged in a voyage by sea.

2. This Convention does not apply to—

- (a) Vessels of less than 500 gross register tons ;
- (b) Wooden vessels of primitive build such as dhows and junks ;
- (c) Vessels engaged in fishing or in operations directly connected therewith ;
- (d) Estuarial craft.

Article 3

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

- (a) A master ;
- (b) A pilot not a member of the crew ;
- (c) A doctor ;
- (d) Nursing staff engaged exclusively on nursing duties and hospital staff ;
- (e) Persons whose duties are connected solely with the cargo on board ;
- (f) Persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;
- (g) Persons not remunerated for their services or remunerated only by a nominal salary or wage ;
- (h) Persons, excluding those in the service of a wireless telegraphy company, who are employed on board by an employer other than the shipowner ;
- (i) Travelling dockers (longshoremen) not members of the crew ;
- (j) Persons employed in whale-catching, floating factory or transport vessels 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 ;
- (k) Persons who are not members of the crew (whether working on or off Articles) but are employed while the vessel is in port on repairing, cleaning, loading or unloading the vessel or similar work or on port relief, maintenance, watch or caretaking duties.

Article 4

In this Convention—

- (a) The term “ officer ” means a person other than a master who is described in the ship’s articles as an officer or who is serving in a capacity which by law, collective agreement or custom is recognized as that of an officer ;
- (b) The term “ rating ” means a member of the crew other than a master or officer and includes a certificated seaman ;
- (c) The term “ able seaman ” means any person who by national laws or regulations, or in the absence of such laws or regulations by collective agreement, is deemed to be competent to perform any duty which may be required of a rating serving in the deck department other than the duties of a leading or specialist rating ;
- (d) The term “ basic pay or wages ” means the remuneration of an officer or rating in cash, exclusive of overtime, premiums or any other allowances either in cash or in kind.

PART II.—WAGES

Article 5

1. The basic pay or wages for a calendar month of service of an able seaman employed in a vessel to which this Convention applies shall not be less than sixteen pounds in currency of the United Kingdom of Great Britain and Northern Ireland or sixty-four dollars in currency of the United States of America or the equivalent thereof in other currency.

2. In the event of a change in the par value of the pound or the dollar being notified to the International Monetary Fund—

- (a) The minimum basic wage prescribed in paragraph 1 of this Article in terms of the currency in respect of which such notification has been made shall be adjusted so as to maintain equivalence with the other currency ;
- (b) The adjustment shall be notified by the Director of the International Labour Office to the Members of the International Labour Organization ; and
- (c) The minimum basic wage so adjusted shall be binding upon Members which have ratified the Convention in the same manner as the wage prescribed in paragraph 1 of this Article, and shall take effect for each such Member not later than the beginning of the second calendar month following that in which the Director communicates the change to Members.

Article 6

1. In the case of ships in which are employed such groups of ratings as necessitate the employment of larger groups of ratings than would otherwise be employed the minimum basic pay or wages of an able seaman shall be an amount fixed as the adjusted equivalent of the minimum basic pay or wages stipulated in the preceding Article.

2. The adjusted equivalent shall be fixed in accordance with the principle of equal pay for equal work and due allowance shall be made for—

- (a) The extra number of ratings of such groups who are employed ; and
- (b) Any increase or decrease in cost to the shipowner consequent on the employment of such groups of ratings.

3. The adjusted equivalent shall be determined by collective agreement between the organizations of shipowners and seafarers concerned, or, failing such agreement and subject to both countries concerned having ratified the Convention, by the competent authority of the territory of the group of seafarers concerned.

Article 7

If meals are not provided free of charge, the minimum basic pay or wages shall be increased by an amount to be determined by collective agreement between the organizations of shipowners and seafarers concerned or, failing such agreement, by the competent authority.

Article 8

1. The rate to be used for determining the equivalent in other currency of the minimum basic pay or wages prescribed in Article 5 shall be the ratio between the par value of that currency and the par value of the pound of the United Kingdom of Great Britain and Northern Ireland or of the dollar of the United States of America.

2. In the case of the currency of a Member of the International Labour Organization which is a Member of the International Monetary Fund the par value shall be that currently in effect under the Articles of agreement of the International Monetary Fund.

3. In the case of the currency of a Member of the International Labour Organization which is not a Member of the International Monetary Fund, the par value shall be the official rate of exchange, in terms of gold or of the dollar of the United States of America of the weight and fineness in effect on 1 July, 1944, currently in effect for payments and transfers for current international transactions.

4. In the case of any currency which cannot be dealt with under the provisions of either of the two preceding paragraphs—

- (a) The rate to be adopted for the purpose of this Article shall be determined by the Member of the International Labour Organization concerned ;
- (b) The Member concerned shall notify its decision to the Director of the International Labour Office, who shall forthwith inform the other Members which have ratified this Convention ;
- (c) Within a period of six months from the date on which the information is communicated by the Director, any other Member which has ratified the Convention may inform the Director of the International Labour Office that it objects to the decision, and the Director shall thereupon inform the Member concerned and the other Members which have ratified the Convention and shall report the matter to the Committee provided for in Article 21 ;
- (d) The foregoing provisions shall apply in the event of any change in the decision of the Member concerned.

5. A change in basic pay or wages as a result of a change in the rate for determining the equivalent in other currency shall take effect not later than the beginning of the second calendar month following that in which the change in the relative par values of the currencies concerned becomes effective.

Article 9

Each Member shall take the necessary measures—

- (a) To ensure, by way of a system of supervision and sanctions, that remuneration is paid at not less than the rate required by this Convention ; and
- (b) To ensure that any person who has been paid at a rate less than that required by this Convention is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which he has been underpaid.

PART III.—HOURS OF WORK ON BOARD SHIP

Article 10

This Part of this Convention does not apply to :—

- (a) A chief officer or chief engineer ;
- (b) A purser ;
- (c) Any other officer in charge of a department who does not keep watch ;
- (d) A person employed in the clerical or catering department of a vessel who is—
 - (i) Serving in a superior grade as defined by a collective agreement between the organizations of shipowners and seafarers concerned ; or
 - (ii) Working chiefly on his own account ; or
 - (iii) Remunerated solely on a commission basis or chiefly by a share of profits or earnings.

Article 11

In this Part of this Convention—

- (a) The term “near-trade ship” means a vessel exclusively engaged in voyages upon which it does not proceed farther from the country from which it trades than the near-by ports of neighbouring countries within geographical limits which—
 - (i) Are clearly specified by national laws or regulations or by collective agreement between organizations of shipowners and seafarers ;
 - (ii) Are uniform in respect of the application of all the provisions of this Part of the Convention ;
 - (iii) Have been notified by the Member when registering its ratification by a declaration annexed thereto ; and
 - (iv) Have been fixed after consultation with the other Members concerned.

- (b) The term "distant-trade ship" means a vessel other than a near-trade ship ;
- (c) The term "passenger ship" means a vessel licensed to carry more than twelve passengers ;
- (d) The term "hours of work" means time during which a person is required by the orders of a superior to do work on account of the vessel or the owner.

Article 12

1. This Article applies to officers and ratings employed in the deck, engine-room, and radio departments of near-trade ships.

2. The normal hours of work of an officer or rating shall not exceed—

- (a) When the vessel is at sea twenty-four hours in any period of two consecutive days ;
- (b) When the vessel is in port—
 - (i) On the weekly day of rest, such time not exceeding two hours as is necessary for ordinary routine and sanitary duties ;
 - (ii) On other days, eight hours except where a collective agreement provides for less on any day ;
- (c) One hundred and twelve hours in a period of two consecutive weeks.

