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Sessional Paper No. 6 of 1989

**INTERNATIONAL LABOUR
ORGANIZATION**

**Proposed action by the Republic of Kenya on certain
Conventions and Recommendations adopted by the
International Labour Conference**

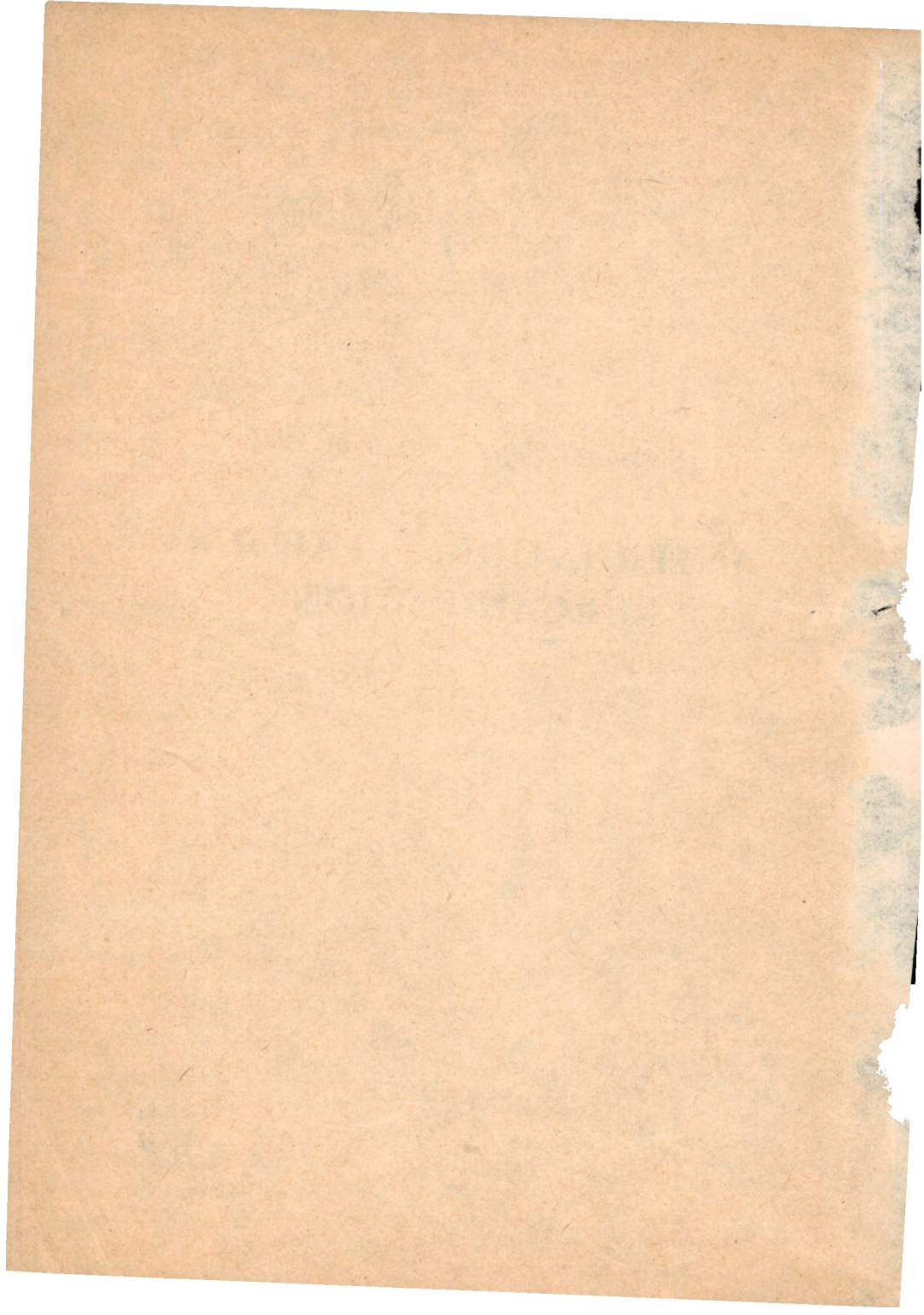
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Sessional Paper No. 6 of 1989

**INTERNATIONAL LABOUR
ORGANIZATION**



Sessional Paper No. 6 of 1989

Convention No. 133

CONCERNING CREW ACCOMMODATION ON BOARD SHIP

Today the variation in the designs of ships and the modifications in the structures of existing ones are a common feature in the shipping industry.

This Convention seeks to strengthen the terms of the Accommodation of Crews Convention No. 92 (Revised) 1949, by laying down the minimum standard requirements for the accommodation and provision of facilities for crews on board of all whaling, cargo and passenger ships between 200 and 1,000 tons.

Article 13 of this Convention makes provision for mutual consultations between the relevant authority, ship-owners and appropriate workers' representatives for the Conversion of existing ships in order to meet the specifications and requirements of this instrument.

The main feature of this instrument is the provision of adequate accommodation for crews. Most ships in service under the Kenya flag are old. Due to economic reasons, even the most recently acquired ships are second-hand purchases. Conversion of these vessels to meet the requirements of this Convention would, therefore, be an uneconomic exercise. Moreover this Convention is supplementary to Convention No. 92—Accommodation of Crews (Revised) 1949, which Kenya has not ratified. For these reasons the Government does not intend to ratify this Convention.

Convention No. 134

CONCERNING OCCUPATIONAL ACCIDENTS TO SEAFARERS

The purpose of this Convention is to ensure that adequate and appropriate measures against occupational accidents, and protection of health hazards are established and complied with aboard ships. The Convention augments the requirements of other instruments relevant to working conditions on board ships and in particular those which provide for a number of safety measures on board ships and protection of persons in maritime employment.

For the purpose of this Convention the term "seafarer" is defined to include all persons employed in any capacity on board passenger and cargo ships.

The Convention enumerates specifically some of the hazardous features of the shipping industry which must be covered by these measures. It further requires that causes and circumstances in which accidents occur on board ships and in ports shall be investigated and analysed by a competent authority and that comprehensive reports or records and detailed statistical data shall be maintained in connection with these accidents. It also requires appropriate measures to be taken to bring to the attention of seafarers necessary information on safety.

Due to rapid technological advancement in the world today, accident prevention and matters related to occupational health hazards are subjects of major interest and concern to both workers and employers. This instrument is intended to improve on the terms and requirements of the Safety at Sea and the International Load Line Regulations and to establish better methods of controlling accidents. The Government intends to ratify this Convention.

Recommendation No. 142

CONCERNING OCCUPATIONAL ACCIDENTS TO SEAFARERS

The General Conference of the I.L.O. meeting in Geneva in October, 1970 decided that current efforts in various countries to reduce occupational accidents could be greatly enhanced through the establishment of appropriate programmes on the prevention of occupational hazards.

The Conference adopted Recommendation No. 142 which is supplementary to Convention 134 on the Prevention of Accidents (Seafarers) 1970 which it is proposed to ratify. It calls for detailed specifications on some of the areas in which research and studies should be undertaken to prevent accidents.

For the purpose of this Recommendation the term "Seafarer" is defined to cover all persons who are in any capacity on board ship, other than a ship of war, ordinarily engaged in maritime navigation. "Occupational accidents" is defined to include accidents to seafarers arising out of or in the course of their employment.

Since the requirements of this Recommendation are met by existing legislation, it is, therefore, the intention of the Government to adopt it.

Convention No. 139

**CONCERNING PREVENTION AND CONTROL OF
OCCUPATIONAL HAZARDS CAUSED BY CARCINOGENIC
SUBSTANCES AND AGENTS**

This Convention requires ratifying member states to periodically determine the carcinogenic substances and agents to which occupational exposure shall be prohibited or made, subject to authorization or control, taking into account codes of practice established by the International Labour Office or other competent bodies.

It also calls for prescription of measures to protect workers against the risk of exposure to such substances or agents, and the replacement of such harmful substances with less harmful ones. Measures shall be taken to ensure workers are provided with medical or biological examination or other tests or investigations, during and after the period of employment. Workers who have or are likely to be exposed to carcinogenic substances or agents shall be informed of the dangers involved and of the measures to be taken.

The Convention further requires that effect shall be given to its provisions by laws or regulations or any other method consistent with a member state's national practice, and there shall be an appropriate inspection service for the purpose of supervising the application of its provisions.

There are no laws at present in Kenya which provide for the protective measures of the type envisaged by this Convention. We have no means at the moment for obtaining information on the type, extent, and number of carcinogenic substances or agents in use in this country. We are, however, in the process of developing our factory inspectorate in such manner that, in due course, we will be able to have trained personnel necessary for the implementation of the instrument. In the meantime, the Government is not in a position to ratify this Convention.

Recommendation No. 147

**CONCERNING THE PREVENTION AND CONTROL OF
OCCUPATIONAL HAZARDS CAUSED BY CARCINOGENIC
SUBSTANCES AND AGENTS**

The Recommendation provides for measures to be taken to control and ensure effective protection of workers against the risks of exposure to carcinogenic substances and agents.

The recommended measures include the periodic determination by the competent authority of the carcinogenic substances or agents to which occupational exposure shall be prohibited; pre-assignment and subsequent periodic medical examination as well as biological, or other tests of all workers assigned to work involving exposure to specified carcinogenic substances or agents. Establishment and maintenance of a system for the prevention and control of occupational cancer including the institution, maintenance, preservation and transfer of records and exchange of information and the promotion of epidemiological and other studies relevant to occupational cancer.

The competent authority is further required to draw up suitable educational guides for both employers and workers, and employers are specifically required to make use of processes which do not form or emit carcinogenic substances or agents in any form.

The detailed requirements of this Recommendation cannot be achieved at present as we have no means for obtaining information on the type, extent, and number of carcinogenic substances or agents in use in this country. While we will do all we can to be guided by the Recommendation, we will not be able to comply fully with its terms at this stage. Moreover, the Recommendation is in furtherance of the requirements of the corresponding Convention which the Government does not intend to ratify at present.

Convention No. 144

CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS

This Convention provides for tripartite consultation within each member state with regard to matters relating to I.L.O. Conventions and Recommendations. It requires that at these consultations employers' and workers' organizations should be represented on equal footing.

The consultations sought by this Convention cover the following areas:—

- (a) During preparation of government replies to questionnaires concerning items on the agenda of International Labour Conference and government comments on proposed texts to be discussed by the Conference.

- (b) Proposals to be made to the Competent authority in connection with the submission of Conventions and Recommendations in accordance with article 19 of the International Labour Organization Constitution.
- (c) Re-examination of unratified Conventions and Recommendations to which effect has not been given to consider what measures might be taken to promote their implementation and ratification as appropriate.
- (d) Questions arising out of annual reports to the International Labour Office on measures taken to give effect to ratified Conventions.
- (e) Proposals for the denunciation of ratified Conventions.

Our law and practice show that by and large our manner of dealing with the matters raised in the Convention conforms with what the Convention requires.

All these matters are the subject of consultation in the Labour Advisory Board. In view of this, the Government intends to ratify the Convention.

Recommendation No. 152

CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS AND NATIONAL ACTION RELATING TO THE ACTIVITIES OF THE I.L.O.

The Recommendation sets out in great detail measures to be taken to ensure effective tripartite consultation with respect to matters concerning International Labour Standards. Such consultation may be undertaken through a specially constituted committee; through a body with general competence in the economic, social or labour field; through a number of bodies with special responsibility for particular subject area, or through written communications, if this is accepted by those involved as adequate means of consultation.

The representatives of employers and workers for the purpose of this Recommendation should be freely chosen by their representative organizations.

In addition to those areas of consultation specified in the Convention the procedures indicated above may be extended by the Government after consultation with the representative organizations

to other matters of mutual concern such as, preparation, implementation and evaluation of technical co-operation activities in which the International Labour Organization participates; action to be taken on resolutions or conclusions adopted by International Labour Conference, regional conferences, industrial committees and other meetings convened by the International Labour Organization.

The Consultations should be undertaken at appropriate intervals fixed by agreement, but at least once a year.

Since the Recommendation supplements the Convention which it is proposed to ratify, the Government intends to adopt the Recommendation.

Convention No. 145

CONCERNING CONTINUITY OF EMPLOYMENT OF SEAFARERS

The Convention applies to seafarers who are regularly available for work as such and whose main source of income depends on such work. It does not apply to seafarers employed on board ships of war, fishing, whaling or to ships engaged in similar pursuits.

The Convention requires member states with maritime industry to pursue a national policy geared towards the encouragement of shipowners or association of shipowners to undertake to provide continuous or regular employment to qualified seafarers.

The economic and social situation of a country permitting, the Convention requires efforts to be made to guarantee seafarers minimum periods of employment or, either minimum income or monthly allowance.

The Convention details possible measures to be taken to achieve its objectives, which include establishment and maintenance of registers or lists of seafarers in order of jobs, and occupations, qualifications and specifies particulars to be included therein.

Kenya's merchant fleet consists of one company only which represents a very small proportion of world shipping lines, whereas registered seafarers are far in excess of available jobs. Hence, the majority of Kenya seafarers continue to be employed in foreign owned ships. In the circumstances, and due to wide unemployment in all other sectors of our economic activity, the Government does not consider it appropriate, at this juncture, to undertake to provide for the measures envisaged by the Convention, and cannot, therefore, ratify the Convention at present.

Recommendation No. 154

CONCERNING CONTINUITY OF EMPLOYMENT OF SEAFARERS

This Recommendation supplements the Continuity of Employment (Seafarers) Convention No. 145 of 1976, which the Government does not intend to ratify.

The Recommendation details measures to be taken to facilitate the provision of continuous or regular employment to Seafarers. It recommends the establishment of systems of allocation and selection aimed at reducing, to the minimum, the necessity of seafarers attending calls for selection and placement, where continuous or regular employment is not practicable. Such systems should preserve the seafarer's as well as the shipowner's right to select the vessel on which he is to be employed and the seafarer to engage, and should permit the transfer of seafarers in the regular employment of one employer to temporary work with another when required.

The economic and social situation of a country permitting, provisions should be made guaranteeing employment for a number of weeks or months per year or income in lieu thereof, or unemployment benefit when no work is available.

Where registers or lists of seafarers are maintained as a measure to obtain regular employment for seafarers, a criteria for determining the seafarers to be included in such registers should be established. It specifies measures to be taken in the event a reduction in the strength of such registers is contemplated.

The general principles envisaged by this recommendation entail the creation of some form of unemployment benefit for seafarers which would place them in a privileged position over other workers in Kenya. Moreover, we are not yet economically in a position to assume the other obligations envisaged by the Recommendation. For these reasons, the Government does not intend to adopt the Recommendation at present.

Convention No. 146

CONCERNING ANNUAL LEAVE WITH PAY FOR SEAFARERS

This Convention revises the Paid Vacations (Seafarers) Convention (Revised) 1949.

It applies to all persons employed in any capacity on board a sea-going ship registered in a member state which ratifies the Convention. It does not apply to ships of war or to those engaged in fishing, whaling or to ships engaged in similar pursuits.

It provides that every seafarer shall be entitled to 30 calendar days' annual leave with pay after one year of service. Where the length of service is less than the period required for full entitlement, proportionate leave shall be granted in that year.

The competent authority shall determine the manner in which the length of service shall be calculated provided that service of articles or absence from work to attend approved maritime vocational training course or absence due to illness, injury or maternity leave shall be counted as part of the period of service. Public and customary holidays, temporary shore leave or compensatory leave of any kind shall not be counted as part of annual leave.

It further provides that leave plus any other payments in kind shall be paid for in full, before the seafarer proceeds on such leave. The competent authority may authorize accumulation, or division of annual leave into parts or the substitution of cash payment in lieu thereof.

The time at which leave is to be taken shall, unless otherwise provided, be determined by the employer with the agreement of the seafarer. But in the event a seafarer is required to take his leave from a place other than where he was engaged, he shall be entitled to free transport and subsistence allowance to the place where he was engaged.

The Convention requires effective enforcement measures to be taken to ensure proper application of its provisions by means of inspection.

The requirements of the Convention are adequately provided for through the Collective Agreement between the Seamen's Union and Employers Group, as well as the provisions of our Merchant Shipping Act, and the Employment Act. The Government, therefore, proposes to ratify this Convention.

Convention No. 147

CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

The Convention applies to every sea-going ship whether publicly or privately owned engaged in the transportation of cargo or passengers for the purpose of trade or any other commercial

purpose. It exempts ships propelled by sail or those engaged in fishing, whaling and small vessels not engaged in navigation.

The Convention details measures to be prescribed through national laws or regulations to facilitate effective administration and control of conditions of employment and living arrangements on shipboard; including safety standards, standards of competency, hours of work, manning, and social security.

Ratification entails an obligation to ensure maintenance of adequate procedures for the engagement of Seafarers, investigation of complaints in regard to ships registered in its territory or in foreign countries, and requires steps to be taken to ensure ships registered in its territory comply with the International Labour Conventions in force. Action should also be taken to ensure that only properly qualified or trained seafarers are employed.

The Convention is open to ratification by member states which have ratified Conventions on Safety of Life at Sea, 1960, or 1974, the Convention on Load Lines 1966; or are parties to, and have implemented either, the Regulations for Preventing Collisions at Sea, 1960, or the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Whereas Kenya's Merchant Shipping Act provides for some of the measures envisaged by the Convention, no facilities exist for the training of seafarers and our inspection service is not adequately developed to be able to enforce the measures envisaged. Moreover, we have not ratified the Convention on the International Regulations for Preventing Collisions at Sea, 1972 which is a mandatory requirement. For these reasons the Government does not intend to ratify this Convention.

Recommendation No. 155

CONCERNING THE IMPROVEMENT OF STANDARDS IN MERCHANT SHIPS

The Recommendation supplements Convention No. 147, cited as the Merchant Shipping (Minimum Standards) Convention, 1976. It requires members to ensure and satisfy themselves that the provisions of the laws and regulations provided for under Article 2 of the afore-mentioned Convention, and the provisions of any collective agreements relating to shipboard conditions of employment and living arrangements are substantially equivalent to the

Articles of the Conventions and Recommendation respectively referred to, in the appendix to Convention No. 147 and this Recommendation.

Kenya has ratified two out of the fifteen Conventions in the appendix to Convention No. 147 and proposes to ratify two out of the eight Conventions in the appendix to this Recommendation, namely Prevention of Accidents (Seafarers) Convention No. 134 of 1970 and Workers' Representatives Convention No. 135 of 1971.

The existing legislation and the instruments we propose to ratify as indicated above do not provide a sufficiently comprehensive coverage of the measures envisaged by the twenty-four instruments referred to in the appendices to Convention No. 147 of 1976 and to this Recommendation. It is not, therefore, possible to accept, at this stage, the full liability imposed by this Recommendation.

Convention No. 148

CONCERNING THE PROTECTION OF WORKERS AGAINST OCCUPATIONAL HAZARDS IN THE WORKING ENVIRONMENT DUE TO AIR POLLUTION, NOISE AND VIBRATION

The Convention requires ratifying member states to prescribe measures to be taken for the prevention, control and protection of workers against occupational hazards in the working environment due to air pollution, noise and vibration.

It calls for the establishment of measures for identifying the hazards and determination of exposure limits, taking into account opinions of technically competent persons, and calls for effective participation by employers and workers organizations in the elaboration, application and implementation of the measures.

Employers and workers are respectively required to observe and comply with the prescribed measures as well as safety procedures relating to the prevention and control of the hazards.

It requires ratifying member states to maintain laws or regulations, or other methods, adequate to give effect to its provisions and to provide appropriate inspection service.

The Convention applies to all branches of economic activity and provides for exemption of any branches in respect of which special problems of a substantial nature arise. A member state may accept the obligations of the Convention separately in respect of air pollution, noise, and vibration.

The provisions of the Factories Act (Cap. 514) do not provide a comprehensive coverage of the measures or controls suggested by the Convention; and no criteria for determining the hazards of exposure or exposure limits have been established. However, equipments for measuring noise and vibration were recently acquired. It is anticipated a survey to determine environmental conditions in industry will have to be carried out before rules or regulations in line with the requirements of the Convention are made, otherwise it will not be practicable to give effect to the Convention in the absence of such legislation.

The Government is, therefore, not in a position to ratify the Convention at present.

Recommendation No. 156

CONCERNING THE PROTECTION OF WORKERS AGAINST OCCUPATIONAL HAZARDS IN THE WORKING ENVIRONMENT DUE TO AIR POLLUTION, NOISE AND VIBRATION

This Recommendation applies to all branches of economic activity and provides for its application to places of work of self-employed persons. It is supplementary to the Working Environment (Air-Pollution, Noise and Vibration) Convention No. 148 of 1977, which the Government does not intend to ratify.

