

No. 27583

MULTILATERAL

Convention (No. 163) concerning seafarers' welfare at sea and in port. Adopted by the General Conference of the International Labour Organisation at its seventy-fourth (maritime) session, (with procès-verbal of rectification of the French authentic text dated 23 November 1989), Geneva, 8 October 1987

Authentic texts: English and French.

Registered by the International Labour Organisation on 23 October 1990.

MULTILATÉRAL

Convention (n° 163) concernant le bien-être des gens de mer, en mer et dans les ports. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa soixante-quatorzième session (maritime), (avec procès-verbal de rectification du texte authentique français en date du 23 novembre 1989), Genève, 8 octobre 1987

Textes authentiques : anglais et français.

Enregistrée par l'Organisation internationale du Travail le 23 octobre 1990.

CONVENTION¹ CONCERNING SEAFARERS' WELFARE AT SEA AND IN PORT

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 Seventy-fourth Session on 24 September 1987, and

Recalling the provisions of the Seamen's Welfare in Ports Recommendation, 1936, and the Seafarers' Welfare Recommendation, 1970, and

Having decided upon the adoption of certain proposals with regard to seafarers' welfare at sea and in port which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eighth day of October of the year one thousand nine hundred and eighty-seven the following Convention which may be cited as the Seafarers' Welfare Convention, 1987:

Article 1

1. For the purposes of this Convention—

- (a) the term "seafarer" means any person who is employed in any capacity on board a seagoing ship, whether publicly or privately owned, other than a ship of war;
- (b) the term "welfare facilities and services" means welfare, cultural, recreational and information facilities and services.

¹ Came into force on 3 October 1990 in respect of the two following members of the International Labour Organisation, i.e., 12 months after the date on which their ratifications had been registered with the Director-General of the International Labour Organisation, on the dates indicated, in accordance with article 8 (2):

<i>State</i>	<i>Date of deposit</i>
Hungary	14 March 1989
Spain	3 October 1989

Thereafter, the ratifications by the following States were registered with the Director-General of the International Labour Office on the dates indicated hereunder, to take effect 12 months after such registration, in accordance with article 8 (3):

<i>State</i>	<i>Date of deposit</i>
Switzerland	15 November 1989
(With effect from 15 November 1990.)	
Czechoslovakia	11 January 1990
(With effect from 11 January 1991.)	
Sweden	21 February 1990
(With effect from 21 February 1991.)	
Mexico	5 October 1990
(With effect from 5 October 1991.)	

2. Each Member shall determine by national laws or regulations, after consultation with the representative organisations of shipowners and seafarers, which ships registered in its territory are to be regarded as seagoing ships for the purpose of the provisions of this Convention relating to welfare facilities and services on board ship.

3. To the extent it deems practicable, after consultation with the representative organisations of fishing vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

Article 2

1. Each Member for which this Convention is in force undertakes to ensure that adequate welfare facilities and services are provided for seafarers both in port and on board ship.

2. Each Member shall ensure that the necessary arrangements are made for financing the welfare facilities and services provided in accordance with the provisions of this Convention.

Article 3

1. Each Member undertakes to ensure that welfare facilities and services are provided in appropriate ports of the country for all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the State in which the ship on which they are employed is registered.

2. Each Member shall determine, after consultation with the representative organisations of shipowners and seafarers, which ports are to be regarded as appropriate for the purposes of this Article.

Article 4

Each Member undertakes to ensure that the welfare facilities and services on every seagoing ship, whether publicly or privately owned, which is registered in its territory, are provided for the benefit of all seafarers on board.

Article 5

Welfare facilities and services shall be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

Article 6

Each Member undertakes—

- (a) to co-operate with other Members with a view to ensuring the application of this Convention; and
- (b) to ensure co-operation between the parties engaged and interested in promoting the welfare of seafarers at sea and in port.

Article 7

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

Article 8

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 9

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 10

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 11

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 the preceding Articles.

Article 12

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 13

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 9 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 14

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

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Seventy-fourth Session which was held at Geneva and declared closed the ninth day of October 1987.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of October 1987.

[For the signatures, see p. 171 of this volume.]
