

**GENERAL EXPLANATORY NOTE:**

- [                    ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

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*(English text signed by the President)*  
*(Assented to 19 October 2015)*

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# ACT

**To amend the Merchant Shipping Act, 1951, so as to give effect to the Maritime Labour Convention, 2006 and the Work in Fishing Convention, 2007; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965, section 1 of Act 42 of 1969, section 1 of Act 24 of 1974, section 1 of Act 5 of 1976, section 1 of Act 3 of 1981, section 1 of Act 3 of 1982, section 1 of Act 25 of 1985, section 1 of Act 18 of 1992, section 1 of Act 16 of 1995, section 1 of Act 49 of 1996, section 1 of Act 23 of 1997, section 2 of Act 5 of 1998, section 1 of Act 57 of 1998 and section 60 of Act 58 of 1998**

1. Section 2 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion in subsection (1) of the definition of “apprentice-officer”;
  - (b) by the insertion in subsection (1) of the following definition after the definition of “fishing boat”:

**“‘fishing vessel’ means a fishing vessel as defined in the Marine Living Resources Act, 1998 (Act No. 18 of 1998);”**
  - (c) by insertion in subsection (1) after the definition of “marine notice” of the following definition:

**“‘Maritime Labour Convention’ means the Maritime Labour Convention, 2006, done at Geneva on 7 February 2006, as set forth in the Seventh Schedule, and as modified by any amendment made under Article XIV of that Convention that has entered into force in the Republic;”**
  - (d) by the insertion in subsection (1) after the definition of “savings bank” of the following definition:

**“‘seafarer’ means any person (except a master, pilot or cadet) employed or engaged in any capacity as a member of the crew of a ship;”**
  - (e) by the deletion in subsection (1) of the definition of “seaman”;
  - (f) by the substitution in subsection (1) for the definition of “South African ship” of the following definition:

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ] Woorde in vierkantige hakies dui skrappings uit bestaande verordenings aan.
- \_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)  
(Goedgekeur op 19 Oktober 2015)

# WET

**Tot wysiging van die Handelskeepvaartwet, 1951, ten einde uitvoering te gee aan die Maritieme Arbeidskonvensie, 2006, en die Werk in Visvangskonvensie, 2007; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 57 van 1951, soos gewysig deur artikel 3 van Wet 30 van 1959, artikel 31 van Wet 69 van 1962, artikel 1 van Wet 40 van 1963, artikel 1 van Wet 13 van 1965, artikel 1 van Wet 42 van 1969, artikel 1 van Wet 24 van 1974, artikel 1 van Wet 5 van 1976, artikel 1 van Wet 3 van 1981, artikel 1 van Wet 3 van 1982, artikel 1 van Wet 25 van 1985, artikel 1 van Wet 18 van 1992, artikel 1 van Wet 16 van 1995, artikel 1 van Wet 49 van 1996, artikel 1 van Wet 23 van 1997, artikel 2 van Wet 5 van 1998, artikel 1 van Wet 57 van 1998 en artikel 60 van Wet 58 van 1998

1. Artikel 2 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951) (hierna die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “leerling-offisier” in subartikel (1) te skrap;
- (b) deur die volgende omskrywing na die omskrywing van “marine-kennisgewing” in te voeg:
- “**Maritieme Arbeidskonvensie**’ die Maritieme Arbeidskonvensie, 2006, gedoen by Genève op 7 Februarie 2006, soos in die Sewende Bylae uiteengesit, en soos verander deur enige wysiging gemaak kragtens Artikel XIV van daardie Konvensie wat in die Republiek van krag geword het;”;
- (c) deur in subartikel 1 die omskrywing van “seeman” te skrap;
- (d) deur die volgende omskrywing na die omskrywing van “seemyl” in te voeg:
- “**seevaarder**’ ’n persoon (behalwe ’n gesagvoerder, loods of kadet) wat in diens is of in diens geneem is in enige hoedanigheid as lid van ’n skip se bemanning;”;
- (e) deur in subartikel (1) die omskrywing van “Suid-Afrikaanse skip” deur die volgende omskrywing te vervang:
- “**Suid-Afrikaanse skip**’ ’n skip wat in die Republiek geregistreer of gelisensieer is;”;
- (f) deur die volgende omskrywing na die omskrywing van “vissersboot” in te voeg:

- “**South African ship**’ means a ship that is registered or licenced in the Republic;” and
- (g) by insertion in subsection (1) after the definition of “whaling boat” of the following definition:
- “**Work in Fishing Convention**’ means the Work in Fishing Convention, 2007, done at Geneva on 30 May 2007, as set forth in the Eighth Schedule, and as modified by any amendment made under article 45 of that Convention that has entered into force in the Republic.”.

**Substitution of heading to Chapter IV of Act 57 of 1951**

2. The following heading is hereby substituted for the heading to Chapter IV of the principal Act:

“ENGAGEMENT, DISCHARGE, REPATRIATION, PAYMENT, DISCIPLINE AND GENERAL TREATMENT OF [SEAMEN,] SEAFARERS AND CADETS [AND APPRENTICE-OFFICERS]”.

**Substitution of section 91 of Act 57 of 1951**

3. The following section is hereby substituted for section 91 of the principal Act:

“**Excessive number of cadets [or apprentice-officers] not to be employed**

91. No person shall engage or permit cadets [or apprentice-officers] to serve on board a South African ship in excess of the number of cadets [or such officers] permitted by the regulations.”.

**Substitution of section 92 of Act 57 of 1951**

4. The following section is hereby substituted for section 92 of the principal Act:

“**Medical examination of cadets [and apprentice-officers]**

92. No person shall be employed as a cadet on board any South African ship [or indentured as an apprentice-officer to the owner of a South African ship] until [he] that person has passed the colour and form vision tests prescribed and has been certified by a medical practitioner approved by the proper officer as physically fit for the sea service.”.

**Repeal of sections 93, 94, 95, 96, 97, 98, 99 and 100 of Act 57 of 1951**

5. Sections 93, 94, 95, 96, 97, 98, 99 and 100 of the principal Act are hereby repealed.

**Amendment of section 101 of Act 57 of 1951, as amended by section 17 of Act 30 of 1959, section 4 of Act 18 of 1992 and section 20 of Act 57 of 1998**

6. Section 101 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) The provisions of this section shall apply, [*mutatis mutandis*] with the changes required by the context, to the engagement of a master [and an apprentice-officer].”.

**Amendment of section 102 of Act 57 of 1951, as amended by section 9 of Act 42 of 1969**

7. Section 102 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the proviso of the following words:

“The master of every South African ship [of more than one hundred gross register tons] shall [, and the master of every other South African ship may,] enter into an agreement on behalf of the employer (in this Act called the agreement with the crew) with every [seaman]

- “**‘vissersvaartuig’** ’n vissersboot soos omskryf in die Wet op Lewende Mariene Hulpbronne, 1998 (Wet No. 18 van 1998);” en  
(g) deur die volgende omskrywing na die omskrywing van “werknemer” in te voeg:  
“**‘Werk in Visvangskonvensie’** die Werk in Visvangskonvensie, 2007, 5  
gedoen te Genève op 30 Mei 2007, soos in die Agtste Bylae uiteengesit,  
en soos verander deur enige wysiging gemaak kragtens artikel 45 van  
daardie Konvensie wat in die Republiek van krag geword het.”

#### Vervanging van opskrif van Hoofstuk IV van Wet 57 van 1951

2. Die opskrif van Hoofstuk IV van die Hoofwet word hierby deur die volgende 10  
opskrif vervang:  
“**INDIENSNEMING, ONTSLAG, REPATRIASIE, BETALING, DISSIPLINE  
EN ALGEMENE BEHANDELING VAN [SEELUI, SEEVAARDERS EN  
KADETTE [EN LEERLING-OFFISIERE]]**”.

#### Vervanging van artikel 91 van Wet 57 van 1951 15

3. Artikel 91 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Oortollige kadette [of leerling-offisiere] word nie in diens geneem nie**

**91.** Niemand neem meer kadette [of leerling-offisiere] aan boord van ’n  
Suid-Afrikaanse skip in diens, of laat toe dat meer kadette [of leerling-  
offisiere] aldus diens doen, as wat die regulasies veroorloof nie.” 20

#### Vervanging van artikel 92 van Wet 57 van 1951

4. Artikel 92 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Mediese ondersoek van kadette [en leerling-offisiere]**

**92.** Niemand word [in diens geneem] as kadet aan boord van ’n  
Suid-Afrikaanse skip [of onder leerkontrak as ’n leerling-offisier aan die 25  
eenaar van ’n Suid-Afrikaanse skip] in diens geneem nie voordat [hy]  
daardie persoon in die voorgeskrewe gesigstoetse vir kleur en vorm geslaag  
het en [hy] deur ’n geneesheer goedgekeur deur die bevoegde beampte as  
liggaamlik geskik vir die seediens gesertifiseer is.”

#### Herroeping van artikels 93, 94, 95, 96, 97, 98, 99 en 100 van Wet 57 van 1951 30

5. Artikels 93, 94, 95, 96, 97, 98, 99 en 100 van die Hoofwet word hierby herroep.

#### Wysiging van artikel 101 van Wet 57 van 1951, soos gewysig deur artikel 17 van Wet 30 van 1959, artikel 4 van Wet 18 van 1992 en artikel 20 van Wet 57 van 1998

6. Artikel 101 van die Hoofwet word hierby gewysig deur subartikel (7) deur die 35  
volgende subartikel te vervang:

“(7) Die bepalings van hierdie artikel is [*mutatis mutandis*] met die verandering  
deur die samehang vereis, op die indiensneming van ’n gesagvoerder [en ’n  
leerling-offisier] van toepassing.”

#### Wysiging van artikel 102 van Wet 57 van 1951, soos gewysig deur artikel 9 van Wet 42 van 1969 40

7. Artikel 102 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die  
volgende woorde te vervang:

“Die gesagvoerder van elke Suid-Afrikaanse skip [van meer as  
eenhonderd bruto-registerton] moet[, en die gesagvoerder van elke 45  
ander Suid-Afrikaanse skip kan,] ’n ooreenkoms namens die werk-  
gewer aangaan (in hierdie Wet genoem die ooreenkoms met die

seafarer whom [he] the master engages to serve in that ship: Provided that the proper officer may refuse to allow the engagement of a [seaman] seafarer—”;

(b) by the substitution in subsection (3) for paragraph (f) of the following paragraph: 5

“(f) the wages which each [seaman] seafarer is to receive, and which must include particulars of the basic wages to be paid, payments to be made for overtime, bonuses, allowances paid, paid leave or any other additional payments, or in the case of a fishing vessel, the basic daily rate and commission scales;”;

(c) by the addition to subsection (3) of the following paragraphs: 10

“(i) the amount of a seafarer’s entitlement to annual leave or, where applicable, the formula used for calculating the annual leave and the remuneration payable during that period of leave;

(j) the health and social security protection benefits to be provided to the seafarer by the owner of a ship; 15

(k) the seafarer’s entitlement to repatriation;

(l) reference to any collective bargaining agreement, where applicable;

(m) the minimum notice period that may be given by the seafarer or the owner of a ship, which shall not be less than seven calendar days.”; 20

and

(d) by the addition of the following subsection:

“(5) (a) For the purposes of this section, in respect of all ships, excluding fishing vessels—

‘basic wages’ means remuneration for normal working hours, eight hours in a day, but does not include payments made for overtime, bonuses, allowances paid, paid leave or any other additional payments; 25

‘overtime’ means time worked in excess of the normal working hours, and includes work undertaken on Saturdays and Sundays, and public holidays as defined in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994). 30

(b) If there is an agreement in place onboard a fishing vessel with the employer covering wages and conditions of employment agreed to under a registered bargaining council or statutory council in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995), then the terms of that agreement apply to the employment of the seafarer concerned.”. 35

**Substitution of section 110 of Act 57 of 1951, as amended by section 22 of Act 40 of 1963**

8. The following section is hereby substituted for section 110 of the principal Act:

**“Employment of children on ships prohibited”** 40

**110.** The owner or master of a South African ship [which is registered in the Republic], or of a ship which is not registered in the Republic and is wholly engaged in plying between ports in the Republic, shall not knowingly take into employment or keep in employment or permit the employment of any person under the age of [fifteen] sixteen years in any capacity on board the ship.”. 45

**Amendment of section 111 of Act 57 of 1951, as amended by section 2 of Act 5 of 1998**

9. Section 111 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading: 50

**“Employment of young persons [as trimmers or firemen]”;**

(b) by the substitution in subsection (1) for the words preceding the proviso of the following words:

- bemanning) met elke [seeman] seevaarder wat [hy] die gesagvoerder vir diens in daardie skip [huur] aanstel: Met dien verstande dat die bevoegde beampte die indiensneming van 'n [seeman] seevaarder kan weier—”;
- (b) deur paragraaf (f) van subartikel (3) deur die volgende paragraaf te vervang: 5  
“(f) die loon wat elke [seeman] seevaarder sal ontvang, met vermelding van die basiese loon wat betaal moet word, betalings wat vir oortyd gemaak moet word, bonusse, toelaes betaalbaar, betaalde verlof of enige ander bykomende betalings, of, in die geval 'n vissersvaartuig, die basiese daaglikse tarief en kommissie-skale;”;
- (c) deur die volgende paragrawe by subartikel (3) te voeg: 10  
“(i) die hoeveelheid jaarlikse verlof waarop 'n seevaarder geregtig is of, waar van toepassing, die formule gebruik vir die berekening daarvan en die vergoeding tydens daardie verloftydperk betaalbaar; 15  
(j) die voordele rakende gesondheids- en maatskaplikesekerheidsbeskerming wat die skeepseienaar aan die seevaarder moet verskaf;  
(k) die seevaarder se reg op repatriasie;  
(l) 'n verwysing na 'n kollektiewebedingingsooreenkoms, waar van toepassing; 20  
(m) die minimum tydperk vir kennis wat deur 'n seevaarder of skeepseienaar gegee kan word, wat nie minder as sewe kalenderdae moet wees nie.”; en
- (d) deur die volgende subartikel by te voeg: 25  
“(5) (a) By die toepassing van hierdie artikel, ten opsigte van alle skepe, uitgesonderd vir sover dit op vissersvaartuie van toepassing is, beteken—  
‘**basiese loon**’ die betaling vir gewone werksure van agt uur per dag, maar nie ook betalings vir oortyd, bonusse, toelaes betaalbaar, betaalde verlof of enige ander bykomende betalings nie; 30  
‘**oortyd**’ tyd gewerk meer as die gewone werksure, met inbegrip van werk verrig op Saterdag, Sondag en amptelik verklaarde openbare vakansiedae soos omkryf in artikel 1 van die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994).  
(b) Indien daar 'n bestaande ooreenkoms met die werkgewer aan boord van 'n vissersvaartuig rakende lone en diensvoorwaardes gesluit is wat onder 'n geregistreerde bedingingsraad of statutêre raad ingevolge die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), ressorteer, geld die voorwaardes daarvan vir die indienshouding van die betrokke seevaarder.”. 40

#### Vervanging van artikel 110 van Wet 57 van 1951, soos gewysig deur artikel 22 van Wet 40 van 1963

8. Artikel 110 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Indienshouding van kinders op skepe verbode

110. Die eienaar of gesagvoerder van 'n Suid-Afrikaanse skip [wat in die Republiek geregistreer is], of van 'n skip wat nie in die Republiek geregistreer is nie en wat geheel-en-al gebruik word op reise tussen hawens in die Republiek, mag geen persoon wat onder [vyftien] sestien jaar oud is, in enige hoedanigheid aan boord van die skip wetend in diens neem of in diens hou [nie,] of wetend toelaat dat so 'n persoon aldus diens doen nie.”. 50

#### Wysiging van artikel 111 van Wet 57 van 1951, soos gewysig deur artikel 2 van Wet 5 van 1998

9. Artikel 111 van die Hoofwet word hierby gewysig—

- (a) deur die opskrif deur die volgende opskrif te vervang: 55  
“**Gebruik van jong persone [as tremmers of stokers]**”;
- (b) deur die woorde wat die voorbehoudsbepaling in subartikel (1) voorafgaan, deur die volgende woorde te vervang:

- “Subject to the provisions of this section the owner or master of a South African ship shall not **[knowingly take into employment, or keep in employment, or]** permit **[the employment of,]** a young person **[as a trimmer or fireman in that ship]** to work at night.”;
- (c) by the substitution in subsection (1) for paragraph (a) of the proviso of the following paragraph: 5
- “(a) this subsection shall not apply—
- (i) to the employment of a young person on such work as aforesaid in a school-ship or training-ship, if the work is of a kind approved by the Authority and is carried on subject to supervision by officers approved or appointed by it; **[or]** 10
- (ii) **[to the employment of a young person on such work as aforesaid in a ship which is mainly propelled otherwise than by means of steam; and]** if the effective training of the young person concerned would be impaired; or 15
- (iii) if the specific nature of the training requires that the young person must perform duties at night.”;
- (d) by the deletion in subsection (1) of paragraph (b) of the proviso;
- (e) by the substitution for subsection (2) of the following subsection: 20
- “(2) There shall be included in every agreement with the crew of a South African ship a list of the young persons who are members of the crew **[, together with particulars of the dates of birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew].**” 25
- (f) by the deletion of subsections (4) and (5); and
- (g) by the insertion in subsection (8) before the definition of “young person” of the following definition: 30
- “ **‘night’** means a period of at least nine hours, starting no later than midnight ship’s time and ending not earlier than 05:00 ship’s time.”.

#### Insertion of section 111A in Act 57 of 1951

10. The following section is hereby inserted in the principal Act after section 111:

##### “Entitlement to leave

- 111A.** (1) (a) Every seafarer employed or engaged on a South African ship is entitled to leave accrued at the rate of at least 2.5 days per month of employment, except in the case of a seafarer employed onboard a fishing vessel. 35
- (b) A seafarer employed on board a fishing vessel is entitled to leave as stipulated in an agreement concluded with a registered bargaining or statutory Council. 40
- (2) Leave commences when the seafarer arrives at his or her proper return port.
- (3) In this section ‘month’ means a period of 30 days, and includes Saturdays, Sundays and public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994).” 45

#### Amendment of section 114 of Act 57 of 1951, as amended by section 45 of Act 69 of 1962

11. Section 114 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 50
- “(1) When the service of a **[seaman or apprentice-officer]** seafarer belonging to a South African ship terminates without the consent of the said **[seaman or apprentice-officer]** seafarer at a place other than a proper return port, and before the expiration of the period for which the **[seaman]** seafarer was engaged **[or the**

“Behoudens die bepalings van hierdie artikel mag geen eenaar of gesagvoerder van ’n Suid-Afrikaanse skip **[wetend]** ’n jong persoon **[as trimmer of stoker in daardie skip in diens neem nie, of in diens hou nie, of wetend]** toelaat **[dat hy aldus diens doen]** om snags te werk nie.”; 5

(c) deur in subartikel (1) in paragraaf (a) die voorbehoudsbepaling deur die volgende paragraaf te vervang:

“(a) hierdie artikel nie van toepassing is nie—

(i) op die gebruik van ’n jong persoon vir voorgenoemde werk in ’n skoolskip of opleidingskip as die werk van ’n deur die Owerheid goedgekeurde aard is en uitgevoer word onder die toesig van deur hom goedgekeurde of aangestelde offisiere; **[of]** 10

(ii) **[op die gebruik van ’n jong persoon vir voorgenoemde werk in ’n skip wat hoofsaaklik anders as deur middel van stoom voortbeweeg word]** indien die doeltreffende opleiding van die jong persoon benadeel sal word; of 15

(iii) indien die spesifieke aard van die opleiding vereis dat die jong persoon snags pligte verrig.”;

(d) deur paragraaf (b) van subartikel (1) te skrap; 20

(e) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) In elke ooreenkoms met die bemanning van ’n Suid-Afrikaanse skip word ’n lys ingesluit van die jong persone wat lede van die bemanning is, **tesame met besonderhede van hul geboortedatums, en in die geval van ’n skip waar daar geen sodanige ooreenkoms is nie, hou die gesagvoerder van die skip, as jong persone daarin in diens is, ’n register van daardie persone met besonderhede van hul geboortedatums en van die datum waarop hulle lede van die bemanning word of ophou om dit te wees.**”;

(f) deur subartikels (4) en (5) te skrap; en 30

(g) deur in subartikel (8) ná die omskrywing van “skip” die volgende omskrywing in te voeg:

“**‘snags’** ’n tydperk van minstens nege uur wat laatstens om middernag skeepstyd begin en nie vroeër as 05:00 skeepstyd eindig nie.”.

