

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970 (No. 134)

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 form and shall contain such particulars as the Governing Body may request."

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The Government may deem it useful to consult the appended text of the Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142), 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:

- (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 supervisory bodies*: the report must contain replies to any comments regarding the application of the Convention in your country which may 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

PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970 (No. 134)

(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 these texts to the International Labour Office.**

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 above-mentioned legislation and administrative regulations, etc., or other measures, which give effect to each Article.**

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

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' organisations 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.

With reference to paragraph 2, please supply information on such cases as may have occurred, on the manner in which they were settled, and on the consultations which took place in this regard.

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 accidents, 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.

Please indicate the measures taken to give effect to this Article.

Please supply copies, or relevant extracts, of reports of inquiry, as well as samples of statistics compiled in conformity with the provisions of this Article.

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.

Please supply information on research undertaken with respect to the subject matter of this Article.

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.

Please supply the text of the provisions concerning the prevention of occupational accidents of seafarers, which are required in virtue of Articles 4 and 5 above.

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.

Please indicate the measures taken in accordance with paragraphs 1 and 2, specifying if these measures make provision for penalties.

Please indicate how the provisions concerning the prevention of accidents are brought to the attention of seafarers.

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.

Please indicate what provisions have been made to give effect to this Article.

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' organisations.

2. Implementation of such programmes shall be so organised 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' organisations are represented, shall be established.

Please supply information on the programmes which have been undertaken for the prevention of occupational accidents, indicating the manner in which the co-operation and participation of shipowners, seafarers, and their organisations, as well as other interested bodies, are assured as provided for in this Article.

Please supply information on the committees or working parties established in accordance with paragraph 3.

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.

Please supply information concerning the system of instruction which has been organised and the other measures taken in conformity with this Article.

Article 10

Members, with the assistance as appropriate of intergovernmental and other international organisations, 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.

Please supply information on any measures taken to give effect to this Article.

III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

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, and attach extracts from the reports of the inspection services, information on the number of workers covered by the legislation, the number and nature of the contraventions reported and the resulting action taken, and the number of occupational accidents reported, in so far as this information has not already been supplied in connection with other questions in this form.

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. "

APPENDIX

PREVENTION OF ACCIDENTS (SEAFARERS) RECOMMENDATION, 1970 (No. 142)

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 Organisation.
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 organisation of accident prevention training and programmes;
 - (c) the organisation 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 organisations or responsible international maritime organisations 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 organisation 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 organisations for standardisation.
- (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—
 - (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.