3. Time worked in excess of the limits prescribed in subparagraphs (a) and (b) of paragraph 2 shall be regarded as overtime for which the officer or rating concerned shall be entitled to compensation in accordance with the provisions of Article 17 of this Convention.

4. When the total number of hours worked in a period of two consecutive weeks, excluding hours regarded as overtime, exceeds one hundred and twelve, the officer or rating concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organizations of shipowners and seafarers concerned.

5. National laws or regulations or collective agreements shall determine when a ship is to be regarded as being at sea and when it is to be regarded as being in port for the purposes of this Article.

Article 13

1. This Article applies to officers and ratings employed in the deck, engine-room and radio departments of distant-trade ships.

2. When the vessel is at sea and on days of sailing and arrival, the normal hours of work of an officer or rating shall not exceed eight hours in any one day.

3. When the vessel is in port, the normal hours of work of an officer or rating shall not exceed—

- (a) On the weekly day of rest : such time not exceeding two hours as is necessary for ordinary routine and sanitary duties ;
- (b) On other days : eight hours except where collective agreement provides for less on any day.

4. Time worked in excess of the daily limits prescribed in the preceding paragraphs shall be regarded as overtime for which the officer or rating shall be entitled to compensation in accordance with the provisions of Article 17 of this Convention.

5. When the total number of hours worked in a period of one week excluding hours regarded as overtime exceeds forty-eight, the officer or rating shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organizations of shipowners and seafarers concerned.

6. National laws or regulations or collective agreements shall determine when a ship is to be regarded as being at sea and when it is to be regarded as being in port for the purposes of this Article.

Article 14

1. This Article applies to persons employed in the catering department of a vessel.

2. In the case of a passenger ship normal hours of work shall not exceed :—

(a) When the vessel is at sea, and on days of sailing and arrival, ten hours in any consecutive period of fourteen hours ;

(b) When the vessel is in port—

(i) When passengers are on board, ten hours in any period of fourteen hours ;

(ii) In other cases—

On the day preceding the weekly day of rest, five hours ;

On the weekly day of rest, five hours for persons engaged in messing duties and such time not exceeding two hours as is necessary for ordinary routine and sanitary duties in the case of other persons ;

On any other day, eight hours.

3. In the case of a vessel not a passenger ship, normal hours of work shall not exceed—

(a) When the vessel is at sea and on days of sailing and arrival, nine hours in any period of thirteen hours ;

(b) When the vessel is in port—

On the weekly day of rest, five hours ;

On the day preceding the weekly day of rest, six hours ;

On any other days, eight hours in any period of twelve hours.

4. When the total number of hours worked in a period of two consecutive weeks exceeds one hundred and twelve the person concerned shall be compensated by time off in port or otherwise as may be determined by collective agreement between the organizations of shipowners and seafarers concerned.

5. National laws or regulations or collective agreements between the organizations of shipowners and seafarers concerned may make special arrangements for the regulation of the hours of work of night watchmen.

Article 15

1. This Article applies to officers and ratings employed in near and distant-trade ships.

2. Time off in port should be the subject of negotiations between the organizations of shipowners and seafarers concerned on the basis that officers and ratings should receive the maximum time off in port that is practicable and that such time off should not count as leave.

Article 16

1. The competent authority may exempt from the application of this Part of this Convention officers not already excluded therefrom by virtue of Article 10, subject to the following conditions :—

(a) The officers must be entitled in virtue of a collective agreement to conditions of employment which the competent authority certifies constitute full compensation for the non-application of this Part of the Convention ;

(b) The collective agreement must have been originally concluded before 30 June 1946 and the agreement or a renewal thereof must be still in force.

2. A member having recourse to the provisions of paragraph 1 shall supply to the Director of the International Labour Office full particulars of any such collective agreement and the Director shall lay a summary of the information received by him before the committee referred to in Article 21.

3. The said committee shall consider whether the collective agreements reported to it provide for conditions of employment which constitute full compensation for the non-application of this Part of this Convention. Each member ratifying the Convention undertakes to give consideration to any observations or suggestions made by the committee concerning such agreements and further undertakes to bring any such observations or suggestions to the notice of the organizations of shipowners and officers who are parties to such agreements.

Article 17

1. The rate or rates of compensation for overtime shall be prescribed by national laws or regulations or be fixed by collective agreement, but in no case shall the hourly rate of payment for overtime be less than one and a quarter times the basic pay or wages per hour.

2. Collective agreements may provide for compensation by equivalent time off duty and off the vessel in lieu of cash payment or for any other method of compensation.

Article 18

1. There shall be no consistent working of overtime.

2. Time spent in the following work shall not be included in normal hours of work or be regarded as overtime for the purposes of this Part of this Convention:—

- (a) Work that the master deems to be necessary and urgent for the safety of the vessel, cargo or persons on board;
- (b) Work required by the master for the purpose of giving assistance to other vessels or persons in distress;
- (c) Musters, fire, lifeboat and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force;
- (d) Extra work for the purposes of customs or quarantine or other health formalities;
- (e) Normal and necessary work by officers for the determination of the position of the ship and for making meteorological observations;
- (f) Extra time required for the normal relieving of watches.

3. Nothing in this Convention shall be deemed to impair the right and duty of the master of a vessel to require, or the duty of an officer or rating to perform, any work deemed by the master to be necessary for the safe and efficient operation of the vessel.

Article 19

1. No person under the age of sixteen years shall work at night.

2. For the purpose of this Article, "night" means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations or collective agreements.

PART IV.—MANNING

Article 20

1. Every vessel to which this Convention applies shall be sufficiently and efficiently manned for the purposes of—

- (a) Ensuring the safety of life at sea;
- (b) Giving effect to the provisions of Part III of this Convention; and
- (c) Preventing excessive strain upon the crew and avoiding or minimizing as far as practicable the working of overtime.

2. Each Member undertakes to maintain, or to satisfy itself that there is maintained, efficient machinery for the investigation and settlement of any complaint or dispute concerning the manning of a vessel.

3. Representatives of the organizations of shipowners and seafarers shall participate, with or without other persons or authorities, in the operation of such machinery.

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.

Article 23

For the purpose of giving mutual assistance in the enforcement of this Convention, every Member which ratifies the Convention undertakes to require the competent authority in every port in its territory to inform the consular or other appropriate authority of any other such Member of any case in which it comes to the notice of such authority that the requirements of the Convention are not being complied with in a vessel registered in the territory of that other Member.

PART VI.—FINAL PROVISIONS

Article 24

For the purpose of Article 28 of the Hours of Work and Manning (Sea) Convention, 1936, the present Convention shall be regarded as a Convention revising that Convention.

Article 25

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall first come into force six months after the date at which the following conditions have been fulfilled :—

- (a) The ratifications of nine of the following Members have been registered :
United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Sweden, Turkey, Yugoslavia ;
- (b) At least five of the Members whose ratifications have been registered have at the date of registration each not less than one million gross register tons of shipping ;
- (c) The aggregate tonnage of shipping possessed at the time of registration by the Members whose ratifications have been registered is not less than fifteen million gross register tons.

3. The provisions of the preceding paragraph are included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

4. After the Convention has first come into force, it shall come into force for any Member six months after the date on which its ratification has been registered.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 29

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations, and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provided,

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 73) CONCERNING THE MEDICAL EXAMINATION OF 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 the medical examination of seafarers, which is included in the fifth item on the agenda of the Session, and

Having determined that these proposals shall 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 Medical Examination (Seafarers) Convention, 1946:

Article 1

1. This Convention applies to every seagoing vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is 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.