**Invoeging van artikel 111A in Wet 57 van 1951** 35

10. Die volgende artikel word hierby ná artikel 111 in die Hoofwet ingevoeg:

**“Geregtigheid op verlof**

**111A.** (1) (a) Elke seevaarder wat op ’n Suid-Afrikaanse skip diens doen of in diens is, is geregtig op verlof wat oploep teen ’n koers van minstens 2.5 dae per maand in diens, uitgesonderd ’n seevaarder wat op ’n vissersvaartuig in diens gehou word. 40

(b) ’n Seevaarder wat op ’n vissersvaartuig in diens is, is geregtig op verlof soos bepaal in ’n ooreenkoms gesluit met ’n geregistreerde bedingings- of statutêre raad.

(2) Verlof begin wanneer die seevaarder in sy of haar tuishawe aankom. 45

(3) In hierdie artikel beteken ‘maand’ ’n tydperk van 30 dae, met inbegrip van Saterdag, Sondag en amptelik verklaarde openbare vakansiedae, soos omskryf in artikel 1 van die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994).”.

**Wysiging van artikel 114 van Wet 57 van 1951, soos gewysig deur artikel 45 van Wet 69 van 1962** 50

11. Artikel 114 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer die diens van ’n **[seeman of leerling-offisier]** seevaarder behorende tot ’n Suid-Afrikaanse skip sonder die toestemming van genoemde **[seeman of leerling-offisier]** seevaarder op ’n ander plek as ’n tuishawe, en voor verstryking van die tydperk waarvoor die **[seeman]** seevaarder in diens geneem is, 55



**apprentice-officer was indentured**], the master or owner of the ship shall, in addition to any other relative obligation imposed on **[either of them]** the seafarer by this Act, make adequate provision for the maintenance of the **[seaman or apprentice-officer]** seafarer according to his or her rank or rating, and for the return of that **[seaman or apprentice-officer]** seafarer to a proper return port.” . 5

**Substitution of section 116 of Act 57 of 1951**

12. The following section is hereby substituted for section 116 of the principal Act:

**“Discharge of [seamen] seafarer on change of ownership**

116. (1) If a South African ship is transferred or disposed of while she is at or on a voyage to any port outside the Republic every **[seaman or apprentice-officer]** seafarer belonging to that ship shall be discharged at that port, unless he or she consents in writing in the presence of a proper officer to complete the voyage in the ship if continued. 10

(2) If a **[seaman or apprentice-officer]** seafarer is discharged from a South African ship in terms of subsection (1), the provisions of section **[one hundred and fourteen]** 114 shall apply as if the service of the **[seaman or apprentice-officer]** seafarer had terminated without his or her consent and before the expiration of the period for which the **[seaman]** seafarer was engaged **[or the apprentice-officer was indentured,]** and, **in the case of a seaman,** the provisions of the said section shall, notwithstanding subsection (3) thereof, be applicable whatever may be his or her nationality and wherever may be situated the port where he or she was engaged. 15 20

(3) Every **[seaman or apprentice-officer]** seafarer discharged in terms of subsection (1) shall, if the voyage for which he or she was engaged is not continued, be entitled to the wages to which he or she would have been entitled if his or her service had been wrongfully terminated by the owner before the expiration of the period for which the **[seaman]** seafarer was engaged **[or the apprentice-officer was indentured].”**. 25

**Amendment of section 117 of Act 57 of 1951**

13. Section 117 of the principal Act is hereby amended by the substitution in subsection (1) for the words following paragraph (b) of the following words: 30

“without the authority of the proper officer, who shall certify on the agreement with the crew that he or she has granted such authority, and also the reason for the **[seaman’s]** seafarer’s being discharged or **[the seaman or apprentice-officer’s]** being left behind.” . 35

**Amendment of section 121 of Act 57 of 1951, as amended by section 19 of Act 30 of 1959 and by section 13 of Act 42 of 1969**

14. Section 121 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) **[When a seaman of a South African ship is discharged, the]** The master or the owner of **[such]** a South African ship shall cause to be delivered to **[such]** a **[seaman]** seafarer a full and true account of his or her wages in a form approved by the Authority, on a monthly basis or in the case of a seafarer employed on board a fishing vessel, on the day of arrival in port after month end where the total period between delivery of accounts and the preceding account shall not exceed 45 days.”. 40 45

**Amendment of section 130 of Act 57 of 1951, as amended by section 16 of Act 3 of 1982 and section 5 of Act 18 of 1992**

15. Section 130 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following subsection:

[of voor verstryking van die leerkontrak,] eindig, maak die gesagvoerder of eienaar van die skip, benewens enige ander verpligting dienaangaande aan [enigeen van hulle] die seervaarder deur hierdie Wet opgelê, toereikende voorsiening vir die onderhoud van die [seeman of leerling-offisier] seevaarder ooreenkomstig sy of haar rang of graad, en vir die terugkeer van daardie [seeman of leerling-offisier] seevaarder na 'n tuishawe.’’.

#### Vervanging van artikel 116 van Wet 57 van 1951

12. Artikel 116 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Ontslag van [seelui] seevaarder by verwisseling van eienaar

116. (1) As 'n Suid-Afrikaanse skip terwyl die skip by of op reis na 'n hawe buite die Republiek is oorgedra of vervreem word, word elke [seeman of leerling-offisier] seevaarder behorende tot daardie skip by bedoelde hawe ontslaan tensy hy of sy skriftelik in die aanwesigheid van 'n bevoegde beampte inwillig om die reis in die skip te voltooi as dit voortgesit word.

(2) As 'n [seeman of leerling-offisier] seevaarder van 'n Suid-Afrikaanse skip kragtens subartikel (1) ontslaan word, is die bepaling van artikel [honderd-en-veertien] 114 van toepassing asof die diens van die [seeman of leerling-offisier] seevaarder sonder sy of haar toestemming, en voor verstryking van die tydperk waarvoor die [seeman] seevaarder in diens geneem is, [of voor verstryking van die leerkontrak,] beëindig is, en, [in die geval van 'n seeman,] is die bepaling van gemelde artikel, ondanks subartikel (3) daarvan, toepaslik, wat ook al sy of haar nasionaliteit mag wees, en waar ook al die hawe waar hy of sy in diens geneem is geleë mag wees.

(3) Elke [seeman of leerling-offisier] seevaarder wat kragtens subartikel (1) ontslaan word, is, as die reis waarvoor hy of sy in diens geneem is, nie voortgesit word nie, geregtig op die loon waarop hy of sy geregtig sou gewees het, as sy diens voor verstryking van die tydperk waarvoor die [seeman] seevaarder in diens geneem is [of voor verstryking van die leerkontrak] wederregtelik deur die eienaar beëindig was.’’.

#### Wysiging van artikel 117 van Wet 57 van 1951

13. Artikel 117 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

“sonder die magtiging van die bevoegde beampte, en daardie beampte sertifiseer op die ooreenkoms met die bemanning dat hy of sy sodanige magtiging verleen het, asook die rede vir die [seeman] seevaarder se ontslag of vir die agterlating van die [seeman of leerling-offisier] seevaarder.’’.

#### Wysiging van artikel 121 van Wet 57 van 1951, soos gewysig deur artikel 19 van Wet 30 van 1959 en deur artikel 13 van Wet 42 van 1969

14. Artikel 121 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) [Wanneer 'n seeman van 'n Suid-Afrikaanse skip ontslaan word, moet die] Die gesagvoerder of eienaar van [daardie] 'n Suid-Afrikaanse skip, moet sorg dat [aan daardie seeman] 'n volledige en ware staat van [sy] 'n seevaarder se loon, in 'n vorm deur die Owerheid goedgekeur, maandeliks aan hom of haar gelewer word, of in die geval van 'n vissersvaartuig, op die dag van aankoms in die hawe indien dit ná maandeinde is, mits die totale tydperk tussen die lewering van twee opeenvolgende sodanige state hoogstens 45 dae is.’’.

#### Wysiging van artikel 130 van Wet 57 van 1951, soos gewysig deur artikel 16 van Wet 3 van 1982 en artikel 5 van Wet 18 van 1992

15. Artikel 130 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Subject to the provisions of subsection (2), a **[seaman]** seafarer engaged on a South African ship may before the commencement of a voyage make stipulations for the payment during his or her absence by means of an allotment note to a near relative or a savings bank or a body engaged in the promotion of the welfare of **[seamen]** seafarers and registered under the **[National Welfare Act, 1978 (Act No. 100 of 1978)]** **Advisory Board on Social Development Act, 2001 (Act No. 3 of 2001)**, of any portion of the wages which he or she may earn during the voyage.”;

(b) by the substitution for subsection (2) of the following subsection: 10

“(2) Allotment notes may provide for any portion or all of a seafarer’s wages to any person designated by him or her to be the recipient of such wages or part thereof.”; and

(c) by the addition of the following subsection:

“(6) The master, owner or authorised agent of the owner shall bear the costs incurred in effecting payment of the allotment of all or part of a seafarer’s wages.”. 15

#### **Amendment of section 131 of Act 57 of 1951**

16. Section 131 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph: 20

“(a) in the case of a **[seaman]** seafarer serving on a foreign-going ship, by the official statement of the change in the crew caused by the **[seamen’s]** seafarer’s absence, made and signed by the master in terms of section **[one hundred and four]** 104; or”.

#### **Substitution of section 145 of Act 57 of 1951**

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17. The following section is hereby substituted for section 145 of the principal Act:

##### **“Power of court to rescind contract between owner or master and [seaman or apprentice-officer] seafarer**

145. When any proceedings are instituted in any court of competent jurisdiction in relation to any dispute between an owner or master of a South African ship and a **[seaman or apprentice-officer]** seafarer, arising out of or incidental to their relation as such, the court may in its discretion rescind any contract between the owner or master and the **[seaman or apprentice-officer, or any contract of apprenticeship,]** seafarer upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court may have.”. 35

#### **Insertion of section 158A in Act 57 of 1951**

18. The following section is hereby inserted in the principal Act after section 158:

##### **“Provision of complaints procedure on board ship**

158A. (1) A master or owner of a South African ship shall draw up and keep on board a complaints procedure, not in conflict with the provisions of this Act, and shall make such complaints procedure available to all seafarers. 40

(2) If a seafarer of a South African ship considers that his or her rights in terms of the Maritime Labour Convention have been breached, he or she may lodge a complaint with the master. 45

(3) Upon receiving a complaint from a seafarer made in terms of subsection (2), the master shall—

- (a) record the complaint in the official log-book;
- (b) investigate the complaint or cause it to be investigated;
- (c) attempt to resolve the complaint within 24 hours; and 50

- “(1) Behoudens die bepalings van subartikel (2) kan ’n **[seeman]** seevaarder in diens op ’n Suid-Afrikaanse skip voor die aanvang van die reis stipulasies maak betreffende die betaling tydens sy of haar afwesigheid van ’n deel van die loon wat hy of sy gedurende die seereis mag verdien by wyse van ’n toewysingsorder aan ’n familiebetrekking of spaarbank of ’n liggaam wat hom besig hou met die bevordering van die welsyn van **[seelui]** seevaarders en wat kragtens die **[Nasionale Welsynwet, 1978 (Wet No. 100 van 1978)]** ‘Advisory Board on Social Development Act’, 2001 (Wet No. 3 van 2001), geregistreer is.”; 5
- (b) deur subartikel (2) deur die volgende subartikel te vervang: 10  
“(2) Toewysingsorders kan voorsiening maak dat enige persoon deur die seevaarder aangewys die ontvanger van die seevaarder se loon of ’n gedeelte daarvan moet wees.”; en
- (c) deur die volgende subartikel na subartikel (5) in te voeg: 15  
“(6) Die koste verbonde aan die oorbetalings van die toewysing van die geheel of ’n gedeelte van ’n seevaarder se loon word deur die gesagvoerder, skeepseienaar of gemagtigde agent van die skeepseienaar gedra.”.

#### Wysiging van artikel 131 van Wet 57 van 1951

16. Artikel 131 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf 20  
(a) deur die volgende paragraaf te vervang:  
“(a) in die geval van ’n **[seeman]** seevaarder in diens op ’n skip op vreemde vaart, deur die amptelike verklaring van die verandering in die bemanning as gevolg van die **[seeman]** seevaarder se afwesigheid, deur die gesagvoerder kragtens artikel **[honderd-en-vier]** 104 gemaak en onderteken; of”.

#### Vervanging van artikel 145 van Wet 57 van 1951

17. Artikel 145 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Hof se bevoegdheid om kontrak tussen eienaar of gesagvoerder en **[seeman of leerling-offisier]** seevaarder te ontbind

145. Wanneer ’n geding in enige regsbevoegde hof ingestel word betreffende ’n geskil tussen ’n eienaar of gesagvoerder van ’n Suid-Afrikaanse skip en ’n **[seeman of leerling-offisier]** seevaarder wat ontstaan uit of bykomstig is by hul verhouding as sodanig, kan die hof na goeddunke enige kontrak tussen die eienaar of gesagvoerder en die **[seeman of leerling-offisier of enige leerkontrak]** seevaarder op sodanige voorwaardes as wat die hof billik ag, ontbind, en die hof besit hierdie bevoegdheid bo en behalwe enige ander jurisdiksie wat die hof mag hê.”.

#### Invoeging van artikel 158A in Wet 57 van 1951

18. Die volgende artikel word hierby ná artikel 158 in die Hoofwet ingevoeg:

##### “Voorsiening van klagteprosedure aan boord 40

**158A.** (1) ’n Gesagvoerder of eienaar van ’n skip wat in die Republiek geregistreer of gelisensieer is, moet ’n klagteprosedure opstel en aan boord hou, wat nie met die bepalings van hierdie Wet onbestaanbaar is nie, en moet sodanige klagteprosedure aan alle seevaarders beskikbaar stel.

(2) Indien ’n seevaarder op ’n Suid-Afrikaanse skip meen dat sy of haar regte ingevolge die Maritieme Arbeidskonvensie geskend is, kan hy of sy ’n klagte by die gesagvoerder indien. 45

(3) By ontvangs van ’n klagte deur ’n seevaarder wat ingevolge subartikel (2) gemaak is, moet die gesagvoerder—

- (a) die klagte in die amptelike skeepsjournaal aanteken; 50  
(b) die klagte ondersoek of laat ondersoek;  
(c) poog om die klagte binne 24 uur op te los; en

- (d) record his or her findings and any action taken in the official log-book.  
(4) If the situation remains unresolved or if the breach of the seafarer's rights is still considered to exist, he or she may lodge a complaint with the Authority, who will adjudicate the complaint.".

**Amendment of section 162 of Act 57 of 1951**

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19. Section 162 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:  
“(1) If [**three or more seamen or apprentice officers**] a seafarer of a South African ship [**consider**] considers—  
(a) that the provisions or water for the use of the [**seamen or apprentice-officers**] seafarer are at any time of bad quality or deficient in quantity;  
(b) that the crew accommodation is unsanitary or is not in accordance with the regulations; or  
(c) that in any other respect the conditions under which the [**seaman or apprentice-officers are**] seafarer is living on board ship are not of a reasonably good standard,  
[**they**] he or she may complain thereof to the proper officer, who shall investigate the complaint or cause it to be investigated.”;  
(b) by the substitution in subsection (2) for the words following paragraph (c) of the following words:  
“as the case may be, he or she shall communicate that finding in writing to the master.”;  
(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:  
“Upon the finding being communicated to him or her, the master shall forthwith—”;  
(d) by the substitution in subsection (3) for paragraph (c) of the following paragraph:  
“(c) if the finding is in terms of paragraph (c) of subsection (2), take steps to the satisfaction of the proper officer to ensure that the living conditions of the [**seamen and apprentice-officers**] seafarer are of a reasonably good standard;” and  
(e) by the substitution for subsection (5) of the following subsection:  
“(5) If the said officer certifies in that statement that there was no reasonable ground for the complaint, [**each of**] the [**complainants**] complainant shall, if so directed by the officer in the certificate, forfeit to the owner out of his or her wages a sum to be determined by the proper officer, but not exceeding one week's wages.”.

**Amendment of section 169 of Act 57 of 1951**

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20. Section 169 of the principal Act is hereby amended by the substitution for subsections (1), (2), (3) and (4) or the following subsections, respectively:

- “(1) If the master or a [**seaman or apprentice-officer**] seafarer of a South African ship receives any hurt or injury or suffers from any illness (not being a hurt, injury or illness due to his or her own willful act or default or to his or her own misbehaviour), resulting in his or her being discharged or left behind at a place other than his or her proper return port, the expense of providing the necessary medical advice, attendance and treatment and medicine, and also the expenses of the maintenance of the said master[, **seaman or apprentice-officer**] or seafarer in a manner appropriate to his or her rank or rating, until he or she is cured or dies or is returned to and arrives at a proper return port, and of his or her conveyance to that port, and in case of death the expense of his or her burial, shall be defrayed by the owner of the ship, without any relative deduction from the wages of the master[, **seaman or apprentice-officer**] or seafarer concerned.  
(2) If the master or [**seaman or apprentice-officer**] seafarer is on account of any illness or injury temporarily removed from his or her ship, at a port other than his or her proper return port, for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to [**his**] duty, the expenses of removal, medical attendance and treatment, and of maintenance while the master[,

- (d) sy of haar bevindings en enige stappe wat gedoen is, in die amptelike skeepsjoernaal aanteken.
- (4) Indien die situasie onopgelos is of indien die skending van die seevaarder se regte geag word voort te bestaan, kan die seevaarder daardie klagte by die Owerheid indien, wat die klagte sal bereg.”.

### Wysiging van artikel 162 van Wet 57 van 1951

19. Artikel 162 van die Hoofwet word hierby gewysig deur—

- (a) subartikel (1) deur die volgende subartikel te vervang:
- “(1) As [**drie of meer seelui**] ’n seevaarder [**of leerling-offisiere**] van ’n Suid-Afrikaanse skip meen—
- (a) dat die proviand of water vir die gebruik van die [**seelui of leerling-offisiere**] seevaarder te eniger tyd van slegte gehalte of te min is;
- (b) dat die akkommodasie vir die bemanning [**onsanitêr**] onhygiënies is, of nie ooreenkomstig die regulasies is nie; of
- (c) dat die toestande waaronder die [**seelui of leerling-offisiere**] seevaarder aan boord van die skip lewe, in enige ander opsig nie redelik goed is nie,
- kan hulle klagte daarvoor by die bevoegde beampte indien, en hy of sy moet die klagte ondersoek of laat ondersoek.”;
- (b) in subartikel (2) die woorde wat op paragraaf (c) volg deur die volgende woorde te vervang: “na gelang van die geval, deel hy of sy daardie bevinding skriftelik aan die gesagvoerder mee.”;
- (c) deur in die Engelse teks in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: “Upon the finding being communicated to him or her, the master shall forthwith—”;
- (d) deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang:
- “(c) as die bevinding in die sin van paragraaf (c) van subartikel (2) is, tref hy of sy maatreëls tot bevrediging van die bevoegde beampte om te verseker dat die lewenstoestand van die [**seelui en leerling-offisiere**] seevaarder redelik goed is;”;
- (e) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) As genoemde beampte in daardie verklaring sertifiseer dat daar geen redelike grond vir die klagte was nie, verbeur [**elkeen van**] die [**klaers**] klaer, as die beampte so ’n opdrag in die sertifikaat gee, aan die eienaar uit sy of haar loon ’n som wat die bevoegde beampte bepaal maar wat nie meer as een week se loon beloop nie.”.

