

Submission to the International Commission on Shipping

The activities of the International Labour Organization for the shipping industry

International Labour Office, Geneva
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The International Labour Organization:

Founded in 1919 to bring governments, employers and trade unions together for united action in the cause of social justice and better living conditions everywhere, the International Labour Organization (ILO) in 1946 became the first specialized agency of the United Nations. It is the only intergovernmental organization in the UN system to have a tripartite structure (its meetings, committees and conferences are attended not only by government delegates but also by delegates representing employers and workers). The ILO has 175 member States and the budget for the Organization in 2000/01 is approximately US \$480,000,000.

The activities of the ILO include:

- formulation of international policies and programmes to help improve working and living conditions, enhance employment opportunities and promote basic human rights;
- creation of international labour standards;
- undertaking international technical cooperation;
- conducting research and publication activities.

The activities of the Organization are executed through three fundamental organs:

- The International Labour Conference meeting yearly discusses reports on, for example, the programme and budget, information and reports on the application of Conventions and Recommendations. It adopts new labour standards on all aspects of the conditions of work and life of workers. It is normally attended by more than 2000 delegates, advisers and observers from most of the ILO's member States and interested organizations. The delegations from each Member State consist of representatives from the government and workers' and employers' representatives.
- The Governing Body determines, the agenda of the Conference and directs the work of the International Labour Office. It is composed of twenty-eight Government members, fourteen Employers' and fourteen Workers' members and meets two to three times per year. The main industrial countries have a permanent seat in the Governing Body.

- The International Labour Office is the permanent secretariat of the Organization. It executes the decisions of the Conference and the Governing Body and is staffed at headquarters by approximately 1,200 officials. In addition, up to 1,500 people work as ILO officials or as experts in more than forty countries.

The Decent Work Agenda of the ILO

The primary goal of the ILO today is to promote opportunities for men and women to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. Decent work means productive work in which rights are protected, which generates an adequate income, with adequate social protection. It also means sufficient work, in the sense that all should have full access to income-generating opportunities. It marks the high road to economic and social development, a road in which employment, income and social protection can be achieved without compromising workers' rights and social standards (Decent Work, Report of the Director General of the ILO, International Labour Conference, 87th Session, 1999, p.13). The ILO has articulated four strategic objectives in order to pursue and achieve its goal of decent work. They are the promotion of rights at work; employment; social protection and social dialogue. The first strategic objective - fundamental principles and rights at work - calls for renewed attention to ILO standards, as well as a fresh look at complementary means and instruments for achieving this goal. The second strategic objective concerns the creation of greater employment and income opportunities for women and men. The new global economy has shown an enormous potential for job creation when the conditions are right, as well as the many dangers. New options need to be explored to promote an employment-friendly orientation in macroeconomic strategies, in the transformation of production systems, and as a means of reducing poverty and inequality. The third strategic objective - social protection - deals with the increasingly volatile economic situation in which the perceived need for security becomes ever more important. Existing systems are under pressure and the coverage of social protection remains a major preoccupation. The fourth strategic objective - social dialogue and tripartism - focuses on the strengthening of institutional capacity of ILO constituents as well as their contribution to the process of dialogue.

ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up

This Declaration was unanimously adopted by the International Labour Conference at its 86th Session in June 1998. It represents ILO's response to the challenges of globalization, i.e., the widespread concern that economic growth should be accompanied by social justice. It made a significant contribution to the aim set forth in the Programme of Action adopted by the World Summit for Social Development in Copenhagen in 1995 and the Ministerial Meeting of the World Trade Organization in Singapore in 1996 which reaffirmed the ILO's role as a competent body to set and deal with core labour standards.

The ILO 1998 Declaration is a pledge by all Members of the Organization to respect, promote and realize in good faith the principles and rights relating to:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour; and

- the elimination of discrimination in respect of employment and occupation.