3. This Convention does not apply to—

- (a) Vessels of less than 200 tons gross register tonnage;
- (b) Wooden vessels of primitive build such as dhows and junks;
- (c) Fishing vessels;
- (d) Estuarial craft.

Article 2

Without prejudice to the steps which should be taken to ensure that the persons mentioned below are in good health and not likely to endanger the health of other persons on board, 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) Persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company;
- (c) Travelling dockers (longshoremen) not members of the crew;
- (d) Persons employed in ports who are not ordinarily employed at sea.

Article 3

1. No person to whom this Convention applies shall be engaged for employment in a vessel to which this Convention applies unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning his sight, by a person authorized by the competent authority to issue such a certificate.

2. Provided that, for a period of two years from the date of the entry into force of this Convention for the territory concerned, a person may be so engaged if he produces evidence that he has been employed in a seagoing vessel to which this Convention applies for a substantial period during the previous two years.

Article 4

1. The competent authority shall, after consultation with the shipowners' and seafarers' organizations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.

2. When prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.

3. In particular, the medical certificate shall attest—

- (a) That the hearing and sight of the person and in the case of a person to be employed in the deck department (except for certain specialist personnel, whose fitness for the work which they are to perform is not liable to be affected by defective colour vision) his colour vision, are all satisfactory; and
- (b) That he is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

Article 5

1. The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted.

2. In so far as a medical certificate relates to colour vision it shall remain in force for a period not exceeding six years from the date on which it was granted.

3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Article 6

1. In urgent cases the competent authority may allow a person to be employed for a single voyage without having satisfied the requirements of the preceding Articles.

2. In such cases the terms and conditions of employment shall be the same as those of seafarers in the same category holding a medical certificate.

3. Employment in virtue of this Article shall not be deemed on any subsequent occasion to be previous employment for the purpose of Article 3.

Article 7

The competent authority may provide for the acceptance in substitution for a medical certificate of evidence in a prescribed form that the required certificate has been given.

Article 8

Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees who shall be independent of any shipowner or of any organization of shipowners or seafarers.

Article 9

Any of the functions of the competent authority under this Convention may, after consultation with the organizations of shipowners and seafarers, be discharged on delegating the work, or part of it, to an organization or authority exercising similar functions in respect of seafarers generally.

Article 10

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 12

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 13

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 14

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 15

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 74) CONCERNING THE CERTIFICATION OF ABLE SEAMEN

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 the certification of able seamen, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall 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 Draft Convention which may be cited as the Certification of Able Seamen Convention, 1946 :

Article 1

No person shall be engaged on any vessel as an able seaman unless he is a person who by national laws or regulations is deemed to be competent to perform any duty which may be required of a member of the crew serving in the deck department (other than an officer or leading or specialist rating) and unless he holds a certificate of qualification as an able seaman granted in accordance with the provisions of the following Articles.

Article 2

1. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification.

2. No person shall be granted a certificate of qualification unless—

(a) He has reached a minimum age to be prescribed by the competent authority ;

(b) He has served at sea in the deck department for a minimum period to be prescribed by the competent authority ; and

(c) He has passed an examination of proficiency to be prescribed by the competent authority.

3. The prescribed minimum age shall not be less than eighteen years.

4. The prescribed minimum period of service at sea shall not be less than thirty-six months : Provided that the competent authority may—

(a) Permit persons with a period of actual service at sea of not less than twenty-four months who have successfully passed through a course of training in an approved training school to reckon the time spent in such training, or part thereof, as sea service ; and

(b) Permit persons trained in approved seagoing training ships who have served eighteen months in such ships to be certificated as able seamen upon leaving in good standing.

5. The prescribed examination shall provide a practical test of the candidate's knowledge of seamanship and of his ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman : it shall be such as to qualify a successful candidate to hold the special lifeboatman's certificate provided for in Article 22 of the International Convention for the Safety of Life at Sea, 1929, or in the corresponding provision of any subsequent Convention revising or replacing that Convention for the time being in force for the territory concerned.

Article 3

A certificate of qualification may be granted to any person who, at the time of the entry into force of this Convention for the territory concerned, is performing the full duties of an able seaman or leading deck rating or has performed such duties.

Article 4

The competent authority may provide for the recognition of certificates of qualification issued in other territories.

Article 5

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 8

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 9

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12

The English and French versions of the text of this Convention are equally authoritative.

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.

Article 3

1. Every person to whom this Convention applies shall be entitled after twelve months of continuous service to an annual vacation holiday with pay, the duration of which shall be—

- (a) In the case of masters, officers and radio officers or operators, not less than eighteen working days for each year of service ;
- (b) In the case of other members of the crew, not less than twelve working days for each year of service.

2. A person with not less than six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

3. A person who is discharged through no fault of his own before he has completed six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

4. For the purpose of calculating when a vacation holiday is due—

- (a) Service off articles shall be included in the reckoning of continuous service ;
- (b) Short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks in any twelve months shall not be deemed to break the continuity of the periods of service which precede and follow them ;
- (c) Continuity of service shall not be deemed to be interrupted by any change in the management or ownership of the vessel or vessels in which the person concerned has served.

5. The following shall not be included in the annual vacation holiday with pay—

- (a) Public and customary holidays ;
- (b) Interruptions of service due to sickness or injury.

6. National laws or regulations or collective agreements may provide for the division into parts of an annual vacation holiday due in virtue of this Convention or for the accumulation of such a vacation holiday due in respect of one year with a subsequent vacation holiday.

7. National laws or regulations or collective agreements may, in very exceptional circumstances when the service so requires, provide for the substitution for an annual vacation holiday due in virtue of this Convention of a cash payment at least equivalent to the remuneration provided for in Article 5.

Article 4

1. When an annual vacation holiday is due it shall be given by mutual agreement at the first opportunity as the requirements of the service allow.

2. No person may be required without his consent to take the annual vacation holiday due to him at a port other than a port in the territory of engagement or a port in his home territory. Subject to this requirement, the vacation holiday shall be given at a port permitted by national laws or regulations or collective agreement.

Article 5

1. Every person taking a vacation holiday in virtue of Article 3 of this Convention shall receive in respect of the full period of the vacation holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph shall include a suitable subsistence allowance and shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

Article 6

Subject to the provisions of paragraph 7 of Article 3 any agreement to relinquish the right to an annual vacation holiday with pay, or to forgo such a vacation holiday, shall be void.

Article 7

A person who leaves or is discharged from the service of his employer before he has taken a vacation holiday due to him shall receive in respect of every day of vacation holiday due to him in virtue of this Convention the remuneration provided for in Article 5.

Article 8

Each member which ratifies this Convention shall ensure the effective application of its provisions.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 10

1. Effect may be given to this Convention by (a) laws or regulations; (b) collective agreements between shipowners and seafarers; or (c) a combination of laws or regulations and collective agreements between employers and workers. 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 8 of this Convention, the Member in whose territory the agreement is in force shall not be required to take any measures in pursuance of Article 8 in respect of the provisions of the Convention to which effect has been 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 which give effect to any of its provisions and are in force at the date when the Member ratifies the Convention.

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 will 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 this 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 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 11

For the purpose of Article 17 of the Holidays with Pay (Sea) Convention, 1936, the present Convention shall be regarded as a Convention revising that Convention.

Article 12

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 16

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 17

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 75) CONCERNING CREW ACCOMMODATION ON BOARD SHIP

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 crew accommodation on board ship, which is the third item on the agenda of the session, and

Having determined that these proposals should 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 Accommodation of Crews Convention, 1946 :

PART I.—GENERAL PROVISIONS

Article 1

1. This Convention applies to every seagoing mechanically propelled vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is 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) Vessels of less than 500 tons ;

(b) Vessels primarily propelled by sail but having auxiliary engines ;

(c) Vessels engaged in fishing or in whaling or in similar pursuits ;

(d) Tugs.

