

SEAFARERS' WELFARE

*A presentation by the
International Labour Office
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An historical overview of ILO's labour standards concerning seafarers' welfare:

- Seafarers' welfare issues were dealt with by the ILO as early as 1920.
- In 1936, the Maritime Session of the ILC adopted the Seamen's Welfare in Ports Recommendation (No. 48) followed by the adoption, in 1970, of the Seafarers' Welfare Recommendation (No. 138).
- Seafarers' welfare was also discussed by the Joint Maritime Commission and its Tripartite Subcommittee on Seafarers' Welfare a number of times: 1956 (Naples), 1961 (Geneva), 1966(Oslo), 1980 and 1991 (Geneva).
- At its 74th (Maritime) Session the ILC adopted the Seafarers' Welfare Convention, 1987 (No. 163) and its supplementary Recommendation No. 173.
- In February 2006, the 94th (maritime) session of the ILC adopted the Maritime Labour Convention, 2006, which contains - inter alia - dispositions concerning seafarers' welfare.



ILO Recommendations Nos. 48 and 138

- ILO Recommendations, unlike Conventions, are not binding. They only provide guidance to member States.
- Until the first Convention on seafarers' welfare (No. 163) came into force, no international standards concerning seafarers' welfare were binding on any member State.
- However, in some countries ILO Recommendations Nos. 48 and 138 contributed to changes in laws and regulations and to the establishment of welfare services and facilities which substantially improved seafarers' lives.



Recommendation No. 48

- The Seamen’s Welfare in Ports Recommendation (No. 48), adopted in 1936, included provisions concerning seafarers’ health (dangers in ports, treatments for illnesses etc.), accommodation and recreation, their ability to send savings home, information to seamen about the welfare facilities in the port and other information of general interest for the seafarer. It also provided that services should be provided to different nationalities, in the “spirit of international solidarity”.



Recommendation No. 138

- The Seafarers Welfare Recommendation No. 138, adopted in 1970, includes provisions concerning organization and financing of welfare facilities, accommodation in ports, general welfare measures, recreation facilities and information and educational facilities.
- The detailed provisions pointed out that:
 - welfare facilities should be systematically organized,
 - financing should be arranged on an adequate and regular basis,
 - tripartite welfare boards should be organized on a national and/or regional basis and voluntary organizations should be represented in the board.
 - Measures should be taken to ensure that a competent person to be employed in the operation of seafarers' welfare facilities in addition to the voluntary workers.
 - Seafarers' hotels should be maintained in all ports of interest to international shipping and should be open to seafarers of all nationalities.
 - Furthermore, transportation should be moderately priced in order to enable seafarers to reach city centers from port areas and every effort should be made to facilitate the granting of shore leaves.
 - Visits should be allowed on board from families and friends in order to maintain ties and try to normalize the seafaring life.
 - Facilities for the projection of films, television, handicrafts and reading should be considered and recreation activities such as hobbies, gymnastics, games or sports ashore and onboard should be encouraged and organized.



Convention No. 163 and Recommendation No. 173

- Convention No. 163 and Recommendation No. 173 were adopted in 1987, following a long procedure involving a survey of ILO member States in this respect, a discussion of related reports prepared by the International Labour Office and a tripartite debate over the best means of improving welfare services for seafarers.
- The result was the adoption, by a unanimous vote, of a Convention, as well as, by a nearly unanimous vote, of a Recommendation which replaced Recommendations Nos. 48 and 138.



Convention No. 163

- Article 1 of this Convention included two important definitions:
 - The term “seafarer”.
 - The term “welfare facilities and services”, meaning “welfare, cultural, recreation and information facilities and services”.
 - It provided there should be consultation with representatives of fishing vessel owners and fishermen on the extent to which the Convention shall apply to commercial maritime fishing.
- Article 2 concerned the Member’s duty to ensure that adequate welfare facilities and services are provided to seafarers both in port and on board ship. It also provided that the Member “shall ensure that the necessary arrangements are made for financing the welfare facilities and services provided in accordance with the provisions of this Convention”. Some States may not have ratified the Convention due to this provision out of concern over funding.



