

**§ 830. - Continuity of Employment (Seafarers)
Recommendation, 28 ottobre 1976 n. 154**

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 noted the terms of the Employment of Seafarers (Technical Developments) Recommendation, 1970, and

Having decided upon the adoption of certain proposals with regard to continuity of employment of seafarers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Continuity of Employment (Seafarers) Convention, 1976, adopts this twenty-eighth day of October of the year one thousand nine hundred seventy-six, the following Recommendation, which may be cited as the Continuity of Employment (Seafarers) Recommendation, 1976:

1. (1) Subject to the provisions of Paragraph 11, this Recommendation applies to persons who are regularly available for work as seafarers and who depend on their work as such for their main annual income.

(2) For the purpose of this Recommendation the term *seafarers* means persons defined as such by national law or practice or by collective agreement who are normally employed as crew members on board a sea-going ship other than—

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

(3) National laws or regulations should determine when ships are to be regarded as sea-going ships for the purpose of this Recommendation.

(4) The organisations of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of definitions in pursuance of subparagraphs (2) and (3) of this Paragraph.

2. In so far as practicable, continuous or regular employment should be provided for all qualified seafarers.

3. (1) Except where continuous or regular employment with a particular shipowner exists, systems of allocation should be agreed upon which reduce to a minimum the necessity for attending calls for selection and allocation to a job and the time required for this purpose.

(2) In so far as practicable, these systems should preserve the right of a seafarer to select the vessel on which he is to be employed and the right of the shipowner to select the seafarer whom he is to engage.

4. Subject to conditions to be prescribed by national laws or regulations, or collective agreements, the transfer of seafarers in the regular employment of one employer to temporary work with another should be permitted when required.

5. (1) Where continuous or regular employment is not practicable, guarantees of employment and/or income should be provided in a manner and to an

extent depending on the economic and social situation of the country concerned.

- (2) These guarantees might include the following:
- (a) employment for an agreed number of weeks or months per year, or income in lieu thereof;
 - (b) unemployment benefit when no work is available.

6. (1) Where the measures to obtain regular employment for seafarers provide for the establishment and maintenance of registers or lists of qualified seafarers, criteria should be laid down for determining the seafarers to be included in such registers or lists.

(2) Such criteria might include the following:

- (a) residence in the country concerned;
- (b) age and medical fitness;
- (c) competence and skill;
- (d) previous service at sea.

7. When the strength of such registers or lists is reviewed by the parties concerned, account should be taken of all relevant factors, including the long-term factors such as the modernisation of the maritime industry and changing trends in trade.

8. If reduction in the over-all strength of such a register or list becomes unavoidable, all necessary efforts should be made to help seafarers to find employment elsewhere through the provision of retraining facilities, as provided for in Part III of the Employment of Seafarers (Technical Developments) Recommendation, 1970, and the assistance of the public employment services.

9. (1) In so far as practicable, any necessary reduction in the strength of such a register or list should be made gradually and without recourse to termination of employment. In this respect, experience with personnel planning techniques at the level of the undertaking and at industry level can be usefully applied to the maritime industry.

(2) In determining the extent of the reduction, regard should be had to such means as—

- (a) natural wastage;
- (b) cessation of recruitment;
- (c) exclusion of men who do not derive their main means of livelihood from seafaring work;
- (d) reducing the retirement age or facilitating voluntary early retirement by the grant of pensions, supplements to state pensions, or lump-sum payments.

10. Termination of employment should be envisaged only after due regard has been had to the means referred to in subparagraph (2) of Paragraph 9 and subject to whatever guarantees of employment may have been given. It should be based as far as possible on agreed criteria, should be subject to adequate notice, and should be accompanied by payments such as—

- (a) unemployment insurance or other forms of social security;
- (b) severance allowance or other types of separation benefits;
- (c) such combination of benefits as may be provided for by national laws or regulations, or collective agreements.

11. Appropriate provisions of this Recommendation should, as far as practicable and in accordance with national laws and practice and collective agreements, also be applied to persons who work as seafarers on a seasonal basis.