

INTERNATIONAL LABOUR OFFICE GENEVA

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REPORT FORM  
FOR THE  
**SEAFARERS' PENSIONS CONVENTION,  
1946 (No. 71)**

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 the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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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:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply 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 organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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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' PENSIONS CONVENTION, 1946 (No. 71)

(ratification registered on \_\_\_\_\_)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

**Please give any available information concerning the extent to which these laws and regulations 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 abovementioned legislation and administrative regulations, etc., or other measures under which each Article is applied.**

**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 action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.**

**If the Committee of Experts or the Conference Committee on the Application of Standards 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*

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

#### *Article 2*

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

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

- (a) persons employed on board or in the service of:
- (i) vessels of public authorities when such vessels are not engaged in trade;
  - (ii) vessels which are not engaged in the transport of cargo or passengers for the purpose of trade;
  - (iii) fishing vessels;
  - (iv) vessels engaged in hunting seals;
  - (v) vessels of less than 200 gross register tons;
  - (vi) wooden ships of primitive build such as dhows and junks;
  - (vii) in so far as ships registered in India are concerned and for a period not exceeding five years from the date of the registration of the ratification of the Convention by India, home-trade vessels of a gross register tonnage not exceeding 300 tons;

- (b) members of the shipowner's family;
- (c) pilots not members of the crew;
- (d) persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff;
- (e) persons employed in port who are not ordinarily employed at sea;
- (f) salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention;
- (g) persons not remunerated for their services or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits;
- (h) persons working exclusively on their own account;
- (i) persons employed on board or in the service of whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers concerned;
- (j) persons not resident in the territory of the Member;
- (k) persons not nationals of the Member.

*If advantage has been taken of any of the exceptions provided for in paragraph 2 of this Article, please indicate which of the classes of persons mentioned in this paragraph have been excepted and indicate how these classes are defined.*

*If advantage has been taken of the exception permitted by paragraph 2 (f), please indicate the provisions by virtue of which the salaried employees concerned are entitled to benefits at least equivalent on the whole to those provided for in the Convention.*

*If advantage has been taken of the exception permitted by paragraph 2 (i), please supply copies of the special collective whaling or similar agreements determining the rates of pay, hours of work and other conditions of service of the persons concerned.*

### Article 3

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

- (a) the pensions provided by the scheme:
  - (i) shall be payable to seafarers having completed a prescribed period of sea service on attaining the age of fifty-five or sixty years as may be prescribed by the scheme; and
  - (ii) shall, together with any other social security pension payable simultaneously to the pensioner, be at a rate not less than the total obtained by computing for each year of his sea service 1.5 per cent of the remuneration on the basis of which contributions were paid in respect of him for that year if the scheme provides pensions on attaining the age of fifty-five years or 2 per cent of such remuneration if the scheme provides pensions at the age of sixty years; or
- (b) the scheme shall provide pensions the financing of which, together with the financing of any other social security pension payable simultaneously to the pensioner and any social security benefits payable to the dependants (as defined by national laws or regulations) of deceased pensioners, requires a premium income from all sources which is not less than 10 per cent of the total remuneration on the basis of which contributions are paid to the scheme.

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

*Please state to which subparagraph of paragraph 1 of this Article recourse is had.*

*If recourse is had to subparagraph (a):*

1. *Please indicate:*
  - (a) *the age for entitlement to pension;*
  - (b) *the length of the qualifying period of sea service for entitlement to pension and the definition of sea service;*
  - (c) *the rules for the calculation of the pension payable under the scheme for seafarers and for the calculation of any social security pension payable simultaneously with the pension payable under the scheme for seafarers;*

2. *Please demonstrate compliance with clause (ii) of subparagraph (a).*

*If recourse is had to subparagraph (b):*

1. *Please state the amounts required during the period under review to finance:*
  - (a) *the pensions under the scheme for seafarers;*
  - (b) *any other social security pension payable simultaneously to the pensioners under the scheme for seafarers;*
  - (c) *any social security benefits payable to the dependants of deceased pensioners under that scheme; and*
  - (d) *the total amount required ((a) + (b) + (c))*
2. *Please state the amount of the total remuneration on the basis of which contributions were paid to the scheme for seafarers during the period under review and show this amount as a percentage of the total under (d) above;*
3. *Please indicate how dependants are defined.*  
*Please state the amount of:*
  - (i) *the contributions borne by the seafarers covered by the pension scheme for seafarers; and*
  - (ii) *the resources allocated to the pensions payable under that scheme.**Please show (i) as a percentage of (ii).*

#### *Article 4*

1. The scheme shall make appropriate provision for the maintenance of rights in course of acquisition by persons ceasing to be subject thereto or for the payment to such persons of a benefit representing a return for the contributions credited to their account.
2. The scheme shall grant a right of appeal in any dispute arising thereunder.
3. The scheme may provide for the forfeiture or suspension of the right to a pension in whole or in part if the person concerned has acted fraudulently.
4. The shipowners and the seafarers who contribute to the cost of the pensions payable under the scheme shall be entitled to participate through representatives in the management of the scheme.

*Please indicate what provision, if any, is made to maintain the rights in course of acquisition of persons ceasing to be subject to the scheme. Where no such provision is made, please indicate what provision is made to pay persons ceasing to be subject to the scheme a benefit representing a return for the contributions credited to their account.*

*Please indicate what right of appeal exists in any dispute arising under the scheme.*

*Please indicate the conditions in which the right to a pension may be forfeited or suspended in whole or in part.*

*Please indicate the manner in which the shipowners and the seafarers who contribute to the cost of the pensions participate through representatives in the management of the scheme.*

- III. **Please state to what authority or authorities the application of the abovementioned laws, regulations, etc., is entrusted, and by what methods application is enforced.**
- 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 give a general appreciation of the manner in which the Convention is applied in your country, including, for example, extracts from reports of the services entrusted with the application of the relevant laws, regulations, etc., and, so far as such statistics are available, information concerning the number of seafarers covered by the pension scheme, any difficulties encountered in the application of the Convention, etc.**  
**Please state whether you have received from the organizations 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 fulfilment of the conditions prescribed by the Convention or the application of the national legislation implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.**
- VI. **Please indicate the representative organizations of employers and workers to which the reports on the application of the Convention submitted to the Director-General in conformity with article 22 of the Constitution of the International Labour Organization have been communicated in accordance with article 23 of the Constitution.**