

INTERNATIONAL LABOUR OFFICE

REPORT FORM
FOR THE
**SEAFARERS' WELFARE
CONVENTION, 1987 (No. 163)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such a form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Seafarers' Welfare Recommendation, 1987 (No. 173), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for

example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

- (c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.
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Article 22 of the Constitution of the ILO

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

on the

SEAFARERS' WELFARE CONVENTION, 1987 (No. 163)

(ratification registered on.....)

- I. Please give a list of laws, regulations, collective agreements and other documents which give effect to the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office with this report.

Please give any available information concerning the extent to which the above-mentioned texts have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws and regulations, etc., or other measures which give effect to each Article. In addition, please provide any information specifically requested below under individual Articles.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what steps have been taken to implement the provisions of the Convention requiring action by the competent authority or authorities.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. For the purposes of this Convention:

- (a) the term "seafarer" means any person who is employed in any capacity on board a seagoing ship, whether publicly or privately owned, other than a ship of war;
- (b) the term "welfare facilities and services" means welfare, cultural, recreational and information facilities and services.

2. Each Member shall determine by national laws or regulations, after consultation with the representative organisations of shipowners and seafarers, which ships registered in its territory are to be regarded as seagoing ships for the purpose of the provisions of this Convention relating to welfare facilities and services on board ship.

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

Paragraph 2. Please indicate what ships are considered to be seagoing for the purpose of the Convention, and give information on the consultations which have taken place in accordance with this paragraph.

Paragraph 3. Please indicate to what extent the provisions of the Convention are applied to commercial maritime fishing, and give information on the consultations which have taken place in accordance with this paragraph.

Article 2

1. Each Member for which this Convention is in force undertakes to ensure that adequate welfare facilities and services are provided for seafarers both in port and on board ship.

2. Each Member shall ensure that the necessary arrangements are made for financing the welfare facilities and services provided in accordance with the provisions of this Convention.

Paragraph 1. Please describe the welfare facilities and services which are provided for seafarers (a) in ports and (b) on board ships.

Paragraph 2. Please describe the arrangements which have been made for financing the welfare facilities and services referred to above.

Article 3

1. Each Member undertakes to ensure that welfare facilities and services are provided in appropriate ports of the country for all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State in which the ship on which they are employed is registered.

2. Each Member shall determine, after consultation with the representative organisations of shipowners and seafarers, which ports are to be regarded as appropriate for the purposes of this Article.

Please indicate which ports are regarded as appropriate for the purpose of this Article. Please also give information on the consultations which have taken place in accordance with this Article.

Article 4

Each Member undertakes to ensure that the welfare facilities and services on every seagoing ship, whether publicly or privately owned, which is registered in its territory, are provided for the benefit of all seafarers on board.

Article 5

Welfare facilities and services shall be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

Please indicate at what intervals welfare services and facilities are reviewed.

Article 6

Each Member undertakes:

- (a) to co-operate with other Members with a view to ensuring the application of this Convention; and
- (b) to ensure co-operation between the parties engaged and interested in promoting the welfare of seafarers at sea and in port.

Please indicate the measures taken to bring about the co-operation provided for in this Article.

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

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please provide a general appreciation on the manner in which the Convention is applied in your country and provide — in so far as the information in question has not already been supplied in connection with other questions in this form — information on the nature, location and number of welfare services and facilities in ports and on board ships and the number of seafarers having access to these services and facilities.

VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

ANNEX

SEAFARERS' WELFARE RECOMMENDATION, 1987 (No. 173)

I. GENERAL

1. For the purposes of this Recommendation:
 - (a) the term "seafarer" means any person who is employed in any capacity on board a seagoing ship, whether publicly or privately owned, other than a ship of war;
 - (b) the term "welfare facilities and services" means welfare, cultural, recreational and information facilities and services.
2. To the extent it deems practicable, after consultation with the representative organisations of fishing vessel owners and fishermen, the competent authority should apply the provisions of this Recommendation to commercial maritime fishing.
3. (1) Measures should be taken by Members to ensure that adequate welfare facilities and services are provided for seafarers both in port and on board ship, and that adequate protection is provided to seafarers in the exercise of their calling.
(2) In the implementation of these measures, Members should take into account the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.
4. Arrangements for the supervision of welfare facilities and services should include participation by representative organisations of seafarers and shipowners.
5. The welfare facilities and services provided pursuant to this Recommendation should be available to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State in which the ship on which they are employed is registered.
6. Members should co-operate with one another in promoting the welfare of seafarers at sea and in port. Such co-operation should include the following:
 - (a) consultations between the competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ship;
 - (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
 - (c) organising international sports competitions and encouraging the participation of seafarers in sport activities;
 - (d) organising international seminars on the subject of welfare of seafarers at sea and in port.

II. WELFARE FACILITIES AND SERVICES IN PORTS

7. (1) Members should provide or ensure the provision of such welfare facilities and services as may be required in appropriate ports of the country.
(2) Members should consult with the representative organisations of shipowners and seafarers in determining the appropriate ports.
(3) Welfare facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

8. (1) Welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:

- (a) the public authorities;
- (b) the shipowners' and seafarers' organisations under collective agreements or other agreed arrangements;
- (c) voluntary organisations.

(2) Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.

9. (1) Welfare boards should be established, at the port, regional and national levels, as appropriate, whose functions should include:

- (a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of underutilised facilities;
- (b) assisting and advising those responsible for providing welfare facilities and ensuring co-ordination between them.

(2) Welfare boards should include among their members representatives of organisations of shipowners and seafarers, the competent authorities and, where appropriate, voluntary organisations and social bodies.

