

§ 820. - Social Conditions and Safety (Seafarers) Recommendation, 14 Maggio 1958 n. 108.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-first Session on 29 April 1958, and

Having decided upon the adoption of certain proposals concerning flag transfer in relation to social conditions and safety, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this fourteenth day of May of the year one thousand nine hundred and fifty-eight, the following Recommendation, which may be cited as the Social Conditions and Safety (Seafarers) Recommendation, 1958:

Considering that labour conditions have a substantial bearing on safety of life at sea,

Considering that the problems involved have been brought into special prominence by the large volume of tonnage registered in countries not hitherto regarded as being traditionally maritime,

Considering that the Convention on the High Seas adopted by the United Nations Conference on the Law of the Sea and opened for signature on 29 April 1958 contains a set of provisions regarding—

- (i) the right of every State to sail ships under its flag;
- (ii) the condition relating to the nationality of the ship that there must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag;
- (iii) the obligation that every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard, inter alia, to the

manning of ships and labour conditions for crews taking into account the applicable international labour instruments,

Considering the provisions of the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958, and Considering the provisions of the Social Security (Seafarers) Convention, 1946;

The Conference recommends that the following provisions should be applied:

The country of registration should accept the full obligations implied by registration and exercise effective jurisdiction and control for the purpose of the safety and welfare of seafarers in its sea-going merchant ships and in particular should—

- (a) make and adopt regulations designed to ensure that all ships on its register observe internationally accepted safety standards;
- (b) make arrangements for a proper ship-inspection service adequate to the requirements of the tonnage on its register and ensure that all ships on its register are regularly inspected to ensure conformity with regulations issued under (a) above;
- (c) establish both in its territory and abroad the requisite government-controlled agencies to supervise the signing on and signing off of seafarers;
- (d) ensure or satisfy itself that the conditions under which the seafarers serve are in accordance with the standards generally accepted by the traditional maritime countries;
- (e) by regulations or legislation if not already otherwise provided for, ensure freedom of association for the seafarers serving on board its ships;
- (f) ensure by regulations or legislation that proper repatriation for the seafarers serving on board its ships is provided in accordance with the practice followed in traditional maritime countries;
- (g) ensure that proper and satisfactory arrangements are made for the examination of candidates for certificates of competency and for the issuing of such certificates.