4. Provided that the Convention shall be applied where reasonable and practicable to :

(a) Vessels between 200 and 500 tons ; and

(b) The accommodation of persons engaged in usual seagoing routine in vessels engaged in whaling or in similar pursuits.

Article 2

In this Convention—

(a) The term “ ship ” means a vessel to which the Convention applies

(b) The term “ tons ” means gross register tons ;

- (c) The term "passenger ship" means a ship in respect of which there is in force either (i) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force or (ii) a passenger certificate ;
- (d) The term "officer" means a person other than a master ranked as an officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom ;
- (e) The term "rating" means a member of the crew other than an officer ;
- (f) The term "petty officer" means a rating serving in a supervisory position or position of special responsibility who is classed as petty officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom ;
- (g) The term "crew accommodation" includes such sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew ;
- (h) The term "prescribed" means prescribed by national laws or regulations or by the competent authority ;
- (i) The term "approved" means approved by the competent authority ;
- (j) The term "reregistered" means reregistered on the occasion of a simultaneous change in the territory of registration and ownership of the vessel.

Article 3

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III, and IV of this Convention.

2. The laws or regulations shall—

- (a) Require the competent authority to bring them to the notice of all persons concerned ;
- (b) Define the persons responsible for compliance therewith ;
- (c) Prescribe adequate penalties for any violation thereof ;
- (d) Provide for the maintenance of a system of inspection adequate to ensure effective enforcement ;
- (e) Require the competent authority to consult the organizations of shipowners and/or the shipowners and the recognized *bona fide* trade unions of seafarers in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

PART II.—PLANNING AND CONTROL OF CREW ACCOMMODATION

Article 4

1. Before the construction of a ship is begun a plan of the ship, showing on a prescribed scale the location and general arrangement of the crew accommodation, shall be submitted for approval to the competent authority.

2. Before the construction of the crew accommodation is begun and before the crew accommodation in an existing ship is altered or reconstructed, detailed plans of, and information concerning, the accommodation, showing on a prescribed scale and in prescribed detail the allocation of each space, the disposition of furniture and fittings, the means and arrangement of ventilation, lighting and heating, and the sanitary arrangements, shall be submitted for approval to the competent authority : Provided that in the case of emergency or temporary alterations or reconstruction effected outside the territory of registration it shall be sufficient compliance with this provision if the plans are subsequently submitted for approval to the competent authority.

Article 5

On every occasion when—

(a) A ship is registered or reregistered,

(b) The crew accommodation of a ship has been substantially altered or reconstructed, or

(c) Complaint has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel by a recognized *bona fide* trade union of seafarers representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the ship that the crew accommodation is not in compliance with the terms of this Convention,

the competent authority shall inspect the ship and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

PART III.—CREW ACCOMMODATION REQUIREMENTS

Article 6

1. The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

2. There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

3. External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

4. Internal bulkheads shall be of approved material which is not likely to harbour vermin.

5. Sleeping rooms, mess rooms, recreation rooms and alley ways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

6. Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley ways leading to crew accommodation; where they do pass through such alley ways they shall be adequately insulated and encased.

7. Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

8. The competent authority shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

9. The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean, and, if painted, shall be light in colour; lime wash must not be used.

10. The wall surfaces shall be renewed or restored as necessary.

11. The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

12. Where the floorings are of composition, the joining with sides shall be rounded to avoid crevices.

13. Sufficient drainage shall be provided.

Article 7

1. Sleeping rooms and mess rooms shall be adequately ventilated.
2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.
3. Ships regularly engaged on voyages in the tropics and the Persian Gulf shall be equipped with mechanical means of ventilation.
4. Ships engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The competent authority may exempt ships normally employed in the cold waters of the northern or southern hemispheres from this requirement.
5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Article 8

1. An adequate system of heating the crew accommodation shall be provided except in ships engaged exclusively in voyages in the tropics and the Persian Gulf.
2. The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.
3. In all ships in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity.
4. In any ships in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.
5. The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the competent authority shall prescribe the standard to be provided.
6. Radiators and other heating apparatus shall be so placed and, where necessary, shielded, as to avoid risk of fire or danger or discomfort to the occupants.

Article 9

1. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.
2. All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.
3. In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.
4. Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.
5. In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

Article 10

1. Sleeping rooms shall be situated above the load line amidships or aft.
2. In exceptional cases the competent authority may, if the size, type or intended service of the ship render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.

3. In passenger ships the competent authority may on condition that satisfactory arrangements are made for lighting and ventilation permit the location of sleeping rooms below the load line, but in no case immediately beneath working alley ways.

4. The floor area per person of sleeping rooms intended for ratings shall be not less than—

- (a) 20 sq. ft. or 1·85 sq. m. in vessels under 800 tons ;
- (b) 25 sq. ft. or 2·35 sq. m. in vessels of 800 tons or over, but under 3,000 tons ;
- (c) 30 sq. ft. or 2·78 sq. m. in vessels of 3,000 tons or over ;

Provided that, in the case of passenger ships in which more than four ratings are berthed in one room, the minimum per person may be 24 sq. ft. (2·22 sq. m.).

5. In the case of ships in which are employed such groups of ratings as necessitate the employment of a substantially larger number of ratings than would otherwise be employed, the competent authority may, in respect of such groups, reduce the minimum floor area of sleeping rooms per person, subject to the conditions that—

- (a) The total sleeping space allotted to the group or groups is not less than would have been allotted had the numbers not been so increased, and
- (b) The minimum floor area of sleeping rooms is not less than—
 - (i) 18 sq. ft. per person in ships under 3,000 tons ;
 - (ii) 20 sq. ft. per person in ships of 3,000 tons or over.

6. Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

7. The clear head room in crew sleeping rooms shall not be less than 6 feet 3 inches (190 cm.).

8. There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department: Provided that the competent authority may relax this requirement in the case of small ships.

9. The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima :—

- (a) Officers in charge of a department, navigating and engineer officers in charge of a watch and senior radio officers or operators : one person per room ;
- (b) Other officers : one person per room wherever possible, and in no case more than two ;
- (c) Petty officers : one or two persons per room, and in no case more than two ;
- (d) Other ratings : two or three persons per room wherever possible, and in no case more than four.

10. In passenger ships, permission may be given to accommodate not more than ten ratings belonging to the catering department per sleeping room.

11. The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.

12. Members of the crew shall be provided with individual berths.

13. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

14. Berths shall not be arranged in tiers of more than two ; in the case of berths placed along the ship's side there shall be only a single tier.

15. The lower berth in a double tier shall be not less than 12 inches (30 cm.) above the floor ; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

16. The minimum inside dimensions of a berth shall be 6 feet 3 inches by 2 feet 3 inches (190 cm. by 68 cm.).

17. The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

18. If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

19. Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other material likely to harbour vermin shall not be used.

20. When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.

21. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

22. The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 5 ft. (152 cm.) in height and of a cross-section area of 300 square inches (19.30 square decimetres) and shall be fitted with a shelf and a hasp for a padlock. The padlock shall be provided by the occupant.

23. Each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

24. The furniture shall be of smooth, hard material not liable to warp or corrode.

25. The drawer or equivalent space for each occupant shall be not less than 2 cubic feet (0.56 cubic metres).

26. Sleeping rooms shall be fitted with curtains for the sidelights.

27. Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

28. As far as practicable berthing of crew members shall be so arranged that watches are separated and that no day men share a room with watch-keepers.