The Declaration serves as a point of reference for the entire global community - for employers' and workers' organizations, lawmakers, NGOs, global companies and other international organizations. Indeed, the Declaration mandates the ILO to encourage other international organizations with which it has established relations to help create a climate for economic and social development that respects fundamental principles and rights at work.

The maritime activities of the ILO:

Within the Office, shipping, fishing, ports and inland waterways transport are dealt with by the Maritime team within the Sectoral Activities Department. The objective of its programme is to enhance social and economic progress in these industries as a whole and particularly for the workers concerned. This paper will deal exclusively with the shipping industry which has a special status in the ILO's standard setting machinery.

The means of action are the following:

(i) Research studies and technical reports

Examples of this activity include: the preparation of, or contribution to, reports submitted to the Governing Body and its committees, including Sectoral Committees, regional conferences and technical meetings for which the agenda has been established by the Governing Body, as well as reports prepared for the Joint Maritime Commission, the Preparatory Technical Maritime Conference, the Maritime Session of the International Labour Conference, the Joint ILO/WHO Committee on the Health of Seafarers, the Joint IMO/ILO Committee on Training, and technical committees on the conditions of work of fishermen, port personnel and inland boatmen.

(ii) Technical advisory services

Examples of this activity include:

- the preparation of papers on maritime technical questions as ILO contributions to conferences, meetings, studies, surveys and training courses;
- the undertaking of short-term advisory missions; and
- the provision of technical advice and information to ILO member States, employers' and workers/organizations, governmental and non-governmental national and international organizations and to individuals (on request).

(iii) Dissemination of technical information

- the ILO is a major publishing house and publishes a large amount of technical information in the form of books, brochures, reports and working papers, on subjects related to, for example, occupational safety and health and training. In the maritime field, there are, among others, publications, guidelines on such subjects as accident prevention and the inspection of ships.

(iv) Standard-setting activities

This includes:

- the development of international labour standards for the maritime industries in close consultation with other technical departments; and
- analysis of technical reports by governments on the application of Conventions, Recommendations and other Conference decisions relevant to the maritime industries.

(v) Meetings

- This includes the organization and conduct of maritime meetings, such as those mentioned under (i) above, including seminars, symposia and courses and the arrangement of follow-up meetings to act on the conclusions reached.

(vi) Service and support of technical cooperation projects

- The ILO seeks to maintain and strengthen its contacts with bilateral agencies, the United Nations Development Program, the World Bank and national bodies dealing with technical assistance in the maritime sector.

ILO activities in the shipping industry:

As far back as 1919, it has been the practice that special maritime sessions of the International Labour Conference should be convened to deal with the seafarers' working and living conditions. A bipartite commission - the Joint Maritime Commission advises the Governing Body on maritime questions, especially on the selection of items to be submitted to the maritime sessions of the Conference, and also for initial discussions of those problems. The Joint Maritime Commission is composed of twenty shipowners' members and twenty seafarers' members, plus a representative from the Employers' and Workers' groups of the ILO Governing Body. The Chairman is the Chairman of the Governing Body. The Commission has held twenty eight sessions, the last in October 1996. The next session will be held in January 2001.

After having been selected and preliminarily discussed by the Joint Maritime Commission, the recommendations connected with the conditions of seafarers are submitted to the Governing Body which

decides the agenda for a tripartite technical Meeting and finally for the Maritime Session of the Conference. The latter is usually held at intervals of eight to twelve years and adopts international instruments which are applicable specifically to seafarers. Since 1920, nine sessions of the International Labour Conference, dealing exclusively with merchant seafarers, have adopted more than 60 instruments. The last Maritime Session of the International Labour Conference was held in October 1996.

The standard-setting process:

In ILO terminology, standards are formulated in Conventions and Recommendations. Conventions when ratified involve binding international commitments; Recommendations do not create any international obligations but are designed to provide guidance to governments in formulating their policies. The obligation accepted by a State when it ratifies an international labour Convention is to make the provisions of the Convention effective through law and practice.

