

§ 803. Prevention of Accidents (Seafarers) Convention, 30 ottobre 1970 n. 134 (1).

(1) Entrata in vigore il 17 Febbraio 1973. Ratificata dall' Italia il 23 Giugno 1981. Vediamo anche le Convenzioni ILO n.32, n.73, n.119e le Raccomandazioni ILO n. 28, n.31 e n.118

Art. 1. 1. For the purpose of this Convention, the term *seafarer* covers all persons who are employed in any capacity on board a ship, other than a ship of war, registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each country after consultation with the shipowners' and seafarers' organisations concerned.

3. For the purpose of this Convention, the term *occupational accidents* covers accidents to seafarers arising out of or in the course of their employment.

Art. 2. 1. The competent authority in each maritime country shall take the necessary measures to ensure that occupational accidents are adequately reported and investigated, and comprehensive statistics of such accidents kept and analysed.

2. All occupational accidents shall be reported and statistics shall not be limited to fatalities or to accidents involving the ship.

3. The statistics shall record the numbers, nature, causes and effects of occupational accidents, with a clear indication of the department on board ship—for instance, deck, engine or catering—and of the area—for instance, at sea or in port—where the accident occurred.

4. The competent authority shall undertake an investigation into the causes and circumstances of occupational accidents resulting in loss of life or serious personal injury, and such other accidents as may be specified in national laws or regulations.

Art. 3. In order to provide a sound basis for the prevention of accidents which are due to particular hazards of maritime employment, research shall be undertaken into general trends and into such hazards as are brought out by statistics.

Art. 4. 1. Provisions concerning the prevention of occupational accidents shall be laid down by laws or regulations, codes of practice or other appropriate means.

2. These provisions shall refer to any general provisions on the prevention of accidents and the protection of health in employment which may be applicable to the work of seafarers, and shall specify measures for the prevention of accidents which are peculiar to maritime employment.

3. In particular, these provisions shall cover the following matters:

- (a) general and basic provisions;
- (b) structural features of the ship;
- (c) machinery;
- (d) special safety measures on and below deck;
- (e) loading and unloading equipment;
- (f) fire prevention and fire-fighting;

(g) anchors, chains and lines;

(h) dangerous cargo and ballast;

(i) personal protective equipment for seafarers.

Art. 5. 1. The accident prevention provisions referred to in Article 4 shall clearly specify the obligation of shipowners, seafarers and others concerned to comply with them.

2. Generally, any obligation on the shipowner to provide protective equipment or other accident prevention safeguards shall be accompanied by provision for the use of such equipment and safeguards by seafarers and a requirement that they comply with the relevant accident prevention measures.

Art. 6. 1. Appropriate measures shall be taken to ensure the proper application of the provisions referred to in Article 4, by means of adequate inspection or otherwise.

2. Appropriate measures shall be taken to ensure compliance with these provisions.

3. All necessary steps shall be taken to ensure that inspection and enforcement authorities are familiar with maritime employment and its practices.

4. In order to facilitate application, copies or summaries of the provisions shall be brought to the attention of seafarers, for instance by display in a prominent position on board ship.

Art. 7. Provision shall be made for the appointment, from amongst the crew of the ship, of a suitable person or suitable persons or of a suitable committee responsible, under the Master, for accident prevention.

Art. 8. 1. Programmes for the prevention of occupational accidents shall be established by the competent authority with the co-operation of shipowners' and seafarers' organisations.

2. Implementation of such programmes shall be so organised that the competent authority, shipowners and seafarers or their representatives and other appropriate bodies may play an active part.

3. In particular, national or local joint accident prevention committees or ad hoc working parties, on which both shipowners' and seafarers' organisations are represented, shall be established.

Art. 9. 1. The competent authority shall promote and, in so far as appropriate under national conditions, ensure the inclusion, as part of the instruction in professional duties, of instruction in the prevention of accidents and in measures for the protection of health in employment in the curricula, for all categories and grades of seafarers, of vocational training institutions.

2. All appropriate and practicable measures shall also be taken to bring to the attention of seafarers information concerning particular hazards, for instance by means of official notices containing relevant instructions.

Art. 10. Members, with the assistance as appropriate of intergovernmental and other international organisations, shall endeavour, in co-operation with each other, to achieve the greatest possible measure of uniformity of other action for the prevention of

occupational accidents.

Art. 11. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Art. 12. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Art. 13. 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Art. 14. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organi-

sation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Art. 15. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Art. 16. At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Art. 17. 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force; *b)* as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Art. 18. The English and French versions of the text of this Convention are equally authoritative.