The Recommendation elaborates in greater detail matters dealt with in the Convention and calls for measures by the competent authority, for the prevention and control of air-pollution, noise and vibration, including setting of conditions and frequency of monitoring by employers of the hazards.

It requires harmful substances or processes conducive to air pollution, noise or vibration to be replaced with less harmful substances or processes. It provides for the prohibition or control of manufacturing, supply, or use of harmful substances or machinery which do not meet standard emission levels or other approved standards.

Employers are required to ensure regular inspection and maintenance of machines and installations, with regard to emission of harmful substances.

It also recommends measures for the supervision of the health of workers, training, communication, research and calls for effective consultations between employers and workers on all matters concerned with the prevention, control and protection of the working environment.

The competent authority is required, among others, to give effect to the provisions of the Recommendation by laws or regulations including the provision of penalties in the event of contraventions and to provide appropriate inspection service or to satisfy itself that appropriate inspection is carried out.

No survey of the existing conditions in the working environment has ever been carried out in Kenya and no rules or regulations in line with the requirements of the Recommendation exist. Moreover, the detailed requirements of the Recommendation and in particular, the administrative machinery required for its satisfactory application cannot be met at the present stage of our economic development. For these reasons, the Government does not intend to adopt this Recommendation.

Convention No. 149

CONCERNING EMPLOYMENT AND CONDITIONS OF WORK AND LIFE OF NURSING PERSONNEL

This Convention applies to all nursing personnel wherever they work. It requires ratifying member states to adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed to provide the highest possible level of health for the population. It provides for consultations with the relevant employers' and workers' organizations in the formulation of the policy, and requires participation by nursing personnel in the planning of nursing services and their consultations in regard to matters of interest to them.

It further requires measures to be taken to provide nursing personnel with education and appropriate training, including employment, remuneration and working conditions, at least equivalent to those of other workers in the specified fields, which are likely to attract persons to the profession. The basic requirements regarding education and training as well as the requirements for the practice of nursing shall be laid down by national laws or regulations.

For the purpose of the Convention the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.

The standards envisaged by this Convention are in harmony with the Government policy and largely conforms with the provisions of the Code of Regulations. For these reasons, the Government intends to ratify the Convention.

Recommendation No. 157

**CONCERNING EMPLOYMENT AND CONDITIONS OF WORK
AND LIFE OF NURSING PERSONNEL**

This Recommendation elaborates in detail matters dealt with in the corresponding Convention No. 149.

The Recommendation provides for the adoption and application of a policy concerning nursing services and nursing personnel designed to provide the highest possible level of health for the population. The policy should be co-ordinated with policies relating to other aspects of health care and should include the adoption of laws or regulations concerning education, training, supervision of such education and training, requirements for the practice of the nursing profession as professional nurse or as auxiliary nurse, granting of licences to practice the profession, limiting the practice of the profession to duly authorized persons, and disciplinary rules.

The policy should be geared towards development of nursing personnel functions including direct and supportive care, administration of nursing services, and research as well as the establishment of a rational nursing personnel structure whose functions should be classified according to specified criteria.

It requires measures to be taken to promote the effective participation of nursing personnel in the formulation of their conditions of employment and work, including matters concerning national health policy. Representatives of nursing personnel should be associated and participate in the elaboration and application of policies and general principles regarding the nursing profession.

The Recommendation further requires measures to be taken to offer nursing personnel reasonable career prospects, social security protection equivalent to that of other persons employed in the public service or private sector; remuneration commensurate with their socio-economic needs, qualifications and responsibilities; uniforms, medical kits and transport facilities; and the reduction of hours of work in accordance with paragraph 9 of the Reduction of Hours of Work Recommendation, 1962 and a weekly rest of not less than 36 uninterrupted hours.

For the purpose of the Recommendation the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.

Whereas there is a substantial compliance with some provisions of this Recommendation, its requirements on hours of work, shift

work, overtime, weekly rest, including the right it confers on nursing personnel to refuse to perform specific duties on grounds of religion, moral or ethical convictions, are restrictive and cannot be reconciled with established regulations or service practice. For these reasons, the Government does not intend to adopt this Recommendation.

Recommendation No. 137

CONCERNING VOCATIONAL TRAINING OF SEAFARERS

This Recommendation is concerned with the establishment and development of suitable vocational training programmes for seafarers. The instrument goes into considerable depth to outline objectives, aims and content of programmes of training for seafarers.

The instrument recommends that national training policies, should include adequate provision in the general network of training facilities for the training of seafarers. If this could not be fully done nationally there should be collaboration with other countries. The training should be systematically organized and financing should be on a regular and adequate basis.

Training standards should be laid down in conformity with national requirements for obtaining the various seafarers' certificates of competency. The training programmes should be realistically based on the work to be performed on board ships. The instrument then sets out what the training should include.

The Recommendation calls for countries to co-operate in promoting the vocational training of seafarers.

The training needs in the shipping industry can be brought within the industrial training programmes under the Industrial Training Act. The Recommendation gives useful guides as to training of Seafarers and the Government intends to adopt the Recommendation.

Recommendation No. 138

CONCERNING SEAFARERS' WELFARE AT SEA AND IN PORT

The shipping industry has got its own characteristics unique to itself and which are not common to other industries. The provision of welfare facilities to seafarers is a necessity and requires a regular review bearing in mind the constant changes in the characteristics of the shipping industry.

This Recommendation seeks the establishment and expansion (where they exist) of systematic and properly planned welfare facilities for seafarers. Welfare boards should be established to be responsible for organizing, co-ordinating and ensuring efficient running of these welfare schemes. In these welfare schemes measures should be taken to ascertain that adequate accommodation in ports is available to seafarers and that their general welfare requirements such as inland transportation, recreation facilities, and educational facilities are provided.

There are only eight Kenya flag ocean going steel hulled vessels. The provision of welfare facilities in these ships is the responsibility of employers. This arrangement seems to be working in a satisfactory manner and would be greatly improved if it was run in close consultation with workers' representatives by bringing the provision of welfare issue under the umbrella of the already existing joint consultative committees. Consequently, the Government intends to adopt this Recommendation.

Recommendation No. 139

CONCERNING EMPLOYMENT PROBLEMS ARISING FROM TECHNICAL DEVELOPMENTS ON BOARD SHIPS

Like any other industry today, the maritime industry experiences fast technological development and vast organizational changes are needed in order to meet the demands of changing economic and social needs of that industry. It is a corollary that these developments and changes within the maritime industry must be taken into consideration in any national effort to improve the quality of manpower requirements of the shipping industry and the terms and conditions of employment for seafarers. This is indeed in line with the International Labour Organization's World Employment Programme.

The Recommendation advocates the establishment of systematic manpower development and planning in the maritime industry within the framework of national employment policies. Such schemes should not only cover manpower requirements and employment opportunities in this industry but would also encompass training and research to ensure that seafarers keep pace with the requirements of their employment.

As the provisions of this Recommendation are concerned with employment problems arising from technological changes and new methods of organization within the maritime industry, it is intended that the Government should adopt this Recommendation.

Recommendation No. 140

CONCERNING AIR CONDITIONING OF CREW ACCOMMODATION AND CERTAIN OTHER SPACES ON BOARD SHIP

The International Labour Conference meeting in Geneva in October, 1970 observed that there were inevitable changes in the characteristics of both the construction and operation of modern ships. These changes affect the ways in which crews are accommodated on board ships. Consequently the Conference felt that there was need to examine how improvements in crew accommodation could be introduced.

The Conference adopted the above Recommendation which provides for the installation of air conditioning to all ships over 1,000 gross tons constructed after its adoption which operate outside temperate zones. For most part, ships registered in Kenya operate within warm or hot zones and all but one of these ships are air conditioned. The Government sees no reason why benefits that this instrument seeks to ensure should not be extended to our seafarers by adoption of this instrument.

Recommendation No. 141

CONCERNING CONTROL OF HARMFUL NOISE IN CREW ACCOMMODATION AND WORKING SPACES ON BOARD SHIP

The Accommodation of Crews Convention (Revised), 1949 lays down minimum standards for the accommodation of crews on board ship. The 55th Maritime Session of the International Labour Conference which met in Geneva in 1970, while taking note of the Convention considered that in view of rapid changes in both construction and operation of modern ships, the comfort of crew accommodation could be improved by the adoption of an instrument aimed at protecting crews from harmful noise.

The Conference adopted the above Recommendation which calls for the re-examination of research into the problems of noise on board ships and advocates international collaboration in comparing data on the effects of noise on crews. The results of such a study should form the basis for establishing national action on the reduction of and protection from harmful noise on board ships.

Research in some technical fields such as the effects of noise on human-beings can sometimes be an expensive exercise. However, use can be made of the results and data established by other countries on the effects and control of harmful noise on crew. The Government intends to adopt this Recommendation.

Recommendation No. 153

CONCERNING THE PROTECTION OF YOUNG SEAFARERS

The Recommendation applies to young persons under 18 years of age employed on board sea-going ships registered in a member state. It does not apply to ships of war, fishing or to those engaged in whaling or to young persons in school or on board training vessels.

It requires provisions to be made to protect and safeguard young seafarers' health, morals and safety at sea, including the provisions of vocational guidance and training in the interest of the seafarers and safety of life.

The daily and weekly hours of work of young seafarers are limited to eight and forty respectively. It details measures to regulate rest-periods and overtime working and prohibits night work except on specified conditions.

It provides for repatriation of young seafarers found unsuitable for work at sea after four months, as well as in the case of those serving in foreign-going vessels for six months' without leave. Such repatriation to be undertaken at the sole expense of the employer.

It further requires regulations to be prescribed concerning safety and health including medical examination before and during employment. Such regulations to include provisions restricting young seafarers from undertaking hazardous work of the types specified.

The competent authority is to take such measures as are necessary to bring to the attention of young seafarers information concerning the prevention of accidents. Subject to national conditions, effect is to be given to various educational objectives outlined in paragraphs 13 to 20 of the Recommendation.

The provisions of our Merchant Shipping Act provide a reasonable coverage of the measures recommended. It is therefore, the Government's intention to adopt this Recommendation.

INTERNATIONAL LABOUR CONFERENCE

Convention 133

**CONVENTION CONCERNING CREW ACCOMMODATION ON
BOARD SHIP (SUPPLEMENTARY PROVISIONS)**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and

Noting that the Accommodation of Crews Convention (Revised), 1949, lays down detailed specifications concerning such matters as sleeping accommodation, mess and recreation rooms, ventilation, heating, lighting and sanitary facilities on board ship, and

Considering that in the light of the rapidly changing characteristics of both the construction and the operation of modern ships further improvements in crew accommodation can be provided, and

Having decided upon the adoption of certain proposals with regard to crew accommodation, 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 supplementing the Accommodation of Crews Convention (Revised), 1949,

adopts this thirtieth day of October of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Accommodation of Crews (Supplementary Provisions) Convention, 1970:

PART I. GENERAL PROVISIONS*Article 1*

1. This Convention applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose, which is registered in a territory for which this Convention is in force, and of which the keel is laid, or which is at a similar stage of construction, on or after the date of coming into force of the Convention for that territory.

2. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.

3. This Convention applies to tugs where reasonable and practicable.

4. This Convention does not apply to—

- (a) ships of less than 1,000 tons;
- (b) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;
- (c) ships engaged in fishing or in whaling or in similar pursuits;
- (d) hydrofoils and air-cushion craft.

5. Provided that the Convention shall be applied where reasonable and practicable to—

- (a) ships between 200 and 1,000 tons; and
- (b) the accommodation of persons engaged in usual sea-going routine in ships engaged in whaling or in similar pursuits.

6. Provided also that any of the requirements applicable by virtue of Article 3 of this Convention may be varied in the case of any ship if the competent authority is satisfied, after consultation with the organizations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, that the variations to be made provide corresponding advantages as a result of which the over-all conditions are not less favourable than those which would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member concerned to the Director-General of the International Labour Office.

7. Provided further that the competent authority shall, after consultation with the organizations of shipowner and/or the shipowners and with *bona fide* trade unions of seafarers, determine the extent to which it is appropriate, taking into consideration the need for off-duty accommodation, to make exceptions or to diverge from the provisions of this Convention in the case of—

- (a) sea-going ferries, feeder ships and similar ships which are not continuously manned with one permanent crew;
- (b) sea-going ships when repair personnel are carried temporarily in addition to the ship's crew;
- (c) sea-going ships engaged on short voyages which allow members of the crew to go home or to make use of comparable facilities for part of each day.

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 passenger ship 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 “adult” means a person who is at least 18 years of age;
- (h) 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;
- (i) the term “prescribed” means prescribed by national laws or regulations or by the competent authority;
- (j) the term “approved” means approved by the competent authority;
- (k) the term “re-registered” means re-registered on the occasion of a simultaneous change in the territory of registration and ownership of the ship.

Article 3

Each Member for which this Convention is in force undertakes to comply, in respect of ships to which this Convention applies, with—

- (a) the provisions of Parts II and III of the Accommodation of Crews Convention (Revised), 1949; and

(b) the provisions of Part II of this Convention.

Article 4

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure its application.

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 *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. CREW ACCOMMODATION REQUIREMENTS

Article 5

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

- (a) 3.75 square metres (40.36 square feet) in ships of 1,000 tons or over but less than 3,000 tons;
- (b) 4.25 square metres (45.75 square feet) in ships of 3,000 tons or over but less than 10,000 tons;
- (c) 4.75 square metres (51.13 square feet) in ships of 10,000 tons or over.

2. Provided that the floor area per person of sleeping rooms intended for two ratings shall be not less than—

- (a) 2.75 square metres (29.60 square feet) in ships of 1,000 tons or over but less than 3,000 tons;
- (b) 3.25 square metres (34.98 square feet) in ships of 3,000 tons or over but less than 10,000 tons;
- (c) 3.75 square metres (40.36 square feet) in ships of 10,000 tons or over.

3. Provided also that the floor area of sleeping rooms intended for ratings in passenger ships shall be not less than—

- (a) 2.35 square metres (25.30 square feet) per person in ships of 1,000 tons or over but less than 3,000 tons;
- (b) in ships of 3,000 tons or over—
 - (i) 3.75 square metres (40.36 square feet) in rooms accommodating one person;
 - (ii) 6.00 square metres (64.58 square feet) in rooms accommodating two persons;
 - (iii) 9.00 square metres (96.88 square feet) in rooms accommodating three persons;
 - (iv) 12.00 square metres (129.17 square feet) in rooms accommodating four persons.

4. The number of ratings occupying sleeping rooms shall not exceed two persons per room, except in passenger ships where the maximum number permissible shall be four.

5. The number of petty officers occupying sleeping rooms shall not exceed one or two persons per room.

6. In sleeping rooms for officers, where no private sitting room or day room is provided, the floor area per person shall be not less than 6.50 square metres (69.96 square feet) in ships of less than 3,000 tons, and not less than 7.50 square metres (80.73 square feet) in ships of 3,000 tons or over.

7. In ships other than passenger ships an individual sleeping room shall be provided for each adult member of the crew, where the size of the ship, the activity in which it is to be engaged, and its layout make this reasonable and practicable.

8. Where practicable in ships of 3,000 tons or over, the chief engineer officer and the chief navigating officer shall have, in addition to their sleeping room, an adjoining sitting room or day room.

9. 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.

10. The minimum inside dimensions of a berth shall be 198 centimetres by 80 centimetres (6 feet 6 inches by 2 feet 7.50 inches).

Article 6

1. The floor area of mess rooms for officers and for ratings shall be not less than 1 square metre (10.76 square feet) per person of the planned seating capacity.

2. Mess rooms shall be equipped with tables and approved seats, fixed or movable, sufficient to accommodate the greatest number of members of the crew likely to use them at any one time.

3. There shall be available at all times when members of the crew are on board—

- (a) a refrigerator, which shall be conveniently situated, of sufficient capacity for the number of persons using the mess room or mess rooms;
- (b) facilities for hot beverages; and
- (c) cool water facilities.

4. The competent authority may permit such exceptions to the provisions of paragraphs 1 and 2 of this Article concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships.

Article 7

1. 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.

2. Furnishings for recreation accommodation shall as a minimum include a bookcase and facilities for reading, writing and, where practicable, for games.

3. In respect of ships of 8,000 tons or over, a smoking room or library room in which films or television may be shown and a hobby and games room shall be provided; consideration shall be given to the provision of a swimming pool.

4. In connection with the planning of recreation accommodation, the competent authority shall give consideration to the provision of a canteen.

Article 8

1. In all ships a minimum of one water closet and one tub and/or shower bath for every six persons or less who do not have facilities in pursuance of paragraphs 2 to 4 of this Article shall be provided

at a convenient location for officers and for ratings. When women are employed in a ship, separate sanitary facilities shall be provided for them.

2. In ships of 5,000 tons or over but less than 15,000 tons, individual sleeping rooms for at least five officers shall have attached to them a separate private bathroom fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water; the wash basin may be situated in the sleeping room. In addition, in ships of 10,000 tons or over but less than 15,000 tons, the sleeping rooms of all other officers shall have private or intercommunicating bathrooms similarly fitted.

3. In ships of 15,000 tons or over, individual sleeping rooms for officers shall have attached to them a separate private bathroom fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water; the wash basin may be situated in the sleeping room.

4. In ships of 25,000 tons or over, other than passenger ships, a bathroom for every two ratings shall be provided, either in an intercommunicating compartment between adjoining sleeping rooms or opposite the entrance of such rooms, which shall be fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water.

5. In ships of 5,000 tons or over, other than passenger ships, each sleeping room, whether for officers or ratings, shall be provided with a wash basin having hot and cold running fresh water, except where such wash basin is situated in a bathroom provided in conformity with paragraph 2, 3 or 4 of this Article.

6. In all ships, facilities for washing, drying and ironing clothes shall be provided for officers and ratings on a scale appropriate to the size of the crew and the normal duration of the voyage. These facilities shall, whenever possible, be located within easy access of their accommodation.

7. The facilities to be provided shall be—

(a) washing machines;

(b) drying machines or adequately heated and ventilated drying rooms; and

(c) irons and ironing boards or their equivalent.

Article 9

1. In ships of 1,600 tons or over there shall be provided—

- (a) a separate compartment containing a water closet and a wash basin having hot and cold running fresh water, within easy access of the navigating bridge deck primarily for those on duty in the area; and
- (b) a water closet and a wash basin having hot and cold running fresh water, within easy access of the machinery space if not fitted near the engine-room control centre.

2. In ships of 1,600 tons or over, other than ships in which private sleeping rooms and private or semi-private bathrooms are provided for all engine department personnel, facilities for changing clothes shall be provided which shall be—

- (a) located outside the machinery space but with easy access to it; and
- (b) fitted with individual clothes lockers as well as with tubs and/or shower baths and wash basins having hot and cold running fresh water.

Article 10

The minimum headroom in all crew accommodation where full and free movement is necessary shall be not less than 198 centimetres (6 feet 6 inches): Provided that the competent authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that it is reasonable to do so and also that such reduction will not result in discomfort to the crew.

Article 11

1. Crew accommodation shall be properly lighted.
2. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lighted by natural light and shall be provided with adequate artificial light.
3. In all ships electric light 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. In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

5. Suitable standards of natural and artificial lighting shall be fixed by the competent authority.

Article 12

In the case of ships the manning of which has to take account, without discrimination, of the interest of crews having differing and distinctive religious and social practices, the competent authority may, after consultation with the organizations of shipowners and/or the shipowners and with the *bona fide* trade unions of the seafarers concerned, and provided that these two sides are in agreement, permit variations in respect of the provisions of paragraphs 1 to 4 and paragraph 7 of Article 5 and paragraphs 1 and 4 of Article 8 of this Convention on condition that such variations do not result in over-all facilities less favourable than those which would result from the application of the provisions of the Convention. Particulars of all such variations shall be communicated by the Member concerned to the Director-General of the International Labour Office who shall notify the Members of the International Labour Organization.

PART III. APPLICATION OF THE CONVENTION TO EXISTING SHIPS

Article 13

1. 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 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 reasonable and practicable, having regard in particular to technical, economic and other problems involved in the application of Articles 5, 8 and 10, to be made when—

(a) the ship is re-registered;

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

2. In the case of a ship in the process of building and/or conversion 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 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 reasonable and practicable, having regard in particular to technical, economic and other problems involved in the application of Articles 5, 8 and 10; such alterations shall constitute final compliance with the terms of this Convention.

3. In the case of a ship, other than such a ship as is referred to in paragraphs 1 and 2 of this Article or a ship to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, 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 reasonable and practicable, having regard in particular to technical, economic and other problems involved in the application of Articles 5, 8 and 10; such alterations shall constitute final compliance with the terms of this Convention.