In the shipping sector the first step for the Office is to prepare reports on laws and practices relating to the subjects on the agenda of the Joint Maritime Commission based on a questionnaire sent out by the ILO. On the basis of government replies, the Office prepares a comprehensive report, including a list of points for discussion or proposed conclusions. If the Governing Body accepts the recommendations of the Commission, a technical report, with updates information on law and practice on the subjects selected, is prepared by the Office and discussed either by a Preparatory Technical Maritime Conference or by a tripartite meeting with the same functions and, finally, by the Maritime or the General Session of the Conference. If the draft text of an instrument receives two-thirds of the votes cast at the Conference, it is formally adopted as an ILO Convention or Recommendation as decided by the Conference. The adoption of standards is normally undertaken only when, in the light of experience at the national level, the subject appears sufficiently ripe to secure the requisite measure of agreement.

International Labour Standards for Seafarers:

The special nature of the conditions of work and life in the shipping industry has led the Conference to adopt an extensive range of Conventions and Recommendations applying specifically to seafarers which constitute a comprehensive set of minimum standards. They are often referred to as the "International Seafarers' Code" and concern nearly all aspects of the conditions of work and life of merchant seafarers. For example, the minimum age for admission to employment is set at 15 years; a medical examination is compulsory prior to employment aboard ship and periodically thereafter; hiring for shipboard jobs should be undertaken with no fee charged to the seafarer; an indemnity should be paid to a seafarer who loses employment because of a shipwreck; articles of agreement should contain certain details and they should be signed under certain conditions; seafarers signed off in a foreign port should be repatriated; seafarers should enjoy certain social security benefits; officer' competency certificates should be issued under certain conditions; food, catering and accommodation should meet particular standards; ship's cooks and able seamen should have certain qualifications; vocational training and welfare facilities should conform to set standards; measures should be taken to help prevent occupational accidents to seafarers and to report, investigate and analyse such accidents; and young seafarers under the age of 18 years must be protected with respect to their health, and safety and general welfare. These subjects and others are dealt with by instruments comprising the Code which has

influenced both national legislation and the terms of collective agreements and employment contracts laying down the working conditions of seafarers throughout the world. As a consequence of all this, and generally speaking, today the employment conditions of seafarers in most countries compare favourably with those enjoyed by workers in industries ashore. Moreover, the standards have helped to forge a partnership of government, management and labour to that end. The complete set of these instruments applying to seafarers together with those applying to other maritime workers such as fishermen and port workers are contained in the ILO publication *Maritime Labour Conventions and Recommendations* (4th edition), copy of which is being provided to the Commission.

Although fishermen are covered by distinct standards, it has become practice, in more recent instruments intended for shipping, to provide for Member States to have the possibility to extend their provisions under certain conditions to fishermen.

However, the need for separate standards for seafarers remain for a number of reasons. The employment of seafarers is very internationalised and therefore less dependent on national considerations than other workers. The shipping industry relies therefore much more on international agreements than other industries. The relevant international agreements are incorporated in national laws and regulations through ratification or otherwise. Practices in employment conditions and the relevant legislation at the national level in the shipping industry are therefore very different to those of other industries. In addition in recent years, there has been considerable attention given to the impact of the human element on safety at sea and particularly on the adverse impact of marine casualties on the environment. Consequently, increased attention is being paid to the need for improved conditions of work and life for seafarers aboard ships.

Monitoring and supervising of ILO standards:

The ILO Constitution provides for a number of mutually complementary procedures for monitoring the effect given to ILO standards. In addition, direct assistance is also provided to member States through means of action, such as seminars and technical cooperation.

Once a member State has ratified a Convention, it should report to the ILO on the measures taken to give effect to that Convention. The reports of the governments are examined and evaluated by an ILO Committee of Experts on the Application of Conventions and Recommendations, and subsequently by a special tripartite committee of the International Labour Conference.

