

§ 829. - Protection of Young Seafarers Recommendation, 28 ottobre 1976 n. 153.

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 Sixty-second Session on 13 October 1976, and

Having decided upon the adoption of certain proposals with regard to the protection of young seafarers, which is the third item on the agenda of the session, and

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

adopts this twenty-eighth day of October of the year one thousand nine hundred and seventy-six, the following Recommendation, which may be cited as the Protection of Young Seafarers Recommendation, 1976:

I.

METHODS OF IMPLEMENTATION

1. Effect may be given to this Recommendation through national laws or regulations, collective agreements, works rules, arbitration awards or court decisions, or in such other manner as may be appropriate under national conditions.

II.

DEFINITION AND SCOPE

2. (1) For the purpose of this Recommendation, the term *young seafarer* includes all young persons under 18 years of age employed in any capacity on board a sea-going ship other than—

(a) a ship of war; and

(b) a ship engaged in fishing or in operations directly connected therewith or in whaling or similar pursuits.

(2) National laws or regulations should determine, after consultation with the organisations of employers and workers concerned, when ships are to be regarded as sea-going ships for the purpose of this Recommendation.

(3) This Recommendation does not apply to young persons in school or training vessels or pursuing an educational programme carried out in accordance with conditions approved by the competent authority after consultation with the organisations of employers and workers concerned.

III.

OBJECTIVES

3. In each country in which ships in which young seafarers are employed are registered, provision should be made for—

(a) the effective protection of such seafarers, including the safeguarding of their health, morals and safety, and the promotion of their general welfare;

(b) vocational guidance, education and vocational training of such seafarers, in their interest as well as that of the efficiency of shipboard operations, in the interest of safety of life and of property at sea and in that of the creation of opportunities for the

advancement of young seafarers within the sea-going profession.

IV.

HOURS OF PERMITTED DUTY AND REST PERIODS

4. (1) At sea and in port the provisions set out in the following clauses should apply:

(a) the normal working hours of young seafarers should not exceed eight hours per day and forty hours per week and the consistent working of overtime should be avoided whenever possible;

(b) while sufficient time should be allowed for all meals, young seafarers should be assured of a break of at least one hour for the main meal of the day;

(c) no young seafarer should work at night; for the purpose of this clause *night* means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations or by collective agreements;

(d) young seafarers should be allowed a 15-minute rest period as soon as possible following each two hours of continuous work.

(2) Exceptionally, the provisions of subparagraph

(1) of this Paragraph need not be applied—

(a) if they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system;

(b) if the effective training of young seafarers in accordance with established programmes and schedules would be impaired; or

(c) in cases of operational necessity. Such exceptions should be recorded, with reasons, and signed by the captain.

5. The provisions of Paragraph 4 of this Recommendation do not exempt young seafarers from their general obligation to work under the master's direction during any emergency involving—

(a) the safety of the crew, the passengers, the vessel or its cargo;

(b) the safety of other vessels or of lives and cargoes on board such vessels.

V.

REPATRIATION

6. (1) If, after a young seafarer has served in a vessel for at least four months during his first foreign-going voyage, it becomes apparent that he is unsuited to life at sea, he should be given the opportunity of being repatriated at no expense to himself from the first suitable port of call in which there are consular services of the country either of the flag of the ship or of the nationality of the young seafarer. Notification of any such repatriation, with the reasons therefor, should be given to the authority which issued the papers enabling the young seafarer to take up sea-going employment.

(2) After six months' service without leave in a foreign-going vessel which has not returned to the young seafarer's country of residence in that time, and will not so return in the subsequent three months of the voyage, a young seafarer should be entitled to be repatriated at no expense to himself to the place of original engagement in his country of residence for the purpose of taking any leave ear-

ned during the voyage.

VI.

SAFETY IN WORK AND HEALTH EDUCATION

7. Regulations concerning safety and health of young seafarers should be adopted.

8. These regulations should refer to any general provisions on medical examinations before and during employment and on the prevention of accidents and the protection of health in employment, which may be applicable to the work of seafarers; they should specify measures which will minimise occupational dangers to young seafarers in the course of their duties.