Article 11

1. Sufficient mess room accommodation shall be provided in all ships.

2. In ships of less than 1,000 tons separate mess room accommodation shall be provided for—

(a) Master and officers ;

(b) Petty officers and other ratings.

3. In ships of 1,000 tons and over, separate mess room accommodation shall be provided for—

(a) Master and officers ;

(b) Deck department petty officers and other ratings ;

(c) Engine department petty officers and other ratings.

Provided that—

(i) One of the two mess rooms for the petty officers and other ratings may be allotted to the petty officers and the other to the other ratings ;

(ii) A single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organizations of shipowners and/or shipowners and the recognized *bona fide* trade unions of seafarers concerned have expressed a preference for such an arrangement.

4. Adequate mess room accommodation shall be provided for the catering department, either by the provision of a separate mess room or by giving them the right to the use of the mess rooms assigned to other groups : in the case of ships of 5,000 tons or over with more than five persons in the catering department consideration shall be given to the provision of a separate mess room.

5. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

6. Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

7. The competent authority may permit such exceptions to the foregoing rules concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships.

8. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

9. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

10. The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

Article 12

1. In all ships a space or spaces to which the crew can have access when off duty shall be provided on an open deck; the space or spaces shall be of adequate area, having regard to the size of the ship and the crew.

2. Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished, and equipped to give recreational facilities.

Article 13

1. Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all ships.

2. The following minimum number of separate water closets shall be provided:—

(a) In ships of under 800 tons: three.

(b) In ships of 800 tons or over, but under 3,000 tons: four;

(c) In ships of 3,000 tons or over: six;

(d) In ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.

3. National laws or regulations shall prescribe the allocation of water closets to various groups, subject to the provisions of paragraph 4 of this Article.

4. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for each group of the crew on the following scale:—

(a) One tub and/or shower bath for every eight persons or less;

(b) One water closet for every eight persons or less;

(c) One wash basin for every six persons or less:

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than one half of the specified number this surplus may be ignored for the purpose of this paragraph.

5. When the total number of the crew exceeds 100 and in passenger vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the competent authority to special arrangements or a reduction in the number of facilities required.

6. Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The competent authority, in consultation with the organizations of shipowners and/or the shipowners and with the recognized *bona fide* trade unions of seafarers, may fix the maximum amount of fresh water which the shipowner may be required to supply per man per day.

7. Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

8. All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

9. All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

10. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimize the risk of obstruction and to facilitate cleaning.

11. Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:

- (a) Floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained;
- (b) Bulkheads shall be of steel or other approved material and shall be watertight up to at least nine inches above the level of the deck;
- (c) The accommodation shall be sufficiently lighted, heated and ventilated;
- (d) Water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access:

Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons;

- (e) Where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

12. In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

13. The facilities for washing clothes shall include suitable sinks, which may be installed in wash rooms, if separate laundry accommodation is not reasonably practicable, with an adequate supply of cold fresh water and hot fresh water or means of heating water.

14. The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Article 14

1. In any ship carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided. The competent authority may relax this requirement in respect of vessels engaged in coastal trade.

2. The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weathers.

3. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

4. The number of hospital berths required shall be prescribed by the competent authority.

5. Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.

6. Hospital accommodation shall not be used for other than medical purposes.

7. An approved medicine chest with readily understandable instructions shall be carried in every ship which does not carry a doctor.

Article 15

1. Sufficiently and adequately ventilated accommodation for the hanging of oil-skins shall be provided outside but convenient to the sleeping rooms.

2. In ships of over 3,000 tons one room for the deck department and one room for the engine department shall be provided and equipped for use as an office.

3. In ships regularly trading to mosquito-infested ports provision shall be made to protect the crews' quarters against the admission of mosquitos by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

4. All ships trading regularly to or in the tropics and the Persian Gulf shall be equipped with awnings for use over exposed decks above crew accommodation and over recreation deck space or spaces.

Article 16

1. In the case of the ships mentioned in paragraph 5 of Article 10 the competent authority may, in respect of the members of the crew there referred to, modify the requirements laid down in the foregoing Articles as far as may be necessary to take account of their distinctive national habits and customs and in particular may make special arrangements concerning the number of persons occupying sleeping rooms and concerning mess room and sanitary facilities.

2. In modifying the said requirements the competent authority shall be bound by the specifications set forth in paragraphs 1 and 2 of Article 10 and by the minimum sleeping space requirements prescribed for such groups of ratings in paragraph 5 of Article 10.

3. In ships in which the crew in any department are persons of widely different national habits and customs, separate and appropriate sleeping and living accommodation shall be provided as may be necessary to meet the requirements of the different groups.

4. In the case of the ships mentioned in paragraph 5 of Article 10 the hospital, dining, bathing and sanitary facilities shall be provided and maintained on a standard, in regard to their quantity and practical usefulness, equal or comparable to that which obtains aboard all other ships of similar type and belonging to the same registry.

5. The competent authority shall, when framing special regulations under this Article, consult the recognized *bona fide* trade unions of seafarers concerned and the organizations of shipowners and/or the shipowners employing them.

Article 17

1. Crew accommodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores not the personal property of the occupants.

2. The master, or an officer specially deputed for the purpose by him, accompanied by one or more members of the crew, shall inspect all crew accommodation at intervals of not more than one week. The results of each such inspection shall be recorded.

PART IV.—APPLICATION OF CONVENTION TO EXISTING SHIPS

Article 18

1. Subject to the provisions of paragraphs 2 and 3 of this Article, this Convention applies to ships the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a ship which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by Part III of this Convention, the competent authority may, after consultation with the organizations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible, having regard to the practical problems involved, to be made when—

(a) The ship is reregistered ;

(b) Substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or emergency.

3. In the case of a ship in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the organizations of shipowners and/or the ship-

owners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship be re-registered.

PART V.—FINAL PROVISIONS

Article 19

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seafarers which ensures more favourable conditions than those provided for by this Convention.

Article 20

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 21

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 23

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 24

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 25

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force :

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 27

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 68) CONCERNING FOOD AND CATERING FOR CREWS ON BOARD SHIP

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 food and catering for crews on board ship, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an International Convention

adopts this twenty-seventh day of June of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Food and Catering (Ships' Crews) Convention, 1946 :

Article 1

1. Every Member of the International Labour Organization for which this Convention is in force is responsible for the promotion of a proper standard of food supply and catering service for the crews of its seagoing vessels, whether publicly or privately owned, which are 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 or, in the absence of such laws or regulations, collective agreements between employers and workers, shall determine the vessels or classes of vessels which are to be regarded as seagoing vessels for the purpose of this Convention.

Article 2

The following functions shall be discharged by the competent authority, except in so far as these functions are adequately discharged in virtue of collective agreements :

- (a) The framing and enforcement of regulations concerning food and water supplies, catering, and the construction, location, ventilation, heating, lighting, water system and equipment of galleys and other catering department spaces on board ship, including store rooms and refrigerated chambers ;
- (b) The inspection of food and water supplies and of the accommodation, arrangements and equipment on board ship for the storage, handling, and preparation of food ;
- (c) The certification of such members of the catering department staff as are required to possess prescribed qualifications ;
- (d) Research into, and educational and propaganda work concerning methods of ensuring proper food supply and catering service.

Article 3

1. The competent authority shall work in close co-operation with the organizations of shipowners and seafarers and with national or local authorities concerned with questions of food and health, and may where necessary utilize the services of such authorities.

2. The activities of the various authorities shall be duly co-ordinated so as to avoid overlapping or uncertainty of jurisdiction.

Article 4

The competent authority shall have a permanent staff of qualified persons, including inspectors.

Article 5

1. Each Member shall maintain in force laws or regulations concerning food supply and catering arrangements designed to secure the health and well-being of the crews of the vessels mentioned in Article 1.

