The International Committee on Seafarers’ Welfare: ILO convention 163 and recommendation 173

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Abstract

ILO convention 163 and recommendation 173 were adopted in 1987 as a response to the needs of welfare facilities on board vessels and in port.

All the countries which have ratified it, assume the responsibility for taking care of the welfare of any seafarer on board any vessel in their ports and on board their own national ships.

Welfare facilities are sometimes still seen by many shipowners, port authorities and administrations, as something generous, philanthropic, but less as a necessary condition for keeping a healthy, efficient and safe crew.

We describe here the development of this convention and recommendation, in regard to the International Committee on Seafarers’ Welfare created as an international umbrella organisation dedicated to the practical implementation of the International Labour Organisation instruments on Seafarers’ Welfare.

Keywords: ICSW, ILO conventions and recommendations, seafarers, welfare, welfare boards, states, shipowners.

1 Introduction

ICSW is an international umbrella organisation dedicated to the practical implementation of the International Labour Organisation instruments on Seafarers’ Welfare. Convention 163 & Recommendation 173.

The ICSW is a Company Limited by Guarantee registered under United Kingdom Law. The ICSW is a 'Not For Profit' organisation governed by its Memorandum of Association, Articles of Association and Rules.
At the moment ICSW has 31 members, which are private and public welfare organisations. The International Transport Federation and the International Labour Office are observers.

Since convention ILO 163 was adopted in 1987, 15 countries have ratified it:

However, from the very beginning it was clear that the ratifying and application of this convention would be not easy.

ICSW organised the following seminars: Tokyo 1994, Jurmala (Latvia) 1996, Vina Del Mare (Chile) 1997, Casablanca (Morocco) 1998, Novorossiysk (Ukraine) 1999, Port Louis (Mauritius) 2000, Accra (Ghana) 2002, Veracruz (Mexico) 2003, with the aim of promoting this convention and recommendation, explaining the importance of their content.

2 Convention ILO 163

Here we reproduce the most significant articles of this convention for this paper:

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.

Comments: Which are welfare facilities? This is a wide concept and therefore, difficult to fulfil. In any case it is not common at all that governs make the above-mentioned consultations to establish which ports should be provided of such welfare facilities.

In most of the ports welfare facilities will be delivered by welfare organisations without support of the Govern. Only in some few countries governs take a real initiative.

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.

Comments: Shipowners organisations understand that welfare is something that every shipowner has to manage on his own vessels. Govern use to pay only pay attention to basic hygiene norms.

There is a general lack of acknowledgement about the welfare need of seafarers.
3 Recommendation ILO 173

Let us now have a look to the most interesting articles of this recommendation:

Article 9

(1) Welfare boards should be established, at the port, regional and national levels, as appropriate, whose functions should include-

(a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of underutilised facilities;

(b) assisting and advising those responsible for providing welfare facilities and ensuring co-ordination between them.

(2) Welfare boards should include among their members representatives of organisations of shipowners and seafarers, the competent authorities and, where appropriate, voluntary organisations and social bodies.

(3) As appropriate, consuls of maritime States and local representatives of foreign welfare organisations should be associated with the work of port, regional and national welfare boards in accordance with national laws and regulations.

Comments: When ILO speaks about the convenience of establishing welfare boards, this is a recommendation to the states who should promote and give support to them. In most of the countries the states pay no attention at all to this matter.

Article 10

(1) Members should ensure that adequate and regular financial support is provided for seafarers' welfare facilities and services.

(2) In accordance with national conditions and practice, this financial support should be made available through one or more of the following:

(a) grants from public funds;

(b) levies or other special dues from shipping sources;

(c) voluntary contributions from shipowners, seafarers, or their organisations;

(d) voluntary contributions from other sources.

(3) Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.

Comments: ILO consider the possibility that the different bodies engaged in the maritime transport contribute to the financial support of those services. But even in this case, it should be an official control to guarantees that proper services can be delivered.

Article 12

(1) Necessary welfare and recreational facilities should be established or developed in ports. These should include-

(a) meeting and recreation rooms as required;

(b) facilities for sports and outdoor facilities, including competitions;

(c) educational facilities;

(d) where appropriate, facilities for religious observances and for personal counselling.
Article 13
Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities ... should consult and cooperate with the competent authorities and bodies of the country in which the port is situated...to avoiding unnecessary duplication.

