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REPORT ON THE 74TH MEETING OF THE INTERNATIONAL LABOUR CONFERENCE

SUMMARY: I. Introduction. – II. The Welfare Commission. – III. The Commission for the Promotion of Social Security. – IV. The Commission for the Promotion of Health and Medical Assistance. – V. The Repatriation Commission. – VI. The Resolution Commission.

I. Introduction

Following up on the work done by the Preparatory Maritime Technical Conference held in 1986,¹ the 74th Maritime Meeting of the International Labour Organization was held in Geneva from 24 September to 9 October 1987. The agenda of the meeting was as follows: I. Director General's Report,² II. The Welfare of seamen at sea and on port, III. Protection of seamen's social services including the rendering of medical services aboard ships flying flags other than those of their own countries, IV. Protection of seamen's health and medical assistance for them and finally, V. Review of the convention on the repatriation of seamen, 1926 (No. 23), and review of the recommendation on the repatriation of captains and apprentices, 1926 (No. 27).

The conference was based on the work of the following commissions: 1. The Welfare Commission, 2. The Commission for the Promotion of Health and Medical Assistance for Seamen,

¹ On this subject, see MARTINEZ PUÑAL, A., 'Examen de los trabajos de la Conferencia Técnica Marítima Preparatoria celebrada en la Organización del Trabajo en 1986', *Anuario de Derecho Marítimo*, Vol. VI, pp. 389–401.

² On the Director General's Report, see Provisional Acts, Geneva, 1987, Fascicles 4, 5, 6, 7, 8, 9 and 11.

3. The Social Security Commission, 4. The Repatriation Commission and, 5. The Resolution Commission.³

II. The Welfare Commission

As a result of the work of the Welfare Commission, the meeting approved a new convention and recommendation for the welfare of seamen at sea and on port, which reviews two previous documents searching for a more adequate solution to the new needs arising from sailors' employment and related conditions.

Having previously consulted with the representative organizations and shipowners, the States ratifying the convention will be obliged to watch over the financing of means and services related to welfare – culture, recreation, and information – aboard ships destined for maritime navigation and in appropriate ports (art. 2). These services will be rendered without any type of discrimination (art. 3) and will be reviewed frequently to ensure that they adequately fulfill the needs of seamen in view of technological or any other changes which might arise in the area of maritime transport (art. 5).

The Recommendation requests that the application of these measures be accompanied by an awareness of the special needs of seamen in the areas of health, security, and recreation especially on finding themselves overseas or in war zones (section 3.2). Welfare committees should be formed to watch over the smooth functioning of such services (section 9). Governments should also try to provide regular financial support to the bodies or services for the welfare of sailors (section 10.1).

Likewise, seamen should be provided with information on the services and installations available at ports of call (section 14). Special attention should be given to foreign sailors especially when they are detained (section 20).

The Recommendation also lists the welfare services which should be made available to seamen on board (sections 23, 24 & 25), and foresees the relevant provisions to help sailors to save money and send funds to their families (section 28). With reference to these, the Meeting asked that an item be included on the agenda for the next meeting of the 'Comisión Paritaria Marítima' on the social services and welfare of seamen's families.⁴

³ Many countries attended the meeting as well as more than 600 delegates and governmental technical advisors, shipowners and seamen.

⁴ C/F: Acts, Op. cit., Fascicles 12, 12A, 12B and 17.

III. The Commission for the Promotion of Social Security

The Commission for the Promotion of seamen's social security, including the one which services ships sailing under foreign flags, adopted an agreement on the social security of seamen (revised). The agreement reviews the documents on the social security and health insurance of seamen, and obliges the ratifying States to foresee a system of promotion for the social security of seamen at least equal to that of land workers.

Member States should apply the minimum norms according to the social security agreement (minimum norms No. 102) or otherwise the superior norm established by other documents of the International Labour Organization, to the accidents covered and relevant benefits in at least three of the following social security areas: a) medical assistance, b) sickness benefits, c) unemployment benefits, d) old-age benefits, e) benefits resulting from work-related accidents and professional illnesses, f) family benefits, g) maternity benefits, h) disability benefits, i) survival benefits.

As to the shipowner's responsibility, it must be stressed that seamen in need of medical assistance while on board or whose condition requires disembarkation in a State which is not a competent Member, should be provided with: a) sufficient and adequate medical assistance until recovery or repatriation, whichever occurs first, b) lodgings and food until the seaman finds a new job or is repatriated, whichever takes place first, c) repatriation (art. 13). The agreement foresees the collection of the salary of seamen who, due to their state, are disembarked during a voyage or who are repatriated (arts. 14 & 15).

Arts. 16 and 29 of the convention deal with the protection of foreign or migrant seamen, establishing rules aimed at preventing conflicts of law and ensuring equal treatment of seamen as well as the preservation of their rights, following previous agreements with the States. Art. 18 guarantees the payment of certain benefits, pensions and compensation payments resulting from death to national beneficiaries or to refugees or Stateless persons regardless of their place of residence.