The ILO Constitution also contains provisions for the examination by the Governing Body of representations by workers' and employers' organizations that a member State is failing to apply a ratified Convention. It also provides for the examination, if the Governing Body so decides, by a Commission of Inquiry of a complaint filed by a member State that another member State is failing to apply a Convention which both have ratified. The Governing Body may adopt the same procedure either on its own or on receipt of a complaint from a delegate to the Conference. Direct contacts may be established between governments and the ILO to examine problems affecting the ratification or implementation of Conventions. These contacts involve a visit by an ILO representative to the country in question and informal discussion of the discrepancies noted or the difficulties encountered with the government authorities. During this process, employers' and workers' organizations are kept informed of these

discussions and their points of view are elicited.

Service and support of technical cooperation activities:

The objective of technical cooperation activities in the maritime sector is the same as for the whole programme of the Organization which, in this case, is to help assist member States to contemplate action in the observance of standards regarding maritime workers' employment conditions and, thereby, to contribute both to improved conditions of work and life for this group and to the effectiveness of a country's maritime industries. Furnished at the request of receiving governments, this assistance covers the wide field of maritime labour and related social questions with which the ILO is concerned and draws upon international skills and the Organization's cumulative experience of many years of operational activities. Substantive support to technical cooperation is provided by the maritime specialists in the Sectoral Activities Department of the ILO. In addition, over forty ILO offices located in countries throughout the world, provide both technical and administrative support to these field operations.

Technical assistance from the ILO may be provided in the form of surveys or expert advice executed in the country concerned by consultants, fellowships, study grants and awards for training abroad, regional and inter-regional training courses and seminars, establishment of pilot projects and exchange of technical information. The broad fields in which technical aid can be provided include in particular:

- labour legislation, administration and conditions of employment;
- maritime manpower;
- vocational training and certificates;
- recruitment and placement of maritime workers;
- occupational safety and health;
- welfare;
- social security; and
- labour management cooperation.

Cooperation with other international organizations:

International cooperation is essential in the shipping industry. The ILO, therefore, works closely with other international organizations, for example the International Maritime Organization (IMO), the United Nations Conference on Trade and Development (UNCTAD), the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) on different aspects of shipping and port activities.

The Joint IMO/ILO Committee on Training keeps under review an international maritime training guide (Document for Guidance) first developed in 1964. The Committee was created with the purpose of examining and commenting upon proposals on international standards concerning maritime training, qualifications or certification prepared by both organizations. Results from the Committee meetings are submitted to the ILO Governing Body and the IMO Maritime Safety Committee for examination, acceptance and recommended action. The Eighth Session of the Committee held in 1990 discussed fatigue as a factor in the manning and safety of ships. Following the success of that meeting, it was decided that a special IMO/ILO Joint Group of Experts, with terms of reference to draw up a uniform framework of procedures for the investigation of maritime accidents, would identify whether and, if so, to what extent, fatigue was a contributory factor to such accidents. The Joint Group met twice (1992 and 1993) agreeing on the procedure to follow. The last session of the Joint IMO/ILO Committee on Training met in January 1994 discussing the revision of the 1978 STCW Convention.

In January 1998 two ad hoc ILO/IMO Working Groups met. One agreed on draft guidelines on investigation of human factors in maritime casualties and the other agreed on guidelines for the development of tables of seafarers' shipboard working arrangements and format of records of seafarers' hours of work or hours of rest.

Closely related to shipboard safety is the work of the Joint ILO/WHO Committee on the Health of Seafarers which, at the seven sessions since its creation in 1949, has made numerous recommendations on various health problems of ship personnel, a prominent one being the creation of the International Medical Guide for Ships, which was updated in 1988. This unified publication modernized and coordinated three existing forms of medical assistance to ships at sea (the ship's medical guide, the medicine chest and the means of obtaining medical advice by radio). It gave an international approach to the problems encountered by a ship's captain faced with injury or disease aboard his ship. This guide will be updated again in the coming years in cooperation with WHO and IMO. The Joint ILO/WHO Committee on the Health of seafarers last met in 1993.