Comments: In some ports we find welfare and recreational facilities, managed by the state’s or public organisations, but in the most of the cases they are managed by private welfare organisations.

Ports are industrial and trade areas and every square meter has to produce benefit. So, there is a spontaneous resistance to dedicate spaces for welfare services.

Article 14
1) Information should be disseminated among seafarers concerning facilities open to the general public in ports of call - particularly transport, welfare, entertainment and educational facilities and places of worship - as well as facilities provided specifically for seafarers.

Comments: Usually in ports where facilities are managed by governmental organisations, there are no active attitudes, but passive, waiting for seafarers in the centres.

Article 15
Adequate means of transportation at moderate prices should be available at any reasonable time, when needed in order to enable seafarers to reach urban areas from convenient locations in the port.

Comments: Means of transport will usually be organised according to the needs of the persons working in the port area and for this reasons on holidays and Sundays these service decreases or disappears.

Transport of the private welfare organisations are in many ports the only mean of transport for seafarers.

Article 16
All suitable measures should be taken to make known to seafarers entering port- (a) any particular hazards and diseases to which they may be exposed and means of avoiding them; etc.

Article 17
Measures should be taken to ensure that seafarers have access when in port to- (a) out-patient treatment for sickness and injury; (b) hospitalisation when necessary; etc.

Comments: Information about hazards or diseases use to be delivered. At the end is in the interest of the authorities. Also medical care or hospitalisation will be delivered by shipowners through P&I clubs. If for any reason is this not the case, seafarers have to ask for medical care like any foreigner without economic resources.

Article 18
All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardise their freedom.
Comments: This is of course of interest of authorities.

Article 19

Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.

Comments: In most of the cases, the patrols are controlling rather than protecting seafarers.

Article 20

(1) For the protection of foreign seafarers, measures should be taken to facilitate—

(3) The case of a detained seafarer should be dealt with promptly under due process of law, and the flag State and the State of nationality of the detained seafarer should be kept informed of developments as they occur.

Comments: If a seafarer is detained and put into jail, in the most of the cases he will stay there for long time, waiting for official translator and with no other assistance.

Article 21

(1) Every possible practical assistance should be given to seafarers stranded in foreign ports pending their repatriation.

Comments:

When a ship is arrested and the crew abandoned, nobody will officially take care of them, but welfare organisations.

Article 23

(1) Welfare facilities and amenities should be provided on board ship for the benefit of the seafarers. Where practicable such facilities should include—

(a) television viewing and the reception of radio broadcasts;
(b) projection of films or video films...
(c) sports equipment including exercise equipment, table games, deck games;
(d) where possible, facilities for swimming;
(e) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
(f) facilities for recreational handicrafts.

(2) Where possible and appropriate, the provision of bars on board ship for seafarers should be considered, unless this is contrary to national, religious or social customs.

Comments: Many shipowners provide these welfare facilities on board the ships, but it is consider something free, at the choice of the shipowner.

Article 25

(1) Access to ship-to-shore telephone communications, where available, should be granted and charges for the use of the service should be reasonable in amount.

Comments: In many ships ship-to-shore telephone communications are only allowed in extremely emergency situations (even e-mail communication). The prices are in any case very high.

(2) Every effort should be made to ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should also be made to
avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control.

Article 26

(1) Measures should be taken to ensure, subject to any applicable national or international laws or regulations, that whenever possible and reasonable seafarers are expeditiously granted permission to have their spouses, relatives and friends as visitors on board their ship when in port.

Comments: In many ports is very difficult, sometimes in the practice impossible to get permission for visits. Now, with the ISPS code, this will be worst.

(2) Consideration should be given to the possibility of allowing seafarers to be accompanied by their spouses on an occasional voyage where this is practicable and reasonable.

Comments: In many companies this is common. The problem is that it is also a pure choice of the shipowner.

Article 27

Every effort should be made by those responsible in port and on board ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

Comments: In some ports this is not so easy, and now worst with the ISPS code, even if the same code pay attention to this right of seafarers. The ILO 185 and the ID cards should be an important tool to avoid problems in the future.

