

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM
FOR THE
**LABOUR INSPECTION (SEAFARERS)
CONVENTION, 1996 (No. 178)**

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."

The Government may deem it useful to consult the appended text of the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185), 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 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.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

LABOUR INSPECTION (SEAFARERS) CONVENTION, 1996 (No. 178)

(ratification registered on

- I. Please give a list of laws and 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 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 above-mentioned laws and 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 provisions, please indicate by virtue of what constitutional texts the ratification has had this effect. Please also specify what action has been taken to implement those provisions of the Convention which require the competent authority or authorities to take action, such as a definition of its exact scope and the institution of indispensable practical measures and procedures to apply it.**
- 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.**

PART I. SCOPE AND DEFINITIONS

Article 1

1. Except as otherwise provided in this Article, this Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of a Member for which the Convention is in force and is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies.
2. National laws or regulations shall determine which ships are to be regarded as seagoing ships for the purpose of this Convention.
3. This Convention applies to seagoing tugs.
4. This Convention does not apply to vessels less than 500 gross tonnage and, when not engaged in navigation, vessels such as oil rigs and drilling platforms. The decision as to which vessels are covered by this paragraph shall be taken by the central coordinating authority in consultation with the most representative organizations of shipowners and seafarers.
5. To the extent the central coordinating authority deems it practicable, after consulting the representative organizations of fishing vessel owners and fishermen, the provisions of this Convention shall apply to commercial maritime fishing vessels.
6. In the event of any doubt as to whether or not any ships are to be regarded as engaged in commercial maritime operations or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the central coordinating authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

7. For the purpose of this Convention:

- (a) the term "central coordinating authority" means ministers, government departments or other public authorities having power to issue and supervise the implementation of regulations, orders or other instructions having the force of law in respect of inspection of seafarers' working and living conditions in relation to any ship registered in the territory of the Member;
- (b) the term "inspector" means any civil servant or other public official with responsibility for inspecting any aspect of seafarers' working and living conditions, as well as any other person holding proper credentials performing an inspection for an institution or organization authorized by the central coordinating authority in accordance with Article 2, paragraph 3;
- (c) the term "legal provisions" includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred;
- (d) the term "seafarers" means persons who are employed in any capacity on board a seagoing ship to which the Convention applies. In the event of any doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the central coordinating authority after consulting the organizations of shipowners and seafarers concerned;
- (e) the term "seafarers' working and living conditions" means the conditions such as those relating to the standards of maintenance and cleanliness of shipboard living and working areas, minimum age, articles of agreement, food and catering, crew accommodation, recruitment, manning, qualifications, hours of work, medical examinations, prevention of occupational accidents, medical care, sickness and injury benefits, social welfare and related matters, repatriation, terms and conditions of employment which are subject to national laws and regulations, and freedom of association as defined in the Freedom of Association and Protection of the Right to Organise Convention, 1948, of the International Labour Organization.

Paragraph 2. Please indicate which ships are to be regarded as seagoing ships for the purpose of this Convention.

Paragraph 4. Please indicate the consultations which have been held in conformity with this paragraph.

Paragraphs 5 and 6. Please indicate to what extent the provisions of this Convention apply to commercial maritime fishing, and provide information on the consultations which have been held in conformity with these paragraphs.

Paragraph 7(d). Please indicate whether any consultations have been held in conformity with this paragraph and any decisions made.

PART II. ORGANIZATION OF INSPECTION

Article 2

1. Each Member for which the Convention is in force shall maintain a system of inspection of seafarers' working and living conditions.

2. The central coordinating authority shall coordinate inspections wholly or partly concerned with seafarers' working and living conditions and shall establish principles to be observed.

3. The central coordinating authority shall in all cases be responsible for the inspection of seafarers' working and living conditions. It may authorize public institutions or other organizations it recognizes as competent and independent to carry out inspections of seafarers' working and living conditions on its behalf. It shall maintain and make publicly available a list of such institutions or organizations.

Paragraph 2. Please specify the central coordinating authority, how it coordinates inspections and which ministries, government departments or other public authorities, organizations or institutions are involved.