PART IV. FINAL PROVISIONS

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General 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-General.

2. It shall come into force twelve months after the date on which there have been registered ratifications by twelve Members each of which has more than one million tons of shipping, including at least four Members each of which has at least two million tons of shipping.

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 first comes into force, by an act communicated to the Director-General 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-General of the International Labour Office shall notify all 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-General 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-General 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 such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine 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.

INTERNATIONAL LABOUR CONFERENCE

Convention 134**CONVENTION CONCERNING THE PREVENTION OF
OCCUPATIONAL ACCIDENTS TO SEAFARERS**

- The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and
- Noting the terms of existing international labour Conventions and Recommendations applicable to work on board ship and in port and relevant to the prevention of occupational accidents to seafarers, and in particular of the Labour Inspection (Seamen) Recommendation, 1926, the Prevention of Industrial Accidents Recommendation, 1929, the Protection against Accidents (Dockers) Convention (Revised), 1932, the Medical Examination (Seafarers) Convention, 1946, and the Guarding of Machinery Convention and Recommendation, 1963, and
- Noting the terms of the Safety of Life at Sea Convention, 1960, and the Regulations annexed to the International Load Line Convention, as revised in 1966, which provide for a number of safety measures on board ship which provide protection for persons employed thereon, and
- Having decided upon the adoption of certain proposals with regard to accident prevention on board ship at sea and in port, which is the fifth item on the agenda of the session, and
- Having determined that these proposals shall take the form of an international Convention, and
- Noting that, for the success of action in the field of accident prevention on board ship, it is important that close co-operation be maintained in their respective fields between the International Labour Organization and the Inter-Governmental Maritime Consultative Organization, and
- Noting that the following standards have accordingly been framed with the co-operation of the Inter-Governmental Maritime Consultative Organization, and that it is proposed to seek its continuing co-operation in the application of these standards,
- adopts this thirtieth day of October of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Prevention of Accidents (Seafarers) Convention, 1970:

Article 1

1. For the purpose of this Convention, the term "seafarer" covers all persons who are employed in any capacity on board a ship, other than a ship of war, registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each country after consultation with the shipowners' and seafarers' organizations concerned.

3. For the purpose of this Convention, the term "occupational accidents" covers accidents to seafarers arising out of or in the course of their employment.

Article 2

1. The competent authority in each maritime country shall take the necessary measures to ensure that occupational accidents are adequately reported and investigated, and comprehensive statistics of such accidents kept and analysed.

2. All occupational accidents shall be reported and statistics shall not be limited to fatalities or to accidents involving the ship.

3. The statistics shall record the numbers, nature, causes and effects of occupational accident, with a clear indication of the department on board ship—for instance, deck, engine or catering—and of the area—for instance, at sea or in port—where the accident occurred.

4. The competent authority shall undertake an investigation into the causes and circumstances of occupational accidents resulting in loss of life or serious personal injury, and such other accidents as may be specified in national laws or regulations.

Article 3

In order to provide a sound basis for the prevention of accidents which are due to particular hazards of maritime employment, research shall be undertaken into general trends and into such hazards as are brought out by statistics.

Article 4

1. Provisions concerning the prevention of occupational accidents shall be laid down by laws or regulations, codes of practice or other appropriate means.

2. These provisions shall refer to any general provisions on the prevention of accidents and the protection of health in employment which may be applicable to the work of seafarers, and shall specify measures for the prevention of accidents which are peculiar to maritime employment.

3. In particular, these provisions shall cover the following matters:

- (a) general and basic provisions;
- (b) structural features of the ship;
- (c) machinery;
- (d) special safety measures on and below deck;
- (e) loading and unloading equipment;
- (f) fire prevention and fire-fighting;
- (g) anchors, chains and lines;
- (h) dangerous cargo and ballast;
- (i) personal protective equipment for seafarers.

Article 5

1. The accident prevention provisions referred to in Article 4 shall clearly specify the obligation of shipowners, seafarers and others concerned to comply with them.

2. Generally, any obligation on the shipowner to provide protective equipment or other accident prevention safeguards shall be accompanied by provision for the use of such equipment and safeguards by seafarers and a requirement that they comply with the relevant accident prevention measures.

Article 6

1. Appropriate measures shall be taken to ensure the proper application of the provisions referred to in Article 4, by means of adequate inspection or otherwise.

2. Appropriate measures shall be taken to ensure compliance with these provisions.

3. All necessary steps shall be taken to ensure that inspection and enforcement authorities are familiar with maritime employment and its practices.

4. In order to facilitate application, copies or summaries of the provisions shall be brought to the attention of seafarers, for instance by display in a prominent position on board ship.

Article 7

Provision shall be made for the appointment, from amongst the crew of the ship, of a suitable person or suitable persons or of a suitable committee responsible, under the Master, for accident prevention.

Article 8

1. Programmes for the prevention of occupational accidents shall be established by the competent authority with the co-operation of shipowners' and seafarers' organizations.

2. Implementation of such programmes shall be so organized that the competent authority, shipowners and seafarers or their representatives and other appropriate bodies may play an active part.

3. In particular, national or local joint accident prevention committees or *ad hoc* working parties, on which both shipowners' and seafarers' organizations are represented, shall be established.

Article 9

1. The competent authority shall promote and, in so far as appropriate under national conditions, ensure the inclusion, as part of the instruction in professional duties, of instruction in the prevention of accidents and in measures for the protection of health in employment in the curricula, for all categories and grades of seafarers, of vocational training institutions.

2. All appropriate and practicable measures shall also be taken to bring to the attention of seafarers information concerning particular hazards, for instance by means of official notices containing relevant instructions.

Article 10

Members, with the assistance as appropriate of intergovernmental and other international organizations, shall endeavour, in co-operation with each other, to achieve the greatest possible measure of uniformity of other action for the prevention of occupational accidents.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General 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-General.

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

3. Thereafter, this Convention shall come into force for any Member twelve 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 first comes into force, by an act communicated to the Director-General 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-General of the International Labour Office shall notify all 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-General 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-General 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 such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General

Conference a report on the working of this Convention and shall examine 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.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 142

**RECOMMENDATION CONCERNING THE PREVENTION OF
OCCUPATIONAL ACCIDENTS TO SEAFARERS**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and

Considering that, although much is being done in a number of countries to reduce occupational accidents to seafarers, there is room for further study of such accidents and for further measures for their prevention, and that international standards embodying a relevant programme of action for the maritime sector are accordingly desirable, and

Having decided upon the adoption of certain proposals with regard to accident prevention on board ship at sea and in port, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Prevention of Accident (Seafarers) Convention, 1970, and

Noting that the following standards have been framed with the co-operation of the Inter-Governmental Maritime Consultative Organization, and that it is proposed to seek its continuing co-operation in promoting and securing the application of these standards,

adopts this thirtieth day of October of the year one thousand nine hundred and seventy the following Recommendation, which may be cited as the Prevention of Accidents (Seafarers) Recommendation, 1970:

1. For the purpose of this Recommendation—
 - (a) the term "seafarer" covers all persons who are employed in any capacity on board a ship, other than a ship of war, ordinarily engaged in maritime navigation;
 - (b) the term "occupational accidents" covers accidents to seafarers arising out of or in the course of their employment.

2. In giving effect to paragraph 3 of Article 2 of the Prevention of Accidents (Seafarers) Convention, 1970, Members should have due regard to any international system of recording accidents to seafarers which may have been established by the International Labour Organization.

3. Subjects to be investigated in pursuance of Article 3 of the Prevention of Accidents (Seafarers) Convention, 1970, might include—

- (a) working environment, such as working surfaces, layout of machinery and means of access and lighting, and methods of work;
- (b) incidence of accidents in different age groups;
- (c) special physiological or psychological problems created by the shipboard environment;
- (d) problems arising from physical stress on board ship, in particular as a consequence of increased workload;
- (e) problems arising from and effects of technical developments and their influence on the composition of crews;
- (f) problems arising from any human failures such as carelessness.

4. In formulating the accident prevention provisions called for by Article 4 of the Prevention of Accidents (Seafarers) Convention, 1970, Members should have due regard to any Code of Practice concerning the safety and health of seafarers which may have been published by the International Labour Office.

5. In giving effect to Article 5 of the Prevention of Accidents (Seafarers) Convention, 1970, account should be taken of Articles 7 and 11 of the Guarding of Machinery Convention, 1963—and the corresponding provisions of the Guarding of Machinery Recommendation, 1963—under which the obligation to ensure compliance with the requirement that machinery in use is properly guarded, and its use without appropriate guards prevented, rests on the employer, while there is an obligation on the worker not to use machinery without the guards being in position nor to make inoperative the guards provided.

6. (1) The functions of the committees and other bodies referred to in paragraph 3 of Article 8 of the Prevention of Accidents (Seafarers) Convention, 1970, might include—

- (a) the preparation of accident prevention provisions, rules and manuals;
- (b) the organization of accident prevention training and programmes;

(c) the organization of accident prevention publicity, including films, posters, notices and brochures;

(d) the distribution of accident prevention literature and information so that it reaches seafarers on board ship.

(2) Relevant provisions or recommendations adopted by the appropriate national authorities or organizations or responsible international maritime organizations should be taken into account by those preparing texts of accident prevention measures and/or recommended practices.

7. The syllabuses of the instruction referred to in Article 9 of the Prevention of Accidents (Seafarers) Convention, 1970, should be reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in crewing practices, nationality, language and the organization of work on board ship.

8. (1) There should be continuous accident prevention publicity.

(2) Such publicity might take the following forms:

(a) instructional films, film strips and shorts, for use in vocational training centres for seafarers and where possible in film programmes screened on board ship;

(b) display of safety posters on board ship;

(c) inclusion of articles on hazards of maritime employment and accident prevention measures in periodicals read by seafarers;

(d) special campaigns, during which various media of publicity are used to instruct seafarers in accident prevention and safe working practices.

(3) The publicity should take into account that there are often seafarers of different nationalities, languages and habits on board ship.

9. (1) In giving effect to Article 10 of the Accident Prevention (Seafarers) Convention, 1970, Members should have due regard to relevant Model Codes of Safety Regulations or Codes of Practice published by the International Labour Office and the appropriate standards of international organizations for standardization.

(2) Members should further have regard to the need for international co-operation in the continuous promotion of action for the prevention of occupational accidents; such co-operation might take the form of—

(a) bilateral or multilateral arrangements for uniformity in accident prevention standards and safeguards;

- (b) exchange of information on particular hazards affecting seafarers and on means of preventing accidents;
- (c) assistance in testing of equipment and inspection according to the national regulations of the country of registration of the ship;
- (d) collaboration in the preparation and dissemination of accident prevention provisions, rules or manuals;
- (e) collaboration in the production and use of training aids;
- (f) joint facilities for or mutual assistance in the training of seafarers in accident prevention and safe working practices.

INTERNATIONAL LABOUR CONFERENCE

Convention 139**CONVENTION CONCERNING PREVENTION AND CONTROL
OF OCCUPATIONAL HAZARDS CAUSED BY CARCINOGENIC
SUBSTANCES AND AGENTS**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5th June, 1974, and

Noting the terms of the Radiation Protection Convention and Recommendation, 1960, and of the Benzene Convention and Recommendation, 1971, and Considering that it is desirable to establish international standards concerning protection against carcinogenic substances or agents, and

Taking account of the relevant work of other international organizations, and in particular of the World Health Organization and the International Agency for Research on Cancer, with which the International Labour Organization collaborates, and

Having decided upon the adoption of certain proposals regarding control and prevention of occupational hazards caused by carcinogenic substances and agents, which is 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-fourth day of June of the year one thousand nine hundred and seventy-four the following Convention, which may be cited as the Occupational Cancer Convention, 1974:

Article 1

1. Each Member which ratifies this Convention shall periodically determine the carcinogenic substances and agents to which occupational exposure shall be prohibited or made subject to authorization or control, and those to which other provisions of this Convention shall apply.

2. Exemptions from prohibition may only be granted by issue of a certificate specifying in each case the conditions to be met.

3. In making the determinations required by paragraph 1 of this Article, consideration shall be given to the latest information contained in the codes of practice or guides which may be established by the International Labour Office, as well as to information from other competent bodies.

Article 2

1. Each Member which ratifies this Convention shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.

2. The number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure shall be reduced to the minimum compatible with safety.

Article 3

Each Member which ratifies this Convention shall prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents and shall ensure the establishment of an appropriate system of records.

Article 4

Each Member which ratifies this Convention shall take steps so that workers who have been, are, or are likely to be exposed to carcinogenic substances or agents are provided with all the available information on the dangers involved and on the measures to be taken.

Article 5

Each Member which ratifies this Convention shall take measures to ensure that workers are provided with such medical examinations or biological or other tests or investigations during the period of employment and thereafter as are necessary to evaluate their exposure and supervise their state of health in relation to the occupational hazards.

Article 6

Each Member which ratifies this Convention—

(a) shall, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organizations of employers and

workers concerned, take such steps as may be necessary to give effect to the provisions of this Convention;

- (b) shall, in accordance with national practice, specify the persons or bodies on whom the obligation of compliance with the provisions of this Convention rests;
- (c) undertakes to provide appropriate inspection services for the purpose of supervising the application of this Convention, or to satisfy itself that appropriate inspection is carried out.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General 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-General.

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

3. Thereafter, this Convention shall come into force for any Member twelve 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 first comes into force, by an act communicated to the Director-General 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-General of the International Labour Office shall notify all 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-General 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-General 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 such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine 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.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 147

RECOMMENDATION CONCERNING PREVENTION AND CONTROL OF OCCUPATIONAL HAZARDS CAUSED BY CARCINOGENIC SUBSTANCES AND AGENTS

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5th June, 1974, and

Noting the terms of the Radiation Protection Convention and Recommendation, 1960, and of the Benzene Convention and Recommendation, 1971, and

Considering that it is desirable to establish international standards concerning protection against carcinogenic substances or agents, and

Taking account of the relevant work of other international organizations, and in particular of the World Health Organization and the International Agency for Research on Cancer, with which the International Labour Organization collaborates, and

Having decided upon the adoption of certain proposals regarding control and prevention of occupational hazards caused by carcinogenic substances and agents, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Recommendation, which may be cited as the Occupational Cancer Recommendation, 1974:

I. GENERAL PROVISIONS

1. Every effort should be made to replace carcinogenic substances and agents to which workers may be exposed in the course of their work by non-carcinogenic substances or agents or by less harmful

substances or agents; in the choice of substitute substances or agents account should be taken of their carcinogenic, toxic and other properties.

2. The number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure should be reduced to the minimum compatible with safety.

3. (1) The competent authority should prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents.

(2) The competent authority should keep the measures prescribed up to date, taking into account the codes of practices or guides which may be established by the International Labour Office and the conclusions of meetings of experts which may be convened by the International Labour Office, as well as information from other competent bodies.

4. (1) Employers should make every effort to use work processes which do not cause the formation, and particularly the emission in the working environment, of carcinogenic substances or agents, as main products, intermediates, by-products, waste products or otherwise.

(2) Where complete elimination of a carcinogenic substance or agent is not possible, employers should use all appropriate measures, in consultation with the workers and their organizations and in the light of advice from competent sources, including occupational health services, to eliminate exposure or reduce it to a minimum in terms of numbers exposed, duration of exposure and degree of exposure.

(3) In cases to be determined by the competent authority, the employer should make arrangements for the systematic surveillance of the duration and degree of exposure to carcinogenic substances or agents in the working environment.

(4) Where carcinogenic substances or agents are transported or stored, all appropriate measures should be taken to prevent leakage or contamination.

5. Workers and others involved in occupational situations in which the risk of exposure to carcinogenic substances or agents may occur should conform to the safety procedures laid down and make proper use of all equipment furnished for their protection or the protection of others.

II. PREVENTIVE MEASURES

6. The competent authority should periodically determine the carcinogenic substances and agents to which occupational exposure should be prohibited or made subject to authorization or control, and those to which other provisions of this Recommendation apply.

7. In making such determinations the competent authority should give consideration to the latest information contained in the codes of practice or guides which may be established by the International Labour Office, and in the conclusions of meetings of experts which may be convened by the International Labour Office, as well as to information from other competent bodies.

8. The competent authority may permit exemptions from prohibition by issue of a certificate specifying in each case—

- (a) the technical, hygiene and personal protection measures to be applied;
- (b) the medical supervision or other tests or investigations to be carried out;
- (c) the records to be maintained; and
- (d) the professional qualifications required of those dealing with the supervision of exposure to the substance or agent in question.

9. (1) For substances and agents subject to authorization or control, the competent authority should—

- (a) secure the necessary advice, particularly as regards the existence of substitute products or methods and the technical, hygiene and personal protection measures to be applied, as well as the medical supervision or other tests or investigations to be carried out before, during and after assignment to work involving exposure to the substances or agents in question;
- (b) require the institution of such measures as are appropriate.

(2) The competent authority should further establish the criteria for determining the degree of exposure to the substances or agents in question, and where appropriate should specify levels as indicators for surveillance of the working environment in connection with the technical preventive measures required.

10. The competent authority should keep the determination of carcinogenic substances and agents made in pursuance of this part of this Recommendation up to date.

III. SUPERVISION OF HEALTH OF WORKERS

11. Provision should be made, by laws or regulations or any other method consistent with national practice and conditions, for all workers assigned to work involving exposure to specified carcinogenic substances or agents to undergo as appropriate—

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests and investigations which may be necessary to evaluate their exposure and supervise their state of health in relation to the occupational hazards.

12. The competent authority should ensure that provision is made for appropriate medical examinations or biological or other tests or investigations to continue to be available to the worker after cessation of the assignment referred to in Paragraph 11 of this Recommendation.

13. The examinations, tests and investigations provided for in Paragraphs 11 and 12 of this Recommendation should be carried out as far as possible in working hours and should be free of cost to the workers.

14. If as the result of any action taken in pursuance of this Recommendation it is inadvisable to subject a worker to further exposure to carcinogenic substances or agents in that worker's normal employment, every reasonable effort should be made to provide such a worker with suitable alternative employment.

15. (1) The competent authority should establish and maintain, where practicable and as soon as possible, in association with individual employers and representatives of workers, a system for the prevention and control of occupational cancer including—

- (a) the institution, maintenance, preservation and transfer of records; and

- (b) exchange of information.

(2) In establishing such a system of records and exchange of information, account should be taken of the assistance which may be provided by international and national organizations, including organizations of employers and workers, and by individual employers.

(3) In the case of closure of an undertaking, records and information held in compliance with this Paragraph should be dealt with in accordance with the directions of the competent authority.

(4) In any country in which the competent authority does not establish such a system of records and information, the employer, in consultation with representatives of workers, should make every effort to attain the objectives of this Paragraph.

IV. INFORMATION AND EDUCATION

16. (1) The competent authority should promote epidemiological and other studies and collect and disseminate information relevant to occupational cancer risks, with the assistance as appropriate of international and national organizations, including organizations of employers and workers.

(2) It should endeavour to establish the criteria for determining the carcinogenicity of substances and agents.

17. The competent authority should draw up suitable educational guides for both employers and workers on substances and agents liable to give rise to occupational cancer.

18. Employers should seek information, especially from the competent authority, on carcinogenic hazards which may arise with regard to any substance or agent introduced or to be introduced into the undertaking; when a carcinogenic potential is suspected, they should decide in consultation with the competent authority on the additional studies to be carried out.

19. Employers should ensure that in the case of any substance or agent which is carcinogenic there is at the workplace an appropriate indication to any worker who may be liable to exposure of the danger which may arise.

20. Employers should instruct their workers before assignment and regularly thereafter, as well as on introduction of a new carcinogenic substance or agent, on the dangers of exposure to carcinogenic substances and agents and on the measures to be taken.

21. Employers' and workers' organizations should take positive action to carry out programmes of information and education with regard to the hazards of occupational cancer, and should encourage their members to participate fully in programmes of prevention and control.

V. MEASURES OF APPLICATION

22. Each Member should—

(a) by laws or regulations or any other method consistent with national practice and conditions, take such steps, including

the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;

- (b) in accordance with national practice, specify the bodies or persons on whom the obligation of compliance with the provisions of this Recommendation rests;
- (c) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out.

23. In applying the provisions of this Recommendation, the competent authority should consult with the most representative organizations of employers and workers concerned.

INTERNATIONAL LABOUR CONFERENCE

Convention 144

**CONVENTION CONCERNING TRIPARTITE CONSULTATIONS
TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL
LABOUR STANDARDS**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2nd June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organize Convention, 1948, the Right to Organize and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organizations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organizations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organizations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards, and

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

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976;

Article 1

In this Convention the term "representative organizations" means the most representative organizations of employers and workers enjoying the right of freedom of association.