2. These laws or regulations shall require—

- (a) The provision of food and water supplies which, having regard to the size of the crew and the duration and nature of the voyage, are suitable in respect of quantity, nutritive value, quality and variety ;
- (b) The arrangement and equipment of the catering department in every vessel in such a manner as to permit of the service of proper meals to the members of the crew.

Article 6

National laws or regulations shall provide for a system of inspection by the competent authority of—

- (a) Supplies of food and water ;
- (b) All spaces and equipment used for the storage and handling of food and water ;
- (c) Galley and other equipment for the preparation and service of meals ; and
- (d) The qualification of such members of the catering department of the crew as are required by such laws or regulations to possess prescribed qualifications.

Article 7

1. National laws or regulations or, in the absence of such laws or regulations, collective agreements between employers and workers shall provide for inspection at sea at prescribed intervals by the master, or an officer specially deputed for the purpose by him, together with a responsible member of the catering department of—

(a) Supplies of food and water;

(b) All spaces and equipment used for the storage and handling of food and water, and galley and other equipment for the preparation and service of meals.

2. The results of each such inspection shall be recorded.

Article 8

A special inspection shall be made by the representatives of the competent authority of the territory of registration on written complaint made by a number or proportion of the crew prescribed by national laws or regulations or on behalf of a recognized organization of shipowners or seafarers. In order to avoid delay in sailing, such complaints should be submitted as soon as possible but at least twenty-four hours before the scheduled time of departure from port.

Article 9

1. Inspectors shall have authority to make recommendations to the owner of a ship, or to the master or other person responsible, with a view to the improvement of the standard of catering.

2. National laws or regulations shall prescribe penalties for—

(a) Failure by an owner, master, member of the crew, or other person responsible to comply with the requirements of the national laws or regulations in force; and

(b) Any attempt to obstruct an inspector in the discharge of his duties.

3. Inspectors shall submit regularly to the competent authority reports framed on uniform lines dealing with their work and its results.

Article 10

1. The competent authority shall prepare an annual report.

2. The annual report shall be issued as soon as practicable after the end of the year to which it relates and shall be made readily available to all bodies and persons concerned.

3. Copies of the annual report shall be transmitted to the International Labour Office.

Article 11

1. Courses of training for employment in the catering department of seagoing ships shall be organized either in approved schools or by means of other arrangements acceptable to both shipowners' and seafarers' organizations.

2. Facilities shall be provided for refresher courses to enable persons already trained to bring their knowledge and skill up to date.

Article 12

1. The competent authority shall collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board ship.

2. This information shall be made available, free of charge or at reasonable cost, to manufacturers of and traders in ships' food supplies and equipment, ships' masters, stewards and cooks, and shipowners and seafarers and their organizations generally; appropriate forms of publicity, such as manuals, brochures, posters, charts or advertisements in trade journals shall be used for this purpose.

3. The competent authority shall issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of cleanliness, and ensure the maximum practicable convenience in working.

Article 13

Any of the functions of the competent authority in respect of the certification of catering department staff and the collection and distribution of information may be discharged by delegating the work, or part of it, to a central organization or authority exercising similar functions in respect of seafarers generally.

Article 14

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 18

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the

General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 69) CONCERNING THE CERTIFICATION OF SHIPS' COOKS

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 the certification of ships' cooks, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an International Convention

adopts this twenty-seventh day of June of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Certification of Ships' Cooks Convention, 1946 :

Article 1

1. This Convention applies to seagoing vessels, whether publicly or privately owned, which are 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 or, in the absence of such laws or regulations, collective agreements between employers and workers, shall determine the vessels or classes of vessels which are to be regarded as seagoing vessels for the purpose of this Convention.

Article 2

For the purpose of this Convention the term "ship's cook" means the person directly responsible for the preparation of meals for the crew of the ship.

Article 3

1. No person shall be engaged as ship's cook on board any vessel to which this Convention applies unless he holds a certificate of qualification as ship's cook granted in accordance with the provisions of the following Articles.

2. Provided that the competent authority may grant exemptions from the provisions of this Article if in its opinion there is an inadequate supply of certificated ship's cooks.

Article 4

1. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification.

2. No person shall be granted a certificate of qualification unless—

(a) He has reached a minimum age to be prescribed by the competent authority;

(b) He has served at sea for a minimum period to be prescribed by the competent authority; and

(c) He has passed an examination to be prescribed by the competent authority.

3. The prescribed examination shall provide a practical test of the candidate's ability to prepare meals; it shall also include a test of his knowledge of food values, the drawing up of varied and properly balanced menus, and the handling and storage of food on board ship.

4. The prescribed examination may be conducted and certificates granted either directly by the competent authority or, subject to its control, by an approved school for the training of cooks or other approved body.

Article 5

Article 3 of this Convention shall apply after the expiration of a period not exceeding three years from the date of entry into force of the Convention for the territory where the vessel is registered: Provided that, in the case of a seaman who has had a satisfactory record of two years' service as cook before the expiration of the aforesaid period, national laws or regulations may provide for the acceptance of a certificate of such service as equivalent to a certificate of qualification.

Article 6

The competent authority may provide for the recognition of certificates of qualification issued in other territories.

Article 7

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by nine of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least five countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 11

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 70) CONCERNING SOCIAL SECURITY 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 social security for seafarers, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an International Convention
adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Social Security (Seafarers) Convention, 1946 :

Article 1

1. In this Convention —

- (a) The term “ seafarer ” includes every person employed on board or in the service of any seagoing vessel, other than a ship of war, which is registered in a territory for which this Convention is in force ;
- (b) The term “ dependant ” shall have the meaning assigned to it by national laws or regulations ; and
- (c) The term “ repatriation ” means transportation to a port to which a seafarer is entitled to be returned in accordance with national laws or regulations.

2. Any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

- (a) Persons employed on board or in the service of—
 - (i) Vessels of public authorities when such vessels are not engaged in trade ;
 - (ii) Coastwise fishing boats ;
 - (iii) Boats of less than twenty-five tons gross register tonnage ;
 - (iv) Wooden ships of primitive build such as dhows and junks ; and
 - (v) In so far as ships registered in India are concerned and for a period not exceeding five years from the date of registration of the ratification of this Convention by India, home trade vessels of a gross register tonnage not exceeding 300 tons ;
- (b) Members of the shipowner's family ;
- (c) Pilots not members of the crew ;
- (d) Persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff ;
- (e) Persons employed in port who are not ordinarily employed at sea ;
- (f) Salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention ;
- (g) Persons not remunerated for their services or remunerated only by a nominal salary or wage ;
- (h) Persons working exclusively on their own account.

3. Where any benefit provided for in this Convention is furnished otherwise than in virtue of national laws or regulations relating to the liability of the shipowner in respect of sickness, injury or death of seafarers, such further exceptions as are deemed necessary may be made in national laws, regulations or collective agreements in respect of the right to such benefit and any obligation to contribute of—

- (a) Persons remunerated exclusively by a share of profits ;
- (b) Persons employed on board or in the service of fishing vessels for whom an exception is not already permitted under paragraph 2 (a) (ii) of this Article or on board or in the service of vessels engaged in hunting seals ;
- (c) Persons employed on board or in the service of whale catching, floating factory or transport vessels 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 concerned ;

- (d) Persons employed on board or in the service of vessels which are not engaged in the transport of cargo or passengers for the purposes of trade ; and
- (e) Persons employed on board or in the service of vessels of less than 200 gross register tons.