An ILO/WHO Consultation was held in November 1997 and agreed on Guidelines for conducting Pre-Sea and Periodic Medical Fitness Examination of Seafarers.

Further collaboration between the ILO, IMO and WHO is manifested by the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods published jointly by the three organizations in 1973. The Guide, which is intended for use in conjunction with IMO's International Maritime Dangerous Goods Code and the International Medical Guide for Ships, contains recommendations for medical first aid to be given after accidents and for preventive measures against poisoning connected with the carriage of dangerous goods.

Also directly related to the hazards faced by seafarers from cargoes carried in their ships are the IMO/ILO/UN/ECE Guidelines for Packing of Cargo Transport Units (CTUs) which has been published in 1997. These Guidelines, first published in 1978, then updated in 1985 give the essentials of safe packing

for use by persons responsible for the packing and securing cargo in freight containers or vehicles and for persons whose task it is to train people to pack those units.

In executing its maritime activities, the ILO cooperates with governments and with non-governmental international organizations through special meetings and seminars aimed at improving both working conditions for maritime workers and the efficiency of maritime industry operations. For example, in September 1992, the ILO held an Inter-regional Tripartite Meeting of Experts on Drugs and Alcohol in the Maritime Industry as part of a project recommended by the Joint Maritime Commission and sponsored by the United Nations International Drug Control Programme (UNDCP) to develop measures to reduce drug and alcohol problems in the maritime industry. Representatives from IMO, WHO, UNDCP and the European Union (EU) participated. Other activities of this nature include the convening of seminars on labour problems resulting from automation and technological change on board ship, and participation in various United Nations, governmental and shipping industry seminars. In addition, the ILO takes an active part in the work carried out under the Memorandum of Understanding on Port State Control (MOU). The objective of the MOU is to ensure that foreign merchant ships visiting the ports of any of the MOU participating States comply with the international Conventions included in this agreement. ILO Convention No. 147 is one of the Conventions.

In 1990, the ILO published Inspection of Labour Conditions on Board Ship: Guidelines for Procedure based on Convention No. 147. These Guidelines are intended to assist ship and labour inspectors, and others concerned with labour and social conditions on board ship. The Guidelines relate to the control procedures for national flagships as well as to foreign flagships.

In 1991, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) published Guidelines for Maritime Industry Labour Legislation. The Guidelines were produced through a joint ILO/ESCAP project and provide a comprehensive reference work to assist countries in the preparation of up-to-date maritime labour law. Copies may be obtained by contacting ESCAP in Bangkok, Thailand.

In 1993, an ILO Tripartite Meeting of Experts on Accident Prevention on Board Ship revised the ILO Code of Practice for Accident Prevention on Board Ship at Sea and in Port, originally published in 1978, taking into account technological and operational changes in shipping and new means of improving the occupational safety and health of seafarers.

The Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147):

Convention No.147 is the most significant of the 39 Conventions, supplemented by 29 Recommendations and one Protocol, which have been adopted by the International Labour Conference meeting in special maritime sessions, to deal with the multifarious aspects of the working and living conditions of seafarers. It is important for a number of reasons; the issues it addresses are highly relevant for the shipping sector, its scope is broad and member States ratifying the Convention must, in addition to having laws and regulations on matters covered by the Convention, also exercise effective jurisdiction or control over nationally registered ships. The Convention contains provisions relating to port state control and links together safety, pollution prevention and working and living conditions for seafarers. The application of Convention No.147 has gone a long way towards ensuring decent conditions of work and life at sea. It would also contribute towards reaching the goals of the ILO Declaration on Fundamental Principles and Rights at Work adopted in 1998, which has established a social minimum at the global level to respond to the realities of globalization. For shipping, Convention

No. 147 is a response to globalization in the industry and ensures that certain minimum conditions apply at the global level.

The adoption of Convention No. 147 and its supplementary Recommendation (No. 155) in 1976 was the end result of discussions within the ILO which started in the 1930s. These discussions focussed on issues such as the effect of the transfer of ships from one flag to another, on safety, conditions of employment and social protection of seafarers, particularly in cases where ships were registered in countries which had not ratified maritime Conventions or had no system of collective agreements.