Article 2

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organization set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organizations, where such organizations exist and such procedures have not yet been established.

Article 3

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organizations, where such organizations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

Article 4

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organizations, where such organizations exist, for the financing of any necessary training of participants in these procedures.

Article 5

1. The purpose of the procedures provided for in this Convention shall be consultations on—

- (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organization;

- (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organization;
- (e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in Paragraph 1 of this Article, consultations shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

Article 6

When this is considered appropriate after consultation with the representative organizations, where such organizations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General 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-General.

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

3. Thereafter, this Convention shall come into force for any Member twelve 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 first comes into force, by an act communicated to the Director-General 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-General of the International Labour Office shall notify all 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-General 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-General 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 such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine 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.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 152**RECOMMENDATION CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS AND NATIONAL ACTION RELATING TO THE ACTIVITIES OF THE INTERNATIONAL LABOUR ORGANIZATION**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2nd June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organize Convention, 1948, the Right to Organize and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organizations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organizations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers organizations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards and national action relating to the activities of the International Labour Organization, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976:

1. In this Recommendation the term "representative organizations" means the most representative organizations of employers and workers enjoying the right of freedom of association.

2. (1) Each Member of the International Labour Organization should operate procedures which ensure effective consultations with respect to matters concerning the activities of International Labour Organization, in accordance with Paragraphs 5 to 7 of this Recommendation, between representatives of the government, of employers and of workers.

(2) The nature and form of the procedures provided for in subparagraph (1) of this Paragraph should be determined in each country in accordance with national practice, after consultation with the representative organizations where such procedures have not yet been established.

(3) For instance, consultations may be undertaken—

- (a) through a committee specifically constituted for questions concerning the activities of the International Labour Organization;
- (b) through a body with general competence in the economic, social or labour field;
- (c) through a number of bodies with special responsibility for particular subject areas; or
- (d) through written communications, where those involved in the consultative procedures are agreed that such communications are appropriate and sufficient.

3. (1) The representatives of employers and workers for the purposes of the procedures provided for in this Recommendation should be freely chosen by their representative organizations.

(2) Employers and workers should be represented on an equal footing on any bodies through which consultations are undertaken.

(3) Measures should be taken, in co-operation with the employers' and workers' organizations concerned, to make available appropriate training to enable participants in the procedures to perform their functions effectively.

4. The competent authority should assume responsibility for the administrative support and financing of the procedures provided for in this Recommendation, including the financing of training programmes where necessary.

5. The purpose of the procedures provided for in this Recommendation should be consultations—

- (a) on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) on the proposals to be made to the competent authority or authorities in connection with the submission of Conventions

and Recommendations pursuant to article 19 of the Constitution of the International Labour Organization;

- (c) subject to national practice, on the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations, in particular to ratified Conventions (including measures for the implementation of provisions concerning the consultation or collaboration of employers' and workers' representatives);
- (d) on the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (e) on questions arising out of reports to be made to the International Labour Office under articles 19 and 22 of the Constitution of the International Labour Organization;
- (f) on proposals for the denunciation of ratified Conventions.

6. The competent authority, after consultation with the representative organizations, should determine the extent to which these procedures should be used for the purpose of consultations on other matters of mutual concern, such as—

- (a) the preparation, implementation and evaluation of technical co-operation activities in which the International Labour Organization participates;
- (b) the action to be taken in respect of resolutions and other conclusions adopted by the International Labour Conference, regional conferences, industrial committees and other meetings convened by the International Labour Organization;
- (c) the promotion of a better knowledge of the activities of the International Labour Organization as an element for use in economic and social policies and programmes.

7. In order to ensure adequate consideration of the matters referred to in the preceding Paragraphs, consultations should be undertaken at appropriate intervals fixed by agreement, but at least once a year.

8. Measures appropriate to national conditions and practice should be taken to ensure co-ordination between the procedures provided for in this Recommendation and the activities of national bodies dealing with analogous questions.

9. When this is considered appropriate after consultation with the representative organizations, the competent authority should issue an annual report on the working of the procedures provided for in this Recommendation.

INTERNATIONAL LABOUR CONFERENCE

Convention 145

**CONVENTION CONCERNING CONTINUITY OF EMPLOYMENT
OF SEAFARERS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Sixty-second
Session on 13th October, 1976, and

Having noted the terms of Part IV (Regularity of Employment and
Income) of the Employment of Seafarers (Technical Develop-
ments) Recommendation, 1970, and

Having decided upon the adoption of certain proposals with
regard to continuity of employment of seafarers, 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-eighth day of October of the year one thousand
nine hundred and seventy-six the following Convention, which may
be cited as the Continuity of Employment (Seafarers) Convention,
1976:

Article 1

1. This Convention applies to persons who are regularly available
for work as seafarers and who depend on their work as such for
their main annual income.

2. For the purpose of this Convention the term "seafarers" means
persons defined as such by national law or practice or by collective
agreement who are normally employed as crew members on board
a sea-going ship other than—

(a) a ship of war;

(b) a ship engaged in fishing or in operations directly connected
therewith or in whaling or in similar pursuits.

3. National laws or regulations shall determine when ships are
to be regarded as sea-going ships for the purpose of this Convention.

4. The organizations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of definitions in pursuance of paragraphs 2 and 3 of this Article.

Article 2

1. In each member state which has a maritime industry it shall be national policy to encourage all concerned to provide continuous or regular employment for qualified seafarers in so far as this is practicable and, in so doing, to provide shipowners with a stable and competent workforce.

2. Every effort shall be made for seafarers to be assured minimum periods of employment, or either a minimum income or a monetary allowance, in a manner and to an extent depending on the economic and social situation of the country concerned.

Article 3

Measures to achieve the objectives set out in Article 2 of this Convention might include—

- (a) contracts or agreements providing for continuous or regular employment with a shipping undertaking or an association of shipowners; or
- (b) arrangements for the regularization of employment by means of the establishment and maintenance of registers or lists, by categories, of qualified seafarers.

Article 4

1. Where the continuity of employment of seafarers is assured solely by the establishment and maintenance of registers or lists, these shall include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement.

2. Seafarers on such a register or list shall have priority of engagement for seafaring.

3. Seafarers on such a register or list shall be required to be available for work in a manner to be determined by national law or practice or by collective agreement.

Article 5

1. To the extent that national laws or regulations permit, the strength of registers or lists of seafarers shall be periodically

reviewed so as to achieve levels adapted to the needs of the maritime industry.

2. When a reduction in the strength of such a register or list becomes necessary, all appropriate measures shall be taken to prevent or minimize detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned.

Article 6

Each member state shall ensure that appropriate safety, health, welfare and vocational training provisions apply to seafarers.

Article 7

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements, arbitration awards, or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

Article 8

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

Article 9

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

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

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

Article 10

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General 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 11

1. The Director-General of the International Labour Office shall notify all 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-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 12

The Director-General 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 13

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 14

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 10 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 15

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

INTERNATIONAL LABOUR CONFERENCE

Recommendation 154

RECOMMENDATION CONCERNING CONTINUITY OF
EMPLOYMENT OF SEAFARERS

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office and having met in its Sixty-second
Session on 13th October, 1976, and

Having noted the terms of the Employment of Seafarers (Tech-
nical Developments) Recommendation, 1970, and

Having decided upon the adoption of certain proposals with
regard to continuity of employment of seafarers, which is the
fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a
Recommendation supplementing the Continuity of Employment
(Seafarers) Convention, 1976,

adopts this twenty-eighth day of October of the year one thousand
nine hundred and seventy-six the following Recommendation, which
may be cited as the Continuity of Employment (Seafarers) Recom-
mendation, 1976:

1. (1) Subject to the provisions of Paragraph 11, this Recommen-
dation applies to persons who are regularly available for work as
seafarers and who depend on their work as such for their main
annual income.

(2) For the purpose of this Recommendation the term "seafarers"
means persons defined as such by national law or practice or by
collective agreement who are normally employed as crew members
on board a sea-going ship other than—

(a) a ship of war;

(b) a ship engaged in fishing or in operations directly connected
therewith or in whaling or in similar pursuits.

(3) National laws or regulations should determine when ships are
to be regarded as sea-going ships for the purpose of this Recom-
mendation.

(4) The organizations of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of definitions in pursuance of subparagraphs (2) and (3) of this Paragraph.

2. In so far as practicable, continuous or regular employment should be provided for all qualified seafarers.

3. (1) Except where continuous or regular employment with a particular shipowner exists, systems of allocation should be agreed upon which reduce to a minimum the necessity for attending calls for selection and allocation to a job and the time required for this purpose.

(2) In so far as practicable, these systems should preserve the right of a seafarer to select the vessel on which he is to be employed and the right of the shipowner to select the seafarer whom he is to engage.

4. Subject to conditions to be prescribed by national laws or regulations, or collective agreements, the transfer of seafarers in the regular employment of one employer to temporary work with another should be permitted when required.

5. (1) Where continuous or regular employment is not practicable, guarantees of employment and/or income should be provided in a manner and to an extent depending on the economic and social situation of the country concerned.

(2) These guarantees might include the following:—

(a) employment for an agreed number of weeks or months per year, or income in lieu thereof;

(b) unemployment benefit when no work is available.

6. (1) Where the measures to obtain regular employment for seafarers provide for the establishment and maintenance of registers or lists of qualified seafarers, criteria should be laid down for determining the seafarers to be included in such registers or lists.

(2) Such criteria might include the following:—

(a) residence in the country concerned;

(b) age and medical fitness;

(c) competence and skill;

(d) previous service at sea.

7. When the strength of such registers or lists is reviewed by the parties concerned, account should be taken of all relevant

factors, including the long-term factors such as the modernization of the maritime industry and changing trends in trade.

8. If reduction in the over-all strength of such a register or list becomes unavoidable, all necessary efforts should be made to help seafarers to find employment elsewhere through the provision of retraining facilities, as provided for in Part III of the Employment of Seafarers (Technical Developments) Recommendation, 1970, and the assistance of the public employment services.

9. (1) In so far as practicable, any necessary reduction in the strength of such a register or list should be made gradually and without recourse to termination of employment. In this respect, experience with personnel planning techniques at the level of the undertaking and at industry level can be usefully applied to the maritime industry.

(2) In determining the extent of the reduction, regard should be had to such means as—

- (a) natural wastage;
- (b) cessation of recruitment;
- (c) exclusion of men who do not derive their main means of livelihood from seafaring work;
- (d) reducing the retirement age or facilitating voluntary early retirement by the grant of pensions, supplements to state pensions, or lump-sum payments.

10. Termination of employment should be envisaged only after due regard has been had to the means referred to in subparagraph (2) of Paragraph 9 and subject to whatever guarantees of employment may have been given. It should be based as far as possible on agreed criteria, should be subject to adequate notice, and should be accompanied by payments such as—

- (a) unemployment insurance or other forms of social security;
- (b) severance allowance or other types of separation benefits;
- (c) such combination of benefits as may be provided for by national laws or regulations, or collective agreements.

11. Appropriate provisions of this Recommendation should, as far as practicable and in accordance with national laws and practice and collective agreements, also be applied to persons who work as seafarers on a seasonal basis.

INTERNATIONAL LABOUR CONFERENCE

Convention 146

CONVENTION CONCERNING ANNUAL LEAVE WITH PAY
FOR SEAFARERS

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-second Session on 13th October, 1976, and

Having decided upon the adoption of certain proposals with regard to revision of the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), in the light of, but not necessarily restricted to, the Holidays with Pay Convention (Revised), 1970 (No. 132), 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-ninth day of October of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Seafarers' Annual Leave with Pay Convention, 1976:

Article 1

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards, court decisions, statutory wage-fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

Article 2

1. This Convention applies to all persons who are employed as seafarers.

2. For the purpose of this Convention, the term "seafarers" means a person who is employed in any capacity on board a sea-going ship

registered in a territory for which the Convention is in force, other than—

(a) a ship of war;

(b) a ship engaged in fishing or in operations directly connected therewith or in whaling or similar pursuits.

3. National laws or regulations shall determine, after consultation with the organizations of shipowners and seafarers concerned, where such exist, which ships are to be regarded as sea-going ships for the purpose of this Convention.

4. Each Member which ratifies this Convention may, after consultation with the organizations of employers and workers concerned, where such exist, extend its application, with the modifications rendered necessary by the conditions of the industry, to the persons excluded from the definition of seafarers by Paragraph 2, subparagraph (b), of this Article, or to certain categories thereof.

5. Each Member which extends the application of this Convention in pursuance of paragraph 4 of this Article at the time of ratifying it shall specify in a declaration appended to its ratification the categories to which the application is extended and the modifications, if any, rendered necessary.

6. Each Member which has ratified this Convention may further subsequently notify the Director-General of the International Labour Office, by a declaration, that it extends the application of the Convention to categories beyond those, if any, specified at the time of ratification.

7. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organizations of shipowners and seafarers concerned, where such exist, to exclude from the application of this Convention limited categories of persons employed on board sea-going ships.

8. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organization, any categories which may have been excluded in pursuance of paragraphs 3 and 7 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

Article 3

1. Every seafarer to whom this Convention applies shall be entitled to annual leave with pay of a specified minimum length.

2. Each Member which ratifies this Convention shall specify the length of the annual leave in a declaration appended to its ratification.

3. The leave shall in no case be less than 30 calendar days for one year of service.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies annual leave longer than that specified at the time of ratification.

Article 4

1. A seafarer whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to annual leave with pay proportionate to his length of service during that year.

2. The expression "year" in this Convention shall mean the calendar year or any other period of the same length.

Article 5

1. The manner in which the length of service is calculated for the purpose of leave entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, service off articles shall be counted as part of the period of service.

3. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work to attend an approved maritime vocational training course or for such reasons beyond the control of the seafarer concerned as illness, injury or maternity shall be counted as part of the period of service.

Article 6

The following shall not be counted as part of the minimum annual leave with pay prescribed in Article 3, paragraph 3, of this Convention:—

- (a) public and customary holidays recognized as such in the country of the flag, whether or not they fall during the annual leave with pay;

- (b) periods of incapacity for work resulting from illness, injury or maternity, under conditions to be determined by the competent authority or through the appropriate machinery in each country;
- (c) temporary shore leave granted to a seafarer while on articles;
- (d) compensatory leave of any kind, under conditions to be determined by the competent authority or through the appropriate machinery in each country.

Article 7

1. Every seafarer taking the annual leave envisaged in this Convention shall receive in respect of the full period of that leave at least his normal remuneration (including the cash equivalent of any part of that remuneration which is paid in kind), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the seafarer concerned in advance of the leave, unless otherwise provided by national laws or regulations or in an agreement applicable to him and the employer.

3. A seafarer who leaves or is discharged from the service of his employer before he has taken annual leave due to him shall receive in respect of such leave due to him the remuneration provided for in paragraph 1 of this Article.

Article 8

1. The division of the annual leave with pay into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave, may be authorized by the competent authority or through the appropriate machinery in each country.

2. Subject to paragraph 1 of this Article and unless otherwise provided in an agreement applicable to the employer and the seafarer concerned, the annual leave with pay prescribed by this Convention shall consist of an uninterrupted period.

Article 9

In exceptional cases, provision may be made by the competent authority or through the appropriate machinery in each country for the substitution for annual leave due in virtue of this Convention of a cash payment at least equivalent to the remuneration provided for in Article 7.

Article 10

1. The time at which the leave is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation and, as far as possible, in agreement with the seafarer concerned or his representatives.

2. No seafarer shall be required without his consent to take annual leave due to him at a place other than that where he was engaged or recruited, whichever is nearer his home, except under the provisions of a collective agreement or of national laws or regulations.

3. If a seafarer is required to take his annual leave from a place other than that permitted by paragraph 2 of this Article, he shall be entitled to free transportation to the place where he was engaged or recruited, whichever is nearer his home, and subsistence and other costs directly involved in his return there shall be for the account of the employer; the travel time involved shall not be deducted from the annual leave with pay due to the seafarer.

Article 11

Any agreement to relinquish the right to the minimum annual leave with pay prescribed in Article 3, paragraph 3, or—except as provided, exceptionally, in pursuance of Article 9 of this Convention—to forgo such leave, shall be null and void.

Article 12

A seafarer taking annual leave shall be recalled only in cases of extreme emergency with due notice.

Article 13

Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning annual leave with pay, by means of adequate inspection or otherwise.

Article 14

This Convention revises the Paid Vacations (Seafarers) Convention (Revised), 1949.

Article 15

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

Article 16

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

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

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

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General 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 18

1. The Director-General of the International Labour Office shall notify all 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-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 19

The Director-General 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 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

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 17 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 22

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

INTERNATIONAL LABOUR CONFERENCE

Convention 147

CONVENTION CONCERNING MINIMUM STANDARDS
IN MERCHANT SHIPS

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-second Session on 13th October, 1976, and

Recalling the provisions of the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958, and of the Social Conditions and Safety (Seafarers) Recommendation, 1958, and

Having decided upon the adoption of certain proposals with regard to substandard vessels, particularly those registered under flags of convenience, which is 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 October of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Merchant Shipping (Minimum Standards) Convention, 1976:

Article 1

1. Except as otherwise provided in this Article, this Convention applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose.
2. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.
3. This Convention applies to sea-going tugs.
4. This Convention does not apply to—
 - (a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;
 - (b) ships engaged in fishing or in whaling or in similar pursuits;

(c) small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation, the decision as to which vessels are covered by this subparagraph to be taken by the competent authority in each country in consultation with the most representative organizations of shipowners and seafarers.

5. Nothing in this Convention shall be deemed to extend the scope of the Conventions referred to in the Appendix to this Convention or of the provisions contained therein.

Article 2

Each Member which ratifies this Convention undertakes—

(a) to have laws or regulations laying down, for ships registered in its territory—

(i) safety standards, including standards of competency, hours of work and manning, so as to ensure the safety of life on board ship;

(ii) appropriate social security measures; and

(iii) shipboard conditions of employment and shipboard living arrangements, in so far as these, in the opinion of the Member, are not covered by collective agreements or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;

and to satisfy itself that the provisions of such laws and regulations are substantially equivalent to the Conventions or Articles of Conventions referred to in the appendix to this Convention, in so far as the Member is not otherwise bound to give effect to the Conventions in question;

(b) to exercise effective jurisdiction or control over ships which are registered in its territory in respect of—

(i) safety standards, including standards of competency, hours of work and manning, prescribed by national laws or regulations;

(ii) social security measures prescribed by national laws or regulations;

(iii) shipboard conditions of employment and shipboard living arrangements prescribed by national laws or regulations, or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;

- (c) to satisfy itself that measures for the effective control of other shipboard conditions of employment and living arrangements, where it has no effective jurisdiction, are agreed between shipowners or their organizations and seafarers' organizations constituted in accordance with the substantive provisions of the Freedom of Association and Protection of the Right to Organize Convention, 1948, and the Right to Organize and Collective Bargaining Convention, 1949;
- (d) to ensure that—
- (i) adequate procedures—subject to over-all supervision by the competent authority, after tripartite consultation amongst that authority and the representative organizations of shipowners and seafarers where appropriate—exist for the engagement of seafarers on ships registered in its territory and for the investigation of complaints arising in that connection;
 - (ii) adequate procedures—subject to over-all supervision by the competent authority, after tripartite consultation amongst that authority and the representative organizations of shipowners and seafarers where appropriate—exist for the investigation of any complaint made in connexion with and, if possible, at the time of the engagement in its territory of seafarers of its own nationality on ships registered in a foreign country, and that such complaint as well as any complaint made in connexion with and, if possible, at the time of the engagement in its territory of foreign seafarers on ships registered in a foreign country, is promptly reported by its competent authority to the competent authority of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office;
- (e) to ensure that seafarers employed on ships registered in its territory are properly qualified or trained for the duties for which they are engaged, due regard being had to the Vocational Training (Seafarers) Recommendation, 1970;
- (f) to verify by inspection or other appropriate means that ships registered in its territory comply with applicable international labour Conventions in force which it has ratified, with the laws and regulations required by subparagraph (a) of this Article and, as may be appropriate under national laws, with applicable collective agreements;
- (g) to hold an official inquiry into any serious marine casualty involving ships registered in its territory, particularly those

involving injury and/or loss of life, the final report of such inquiry normally to be made public.

Article 3

Any Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship registered in a state which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken by the ratifying state to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two states concerned may be parties.

Article 4

1. If a Member which has ratified this Convention and in whose port a ship calls in the normal course of its business or for operational reasons receives a complaint or obtains evidence that the ship does not conform to the standards of this Convention, after it has come into force, it may prepare a report addressed to the government of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.

2. In taking such measures, the Member shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag state and shall, if possible, have such representative present. It shall not unreasonably detain or delay the ship.

