

INTERNATIONAL LABOUR OFFICE GENEVA

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REPORT FORM  
FOR THE  
**CONTINUITY OF EMPLOYMENT (SEAFARERS)  
CONVENTION, 1976 (No. 145)**

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 Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

The Government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the Government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

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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 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

### CONTINUITY OF EMPLOYMENT (SEAFARERS) CONVENTION, 1976 (No. 145)

ratification registered on . . . . .

#### I. Article 7 of the Convention reads as follows:

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.

**Please state whether the provisions of the Convention are applied by means of—**

- (a) national laws or regulations ;
- (b) collective agreements ;
- (c) arbitration awards ;
- (d) in some other manner.

**Please give a list of the measures by which the provisions of the Convention are applied and indicate their scope. Where this has not already been done, please forward copies of the relevant laws, regulations, agreements, awards, etc., to the International Labour Office with this report.**

**Please state whether the said measures have been adopted 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, regulations or other measures under which the 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, such as measures to define its exact scope and to institute the practical arrangements and procedures required for its implementation.**

**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. This Convention applies to persons who are regularly available for work as seafarers and 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 organisations 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.

*Paragraphs 2 and 3. Please indicate the definitions given to the terms "seafarers" and "sea-going ships" for the purposes of the present Convention.*

*Paragraph 4. Please indicate the manner in which the organisations of employers and workers concerned are consulted or otherwise participate in the establishment and revision of these definitions.*

#### 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.

*Paragraph 1. Please indicate whether continuous or regular employment is assured for seafarers. If not, please describe the measures taken to encourage the provision for them of such employment.*

*Paragraph 2. Please indicate the minimum periods of employment or the minimum income or monetary allowance assured to seafarers and describe the manner in which they are assured.*

#### 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 regularisation of employment by means of the establishment and maintenance of registers or lists, by categories, of qualified seafarers.

*Please describe the measures taken in order to achieve the objectives set out in Article 2 of the Convention.*

#### 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.

*Paragraph 1. If registers or lists are maintained, please indicate the arrangements made to ensure that all occupational categories of seafarers are included therein.*

*Paragraphs 2 and 3. Please indicate the manner in which seafarers included on such registers or lists are assured priority of engagement and are required to be available for work.*

#### 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 minimise detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned.

*Paragraph 1. Please describe the arrangements, if any, made for the periodical review of the strength of registers and lists of seafarers.*

*Paragraph 2. Please describe the measures instituted to prevent or minimise detrimental effects on seafarers when the strength of a register or list is reduced, and the criteria and procedures laid down for the implementation of these measures.*

#### Article 6

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

*Please provide particulars of the safety, health, welfare and vocational training provisions which apply to seafarers.*

- III. Please indicate the authority or authorities responsible for the application of the laws, regulations and other measures mentioned under I.**
- 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 texts of these decisions.**
- V. Please give a general appreciation of the manner in which the Convention is applied in your country, including for instance extracts from reports of the authority or authorities referred to under III above and, if available, particulars of the number of seafarers and of variations in their number during the period covered by the report.**
- 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.<sup>1</sup> 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.**

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<sup>1</sup> 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

### CONTINUITY OF EMPLOYMENT (SEAFARERS) RECOMMENDATION, 1976 (No. 154)

1. (1) Subject to the provisions of Paragraph 11, this Recommendation 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 Recommendation.

(4) The organisations 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 modernisation 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.