Article 28

In order to help seafarers to save and to transmit their savings to their families- (a) there should be adopted a simple, rapid and safe system, operating with the assistance of consuls or other competent authorities, masters, shipowners' agents or reliable financial institutions, for enabling seafarers, and more especially those who are in a foreign country or serving in a ship registered in a country other than their own, to deposit or remit the whole or part of their wages;

(b) a system for enabling seafarers, at the time of their signing on or during the voyage, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families should be instituted or made of more general application;

(c) allotments should be remitted in due time and directly to the person or persons nominated by the seafarers;

(d) efforts should be made to provide independent confirmation that seafarers' allotments are actually remitted to the person or persons nominated.

Comments: Seafarers get in fact no help at all to get safe, rapid and cheap service for transferring money. They depend of the agencies existing in every city, but get no further help as seafarers

4 Welfare committees in ports

According the ILO Convention 163, the ratified States acquire the compromises to assure that welfare services will be delivered for seafarers in port and on board.
the ships. This means that they are responsible for financing of this welfare services.

Further, the ILO Recommendation 173 suggests the promotion of Welfare Committees in ports as a tool to guarantee that these services will be delivered. These committees should be formed by shipowners associations, port authorities, shipagents, and other port and sea organisations and also welfare organisations and should administrate and organise these services.

Which interests have these committees?

It is very good tool to promote the engagement of the different bodies of the port and maritime community in the welfare of seafarers.

Even if in one port this committee is not an official one, as in the Recommendation foreseen, it is important.

In some countries like United Kingdom or Sweden, there are even Federations of Port’s welfare committees and have the full support of the Govern. But this is not the most frequent.

5 The welfare committee in Barcelona

It is called: “Comité de Solidaridad con la Gente de Mar del Puerto de Barcelona” It was founded in March 1996.

The founding members were:

- Autoridad Portuaria de Barcelona (Port Authority)
- Asociación de Consignatarios de Buques (Shipagents’ Association)
- Instituto Social de Marina (Marine Social Institute – The Spanish governmental institution for social security and care for seafarers)
- Capitanía de Puerto (Harbour’s Master Office)
- Apostolado del Mar (Apostleship of the Sea)

Chairman is the representative of the Port Authority and Secretary is the representative of the Apostleship of the Sea.

In the following years became members: Corporación de Prácticos (Pilots Corporation), ITF (Internacional Transport Federation), Estibarna (Stevedors Society), Asociación Catalana de Capitanes de la Marina Mercante (Ship Masters Association), Sociedad General de Jefes y Oficiales de Máquinas (Ship’s Engineers Society), Remoladores de Barcelona (Tugs of Barcelona Company), Departamento de Bienestar de la Generalitat de Catalunya (Welfare Department of the Govern of Catalonia).

The committee has 4 ordinary meetings a year

It is a forum

Its aim is:

To discuss everything that can affect seafarers arriving to the port of Barcelona.

The co-operation between the members of the committee according to their different competencies.

The agility and efficiency, based in the good acknowledgement between their members.
Undertaken actions:
Participation in the design of the Port map leaflets
Advising the port regarding signposting from the point of view of seafarers.
Intervention in front of authorities regarding treatment of stowaways.
Asking for intervention of the MOU Inspectors in cases of ships in bad conditions.
Assistance of abandoned crews
Medical care for seafarers without insurance
Organisation of seminars (at national and international level regarding seafarers’ rights and welfare).
Actions in front of local and national authorities regarding the fulfilling of ILO 163. Etc.

Lights and shadows of the Committee:
Lights:
The existence of the Committee
The opportunity to meet regularly with representatives of the important bodies in the port.
The compromise of the port community
The acknowledgement of the importance of seafarers’ welfare
The undertaken actions
Shadows:
Lack of own budget
Lack of power of decision

6 Conclusions

Seafarers’ welfare should be considered a real duty of governs, local authorities, shipowners, etc.
Welfare committees should be organised in all the important ports and even if some services could be provided by welfare organisations, governs should control and guarantee that they are proper to the needs of seafarers.
This requires an active attitude and the development of a proper culture regarding welfare, safety, health and elementary work conditions.
It is necessary an effort in front of shipowners, shipagents, port authorities, local and national authorities to remember the acquired compromises after ratifying an ILO convention, the importance that welfare and health has for the work of seafarers, who are the ones who develop the maritime transport.

References