Article 2

1. Seafarers and their dependants who are resident and present in the territory of a Member shall be entitled in virtue of the seafarer's employment on board or in the service of vessels registered in the territory of that Member to the following benefits :—

- (a) Seafarers shall be entitled to medical benefit not less favourable in respect of conditions of award, extent and duration than that to which industrial workers are entitled ; in so far as industrial workers are not entitled to medical benefit, seafarers shall be entitled to proper and sufficient medical care ;
- (b) Seafarers shall be entitled in respect of incapacity for work (whether due to employment injury or not) and in respect of unemployment and old age to cash benefits not less favourable in respect of conditions of award, amount and duration than those to which industrial workers are entitled ; in so far as industrial workers are not entitled to cash benefits in respect of incapacity for work (whether due to employment injury or not) seafarers shall be entitled to such benefits at rates commensurate, having regard to the standard of living in the territory, with their needs and those of their dependants ;
- (c) The dependants of a seafarer shall be entitled to medical benefit not less favourable in respect of conditions of award, extent and duration than that to which the dependants of industrial workers are entitled ;
- (d) On the death of a seafarer his dependants shall be entitled to cash benefits not less favourable in respect of conditions of award, amount and duration than those to which the dependants of industrial workers are entitled ; in so far as the dependants of industrial workers are not entitled to cash benefits in the event of the death of the worker, the dependants of seafarers shall be entitled to such benefits at a rate commensurate, having regard to the standard of living in the territory, with their needs.

2. Where medical or cash benefits for seafarers and their dependants are provided under any special scheme, such special provisions (other than those resulting from ship-owners' liability) shall be appropriately co-ordinated or integrated with any scheme which applies to industrial workers and their dependants and provides corresponding benefits not less favourable in respect of conditions of award, extent or amount, and duration.

Article 3

1. A seafarer resident in the territory in which the vessel is registered who is left behind in another territory by reason of injury in the service of the ship or sickness not due to his own wilful act shall be entitled to—

- (a) Proper and sufficient medical care until he is cured or repatriated, whichever first occurs ;
- (b) Board and lodging until he is able to obtain suitable employment or is repatriated, whichever first occurs ; and
- (c) Repatriation.

2. Such a seafarer shall also be entitled to an allowance equal to 100 per cent. of his wages (exclusive of bonuses) until he is able to obtain suitable employment, or until he is repatriated, or until the expiry of a period of a length prescribed by national laws or regulations or by collective agreement, which period shall not be less than twelve weeks, whichever event first occurs. If the prescribed period expires before the seafarer is able to obtain suitable employment or is repatriated, he or his dependants shall be

entitled to any benefit under a scheme of compulsory social insurance or workmen's compensation which would be payable if the seafarer were present in the territory of registration. Any benefit payable to the seafarer or his dependants under such a scheme prior to the expiry of the prescribed period may be deducted from the allowance.

Article 4

Arrangements for the maintenance of rights in course of acquisition by a person who, having ceased to be subject to a scheme of compulsory social insurance for seafarers, becomes subject to such a scheme for shoreworkers, or, having ceased to be subject to such a scheme for shoreworkers, becomes subject to such a scheme for seafarers, shall be made between the schemes concerned.

Article 5

National laws and regulations relating to the liability of the shipowner in respect of sickness, injury or death of seafarers, compulsory insurance against employment injury or workmen's compensation, compulsory sickness insurance and compulsory unemployment insurance shall ensure equality of treatment to seafarers and their dependants irrespective of nationality or race.

Article 6

1. National laws and regulations relating to the liability of the shipowner in respect of sickness, injury or death of seafarers shall ensure equality of treatment to seafarers and their dependants whether or not they reside in the territory in which the vessel is registered.

2. Where the laws or regulations of a Member relating to the liability of shipowners do not entitle seafarers resident outside its territory to the benefits prescribed in paragraph 1 of Article 3, the Member shall provide these benefits by other laws or regulations.

Article 7

1. The laws and regulations of a Member relating to medical and cash benefits in case of employment injury shall not impose on seafarers or their dependants resident in the territory of any other Member for which this Convention is in effective operation any condition or limitation which does not apply equally to seafarers and their dependants resident in the territory of the first Member.

2. Provided that no such benefits and no contributions towards the cost of such benefits shall be payable under the scheme in force in the territory of the first Member if they are payable in respect of such seafarers under any scheme in force in the territory of the second Member.

Article 8

In order to facilitate continuity of insurance and to eliminate double contributions and double benefits, Members may enter into agreements providing that nationals or residents of one Member employed on board or in the service of a vessel registered in the territory of another Member shall be subject to an insurance or compensation scheme of the first Member and therefore excluded from the corresponding scheme of the second Member.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seafarers which ensures to the seafarers conditions more favourable than those provided for by this Convention.

Article 10

1. Effect may be given to paragraph 2 of Article 3 of this Convention by (a) laws or regulations; (b) collective agreements between recognized associations of shipowners or shipowners and recognized associations of seafarers which cover all seafarers

to whom the said paragraph applies ; or (c) a combination of laws or regulations and collective agreements between recognized associations of shipowners or shipowners and recognized associations of seafarers which cover all seafarers to whom the said paragraph applies. 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. 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 which give effect to any of its provisions and are in force at the date when the Member ratifies the Convention.

3. Each Member ratifying the 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.

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

5. The Committee shall consider whether the collective agreements reported to it give 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 employers and of workers 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 full effect to the provisions of the Convention.

Article 11

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries : United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 15

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force.

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE CONVENTION (No. 71) CONCERNING SEAFARERS' PENSIONS

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 seafarers' pensions, which is included in the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an International Convention

adopts this twenty-eighth day of June of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Seafarers' Pensions Convention, 1946 :

Article 1

In this Convention the term "seafarer" includes every person employed on board or in the service of any seagoing vessel, other than a ship of war, which is registered in a territory for which the Convention is in force.

Article 2

1. Each Member of the International Labour Organization for which this Convention is in force shall, in accordance with national laws or regulations, establish or secure the establishment of a scheme for the payment of pensions to seafarers on retirement from sea service.

2. The scheme may embody such exceptions as the Member deems necessary in respect of—

(a) Persons employed on board or in the service of—

(i) Vessels of public authorities when such vessels are not engaged in trade ;

(ii) Vessels which are not engaged in the transport of cargo or passengers for the purpose of trade ;

(iii) Fishing vessels ;

(iv) Vessels engaged in hunting seals ;

(v) Vessels of less than 200 gross register tons ;

(vi) Wooden ships of primitive build such as dhows and junks ;

(vii) In so far as ships registered in India are concerned and for a period not exceeding five years from the date of the registration of the ratification of the Convention by India, home-trade vessels of a gross register tonnage not exceeding 300 tons.

(b) Members of the shipowner's family ;

(c) Pilots not members of the crew ;

(d) Persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff ;

(e) Persons employed in port who are not ordinarily employed at sea ;

(f) Salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention ;

(g) Persons not remunerated for their services or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits ;

(h) Persons working exclusively on their own account ;

(i) Persons employed on board or in the service of whale catching, floating factory or transport vessels 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 concerned ;

(j) Persons not resident in the territory of the Member ;

(k) Persons not nationals of the Member.

Article 3

1. The scheme shall comply with one of the following conditions :—

(a) The pensions provided by the scheme—

(i) Shall be payable to seafarers having completed a prescribed period of sea service on attaining the age of fifty-five or sixty years as may be prescribed by the scheme ; and

(ii) Shall, together with any other social security pension payable simultaneously to the pensioner, be at a rate not less than the total obtained by computing for each year of his sea service one and a half per cent. of the remuneration on the basis of which contributions were paid in respect of him for that year if the scheme provides pensions on attaining the age of fifty-five years or two per cent. of such remuneration if the scheme provides pensions at the age of sixty years ; or

(b) The scheme shall provide pensions the financing of which, together with the financing of any other social security pension payable simultaneously to the pensioner and any social security benefits payable to the dependants (as defined by national laws or regulations) of deceased pensioners, requires a premium income from all sources which is not less than 10 per cent. of the total remuneration on the basis of which contributions are paid to the scheme.