IV. The Commission for the Promotion of Health and Medical Assistance

The work of the Commission for Health and Medical Assistance led to the adoption of a convention on the promotion of

⁵ C/F: Acts, Op. cit., Fascicles 13, 13A and 17.

health and medical assistance for seamen. This convention aims to protect the health of seamen and to provide them with the same type of medical assistance available to land workers. The agreement gives seamen the right to visit a doctor in ports of call (art. 4) and encourages mutual co-operation in order to foster protective health measures and health education.

All ships should carry a first aid kit (art. 5) on board and a medical handbook recommended by the competent authority (art. 6). Likewise, ships should establish a system which will enable them to obtain medical assistance (including from specialists) while at sea, at any time of day or night, through radio or satellite equipment (art. 7).

All ships with a crew of 100 or more seamen and which normally make international voyages longer than three days, should carry a doctor on board. Ships without a doctor must have among the crew one or various persons whose official duties include the administration of first aid and medicine (art. 9).

All ships with a gross register of 500 tonnes or more, carrying 15 or more sailors on board and undertaking voyages longer than three days, should have an independent infirmary on board; ships dedicated to cabotage can be exempted from this obligation.

Member States should co-operate in order to promote the protection of health and medical assistance to seamen aboard ships. (art. 13).⁶

V. The Repatriation Commission

As a result of the Commission, the meeting approved an agreement on the repatriation of seamen (reviewed) and a recommendation on the repatriation of seamen. Both documents bear in mind the development of the maritime industry and update the relevant documents which have been in force for the past 60 years.

The agreement lists the circumstances under which seamen may be repatriated: a) termination of the contract while stationed overseas, b) accidents, illness or any other medical reason, c) shipwreckage, d) bankruptcy of the employer, etc. (art. 2).

The destinations to which seamen may be repatriated will be prescribed by the national legislation and these will include the place where the seaman was employed, the place stipulated by

⁶ C/F: Acts, Op. cit., Fascicles 15, 16, 18 and 19.

collective agreement, the seamen's country of residence or any other place agreed to by the parties at the time of contracting employment, having the seaman the right to choose from different prescribed locations, the destination to which he wishes to be repatriated (art. 3).

The shipowner shall be responsible for the organization of the repatriation through appropriate and rapid means and shall also bear the associated costs (art. 4). The competent State Member in whose territory the ship is registered will organize the seaman's repatriation and will cover the cost of it; failing to do so, the State from which the seaman is to be repatriated or the national State of the seaman may organize his repatriation and recover the cost of it from the Member State in whose territory the ship is registered (art. 5). The recommendation particularly stresses this last clause.

The Meeting approved a resolution urging governments to adopt the necessary measures to accelerate the legal procedures in the cases where seamen are abandoned and in particular, to facilitate the sale of mortgaged ships, in order to enable the speedy repatriation of seamen affected and the guarantee of payment of their salaries.⁷

VI. The Resolution Commission

As a result of the work by the Resolution Commission, the Meeting urges the States, in a resolution on sailors' health with particular reference to AIDS, to inform seamen on the dangers of AIDS and the means of preventing contamination. The Administrative Council of the International Labour Organization is requested to study this illness and to convoke a meeting of the Joint Committee of the International Labour Organization/World Health Organization on seamen's health and in particular, on the problem of AIDS and the need to educate sailors on this illness.

Another resolution on the co-ordination of the activities related to the welfare of sailors, asks the International Labour Organization to place greater priority on matters pertaining to the welfare of seamen and to examine the means of producing a closer association between the International Commission on Seamen's Health and the International Labour Organization with in their work related to the welfare of seamen.

Taking into account that in certain parts of the world there still exist employment practices which are unfavourable to the

⁷ C/F: Acts, Op. cit., Fascicles 10, 11, 16 and 18.

shipowners responsible, in a resolution on the employment of seamen and on the regulation of employment agencies, the Meeting asked the Council of the International Labour Organization to include in the agenda of the next meeting of the 'Comisión Paritaria Marítima' (Maritime Commission on Equal Treatment) the review of the 1920, Convention on the placement of seamen, (no. 9), including the application to the employment agency of seamen of the principles of supervision and governmental control established by the Convention on the employment agencies (revised), 1949 (no. 96), for work on land; this resolution also recommends, in the meanwhile, the adoption of measures which ensure the regulation of and, in particular, the authorization for employment agencies to operate in the convention's territory.

In a resolution on the employment conditions of seamen, the Conference asks the Administrative Council of the International Labour Organization to make a detailed study on the changes in the environment aboard ships and on the characteristics of the employment of seamen, with a view to identifying the possible areas in which the International Labour Organization could become involved in order to improve living and employment conditions.

In another resolution on the attacks against un-armed ships, the Conference expressed its grave concern at the armed conflicts which place merchant ships at risk and produce deaths and injuries to seamen in some areas. The Conference called on all the Member States of the International Labour Organization to use their influence in diplomatic and commercial relations with the belligerent States with the aim of dissuading them from attacking merchant ships in international waters and placing an end to armed conflicts.

In a sixth and final resolution on the application of conventions and international recommendations as well as a wider application of the convention on the merchant navy (minimum norms), 1976 (no. 147), the importance of this convention is highlighted and the Member States which have not done so yet, are requested to adopt speedy and efficient measures with a view to applying the provisions of the mentioned convention, and also to put into force the provisions of the recommendation on the merchant navy (improvement of norms), 1976 (no. 155).

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