3. For the purpose of this Article, "complaint" means information submitted by a member of the crew, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to its crew.

Article 5

1. This Convention is open to the ratification of Members which—

(a) are parties to the International Convention for the Safety of Life at Sea, 1960, or the International Convention for the Safety of Life at Sea, 1974, or any Convention subsequently revising these Conventions; and

(b) are parties to the International Convention on Load Lines, 1966, or any Convention subsequently revising that Convention; and

(c) are parties to, or have implemented the provisions of, the Regulations for Preventing Collisions at Sea of 1960, or the Convention on the International Regulations for Preventing Collisions at Sea, 1972, or any Convention subsequently revising these international instruments.

2. This Convention is further open to the ratification of any Member which, on ratification, undertakes to fulfil the requirements to which ratification is made subject by paragraph 1 of this Article and which are not yet satisfied.

3. The formal ratifications of this Convention shall be communicated to the Director-General 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-General.

2. It shall come into force twelve months after the date on which there have been registered ratifications by at least ten Members with a total share in world shipping gross tonnage of 25 per cent.

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 first comes into force, by an act communicated to the Director-General 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-General of the International Labour Office shall notify all 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 the conditions provided for in Article 6, paragraph 2, above have been fulfilled, the Director-General 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-General 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 such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine 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 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.

APPENDIX

- Minimum Age Convention, 1973 (No. 138), or
Minimum Age (Sea) Convention (Revised), 1936 (No. 58), or
Minimum Age (Sea) Convention, 1920 (No. 7);**
- Shipowners' Liability (Sick and Injured Seamen) Convention, 1936
(No. 55), or
Sickness Insurance (Sea) Convention, 1936 (No. 56), or
Medical Care and Sickness Benefits Convention, 1969 (No. 130);**
- Medical Examination (Seafarers) Convention, 1946 (No. 73);**
- Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
(Articles 4 and 7);**
- Accommodation of Crews Convention (Revised), 1949 (No. 92);**
- Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article
5);**
- Officers' Competency Certificates Convention, 1936 (No. 53) (Articles
3 and 4);***
- Seamen's Articles of Agreement Convention, 1926 (No. 22);**
- Repatriation of Seamen Convention, 1926 (No. 23);**
- Freedom of Association and Protection of the Right to Organize
Convention, 1948 (No. 87);**
- Right to Organize and Collective Bargaining Convention, 1949 (No.
98).**

*In cases where the established licensing system or certification structure of a State would be prejudiced by problems arising from strict adherence to the relevant standards of the Officers' Competency Certificates Convention, 1936, the principle of substantial equivalence shall be applied so that there will be no conflict with that State's established arrangements for certification.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 155**RECOMMENDATION CONCERNING THE IMPROVEMENT
OF STANDARDS IN MERCHANT SHIPS**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-second Session on 13th October, 1976, and

Having decided upon the adoption of certain proposals with regard to substandard vessels, particularly those registered under flags of convenience, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Merchant Shipping (Minimum Standards) Convention, 1976,

adopts this twenty-ninth day of October of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Merchant Shipping (Improvement of Standards) Recommendation, 1976:

1. (1) Except as otherwise provided in this Paragraph, this Recommendation applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose.

(2) National laws or regulations should determine when ships are to be regarded as sea-going ships for the purpose of this Recommendation.

(3) This Recommendation applies to sea-going tugs.

(4) This Recommendation does not apply to—

(a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;

(b) ships engaged in fishing or in whaling or in similar pursuits;

(c) small vessels and vessels such as oil-rigs and drilling platforms when not engaged in navigation, the decision as to which

vessels are covered by this clause to be taken by the competent authority in each country in consultation with the most representative organizations of shipowners and seafarers.

(5) Nothing in this Recommendation should be deemed to extend the scope of the instruments referred to in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976, or in the Appendix to this Recommendation.

2. Members should—

(a) ensure that the provisions of the laws and regulations provided for in Article 2, subparagraph (a), of the Merchant Shipping (Minimum Standards) Convention, 1976, and

(b) satisfy themselves that such provisions of collective agreements as deal with shipboard conditions of employment and shipboard living arrangements,

are at least equivalent to the Conventions or Articles of Conventions referred to in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976.

3. In addition, steps should be taken, by stages if necessary, with a view to such laws or regulations, or as appropriate collective agreement, containing provisions at least equivalent to the provisions of the instruments referred to in the Appendix to this Recommendation.

4. (1) Pending steps for such revision of the Merchant Shipping (Minimum Standards) Convention, 1976, as may become necessary in the light of changes in the circumstances and needs of merchant shipping, cognisance should be taken in the application of that Convention, after consultation with the most representative organizations of shipowners and seafarers, of any revision of individual Conventions referred to in the Appendix thereto that has come into force.

(2) Cognisance should be taken in the application of this Recommendation, after consultation with the most representative organizations of shipowners and seafarers, of any revision of individual Conventions referred to in the Appendix thereto that has come into force and of any revision of other instruments therein referred to that has been adopted.

APPENDIX

Officers' Competency Certificates Convention, 1936 (No. 53);

Food and Catering (Ships' Crews) Convention, 1946 (No. 68);

Accommodation of Crews (Supplementary Provisions) Convention,
1970 (No. 133);
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134);
Workers' Representatives Convention, 1971 (No. 135);
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91); or
Seafarers' Annual Leave Convention, 1976 (No. 146);
Social Security (Seafarers) Convention, 1946 (No. 70);
Vocational Training (Seafarers) Recommendation, 1970 (No. 137);
IMCO/ILO Document for Guidance, 1975.

INTERNATIONAL LABOUR CONFERENCE

Convention 148

**CONVENTION CONCERNING THE PROTECTION OF WORKERS
AGAINST OCCUPATIONAL HAZARDS IN THE WORKING
ENVIRONMENT DUE TO AIR POLLUTION,
NOISE AND VIBRATION**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1st June, 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, 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 twentieth day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977:

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation with the representative organizations of employers and workers concerned, where such exist, exclude from the application of the

Convention particular branches of economic activity in respect of which special problems of a substantial nature arise.

3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the branches excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such branches.

Article 2

1. Each Member, after consultation with the representative organizations of employers and workers, where such exist, may accept the obligations of this Convention separately in respect of—

- (a) air pollution;
- (b) noise; and
- (c) vibration.

2. A Member which does not accept the obligations of the Convention in respect of one or more of the categories of hazards shall specify this in its ratification and shall give reasons in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization; it shall state in subsequent reports the position of its law and practice in respect of the category or categories of hazards excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of each such category of hazards.

3. Each Member which has not on ratification accepted the obligations of this Convention in respect of all the categories of hazards shall subsequently, when it is satisfied that conditions permit this, notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of a category or categories previously excluded.

Article 3

For the purpose of this Convention—

- (a) the term "air pollution" covers all air contaminated by substances, whatever their physical state, which are harmful to health or otherwise dangerous;

- (b) the term "noise" covers all sound which can result in hearing impairment or be harmful to health or otherwise dangerous;
- (c) the term "vibration" covers any vibration which is transmitted to the human body through solid structures and is harmful to health or otherwise dangerous.

PART II. GENERAL PROVISIONS

Article 4

1. National laws or regulations shall prescribe that measures be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.

2. Provisions concerning the practical implementation of the measures so prescribed may be adopted through technical standards, codes of practice and other appropriate methods.

Article 5

1. In giving effect to the provisions of this Convention, the competent authority shall act in consultation with the most representative organizations of employers and workers concerned.

2. Representatives of employers and workers shall be associated with the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of Article 4.

3. Provision shall be made for as close a collaboration as possible at all levels between employers and workers in the application of the measures prescribed in pursuance of this Convention.

4. Representatives of the employer and representatives of the workers of the undertaking shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Article 6

1. Employers shall be made responsible for compliance with the prescribed measures.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate

in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

Article 7

1. Workers shall be required to comply with safety procedures relating to the prevention and control of, and protection against, occupational hazards due to air pollution, noise and vibration in the working environment.

2. Workers or their representatives shall have the right to present proposals, to obtain information and training and to appeal to appropriate bodies so as to ensure protection against occupational hazards due to air pollution, noise and vibration in the working environment.

PART III. PREVENTIVE AND PROTECTIVE MEASURES

Article 8

1. The competent authority shall establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, shall specify exposure limits on the basis of these criteria.

2. In the elaboration of the criteria and the determination of the exposure limits the competent authority shall take into account the opinion of technically competent persons designated by the most representative organizations of employers and workers concerned.

3. The criteria and exposure limits shall be established, supplemented and revised regularly in the light of current national and international knowledge and data, taking into account as far as possible any increase in occupational hazards resulting from simultaneous exposure to several harmful factors at the workplace.

Article 9

As far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration—

(a) by technical measures applied to new plant or processes in design or installation, or added to existing plant or processes; or, where this is not possible,

(b) by supplementary organizational measures.

Article 10

Where the measures taken in pursuance of Article 9 do not bring air pollution, noise and vibration in the working environment within the limits specified in pursuance of Article 8, the employer shall provide and maintain suitable personal protective equipment. The employer shall not require a worker to work without the personal protective equipment provided in pursuance of this Article.

Article 11

1. There shall be supervision at suitable intervals, on conditions and in circumstances determined by the competent authority, of the health of workers exposed or liable to be exposed to occupational hazards due to air pollution, noise or vibration in the working environment. Such supervision shall include a pre-assignment medical examination and periodical examinations, as determined by the competent authority.

2. The supervision provided for in paragraph 1 of this Article shall be free of cost to the worker concerned.

3. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort shall be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment or to maintain his income through social security measures or otherwise.

4. In implementing this Convention, the rights of workers under social security or social insurance legislation shall not be adversely affected.

Article 12

The use of processes, substances, machinery and equipment, to be specified by the competent authority, which involve exposure of workers to occupational hazards in the working environment due to air pollution, noise or vibration, shall be notified to the competent authority and the competent authority, as appropriate, may authorize the use on prescribed conditions or prohibit it.

Article 13

All persons concerned shall be adequately and suitably—

- (a) informed of potential occupational hazards in the working environment due to air pollution, noise and vibration; and
- (b) instructed in the measures available for the prevention and control of, and protection against, those hazards.

Article 14

Measures taking account of national conditions and resources shall be taken to promote research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration.

PART IV. MEASURES OF APPLICATION

Article 15

On conditions and in circumstances determined by the competent authority, the employer shall be required to appoint a competent person, or use a competent outside service or service common to several understandings, to deal with matters pertaining to the prevention and control of air pollution, noise and vibration in the working environment.

Article 16

Each Member shall—

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Convention;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or satisfy itself that appropriate inspection is carried out.

PART V. FINAL PROVISIONS

Article 17

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

Article 18

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

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

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

Article 19

1. A Member which has ratified this Convention may denounce it, in whole or in respect of one or more of the categories of hazards referred to in Article 2 thereof, after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General 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 20

1. The Director-General of the International Labour Office shall notify all 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-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 21

The Director-General 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 22

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall

examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 23

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 19 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 24

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

INTERNATIONAL LABOUR CONFERENCE

Recommendation 156**RECOMMENDATION CONCERNING THE PROTECTION OF
WORKERS AGAINST OCCUPATIONAL HAZARDS IN THE
WORKING ENVIRONMENT DUE TO AIR POLLUTION,
NOISE AND VIBRATION**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1st June, 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant, and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977,

adopts this twentieth day of June of the year one thousand nine hundred and seventy-seven the following Recommendation, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977:

I. SCOPE

1. (1) To the greatest extent possible, the provisions of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and of this Recommendation should be applied to all branches of economic activity.

(2) Measures should be taken to give self-employed persons protection in the working environment analogous to that provided for in the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and in this Recommendation.

II. PREVENTIVE AND PROTECTIVE MEASURES

2. (1) The competent authority should prescribe the nature, frequency and other conditions of monitoring of air pollution, noise and vibration in the working environment to be carried out on the employer's responsibility.

(2) Special monitoring in relation to the exposure limits referred to in Article 8 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be undertaken in the working environment when machinery or installations are first put into use or significantly modified, or when new processes are introduced.

3. It should be the duty of the employer to arrange for equipment used to monitor air pollution, noise and vibration in the working environment to be regularly inspected, maintained and calibrated.

4. The workers and/or their representatives and the inspection services should be afforded access to the records of the monitoring of the working environment and to the records of inspection, maintenance and calibration of apparatus and equipment used therefor.

5. Substances which are harmful to health or otherwise dangerous and which are liable to be airborne in the working environment should, as far as possible, be replaced by less harmful or harmless substances.

6. Processes involving air pollution, noise or vibration in the working environment as defined in Article 3 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be replaced as far as possible by processes involving less or no air pollution, noise or vibration.

7. The competent authority should determine the substances of which the manufacture, supply or use in the working environment should be prohibited or made subject to its specific authorization, requiring compliance with particular measures of prevention or protection.

8. (1) In appropriate cases the competent authority should approve standards for the emission levels of machinery and installations as regards air pollution, noise and vibration.

(2) Those standards should be attained as appropriate by—

(a) design; or

(b) built-in devices; or

(c) technical measures during installation.

(3) An obligation to ensure compliance with these standards should be placed on the manufacturer or the supplier of the machinery or installations.

9. Where necessary, the manufacture, supply or use of machinery and installations which cannot, in the light of the most recent technical knowledge, meet the requirements of Paragraph 8 of this Recommendation should be made subject to authorization by the competent authority requiring compliance with other appropriate technical or administrative protective measures.

10. The provisions of Paragraphs 8 and 9 of this Recommendation should not relieve the employer of his obligations in pursuance of Article 6 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977.

11. The employer should ensure the regular inspection and maintenance of machines and installations, with respect to the emission of harmful substances, dust, noise and vibration.

12. The competent authority should, when necessary for the protection of the workers' health, establish a procedure for the approval of personal protective equipment.

13. In pursuance of Article 9, subparagraph (b), of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, the competent authority should, as appropriate, provide for or promote, in consultation with employers' and workers' organizations, the reduction of exposure through suitable systems or schedules of work organization, including the reduction of working time without loss of pay.

14. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take into consideration the most recent codes of practice or guides established by the International Labour Office and the conclusions of meetings of experts which may be

convened by the International Labour Office, as well as information from other competent bodies.

15. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take account of the relationship between the protection of the working environment and the protection of the general environment.

III. SUPERVISION OF THE HEALTH OF WORKERS

16. (1) The supervision of the health of workers provided for in Article 11 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should include, as determined by the competent authority—

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests or investigations which may be necessary to control the degree of exposure and supervise the state of health of the worker concerned;
- (d) medical examinations or biological or other tests or investigations after cessation of the assignment which, when medically indicated, should be made available as of right on a regular basis and over a prolonged period.

(2) The competent authority should require that the results of any such examinations or tests be made available to the worker, and at his request to his personal physician.

17. The supervision provided for in Paragraph 16 of this Recommendation should normally be carried out in working hours and should be free of costs to the worker.

18. (1) The competent authority should develop a system of records of the medical information obtained in pursuance of Paragraph 16 of this Recommendation and should determine the manner in which it is to operate. Provision should be made for the maintenance of such records for an appropriate period of time to assure their availability, in terms which will permit personal identification by the competent authority only, for epidemiological and other research.

(2) To the extent determined by the competent authority, the records should include information on occupational exposure to air pollution, noise and vibration in the working environment.

19. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort should be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment and to maintain his previous income through social security measures or otherwise.

20. In implementing this Recommendation, the rights of workers under social security or social insurance legislation should not be adversely affected.

IV. TRAINING, INFORMATION AND RESEARCH

21. (1) The competent authority should take measures to promote the training and information of all persons concerned with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

(2) Representatives of the workers of the undertaking should be informed and consulted in advance by the employer on projects, measures and decisions which are liable to have harmful consequences on the health of workers, in connection with air pollution, noise and vibration in the working environment.

(3) Before being assigned to work liable to involve exposure to hazards of air pollution, noise or vibration, workers should be informed by the employer of the hazards, of safety and health measures, and of possibilities of having recourse to medical services.

22. (1) The competent authority, in close co-operation with employers' and workers' organizations, should promote, assist and stimulate research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration, with the assistance, as appropriate, of international and national organizations.

(2) All concerned should be informed of the objectives and results of such research.

23. Employers' and workers' organizations should take positive action to carry out programmes of training and information with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

24. Workers' representatives within undertakings should have the facilities and necessary time, without loss of pay, to play an active role in respect of the prevention and control of, and the protection against, occupational hazards in the working environment due to air pollution, noise and vibration. For this purpose, they should have the right to seek assistance from recognized experts of their choice.

25. Such measures as are necessary should be taken to secure that, in connection with the use at a workplace of a substance liable to be harmful to health or otherwise dangerous, adequate information is available on—

- (a) the results of any relevant tests relating to the substance; and
- (b) the conditions required to ensure that, when properly used, it is without danger to the health of workers.

V. MEASURES OF APPLICATION

26. Each Member should—

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out;
- (c) endeavour to do so as speedily as national conditions permit.

27. In giving effect to the provisions of this Recommendation the competent authority should act in consultation with the most representative organizations of employers and workers concerned, and, as appropriate, manufacturers', suppliers' and importers' organizations.

28. (1) The provisions of this Recommendation which relate to the design, manufacture and supply of machinery and equipment to an approved standard should apply forthwith to newly manufactured machinery and equipment.

(2) The competent authority should, as soon as possible, specify time limits appropriate to their nature for the modification of existing machinery and equipment.

INTERNATIONAL LABOUR CONFERENCE

Convention 149

CONVENTION CONCERNING EMPLOYMENT AND CONDITIONS OF WORK AND LIFE OF NURSING PERSONNEL

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1st June, 1977, and

Recognizing the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Recognizing that the public sector as an employer of nursing personnel should play an active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilized to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organization and that there will be continuing co-operation with that Organization in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

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

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Nursing Personnel Convention, 1977:

Article 1

1. For the purpose of this Convention, the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.

2. This Convention applies to all nursing personnel, wherever they work.

3. The competent authority may, after consultation with the employers' and workers' organizations concerned, where such organizations exist, establish special rules concerning nursing personnel who give nursing care and services on a voluntary basis; these rules shall not derogate from the provisions of Article 2, paragraph 2 (a), Article 3, Article 4 and Article 7 of this Convention.

Article 2

1. Each Member which ratifies this Convention shall adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

2. In particular, it shall take the necessary measures to provide nursing personnel with—

(a) education and training appropriate to the exercise of their functions; and

(b) employment and working conditions, including career prospects and remuneration,

which are likely to attract persons to the profession and retain them in it.

3. The policy mentioned in paragraph 1 of this Article shall be formulated in consultation with the employers' and workers' organizations concerned, where such organizations exist.

4. This policy shall be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health,

in consultation with the employers' and workers' organizations concerned.

Article 3

1. The basic requirements regarding nursing education and training and supervision of such education and training shall be laid down by national laws or regulations or by the competent authority or competent professional bodies, empowered by such laws or regulations to do so.

2. Nursing education and training shall be co-ordinated with the education and training of other workers in the field of health.

Article 4

National laws or regulations shall specify the requirements for the practice of nursing and limit that practice to persons who meet these requirements.

Article 5

1. Measures shall be taken to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them, in a manner appropriate to national conditions.

2. The determination of conditions of employment and work shall preferably be made by negotiation between employers' and workers' organizations concerned.

3. The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties or, in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.

Article 6

Nursing personnel shall enjoy conditions at least equivalent to those of other workers in the country concerned in the following fields:—

- (a) hours of work, including regulation and compensation of overtime, inconvenient hours and shift work;
- (b) weekly rest;
- (c) paid annual holidays;
- (d) educational leave;
- (e) maternity leave;
- (f) sick leave;
- (g) social security.

Article 7

Each Member shall, if necessary, endeavour to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and of the environment in which it is carried out.

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General 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 12

1. The Director-General of the International Labour Office shall notify all 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-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 13

The Director-General 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 14

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

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 11 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 16

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

INTERNATIONAL LABOUR CONFERENCE

Recommendation 157**RECOMMENDATION CONCERNING EMPLOYMENT AND
CONDITIONS OF WORK AND LIFE OF NURSING PERSONNEL**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1st June, 1977, and

Recognizing the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Emphasizing the need to expand health services through co-operation between governments' and employers' and workers' organizations concerned in order to ensure the provision of nursing services appropriate to the needs of the community, and

Recognizing that the public sector as an employer of nursing personnel should play a particularly active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilized to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed

to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organization and that there will be continuing co-operation with that Organization in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven the following Recommendation, which may be cited as the Nursing Personnel Recommendation, 1977:

I. SCOPE

1. For the purpose of this Recommendation, the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.

2. This Recommendation applies to all nursing personnel, wherever they work.

3. The competent authority may, after consultation with the employers' and workers' organizations concerned, where such organizations exist, establish special rules concerning nursing personnel who give services on a voluntary basis; these rules should not derogate from the provisions of Parts II, III, IV and IX of this Recommendation.