2. Seafarers collectively shall not contribute more than half the cost of the pensions payable under the scheme.

Article 4

1. The scheme shall make appropriate provision for the maintenance of rights in course of acquisition by persons ceasing to be subject thereto or for the payment to such persons of a benefit representing a return for the contributions credited to their account.

2. The scheme shall grant a right of appeal in any dispute arising thereunder.

3. The scheme may provide for the forfeiture or suspension of the right to a pension in whole or in part if the person concerned has acted fraudulently.

4. The shipowners and the seafarers who contribute to the cost of the pensions payable under the scheme shall be entitled to participate through representatives in the management of the scheme.

Article 5

The formal ratifications of this Convention shall be communicated to the Director of the International Labour Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director.

2. It shall come into force six months after the date on which there have been registered ratifications by five of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least three countries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 8

1. The Director of the International Labour Office shall notify all the Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 9

The Director of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12

The English and French versions of the text of this Convention are equally authoritative.

2. REPORT OF CAPTAIN S. HOLM, NEW ZEALAND EMPLOYERS' DELEGATE

Wellington, 26th August, 1946.

As arranged, I attended the International Labour Conference held in Seattle at which maritime affairs were discussed.

Owing to air travel being unobtainable I left New Zealand on 18th May and travelling via San Francisco, reached Seattle on the evening of 4th June. Committee meetings commenced next day, and the General Conference was opened on 6th June, and from that day till the conclusion of the Conference (on Saturday, 29th June) meetings were held every day, with the exception of Sundays, and frequently at night. This was the first international Conference I have attended, and I found it very interesting and educative.

I was elected as an employers' representative on the Wages, Hours, and Manning Committee, and also to the Entry, Training, and Promotion of Seafarers Committee. However, the former Committee, which considered most of the vital questions and which was the first to commence work and the last to complete, occupied my full time, and I therefore could not attend other Committees working simultaneously.

The International Labour Office held a preliminary Conference at Copenhagen in November-December, 1945 (at which New Zealand was not represented), and the recommendations of Copenhagen were considered at Seattle with a view to having them fully discussed and, if agreed upon there, to recommend their adoption and ratification by the Governments of the participating countries. New Zealand is invited to ratify the proposals and become a permanent member of the International Labour Office.

It was freely stated at Seattle "that the Conference was not laying down national laws or regulations, but international minima which should apply to all nations and render possible the co-operation of Government, managements, and workers to avoid the necessity of uneconomic competition and inhuman working conditions, also to improve the social and economic conditions of seafaring men throughout the world."

The Seattle Conference is probably the first from which any request for an international minimum wage and conditions has emanated, but it was claimed that shipping by virtue of its comprehensive ramifications, is a most suitable industry for that application.

A proposal was put forward by the workers' delegates that an International Shipping Authority be set up to allocate the amount of tonnage each country could operate. Fortunately, this proposal was voted out, the majority agreeing that a nation should be free to maintain its merchant fleet to a size capable of meeting its internal and external requirements.

During the course of the deliberations many references were made to the shipping position of the United States of America, which country at present owns over 50 per cent. of the world's tonnage and where the Government pay shipowners what is generally called a subsidy. This matter was fully debated, and without comment I quote the reply by the United States Government delegate :—

The fact is that Congress in 1936 adopted a law which provided not for subsidies but for an equalization of compensation by the Government which would enable the United States to maintain a merchant marine of sufficient size to take care of a substantial portion of the shipping of the products of the United States

The Shipping Act provides that no licensed officer or seaman in the deck or engine-room department shall be required or permitted to work more than eight hours in any one day except in the case of extraordinary emergency affecting the safety of the vessel and/or life or property.

Copies of the full discussions and the resolutions will shortly be arriving, but I have briefly set out the salient points in the following sheets.

Yours faithfully,
S. HOLM.

ENCLOSURE TO CAPTAIN S. HOLM'S REPORT ON INTERNATIONAL MARITIME CONFERENCE AT SEATTLE, JUNE, 1946

No. 1

Discussion on Director's report.

No. 2.—*Social Security for Seafarers*

The Conference recommended member countries to agree to pay a pension to seafarers on attaining the age of fifty-five or sixty years at a rate of 1½ per cent. or 2 per cent. on the basis of their contributions of approximately 10 per cent. of salaries, plus at least equal payments by shipowners.

Comment.—The proposal, of course, cuts across New Zealand's social security legislation, otherwise there was little in the proposal that we could object to.

No. 3.—Crew Accommodation

It was agreed that new vessels be built with improved accommodation and that the existing ship position be allowed to remain unless a competent authority orders same to be remodelled.

Comment.—This proviso safeguards the position of the vessels already trading, but vessels under construction must conform with the new proposals.

No. 4.—Food and Catering

A competent authority to be set up to frame regulations concerning food and water supplies and the constructions, location, &c., of galleys or other catering departments, also to undertake the inspection of food, water, and accommodation for storage, handling, and preparation of food. Ships' cooks to hold certificates of qualification.

Comment.—This means control and supervision in a department in which, as far as this country is concerned, matters have worked very smoothly. The compulsory certification of ships' cooks may prevent some good practical men from continuing in a cook's occupation, and it probably will result in the Cooks' and Stewards' Union losing its authority, which has, in my opinion, been used wisely and with discrimination.

No. 5.—Entry, Training, and Promotion

Medical examination of all members of the crew was recommended at intervals not exceeding two years. Certificates of qualification to be issued to persons before signing on as A.B.s.

Member countries to co-ordinate and develop training institutions on a national scale in collaboration with local authorities, shipowners, and seafarers.

Comment.—This, again, raised the vexed question of medical inspection and introduces more control by the necessity of having to issue more certificates.

No. 6.—Holidays with Pay

Annual holidays of eighteen working-days for masters, officers, and radio operators and twelve days for other members of the crew were recommended.

Comment.—These periods do not strictly agree with the custom or local agreements in the Dominion, as we grant twenty-one days to masters and chief engineers and fourteen days to other members of the crew.

No. 7.—Continuous Employment

It was recommended that all Member States consider establishing a national scheme to provide continuous employment for seafarers, and that Governments, shipowners, and seafarers collaborate fully in such a scheme.

Comment.—New Zealand has not previously agreed to any permanent employment scheme for seafarers.

No. 8.—Recognition of Seafarers' Organizations

The Conference affirmed the principle that shipowners and all ranks and grades of seafarers should have the right to organize themselves into voluntary associations, and urges Governments to consult such stable and representative organizations.

Comment.—This suggestion follows our New Zealand custom.

No. 9.—Wages, Hours, and Manning

Minimum monthly wages to be £16 or \$64 for able seamen ; other ranks in comparison.

Without payment of overtime, members of a ship's crew can be called upon to work 24 hours within a period of two days at sea. In port the hours are not to exceed 8 hours daily, and 2 hours the maximum for sanitary duties, &c., on the weekly day of rest in port, or 112 hours in a period of two consecutive weeks—overtime payment shall not be less than one and a quarter times the basic wages per hour.

Comment.—These matters were the most contentious questions at the Conference. The rate of wages, £16 sterling, agrees with New Zealand's present scale, but is considerably higher than many countries are now paying. The hours also closely follow our custom, but there are several minor matters which do not conform with the present system worked in our vessels.

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