### Wysiging van artikel 169 van Wet 57 van 1951

20. Artikel 169 van die Hoofwet word hierby gewysig deur subartikels (1), (2), (3) en (4), onderskeidelik, deur die volgende subartikels te vervang:
- “(1) As die gesagvoerder of ’n [**seeman of leerling-offisier**] seevaarder van ’n Suid-Afrikaanse skip ’n letsel of besering opdoen of aan ’n siekte ly (wat nie ’n letsel, besering of siekte is wat aan sy of haar eie opsetlike handeling of versuim of aan sy of haar eie wangedrag te wyte is nie) wat tot gevolg het dat hy of sy ontslaan of agtergelaat word op ’n ander plek as sy of haar tuishawe, word die koste om die nodige mediese advies, sorg en behandeling en medisyne te verskaf asook die koste van die onderhoud van genoemde gesagvoerder[, **seeman of leerling-offisier,**] of seevaarder op ’n wyse wat pas by sy of haar rang of graad, totdat hy of sy genees is of sterf of teruggestuur word na en aankom by ’n tuishawe, en van sy of haar vervoer na daardie hawe, en in die geval van dood, die koste van sy of haar begrafnis, deur die eienaar van die skip betaal sonder ’n gevolglike aftrekking van die loon van die betrokke gesagvoerder[, **seeman of leerling-offisier**] of seevaarder.
- (2) As die gesagvoerder of [**seeman of leerling-offisier**] seevaarder weens ’n siekte of besering tydelik van sy of haar skip by ’n ander hawe as sy of haar tuishawe verwyder is ten einde aansteking te voorkom of andersins vir die gerief van die skip, en daarna na diens terugkeer, word die onkoste van die verwydering, mediese sorg en behandeling, en van onderhoud terwyl die gesagvoerder[, **seeman**

**seaman or apprentice-officer]** or seafarer is away from the ship, shall be defrayed in like manner.

(3) The expenses of all medical attendance and treatment given to a master[, **seaman or apprentice-officer]** or seafarer whilst on board his or her ship shall be defrayed in like manner. 5

(4) In all other cases any reasonable expenses duly incurred by the owner for any master[, **seaman, or apprentice-officer]** or seafarer in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any master[, **seaman or apprentice-officer]** or seafarer who dies whilst on service, shall, if proved to the satisfaction of the proper officer, be deducted from the salary or wages of the master[, **seaman or apprentice-officer]** or seafarer.”. 10

**Amendment of section 172 of Act 57 of 1951**

21. Section 172 of the principal Act is hereby amended by the substitution for the heading of the following heading:

“[Seamen’s] **Seafarers’ property not to be detained**”. 15

**Amendment of section 188 of Act 57 of 1951, as amended by section 25 of Act 30 of 1959**

22. Section 188 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (iii) of the following paragraph:

“(iii) the names, ages, and places of birth of all the crew, including the master [**and apprentice-officers**]; their ratings on board, their last ships or other employments and the dates and places of their joining the ship; and”.

**Amendment of section 341 of Act 57 of 1951, as amended by section 57 of Act 69 of 1962**

23. Section 341 of the principal Act is hereby amended by the substitution for subsection (1) the following subsection: 25

“(1) Whenever any complaint is made to any consular representative of the Republic or of any other treaty country—

(a) that any offence against property or person has been committed at any place, either ashore or afloat, outside any treaty country by any master[, **seaman, or apprentice-officer]** or seafarer who at the time when the offence was committed, or within three months before that time, was employed in any South African ship; or

(b) that any offence on the high seas has been committed by any master[, **seaman, or apprentice-officer]** or seafarer belonging to any South African ship, 35

that consular representative may inquire into the case and may, if in his or her opinion reasonable grounds of suspicion exist against the alleged offender, take any steps in his or her power for the purpose of placing [**him**] the master or seafarer under the necessary restraint and of sending him or her as soon as practicable in safe custody to the Republic.”. 40

**Substitution of section 352 of Act 57 of 1951, as substituted by section 58 of Act 69 of 1962**

24. The following section is hereby substituted for section 352 of the principal Act:

“**Acts done by courts and functionaries of the Republic in relation to treaty ships other than South African ships**” 45

352. Whenever any law enacted before or after the coming into operation of this section and in force in any treaty country (other than the Republic) provides that any court or functionary of the Republic may or shall exercise any authority or perform any act in relation to ships registered or entitled to be registered in that treaty country, their owners, masters, [**seamen, or apprentice-officers]** seafarers, such court or functionary may exercise any 50

**of leerling-offisier]** of seevaarder van die skip afwesig is, op dieselfde manier betaal.

(3) Die onkoste van alle mediese sorg en behandeling wat aan 'n gesagvoerder[, **seeman of leerling-offisier]** of seevaarder gegee is terwyl hy of sy aan boord van sy of haar skip was, word op dieselfde manier betaal. 5

(4) In alle ander gevalle word enige redelike onkoste behoorlik deur die eienaar vir 'n gesagvoerder[, **seeman of leerling-offisier]** of seevaarder ten opsigte van siekte opgeloopt, asook enige redelike onkoste behoorlik deur die eienaar opgeloopt ten opsigte van die begrafnis van 'n gesagvoerder[, **seeman of leerling-offisier]** of seevaarder wat te sterwe kom terwyl hy of sy diens doen, as die ooploop van bedoelde onkoste tot oortuiging van die bevoegde beampte bewys word, van die salaris of loon van die gesagvoerder[, **seeman of leerling-offisier]** of seevaarder afgetrek." 10

#### Wysiging van artikel 172 van Wet 57 van 1951

21. Artikel 172 van die Hoofwet word hierby gewysig deur die opskrif deur die volgende opskrif te vervang: 15

“[**Seeman]** Seevaarder se eiendom word nie agtergehou nie”.

#### Wysiging van artikel 188 van Wet 57 van 1951, soos gewysig deur artikel 25 van Wet 30 van 1959

22. Artikel 188 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (iii) deur die volgende paragraaf te vervang: 20

“(iii) die name, ouderdomme en geboorteplekke van al die lede van die bemanning, insluitende die gesagvoerder [**en leerling-offisiere**]; hul grade aan boord, hul laaste skepe of ander werkkringe en die datums en plekke van hul aansluiting by die skip; en” 25

#### Wysiging van artikel 341 van Wet 57 van 1951, soos gewysig deur artikel 57 van Wet 69 van 1962

23. Artikel 341 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer 'n klag by 'n konsulêre verteenwoordiger van die Republiek of 'n ander verdragland, ingedien word— 30

(a) dat enige misdryf teen eiendom of persoon gepleeg is op enige plek, òf op land òf op see buite enige verdragland deur 'n gesagvoerder[, **seeman of leerling-offisier]** of seevaarder wat, toe die misdryf gepleeg is, of binne drie maande voor daardie tyd op 'n Suid-Afrikaanse skip in diens was; of 35

(b) dat enige misdryf op die oop see gepleeg is deur 'n gesagvoerder[, **seeman of leerling-offisier]** of seevaarder behorende tot 'n Suid-Afrikaanse skip, kan daardie konsulêre verteenwoordiger ondersoek instel na die saak en kan hy of sy as daar na sy of haar mening redelike grond vir agterdog teen die beweerde oortreder bestaan, enige stappe in sy of haar mag doen ten einde [**hom**] die gesagvoerder of seevaarder onder die nodige dwang te plaas en ten einde hom of haar so gou doenlik in veilige bewaring na die Republiek te stuur.” 40

#### Vervanging van artikel 352 van Wet 57 van 1951, soos vervang deur artikel 58 van Wet 69 van 1962

24. Artikel 352 van die Hoofwet word hierby deur die volgende subartikel vervang: 45

“**Handelinge verrig deur howe en ampsbekleërs van die Republiek in verband met verdragskepe wat nie Suid-Afrikaanse skepe is nie**

352. Wanneer 'n wet wat voor of na die inwerkingtreding van hierdie artikel gemaak is, en wat in 'n verdragland (behalwe die Republiek) van krag is, bepaal dat 'n hof of ampsbekleër van die Republiek enige gesag of enige daad moet of kan uitoefen of verrig ten aansien van skepe geregistreer of geregtig om geregistreer te word in daardie verdragland, hul eenaars, gesagvoerders, [**seelui of leerling-offisiere]** seevaarders kan bedoelde hof 50



such authority or perform any such act, and all things done by such court or functionary under this section shall have the same effect as if that law had been enacted in the Republic.”.

**Amendment of section 353 of Act 57 of 1951, as substituted by section 59 of Act 69 of 1962**

5

25. Section 353 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Every provision of this Act which purports to require any court or functionary of any treaty country (other than the Republic) or any person other than a South African citizen to exercise any authority or perform any act outside the Republic in relation to South African ships, their owners, masters[, **seamen or apprentice-officers**] or seafarers shall be construed as being permissive only and to mean that any such court or functionary or person is thereby empowered so to exercise such authority or perform such act.”.

**Amendment of section 355 of Act 57 of 1951, as substituted by section 30 of Act 18 of 1992**

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26. Section 355 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Any agreement or award under the Labour Relations Act, [1956] 1995 (Act No. 66 of 1995), or any determination under the [Wage Act, 1957] Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), which is binding in respect of any [seamen] seafarers employed on board any South African ship [which is registered in the Republic] or on board any ship which is not registered in the Republic and is wholly engaged in plying between ports in the Republic, while the ship is in the Republic, shall be binding in respect of such [seamen] seafarers while the ship is outside the Republic.”.

**Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959, section 59 of Act 40 of 1963, section 6 of Act 24 of 1974, section 11 of Act 5 of 1976, section 19 of Act 3 of 1982, section 9 of Act 25 of 1985, section 32 of Act 18 of 1992, section 7 of Act 16 of 1995, section 15 of Act 23 of 1997, section 27 of Act 57 of 1998 and section 60 of Act 58 of 1998**

30

27. Section 356 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (xv) of the following paragraph:

“(xv) prescribing the classes of South African ships on which cadets [or apprentice-officers] may be employed as such, the maximum number of cadets [or apprentice-officers] which may be employed as such on different classes of South African ships[, the terms of indentures of apprentice-officers, the minimum wages which such apprentice-officers shall be paid and the manner of payment thereof];”;

(b) by the substitution in subsection (1) for paragraph (xxii) of the following paragraph:

“(xxii) providing for the care and treatment of sick [seamen] seafarers (including masters [and apprentice-officers]) in hospitals, and for the recovery of expenses in connection therewith;”;

(c) by the substitution in subsection (1) for paragraph (xxiv) of the following paragraph:

“(xxiv) providing for the vaccination against smallpox and the inoculation against yellow fever and typhoid fever of [seamen] seafarers (including masters [and apprentice-officers]) at the expense of the owner of the ship on which they serve;”;

(d) by the substitution in subsection (1) for paragraph (xxxvii) of the following paragraph:

“(xxxvii) prescribing the period of pre-sea training required of [seamen, and apprentice-officers] seafarers;”;

55

of ampsbektelër enige sodanige gesag uitoefen of enige sodanige daad verrig, en alle dinge deur bedoelde hof of ampsbektelër kragtens hierdie artikel gedoen, het dieselfde regsgevolge asof daardie wet in die Republiek gemaak was.”.

**Wysiging van artikel 353 van Wet 57 van 1951, soos vervang deur artikel 59 van Wet 69 van 1962** 5

25. Artikel 353 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke bepaling van hierdie Wet wat heet ’n hof of ampsbektelër van enige verdragland (behalwe die Republiek) of enige ander persoon as ’n Suid-Afrikaanse burger te gelas om enige gesag uit te oefen of enige handeling te verrig buite die Republiek in verband met Suid-Afrikaanse skepe, hul eienaars, gesagvoerders, **seelui of leerling-offisiere,** of seevaarders word uitgelê asof dit slegs veroorlowend is en beteken dat enige sodanige hof of ampsbektelër of persoon daarby gemagtig word om aldus sodanige gesag uit te oefen of sodanige handeling te verrig.”. 10 15

**Wysiging van artikel 355 van Wet 57 van 1951, soos vervang deur artikel 30 van Wet 18 van 1992**

26. Artikel 355 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 20

“(3) ’n Ooreenkoms of uitspraak kragtens die Wet op Arbeidsverhoudinge, [1956] 1995 (Wet No. 66 van 1995), of ’n vasstelling kragtens die [Loonwet, 1957] Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997), wat bindend is ten opsigte van enige [seelui] seevaarders in diens aan boord van ’n Suid-Afrikaanse skip [wat in die Republiek geregistreer is,] of aan boord van ’n skip wat nie in die Republiek geregistreer is nie en wat geheel en al gebruik word op reise tussen hawens in die Republiek, terwyl die skip in die Republiek is, is bindend ten opsigte van bedoelde [seelui] seevaarders terwyl die skip buite die Republiek is.”. 25

**Wysiging van artikel 356 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 30 van 1959, artikel 59 van Wet 40 van 1963, artikel 6 van Wet 24 van 1974, artikel 11 van Wet 5 van 1976, artikel 19 van Wet 3 van 1982, artikel 9 van Wet 25 van 1985, artikel 32 van Wet 18 van 1992, artikel 7 van Wet 16 van 1995, artikel 15 van Wet 23 van 1997, artikel 27 van Wet 57 van 1998 en artikel 60 van Wet 58 van 1998** 30

27. Artikel 356 van die Hoofwet word hierby gewysig deur— 35

(a) in subartikel (1) paragraaf (xv) deur die volgende paragraaf te vervang:

“(xv) wat voorskryf die klasse van Suid-Afrikaanse skepe waarop kadette [of leerling-offisiere] as sodanig in diens gehou mag word, die maksimum aantal kadette [of leerling-offisiere], wat op verskillende klasse Suid-Afrikaanse skepe as sodanig in diens gehou mag word[, die bepalinge van leerkontrakte van leerling-offisiere, die minimum loon wat sodanige leerling-offisiere moet ontvang en die manier van betaling daarvan];”;

(b) deur in subartikel (1) paragraaf (xxii) deur die volgende paragraaf te vervang:

“(xxii) wat voorsiening maak vir die versorging en behandeling van siek [seelui] seevaarders (insluitende gesagvoerders [en leerling-offisiere]) in hospitale, en vir die verhaal van onkoste in verband daarmee;”;

(c) deur in subartikel (1) paragraaf (xxiv) deur die volgende paragraaf te vervang:

“(xxiv) wat voorsiening maak vir die inenting teen pokkies en die inspuiting teen geelkoors en maagkoors van [seelui] seevaarders (insluitende gesagvoerders [en leerling-offisiere]) op koste van die eenaar van die skip waarop hulle in diens is;”;

(d) deur in subartikel (1) paragraaf (xxxvii) deur die volgende paragraaf te vervang: 55

“(xxxvii) wat die tydperk van voorsee-opleiding wat vereis word van [seelui en leerling-offisiere] seevaarders voorskryf;”;

- (e) by the deletion in subsection (2) of the expression “and” at the end of paragraph (d), the substitution in that subsection for the full stop at the end of paragraph (e) of a semi colon and the addition to that subsection of the following paragraphs:
- “(f) the Maritime Labour Convention; and  
(g) the Work in Fishing Convention.”.

**Amendment of section 356bis of Act 57 of 1951, as substituted by section 16 of Act 23 of 1997 and amended by section 28 of Act 57 of 1998**

- 28.** Section 356bis of the principal Act is hereby amended—
- (a) by the insertion after subsection (1) of the following subsection:
- “(1A) The Maritime Labour Convention and the Work in Fishing Convention shall, subject to the provisions of this Act and from the date on which the Merchant Shipping Amendment Act, 2015, takes effect, have the force of law in the Republic.”; and
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) The Minister shall, as soon as practicable after the entry into force for the Republic of any amendment to the Safety Convention, Maritime Labour Convention or Work in Fishing Convention by notice in the Gazette amend the Second, Seventh or Eighth Schedule, as the case may be, to reflect such amendment.”.

**Substitution of certain words and expressions in Act 57 of 1951**

- 29.** The principal Act is hereby amended—
- (a) by the substitution for the expression “master, seaman or apprentice-officer”, wherever it occurs in the principal Act, of the expression “master or seafarer”;
- (b) by the substitution for the expression “master, seamen or apprentice-officers”, wherever it occurs in the principal Act, of the expression “master or seafarers”;
- (c) by the substitution for the expression “masters, seamen and apprentice-officers”, wherever it occurs in the principal Act, of the expression “masters and seafarers”;
- (d) by the substitution for the expression “seaman or apprentice-officer”, wherever it occurs in the principal Act, of the word “seafarer”;
- (e) by the substitution for the expression “seaman and apprentice-officer”, wherever it occurs in the principal Act, of the word “seafarer”;
- (f) by the substitution for the expression “seamen or apprentice-officers”, wherever it occurs in the principal Act, of the word “seafarers”;
- (g) by the substitution for the expression “seamen and apprentice-officers”, wherever it occurs in the principal Act, of the word “seafarers”;
- (h) by the substitution for the expression “seamen, apprentice-officers”, wherever it occurs in the principal Act, of the word “seafarers”;
- (i) by the substitution for the word “seaman”, wherever it occurs in the principal Act, of the word “seafarer”;
- (j) by the substitution for the word “seaman’s”, wherever it occurs in the principal Act, of the word “seafarer’s”; and
- (k) by the substitution for the word “seamen”, wherever it occurs in the principal Act, of the word “seafarers”.

**Addition of Schedules Seven and Eight to Act 57 of 1951**

- 30.** The Schedules set out in the Schedule to this Act are hereby added to the principal Act as the Seventh Schedule and the Eighth Schedule, respectively.

**Short title and commencement**

- 31.** This Act is called the Merchant Shipping Amendment Act, 2015, and takes effect on a date fixed by the President by proclamation in the Gazette.

- (e) deur in subartikel (2) die uitdrukking “en” aan die einde van paragraaf (d) te skrap, in daardie subartikel aan die einde van paragraaf (e) die punt deur ’n kommapunt te vervang en deur die volgende paragrawe by daardie subartikel by te voeg:
- “(f) die Maritieme Arbeidskonvensie; en 5  
(g) die Werk in Visvangskonvensie.”.

**Wysiging van artikel 356bis van Wet 57 van 1951, soos vervang deur artikel 16 van Wet 23 van 1997 en gewysig deur artikel 28 van Wet 57 van 1998**

28. Artikel 356bis van die Hoofwet word hierby gewysig—
- (a) deur die volgende subartikel ná subartikel (1) in te voeg: 10  
“(1A) Die Maritieme Arbeidskonvensie en die Werk in Visvangskonvensie het, behoudens die bepalings van hierdie Wet en vanaf die datum waarop die Wysigingswet op Handelskeepvaart, 2015, in werking tree, regsrag in die Republiek.”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang: 15  
“(2) Die Minister moet, so gou doenlik, nadat enige wysiging van die Veiligheidskonvensie, Martieme Arbeidskonvensie of Werk in Visvangskonvensie ten opsigte van die Republiek in werking getree, by kennisgewing in die Staatskoerant die Tweede, Sewende of Agtste Bylae wysig om sodanige wysiging weer te gee.”. 20

**Vervanging van sekere woorde en uitdrukkings in Wet 57 van 1951**

29. Die Hoofwet word hierby gewysig—
- (a) deur die uitdrukking “gesagvoerder, seelui of leerling-offisier”, waar dit ook al in die Hoofwet voorkom, deur die uitdrukking “gesagvoerder of seevaarder” te vervang; 25
- (b) deur die uitdrukking “gesagvoerder, seelui of leerling-offisiere”, waar dit ook al in die Hoofwet voorkom, te vervang deur die uitdrukking “gesagvoerder of seevaarders”;
- (c) deur die uitdrukking “gesagvoerders, seelui en leerling-offisiere”, waar dit ook al in die Hoofwet voorkom, deur die uitdrukking “gesagvoerders en seevaarders” te vervang; 30
- (d) deur die uitdrukking “seeman of leerling-offisier”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarder” te vervang;
- (e) deur die uitdrukking “seeman en leerling-offisier”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarder” te vervang; 35
- (f) deur die uitdrukking “seemanne of leerling-offisiere”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarders” te vervang;
- (g) deur die uitdrukking “seemanne en leerling-offisiere”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarders” te vervang;
- (h) deur die uitdrukking “seemanne, leerlingoffisiere”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarders” te vervang; 40
- (i) deur die woord “seeman”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarder” te vervang; en
- (j) deur die woord “seemanne”, waar dit ook al in die Hoofwet voorkom, deur die woord “seevaarders” te vervang. 45

**Byvoeging van Bylaes Sewe en Agt tot Wet 57 van 1951**

30. Die Bylaes in die Bylaag tot hierdie Wet uiteengesit word hierby onderskeidelik by die Hoofwet bygevoeg as die Sewende Bylae en die Agtste Bylae.

**Kort titel en inwerkingtreding**

31. Hierdie Wet heet die Wysigingswet op Handelskeepvaart, 2015, en tree in werking 50 op ’n datum deur die President in die *Staatskoerant* vasgestel.

