

C145 - Continuity of Employment (Seafarers) Convention, 1976 (No. 145)

Convention concerning Continuity of Employment of Seafarers (Entry into force: 03 May 1979) Adoption: Geneva, 62nd ILC session (28 Oct 1976) - Status: Up-to-date instrument (Technical Convention).

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Preamble

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 Part IV (Regularity of Employment and Income) 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 an international Convention,

adopts this twenty-eighth day of October of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Continuity of Employment (Seafarers) Convention, 1976:

Article 1

- 1. This Convention 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 Convention 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 shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.
- 4. The organisations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of definitions in pursuance of paragraphs 2 and 3 of this Article.

Article 2

- 1. In each member State which has a maritime industry it shall be national policy to encourage all concerned to provide continuous or regular employment for qualified seafarers in so far as this is practicable and, in so doing, to provide shipowners with a stable and competent workforce.
- 2. Every effort shall be made for seafarers to be assured minimum periods of employment, or either a minimum income or a monetary allowance, in a manner and to an extent depending on the economic and social situation of the country concerned.

Article 3

Measures to achieve the objectives set out in Article 2 of this Convention might include--

- (a) contracts or agreements providing for continuous or regular employment with a shipping undertaking or an association of shipowners; or
- (b) arrangements for the regularisation of employment by means of the establishment and maintenance of registers or lists, by categories, of qualified seafarers.

Article 4

- 1. Where the continuity of employment of seafarers is assured solely by the establishment and maintenance of registers or lists, these shall include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement.
- 2. Seafarers on such a register or list shall have priority of engagement for seafaring.
- 3. Seafarers on such a register or list shall be required to be available for work in a manner to be determined by national law or practice or by collective agreement.

Article 5

- 1. To the extent that national laws or regulations permit, the strength of registers or lists of seafarers shall be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry.
- 2. When a reduction in the strength of such a register or list becomes necessary, all appropriate measures shall be taken to prevent or minimise detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned.

Article 6

Each member State shall ensure that appropriate safety, health, welfare and vocational training provisions apply to seafarers.

Article 7

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements, arbitration awards, or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

Article 8

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

Article 9

- 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 ratification has been registered.

Article 10

- 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 shall 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.

Article 11

- 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 Organisation 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.

Article 12

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.

Article 13

At such times as it 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.

Article 14

- 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 10 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.

Article 15

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