II. POLICY CONCERNING NURSING SERVICES AND NURSING PERSONNEL

4. (1) Each Member should adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

(2) The said policy should—

(a) be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with representatives of the latter;

- (b) include the adoption of laws or regulations concerning education and training for and the practice of the nursing profession and the adaptation of such laws or regulations to development in the qualifications and responsibilities required of nursing personnel to meet all calls for nursing services;
- (c) include measures—
 - (i) to facilitate the effective utilization of nursing personnel in the country as a whole; and
 - (ii) to promote the fullest use of the qualifications of nursing personnel in the various establishments, areas and sectors employing them; and
- (d) be formulated in consultation with the employers' and workers' organizations concerned.

5. (1) Measures should be taken, in consultation with the employers' and workers' organizations concerned, to establish a rational nursing personnel structure by classifying nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorization to practise.

(2) Such a structure may include the following categories, in accordance with national practice:

- (a) professional nurses, having the education and training recognized as necessary for assuming highly complex and responsible functions, and authorized to perform them;
- (b) auxiliary nurses, having at least the education and training recognized as necessary for assuming less complex functions, under the supervision of a professional nurse as appropriate, and authorized to perform them;
- (c) nursing aides, having prior education and/or on-the-job training enabling them to perform specified tasks under the supervision of a professional or auxiliary nurse.

6. (1) The functions of nursing personnel should be classified according to the level of judgement required, the authority to take decisions, the complexity of the relationship with other functions, the level of technical skill required, and the level of responsibility for the nursing services provided.

(2) The resulting classification should be used to ensure greater uniformity of employment structure in the various establishments, areas and sectors employing nursing personnel.

(3) Nursing personnel of a given category should not be used as substitutes for nursing personnel of a higher category except in

case of special emergency, on a provisional basis, and on condition that they have adequate training or experience and are given appropriate compensation.

III. EDUCATION AND TRAINING

7. (1) Measures should be taken to provide the necessary information and guidance on the nursing profession to persons wishing to take up nursing as a career.

(2) Where appropriate, basic nursing education should be conducted in educational institutions within the framework of the general education system of the country at a level similar to that of comparable professional groups.

(3) Laws or regulations should prescribe the basic requirements regarding nursing education and training and provide for the supervision of such education and training, or should empower the competent authority or competent professional bodies to do so.

(4) Nursing education and training should be organized by reference to recognized community needs, taking account of resources available in the country, and should be co-ordinated with the education and training of other workers in the field of health.

8. (1) Nursing education and training should include both theory and practice in conformity with a programme officially recognized by the competent authorities.

(2) Practical training should be given in approved preventive, curative and rehabilitation services, under the supervision of qualified nurses.

9. (1) The duration of basic nursing education and training should be related to the minimum educational requirements for entry to training and to the purposes of training.

(2) There should be two levels of approved basic education and training—

(a) an advanced level, designed to train professional nurses having sufficiently wide and thorough skills to enable them to provide the most complex nursing care and to organize and evaluate nursing care, in hospitals and other health-related community services; as far as possible, students accepted for education and training at this level should have the background of general education required for entry to university;

(b) a less advanced level, designed to train auxiliary nurses able to provide general nursing care which is less complex but

which requires technical skills and aptitude for personal relations; students accepted for education and training at this level should have attained as advanced a level as possible of secondary education.

10. There should be programmes of higher nursing education to prepare nursing personnel for the highest responsibilities in direct and supportive nursing care, in the administration of nursing services, in nursing education and in research and development in the field of nursing.

11. Nursing aides should be given theoretical and practical training appropriate to their functions.

12. (1) Continuing education and training both at the workplace and outside should be an integral part of the programme referred to in Paragraph 8, subparagraph 1, of this Recommendation and be available to all so as to ensure the updating and upgrading of knowledge and skills and to enable nursing personnel to acquire and apply new ideas and techniques in the field of nursing and related sciences.

(2) Continuing nursing education and training should include provision for programmes which would promote and facilitate the advancement of nursing aides and auxiliary nurses.

(3) Such education and training should also include provision for programmes which would facilitate re-entry into nursing after a period of interruption.

IV. PRACTICE OF THE NURSING PROFESSION

13. The laws or regulations concerning the practice of the nursing profession should—

(a) specify the requirements for the practice of the nursing profession as professional nurse or as auxiliary nurse and, where the possession of certificates attesting the attainment of the required level of education and training does not automatically imply the right to practise the profession, empower a body including representatives of nursing personnel to grant licences;

(b) limit the practice of the profession to duly authorized persons;

(c) be reviewed and updated, as necessary, in accordance with current advances and practices in the profession.

14. The standards concerning nursing practice should be coordinated with those concerning the practice of other health professions.

15. (1) Nursing personnel should not be assigned to work which goes beyond their qualifications and competence.

(2) Where individuals are not qualified for work on which they are already employed, they should be trained as quickly as possible to obtain the necessary qualifications, and their preparation for these qualifications should be facilitated.

16. Consideration should be given to the measures which may be called for by the problem of civil liability of nursing personnel arising from the exercise of their functions.

17. Any disciplinary rules applicable to nursing personnel should be determined with the participation of representatives of nursing personnel and should guarantee such personnel a fair judgment and adequate appeal procedures, including the right to be represented by persons of their choice at all levels of the proceedings, in a manner appropriate to national conditions.

18. Nursing personnel should be able to claim exemption from performing specific duties, without being penalized, where performance would conflict with their religious, moral or ethical convictions and where they inform their supervisor in good time of their objection so as to allow the necessary alternative arrangements to be made to ensure that essential nursing care of patients is not affected.

V. PARTICIPATION

19. (1) Measures should be taken to promote the participation of nursing personnel in the planning and in decisions concerning national health policy in general and concerning their profession in particular at all levels, in a manner appropriate to national conditions.

(2) In particular—

(a) qualified representatives of nursing personnel, or of organizations representing them, should be associated with the elaboration and application of policies and general principles regarding the nursing profession, including those regarding education and training and the practice of the profession;

(b) conditions of employment and work should be determined by negotiation between the employers' and workers' organizations concerned;

(c) the settlement of disputes arising in connection with the determination of terms and conditions of employment should be sought through negotiation between the parties or through

independent and impartial machinery, such as mediation, conciliation and voluntary arbitration, with a view to making it unnecessary for the organizations representing nursing personnel to have recourse to such other steps as are normally open to organizations of other workers in defence of their legitimate interests;

- (d) in the employing establishment, nursing personnel or their representatives in the meaning of Article 3 of the Workers' Representatives Convention, 1971, should be associated with decisions relating to their professional life, in a manner appropriate to the questions at issue.

20. Representatives of nursing personnel should be assured the protection provided for in the Workers' Representatives Convention and Recommendation, 1971.

VI. CAREER DEVELOPMENT

21. (1) Measures should be taken to offer nursing personnel reasonable career prospects by providing for a sufficiently varied and open range of possibilities of professional advancement, leadership positions in direct and supportive nursing care, the administration of nursing services, nursing education, and research and development in the field of nursing, and a grading and a remuneration structure recognizing the acceptance of functions involving increased responsibility, and requiring greater technical skill and professional judgment.

(2) These measures should also give recognition to the importance of functions involving direct relations with patients and the public.

22. Measures should be taken to give nursing personnel advice and guidance on career prospects and, as appropriate, on re-entry into nursing after a period of interruption.

23. In determining the level at which nursing personnel re-entering the profession after an interruption of its practice should be employed, account should be taken of previous nursing experience and the duration of the interruption.

24. (1) Nursing personnel wishing to participate in programmes of continuing education and training and capable of doing so should be given the necessary facilities.

(2) These facilities might consist in the grant of paid or unpaid educational leave, adaptation of hours of work, and payment of study or training costs; wherever possible, nursing personnel should

be granted paid educational leave in accordance with the Paid Educational Leave Convention, 1974.

(3) Employers should provide staff and facilities for in-service training of nursing personnel, preferably at the workplace.

VII. REMUNERATION

25. (1) The remuneration of nursing personnel should be fixed at levels which are commensurate with their socio-economic needs, qualifications, responsibilities, duties and experience, which take account of the constraints and hazards inherent in the profession, and which are likely to attract persons to the profession and retain them in it.

(2) Levels of remuneration should bear comparison with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities.

(3) Levels of remuneration for nursing personnel having similar or equivalent duties and working in similar or equivalent conditions should be comparable, whatever the establishments, areas or sectors in which they work.

(4) Remuneration should be adjusted from time to time to take into account variations in the cost of living and rises in the national standard of living.

(5) The remuneration of nursing personnel should preferably be fixed by collective agreement.

26. Scales of remuneration should take account of the classification of functions and responsibilities recommended in Paragraphs 5 and 6 and of the principles of career policy set out in Paragraph 21 of this Recommendation.

27. Nursing personnel who work in particularly arduous or unpleasant conditions should receive financial compensation for this.

28. (1) Remuneration should be payable entirely in money.

(2) Deductions from wages should be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

(3) Nursing personnel should be free to decide whether or not to use the services provided by the employer.

29. Work clothing, medical kits, transport facilities and other supplies required by the employer or necessary for the performance of the work should be provided by the employer to nursing personnel and maintained free of charge.

VIII. WORKING TIME AND REST PERIODS

30. For the purpose of this Recommendation—

- (a) the term “normal hours of work” means the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards;
- (b) the term “overtime” means hours worked in excess of normal hours of work;
- (c) the term “on-call duty” means periods of time during which nursing personnel are, at the workplace or elsewhere, at the disposal of the employer in order to respond to possible calls;
- (d) the term “inconvenient hours” means hours worked on other than the normal working days and at other than the normal working time of the country.

31. The time during which nursing personnel are at the disposal of the employer—such as the time needed to organize their work and the time needed to receive and to transmit instructions—should be counted as working time for nursing personnel, subject to possible special provisions concerning on-call duty.

32. (1) The normal weekly hours of nursing personnel should not be higher than those set in the country concerned for workers in general.

(2) Where the normal working week of workers in general exceeds 40 hours, steps should be taken to bring it down, progressively, but as rapidly as possible, to that level for nursing personnel, without any reduction in salary, in accordance with Paragraph 9 of the Reduction of Hours of Work Recommendation, 1962.

33. (1) Normal daily hours of work should be continuous and not exceed eight hours, except where arrangements are made by laws or regulations, collective agreements, works rules or arbitration awards for flexible hours or a compressed week; in any case, the normal working week should remain within the limits referred to in Paragraph 32, subparagraph (1), of this Recommendation.

(2) The working day, including overtime, should not exceed 12 hours.

(3) Temporary exceptions to the provisions of this Paragraph should be authorized only in case of special emergency.

34. (1) There should be meal breaks of reasonable duration.

(2) There should be rest breaks of reasonable duration included in the normal hours of work.

35. Nursing personnel should have sufficient notice of working schedules to enable them to organize their personal and family life accordingly. Exceptions to these schedules should be authorized only in case of special emergency.

36. (1) Where nursing personnel are entitled to less than 48 hours of continuous weekly rest, steps should be taken to bring their weekly rest to that level.

(2) The weekly rest of nursing personnel should in no case be less than 36 uninterrupted hours.

37. (1) There should be as little recourse to overtime work, work at inconvenient hours and on-call duty as possible.

(2) Overtime and work on public holidays should be compensated in time off and/or remuneration at a higher rate than the normal salary rate.

(3) Work at inconvenient hours other than public holidays should be compensated by an addition to salary.

38. (1) Shift work should be compensated by an increase in remuneration which should not be less than that applicable to shift work in other employment in the country.

(2) Nursing personnel assigned to shift work should have a period of continuous rest of at least 12 hours between shifts.

(3) A single shift of duty divided by a period of unremunerated time (split shift) should be avoided.

39. (1) Nursing personnel should be entitled to, and required to take, a paid annual holiday of at least the same length as other workers in the country.

(2) Where the length of the paid annual holiday is less than four weeks for one year of service, steps should be taken to bring it progressively, but as rapidly as possible, to that level for nursing personnel.

40. Nursing personnel who work in particularly arduous or unpleasant conditions should benefit from a reduction of working hours and/or an increase in rest periods, without any decrease in total remuneration.

41. (1) Nursing personnel absent from work by reason of illness or injury should be entitled, for a period and in a manner determined by laws or regulations or by collective agreements, to—

(a) maintenance of the employment relationship and of rights deriving therefrom;

(b) income security.

(2) The laws or regulations, or collective agreements, establishing sick leave entitlement should distinguish between—

(a) cases in which the illness or injury is service-incurred;

(b) cases in which the person concerned is not incapacitated for work but absence from work is necessary to protect the health of others;

(c) cases of illness or injury unrelated to work.

42. (1) Nursing personnel, without distinction between married and unmarried persons, should be assured the benefits and protection provided for in the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952.

(2) Maternity leave should not be considered to be sick leave.

(3) The measures provided for in the Employment (Women with Family Responsibilities) Recommendation, 1965, should be applied in respect of nursing personnel.

43. In accordance with Paragraph 19 of this Recommendation, decisions concerning the organization of work, working time and rest periods should be taken in agreement or in consultation with freely chosen representatives of the nursing personnel or with organizations representing them. They should bear, in particular, on—

(a) the hours to be regarded as inconvenient hours;

(b) the conditions in which on-call duty will be counted as working time;

(c) the conditions in which the exceptions provided for in Paragraph 33, subparagraph (3), and in Paragraph 35 of this Recommendation will be authorized;

(d) the length of the breaks provided for in Paragraph 34 of this Recommendation and the manner in which they are to be taken;

(e) the form and amount of the compensation provided for in Paragraphs 37 and 38 of this Recommendation;

(f) working schedules;

(g) the conditions to be considered as particularly arduous or unpleasant for the purpose of Paragraphs 27 and 40 of this Recommendation.

IX. OCCUPATIONAL HEALTH PROTECTION

44. Each Member should endeavour to adapt laws and regulations on occupational health and safety to the special nature of nursing work and of the environment in which it is carried out, and to increase the protection afforded by them.

45. (1) Nursing personnel should have access to occupational health services operating in accordance with the provisions of the Occupational Health Services Recommendation, 1959.

(2) Where occupational health services have not yet been set up for all undertakings, medical care establishments employing nursing personnel should be among the undertakings for which, in accordance with Paragraph 4 of that Recommendation, such services should be set up in the first instance.

46. (1) Each Member and the employers' and workers' organizations concerned should pay particular attention to the provisions of the Protection of Workers' Health Recommendation, 1953, and endeavour to ensure its application to nursing personnel.

(2) All appropriate measures should be taken in accordance with Paragraphs 1 to 7 of that Recommendation to prevent, reduce or eliminate risks to the health or safety of nursing personnel.

47. (1) Nursing personnel should undergo medical examinations on taking up and terminating an appointment, and at regular intervals during their service.

(2) Nursing personnel regularly assigned to work in circumstances such that a definite risk to their health or to that of others around them exists or may be suspected should undergo regular medical examinations at intervals appropriate to the risk involved.

(3) Objectivity and confidentiality should be assured in examinations provided for in this Paragraph; the examinations referred to should not be carried out by doctors with whom the persons examined have a close working relationship.

48. (1) Studies should be undertaken—and kept up to date—to determine special risks to which nursing personnel may be exposed in the exercise of their profession so that these risks may be prevented and, as appropriate, compensated.

(2) For that purpose, cases of occupational accidents and cases of diseases recognized as occupational under laws or regulations concerning employment injury benefits, or liable to be occupational in origin, should be notified to the competent authority, in a

manner to be prescribed by national laws or regulations, in accordance with Paragraphs 14 to 17 of the Protection of Workers' Health Recommendation, 1953.

49. (1) All possible steps should be taken to ensure that nursing personnel are not exposed to special risks. Where exposure to special risks is unavoidable, measures should be taken to minimize it.

(2) Measures such as the provision and use of protective clothing, immunization, shorter hours, more frequent rest breaks, temporary removal from the risk or longer annual holidays should be provided for in respect to nursing personnel regularly assigned to duties involving special risks so as to reduce their exposure to these risks.

(3) In addition, nursing personnel who are exposed to special risks should receive financial compensation.

50. Pregnant women and parents of young children whose normal assignment could be prejudicial to their health or that of their child should be transferred, without loss of entitlements, to work appropriate to their situation.

51. The collaboration of nursing personnel and of organizations representing them should be sought in ensuring the effective application of provisions concerning the protection of the health and safety of nursing personnel.

52. Appropriate measures should be taken for the supervision of the application of the laws and regulations and other provisions concerning the protection of the health and safety of nursing personnel.

X. SOCIAL SECURITY

53. (1) Nursing personnel should enjoy social security protection at least equivalent, as the case may be, to that of other persons employed in the public service or sector, employed in the private sector, or self-employed, in the country concerned; this protection should cover periods of probation and periods of training of persons regularly employed as nursing personnel.

(2) The social security protection of nursing personnel should take account of the particular nature of their activity.

54. As far as possible, appropriate arrangements should be made to ensure continuity in the acquisition of rights and the provision of benefits in case of change of employment and temporary cessation of employment.

55. (1) Where the social security scheme gives protected persons the free choice of doctor and medical institution, nursing personnel should enjoy the same freedom of choice.

(2) The medical records of nursing personnel should be confidential.

56. National laws or regulations should make possible the compensation, as an occupational disease, of any illness contracted by nursing personnel as a result of their work.

XI. SPECIAL EMPLOYMENT ARRANGEMENTS

57. With a view to making the most effective use of available nursing personnel and to preventing the withdrawal of qualified persons from the profession, measures should be taken to make possible temporary and part-time employment.

58. The conditions of employment of temporary and part-time nursing personnel should be equivalent to those of permanent and full-time staff respectively, their entitlements being, as appropriate, calculated on a *pro rata* basis.

XII. NURSING STUDENTS

59. Nursing students should enjoy the rights and freedoms of students in other disciplines, subject only to limitations which are essential for their education and training.

60. (1) Practical work of nursing students should be organized and carried out by reference to their training needs; it should in no case be used as a means of meeting normal staffing requirements.

(2) During their practical work, nursing students should only be assigned tasks which correspond to their level of preparation.

(3) Throughout their education and training, nursing students should have the same health protection as nursing personnel.

(4) Nursing students should have appropriate legal protection.

61. During their education and training, nursing students should receive precise and detailed information on the employment, working conditions and career prospects of nursing personnel, and on the means available to them to further their economic, social and professional interests.

XIII. INTERNATIONAL CO-OPERATION

62. In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multilateral or bilateral arrangements, to—

- (a) harmonize education and training for the nursing profession without lowering standards;
- (b) lay down the conditions of mutual recognition of qualifications acquired abroad;
- (c) harmonize the requirements for authorization to practice;
- (d) organize nursing personnel exchange programmes.

63. (1) Nursing personnel should be encouraged to use the possibilities of education and training available in their own country.

(2) Where necessary or desirable, they should have the possibility of education and training abroad, as far as possible by way of organized exchange programmes.

64. (1) Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multilateral or bilateral agreements or national laws or regulations.

(2) Such aid may be made dependent on an undertaking to return to their country within a reasonable time and to work there for a specified minimum period in a job corresponding to the newly acquired qualifications, on terms at least equal to those applicable to other nationals.

65. Consideration should be given to the possibility of detaching personnel wishing to work or train abroad for a specified period, without break in the employment relationship.

66. (1) Foreign nursing personnel should have qualifications recognized by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organized exchange programmes may be exempted from the latter requirement.

(2) The employer should satisfy himself that foreign nursing personnel have adequate language ability for the posts to be filled.

(3) Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities.

67. (1) Recruitment of foreign nursing personnel for employment should be authorized only—

(a) if there is a lack of qualified personnel for the posts to be filled in the country of employment;

(b) if there is no shortage of nursing personnel with the qualifications sought in the country of origin.

(2) Recruitment of foreign nursing personnel should be undertaken in conformity with the relevant provisions of the Migration for Employment Convention and Recommendation (Revised), 1949.

68. Nursing personnel employed or in training abroad should be given all necessary facilities when they wish to be repatriated.

69. As regards social security, Members should, in accordance with national practice—

(a) assure to foreign nursing personnel training or working in the country equality of treatment with national personnel;

(b) participate in bilateral or multilateral arrangements designed to ensure the maintenance of the acquired rights or rights in course of acquisition of migrant nursing personnel, as well as the provision of benefits abroad.