Convention No. 163

- Article 3 required Members to ensure that all welfare facilities were provided in appropriate ports of the country for all seafarers “irrespective of nationality, race, color, sex, religion, political opinion and social origin and “irrespective of the State in which the ship on which they are employed is registered”. Members were also to determine, after consultation with the representative organizations of shipowners and seafarers, which ports are to be regarded as appropriate for the purposes of this Article”.
- Article 4 called on Members to ensure that welfare facilities and services on every seagoing ship, whether publicly or privately owned, registered in the territory, were provided for the benefit of all seafarers on board.



Convention No. 163

- Article 5 provided that welfare facilities and services would be reviewed frequently to ensure that they were appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.
- Article 6 called on Members to undertake to cooperate with other Members with a view to ensuring the application of the Convention and to ensure cooperation between parties engaged and interested in promoting the welfare of seafarers at sea and in port.
- The provisions of this Convention were clearly not very onerous or complex.



Recommendation No 173

The Recommendation, which provided guidance and was not binding, was much more detailed. For example, paragraph 9, which concerned welfare boards, provides that:

1. **Welfare boards** should be established, at the port, regional and national levels, as appropriate, whose functions should include –
 - a) Keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of underutilized facilities;
 - b) Assisting and advising those responsible for providing welfare facilities and ensuring coordination between them;



Recommendation No 173

- (2) Welfare boards should include among their members representatives of organizations of shipowners and seafarers, the competent authorities and, where appropriate, voluntary organizations and social bodies;
- (3) As appropriate, consuls of maritime States and local representatives of foreign welfare organizations should be associated with the work of port, regional and national welfare boards in accordance with national laws and regulations.



Recommendation No 173

The Recommendation provided additional advice on:

- *Accommodation* in port (paragraph 11);
- Facilities for *sports, recreation, education, counseling* and other social purposes in ports (paragraphs 11 to 13);
- *Information on facilities available* in ports (paragraph 14) and on local *law and customs* (paragraph 18)
- *Transport* between the port and the town (paragraph 15);
- *Information on health risks and facilities for treatment* in the port (paragraphs 16 and 17);
- *Ensuring safe conditions* in port areas (paragraph 19) and approaches (paragraph 22);
- *Consular facilities* (paragraph 20);
- *Recreational sports, vocational training and information facilities* at sea (paragraphs 23 and 24);
- *Mail and telephone communications* (paragraph 25); and
- *Enabling family and friends to board the ship* (paragraph 26).



The Maritime Labour Convention, 2006

- In Article 2, *Definitions and scope of application*, the Convention (para. 1. f) defines the term “seafarer” as « any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies ».
- Article 2, para. 4 specifies that « Except as expressly provided otherwise, this Convention applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries ».
- In Article 4, *Seafarers’ employment and social rights*, para. 4 precises that Every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection.



The Maritime Labour Convention, 2006

- Title 3, *Accommodation, Recreational facilities, food and catering*, provides for the existence of recreational facilities on board.
- Standard A.3.1. specifies that « Appropriate seafarers recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account Regulation 4.3* and the associated Code provisions on health and safety protection and accident prevention ».

* *On Health and safety protection and accident prevention*



The Maritime Labour Convention, 2006

- Guideline B3.1.11. *Recreational facilities, mail and ship visit arrangements*, contains a number of recommendations regarding these recreational facilities and services, which should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.
- It contains information related to today's life at sea, such as television, video recorders, DVD/CD player, personal computer and software, cassette recorder/player, films, sports equipment including exercise equipment, and, where possible, facilities for swimming;
- It recommends access to ship-to-shore telephone communications, as well as email and Internet facilities, with any charges for the use of these services being reasonable in amount.
- It suggests to consider measures to ensure that, whenever possible, seafarers be granted permission to have their partners, relatives and friends as visitors on board their ship when in port. Consideration should also be given to the possibility of allowing seafarers to be accompanied by their partners on occasional voyages where this is practicable and reasonable.



The Maritime Labour Convention, 2006

- Title 4. *Health protection, medical care, welfare and social security protection*, is the one that contains the provisions regarding shore based welfare activities.
- The purpose of Regulation 4.4. *Access to shore-based welfare facilities* is to ensure that seafarers working on board a ship have access to shore-based facilities and services to secure their health and well-being. Its para.1. specifies that « Each Member shall ensure that shore-based welfare facilities, where they exist, are easily accessible. The Member shall also promote the development of welfare facilities, such as those listed in the Code, in designated ports to provide seafarers on ships that are in its ports with access to adequate welfare facilities and services ».