**SCHEDULE**

(Section 30)

**“Seventh Schedule**

**MARITIME LABOUR CONVENTION, 2006**

**PREAMBLE**

5

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 Ninety-fourth Session on 7 February 2006, and  
Desiring to create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions, in particular: 10

- the Forced Labour Convention, 1930 (No. 29);
- the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); 15
- the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- the Equal Remuneration Convention, 1951 (No. 100);
- the Abolition of Forced Labour Convention, 1957 (No. 105);
- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- the Minimum Age Convention, 1973 (No. 138); 20
- the Worst Forms of Child Labour Convention, 1999 (No. 182); and

Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and  
Recalling the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and 25

Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons, and  
Considering that, given the global nature of the shipping industry, seafarers need special protection, and 30

Mindful also of the international standards on ship safety, human security and quality ship management in the International Convention for the Safety of Life at Sea, 1974, as amended, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, and the seafarer training and competency requirements in the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended, and 35

Recalling that the United Nations Convention on the Law of the Sea, 1982, sets out a general legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, and 40

Recalling that Article 94 of the United Nations Convention on the Law of the Sea, 1982, establishes the duties and obligations of a flag State with regard to, inter alia, labour conditions, crewing and social matters on ships that fly its flag, and  
Recalling paragraph 8 of article 19 of the Constitution of the International Labour Organisation which provides that in no case shall the adoption of any Convention or Recommendation by the Conference or the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation, and 45 50

Determined that this new instrument should be designed to secure the widest possible acceptability among governments, shipowners and seafarers committed to the principles of decent work, that it should be readily updateable and that it should lend itself to effective implementation and enforcement, and

**BYLAE**

(Artikel 30)

**“Sewende Bylae**

**MARITIEME ARBEIDSKONVENSIE, 2006**

**AANHEF**

5

Die Algemene Kongres van die Internasionale Arbeidsorganisasie,  
Ná sameroeping in Genève deur die Beheerliggaam van die Internasionale  
Arbeidskantoor, en ná vergadering in sy vier-en-negentigste sessie op 7 Februarie, 2006,  
en

Met die strewe om ’n enkele, samehangende instrument te skep wat so ver moontlik  
alle bygewerkte standaarde van bestaande internasionale maritieme arbeidskonvensies  
en aanbevelings beliggaam, asook die grondbeginsels wat in ander internasionale  
arbeidskonvensies voorkom, in die besonder:

- die “Forced Labour Convention, 1930” (No. 29);
- die “Freedom of Association and Protection of the Right to Organise Convention,  
1948” (No. 87);
- die “Right to Organise and Collective Bargaining Convention, 1949” (No. 98);
- die “Equal Remuneration Convention, 1951” (No. 100);
- die “Abolition of Forced Labour Convention, 1957” (No. 105);
- die “Discrimination (Employment and Occupation) Convention, 1958” (No. 111);
- die “Minimum Age Convention, 1973” (No. 138);
- die “Worst Forms of Child Labour Convention, 1999” (No. 182); en

Gedagtig aan die kernopdrag van die Organisasie, naamlik om ordentlike  
werksomstandighede te skep, en

In herinnering aan die IAO se “Declaration on Fundamental Principles and Rights at  
Work, 1998”, en

Gedagtig ook daaraan dat seevaarders deur die bepalings van ander IAO-instrumente  
gedek word en ander regte het wat as grondliggende regte en vryhede van toepassing op  
alle persone ingestel is, en

Gesien dat, gegee die globale aard van die skeepvaartbedryf, seevaarders spesiale  
beskerming nodig het, en

Gedagtig ook aan die internasionale standaarde oor skeepveiligheid, menslike  
sekuriteit en kwaliteitskeepsbestuur in die Internasionale Konvensie op die Beveiliging  
van Menseleuens op See, 1974, soos gewysig, die Konvensie oor die Internasionale  
Regulasies vir die Voorkoming van Botsings ter See, 1972, soos gewysig, en die  
seevaarderopleidings- en bevoegdheidsvereistes in die Internasionale Konvensie oor  
Standaarde van Opleiding, Sertifisering en Wagstaan vir Seevaarders, 1978, soos  
gewysig, en

In herinnering dat die Verenigde Nasies Seeregkonvensie, 1982, ’n algemene  
regsraamwerk uiteensit waarbinne alle handeling op die oseane en seë uitgevoer moet  
word en van strategiese belang is as die grondslag vir nasionale, streeks- en globale  
handeling en samewerking in die marienesektor, en dat die integriteit daarvan  
gehandhaaf moet word, en

In herinnering dat Artikel 94 van die Verenigde Nasies Seeregkonvensie, 1982, die  
pligte en verpligtinge van die Vlagstaat daarstel ten opsigte van, onder andere,  
arbeidsverhoudinge, bemanning en maatskaplike aangeleenthede op skeep wat sy vlag  
hys, en

In herinnering dat paragraaf 8 van artikel 19 van die Grondwet van die Internasionale  
Arbeidsorganisasie bepaal dat die aanvaarding van enige Konvensie of aanbeveling  
deur die Kongres of bekragtiging van enige Konvensie deur enige lid in geen geval geag  
sal word ’n uitwerking op enige wet, toekenning, gebruik of ooreenkoms wat gunstiger  
omstandighede vir die betrokke werkers verseker as dié waarvoor in die Konvensie of  
Aanbeveling voorsiening gemaak word, te hê nie; en

Vasbeslote dat hierdie nuwe instrument ontwerp moet wees sodat die wydste  
moontlike aanvaarbaarheid onder regerings, skeepseienaars en seevaarders wat tot die  
beginsels van ordentlike werk verbind is, verseker word, dat dit maklik moet wees om  
by te werk en dat dit geskik moet wees vir doeltreffende inwerkingstelling en  
afdwinging; en

Having decided upon the adoption of certain proposals for the realization of such an instrument, which is the only item on the agenda of the session, and

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

adopts this twenty-third day of February of the year two thousand and six the following Convention, which may be cited as the Maritime Labour Convention, 2006. 5

## GENERAL OBLIGATIONS

### Article I

1. Each Member which ratifies this Convention undertakes to give complete effect to its provisions in the manner set out in Article VI in order to secure the right of all seafarers to decent employment. 10

2. Members shall cooperate with each other for the purpose of ensuring the effective implementation and enforcement of this Convention.

## DEFINITIONS AND SCOPE OF APPLICATION

### Article II

15

1. For the purpose of this Convention and unless provided otherwise in particular provisions, the term:

(a) competent authority means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned; 20

(b) declaration of maritime labour compliance means the declaration referred to in Regulation 5.1.3;

(c) gross tonnage means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention; for ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organization, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969); 25 30

(d) maritime labour certificate means the certificate referred to in Regulation 5.1.3;

(e) requirements of this Convention refers to the requirements in these Articles and in the Regulations and Part A of the Code of this Convention;

(f) seafarer means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies; 35

(g) seafarers' employment agreement includes both a contract of employment and articles of agreement;

(h) seafarer recruitment and placement service means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners; 40

(i) ship means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply; 45

(j) shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. 50

2. Except as expressly provided otherwise, this Convention applies to all seafarers.

3. In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question. 55

Ná besluit is om sekere voorstelle vir die verwesenliking van so 'n instrument te aanvaar, wat die enigste item op die agenda van die sessie was, en

Ná vasgestel is dat hierdie voorstelle die vorm van 'n internasionale konvensie sal inneem;

neem op hierdie drie-en-twintigste dag van Februarie van die jaar tweeduisend-en-ses die volgende Konvensie aan, wat as die Maritieme Arbeidskonvensie, 2006, siteer mag word. 5

## ALGEMENE VERPLIGTINGE

### Artikel I

1. Elke Lid wat hierdie Konvensie bekragtig, onderneem om ten volle uitvoering aan die bepalings daarvan te gee op die wyse in Artikel VI uiteengesit ten einde die reg van alle seevaarders op ordentlike indiensneming, te verseker. 10

2. Lede sal met mekaar saamwerk met die doel om te verseker dat hierdie Konvensie doeltreffend in werking gestel en afgedwing word.

## WOORDOMSKRYWING EN BESTEK VAN TOEPASSING 15

### Artikel II

1. By die toepassing van hierdie Konvensie en tensy sekere bepalings anders bepaal, beteken die term:

- (a) bevoegde owerheid die minister, regeringsdepartement of ander owerheid wat bevoeg is om regulasies, bevele of ander instruksies met regsrag ten opsigte van die onderwerp van die betrokke bepaling, uit te reik en af te dwing; 20
- (b) verklaring van maritieme arbeidsvoldoening die verklaring in Regulasie 5.1.3 bedoel;
- (c) brutotonnemaat die brutotonnemaat bereken ooreenkomstig die tonnemaatmetingsregulasies vervat in Aanhangsel I tot die Internasionale Konvensie op Tonnemaat van Skepe, 1969, of enige opvolgerkonvensie; vir skepe gedek deur die tussentydse skema oor tonnemaat aangeneem deur die Internasionale Maritieme Organisasie, is die bruto tonnemaat dit wat ingesluit is in die "REMARKS"-kolom van die Internasionale Tonnemaatsertifikaat (1969); 25
- (d) maritieme arbeidsertifikaat die sertifikaat in Regulasie 5.1.3 bedoel; 30
- (e) vereistes van hierdie Konvensie die vereistes in hierdie Artikels en in die Regulasies en deel A van die Kode van hierdie Konvensie;
- (f) seevaarder iemand wat in diens is of in diens geneem is of werk in enige kapasiteit op 'n skip waarop hierdie Konvensie van toepassing is;
- (g) seevaardersdiensoreenkoms ook 'n dienskontrak sowel as akte van ooreenkoms; 35
- (h) seevaarderwerwing en -plasing iemand, enige maatskappy, instelling, agentskap of ander organisasie, in die openbare of privaat sektor, wat betrokke is by die werwing van seevaarders namens skeepseienaars of plasing van seevaarders by skeepseienaars; 40
- (i) skip beteken 'n skip buiten een wat uitsluitlik in binnelandse waters, of waters binne, of naby, beskutte water of areas waar haweregulasies geld, vaar;
- (j) skeepseienaar die eienaar van 'n skip of 'n ander organisasie of persoon, soos die bestuurder, agent of blote skeepsverhuurder, wat verantwoordelikheid by die eienaar van die skip vir die bedryf van die skip oorgeneem het en wat, by die aanvaarding van die verantwoordelikheid, ingestem het om die pligte en verantwoordelikhede wat ooreenkomstig hierdie Konvensie aan skeepseienaars opgelê word, oor te neem, ongeag of enige ander organisasie of persone sekere pligte en verantwoordelikhede namens die skeepseienaar vervul. 45

2. Buiten soos uitdruklik anders bepaal, is hierdie Konvensie op alle seevaarders van toepassing.

3. Indien twyfel bestaan oor of enige kategorieë persone by die toepassing van hierdie Konvensie as seevaarders beskou moet word, sal die vraag deur die bevoegde owerheid van elke Lid beantwoord word ná oorleg met die skeepseienaars- en seevaardersorganisasies wat by die vraag betrokke is. 55



4. Except as expressly provided otherwise, this Convention applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries.

5. In the event of doubt as to whether this Convention applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned. 5

6. Where the competent authority determines that it would not be reasonable or practicable at the present time to apply certain details of the Code referred to in Article VI, paragraph 1, to a ship or particular categories of ships flying the flag of the Member, the relevant provisions of the Code shall not apply to the extent that the subject matter is dealt with differently by national laws or regulations or collective bargaining agreements or other measures. Such a determination may only be made in consultation with the shipowners' and seafarers' organizations concerned and may only be made with respect to ships of less than 200 gross tonnage not engaged in international voyages. 10 15

7. Any determinations made by a Member under paragraph 3 or 5 or 6 of this Article shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organization.

8. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Regulations and the Code. 20

## FUNDAMENTAL RIGHTS AND PRINCIPLES

### Article III

Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to:

- (a) freedom of association and the effective recognition of the right to collective bargaining; 25
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

## SEAFARERS' EMPLOYMENT AND SOCIAL RIGHTS 30

### Article IV

1. Every seafarer has the right to a safe and secure workplace that complies with safety standards.

2. Every seafarer has a right to fair terms of employment.

3. Every seafarer has a right to decent working and living conditions on board ship. 35

4. Every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection.

5. Each Member shall ensure, within the limits of its jurisdiction, that the seafarers' employment and social rights set out in the preceding paragraphs of this Article are fully implemented in accordance with the requirements of this Convention. Unless specified otherwise in the Convention, such implementation may be achieved through national laws or regulations, through applicable collective bargaining agreements or through other measures or in practice. 40

## IMPLEMENTATION AND ENFORCEMENT RESPONSIBILITIES

### Article V 45

1. Each Member shall implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to ships and seafarers under its jurisdiction.

4. Buiten soos uitdruklik anders bepaal, is hierdie Konvensies van toepassing op alle skeepse, hetsy in openbare of privaat eienaarskap, wat gewoonlik met handelsaktiwiteite bedrywig is, buiten skeepse wat met visvangs of soortgelyke aktiwiteite bedrywig is en skeepse met tradisionele bouforme soos dous en jonks. Hierdie Konvensie is nie op oorlogskepe of hulpskepe van toepassing nie. 5

5. Indien twyfel bestaan oor of hierdie Konvensie op 'n skip of bepaalde kategorie skeepse van toepassing is, sal die vraag deur die bevoegde owerheid in elke Lid beantwoord word ná oorleg met die betrokke skeepseienaars- en seevaardersorganisasie.

6. Waar die bevoegde owerheid bepaal dat dit nie op daardie tydstip redelik of prakties sal wees om sekere besonderhede van die Kode in Artikel VI, paragraaf 1 bedoel, op 'n skip of besondere kategorieë van skeepse wat die Lid se vlag hys toe te pas nie, is die tersaaklike bepalings van die Kode nie van toepassing nie tot die mate wat die onderwerp anders hanteer word deur nasionale wette of regulasies of kollektiewebedingingsooreenkomste of ander maatreëls. So 'n vasstelling kan slegs in oorleg met die skeepseienaars- en seevaardersorganisasies gemaak word en kan slegs gemaak word ten opsigte van skeepse van minder as 200 bruto tonnemaat wat nie internasionale vaarte doen nie. 15

7. Enige vasstellings deur 'n Lid kragtens paragraaf 3 of 5 of 6 van hierdie Artikel word aan die Direkteur-generaal van die Internasionale Arbeidskantoor oorgedra, wat die Lede van die Organisasie in kennis sal stel. 20

8. Tensy uitdruklik anders bepaal, is 'n verwysing na hierdie Konvensie terselfdertyd ook 'n verwysing na die Regulasies en die Kode.

## GRONDLIGGENDE REGTE EN BEGINSELS

### Artikel III 25

Elke Lid moet homself tevrede stel dat die bepalings van sy wette en regulasies, in die samehang van hierdie Konvensie, die grondliggende reg respekteer op:

- (a) vryheid van assosiasie en die doeltreffende erkenning van die reg op kollektiewe bedinging;
- (b) die uitskakeling van alle vorme van gedwonge of verpligte arbeid; 30
- (c) die doeltreffende afskaffing van kinderarbeid; en
- (d) die uitskakeling van diskriminasie ten opsigte van indiensneming en okkupasie.

## SEEVAARDERS SE INDIENSNEMINGS- EN MAATSKAPLIKE REGTE

### Artikel IV 35

1. Elke seevaarder het die reg op 'n veilige en beskermde werkplek wat aan veiligheidstandaarde voldoen.

2. Elke seevaarder het 'n reg op regverdigde indiensnemingsbepalings.

3. Elke seevaarder het 'n reg op ordentlike werks- en lewensomstandighede aan boord van 'n skip. 40

4. Elke seevaarder het 'n reg op gesondheidsbeskerming, mediese sorg, welsynsdienste en ander vorme van maatskaplike beskerming.

5. Elke Lid moet verseker, binne die perke van sy jurisdiksie, dat die seevaarders se indiensnemings- en maatskaplike regte in die voorafgaande paragrawe van hierdie Artikel genoem, ten volle in werking gestel word ooreenkomstig die vereistes van hierdie Konvensie. Tensy anders in die Konvensie vermeld, kan die inwerkingstelling deur nasionale wette of regulasies bereik word deur gepaste kollektiewebedingingsooreenkomste of deur ander maatreëls of in die praktyk. 45

## VERANTWOORDELIKHEDE VIR INWERKINGSTELLING EN AFDWINGING 50

### Artikel V

1. Elke Lid moet wette of regulasies of ander maatreëls wat hy kragtens hierdie Konvensie verorden het ten opsigte van skeepse en seevaarders, in werking stel en afdwing.

2. Each Member shall effectively exercise its jurisdiction and control over ships that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention, including regular inspections, reporting, monitoring and legal proceedings under the applicable laws.

3. Each Member shall ensure that ships that fly its flag carry a maritime labour certificate and a declaration of maritime labour compliance as required by this Convention. 5

4. A ship to which this Convention applies may, in accordance with international law, be inspected by a Member other than the flag State, when the ship is in one of its ports, to determine whether the ship is in compliance with the requirements of this Convention. 10

5. Each Member shall effectively exercise its jurisdiction and control over seafarer recruitment and placement services, if these are established in its territory.

6. Each Member shall prohibit violations of the requirements of this Convention and shall, in accordance with international law, establish sanctions or require the adoption of corrective measures under its laws which are adequate to discourage such violations. 15

7. Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it. 20

## **REGULATIONS AND PARTS A AND B OF THE CODE**

### **Article VI**

1. The Regulations and the provisions of Part A of the Code are mandatory. The provisions of Part B of the Code are not mandatory.

2. Each Member undertakes to respect the rights and principles set out in the Regulations and to implement each Regulation in the manner set out in the corresponding provisions of Part A of the Code. In addition, the Member shall give due consideration to implementing its responsibilities in the manner provided for in Part B of the Code. 25

3. A Member which is not in a position to implement the rights and principles in the manner set out in Part A of the Code may, unless expressly provided otherwise in this Convention, implement Part A through provisions in its laws and regulations or other measures which are substantially equivalent to the provisions of Part A. 30

4. For the sole purpose of paragraph 3 of this Article, any law, regulation, collective agreement or other implementing measure shall be considered to be substantially equivalent, in the context of this Convention, if the Member satisfies itself that: 35

- (a) it is conducive to the full achievement of the general object and purpose of the provision or provisions of Part A of the Code concerned; and
- (b) it gives effect to the provision or provisions of Part A of the Code concerned.

## **CONSULTATION WITH SHIPOWNERS' AND SEAFARERS' ORGANIZATIONS** 40

### **Article VII**

Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners' and seafarers' organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII. 45

## **ENTRY INTO FORCE**

### **Article VIII**

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration. 50

2. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered by the Director-General.

2. Elke Lid moet sy jurisdiksie en beheer oor skepe wat sy vlag hys doeltreffend uitoefen deur 'n stelsel in te stel waardeur voldoening aan die vereistes van hierdie Konvensie verseker kan word, met inbegrip van gereelde inspeksies, verslagdoening, monitering en regsverrigtinge kragtens die toepaslike wette.

3. Elke Lid moet verseker dat skepe wat sy vlag hys 'n maritieme arbeidsertifikaat en 'n verklaring van maritieme arbeidsvoldoening soos deur hierdie Konvensie vereis, aan boord het. 5

4. 'n Skip waarop hierdie Konvensie van toepassing is kan, ooreenkomstig volkereg, deur 'n Lid wat nie die vlagstaat is nie, geïnspekteer word wanneer die skip in een van sy hawens is, om vas te stel of die skip aan die vereistes van hierdie Konvensie voldoen. 10

5. Elke Lid sal sy jurisdiksie en beheer oor seevaarderwerwings- en plasingdienste doeltreffend uitoefen, indien dit in sy gebied ingestel word.

6. Elke Lid moet skendings van die vereistes van hierdie Konvensie verbied en moet, ooreenkomstig volkereg, sanksies instel of die aanvaarding van regstellende maatreëls kragtens sy wette vereis wat voldoende is om sodanige skendings te ontmoedig. 15

7. Elke Lid moet sy verantwoordelikhede kragtens hierdie Konvensie op so 'n wyse nakom dat dit sal verseker dat die skepe wat die vlag van 'n Staat hys wat hierdie Konvensie nog nie bekragtig het nie, nie gunstiger behandel word as die skepe wat die vlag hys van 'n Staat wat dit bekragtig het nie.

## REGULASIES EN DELE A EN B VAN DIE KODE 20

### Artikel VI

1. Die Regulasies en die bepalings van Deel A van die Kode is verpligtend. Die bepalings van Deel B van die Kode is nie verpligtend nie.