Following the adoption by the 55th (Maritime) Session of the International Labour Conference in 1970 of a resolution concerning flags of convenience, further work was undertaken on the problems posed by the widespread existence of substandard ships sailing under flags of convenience, especially with regards to the implementation of international maritime labour standards.

Following consideration of the matter in 1972 by the Joint Maritime Commission and in 1975 by a Preparatory Technical Maritime Conference, the 62nd (Maritime) Session of the Conference in 1976 had on its agenda the question of "Substandard Vessels, particularly those registered under flags of convenience".

One of the main issues discussed was the question of ensuring the adoption of a Convention that would establish acceptable minimum standards for the employment of seafarers working on board merchant ships under any flag, together with a system of an effective observance of these standards. Convention No. 147, as adopted, was particularly designed to fill the gap in acceptance of obligations under a number of other Conventions adopted before 1976, since those Conventions' requirements were regarded as too demanding by some member States.

Convention No. 147, which came into force in 1981, aims at improving the efficiency and safety of navigation, enhancing measures for the protection of marine environment and advancing seafarers' interests in the fields of health and safety, working conditions and trade union rights. Based on the premise accepted by all parties concerned that substandard ships do exist, irrespective of the flag of the ship, the main objective of the Convention is to identify such ships and bring them into conformity with the existing safety, health and social standards accepted by the shipping world. Convention No. 147 constitutes the central statement of the International Labour Conference on what are regarded as the minimum internationally acceptable maritime labour standards.

Obligation of a ratifying country to have laws or regulations:

Convention No. 147 requires that national laws or regulations cover, (i) safety standards including standards of competency, hours of work and manning, so as to ensure the safety of life on board ship; (ii) appropriate social security measures and (iii) shipboard conditions of employment and shipboard living arrangements (as long as these are not covered by collective agreements or laid down by competent courts). Furthermore, a ratifying member State should satisfy that the provisions are substantially equivalent to the Conventions or Articles of Conventions referred to in an Appendix to Convention No. 147, in so far as such States are not otherwise bound to give effect to the Conventions in question by virtue of having ratified them. In other words, if a State is already party to any of the listed Conventions, it is obliged to apply the terms of those Conventions. If a State is not a party to a listed Convention, it must have laws and regulations which are "substantially equivalent" to the provisions of the Convention in question.

The standards with which substantial equivalence must be ensured and which are contained in the Appendix cover the following subjects: minimum age, medical examination, articles of agreement, officers' competency certificates, food and catering on board ship, crew accommodation, prevention of occupational accidents, sickness and injury benefits, repatriation, freedom of association, protection of the right to organize, and collective bargaining.

The provision "substantially equivalent" in Article 2 has been interpreted to mean that "national laws and regulations could be different in detail, but that the States should engage themselves to assure that the general goals intended by the (listed Conventions) should be respected".

Requirements as to exercise effective jurisdiction/control:

The Convention provides that effective jurisdiction or control should be exercised over national-registered ships and that there should be adequate procedures (including for the investigation of complaints) relating to the engagement of seafarers. Other provisions relate to training of seafarers, advice to be given to them, inspection of ships registered in a ratifying state and inquiries into marine casualties. All States bound should have inspection and other verification procedures to ensure that national-registered ships comply with relevant provisions and all States bound should hold inquiries into serious marine casualties.

Linkage safety, pollution prevention and working and living conditions:

Convention No. 147 is the only ILO Convention which imposes requirements relating to other international Conventions before it can be ratified. When the Convention was adopted, it was recognized that social and labour standards referred to in Convention No. 147 and the Conventions in the Appendix could not be dissociated from the basic safety standards contained in standards of the International Maritime Organization. In the ILO's experience, one of the first conditions to ensuring decent shipboard labour standards is that the safety of the ship should be maintained at all times. Convention No.147 therefore imposes the application of certain IMO instruments.