(3) As appropriate, consuls of maritime States and local representatives of foreign welfare organisations should be associated with the work of port, regional and national welfare boards in accordance with national laws and regulations.

10. (1) Members should ensure that adequate and regular financial support is provided for seafarers' welfare facilities and services.

(2) In accordance with national conditions and practice, this financial support should be made available through one or more of the following:

- (a) grants from public funds;
- (b) levies or other special dues from shipping sources;
- (c) voluntary contributions from shipowners, seafarers, or their organisations;
- (d) voluntary contributions from other sources.

(3) Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.

11. Hotels or hostels suitable for seafarers should be available where there is need for them. Such hotels or hostels should be properly supervised, the prices charged should be reasonable in amount and, where necessary and possible, provision should be made for accommodating seafarers' families.

12. (1) Necessary welfare and recreational facilities should be established or developed in ports. These should include:

- (a) meeting and recreation rooms as required;
- (b) facilities for sports and outdoor facilities, including competitions;
- (c) educational facilities;
- (d) where appropriate, facilities for religious observances and for personal counselling.

(2) These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use.

13. 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, as well as the international associations concerned, should consult and co-operate with the competent authorities and bodies of the country in which the port is situated and with one another, with a view to the pooling of resources and to avoiding unnecessary duplication.

14. (1) Information should be disseminated among seafarers concerning facilities open to the general public in ports of call—particularly transport, welfare, entertainment and educational facilities and places of worship—as well as facilities provided specifically for seafarers.

(2) The means of disseminating such information might include—

- (a) the distribution on shore and, subject to the consent of the master, on board ship, of booklets in the most appropriate languages giving clear information as to the facilities available for seafarers in the port of call or in the next port for which the ship is bound; such booklets should contain a plan of the urban area and port;
- (b) the creation in the larger ports of information offices, easily accessible to seafarers and staffed by persons capable of giving directly such explanations and guidance as may be useful.

15. Adequate means of transportation at moderate prices should be available at any reasonable time, when needed in order to enable seafarers to reach urban areas from convenient locations in the port.

16. All suitable measures should be taken to make known to seafarers entering port—

- (a) any particular hazards and diseases to which they may be exposed and means of avoiding them;
- (b) the necessity for persons suffering from diseases to undergo early treatment and the nearest facilities available for such treatment;
- (c) the dangers arising from the use of narcotics and alcohol.

17. Measures should be taken to ensure that seafarers have access when in port to—

- (a) out-patient treatment for sickness and injury;
- (b) hospitalisation when necessary;
- (c) facilities for dental treatment, especially in cases of emergency.

18. All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardise their freedom.

19. Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.

20. (1) For the protection of foreign seafarers measures should be taken to facilitate—

- (a) access to their consuls;
- (b) effective co-operation between consuls and the local or national authorities.

(2) Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should, if he so requests, immediately inform the flag

State and the State of nationality of the seafarer. The competent authority should promptly inform the seafarer of the right to make such a request. The State of nationality of the seafarer should promptly notify the seafarer's next of kin. If a seafarer is interned, the Member should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is interned.

(3) The case of a detained seafarer should be dealt with promptly under due process of law, and the flag State and the State of nationality of the detained seafarer should be kept informed of developments as they occur.

21. (1) Every possible practical assistance should be given to seafarers stranded in foreign ports pending their repatriation.

(2) In the event of delay in the repatriation of seafarers, the competent authority should ensure that the consular or local representative of the flag State is informed immediately.

22. Members should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports.

III. WELFARE FACILITIES AND SERVICES AT SEA

23. (1) Welfare facilities and amenities should be provided on board ship for the benefit of the seafarers. Where practicable such facilities should include—

- (a) television viewing and the reception of radio broadcasts;
- (b) projection of film or video films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
- (c) sports equipment including exercise equipment, table games, deck games;
- (d) where possible, facilities for swimming;
- (e) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
- (f) facilities for recreational handicrafts.

(2) Where possible and appropriate, the provision of bars on board ship for seafarers should be considered, unless this is contrary to national, religious or social customs.

24. Vocational training schemes for seafarers should, where appropriate, include education and information on matters affecting their welfare, including general health hazards.

25. (1) Access to ship-to-shore telephone communications, where available, should be granted and charges for the use of the service should be reasonable in amount.

(2) Every effort should be made to ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should also be made to avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control.

26. (1) Measures should be taken to ensure, subject to any applicable national or international laws or regulations, that whenever possible and reasonable seafarers are expeditiously granted permission to have their spouses, relatives and friends as visitors on board their ship when in port.

(2) Consideration should be given to the possibility of allowing seafarers to be accompanied by their spouses on an occasional voyage where this is practicable and reasonable. Such spouses should carry adequate insurance cover against accident and illness; the shipowners should give every assistance to the seafarer to effect such insurance.

27. Every effort should be made by those responsible in port and on board ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

IV. SAVINGS AND REMITTANCE OF WAGES

28. In order to help seafarers to save and to transmit their savings to their families—

(a) there should be adopted a simple, rapid and safe system, operating with the assistance of consuls or

other competent authorities, masters, shipowners' agents or reliable financial institutions, for enabling seafarers, and more especially those who are in a foreign country or serving in a ship registered in a country other than their own, to deposit or remit the whole or part of their wages;

(b) a system for enabling seafarers, at the time of their signing on or during the voyage, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families should be instituted or made of more general application;

(c) allotments should be remitted in due time and directly to the person or persons nominated by the seafarer;

(d) efforts should be made to provide independent confirmation that seafarers' allotments are actually remitted to the person or persons nominated.