2. Elke Lid onderneem om die regte en beginsels in die Regulasies uiteengesit te respekteer en elke Regulasie in werking te stel op die wyse in die ooreenstemmende bepalings van Deel A van die Kode uiteengesit. Daarbenewens moet die Lid behoorlik oorweging skenk aan die nakom van sy verantwoordelikhede op die wyse in Deel B van die Kode voor voorsiening gemaak. 25

3. 'n Lid wat nie in 'n posisie is om die regte en beginsels op die wyse in Deel A van die Kode uiteengesit, in werking te stel nie kan, tensy uitdruklik anders bepaal in hierdie Konvensie, Deel A in werking te stel deur bepalings in sy wette en regulasies of ander maatreëls wat weselik gelykstaande aan die bepalings van Deel A is. 30

4. Alleenlik by die toepassing van paragraaf 3 van hierdie Artikel word enige wet, regulasie, kollektiewe ooreenkoms of implementeringsmaatreël geag weselik gelykstaande, in die samehang van hierdie Konvensie, te wees indien die Lid tevrede is dat: 35

- (a) dit bevorderlik is tot die volle bereiking van die algemene oogmerk en doel van die bepaling of bepalings van Deel A van die betrokke Kode; en
- (b) dit gevolg gee aan die bepaling of bepalings van Deel A van die betrokke Kode. 40

## OORLEG MET SKEEPSEIENAARS- EN SEEVAARDERSORGANISASIES

### Artikel VII

Enige afwyking, vrystelling of ander buigbare toepassing van hierdie Konvensie waarvoor die Konvensie oorleg met skeepseienaars- en seevaardersorganisasies vereis kan, in gevalle waar verteenwoordigende organisasies van skeepseienaars of van seevaarders nie binne 'n Lid bestaan nie, slegs deur konsultasie met die Komitee in Artikel XIII bedoel deur daardie Lid besluit word. 45

## INWERKINGTREDING

### Artikel VIII

1. Die formele bekragtigings van hierdie Konvensie moet aan die Direkteur-generaal van die Internasionale Arbeidskantoor gekommunikeer word vir registrasie. 50

2. Hierdie Konvensie is slegs bindend op die Lede van die Internasionale Arbeidsorganisasie wie se bekragtigings deur die Direkteur-generaal geregistreer is.

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

4. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

5

## DENUNCIATION

### Article IX

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 does not, within the year following the expiration of the period of ten years mentioned in paragraph 1 of this Article, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each new period of ten years under the terms provided for in this Article.

## EFFECT OF ENTRY INTO FORCE

### Article X

This Convention revises the following Conventions:	20
Minimum Age (Sea) Convention, 1920 (No. 7)	
Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)	
Placing of Seamen Convention, 1920 (No. 9)	
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	
Seamen's Articles of Agreement Convention, 1926 (No. 22)	25
Repatriation of Seamen Convention, 1926 (No. 23)	
Officers' Competency Certificates Convention, 1936 (No. 53)	
Holidays with Pay (Sea) Convention, 1936 (No. 54)	
Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)	
Sickness Insurance (Sea) Convention, 1936 (No. 56)	30
Hours of Work and Manning (Sea) Convention, 1936 (No. 57)	
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)	
Food and Catering (Ships' Crews) Convention, 1946 (No. 68)	
Certification of Ships' Cooks Convention, 1946 (No. 69)	
Social Security (Seafarers) Convention, 1946 (No. 70)	35
Paid Vacations (Seafarers) Convention, 1946 (No. 72)	
Medical Examination (Seafarers) Convention, 1946 (No. 73)	
Certification of Able Seamen Convention, 1946 (No. 74)	
Accommodation of Crews Convention, 1946 (No. 75)	
Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)	40
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)	
Accommodation of Crews Convention (Revised), 1949 (No. 92)	
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)	
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)	
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)	45
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)	
Continuity of Employment (Seafarers) Convention, 1976 (No. 145)	
Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)	
Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	
Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	50
Seafarers' Welfare Convention, 1987 (No. 163)	
Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)	
Social Security (Seafarers) Convention (Revised), 1987 (No. 165)	
Repatriation of Seafarers Convention (Revised), 1987 (No. 166)	55
Labour Inspection (Seafarers) Convention, 1996 (No. 178)	
Recruitment and Placement of Seafarers Convention, 1996 (No. 179)	

3. Hierdie Konvensie tree in werking 12 maande ná die datum waarop bekragtigings van ten minste 30 Lede met 'n totale aandeel in die bruto wêreldwye tonnemaat van ten minste 33 persent, geregistreer is.

4. Daarna tree hierdie Konvensie vir elke Lid in werking 12 maande ná die datum waarop sy bekragtiging geregistreer is.

5

## OPSEGGING

### Artikel IX

1. 'n Lid wat hierdie Konvensie bekragtig het kan dit opsê ná die verstryking van tien jaar vanaf die datum waarop die Konvensie die eerste keer van krag word, deur 'n handeling wat aan die Direkteur-generaal van die Internasionale Arbeidskantoor vir registrasie oorgedra word. So 'n opsegging word een jaar ná die datum waarop dit geregistreer is, van krag.

2. Elke Lid wat nie, binne die jaar wat volg op die verstryking van die tydperk van tien jaar in paragraaf 1 van hierdie Artikel genoem, die reg van opsegging kragtens hierdie Artikel uitoefen nie, is vir nog 'n tydperk van tien jaar gebind en kan daarna hierdie Konvensie opsê met die verstryking van elke nuwe tydperk van tien jaar kragtens die bepalinge in hierdie Artikel voor voorsiening gemaak.

## UITWERKING VAN INWERKINGTREDING

### Artikel X

Hierdie Konvensie hersien die volgende Konvensies:	20
“Minimum Age (Sea) Convention, 1920 (No. 7)	
Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)	
Placing of Seamen Convention, 1920 (No. 9)	
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	
Seamen's Articles of Agreement Convention, 1926 (No. 22)	25
Repatriation of Seamen Convention, 1926 (No. 23)	
Officers' Competency Certificates Convention, 1936 (No. 53)	
Holidays with Pay (Sea) Convention, 1936 (No. 54)	
Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)	
Sickness Insurance (Sea) Convention, 1936 (No. 56)	30
Hours of Work and Manning (Sea) Convention, 1936 (No. 57)	
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)	
Food and Catering (Ships' Crews) Convention, 1946 (No. 68)	
Certification of Ships' Cooks Convention, 1946 (No. 69)	
Social Security (Seafarers) Convention, 1946 (No. 70)	35
Paid Vacations (Seafarers) Convention, 1946 (No. 72)	
Medical Examination (Seafarers) Convention, 1946 (No. 73)	
Certification of Able Seamen Convention, 1946 (No. 74)	
Accommodation of Crews Convention, 1946 (No. 75)	
Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)	40
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)	
Accommodation of Crews Convention (Revised), 1949 (No. 92)	
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)	
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)	
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)	45
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)	
Continuity of Employment (Seafarers) Convention, 1976 (No. 145)	
Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)	
Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	
Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)	50
Seafarers' Welfare Convention, 1987 (No. 163)	
Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)	
Social Security (Seafarers) Convention (Revised), 1987 (No. 165)	
Repatriation of Seafarers Convention (Revised), 1987 (No. 166)	55
Labour Inspection (Seafarers) Convention, 1996 (No. 178)	
Recruitment and Placement of Seafarers Convention, 1996 (No. 179)	

Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).”

## **DEPOSITARY FUNCTIONS**

### **Article XI**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, acceptances and denunciations under this Convention. 5

2. When the conditions provided for in paragraph 3 of Article VIII have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

### **Article XII** 10

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, acceptances and denunciations registered under this Convention.

## **SPECIAL TRIPARTITE COMMITTEE** 15

### **Article XIII**

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission. 20

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers. 25

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote. 30

## **AMENDMENT OF THIS CONVENTION**

### **Article XIV**

1. Amendments to any of the provisions of this Convention may be adopted by the General Conference of the International Labour Organization in the framework of article 19 of the Constitution of the International Labour Organisation and the rules and procedures of the Organization for the adoption of Conventions. Amendments to the Code may also be adopted following the procedures in Article XV. 35

2. In the case of Members whose ratifications of this Convention were registered before the adoption of the amendment, the text of the amendment shall be communicated to them for ratification. 40

3. In the case of other Members of the Organization, the text of the Convention as amended shall be communicated to them for ratification in accordance with article 19 of the Constitution.

4. An amendment shall be deemed to have been accepted on the date when there have been registered ratifications, of the amendment or of the Convention as amended, as the case may be, by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent. 45

Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).”

## **BEWARINGSFUNKSIES**

### **Artikel XI**

1. Die Direkteur-generaal van die Internasionale Arbeidskantoor stel alle Lede van die Internasionale Arbeidsorganisasie in kennis van die registrasie van alle bekragtigings, aanvaardings en opseggings kragtens hierdie Konvensie. 5

2. Wanneer die voorwaardes waarvoor in paragraaf 3 van Artikel VIII voorsiening gemaak word, aan voldoen is, moet die Direkteur-generaal die Lede van die Organisasie attent maak op die datum waarop die Konvensie in werking sal tree.

### **Artikel XII** 10

Die Direkteur-generaal van die Internasionale Arbeidskantoor moet volle besonderhede van alle bekragtigings, aanvaardings en opseggings kragtens hierdie Konvensie aan die Sekretaris-generaal van die Verenigde Nasies oordra vir registrasie ooreenkomstig Artikel 102 van die Stigtingsakte van die Verenigde Nasies.

## **SESIALE DRIEPARTYKOMITEE** 15

### **Artikel XIII**

1. Die Beheerliggaam van die Internasionale Arbeidskantoor moet voortdurend oorsig uitoefen oor die werking van hierdie Konvensie deur middel van 'n komitee deur die Kantoor ingestel, met spesiale bekwaamheid op die gebied van maritieme arbeidstandaarde. 20

2. Vir aangeleenthede wat ooreenkomstig hierdie Konvensie hanteer word, bestaan die Komitee uit twee verteenwoordigers benoem deur die Regering van elke Lid wat hierdie Konvensie bekragtig het, en die verteenwoordigers van Skeepseienaars en Seevaarders aangestel deur die Beheerliggaam ná oorleg met die Gesamentlike Maritieme Kommissie. 25

3. Die Regeringsverteenwoordigers van lede wat nog nie hierdie Konvensie bekragtig het nie, kan deel van die Komitee wees maar het geen stemreg in enige aangeleentheid wat ingevolge hierdie Konvensie hanteer word nie. Die Beheerliggaam kan ander organisasies of entiteite uitnooi om deur waarnemers in die Komitee verteenwoordig te word. 30

4. Gewig sal aan die stemme van elke Skeepseienaars- en Seevaarders-verteenwoordiger in die Komitee geheg word ten einde te verseker dat die Skeepseienaarsgroep en die Seevaardersgroep elk die helfte van die stemkrag van die totale getal regerings het wat by die betrokke vergadering verteenwoordig is en mag stem. 35

## **WYSIGING VAN HIERDIE KONVENSIE**

### **Artikel XIV**

1. Wysigings aan enige van die bepalings van hierdie Konvensie kan deur die Algemene Kongres van die Internasionale Arbeidsorganisasie aanvaar word binne die raamwerk van artikel 19 van die Grondwet van die Internasionale Arbeidsorganisasie en die reëls en prosedures van die Organisasie vir die aanvaarding van Konvensies. Wysigings aan die Kode kan ook aanvaar word deur die prosedures in Artikel XV te volg. 40

2. Die teks van die wysiging sal aan Lede wie se bekragtigings van hierdie Konvensie geregistreer is voordat die wysiging aangeneem is, gekommunikeer word vir bekragtiging. 45

3. Die Konvensie soos gewysig, word aan ander Lede van die Organisasie gekommunikeer vir bekragtiging ooreenkomstig artikel 19 van die Grondwet.

4. 'n Wysiging word geag aanvaar te wees op die datum wanneer bekragtigings van die wysiging of van die Konvensie soos gewysig, na gelang van die geval, bekragtig is deur ten minste 30 Lede met 'n totale aandeel van ten minste 33 persent in die wêreldwye bruto tonnemaat van skepe. 50



5. An amendment adopted in the framework of article 19 of the Constitution shall be binding only upon those Members of the Organization whose ratifications have been registered by the Director-General of the International Labour Office.

6. For any Member referred to in paragraph 2 of this Article, an amendment shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which its ratification of the amendment has been registered, whichever date is later. 5

7. Subject to paragraph 9 of this Article, for Members referred to in paragraph 3 of this Article, the Convention as amended shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which their ratifications of the Convention have been registered, whichever date is later. 10

8. For those Members whose ratification of this Convention was registered before the adoption of an amendment but which have not ratified the amendment, this Convention shall remain in force without the amendment concerned.

9. Any Member whose ratification of this Convention is registered after the adoption of the amendment but before the date referred to in paragraph 4 of this Article may, in a declaration accompanying the instrument of ratification, specify that its ratification relates to the Convention without the amendment concerned. In the case of a ratification with such a declaration, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered. Where an instrument of ratification is not accompanied by such a declaration, or where the ratification is registered on or after the date referred to in paragraph 4, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered and, upon its entry into force in accordance with paragraph 7 of this Article, the amendment shall be binding on the Member concerned unless the amendment provides otherwise. 15  
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## AMENDMENTS TO THE CODE

### Article XV

1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article. 30

2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph. 35

3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body. 40  
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4. At the end of the period referred to in paragraph 3 of this Article, the proposal, accompanied by a summary of any observations or suggestions made under that paragraph, shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if:

- (a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and 50
- (b) a majority of at least two-thirds of the Committee members vote in favour of the amendment; and
- (c) this majority comprises the votes in favour of at least half the government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote. 55

5. Amendments adopted in accordance with paragraph 4 of this Article shall be submitted to the next session of the Conference for approval. Such approval shall

5. 'n Wysiging aanvaar in die raamwerk van artikel 19 van die Grondwet is slegs bindend op dié Lede van die Organisasie wie se bekragtigings deur die Direkteur-generaal van die Internasionale Arbeidskantoor geregistreer is.

6. Vir enige Lid in paragraaf 2 van hierdie Artikel bedoel, tree 'n wysiging in werking 5  
12 maande ná die datum van aanvaarding in paragraaf 4 van hierdie Artikel bedoel of 12  
maande ná die datum waarop sy bekragtiging van die wysiging geregistreer is, watter  
datum ook al later is.

7. Behoudens paragraaf 9 van hierdie Artikel, vir Lede bedoel in paragraaf 3 van  
hierdie Artikel, tree die Konvensie soos gewysig, in werking 12 maande ná die datum  
van aanvaarding in paragraaf 4 van hierdie Artikel bedoel of 12 maande ná die datum 10  
waarop hul bekragtigings van die Konvensie geregistreer is, watter datum ook al later is.

8. Vir dié Lede wie se bekragtiging van hierdie Konvensie geregistreer is voor 'n  
wysiging aanvaar is, maar wat nie die wysiging bekragtig het nie, bly hierdie Konvensie  
van krag sonder die betrokke wysiging.

9. 'n Lid wie se bekragtiging van hierdie Konvensie ná die aanvaarding van die 15  
wysiging geregistreer is, maar voor die datum in paragraaf 4 van hierdie Artikel bedoel  
kan, in 'n verklaring wat die instrument van bekragtiging vergesel, spesifiseer dat sy  
bekragtiging oor die Konvensie sonder die betrokke wysiging handel. In die geval van  
'n bekragtiging met so 'n deklarasie, moet die Konvensie vir die betrokke Lid in  
werking tree 12 maande ná die datum waarop die bekragtiging geregistreer is. Waar 'n 20  
instrument van bekragtiging nie van so 'n deklarasie vergesel gaan nie, of waar die  
bekragtiging op of ná die datum in paragraaf 4 bedoel geregistreer is, tree die Konvensie  
vir die betrokke Lid in werking 12 maande ná die datum waarop die bekragtiging  
geregistreer is en, by die inwerkingtreding daarvan ooreenkomstig paragraaf 7 van  
hierdie Artikel, is die wysiging bindend op die betrokke Lid tensy die wysiging anders 25  
bepaal.

## WYSIGING VAN DIE KODE

### Artikel XV

1. Die Kode kan gewysig word volgens die prosedure in Artikel XIV uiteengesit of,  
tensy uitdruklik anders bepaal, ooreenkomstig die prosedure in die huidige Artikel 30  
uiteengesit.

2. 'n Wysiging van die Kode kan aan die Direkteur-generaal van die Internasionale  
Arbeidskantoor voorgestel word deur die regering van enige Lid van die Organisasie of  
deur die groep van Skeepseienaarsverteenwoordigers of die groep van Seevaarders-  
verteenwoordigers wat op die Komitee in Artikel XIII bedoel, aangestel is. 'n Wysiging 35  
deur 'n regering voorgestel, moet deur ten minste vyf regerings van Lede wat die  
Konvensie bekragtig het of deur die groep Skeepseienaars- of Seevaarders-  
verteenwoordigers in hierdie paragraaf bedoel, voorgestel of ondersteun word.

3. Nadat bevestig is dat die voorstel vir wysiging voldoen aan die vereistes van  
paragraaf 2 van hierdie Artikel, moet die Direkteur-generaal die voorstel, vergesel van 40  
enige kommentaar of voorstelle wat gepas geag word, onmiddellik aan al die Lede van  
die Organisasie kommunikeer, met 'n uitnodiging aan hulle om hul waarnemings of  
voorstelle aangaande die voorstel binne 'n tydperk van ses maande of sodanige ander  
tydperk (wat nie minder as drie maande of meer as nege maande moet wees nie) deur die  
Beheerliggaam voorgeskryf, oor te dra. 45

4. Aan die einde van die tydperk in paragraaf 3 van hierdie Artikel bedoel, moet die  
voorstel, vergesel van 'n opsomming van enige waarnemings of voorstelle gemaak  
kragtens daardie paragraaf, aan die Komitee oorgedra word vir oorweging by 'n  
vergadering. 'n Wysiging sal slegs geag word deur die Komitee aanvaar te wees indien: 50

- (a) ten minste die helfte van die regerings van lede wat hierdie Konvensie  
bekragtig het, by die vergadering waar die voorstel oorweeg word,  
verteenwoordig is; en
- (b) 'n meerderheid van ten minste twee derdes van die Komiteeledes ten gunste  
van die wysiging stem; en
- (c) hierdie meerderheid bestaan uit die stemme ten gunste van ten minste die 55  
helfte van die regeringstemkrag, die helfte van die Skeepseiaarstemkrag en  
die helfte van die Seevaarderstemkrag van die Komiteeledes wat by die  
vergadering geregistreer is wanneer die voorstel tot stemming gebring word.

5. Wysigings ooreenkomstig paragraaf 4 van hierdie Artikel aanvaar, word by die  
volgende sessie van die Kongres ingedien vir goedkeuring. Sodanige goedkeuring 60

require a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should the Committee so wish.

6. Amendments approved by the Conference shall be notified by the Director-General to each of the Members whose ratifications of this Convention were registered before the date of such approval by the Conference. These Members are referred to below as “the ratifying Members”. The notification shall contain a reference to the present Article and shall prescribe the period for the communication of any formal disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be a period of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment approved by the Conference shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention.

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period for all the ratifying Members except those which had formally expressed their disagreement in accordance with paragraph 7 of this Article and have not withdrawn such disagreement in accordance with paragraph 11.

However:

- (a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that it shall be bound by the amendment only after a subsequent express notification of its acceptance; and
- (b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it will not give effect to that amendment for a specified period.

9. An amendment which is the subject of a notice referred to in paragraph 8(a) of this Article shall enter into force for the Member giving such notice six months after the Member has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is later.

10. The period referred to in paragraph 8(b) of this Article shall not go beyond one year from the date of entry into force of the amendment or beyond any longer period determined by the Conference at the time of approval of the amendment.

11. A Member that has formally expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. To the extent that a maritime labour certificate relates to matters covered by an amendment to the Convention which has entered into force:

- (a) a Member that has accepted that amendment shall not be obliged to extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member which:
  - (i) pursuant to paragraph 7 of this Article, has formally expressed disagreement to the amendment and has not withdrawn such disagreement; or
  - (ii) pursuant to paragraph 8(a) of this Article, has given notice that its acceptance is subject to its subsequent express notification and has not accepted the amendment; and
- (b) a Member that has accepted the amendment shall extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member that has given notice, pursuant to paragraph 8(b) of this Article, that it will not give effect to that amendment for the period specified in accordance with paragraph 10 of this Article.

vereis 'n meerderheid van twee derdes van die stemme deur die teenwoordige afgevaardigdes gebring. Indien sodanige meerderheid nie verkry word nie, word die voorgestelde wysiging na die Komitee terugverwys vir heroorweging indien die Komitee dit dienstig sou ag.

6. Die Direkteur-generaal gee kennis van wysigings deur die Kongres goedgekeur aan elke Lid wie se bekragtiging van die Konvensie geregistreer is voor die datum van sodanige goedkeuring deur die Kongres. Hierdie Lede word hieronder “die bekragtigende Lede” genoem. Die kennisgewing bevat 'n verwysing na die huidige Artikel en skryf die tydperk vir die kommunikasie van enige formele meningsverskil voor. Hierdie tydperk sal twee jaar vanaf die datum van kennis wees tensy, ten tyde van die goedkeuring, die Kongres 'n ander tydperk gestel het, wat 'n tydperk van minstens een jaar moet wees. 'n Afskrif van die kennisgewing moet ter inligting aan die ander Lede van die Organisasie gekommunikeer word.