Please indicate the established principles to be observed during inspections.

Paragraph 3. Please indicate, where applicable, which public institutions or other organizations are recognized as competent to carry out inspections of seafarers' living and working conditions and the basis on which such recognition is granted.

Please provide, where applicable, a copy of any list maintained and published in this respect.

Article 3

1. Each Member shall ensure that all ships registered in its territory are inspected at intervals not exceeding three years and, when practicable, annually, to verify that the seafarers' working and living conditions on board conform to national laws and regulations.

2. If a Member receives a complaint or obtains evidence that a ship registered in its territory does not conform to national laws and regulations in respect of seafarers' working and living conditions, the Member shall take measures to inspect the ship as soon as practicable.

3. In cases of substantial changes in construction or accommodation arrangements, the ship shall be inspected within three months of such changes.

Paragraph 1. Please provide information as to the intervals at which ships are inspected and what the inspection covers (cf. Article 1, paragraph 7(e)).

Paragraph 2. Please describe the procedures for inspecting ships following a complaint.

Article 4

Each Member shall appoint inspectors qualified for the performance of their duties and shall take the necessary steps to satisfy itself that inspectors are available in sufficient number to meet the requirements of this Convention.

Please indicate (i) the number of inspectors available; (ii) whether the inspectors have any other responsibilities, e.g. maritime safety inspections, etc.; and (iii) the qualifications required for these inspections.

Article 5

1. Inspectors shall have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.

2. Inspectors provided with proper credentials shall be empowered:

- (a) to board a ship registered in the territory of the Member and to enter premises as necessary for inspection;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed;
- (c) to require that deficiencies are remedied; and
- (d) where they have grounds to believe that a deficiency constitutes a significant danger to seafarers' health and safety, to prohibit, subject to any right of appeal to a judicial or administrative authority, a ship from leaving port until necessary measures are taken, the ship not being unreasonably detained or delayed.

Paragraph 1. Please describe the status and conditions of service of inspectors.

Paragraph 2. Please describe the measures taken to give effect to this paragraph and, in particular, the procedures allowing a ship to be detained.

Article 6

1. When an inspection is conducted or when measures are taken under this Convention, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

2. If a ship is unreasonably detained or delayed, the shipowner or operator of the ship shall be entitled to compensation for any loss or damage suffered. In any instance of alleged unreasonable detention or delay, the burden of proof shall lie with the shipowner or operator of the ship.

Please provide information on the provisions which give effect to this Article and, if applicable, on cases where the shipowner or the operator of the ship is entitled to compensation.

PART III. PENALTIES

Article 7

1. Adequate penalties for violations of the legal provisions enforceable by inspectors and for obstructing inspectors in the performance of their duties shall be provided for by national laws or regulations and shall be effectively enforced.

2. Inspectors shall have the discretion to give warnings and advice instead of instituting or recommending proceedings.

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

PART IV. REPORTS

Article 8

1. The central coordinating authority shall maintain records of inspections of seafarers' working and living conditions.

2. It shall publish an annual report on inspection activities, including a list of institutions and organizations authorized to carry out inspections on its behalf. This report shall be published within a reasonable time after the end of the year to which it relates and in any case within six months.

Please provide a copy of the annual report on inspection activities

Article 9

1. Inspectors shall submit a report of each inspection to the central coordinating authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice-board for the information of the seafarers or sent to their representatives.

2. In case of an inspection pursuant to a major incident, the report shall be submitted as soon as practicable but not later than one month following the conclusion of the inspection.

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

- III. Please state to what authority or authorities the application of the above-mentioned legislation, 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 give a general appreciation of the manner in which the Convention is applied in your country and supply — in so far as the information in question has not already been supplied in connection with other questions in this form — extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.**
- VI. Please indicate the representative organizations 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 Organization.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**
- VII. Please indicate 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 application of the provisions of 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 organizations recognized 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

The text of the

RECOMMENDATION CONCERNING THE INSPECTION OF SEAFARERS' WORKING AND LIVING CONDITIONS, 1996 (No. 185)

is not reproduced here.

Please consult ILOLEX or other publications containing the text of ILO
Recommendations.