9. (1) Except where a young seafarer is recognised as fully qualified in a pertinent skill by a competent authority, the regulations should specify restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill.

(2) In determining the types of work to be restricted by the regulations, the competent authority might consider in particular work involving—

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
- (e) handling mooring or tow lines or ground tackle;
- (f) rigging;
- (g) work aloft or on deck in heavy weather;
- (h) night-watchman duties;
- (i) servicing of electrical equipment;
- (j) exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances, and ionising radiations;
- (k) the cleaning of catering machinery;
- (l) the handling or taking charge of ships' boats.

10. Practical measures should be taken by the competent authority or through the appropriate machinery to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health in work on board ship, for instance by means of adequate instruction at sea training schools, by official accident-prevention publicity intended for young persons, in the forms indicated in Paragraph 8, subparagraph (2), of the Prevention of Accidents (Seafarers) Recommendation, 1970, and by ensuring the professional instruction and supervision of young seafarers in their work in ships.

11. Education and training of young seafarers both ashore and on board ship should include instruction appropriate to their needs in the matters referred to in Paragraph 12, clause (f), of the Vocational Training (Seafarers) Recommendation, 1970, and in Regulation 237 of the ILO Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry, as amended, as well as guidance on the detrimental ef-

fects on their health and well-being of the abuse of drugs and other potentially harmful substances, and of other harmful activities.

VII.

OPPORTUNITIES FOR VOCATIONAL GUIDANCE, EDUCATION AND VOCATIONAL TRAINING

12. The competent authority should, in the light of national conditions, give consideration to the application of the various policies and objectives outlined in Paragraphs 13 to 20 below.

13. Young persons should be provided with information concerning training and career opportunities and the conditions of entry into the shipping industry, in accordance with Paragraph 7 of the Vocational Training (Seafarers) Recommendation, 1970, as well as regarding shipboard employment and conditions of work, general aspects of collective agreements and seafarers' rights and obligations under maritime labour legislation.

14. Measures should be taken to give young seafarers education, vocational guidance and vocational training in conformity with the objectives specified in Paragraph 2 of the Vocational Training (Seafarers) Recommendation, 1970.

15. (1) Initial and further training for occupations in the shipping industry should be broad and comprehensive and should be combined, as appropriate, with further general education.

(2) Such training should combine theoretical instruction with a systematic programme of practical experience designed to prepare for a career within the shipping industry.

(3) Training standards for the sea-going profession should, whenever possible, be co-ordinated with those applying to occupations ashore so that trainees may acquire nationally recognised qualifications acceptable in both the shipping industry and in other branches of economic activity.

16. Young seafarers should be assisted in receiving education and training for shipboard employment, and subsequently in continuing their general and vocational education, through the various means of financial support specified in Paragraph 10, subparagraphs (1) to (5), of the Vocational Training (Seafarers) Recommendation, 1970.

17. The general education and vocational training specified in Paragraph 12, clause (g), and Paragraph 15 respectively of the Vocational Training (Seafarers) Recommendation, 1970, should be available for all young persons who have no experience of a sea-going ship.

18. Young seafarers should be provided with opportunities for continuing their vocational education and training while on board ship as a means of enabling them to acquire the knowledge and experience essential for the efficient performance of their duties, to qualify for promotion and to pursue their general and technical education. In this regard, ships' masters and officers should encourage and assist young seafarers in applying and fully developing the skills and knowledge gained in induction training, in obtaining appropriate practical experience on board and in pursuing self-study courses at sea.

19. In addition to the training methods referred to in Paragraphs 20 to 25 of the Vocational Training (Seafarers) Recommendation, 1970, young seafarers should have opportunities of—

(a) continuing their training on board ship by such means as shipboard training, correspondence courses and the provision of programmed instruction and other self-study material in general and nautical subjects designed for the needs of young seafarers in qualifying for promotion;

(b) pursuing, on board ship, studies to recognised standards in other fields.

20. Where practicable and possible, training facilities provided for young seafarers on board ship should include accommodation suitable for study purposes, a ship's library, and appropriate training equipment for self-study; young seafarers on board ship should receive special help in their studies, if possible by itinerant instructors embarking periodically.