7. 'n Wysiging deur die Kongres goedgekeur word geag aanvaar te wees tensy, teen die einde van die voorgeskrewe tydperk, die Direkteur-generaal formele uitdrukkings van meningsverskil ontvang het van meer as 40 persent van die Lede wat die Konvensie bekragtig het en wat minstens 40 persent van die bruto tonnemaat van die skepe van die Lede wat die Konvensie bekragtig het, verteenwoordig.

8. 'n Wysiging wat geag word aanvaar te wees tree in werking ses maande ná die einde van die voorgeskrewe tydperk vir al die bekragtigende Lede buiten dié wat hul meningsverskille ooreenkomstig paragraaf 7 van hierdie Artikel uitgedruk het en sodanige meningsverskil nie ooreenkomstig paragraaf 11 teruggetrek het nie.

Nietemin:

(a) kan enige bekragtigende Lid voor die einde van die voorgeskrewe tydperk aan die Direkteur-generaal kennis gee dat daardie Lid slegs deur die wysiging gebind sal wees ná 'n daaropvolgende uitdruklike kennisgewing van sy aanvaarding; en

(b) kan enige bekragtigende Lid voor die datum van inwerkingtreding aan die Direkteur-generaal kennis gee dat daardie Lid daardie spesifieke wysiging vir 'n bepaalde tydperk nie in werking sal stel nie.

9. 'n Wysiging wat die onderwerp is van 'n kennisgewing in paragraaf 8(a) van hierdie Artikel bedoel, tree óf in werking vir die Lid wat die kennis gee binne ses maande nadat die Lid die Direkteur-generaal verwittig het van sy aanvaarding van die wysiging óf op die datum waarop die wysiging die eerste keer in werking tree, watter datum ook al later is.

10. Die tydperk in paragraaf 8(b) van hierdie Artikel bedoel moet nie langer wees as 'n jaar vanaf die inwerkingtreding van die wysiging of as enige langer tydperk deur die Kongres goedgekeur ten tyde van die goedkeuring van die wysiging nie.

11. 'n Lid wat 'n meningsverskil oor 'n wysiging formeel uitgedruk het kan sy meningsverskil te eniger tyd terugtrek. Indien kennisgewing van sodanige terugtrekking deur die Direkteur-generaal ontvang word nadat die wysiging in werking getree het, tree die wysiging in werking vir die Lid ses maande ná die datum waarop die kennisgewing geregistreer is.

12. Ná inwerkingtreding van 'n wysiging, kan die Konvensie slegs in sy gewysigde vorm bekragtig word.

13. Tot die mate wat 'n maritieme arbeidsertifikaat verband hou met aangeleenthede wat gedek word deur 'n wysiging van die Konvensie wat in werking getree het:

(a) is 'n Lid wat daardie wysiging aanvaar het nie verplig nie om die voordeel van die Konvensie uit te brei ten opsigte van maritieme arbeidsertifikate uitgereik aan skepe wat die vlag van 'n ander Lid hys wat:

(i) in navolging van paragraaf 7 van hierdie Artikel, formeel meningsverskil uitgedruk het met die wysiging en sodanige meningsverskil nie teruggetrek het nie; of

(ii) in navolging van paragraaf 8(a) van hierdie Artikel, kennis gegee het dat sy aanvaarding onderworpe is aan daaropvolgende uitdruklike kennisgewing en die wysiging nie aanvaar het nie; en

(b) 'n Lid wat die wysiging aanvaar het, brei die voordeel van die Konvensie uit ten opsigte van die maritieme arbeidsertifikate uitgereik aan skepe wat die vlag hys van 'n ander Lid wat kennis gegee het, in navolging van paragraaf 8(b) van hierdie Artikel, dat dit nie die wysiging in werking sal stel vir die tydperk bepaal ingevolge paragraaf 10 van hierdie Artikel nie.

## AUTHORITATIVE LANGUAGES

### Article XVI

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

### Eighth Schedule

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#### WORK IN FISHING CONVENTION, 2007

#### 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 ninety-sixth Session on 30 May 2007, and 10  
Recognizing that globalization has a profound impact on the fishing sector, and  
Noting the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and  
Taking into consideration the fundamental rights to be found in the following  
international labour Conventions: the Forced Labour Convention, 1930 (No. 29), the  
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 15  
87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the  
Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour  
Convention, 1957 (No. 105), the Discrimination (Employment and Occupation)  
Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the  
Worst Forms of Child Labour Convention, 1999 (No. 182), and 20  
Noting the relevant instruments of the International Labour Organization, in  
particular the Occupational Safety and Health Convention (No. 155) and Recommen-  
dation (No. 164), 1981, and the Occupational Health Services Convention (No. 161) and  
Recommendation (No. 171), 1985, and  
Noting, in addition, the Social Security (Minimum Standards) Convention, 1952 (No. 25  
102), and considering that the provisions of Article 77 of that Convention should not be  
an obstacle to protection extended by Members to fishers under social security schemes,  
and  
Recognizing that the International Labour Organization considers fishing as a  
hazardous occupation when compared to other occupations, and 30  
Noting also Article 1, paragraph 3, of the Seafarers' Identity Documents Convention  
(Revised), 2003 (No. 185), and  
Mindful of the core mandate of the Organization, which is to promote decent  
conditions of work, and  
Mindful of the need to protect and promote the rights of fishers in this regard, and 35  
Recalling the United Nations Convention on the Law of the Sea, 1982, and  
Taking into account the need to revise the following international Conventions  
adopted by the International Labour Conference specifically concerning the fishing  
sector, namely the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical  
Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of 40  
Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen)  
Convention, 1966 (No. 126), to bring them up to date and to reach a greater number of  
the world's fishers, particularly those working on board smaller vessels, and  
Noting that the objective of this Convention is to ensure that fishers have decent  
conditions of work on board fishing vessels with regard to minimum requirements for 45  
work on board; conditions of service; accommodation and food; occupational safety and  
health protection; medical care and social security, and  
Having decided upon the adoption of certain proposals with regard to work in the  
fishing sector, which is the fourth item on the agenda of the session, and  
Having determined that these proposals shall take the form of an international 50  
Convention;  
adopts this fourteenth day of June of the year two thousand and seven the following  
Convention, which may be cited as the Work in Fishing Convention, 2007.

## GESAGHEBBENDE TALE

### Artikel XVI

Die Engelse en Franse weergawes van die teks van hierdie Konvensie het ewe veel gesag.

### Agtste Bylae

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#### WERK IN VISVANGSKONVENSIË, 2007

#### AANHEF

Die Algemene Kongres van die Internasionale Arbeidsorganisasie, Ná sameroeping in Genève deur die Beheerliggaam van die Internasionale Arbeidskantoor, en ná vergadering by sy ses en negentigste Sessie op 30 Mei 2007, en 10  
In erkenning dat globalisering 'n diepgaande uitwerking op die visvangsektor het, en  
Met kennisname van die IAK se "Declaration on Fundamental Principles and Rights at Work, 1998", en

Met inagneming van die fundamentele regte wat gevind word in die volgende internasionale arbeidskonvensies: die "Forced Labour Convention, 1930" (No. 29), die 15  
"Freedom of Association and Protection of the Right to Organise Convention, 1948" (No. 87), die "Right to Organise and Collective Bargaining Convention, 1949" (No. 98), die "Equal Remuneration Convention, 1951" (No. 100), die "Abolition of Forced Labour Convention, 1957" (No. 105), die "Discrimination (Employment and Occupation) Convention, 1958" (No. 111), die "Minimum Age Convention, 1973" 20  
(No. 138), en die "Worst Forms of Child Labour Convention, 1999" (No. 182), en

Met kennisname van die tersaaklike instrumente van die Internasionale Arbeidsorganisasie, in die besonder die "Occupational Safety and Health Convention (No. 155) and "Recommendation (No. 164)", 1981, en die "Occupational Health Services Convention (No. 161) and Recommendation (No. 171)", 1985, en 25

Met kennisname, daarbenewens, van die "Social Security (Minimum Standards) Convention, 1952" (No. 102), en met inagneming dat die bepalings van daardie Konvensie nie 'n hindernis moet wees vir beskerming wat Lede kragtens maatskaplikesekerheidskemas aan vissers bied nie, en

In erkenning dat die Internasionale Arbeidsorganisasie visvangs as 'n gevaarlike beroep in vergelyking met ander beroepe beskou, en 30

Ook met kennisname van Artikel 1, paragraaf 3, van die "Seafarers' Identity Documents Convention (Revised), 2003" (No. 185), en

Gedagtig aan die kernmandaat van die Organisasie, naamlik om ordentlike werksomstandighede te bevorder, en 35

Gedagtig aan die behoefte dat die regte van vissers in hierdie opsig beskerm en bevorder word, en

In herinnering aan die Verenigde Nasies Seeregkonvensie, 1982, en

Met inagneming daarvan dat dit nodig is om die volgende internasionale Konvensies te hersien wat spesifiek aangaande die visvangsektor deur die Internasionale 40  
Arbeidskongres aanvaar is, naamlik die "Minimum Age (Fishermen) Convention, 1959" (No. 112), die "Medical Examination (Fishermen) Convention, 1959" (No. 113), die "Fishermen's Articles of Agreement Convention, 1959" (No. 114), en die "Accommodation of Crews (Fishermen) Convention, 1966" (No. 126), om hulle op datum te bring en 'n groter aantal van die wêreld se vissers te bereik, in die besonder 45  
diegene wat op kleiner vaartuie werk, en

Met kennisname dat dit die oogmerk van hierdie Konvensie is om te verseker dat vissers ordentlike werksomstandighede aan boord van vissersvaartuie het ten opsigte van minimum vereistes vir werk aan boord; diensvoorwaardes; akkommodasie en kos; beroepsveiligheid en gesondheidsbeskerming; mediese sorg en maatskaplike sekerheid, 50  
en

Ná besluit is om sekere voorstelle aangaande werk in die visvangsektor aan te neem, wat die vierde item op die agenda van die sessie is; en

Ná bepaal is dat hierdie voorstelle die vorm van 'n internasionale Konvensie moet inneem; 55

aanvaar op hierdie veertiende dag van Junie van die jaar twee duisend en sewe die volgende Konvensie, wat as die Werk in Visvangskonvensie, 2007, siteer kan word.

## DEFINITIONS AND SCOPE

### PART I

#### Definitions

#### ARTICLE 1

- For the purposes of the Convention: 5
- (a) commercial fishing means all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing; 5
  - (b) competent authority means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned; 10
  - (c) consultation means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist; 15
  - (d) fishing vessel owner means the owner of the fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner; 20
  - (e) fisher means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers; 25
  - (f) fisher's work agreement means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher's living and working conditions on board a vessel; 30
  - (g) fishing vessel or vessel means any ship or boat, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing; 35
  - (h) gross tonnage means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it; 40
  - (i) length (L) shall be taken as 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline; 45
  - (j) length overall (LOA) shall be taken as the distance in a straight line parallel to the designed waterline between the foremost point of the bow and the aftermost point of the stern; 50
  - (k) recruitment and placement service means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners; 50
  - (l) skipper means the fisher having command of a fishing vessel.

## WOORDOMSKRYWING EN BESTEK

### DEEL 1

#### Woordomskrywing

#### ARTIKEL 1

- By die toepassing van hierdie Konvensie beteken: 5
- (a) kommersiële visvangs alle visvangsbedrywighede, met inbegrip van visvangsbedrywighede op riviere, mere of kanale, met die uitsondering van bestaansvisvangs en ontspanningsvisvangs;
  - (b) bevoegde owerheid die minister, regeringsdepartement of ander owerheid wat die bevoegdheid het om regulasies, bevele of ander instruksies wat regsrag het ten opsigte van die onderwerp uit te reik, van die betrokke provinsie; 10
  - (c) raadpleging, raadpleging deur die bevoegde owerheid met die verteenwoordigende organisasies van betrokke werkgewers en werkers, en in die besonder die verteenwoordigende organisasies van vissersvaartuigeienaars en vissers, waar hulle bestaan; 15
  - (d) vissersvaartuigeenaar die eenaar van 'n vissersvaartuig of enige ander organisasie of persoon, soos die bestuurder, agent of blote skeepsverhuurder, wat die verantwoordelikheid vir die bedryf van die vaartuig van die eenaar oorgeneem het, ooreengestem het om die pligte oor te neem wat ooreenkomstig die Konvensie aan vissersvaartuigeienaars opgelê is, ongeag of enige ander organisasie of persoon sekere van die pligte of verantwoordelikeid namens die vissersvaartuigeenaar vervul, al dan nie; 20
  - (e) visser, elke persoon wat in diens is of werk verrig in enige kapasiteit of 'n beroep beoefen aan boord van enige vissersvaartuig, met inbegrip van persone wat aan boord werk wat betaal word op grond van 'n aandeel van die vangs, maar uitsluitend loodse, vlootpersoneel, ander persone in die permanente diens van die regering, persone wat aan wal gebaseer is wat werk aan boord van 'n vissersvaartuig doen en visseryewaarnemers; 25
  - (f) visserswerkooreenkoms 'n indiënsnemingskontrak, akte van ooreenkoms of ander soortgelyke reëlings, of enige ander kontrak wat 'n visser se leef- en werksomstandighede op 'n vaartuig beheer; 30
  - (g) vissersvaartuig of vaartuig enige skip of boot, van enige aard hoegenaamd, ongeag die vorm van eienskap, wat gebruik word of bedoel is om vir die doel van kommersiële visvangs gebruik te word;
  - (h) bruto tonnemaat, die bruto tonnemaat bereken ooreenkomstig die tonnemaatregulasies vervat in Aanhangsel I tot die "International Convention on Tonnage Measurement of Ships, 1969", of enige instrument wat dit wysig of vervang; 35
  - (i) lengte (L) word geneem as 96 persent van die totale lengte op 'n waterlyn teen 85 persent van die minste gevormde diepte gemeet vanaf die lyn van die kiel, of as die lengte van die voorkant van die voorstewe tot by die as van die roerkoning op daardie waterlyn, as dit groter is. In vaartuie wat met 'n helling van die kiel ontwerp is, moet die waterlyn waarlangs hierdie lengte gemeet word, parallel met die ontwerpwaterlyn wees; 40
  - (j) totale lengte (LOA) word geneem as die afstand in 'n reguit lyn parallel met die ontwerpwaterlyn tussen die voorste punt van die boeg en die agterste punt van die agterstewe; 45
  - (k) werwings- en plasingsdiens, enige persoon, maatskappy, instelling, agentskap of ander organisasie, in die openbare of privaat sektor, wat vissers namens vissersvaartuigeienaars werf of by hulle plaas; 50
  - (l) kaptein die visser wat in bevel van 'n vissersvaartuig is.



## SCOPE

### ARTICLE 2

1. Except as otherwise provided herein, this Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations.
2. In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent authority after consultation. 5
3. Any Member, after consultation, may extend, in whole or in part, to fishers working on smaller vessels the protection provided in this Convention for fishers working on vessels of 24 metres in length and over.

### ARTICLE 3 10

1. Where the application of the Convention raises special problems of a substantial nature in the light of the particular conditions of service of the fishers or of the fishing vessels' operations concerned, a Member may, after consultation, exclude from the requirements of this Convention, or from certain of its provisions:
  - (a) fishing vessels engaged in fishing operations in rivers, lakes or canals; 15
  - (b) limited categories of fishers or fishing vessels.
2. In case of exclusions under the preceding paragraph, and where practicable, the competent authority shall take measures, as appropriate, to extend progressively the requirements under this Convention to the categories of fishers and fishing vessels concerned. 20
3. Each Member which ratifies this Convention shall:
  - (a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:
    - (i) list any categories of fishers or fishing vessels excluded under paragraph 1; 25
    - (ii) give the reasons for any such exclusions, stating the respective positions of the representative organizations of employers and workers concerned, in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
    - (iii) describe any measures taken to provide equivalent protection to the excluded categories; and 30
  - (b) in subsequent reports on the application of the Convention, describe any measures taken in accordance with paragraph 2.

### ARTICLE 4

1. Where it is not immediately possible for a Member to implement all of the measures provided for in this Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions, the Member may, in accordance with a plan drawn up in consultation, progressively implement all or some of the following provisions:
  - (a) Article 10, paragraph 1; 40
  - (b) Article 10, paragraph 3, in so far as it applies to vessels remaining at sea for more than three days;
  - (c) Article 15;
  - (d) Article 20;
  - (e) Article 33; and 45
  - (f) Article 38.
2. Paragraph 1 does not apply to fishing vessels which:
  - (a) are 24 metres in length and over; or
  - (b) remain at sea for more than seven days; or
  - (c) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater; or 50
  - (d) are subject to port State control as provided for in Article 43 of this Convention, except where port State control arises through a situation of force majeure, nor to fishers working on such vessels. 55

## BESTEK

### ARTIKEL 2

1. Buiten soos anders hierin bepaal, is hierdie Konvensie van toepassing op alle vissers en alle vissersvaartuie wat kommersieel visvang.
2. Indien twyfel bestaan oor of 'n vaartuig in kommersiële visvangs betrokke is al dan nie, moet die bevoegde owerheid die vraag ná raadpleging beantwoord. 5
3. Enige Lid, ná raadpleging, kan in die geheel of gedeeltelik aan vissers wat op kleiner vaartuie werk, die beskerming bied wat in hierdie Konvensie voorsien word vir vissers wat op vaartuie van 24 meter en meer in lengte werk.

### ARTIKEL 3 10

1. Waar die toepassing van die Konvensie spesiale probleme van 'n wesenlike aard veroorsaak in die lig van die bepaalde diensvoorwaardes van die vissers of van die vissersvaartuig se betrokke bedrywighede, kan 'n Lid, ná raadpleging:
  - (a) vissersvaartuie wat visvangsbedrywighede in riviere, mere of kanale verrig; 15
  - (b) beperkte kategorieë van vissers of vissersvaartuie, van die vereistes van die Konvensie, of van sekere bepalinge daarvan, uitgesluit word. 15
2. In geval van uitsluitings kragtens die voorafgaande paragraaf, en waar prakties moontlik, moet die bevoegde owerheid stappe doen, soos gepas, om die vereistes kragtens hierdie Konvensie progressief na die betrokke kategorieë van vissers en vissersvaartuie uit te brei. 20
3. Elke Lid wat hierdie Konvensie bekragtig moet:
  - (a) in sy eerste verslag oor die toepassing van hierdie Konvensie ingedien kragtens artikel 22 van die Grondwet van die Internasionale Arbeidsorganisasie: 25
    - (i) enige kategorieë van vissers of vissersvaartuie vermeld wat kragtens paragraaf 1 uitgesluit is;
    - (ii) die redes gee vir enige sodanige uitsluitings, en die onderskeie posisies van die betrokke verteenwoordigende werkgewers-organisasies en werkersorganisasies verstrek, in die besonder die verteenwoordigende organisasies van vissersvaartuigeienaars en vissers, waar hulle bestaan; en 30
    - (iii) enige stappe gedoen om gelyke beskerming aan die uitgeslote kategorieë te verleen; en
  - (b) in daaropvolgende verslae oor die toepassing van die Konvensie, enige stappe ooreenkomstig paragraaf 2 gedoen, beskryf. 35

### ARTIKEL 4

1. Waar 'n Lid al die maatreëls waarvoor in hierdie Konvensie voorsiening gemaak word, nie onmiddellik kan instel nie, as gevolg van spesiale probleme van 'n wesenlike aard in die lig van infrastruktuur of instellings wat onvoldoende ontwikkel is, kan die Lid, ooreenkomstig 'n plan wat in raadpleging opgestel is, alle of sommige van die volgende bepalinge in werking stel:
  - (a) Artikel 10, paragraaf 1;
  - (b) Artikel 10, paragraaf 3, in soverre dit van toepassing is op vaartuie wat vir meer as drie dae op see bly; 45
  - (c) Artikel 15;
  - (d) Artikel 20;
  - (e) Artikel 33; en
  - (f) Artikel 38.
2. Paragraaf 1 is nie van toepassing nie op vissersvaartuie wat:
  - (a) 24 meter lank en langer is; of
  - (b) meer as sewe dae lank op see bly; of
  - (c) gewoonlik verder as 200 seemyl van die kuslyn van die vlagstaat vaar of verby die buitenste rand van sy kontinentale plat vaar, watter afstand van die kuslyn ook al groter is; of 55
  - (d) onderhewig is aan Hawestaatbeheer soos voor voorsiening gemaak in Artikel 43 van hierdie Konvensie, buiten waar Hawestaatbeheer ontstaan deur 'n situasie van force majeure, en ook nie op vissers wat op sulke vaartuie werk nie.