The Convention is only open to ratification by States which are bound by or undertake to become bound by the following IMO conventions:

- SOLAS, 1960 or 1974, or any later revision;
- Load Lines Convention, 1966, or any revision;
- COLREG, 1960 or 1972, or any later revision.

The Protocol of 1996:

The International Labour Conference at its maritime session in 1996 adopted an optional Protocol to Convention No. 147. States which have ratified Convention No. 147 may, by ratifying the Protocol, increase their obligations under the Convention by reference to a Supplementary Appendix.

A Convention on crew accommodation (Convention No. 133) and one on hours of work and manning (Convention No. 180) included in Part A of the Supplementary appendix are necessarily subject to the obligations of Article 2 of Convention No. 147 for a State which has ratified the Protocol (but not the Conventions themselves).

States which ratify the Protocol may in addition choose to accept the obligations of Article 2 of the Convention in respect of any or all of ILO Conventions (unless they are themselves ratified) on seafarers' identity documents (Convention No. 108), workers' representatives (Convention No. 135), health protection and medical care (Convention No. 164) and repatriation (Convention No. 166).

Port State Action:

Prior to the adoption of Convention No. 147, national enforcement of international rules had been concerned almost solely with the condition of vessels in relation to the threat they posed to the external environment. Port States often refrained from intervening in the internal affairs of foreign registered ships, except for certain situations with safety implications.

Article 4 of the Convention recognizes an important dimension of the control that can be exercised by a ratifying State. Such a State may, on the basis of a complaint or evidence that a ship does not conform to the standards of the Convention, inspect any foreign ship calling at its port, regardless of whether the flag State has ratified Convention No. 147. On the basis of such evidence or complaint, the port State may prepare a report addressed to the government of the flag State, with a copy to the Director-General of the ILO. In addition, the port State can take action to rectify any conditions on board which are clearly hazardous to safety and health. Port State action is optional under the Convention, but if the port State takes such action, it should notify the authorities of the flag State and have them present, if possible. Ships should not be unreasonably detained or delayed.

The ILO has actively sought to include the Convention in all regional Port State control arrangements and to use these agreements as a means of encouraging States to ratify and implement the Convention. It is the view of the ILO that the pressures exerted by member States through port state control have helped convince some flag States to change their legislation and to put in place the administrative machinery needed to apply it. Several States have asked for ILO assistance in bringing national laws and regulations up to the international standard in order to avoid problems when visiting States exercising port State control. The ILO considers that an effective implementation of Convention No. 147 should make it more difficult to operate sub-standard ships. It would also contribute in making conditions of work more generally acceptable throughout the industry thereby attracting high quality personnel to the maritime profession. The application of the Convention implies that enforcement is also required. In the absence of frequent flag state control, since many ships rarely go back to their flag states, port state control is one of the main methods of ensuring enforcement. Two years ago, the Paris MOU organised a concentrated inspection campaign on seafarers' living and working conditions, which only dealt with the selected aspects of the food and catering and accommodation provisions of Convention No. 147. This helped to raise awareness among not only shipowners but also flag States of the importance of ensuring that ships meet minimum standards of shipboard living and working conditions.

The impact of Convention No.147:

Convention No.147 has been ratified by 40 Member States representing approximately 45% of the world fleet. This makes it one of the most widely accepted ILO maritime conventions. It is gaining increasing acceptance with almost all regional port state control organizations which encourage their member authorities to work towards ratification and to implement inspection of its provisions.

It is interesting to note that the most inflexible of ILO conventions has been found to be the most widely applied. Two reasons seem to be behind this anachronism. Firstly, Convention No. 147 is applicable in ports of ratifying states to all ships whether the flag state has ratified it or not. This

possibility of application to all ships without discrimination has encouraged countries to ratify the Convention and verify, as part of port state control, the application of the relevant minimum conditions, especially those relating to safety and health. The second reason is related to the ability of countries to effectively force implementation on board ships by (at least the threat of) detention. In practice, port state authorities hesitate to detain ships on account of Convention No.147 alone. However, it has been shown that persistent ignorance of requests to rectify deficiencies has led to detentions under Convention No.147.