XIV. METHODS OF APPLICATION

70. This Recommendation may be applied by national laws or regulations, collective agreements, works rules, arbitration awards or judicial decisions, or in any other manner consistent with national practice which may be appropriate, account being taken of conditions in each country.

71. In applying the provisions of this Recommendation, Members and the employers' and workers' organizations concerned should be guided to the extent possible and desirable by the suggestions concerning its practical application set forth in the Annex.

ANNEX

Suggestions concerning Practical Application

POLICY CONCERNING NURSING SERVICES AND NURSING PERSONNEL

1. Sufficient budgetary provision should be made to permit the attainment of the objectives of the national policy concerning nursing services and nursing personnel.

2. (1) The programming of nursing services should be a continuing process at all levels of general health programming.

- (2) Nursing services should be programmed on the basis of—
 - (a) information obtained from studies and research which are of a continuing nature and permit adequate evaluation of the problems arising and of the needs and available resources;
 - (b) technical standards appropriate to changing needs and national and local conditions.
- (3) In particular, measures should be taken to—
 - (a) establish adequate nursing standards;
 - (b) specify the nursing functions called for by the recognized needs;
 - (c) determine the staffing standards for the adequate composition of nursing teams as regards the number of persons and qualifications required at the various levels and in the various categories;
 - (d) determine on that basis the categories, number and level of personnel required for the development of nursing services as a whole and for the effective utilization of personnel;
 - (e) determine, in consultation with the representatives of those concerned, the relationship between nursing personnel and other categories of health personnel.
3. The policy concerning nursing services and nursing personnel should aim at developing four types of functions of nursing personnel: direct and supportive nursing care; the administration of nursing services; nursing education; and research and development in the field of nursing.
4. Appropriate technical and material resources should be provided for the proper exercise of the tasks of nursing personnel.
5. The classification of functions recommended in Paragraph 5 of the Recommendation should be based on an analysis of jobs and an evaluation of functions made in consultation with the employers' and workers' organizations concerned.

EDUCATION AND TRAINING

6. Where the educational possibilities of large sections of the population are limited, measures should be taken within the programmes of nursing education and training to supplement the general education of students who have not attained the level required in accordance with Paragraph 9 of the Recommendation.
7. Programmes of nursing education and training should provide a basis for access to education and training for higher responsibilities, create a desire for self-improvement, and prepare students to apply their knowledge and skills as members of the health team.

PRACTICE OF THE NURSING PROFESSION

8. (1) In conditions to be determined, the renewal of an authorization to practise the nursing profession may be required.
 - (2) Such renewal might be made subject to requirements of continuing education and training, where this is considered necessary to ensure that authorized nursing personnel remain fully qualified.
9. Re-entry into the profession after an interruption of its practice may be made subject, in specified circumstances, to verification of qualifications; in such case, consideration should be given to facilitating re-entry by such methods as employment alongside another person for a specified period before verification takes place.

10. (1) Any disciplinary rules applicable to nursing personnel should include—
- (a) a definition of breach of professional conduct taking account of the nature of the profession and of such standards of professional ethics as may be applicable thereto;
 - (b) an indication of the sanctions applicable, which should be proportional to the gravity of the fault.
- (2) Any disciplinary rules applicable to nursing personnel should be laid down in the framework of rules applicable to health personnel as a whole or, where there are no such rules, should take due account of rules applicable to other categories of health personnel.

CAREER DEVELOPMENT

11. Where the possibilities of professional advancement are limited as a result of the manner in which nursing services in general are conceived, measures might be taken to facilitate access to studies leading to qualifications for other health professions.

12. (1) Measures should be taken to establish systems of classification and of scales of remuneration which provide possibilities of professional advancement on the basis of the classification of the level of functions envisaged in Paragraph 6 of the Recommendation.

(2) These systems should be sufficiently open to provide an incentive for nursing personnel to pass from one level to another.

(3) The promotion of nursing personnel should be based on equitable criteria and take account of experience and demonstrated ability.

13. Increases in remuneration should be provided for, at every level, by reference to the development of experience and ability.

14. (1) Measures should be taken to encourage nursing personnel to make the greatest possible use of their knowledge and their qualifications in their work.

(2) The responsibilities effectively assumed by nursing personnel and the competence shown by them should be continuously reviewed so as to ensure remuneration and possibilities of advancement or promotion corresponding thereto.

15. (1) Periods of paid educational leave should be considered to be periods of work for the purpose of entitlement to social benefits and other rights deriving from the employment relationship.

(2) As far as possible, periods of unpaid educational leave for the purpose of additional education and training should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

REMUNERATION

16. Pending the attainment of levels of remuneration comparable with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities, measures should be taken, where necessary, to bring remuneration as rapidly as possible to a level which is likely to attract nursing personnel to the profession and retain them in it.

17. (1) Additions to salary and compensatory payments which are granted on a regular basis should, to an extent commensurate with general practice in the professions referred to in Paragraph 16 of this Annex, be regarded as an integral part of remuneration for the calculation of holiday pay, pensions and other social benefits.

(2) Their amount should be periodically reviewed in the light of changes in the cost of living.

WORKING TIME AND REST PERIODS

18. (1) In the organization of hours of work, every effort should be made, subject to the requirements of the service, to allocate shift work, overtime work and work at inconvenient hours equitably between nursing personnel, and in particular between permanent and temporary and between full-time and part-time personnel, and to take account as far as possible of individual preferences and of special considerations regarding such matters as climate, transportation and family responsibilities.

(2) The organization of hours of work for nursing personnel should be based on the need for nursing services rather than subordinated to the work pattern of other health service personnel.

19. (1) Appropriate measures to limit the need for overtime, for work at inconvenient hours and for on-call duty should be taken in the organization of work, in determining the number and use of staff and in scheduling hours of work; in particular, account should be taken of the need for replacing nursing personnel during absences or leave authorized by laws or regulations or collective agreements, so that the personnel who are present will not be overburdened.

(2) Overtime should be worked on a voluntary basis, except where it is essential for patient care and sufficient volunteers are not available.

20. The notice of working schedules provided for in Paragraph 35 of the Recommendation should be given at least two weeks in advance.

21. Any period of on-call duty during which nursing personnel are required to remain at the workplace or the services of nursing personnel are actually used should be fully regarded as working time and remunerated as such.

22. (1) Nursing personnel should be free to take their meals in places of their choice.

(2) They should be able to take their rest breaks at a place other than their workplace.

23. The time at which the annual holiday is to be taken should be determined on an equitable basis, due account being taken of family obligations, individual preferences and the requirements of the service.

OCCUPATIONAL HEALTH PROTECTION

24. Nursing personnel in respect of whom special measures such as those envisaged in Paragraphs 47, subparagraph (2), 49 and 50 of the Recommendation should be taken should include, in particular, personnel regularly exposed to ionizing radiations or to anaesthetic substances and personnel in contact with infectious diseases or mental illness.

25. Nursing personnel regularly exposed to ionizing radiations should, in addition, enjoy the protection of the measures provided for in the Radiation Protection Convention and Recommendation, 1960.

26. Work to which pregnant women or mothers of young children should not be assigned should include—

(a) as regards women covered by Paragraph 5 of the Maternity Protection Recommendation, 1952, the types of work enumerated therein;

(b) generally, work involving exposure to ionizing radiations or anaesthetic substances or involving contact with infectious diseases.

SOCIAL SECURITY

27. In order to ensure continuity in the acquisition of rights and the provision of benefits, as provided in Paragraph 54 of the Recommendation, steps should be taken to co-ordinate such private supplementary schemes as exist with each other and with statutory schemes.

28. In order to ensure that nursing personnel receive the compensation for illnesses contracted as a result of their work, as provided for in Paragraph 56 of the Recommendation, Members should, by laws or regulations—

- (a) prescribe a list establishing a presumption of occupational origin in respect of certain diseases when they are contracted by nursing personnel, and revise the list periodically in the light of scientific and technical developments affecting nursing personnel;
- (b) complement that list by a general definition of occupational diseases or by other provision enabling nursing personnel to establish the occupational origin of diseases not presumed to be occupational by virtue of the list.

INTERNATIONAL CO-OPERATION

29. The financial aid given to nursing personnel undergoing education or training abroad might include, as appropriate—

- (a) payment of travel expenses;
- (b) payment of study costs;
- (c) scholarships;
- (d) continuation of full or partial remuneration, in the case of nursing personnel already employed.

30. As far as possible, periods of leave or detachment for training or work abroad should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 137**RECOMMENDATION CONCERNING VOCATIONAL
TRAINING OF SEAFARERS**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and

Having decided upon the adoption of certain proposals with regard to the vocational training of seafarers, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of October of the year one thousand nine hundred and seventy the following Recommendation, which may be cited as the Vocational Training (Seafarers) Recommendation, 1970;

I. SCOPE

1. (1) This Recommendation applies to all training designed to prepare persons for work on board a publicly or privately owned seagoing ship engaged in the transport of cargo or passengers for the purpose of trade, engaged in training or engaged in scientific exploration. National laws or regulations, arbitration awards or collective agreements, as may be appropriate under national conditions, should determine when ships are to be regarded as seagoing ships.

(2) This Recommendation applies to training for the performance of the duties of persons in the deck, engine, radio or catering departments or of general purpose crews. It does not apply to fishermen.

II. OBJECTIVES OF TRAINING

2. The basic objectives of policy concerning vocational training of seafarers should be—

(a) to maintain and improve the efficiency of the shipping industry and the professional ability and potential of seafarers, with due regard to the educational needs of the latter and the economic and social interests of the country;

- (b) to maintain and improve accident prevention standards on board merchant ships, both at sea and in port, in order to reduce the risk of injury;
- (c) to encourage a sufficient number of suitable persons to make the merchant marine their career;
- (d) to ensure that adequate induction training is given to all new recruits, ashore as far as possible, or on board ship;
- (e) to provide training and retraining facilities commensurate with the current and projected manpower needs of the shipping industry for all the various categories and grades of seafarers;
- (f) to provide the training facilities necessary in order that technical developments in the fields of operation, navigation and safety can be put into effect;
- (g) to make training for upgrading and for promotion up to the highest ranks on board available to all seafarers with appropriate ability, and thereby to assist them to develop their efficiency, potential productivity and job satisfaction;
- (h) to provide suitable practical training for the various categories and grades of seafarers;
- (i) to ensure, as far as possible, the entry into employment of all trainees after completion of their courses.

III. NATIONAL PLANNING AND ADMINISTRATION

A. *Organization and Co-ordination*

3. In planning a national education and training policy, the competent authorities in countries possessing or intending to develop a shipping industry should ensure that adequate provision is made in the general network of training facilities for the training of seafarers in order to achieve the objectives set out in Paragraph 2 of this Recommendation.

4. Where national circumstances do not permit the development of facilities for the training of seafarers of all categories and grades required, collaboration with other countries, as well as with international organizations, in setting up joint maritime training schemes for such seafarers as cannot be covered by national programmes should be considered.

5. (1) The training programmes of all public and private institutions engaged in the training of seafarers should be co-ordinated

and developed in each country on the basis of approved national standards.

(2) Such programmes should be drawn up in co-operation with government departments, educational institutions and other bodies which have an intimate knowledge of the vocational training of seafarers, and should be so designed as to meet the operational requirements of the shipping industry, as established in consultation with shipowners' and seafarers' organizations.

6. Bodies which draw up such programmes should, in particular—

- (a) maintain close contacts between the training institutions and all those concerned so as to keep training in line with the needs of the industry;
- (b) make regular visits to the training schools with which they are concerned and be fully conversant with the programmes being carried out;
- (c) ensure that information about available training opportunities is disseminated to all those concerned;
- (d) co-operate in setting up and operating practical maritime training schemes;
- (e) participate in establishing the general training standards provided for in Paragraph 11;
- (f) participate in establishing such national certification standards as are appropriate for the various grades and categories of seafarers;
- (g) promote direct co-operation between training institutions and those responsible for recruitment and employment.

7. The competent authorities and bodies, in co-operation with shipowners' and seafarers' organizations, should ensure that full information on public and private training schemes for seafarers and on conditions of entry into the shipping industry is available to those providing vocational guidance and employment counselling services, to public employment services and to vocational and technical training institutions.

8. The competent authorities and bodies should endeavour to ensure that—

- (a) the facilities of shipyards, engineering workshops, manufacturers of equipment, naval installations, etc., are utilized where available and appropriate in training both officers and ratings;

(b) arrangements are made in order that, other things being equal, preference may be given in employment placement to persons who have received appropriate and recognized training.

9. (1) Training programmes should be regularly reviewed and kept up to date in the light of the developing needs of the industry.

(2) In the review of training programmes, account should be taken of the Document for Guidance, 1968—which was prepared jointly by the International Labour Organization and the Inter-Governmental Maritime Consultative Organization and agreed by both organizations and which deals, in technical detail, with the subjects directly affecting the safety of life at sea—as well as of any subsequent amendments or additions thereto.

B. *Financing*

10. (1) Seafarers' training schemes should be systematically organized and their financing should be on a regular and adequate basis, having regard to the present and planned requirements and development of the shipping industry.

(2) Where appropriate, the government should make financial contributions to training schemes carried on by local government or private bodies. These contributions may take the form of general subsidies, grants of land, buildings or demonstration material such as boats, engines, navigational equipment and other apparatus, the provision of instructors free of charge, payment of trainees' allowances or payment of fees for trainees in day or boarding schools or on training ships.

(3) Seafarers should not, through lack of financial resources or training opportunities, be denied the possibility of reaching the highest ranks on board. Therefore, it should be possible for seafarers to earn or receive sufficient financial resources to enable them to obtain appropriate training.

(4) Training in publicly run training centres for seafarers should, where possible, be given without charge to trainees.

(5) Retraining necessitated by the introduction of technical innovations should be provided free of charge to the seafarers concerned. During the period of such retraining, seafarers should receive adequate allowances; seafarers sent to courses of such retraining by a shipowner should receive their full basic wage.

C. Training Standards

11. Training standards should be laid down in conformity with national requirements for obtaining the various seafarers' certificates of competency. In particular, there should be laid down—

- (a) the nature of medical examinations, including chest X-rays and diabetic, hearing and sight tests, required for persons entering training schemes; the standards of such examinations, particularly of the hearing and sight tests, could differ according to the departments which the persons concerned are planning to enter, but should in no case be lower than the medical standards required for entry into employment in the shipping industry;
- (b) the level of general education required for admission to vocational training courses leading to certificates of competency;
- (c) the subjects, such as navigation, seamanship, radio, electronics, engineering, catering and human relations, that should be included in the training curricula;
- (d) the nature of any examination to be taken upon completion of training courses which are subject to examination;
- (e) a procedure whereby the authorities ensure that the teaching staff of training institutions have the requisite experience and qualifications, including adequate practical and theoretical knowledge of technical and operational developments.

IV. TRAINING PROGRAMMES

12. The various training programmes should be realistically based on the work to be performed on board ship. They should be periodically reviewed and kept up to date in order to keep abreast of technical developments. They should include the following, as appropriate:—

- (a) training in navigation, seamanship, ship handling, signalling, cargo handling and stowage, ship maintenance, and other matters relating to the operation of merchant ships;
- (b) training in the use of electronic and mechanical aids, such as radio and radar installations, radio direction-finders and compasses;
- (c) theoretical and practical instruction in the use of life-saving and fire-fighting equipment, survival at sea procedures, and other aspects of the safety of life at sea;

- (d) theoretical and practical instruction in the operation, maintenance and repair of main propulsion installations and auxiliary machinery, with emphasis on the types of equipment, including electronic equipment, installed in ships of the country concerned;
- (e) training for the catering department as appropriate for those to be employed as stewards, cooks, waiters and galley staff, account being taken of training requirements for different categories of ships;
- (f) training in accident prevention on board ship, particularly as regards safe working practices in all departments, and including personal safety as part of training in professional subjects, training in first aid, medical care and other related matters and health and physical training, especially swimming; training in medical care and particularly special training for personnel placed in charge of medical care on board should in all cases be related to the content of medical guides compiled by competent authorities and to full utilization of medical radio services;
- (g) particularly in the case of trainees under 18 years of age, instruction in subjects of general educational value;
- (h) instruction in elements of social and labour legislation related to merchant ship operations and to industrial relations, regulations concerning seafarers, transportation economics, maritime insurance, maritime law, etc.;
- (i) instruction in management techniques, including such subjects as personnel relations and work study.

9

13. Training programmes should be designed, *inter alia*, to prepare trainees for certificates of competency and should be directly related, where appropriate, to national certification standards. They should include adequate practical training and take account of any minimum age and minimum working experience laid down by the competent authorities in respect of the various grades of certificates. Account should also be taken of other nationally recognized certificates.

14. The duration of the various training programmes should be sufficient to enable trainees to assimilate the teaching given and should be determined with reference to such matters as—

- (a) the level of training required for the shipboard occupation for which the course is designed;

- (b) the general educational level and age required of trainees entering the course;
- (c) the trainees' previous practical experience.

V. GENERAL TRAINING SCHEMES FOR SEAFARERS

15. Induction training designed to introduce trainees to the ship-board environment and safe working practices on board ship or, where appropriate and practicable, pre-sea training courses which provide adequate training for the duties regularly assigned to ratings of the deck, engine and catering departments, develop character and inculcate a sense of self-discipline and responsibility should be available for young persons with no sea experience.

16. Suitable courses or instruction should also be provided to enable young persons of appropriate ability to prepare themselves for statutory certificates or diplomas currently in effect in the merchant navy of their country in respect of both officer and rating categories.

17. Training for upgrading and promotion should, among other means, be provided by short-term courses at nautical schools and technical institutions and correspondence courses specially adapted to the needs of specific categories of officers and ratings and to the grades to which they aspire.

VI. ADVANCED TRAINING

18. (1) Retraining, refresher, familiarization and upgrading courses should be available as required for suitable officers and ratings to enable them to increase and widen their technical skills and knowledge, to keep abreast of technological changes, in particular in the development of automated ships, and to meet the requirements of new methods of operations on board ship.

(2) Such courses may be used, for instance, to complement general courses and provide advanced specialized training opening the way to promotion, as well as to provide advanced electronics courses for appropriate personnel.

(3) Special attention should be given to the ability of masters, other officers and ratings to navigate and handle new types of ships safely.

19. Where training would be facilitated thereby, shipowners should release suitable seafarers employed on board their ships for training

periods ashore, at appropriate schools, to enable them to improve their skills, learn to use new techniques and equipment and qualify for promotion. Persons in a supervisory position on board ship should take an active part in encouraging such training.

VII. TRAINING METHODS

20. The training methods adopted should be the most effective possible, having regard to the nature of the instruction, the trainees' experience, general education and age, and the demonstration equipment and financial resources available.

21. Practical training, requiring active participation of the trainees themselves, should be an important part of all training programmes. It may be provided by assigning seafarers to merchant ships for periods of training at sea, to engineering workshops or shipyards or to shipping company offices.

22. Training vessels used by training institutions should provide practical instruction in navigation, seamanship, machinery operation and maintenance and other nautical subjects as well as comprehensive shipboard safety education.

23. Appropriate demonstration equipment such as simulators, engines, boat models, ship equipment, life-saving equipment, navigational aids and cargo gear should be used in training schemes. Such equipment should be selected with reference to the shipboard machinery and equipment which the trainee may be called upon to use.

24. Films and other audio-visual aids should be used, where appropriate—

- (a) as a supplement to, but not a substitute for, demonstration equipment in the use of which trainees take an active part;
- (b) as a primary training aid in special fields such as the teaching of languages.

25. Theoretical training and general education given as part of a training course should be related to the theoretical and practical knowledge required by seafarers.

VIII. INTERNATIONAL CO-OPERATION

26. Countries should co-operate in promoting the vocational training of seafarers; in some cases it may be of particular value to do so on a regional basis.

27. In so doing they might collaborate with the International Labour Organization and other international institutions, in particular the Inter-Governmental Maritime Consultative Organization, or other countries—

- (a) in recruiting and training teaching staff;
- (b) in setting up and improving training facilities for officers and ratings;
- (c) in setting up joint training facilities with other countries where necessary;
- (d) in making training facilities available to selected trainees or instructor-trainees from other countries and in sending trainees or instructor-trainees to other countries;
- (e) in organizing international exchanges of personnel, information and teaching materials, as well as international seminars and working groups;
- (f) in providing qualified and experienced instructors for maritime training schools in other countries.