3. Each Member which avails itself of the possibility afforded in paragraph 1 shall:
- (a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:
    - (i) indicate the provisions of the Convention to be progressively implemented; 5
    - (ii) explain the reasons and state the respective positions of representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
    - (iii) describe the plan for progressive implementation; and 10
  - (b) in subsequent reports on the application of this Convention, describe measures taken with a view to giving effect to all of the provisions of the Convention.

#### ARTICLE 5

1. For the purpose of this Convention, the competent authority, after consultation, may decide to use length overall (LOA) in place of length (L) as the basis for measurement, in accordance with the equivalence set out in Annex I. In addition, for the purpose of the paragraphs specified in Annex III of this Convention, the competent authority, after consultation, may decide to use gross tonnage in place of length (L) or length overall (LOA) as the basis for measurement in accordance with the equivalence set out in Annex III. 15 20

2. In the reports submitted under article 22 of the Constitution, the Member shall communicate the reasons for the decision taken under this Article and any comments arising from the consultation.

#### GENERAL PRINCIPLES 25

#### PART II

#### IMPLEMENTATION

#### ARTICLE 6

1. Each Member shall implement and enforce laws, regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to fishers and fishing vessels under its jurisdiction. Other measures may include collective agreements, court decisions, arbitration awards, or other means consistent with national law and practice. 30

2. Nothing in this Convention shall affect any law, award or custom, or any agreement between fishing vessel owners and fishers, which ensures more favourable conditions than those provided for in this Convention. 35

#### COMPETENT AUTHORITY AND COORDINATION

#### ARTICLE 7

Each Member shall:

- (a) designate the competent authority or authorities; and 40
- (b) establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local levels, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

#### RESPONSIBILITIES OF FISHING VESSEL OWNERS, SKIPPERS AND FISHERS 45

#### ARTICLE 8

1. The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of this Convention. 50

3. Elke Lid wat die moontlikheid in paragraaf 1 benut, moet:
- (a) in sy eerste verslag oor die toepassing van hierdie Konvensie kragtens artikel 22 van die Grondwet van die Internasionale Arbeidsorganisasie:
    - (i) die bepalings van die Konvensie aandui wat progressief in werking gestel gaan word; 5
    - (ii) die redes verduidelik en die onderskeie posisies stel van betrokke verteenwoordigende organisasies van werkgewers en werknemers, en in die besonder die verteenwoordigende organisasies van vissersvaartuigeienaars en vissers, waar hulle bestaan; en
    - (iii) die plan vir progressiewe inwerkingstelling beskryf; en 10
  - (b) in daaropvolgende verslae oor die toepassing van hierdie Konvensie, stappe beskryf wat gedoen is ten einde uitvoering te gee aan al die bepalings van die Konvensie.

#### ARTIKEL 5

1. By die toepassing van hierdie Konvensie, kan die tersaaklike owerheid, ná raadpleging, besluit om totale lengte (LOA) in plek van lengte (L) te gebruik as die basis vir meting, ooreenkomstig die ekwivalensie in Aanhangsel I uiteengesit. Daarbenewens, by die toepassing van paragrawe in Aanhangsel III van hierdie Konvensie vermeld, kan die bevoegde owerheid, ná oorleg, besluit om bruto tonnemaat in plek van lengte (L) of totale lengte (LOA) as die basis vir meting te gebruik ooreenkomstig die ekwivalensie in Aanhangsel III uiteengesit. 15 20

2. In die verslae kragtens artikel 22 van die Grondwet ingedien, moet die Lid die redes vir die besluit kragtens hierdie Artikel geneem en enige opmerkings na aanleiding van die oorlegpleging verstrek.

#### ALGEMENE BEGINSELS 25

#### DEEL II

#### INWERKINGSTELLING

#### ARTIKEL 6

1. Elke Lid moet wette, regulasies of ander maatreëls wat hy aangeneem het in werking stel om sy verbintenisse kragtens hierdie Konvensie aangaande vissers en vissersvaartuie onder sy jurisdiksie, na te kom. Ander maatreëls kan kollektiewe ooreenkomste, hofbeslissings, arbitrasietoekennings of ander middele bestaanbaar met nasionale reg en praktyk, insluit. 30

2. Niks in hierdie Konvensie affekteer enige wetsbepaling, toekenning of gebruik, of enige ooreenkoms tussen vaartuigeienaars en vissers, wat gunstiger toestande verseker as dié waarvoor in hierdie Konvensie voorsiening gemaak word nie. 35

#### BEVOEGDE OWERHEID EN KOÖRDINASIE

#### ARTIKEL 7

Elke Lid moet:

- (a) die bevoegde owerheid of owerhede aanwys; en 40
- (b) meganismes instel vir koördinasie tussen tersaaklike owerhede vir die visvangsektor op die nasionale en plaaslike vlakke, soos gepas, en hul werksaamhede en verantwoordelikhede omskryf, met inagneming van hul raakpunte en nasionale toestande en praktyke.

#### VERANTWOORDELIKHEDE VAN VISSERSVAARTUIGEIENAARS, 45 KAPTEINS EN VISSERS

#### ARTIKEL 8

1. Die vissersvaartuigeienaar het die oorkoepelende verantwoordelikheid om te verseker dat die kaptein voorsien word van die nodige hulpbronne en fasiliteite om aan die verpligtinge van hierdie Konvensie te voldoen. 50

2. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas:
- (a) providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;
  - (b) managing the fishers in a manner which respects safety and health, including prevention of fatigue; 5
  - (c) facilitating on-board occupational safety and health awareness training; and
  - (d) ensuring compliance with safety of navigation, watchkeeping and associated good seamanship standards.
3. The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgement of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishers on board. 10
4. Fishers shall comply with the lawful orders of the skipper and applicable safety and health measures. 15

## MINIMUM REQUIREMENTS FOR WORK ON BOARD FISHING VESSELS

### PART III

#### MINIMUM AGE

##### ARTICLE 9

1. The minimum age for work on board a fishing vessel shall be 16 years. However, the competent authority may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing. 20
2. The competent authority, in accordance with national laws and practice, may authorize persons of the age of 15 to perform light work during school holidays. In such cases, it shall determine, after consultation, the kinds of work permitted and shall prescribe the conditions in which such work shall be undertaken and the periods of rest required. 25
3. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years. 30
4. The types of activities to which paragraph 3 of this Article applies shall be determined by national laws or regulations, or by the competent authority, after consultation, taking into account the risks concerned and the applicable international standards. 35
5. The performance of the activities referred to in paragraph 3 of this Article as from the age of 16 may be authorized by national laws or regulations, or by decision of the competent authority, after consultation, on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training. 40
6. The engagement of fishers under the age of 18 for work at night shall be prohibited. For the purpose of this Article, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. An exception to strict compliance with the night work restriction may be made by the competent authority when: 45
- (a) the effective training of the fishers concerned, in accordance with established programmes and schedules, would be impaired; or
  - (b) the specific nature of the duty or a recognized training programme requires that fishers covered by the exception perform duties at night and the authority determines, after consultation, that the work will not have a detrimental impact on their health or well-being. 50
7. Nothing in this Article shall affect any obligations assumed by the Member arising from the ratification of any other international labour Convention.

2. Die kaptein is verantwoordelik vir die veiligheid van die vissers aan boord en die veilige bedryf van die vaartuig, met inbegrip van maar nie beperk nie tot die volgende gebiede:
- (a) voorsiening van sodanige toesig wat sal verseker dat, so ver moontlik, vissers hul werk onder die beste omstandighede vir veiligheid en gesondheid verrig; 5
  - (b) die bestuur van die vissers op 'n wyse wat veiligheid en gesondheid respekteer, met inbegrip van voorkoming van uitputting;
  - (c) fasilitering van bewustheidsopleiding aan boord vir beroepsveiligheid en -gesondheid; en
  - (d) versekering van voldoening aan veilige navigasie, wagstaan en verwante standarde van goeie seevaarderskap. 10
3. Die kaptein word nie deur die vissersvaartuigeienaar teruggehou daarvan om enige besluit te neem wat, in die professionele oordeel van die kaptein, nodig is vir die veiligheid van die vaartuig en die veilige navigering en bedryf daarvan, of die veiligheid van die vissers aan boord nie. 15
4. Vissers moet die wettige bevel van die kaptein en toepaslike veiligheids- en gesondheidsmaatreëls, nakom.

## MINIMUM VEREISTES VIR WERK OP VISSERSVAARTUIE

### DEEL III

#### MINIMUM OUDERDOM 20

#### ARTIKEL 9

1. Die minimum ouderdom vir werk op 'n vissersvaartuig is 16 jaar. Die bevoegde owerheid kan egter 'n minimum ouderdom van 15 jaar magtig vir persone wat nie meer onderhewig is aan verpligte skoolbywoning soos deur nasionale wetgewing bepaal nie, en wat besig is met vakopleiding in visvangs. 25
2. Die bevoegde owerheid, ooreenkomstig nasionale wette en praktyke, kan persone van die ouderdom van 15 jaar oud magtig om ligte werk gedurende skoolvakansies te doen. In sodanige gevalle, moet die owerheid, ná raadpleging, die soorte werk bepaal wat toelaatbaar is en moet die toestande waarin sodanige werk gedoen moet word en die vereiste rustydperke, voorskryf. 30
3. Die minimum ouderdom vir toewysing vir bedrywighede op vissersvaartuie, wat weens die aard daarvan of weens die toestande waarin dit verrig word, waarskynlik die gesondheid, veiligheid of morele waardes van jong persone in gedrang sal bring, moet nie minder as 18 jaar wees nie.
4. Die tipes bedrywighede waarop paragraaf 3 van hierdie Artikel van toepassing is, moet deur nasionale wetsbepalings of regulasies, of deur die bevoegde owerheid, ná raadpleging, met inagneming van die betrokke risiko's en die toepaslike internasionale standarde, bepaal word. 35
5. Die uitvoer van die aktiwiteite in paragraaf 3 van hierdie Artikel bedoel vanaf die ouderdom van 16, kan deur nasionale wetsbepalings of regulasies gemagtig word, of by besluit deur die bevoegde owerheid, ná raadpleging, op voorwaarde dat die gesondheid, veiligheid en morele waardes van die betrokke jong persone ten volle beskerm word en dat hulle voldoende spesifieke opleiding of vakopleiding ontvang het en basiese voor-see veiligheidsopleiding voltooi het. 40
6. Die indiensneming van vissers onder die ouderdom van 18 vir snags werk, word verbied. By die toepassing van hierdie Artikel, word "snags" omskryf ooreenkomstig nasionale reg en praktyk. Dit dek 'n tydperk van ten minste nege uur wat nie later as middernag begin nie en nie vroeër as 5 a.m. eindig nie. 'n Uitsondering op streng voldoening aan die beperking op snags werk kan deur die bevoegde owerheid gemaak word wanneer: 50
- (a) die doeltreffende opleiding van die betrokke vissers, ooreenkomstig gevestigde programme en skedules, belemmer sal word; of
  - (b) die bepaalde aard van die plig of 'n erkende opleidingsprogram vereis dat vissers deur die uitsondering gedek snags pligte uitvoer en die owerheid bepaal, ná raadpleging, dat die werk nie 'n nadelige uitwerking op hul gesondheid of welstand sal hê nie. 55
7. Niks in hierdie Artikel sal enige verpligtinge raak wat deur die Lid opgeneem is na aanleiding van die bekragtiging van enige ander internasionale arbeidskonvensie nie.

## MEDICAL EXAMINATION

### ARTICLE 10

1. No fishers shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.
2. The competent authority, after consultation, may grant exemptions from the application of paragraph 1 of this Article, taking into account the safety and health of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation. 5
3. The exemptions in paragraph 2 of this Article shall not apply to a fisher working on a fishing vessel of 24 metres in length and over or which normally remains at sea for more than three days. In urgent cases, the competent authority may permit a fisher to work on such a vessel for a period of a limited and specified duration until a medical certificate can be obtained, provided that the fisher is in possession of an expired medical certificate of a recent date. 10

### ARTICLE 11 15

- Each Member shall adopt laws, regulations or other measures providing for:
- (a) the nature of medical examinations;
  - (b) the form and content of medical certificates;
  - (c) the issue of a medical certificate by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate; these persons shall enjoy full independence in exercising their professional judgement; 20
  - (d) the frequency of medical examinations and the period of validity of medical certificates;
  - (e) the right to a further examination by a second independent medical practitioner in the event that a person has been refused a certificate or has had limitations imposed on the work he or she may perform; and 25
  - (f) other relevant requirements.

### ARTICLE 12

- In addition to the requirements set out in Article 10 and Article 11, on a fishing vessel of 24 metres in length and over, or on a vessel which normally remains at sea for more than three days: 30
1. The medical certificate of a fisher shall state, at a minimum, that:
    - (a) the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel; and 35
    - (b) the fisher is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or to endanger the safety or health of other persons on board.
  2. The medical certificate shall be valid for a maximum period of two years unless the fisher is under the age of 18, in which case the maximum period of validity shall be one year. 40
  3. If the period of validity of a certificate expires in the course of a voyage, the certificate shall remain in force until the end of that voyage.

## MEDIESE ONDERSOEK

### ARTIKEL 10

1. Geen vissers sal op 'n vissersvaartuig werk sonder 'n geldige mediese sertifikaat wat geskiktheid om hul pligte te verrig, bevestig nie.
2. Die bevoegde owerheid, ná raadpleging, kan uitsonderings van die toepassing van paragraaf 1 van hierdie Artikel toestaan, met inagneming van die veiligheid en gesondheid van vissers, grootte van die vaartuig, beskikbaarheid van mediese bystand en ontruiming, duur van die vaart, gebied van bedryf, en tipe visvangsbedryf. 5
3. Die uitsonderings in paragraaf 2 van hierdie Artikel is nie van toepassing nie op 'n visser wat op 'n vissersvaartuig van 24 meter lank en meer werk of wat gewoonlik meer as drie dae op see bly. In dringende gevalle kan die bevoegde owerheid 'n visser toelaat om op so 'n vaartuig te werk vir 'n beperkte en vermelde tydperk totdat 'n mediese sertifikaat verkry kan word, met dien verstande dat die visser in besit is van 'n verstreke mediese sertifikaat van 'n onlangse datum. 10

### ARTIKEL 11

15

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar wat voorsiening maak vir:

- (a) die aard van mediese ondersoeke;
- (b) die vorm en inhoud van mediese sertifikate;
- (c) die uitreiking van 'n mediese sertifikaat deur 'n gepas gekwalifiseerde praktisyn of, in die geval van 'n sertifikaat wat net oor gesigvermoë handel, deur 'n persoon deur die bevoegde owerheid erken as gekwalifiseer om so 'n sertifikaat uit te reik; moet hierdie persone volle onafhanklikheid geniet in die uitoefening van hul professionele oordeelkunde; 20
- (d) die gereeldheid van mediese ondersoeke en die geldigheidstydperk van mediese sertifikate; 25
- (e) die reg op 'n verdere ondersoek deur 'n tweede onafhanklike mediese praktisyn indien die persoon 'n sertifikaat geweier is of beperkings gestel is op die werk wat hy of sy mag doen; en
- (f) ander tersaaklike vereistes. 30

### ARTIKEL 12

Bykomend tot die vereistes in Artikel 10 en Artikel 11 uiteengesit, op 'n vissersvaartuig van 24 meter en meer in lengte, of op 'n vaartuig wat gewoonlik vir meer as drie dae op see bly:

1. Die mediese sertifikaat van 'n visser moet minstens stel, dat: 35
  - (a) die gehoor en sig van die betrokke visser bevredigend is vir die visser se pligte op die vaartuig; en
  - (b) die visser nie aan enige mediese toestand ly nie wat heel waarskynlik vererger sal word deur diens op see of wat die visser ongeskik vir sodanige diens maak of die veiligheid of gesondheid van ander persone aan boord in gevaar sal stel. 40
2. Die mediese sertifikaat sal geldig wees vir 'n maksimum tydperk van twee jaar, tensy die visser onder die ouderdom van 18 is, in welke geval die maksimum geldigheidstydperk een jaar sal wees.
3. Indien die geldigheidstydperk van 'n sertifikaat in die loop van 'n vaart verstryk, bly die sertifikaat van krag tot die einde van daardie vaart. 45



**CONDITIONS OF SERVICE**

**PART IV**

**MANNING AND HOURS OF REST**

**ARTICLE 13**

Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessels flying its flag ensure that: 5

- (a) their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper; and
- (b) fishers are given regular periods of rest of sufficient length to ensure safety and health. 10

**ARTICLE 14**

1. In addition to the requirements set out in Article 13, the competent authority shall:
  - (a) for vessels of 24 metres in length and over, establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishers required; 15
  - (b) for fishing vessels regardless of size remaining at sea for more than three days, after consultation and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers. Minimum hours of rest shall not be less than:
    - (i) ten hours in any 24-hour period; and 20
    - (ii) 77 hours in any seven-day period.

2. The competent authority may permit, for limited and specified reasons, temporary exceptions to the limits established in paragraph 1(b) of this Article. However, in such circumstances, it shall require that fishers shall receive compensatory periods of rest as soon as practicable. 25

3. The competent authority, after consultation, may establish alternative requirements to those in paragraphs 1 and 2 of this Article. However, such alternative requirements shall be substantially equivalent and shall not jeopardize the safety and health of the fishers.

4. Nothing in this Article shall be deemed to impair the right of the skipper of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea. Accordingly, the skipper may suspend the schedule of hours of rest and require a fisher to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the skipper shall ensure that any fishers who have performed work in a scheduled rest period are provided with an adequate period of rest. 35

**CREW LIST**

**ARTICLE 15**

Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel. The competent authority shall determine to whom and when such information shall be provided and for what purpose or purposes. 40

**FISHER'S WORK AGREEMENT**

**ARTICLE 16**

- Each Member shall adopt laws, regulations or other measures: 45
- (a) requiring that fishers working on vessels flying its flag have the protection of a fisher's work agreement that is comprehensible to them and is consistent with the provisions of this Convention; and

## DIENSVOORWAARDES

### DEEL IV

#### BEMANNING EN RUS-URE

##### ARTIKEL 13

Elke Lid moet wette, regulasies of ander maatreëls aanvaar wat vereis dat eienaars van vissersvaartuie wat sy vlag hys verseker dat: 5

- (a) hul vaartuie voldoende en veilig beman is vir die veilige navigering en bedryf van die vaartuig en onder beheer van 'n bevoegde kaptein is; en
- (b) vissers gereelde rustydperke gegee word wat lank genoeg is om veiligheid en gesondheid te verseker. 10

##### ARTIKEL 14

1. Bykomend tot die vereistes in Artikel 13 uiteengesit, moet die bevoegde owerheid:

- (a) vir vaartuie van 24 meter lank en meer, 'n minimum vlak van bemanning vir die veilige navigering van die vaartuig vasstel, deur die getal en kwalifikasies van die vereiste vissers te spesifiseer; 15
- (b) vir vissersvaartuie ongeag grootte wat vir meer as drie dae op see bly, ná raadpleging en vir die doel om uitputting te beperk, die minimum ure van rus wat vir vissers voorsien moet word, instel. Minimum ure van rus moet nie minder wees nie as:
  - (i) tien uur in enige 24-uur tydperk; en 20
  - (ii) 77 uur in enige tydperk van sewe dae.

2. Die bevoegde owerheid kan, vir beperkte en gespesifiseerde redes, tydelike uitsonderings op die beperkings in paragraaf 1(b) van hierdie Artikel ingestel, toelaat. In sodanige omstandighede moet hy egter vereis dat vissers so gou as moontlik vergoedende rustydperke kry. 25

3. Die bevoegde owerheid, ná raadpleging, kan alternatiewe vereistes instel as dié van paragrawe 1 en 2 van hierdie Artikel. Sodanige alternatiewe vereistes moet egter wesenlik gelykstaande wees en moet nie die veiligheid en gesondheid van die vissers in gevaar stel nie.