The Maritime Labour Convention, 2006

- Standard A4.4. *Access to shore-based welfare facilities*, provides that:
 - 1. Each Member shall require, where welfare facilities exist on its territory, that they are available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work.
 - 2. Each Member shall promote the development of welfare facilities in appropriate ports of the country and determine, after consultation with the shipowners. and seafarers organizations concerned, which ports are to be regarded as appropriate.
 - 3. Each Member shall encourage the establishment of welfare boards which shall regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.



The Maritime Labour Convention, 2006

- Guideline B4.4. is totally dedicated to *Access to shore-based welfare facilities*. Guideline B4.4.1. concerns *Responsibilities of Members*.
- It provides that each Member should take measures to ensure that adequate welfare facilities and services are provided for seafarers in designated ports of call and that adequate protection is provided to seafarers in the exercise of their profession; and take into account, in the implementation of these measures, the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.
- It specifies that arrangements for the supervision of welfare facilities and services should include participation by representative shipowners and seafarers organizations concerned, and that each Member should take measures designed to expedite the free circulation among ships, central supply agencies and welfare establishments of welfare materials



The Maritime Labour Convention, 2006

In para. 4, the following recommendations are made:

- Members should cooperate with one another in promoting the welfare of seafarers at sea and in port. Such cooperation should include the following:
 - (a) consultations among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ships;
 - (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
 - (c) organization of international sports competitions and encouragement of the participation of seafarers in sports activities; and
 - (d) organization of international seminars on the subject of welfare of seafarers at sea and in port.



The Maritime Labour Convention, 2006

Guideline B4.4.2. deals with Welfare facilities and services in ports.

- These can be provided by public authorities, shipowners and seafarers organizations concerned under collective agreements or other agreed arrangements or voluntary organizations.
- These should include meeting and recreation rooms, facilities for sports, educational facilities, as well as facilities for religious observances and for personal counseling.
- These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use.
- pooling of resources to avoid unnecessary duplication should be considered whenever appropriate.
- Suitably priced Hotels or hostels, providing facilities equal to those found in a good-class hotel, and wherever possible located in good surroundings away from the immediate vicinity of the docks for seafarers should be available where there is need for them.
- Measures should be taken to ensure that technically competent



The Maritime Labour Convention, 2006

Guideline B4.4.3. concerns Welfare boards:

- They should be established, at the port, regional and national levels, as appropriate. Their functions should include keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of under-utilized facilities, as well as assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.
- Welfare boards should include among their members representatives of shipowners. and seafarers. organizations, the competent authorities and, where appropriate, voluntary organizations and social bodies, together with consuls of maritime States and local representatives of foreign welfare organizations should, in accordance with national laws and regulations.



The Maritime Labour Convention, 2006

- Guideline B4.4.4. concerns financing of welfare facilities:
- In accordance with national conditions and practice, financial support for port welfare facilities should be made available through one or more of the following:
 - (a) grants from public funds;
 - (b) levies or other special dues from shipping sources;
 - (c) voluntary contributions from shipowners, seafarers, or their organizations; and
 - (d) voluntary contributions from other sources.
- Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.



The Maritime Labour Convention, 2006

- Guideline B4.4.5. provides that information should be disseminated among seafarers concerning facilities open to the general public in ports of call, particularly transport, welfare, entertainment and educational facilities and places of worship, as well as facilities provided specifically for seafarers. It also suggests that adequate means of transport at moderate prices should be available at any reasonable time in order to enable seafarers to reach urban areas from convenient locations in the port.
- All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardize their freedom.
- Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.



The Maritime Labour Convention, 2006

Guideline B4.4.6. concerns Seafarers in a foreign port:

- Measures should be taken to facilitate access to consuls of their State of nationality or State of residence.
- Seafarers who are detained in a foreign port should be dealt with promptly under due process of law and with appropriate consular protection.
- Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should immediately inform the flag State and the State of nationality of the seafarer as well as his/her next of kin.
- The competent authority should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is detained.
- Each Member should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports.
- Every effort should be made by those responsible in port and on board



Conclusion

- The Maritime Labour Convention, 2006 provides a welcome update on seafarers' welfare needs;
- Since a wide ratification of this Convention is expected, the provisions that were existing in Convention No. 163 and Recommendation No. 173 will be widely adopted and implemented.

