

# R185 - Labour Inspection (Seafarers) Recommendation, 1996 (No. 185)

*Recommendation concerning the Inspection of Seafarers' Working and Living Conditions* Adoption: Geneva, 84th ILC session (22 Oct 1996) - Status: Up-to-date instrument (Technical Convention).

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## Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Eighty-fourth Session on 8 October 1996, and

Having decided upon the adoption of certain proposals with regard to the revision of the Labour Inspection (Seamen) Recommendation, 1926, which is the first item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection (Seafarers) Convention, 1996;

adopts, this twenty-second day of October of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Labour Inspection (Seafarers) Recommendation, 1996:

## I. COOPERATION AND COORDINATION

- 1. The central coordinating authority should make appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' working and living conditions.
- 2. To ensure cooperation between inspectors, shipowners, seafarers and their respective organizations, and in order to maintain or improve seafarers' working and living conditions, the central coordinating authority should consult the representatives of such organizations at regular intervals as to the best means of attaining these ends. The manner of such consultation should be determined by the central coordinating authority after consulting with shipowners' and seafarers' organizations.

## **II. ORGANIZATION OF INSPECTION**

- 3. The central coordinating authority and any other service or authority wholly or partly concerned with the inspection of seafarers' working and living conditions should have the resources necessary to fulfil their functions.
- 4. The number of inspectors should be sufficient to secure the efficient discharge of their duties and should be determined with due regard to:
  - (a) the importance of the duties which the inspectors have to perform, in particular the number, nature and size of ships liable to inspection and the number and complexity of the legal provisions to be enforced;
  - (b) the material means placed at the disposal of the inspectors; and
  - (c) the practical conditions under which inspections must be carried out in order to be effective.
- 5. The system of inspection of seafarers' working and living conditions should permit inspectors:
  - (a) to alert the central coordinating authority to any deficiency or abuse not specifically covered by existing legal provisions and submit proposals to it for the improvement of laws and regulations; and
  - (b) to board ships and enter relevant premises freely and without previous notice at any hour of the day or night.
- 6. The central coordinating authority should:
  - (a) establish simple procedures to enable it to receive information in confidence concerning possible infringements of legal provisions presented by seafarers directly or through representatives, and enable inspectors to investigate such matters promptly;
  - (b) enable masters, crew members or representatives of the seafarers to call for an inspection when they consider it necessary; and
  - (c) supply technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the legal provisions and improving seafarers' working and living conditions.

## **III. DUTIES AND POWERS OF INSPECTORS**

- 7.
  - (1) Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, inspectors should have qualifications and adequate training to perform their duties and

where possible should have a maritime education or experience as a seafarer. They should have adequate knowledge of seafarers' working and living conditions and of the English language.

- (2) The means for ascertaining such qualifications should be determined by the central coordinating authority.
- 8. Measures should be taken to provide inspectors with appropriate further training during their employment.
- 9. Each Member should take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors.
- 10. Inspectors should not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties.
- 11. All inspectors should be provided with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.
- 12. (1) Inspectors provided with proper credentials should be empowered:
  - (a) to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the legal provisions in the presence of a witness that the person may have requested;
  - (b) to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to check conformity with the legal provisions;
  - (c) to enforce the posting of notices required by the legal provisions; and
  - (d) to take or remove, for the purposes of analysis, samples of products, cargo, drinking-water, provisions and materials and substances used or handled.
- (2) The shipowner or the shipowner's representative, and where appropriate the seafarer, should be notified of any sample being taken or removed in accordance with subparagraph (1)(d) or should be present at the time a sample is taken or removed. The quantity of such a sample should be properly recorded by the inspector.
- 13. When commencing a ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives.

- 14. The central coordinating authority should be notified of any occupational injuries or diseases affecting seafarers in such cases and in such manner as may be prescribed by national laws or regulations.
- 15. Inspectors should:
  - (a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect;
  - (b) subject to appropriate penalties or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties;
  - (c) treat as confidential the source of any complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or an infringement of legal provisions and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a complaint; and
  - (d) have discretion, following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master deficiencies which may affect the health and safety of those on board ship.

#### **IV. REPORTS**

- 16. The annual report published by the central coordinating authority in accordance with Article 8, paragraph 2, of the Convention should also contain:
  - (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments which have come into operation during the year;
  - (b) details of the organization of the system of inspection referred to in Article 2 of the Convention;
  - (c) statistics of ships or other premises liable to inspection and of ships and other premises actually inspected;
  - (d) statistics of seafarers subject to the laws and regulations referred to in subparagraph (a) of this paragraph;
  - (e) statistics and information on infringements of legislation, penalties imposed and cases of detention of ships; and
  - (f) statistics of occupational injuries and diseases affecting seafarers.

- 17. The reports referred to in Article 9 of the Convention should be drawn up in such manner and should deal with such subject matter as may be prescribed by the central coordinating authority.