

§ 821. - Wages, Hours of Work and Manning (Sea) Recommendation, 14 Maggio 1958 n. 109.

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 with regard to the general revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949, which is the second item on the agenda of the session, and

Having adopted the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958, and

Recognising the need for a further instrument which will likewise encourage Members to improve the conditions of employment of seafarers;

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 Wages, Hours of Work and Manning (Sea) Recommendation, 1958.

Scope

1. This Recommendation applies to seafarers, other than masters, employed in mechanically propelled seagoing ships engaged in trade but excluding estuarial craft, fishing vessels and primitive vessels.

Wages

2. The basic pay or wages for a calendar month of service of an able seaman employed in a vessel to which this Recommendation applies should not be less than the equivalent of twenty-five pounds in currency of the United Kingdom of Great Britain and Northern Ireland or seventy dollars in currency of the United States of America, whichever of these amounts may from time to time be the greater: Provided that, in determining the minimum pay or wages in the case of ships in which are employed such groups of ratings as necessitate the employment of larger groups of ratings than would otherwise be employed, and having regard to the principle of equal pay for equal work, special factors may be taken into account, such as the extra numbers employed and any differences in crew costs incurred by the shipowner consequent upon the employment of such ratings.

3. Except where effect is given to the preceding Paragraph by collective agreement between bona fide organisations representing shipowners and seafarers, each Member should—

(a) ensure, by way of a system of supervision and sanctions, that remuneration is paid at not less than the rate required by the preceding Paragraph; and

(b) ensure that any person who has been paid at a rate less than that required by the preceding Para-

graph is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which he has been underpaid. Hours of Work

4. At sea and in port the normal hours of work should be eight per day for all departments. As regards hours in port on the weekly day of rest and the day preceding it, special provisions should be laid down by national laws or regulations or collective agreements.

5. When the vessel is at sea on the weekly day of rest seafarers should be compensated as may be determined by collective agreements or national laws or regulations.

6. In the case of smaller vessels and of vessels engaged on short voyages, collective agreements or national laws or regulations may provide for the averaging of the eight-hour day.

7. The rate or rates of compensation for overtime should be prescribed by national laws or regulations or be fixed by collective agreement, but in no case should the hourly rate of payment for overtime be less than one-and-a-quarter times the basic pay or wages per hour. National laws or regulations or collective agreements may provide for compensation by equivalent time off duty and off the vessel in lieu of cash payment or for any other method of compensation.

8. National laws or regulations or collective agreements should determine the duties the time spent on which should not be included in normal hours of work or be regarded as overtime for the purpose of this Recommendation.

9. Collective agreements may for special reasons provide for special arrangements as adequate compensation in lieu of direct payment of overtime.

Manning

10. A sufficient number of officers and men should be engaged so as to ensure the avoidance of excessive overtime and to satisfy the dictates of safety of life at sea.

11. Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of any complaint or dispute concerning the manning of a vessel.

12. Representatives of the bona fide organisations of shipowners and seafarers should participate, with or without other persons or authorities, in the operation of such machinery.

General

13. Nothing in this Recommendation shall be deemed to prejudice any provision concerning wages, hours of work on board ship or manning, by law, award, custom or agreement between shipowners and seafarers, which ensures the seafarers conditions more favourable than those provided for by this Recommendation.