IX. EFFECT ON EARLIER RECOMMENDATIONS

28. This Recommendation supersedes the Vocational Training (Seafarers) Recommendation, 1946.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 138**RECOMMENDATION CONCERNING SEAFARERS' WELFARE
AT SEA AND IN PORT**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and

Noting the provisions of the Seamen's Welfare in Ports Recommendation, 1936, and

Conscious of the fundamental need for the provision of welfare facilities both in port and on board ship, and in particular, in the light of changing characteristics of the shipping industry, the need for continuing development of the former and the growing importance of the latter, and

Considering the importance of recognizing the role of statutory welfare bodies and voluntary organizations in this field and of seeking their expert assistance, and

Having decided upon the adoption of certain proposals with regard to seafarers' welfare at sea and in port, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-ninth day of October of the year one thousand nine hundred and seventy the following Recommendation, which may be cited as the Seafarers' Welfare Recommendation, 1970:

I. ORGANIZATION AND FINANCING OF WELFARE ACTIVITIES

1. Welfare schemes should be systematically organized and financing should be on an adequate and regular basis.

2. Welfare services should be reviewed frequently to ensure that they keep pace with changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

3. There should be national, regional and/or port welfare boards, on which representative shipowners' and seafarers' organizations, the competent authorities and, where desirable and appropriate, voluntary organizations and social bodies concerned should be represented.

4. The functions of such boards should include surveying the need for, and assisting and co-ordinating, welfare facilities in the area for which the board is responsible.

5. Consuls and local representatives of foreign welfare organizations should, as appropriate, be associated with the work of regional and port welfare boards.

6. Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities, in addition to voluntary workers.

7. Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities or bodies of the countries of origin of the seafarers and of the flag States should consult and co-operate with the competent authorities and bodies of the country in which the port is situated and with each other, with a view both to the pooling of resources and to avoiding unnecessary duplication.

8. With a view to better organizing welfare and leisure activities and stimulating the use of welfare materials on board ship, instruction in the organization of welfare activities on board should be included in training courses for officers and ratings. Consideration should be given to the periodic assignment to merchant vessels of an officer specially trained in such work.

II. ACCOMMODATION IN PORTS

9. Seafarers' hotels or hostels should be maintained in all ports of interest to international shipping where there is a need for them; they should provide facilities equal to those found in a good-class hotel, and should wherever possible be located in good surroundings away from the immediate vicinity of the docks.

10. These accommodation facilities should be open to seafarers of all nationalities, irrespective of colour, race or creed. Without in any way infringing this principle, it may be necessary in certain ports to provide several types of facilities, comparable in standard but adapted to the customs and needs of different groups of seafarers.

11. Where necessary and possible, provision should be made for accommodating seafarers' families in seafarers' hotels and hostels.

12. Prices charged for board and accommodation in seafarers' hotels and hostels should be kept at a reasonable level.

13. Seafarers' hotels and hostels should be properly supervised on the same basis as other comparable establishments.

III. GENERAL WELFARE MEASURES IN PORT AND ON BOARD SHIP

14. Governments should take measures designed to overcome restrictions on and to expedite the free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore.

15. Every effort should be made to ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should be made also to avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control.

16. Adequate means of transportation at moderate prices should be available at any reasonable time when needed in order to enable seafarers to reach city centres from port areas.

17. Every effort should be made by those responsible to facilitate the granting of shore leave to officers and ratings as soon as possible after a ship's arrival in port.

18. In order to ensure the maintenance of seafarers' family ties in the special conditions of their employment, the granting of leave at home at reasonable intervals should be encouraged.

19. Measures should be taken to ensure, subject to any national or international laws or regulations, that whenever possible and reasonable both officers and ratings are expeditiously granted permission to have their wives, other relatives and friends as visitors on board their ships when in port.

20. Consideration should be given to the possibility of allowing the wives of seafarers to accompany their husbands on an occasional voyage, where this is practicable and reasonable. Wives who so

accompany their husbands should carry adequate insurance cover against accident and illness; the shipowner should give every assistance to the seafarer to effect such insurance.

21. Where possible and appropriate, the provision of canteens on board ship for officers and ratings should be considered, unless this is contrary to national, religious or social customs.

22. Where possible, consideration should be given to the provision on board ship of facilities for the projection of films, television viewing, handicrafts and reading.

IV. RECREATION FACILITIES IN PORT AND ON BOARD SHIP

23. Centres providing meeting and recreation rooms for seafarers of all nationalities should be established or developed in all ports of interest to international shipping where there is a need for them.

24. Healthy recreation such as hobbies, gymnastics, games or sports, both ashore and on board, as well as excursions to places of interest, should be encouraged and should be organized by and for seafarers with assistance as appropriate from the port welfare bodies. Where possible, facilities for swimming should be provided on board ship.

25. All seafarers visiting a port should, where practicable and possible, have the opportunity of taking part in sports and outdoor recreation; for this purpose suitable facilities should be made available, for example by providing sports fields for the use of seafarers or by arranging for them access to existing sports fields.

26. There should be co-operation among the competent authorities of different countries, shipowners' and seafarers' organizations, welfare organizations and ships' captains in the establishment of international seafarers' sports competitions such as lifeboat races, athletics and football matches.

V. INFORMATION AND EDUCATIONAL FACILITIES IN PORT AND ON BOARD SHIP

27. Appropriate vocational training schemes for seafarers should include education and information on matters affecting their welfare, including general health hazards.

28. Information should be disseminated among seafarers concerning facilities open to the general public in ports of call—particularly

transport, welfare and educational facilities and places of worship— as well as facilities provided specifically for seafarers. Such information could be in the form of a booklet, printed in several languages, which also contains a plan of the city and port.

29. Interesting and culturally profitable spare-time activities on board ship should be encouraged through the supply of suitable literature and assistance in pursuing hobby activities and amateur entertainment.

30. Correspondence courses in a variety of subjects of interest to seafarers should be available; other educational aids, such as film projectors, film library services and a tape recorder, should be provided on individual ships where appropriate.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 139

**RECOMMENDATION CONCERNING EMPLOYMENT PROBLEMS
ARISING FROM TECHNICAL DEVELOPMENTS ON BOARD SHIP**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and

Considering that in times of accelerated changes in the operation of merchant ships, both as regards technical and organizational methods and as regards economic aspects, special attention needs to be given to the employment problems which may arise from such changes in order to safeguard and improve the conditions of seafarers, provide sufficient and suitable manpower for the maritime industry, and generally secure for all concerned the greatest benefits from technical progress, and

Considering further that in the establishment and implementation of national and regional manpower plans under the World Employment Programme of the International Labour Organization adequate attention should be given to the changing manpower requirements of the maritime industry, and

Noting that technical co-operation is available from the International Labour Organization for the purpose of maritime manpower planning and development, including the introduction and adaptation of maritime training schemes to meet the requirements of modern merchant ships, and

Noting the terms of existing international labour Conventions and Recommendations which may be relevant to employment problems arising from technical developments, and in particular of the Placing of Seamen Convention, 1920, the Seafarers' Pensions Convention, 1946, the Employment Service Convention and Recommendation, 1948, the Termination of Employment Recommendation, 1963, and the Employment Policy Convention and Recommendation, 1964, and

Considering that it is important to adopt a programme of action specifically designed to meet the requirements of the maritime industry, and

Having decided upon the adoption of certain proposals with regard to problems arising from technical developments and modernization 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 a Recommendation,

adopts this twenty-ninth day of October, of the year one thousand nine hundred and seventy the following Recommendation, which may be cited as the Employment of Seafarers (Technical Developments) Recommendation, 1970:

I. MANPOWER PLANNING

1. Each Member which has a maritime industry should ensure the establishment of national manpower plans for that industry within the framework of its national employment policy.
2. In preparing such manpower plans account should be taken of—
 - (a) the conclusions drawn from periodic studies of the size of the maritime labour force, the nature and extent of employment, the distribution of the labour force by such characteristics as age and occupational group and probable future trends in these fields;
 - (b) studies of trends in the evolution of new techniques in the maritime industry both at home and abroad, in relation, among other things, to structural changes in the industry in the form of—
 - (i) changed methods of operation of ships, technically and organizationally; and
 - (ii) modifications in manning scales and job contents on different types of ships;
 - (c) forecasts, in the light of the foregoing studies, of the probable requirements, at different dates in the future, for various categories and grades of seafarers.
3. Such manpower plans should be designed to obtain for shipowners and seafarers as well as for the community as a whole the greatest benefits from technical progress, and to protect from hardship seafarers whose employment is affected thereby.
4. (1) If they do not formulate the manpower plans themselves, representatives of shipowners' and seafarers' organizations should be consulted in connection with their formulation and subsequent

adjustment, and the co-operation and participation of these organizations should be sought in the practical application of the plans.

(2) There should be regular consultation between shipowners and seafarers and their various organizations on employment problems related to technical change.

II. RECRUITMENT AND PLACEMENT

5. Recruitment of seafarers into the maritime industry should take account of existing manpower plans and of the forecasts contained therein.

6. (1) Mobility within the maritime labour force should be facilitated by the operation of an effective employment service.

(2) Where the placement of seafarers is the concern of specialized employment offices, and where these offices are responsible for finding jobs ashore, placement in such jobs should be facilitated by close collaboration between those offices and the general public employment service.

7. (1) Having regard to natural wastage, positive steps should be taken by those responsible to avert or minimize as far as practicable the effects of any material reductions in the number of seafarers employed, by such measures as providing employment opportunities on as wide a range of ships as is reasonable and practicable, and by retraining where appropriate.

(2) The selection of seafarers to be affected by a reduction of the workforce should be made according to agreed criteria and on a basis appropriate to the special conditions of the maritime industry.

8. Up-to-date information should be made available on the nature of technical changes on board ship for the guidance of seafarers and potential seafarers.

III. TRAINING AND RETRAINING

9. Where technical changes require study of the need to train seafarers and to help them to adapt to these changes, account should be taken of the Vocational Training (Seafarers) Recommendation, 1970.

10. Where changes in functions and required skills arising from technical developments are likely to affect seafarers, basic training of those concerned, including certificated personnel, should be

review to take account of these changes and to ensure that seafarers are adequately trained for the functions they will be required to carry out.

11. Where the nature of technical developments so requires, consideration should be given to the possibility of retraining seafarers to enable them to take full advantage of the opportunities offered by these developments.

12. There should be consultation with shipowners' and seafarers' organizations, and between them, where technical developments are likely to lead to changes in manning scales or in certification requirements or to significant changes in the duties and functions of various categories of seafarers.

13. Changes in the duties and functions of the various categories of seafarers should be explained clearly and with adequate notice to those involved.

IV. REGULARITY OF EMPLOYMENT AND INCOME

14. (1) Consideration should be given to schemes providing regularity of employment and income for seafarers and suitable personnel to man ships.

(2) Such schemes might provide, for instance, for contracts of employment with a company or with the industry for seafarers with appropriate qualifications.

15. Consideration should also be given to arranging for seafarers, as part of the national social security system or otherwise, some form of benefits during periods of unemployment.

16. (1) Efforts should be made to meet the needs of seafarers, particularly older persons, who have special difficulty in adjusting to technical change.

(2) Amongst possible measures, consideration should be given to—

(a) retraining for other industries through government and other schemes that are available; and

(b) the provision of adequate benefits, within the framework of social security systems or other schemes, for those who are required to leave the maritime industry at an earlier age than is generally the case.

V. INTERNATIONAL CO-OPERATION

17. To avoid hardship to such seafarers employed in foreign ships as are likely to be affected by technical changes aboard ship, the governments and shipowners' and seafarers' organizations concerned should undertake early consultation and should co-operate with a view to—

- (a) adjusting the supply of these seafarers gradually to the changing requirements of the foreign countries in whose ships they are employed; and
- (b) minimizing the effects of redundancy by the joint application of relevant provisions of this Recommendation.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 140

**RECOMMENDATION CONCERNING AIR CONDITIONING OF
CREW ACCOMMODATION AND CERTAIN OTHER SPACES
ON BOARD SHIP**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970; and

Noting that the Accommodation of Crews Convention (Revised), 1949, lays down minimum standards for the accommodation of crews on board ship, and

Considering that in the light of the rapidly changing characteristics of both the construction and the operation of modern ships further improvements in crew accommodation can be provided, and

Having decided upon the adoption of certain proposals with regard to crew accommodation, which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this thirtieth day of October of the year one thousand nine hundred and seventy the following Recommendation, which may be cited as the Crew Accommodation (Air Conditioning) Recommendation, 1970:

1. (1) All ships of 1,000 gross register tons or over constructed after the adoption of this Recommendation, except those regularly engaged in trades where temperate climatic conditions do not require this, should be equipped with air-conditioning of crew accommodation.

(2) Whenever possible such ships should also have air-conditioning of the radio room and any centralized machinery control room.

2. The competent authority should—

- (a) investigate the possibility of installing air-conditioning in ships of less than 1,000 tons constructed after the adoption of this Recommendation;
- (b) consider the possibility of providing existing ships with air-conditioning of all or part of crew accommodation spaces by means of conversion of mechanical ventilation systems to full air-conditioning at a time when substantial structural alterations are being made to the accommodation.

3. The air-conditioning system, whether of a centralized or individual unit type, should be designed—

- (a) to maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, and to ensure a sufficiency of air changes in all air-conditioned spaces;
- (b) to take account of the particular characteristics of operations at sea and not to produce objectionable noises or vibrations.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 141**RECOMMENDATION CONCERNING CONTROL OF
HARMFUL NOISE IN CREW ACCOMMODATION AND
WORKING SPACES ON BOARD SHIP**

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-fifth Session on 14th October, 1970, and

Noting that the Accommodation of Crews Convention (Revised), 1949, lays down minimum standards of the accommodation of crews on board ship, and

Considering that in the light of the rapidly changing characteristics of both the construction and the operation of modern ships further improvements in crew accommodation can be provided, and

Having decided upon the adoption of certain proposals with regard to crew accommodation, which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this thirtieth day of October of the year one thousand nine hundred and seventy the following Recommendation, which may be cited as the Crew Accommodation (Noise Control) Recommendation, 1970:

1. (1) The competent authority in each maritime country, in conjunction with the competent international bodies and with representatives of shipowners' and seafarers' organizations, should review research into the problem of noise on board ships with the object of obtaining and pooling data on the basis of which authoritative criteria and standards can be established at an early date, so that national provisions can be drawn up to protect seafarers, so far as necessary, from the ill effects of noise,

(2) Such research should cover—

(a) the effect of exposure to excessive noise on the hearing, health and comfort of seafarers;

(b) the measures which should be prescribed to reduce shipboard noise and/or to protect the hearing of seafarers.

2. The competent authority in each maritime country should, in the light of that research, establish provisions for the reduction of, and protection of seafarers from, excessive and harmful noise on board ship as soon as this becomes reasonably possible.

3. As appropriate in the light of the research, the measures to be considered might include the following:

(a) instruction of seafarers in the dangers to hearing and health of prolonged exposure to high noise levels and in the proper use of noise protection devices and equipment;

(b) provision of ear plugs and/or ear muffs, approved by the competent authority, to seafarers in the engine-room where necessary;

(c) the reduction of noise in sleeping rooms, mess rooms, recreation rooms and other crew accommodation by—

(i) the locating of such spaces as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus;

(ii) the use of acoustic insulation and other appropriate sound-absorbing materials in the construction and finishing of bulkheads, overheads and decks within the sound-producing spaces, and self-closing noise-isolating doors for machinery spaces;

(d) the reduction and control of noise levels in engine-rooms and other machinery spaces by—

(i) provision, wherever practicable, of sound-proof centralized machinery control rooms for engine-room personnel;

(ii) insulation, as far as practicable, of working spaces such as the machine shop from the general engine-room noise;

(iii) measures to reduce noise in the operation of machinery.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 153

**RECOMMENDATION CONCERNING THE PROTECTION OF
YOUNG SEAFARERS**

The General Conference of the International Labour Organization, having been convened at Geneva by the Governing Body of International Labour Office, and having met in its Sixty-second Session on 13th October, 1976, and

Having decided upon the adoption of certain proposals with regard to the protection of young seafarers, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of October of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Protection of Young Seafarers Recommendation, 1976:

I. METHODS OF IMPLEMENTATION

1. Effect may be given to this Recommendation through national laws or regulations, collective agreements, works rules, arbitration awards or court decisions, or in such other manner as may be appropriate under national conditions.

II. DEFINITION AND SCOPE

2. (1) For the purpose of this Recommendation, the term "young seafarers" includes all young persons under 18 years of age employed in any capacity on board a sea-going ship other than—

(a) a ship of war; and

(b) a ship engaged in fishing or in operations directly connected therewith or in whaling or similar pursuits.

(2) National laws or regulations should determine, after consultation with the organizations of employers and workers concerned, when ships are to be regarded as sea-going ships for the purpose of this Recommendation.

(3) This Recommendation does not apply to young persons in school or training vessels or pursuing an educational programme carried out in accordance with conditions approved by the competent authority after consultation with the organizations of employers and workers concerned.

III. OBJECTIVES

3. In each country in which ships in which young seafarers are employed are registered, provision should be made for—

- (a) the effective protection of such seafarers, including the safeguarding of their health, morals and safety, and the promotion of their general welfare;
- (b) vocational guidance, education and vocational training of such seafarers, in their interest as well as that of the efficiency of shipboard operations, in the interest of safety of life and of property at sea and in that of the creation of opportunities for the advancement of young seafarers within the sea-going profession.

IV. HOURS OF PERMITTED DUTY AND REST PERIODS

4. (1) At sea and in port the provisions set out in the following clauses should apply—

- (a) the normal working hours of young seafarers should not exceed eight hours per day and forty hours per week and the consistent working of overtime should be avoided whenever possible;
- (b) while sufficient time should be allowed for all meals, young seafarers should be assured of a break of at least one hour for the main meal of the day;
- (c) no young seafarer should work at night; for the purpose of this clause "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 by collective agreements;
- (d) young seafarers should be allowed a 15-minute rest period as soon as possible following each two hours of continuous work.

(2) Exceptionally, the provisions of subparagraph (1) of this Paragraph need not be applied—

- (a) if they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watch-keeping duties or working on a rostered shift-work system;
- (b) if the effective training of young seafarers in accordance with established programmes and schedules would be impaired; or
- (c) in cases of operational necessity.

Such exceptions should be recorded, with reasons, and signed by the captain.

5. The provisions of Paragraph 4 of this Recommendation do not exempt young seafarers from their general obligation to work under the master's direction during any emergency involving—

- (a) the safety of the crew, the passengers, the vessel or its cargo;
- (b) the safety of other vessels or of lives and cargoes on board such vessels.

V. REPATRIATION

6. (1) If, after a young seafarer has served in a vessel for at least four months during his first foreign-going voyage, it becomes apparent that he is unsuited to life at sea, he should be given the opportunity of being repatriated at no expense to himself from the first suitable port of call in which there are consular services of the country either of the flag of the ship or of the nationality of the young seafarer. Notification of any such repatriation, with the reasons therefor, should be given to the authority which issued the papers enabling the young seafarer to take up sea-going employment.

(2) After six months' service without leave in a foreign-going vessel which has not returned to the young seafarer's country of residence in that time, and will not so return in the subsequent three months of the voyage, a young seafarer should be entitled to be repatriated at no expense to himself to the place of original engagement in his country of residence for the purpose of taking any leave earned during the voyage.

VI. SAFETY IN WORK AND HEALTH EDUCATION

7. Regulations concerning safety and health for young seafarers should be adopted.

8. These regulations should refer to any general provisions on medical examinations before and during employment and on the prevention of accidents and the protection of health in employment, which may be applicable to the work of seafarers; they should specify measures which will minimize occupational dangers to young seafarers in the course of their duties.

9. (1) Except where a young seafarer is recognized as fully qualified in a pertinent skill by a competent authority, the regulations should specify restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their

health or physical development, or requiring a particular degree of maturity, experience or skill.

(2) In determining the types of work to be restricted by the regulations, the competent authority might consider in particular work involving—

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
- (e) handling mooring or tow lines or ground tackle;
- (f) rigging;
- (g) work aloft or on deck in heavy weather;
- (h) night-watchman duties;
- (i) servicing of electrical equipment;
- (j) exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances, and ionizing radiations;
- (k) the cleaning of catering machinery;
- (l) the handling or taking charge of ships' boats.

10. Practical measures should be taken by the competent authority or through the appropriate machinery to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health in work on board ship, for instance by means of adequate instruction at sea training schools, by official accident-prevention publicity intended for young persons, in the forms indicated in Paragraph 8, subparagraph (2), of the Prevention of Accidents (Seafarers) Recommendation, 1970, and by ensuring the professional instruction and supervision of young seafarers in their work in ships.

11. Education and training of young seafarers both ashore and on board ship should include instruction appropriate to their needs in the matters referred to in Paragraph 12, clause (f), of the Vocational Training (Seafarers) Recommendation, 1970, and in Regulation 237 of the I.L.O. Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry, as amended, as well as guidance on the detrimental effects on their health and well-being of the abuse of drugs and other potentially harmful substances, and of other harmful activities.