The application of Convention No. 147 is subject to the same machinery and procedures as for other ILO standards. The standing ILO supervisory machinery with two Committees (a Committee of Experts and a Conference Committee on the Application of Conventions and Recommendations) are, on a continuous basis, carrying out an assessment of compliance by member States with their obligations relating to Convention No. 147. These Committees not only advise on the application of the Convention by countries but has provided clarifications on some of the terms used in the Convention.

Implementation and Training:

ILO standards are universal and it is therefore important to avoid that different practices are introduced in different regions when these standards are applied. The result could be that in areas where port State control arrangements do not reflect Convention No. 147 or its basic parts, the port State might experience the arrival of an increased number of substandard ships with consequences for safety and the environment as well as raising questions concerning the principles of fair competition. A port state control arrangement which also reflects the relevant ILO standards could help make such substandard operation more difficult.

To avoid this and at the same time contribute to an effective implementation of internationally accepted minimum standards, the ILO also supports port State control arrangements at a regional level.

An effective flag and port State control depends to a great degree on the training, experience and professional judgement of national inspectors. Inspectors should be properly qualified and should be provided with the tools needed to conduct inspections.

The ILO has recognized the possible difficulties associated with the conduct of inspection of international maritime labour standards. In 1990, it therefore published guidelines for procedure for the inspection of labour conditions on board ship. These guidelines are intended to assist ship inspectors, labour inspectors and others concerned with labour and social conditions on board ship to carry out examinations and inquiries which they consider necessary in order to verify that national laws and regulations or agreements between shipowners and seafarers relating to labour and social conditions, laid down in conformity with the provisions of Convention No. 147, are being observed by both national and foreign flag ships calling at their ports. An ILO course on the inspection of ships based on ILO Conventions and Recommendations and particularly on Convention No.147 is now available and can be used for the training of inspectors.

Current developments in international maritime labour standard setting:

In January 2000, the Joint Maritime Commission will review the ILO's maritime standards and recommend action to be taken by the organization. It is likely that the Joint Maritime Commission will recognize that in the light of current developments in the shipping industry as well as the relative success of Convention No.147, there is a need to undertake a thorough updating of existing international maritime labour instruments in order to make them more effective. The industry requires a more extensive range of standards to be applied much more globally to all ships. Meanwhile, the ILO is planning to launch a programme for the promotion of decent work in the maritime industry. This special

programme will aim to promote international labour standards with a view to improving conditions on board ships. It will go beyond the traditional constituency of the ILO seeking to draw the attention of all the players of the shipping industry to the need to improve standards generally. The programme will sensitize governments, organizations of shipowners and seafarers to the need to participate fully in the international process to update and globally implement comprehensive and relevant standards in the industry. The programme, initially funded through a contribution of the International Transport Workers Federation, will call on other donors to provide support to its various activities.

Concluding considerations:

The changing nature of international shipping, with focus on safety, pollution prevention, working and living conditions and on the "human element" issues, has led to more attention being given to the need for a wider range of stronger international standards, including those relating to labour issues. Their implementation should also comprise more effective flag state as well as port state control. The ILO needs to modernise the procedures relating to the adoption, implementation and revision of its maritime standards to reflect the needs of a more internationalized shipping industry.

This paper has only highlighted some of the major activities of the International Labour Organization concerning seafarers, the principle objectives being the widespread ratification and implementation of international maritime labour standards and the execution of related meetings, seminars and technical cooperation projects. The ILO's work in these areas is growing in importance as all maritime industries have increasingly looked at the role of workers in the safe and productive conduct of their activities. For further information on these subjects, contact the Maritime Industries /Sectoral Activities Department of the International Labour Office in Geneva, Switzerland, or any of the many other ILO Offices located world wide.