4. Niks in hierdie Artikel word geag die reg van die kaptein van 'n vaartuig te belemmer om van 'n visser te vereis om enige ure van werk te verrig wat nodig is vir die onmiddellike veiligheid van die vaartuig, die persone aan boord of die vangs, of vir die doel om ander bote of skepe of persone wat ter see in nood verkeer. Dienooreenkomstig mag die kaptein die skedule vir rus-ure opskort en van 'n visser vereis om enige ure werk te verrig wat nodig is totdat orde herstel is. So gou as prakties moontlik nadat orde herstel is, moet die kaptein verseker dat enige visser wat werk in 'n geskeduleerde rustydperk verrig het, 'n genoegsame rustydperk kry. 35

#### BEMANNINGSLYS

##### ARTIKEL 15

Elke vissersvaartuig moet 'n bemanningslys aan boord hê, waarvan 'n afskrif aan gemagtigde persone aan land verstrekk moet word voordat die vaartuig vertrek, of onmiddellik na vertrek van die vaartuig aan land gekommunikeer moet word. Die bevoegde owerheid moet bepaal aan wie en wanneer sodanige inligting verstrekk moet word en vir watter doel of doeleindes. 40

#### VISSERSWERKOOOREENKOMS

45

##### ARTIKEL 16

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar:

- (a) wat vereis dat vissers wat op vaartuie werk wat sy vlag hys, die beskerming van 'n visserswerkooreenkoms het wat vir hulle verstaanbaar is en bestaanbaar met die bepalinge van hierdie Konvensie is; en 50

- (b) specifying the minimum particulars to be included in fishers' work agreements in accordance with the provisions contained in Annex II.

**ARTICLE 17**

Each Member shall adopt laws, regulations or other measures regarding:

- (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher's work agreement before it is concluded; 5
- (b) where applicable, the maintenance of records concerning the fisher's work under such an agreement; and
- (c) the means of settling disputes in connection with a fisher's work agreement.

**ARTICLE 18** 10

The fisher's work agreement, a copy of which shall be provided to the fisher, shall be carried on board and be available to the fisher and, in accordance with national law and practice, to other concerned parties on request.

**ARTICLE 19**

Articles 16 to 18 and Annex II do not apply to a fishing vessel owner who is also single-handedly operating the vessel. 15

**ARTICLE 20**

It shall be the responsibility of the fishing vessel owner to ensure that each fisher has a written fisher's work agreement signed by both the fisher and the fishing vessel owner or by an authorized representative of the fishing vessel owner (or, where fishers are not employed or engaged by the fishing vessel owner, the fishing vessel owner shall have evidence of contractual or similar arrangements) providing decent work and living conditions on board the vessel as required by this Convention. 20

**REPATRIATION**

**ARTICLE 21** 25

1. Members shall ensure that fishers on a fishing vessel that flies their flag and that enters a foreign port are entitled to repatriation in the event that the fisher's work agreement has expired or has been terminated for justified reasons by the fisher or by the fishing vessel owner, or the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances. This also applies to fishers from that vessel who are transferred for the same reasons from the vessel to the foreign port. 30

2. The cost of the repatriation referred to in paragraph 1 of this Article shall be borne by the fishing vessel owner, except where the fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of his or her work agreement obligations. 35

3. Members shall prescribe, by means of laws, regulations or other measures, the precise circumstances entitling a fisher covered by paragraph 1 of this Article to repatriation, the maximum duration of service periods on board following which a fisher is entitled to repatriation, and the destinations to which fishers may be repatriated. 40

4. If a fishing vessel owner fails to provide for the repatriation referred to in this Article, the Member whose flag the vessel flies shall arrange for the repatriation of the fisher concerned and shall be entitled to recover the cost from the fishing vessel owner.

5. National laws and regulations shall not prejudice any right of the fishing vessel owner to recover the cost of repatriation under third party contractual agreements. 45

- (b) wat die minimum besonderhede wat in 'n visserswerkooreenkoms ingesluit moet word, spesifiseer ooreenkomstig die bepalings van Aanhangsel II.

#### ARTIKEL 17

Elke lid moet wetsbepalings, regulasies of ander maatreëls aanvaar aangaande:

- (a) prosedures om te verseker dat 'n visser die geleentheid het om die bepalings van die visser se werkooreenkoms te hersien en advies daaroor te soek voordat dit gesluit word; 5
- (b) waar van toepassing, die handhawing hou van rekords aangaande die visser se werk kragtens so 'n ooreenkoms; en
- (c) die middele vir die skikking van geskille oor 'n visser se werkooreenkoms. 10

#### ARTIKEL 18

Die visserswerkooreenkoms, waarvan 'n afskrif aan die visser voorsien moet word, moet aan boord gehou word en aan die visser en, ooreenkomstig nasionale reg en praktyk, aan ander betrokke partye op versoek, beskikbaar wees.

#### ARTIKEL 19

15

Artikels 16 tot 18 en Aanhangsel II is nie van toepassing op 'n vissersvaartuigeienaar wat ook die vaartuig alleen bedryf nie.

#### ARTIKEL 20

Dit is die vissersvaartuigeienaar se verantwoordelikheid om te verseker dat elke visser 'n skriftelike visserswerkooreenkoms het wat deur die visser en die visser-vaartuigeienaar of 'n gemagtigde verteenwoordiger van die vissersvaartuigeienaar (of, waar vissers nie in diens is van of werk vir die vissersvaartuigeienaar nie, moet die vissersvaartuigeienaar bewys hê van kontraktuele of soortgelyke reëlings), onderteken is, vir voorsiening van ordentlike werk- en lewensomstandighede aan boord van die vaartuig soos deur hierdie Konvensie vereis. 25

#### REPATRIASIE

#### ARTIKEL 21

1. Lede moet verseker dat vissers op 'n vissersvaartuig wat hul vlag hys en wat 'n vreemde hawe binnegaan, op repatriasie geregtig is indien die visser se werkooreenkoms verstryk het of vir geregverdigde redes deur die visser of deur die vissersvaartuigeienaar beëindig is, of die visser nie meer die pligte kragtens die werkooreenkoms kan uitvoer nie of daar nie van hom of haar nie verwag kan word om dit onder die bepaalde omstandighede uit te voer nie. Dit is ook van toepassing op vissers van daardie vaartuig wat om dieselfde redes van die vaartuig na die vreemde hawe oorgeplaas word. 35

2. Die koste van die repatriasie in paragraaf 1 van hierdie Artikel bedoel word deur die vissersvaartuigeienaar gedra, buiten waar bevind is dat die visser, ooreenkomstig nasionale wette, regulasies of ander maatreëls, ernstig in verstek van sy of haar werkooreenkoms was.

3. Lede moet deur wetsbepalings, regulasies of ander maatreëls, die presiese omstandighede voorskryf wat 'n visser wat deur paragraaf 1 van hierdie Artikel gedek word, op repatriasie geregtig maak, die maksimum tydperk van dienstydyperke aan boord waarna 'n visser op repatriasie geregtig is, en die bestemmings waarheen vissers gerepatrieer mag word. 40

4. Indien 'n vissersvaartuigeienaar versuim om voorsiening te maak vir die repatriasie in hierdie Artikel bedoel, moet die Lid wie se vlag deur die vaartuig gehys word, reël vir die repatriasie van die betrokke visser en het die reg om die koste van die vissersvaartuigeienaar te verhaal. 45

5. Nasionale wetsbepalings en regulasies moet geen reg van die vissersvaartuigeienaar om die koste van repatriasie kragtens derde party kontraktuele ooreenkomste te verhaal, benadeel nie. 50

## RECRUITMENT AND PLACEMENT

### ARTICLE 22

Recruitment and placement of fishers:

1. Each Member that operates a public service providing recruitment and placement for fishers shall ensure that the service forms part of, or is coordinated with, a public employment service for all workers and employers. 5

2. Any private service providing recruitment and placement for fishers which operates in the territory of a Member shall do so in conformity with a standardized system of licensing or certification or other form of regulation, which shall be established, maintained or modified only after consultation. 10

3. Each Member shall, by means of laws, regulations or other measures:

- (a) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work;
- (b) require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher; and 15
- (c) determine the conditions under which any licence, certificate or similar authorization of a private recruitment or placement service may be suspended or withdrawn in case of violation of relevant laws or regulations; and specify the conditions under which private recruitment and placement services can operate. 20

### PRIVATE EMPLOYMENT AGENCIES

4. A Member which has ratified the Private Employment Agencies Convention, 1997 (No. 181), may allocate certain responsibilities under this Convention to private employment agencies that provide the services referred to in paragraph 1(b) of Article 1 of that Convention. The respective responsibilities of any such private employment agencies and of the fishing vessel owners, who shall be the “user enterprise” for the purpose of that Convention, shall be determined and allocated, as provided for in Article 12 of that Convention. Such a Member shall adopt laws, regulations or other measures to ensure that no allocation of the respective responsibilities or obligations to the private employment agencies providing the service and to the “user enterprise” pursuant to this Convention shall preclude the fisher from asserting a right to a lien arising against the fishing vessel. 25 30

5. Notwithstanding the provisions of paragraph 4, the fishing vessel owner shall be liable in the event that the private employment agency defaults on its obligations to a fisher for whom, in the context of the Private Employment Agencies Convention, 1997 (No. 181), the fishing vessel owner is the “user enterprise”. 35

6. Nothing in this Convention shall be deemed to impose on a Member the obligation to allow the operation in its fishing sector of private employment agencies as referred to in paragraph 4 of this Article.

### PAYMENT OF FISHERS 40

### ARTICLE 23

Each Member, after consultation, shall adopt laws, regulations or other measures providing that fishers who are paid a wage are ensured a monthly or other regular payment.

### ARTICLE 24 45

Each Member shall require that all fishers working on board fishing vessels shall be given a means to transmit all or part of their payments received, including advances, to their families at no cost.

## WERWING EN PLASING

### ARTIKEL 22

Werwing en plasing van vissers:

1. Elke Lid wat 'n openbare diens bedryf wat werwing en plasing vir vissers voorsien, moet verseker dat die diens deel uitmaak van, of gekoördineer is met, 'n openbare 5  
indiensnemingsdiens vir alle werkers en werkgewers.
2. Enige private diens wat werwing en plasing vir vissers voorsien wat in die 10  
grondgebied van 'n Lid werksaam is, moet dit in ooreenstemming met 'n  
gestandaardiseerde stelsel van lisensiëring of sertifisering of ander vorm van regulasie  
doen, wat slegs ná raadpleging ingestel, onderhou of gewysig moet word.
3. Elke Lid moet, by wyse van wetsbepalings, regulasies of ander maatreëls:
  - (a) werwings- en plasingdienste daarvan belet om middele, meganismes of lyste 15  
te gebruik wat bedoel is om vissers daarvan te weerhou of hulle daarvan af te  
sit om vir werk aangestel te word;
  - (b) vereis dat vissers geen gelde of ander koste vir werwing of plasing van vissers 15  
regstreeks of onregstreeks, in geheel of gedeeltelik, dra nie; en
  - (c) die omstandighede bepaal waaronder enige lisensie, sertifikaat of soortgelyke  
magtiging van 'n private werwings- of plasingdiens opgeskort of ingetrek  
mag word in die geval van 'n verbreking van tersaaklike wette of regulasies; 20  
en die omstandighede spesifiseer waaronder private werwings- en  
plasing agente kan sake doen.

### PRIVATE WERKVERSKAFFINGSAGENTSAPPE

4. 'n Lid wat die "Private Employment Agencies Convention, 1997" (No. 181), 25  
bekragtig het, kan sekere verantwoordelikhede kragtens hierdie Konvensie opdra aan  
private werkverskaffingsagentskappe wat die dienste in paragraaf 1(b) van Artikel 1 van  
daardie Konvensie voorsien. Die onderskeie verantwoordelikhede van enige sodanige  
private werkverskaffingsagentskappe en van die vissersvaartuigeienaars, wat die  
"gebruikersonderneming" by die toepassing van daardie Konvensie is, moet bepaal en  
opgedra word, soos voor voorsiening gemaak in Artikel 12 van daardie Konvensie. So 30  
'n Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar om te verseker dat  
geen opdragting van die onderskeie verantwoordelikhede of verpligtinge aan die private  
werkverskaffingsagentskappe wat die diens verskaf en die "gebruikersonderneming" in  
navolging van hierdie Konvensie, die visser daarvan belet om 'n retensiereg te handhaaf  
wat teen die vissersvaartuig ontstaan nie.
5. Ondanks die bepaling van paragraaf 4, is die vissersvaartuigeienaar aanspreeklik 35  
indien die private werkverskaffingsagentskap nie sy verpligtinge nakom nie teenoor 'n  
visser vir wie, in die konteks van die "Private Employment Agencies Convention,  
1997" (No 181), die vissersvaartuigeienaar die "gebruikersonderneming" is.
6. Niks in hierdie Konvensie word geag 'n verpligting op 'n Lid te plaas om private 40  
werkverskaffingsagentskappe soos in paragraaf 4 van hierdie Artikel bedoel, toe te laat  
om in sy visvangsektor sake te doen nie.

### BETALING VAN VISSERS

### ARTIKEL 23

Elke Lid, ná raadpleging, moet wetsbepalings, regulasies of ander maatreëls aanvaar 45  
wat bepaal dat vissers wat 'n loon betaal word, verseker is van 'n maandelikse of ander  
gereelde betaling.

### ARTIKEL 24

Elke Lid moet vereis dat alle vissers wat op vissersvaartuie werk, middele gegee moet 50  
word om al, of 'n gedeelte van, hul betalings wat ontvang word, met inbegrip van  
voorskotte, kosteloos aan hul families oor te betaal.

**ACCOMMODATION AND FOOD**

**PART V**

**ARTICLE 25**

Each Member shall adopt laws, regulations or other measures for fishing vessels that fly its flag with respect to accommodation, food and potable water on board. 5

**ARTICLE 26**

Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures shall address, as appropriate, the following issues: 10

- (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;
- (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions; 15
- (c) ventilation, heating, cooling and lighting;
- (d) mitigation of excessive noise and vibration;
- (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;
- (f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and 20
- (g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention.

**ARTICLE 27**

Each Member shall adopt laws, regulations or other measures requiring that: 25

- (a) the food carried and served on board be of a sufficient nutritional value, quality and quantity;
- (b) potable water be of sufficient quality and quantity; and
- (c) the food and water shall be provided by the fishing vessel owner at no cost to the fisher. However, in accordance with national laws and regulations, the cost can be recovered as an operational cost if the collective agreement governing a share system or a fisher's work agreement so provides. 30

**ARTICLE 28**

1. The laws, regulations or other measures to be adopted by the Member in accordance with Articles 25 to 27 shall give full effect to Annex III concerning fishing vessel accommodation. Annex III may be amended in the manner provided for in Article 45. 35

2. A Member which is not in a position to implement the provisions of Annex III may, after consultation, adopt provisions in its laws and regulations or other measures which are substantially equivalent to the provisions set out in Annex III, with the exception of provisions related to Article 27. 40

## AKKOMMODASIE EN KOS

### DEEL V

#### ARTIKEL 25

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar ten opsigte van akkommodasie, kos en drinkbare water aan boord van vissersvaartuie wat sy vlag hys. 5

#### ARTIKEL 26

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar wat vereis dat die grootte en kwaliteit van akkommodasie op vissersvaartuie wat sy vlag hys, voldoende is en gepas toegerus is vir die diens van die vaartuig en vir die tydperk wat vissers aan boord bly. Sodanige maatreëls moet in die besonder die volgende kwessies hanteer, waar gepas: 10

- (a) goedkeuring van planne vir die konstruksie of modifikasie van vissersvaartuie ten opsigte van akkommodasie;
- (b) onderhoud van akkommodasie en sloepspasies met behoorlike inagneming van higiëne en algehele veilige, gesonde en gemaklike toestand; 15
- (c) ventilasie, verhitting, verkoeling en beligting;
- (d) verligting van uitermatige lawaai en vibrasies;
- (e) ligging, grootte, boumateriale, meublement en toerusting van slaapkamers, menasies en ander akkommodasiespasies;
- (f) sanitêre fasiliteite, met inbegrip van toilette en wasfasiliteite, en voorraad van voldoende warm en koue water; en 20
- (g) prosedures om klagtes oor akkommodasie wat nie aan die vereistes van die Konvensie voldoen nie, te hanteer.

#### ARTIKEL 27

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar wat vereis dat: 25

- (a) die kos wat aan boord is van 'n genoegsame voedingswaarde, kwaliteit en hoeveelheid is;
- (b) drinkbare water van genoegsame kwaliteit en hoeveelheid is; en
- (c) die vissersvaartuigeienaar moet die kos en water kosteloos aan die visser voorsien. Die koste kan egter ooreenkomstig nasionale wetsbepalings as 'n bedryfsuitgawe verhaal word, indien die kollektiewe ooreenkoms wat 'n deelstelsel of 'n visserswerkooreenkoms aldus bepaal. 30

#### ARTIKEL 28

1. Die wetsbepalings, regulasies of ander maatreëls wat die Lid ooreenkomstig Artikels 25 tot 27 moet aanvaar, moet ten volle gevolg gee aan Aanhangsel III aangaande vissersvaartuigakkommodasie. Aanhangsel III kan gewysig word op die wyse in Artikel 45 voor voorsiening gemaak. 35

2. 'n Lid wat nie in 'n posisie is om die bepalinge van Aanhangsel III in werking te stel nie kan, ná raadpleging, bepalinge in sy wetsbepalings en regulasies of ander maatreëls aanvaar wat weselik gelykstaande is aan bepalinge in Aanhangsel III uiteengesit, met die uitsondering van bepalinge wat met Artikel 27 verband hou. 40



**MEDICAL CARE, HEALTH PROTECTION AND SOCIAL SECURITY**

**PART VI**

**MEDICAL CARE**

**ARTICLE 29**

- Each Member shall adopt laws, regulations or other measures requiring that: 5
- (a) fishing vessels carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage; 10
  - (b) fishing vessels have at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies for the vessel concerned, taking into account the number of fishers on board, the area of operation and the length of the voyage; 10
  - (c) medical equipment and supplies carried on board be accompanied by instructions or other information in a language and format understood by the fisher or fishers referred to in subparagraph (b); 15
  - (d) fishing vessels be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage; and
  - (e) fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness. 20

**ARTICLE 30**

- For fishing vessels of 24 metres in length and over, taking into account the number of fishers on board, the area of operation and the duration of the voyage, each Member shall adopt laws, regulations or other measures requiring that: 25
- (a) the competent authority prescribe the medical equipment and medical supplies to be carried on board;
  - (b) the medical equipment and medical supplies carried on board be properly maintained and inspected at regular intervals established by the competent authority by responsible persons designated or approved by the competent authority; 30
  - (c) the vessels carry a medical guide adopted or approved by the competent authority, or the latest edition of the International Medical Guide for Ships;
  - (d) the vessels have access to a prearranged system of medical advice to vessels at sea by radio or satellite communication, including specialist advice, which shall be available at all times; 35
  - (e) the vessels carry on board a list of radio or satellite stations through which medical advice can be obtained; and
  - (f) to the extent consistent with the Member's national law and practice, medical care while the fisher is on board or landed in a foreign port be provided free of charge to the fisher. 40

**OCCUPATIONAL SAFETY AND HEALTH AND ACCIDENT PREVENTION**

**ARTICLE 31**

- Each Member shall adopt laws, regulations or other measures concerning: 45
- (a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;
  - (b) training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged; 50

**MEDIESE SORG, GESONDHEIDSBESKERMING EN MAATSKAPLIKE  
SEKERHEID**

**DEEL VI**

**MEDIESE SORG**

**ARTIKEL 29**

5

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar wat vereis dat:

- (a) vissersvaartuie gepaste mediese toerusting en mediese voorrade vir die diens van die vaartuig dra, met inagneming van die getal vissers aan boord, die bedryfgebied en die duur van die vaart;
- (b) vissersvaartuie ten minste een visser aan boord het wat gekwalifiseer is of opgelei is in noodhulp en ander vorms van mediese sorg en wat die nodige kennis het om die mediese toerusting en voorrade vir die betrokke vaartuig te gebruik, met inagneming van die getal vissers aan boord, die bedryfgebied en die duur van die vaart; 10
- (c) mediese toerusting en voorrade wat aan boord gedra word, vergesel moet gaan van instruksies of ander inligting in 'n taal en formaat wat die visser of vissers in subparagraaf (b) bedoel, verstaan; 15
- (d) vissersvaartuie met radio- of satellietkommunikasie toegerus moet wees met persone aan land wat mediese advies kan voorsien, met inagneming van die bedryfgebied en die lengte van die vaart; en 20
- (e) vissers die reg het op mediese behandeling aan land en die reg het om betyds vir behandeling aan land geneem te word in die geval van ernstige besering of siekte.

**ARTIKEL 30**

Vir vissersvaartuie van 24 meter en meer in lengte, met inagneming van die getal vissers aan boord, die bedryfsgebied en die duur van die vaart, moet elke Lid wetsbepalings, regulasies of ander maatreëls aanvaar wat vereis dat:

- (a) die bevoegde owerheid die mediese toerusting en mediese voorrade wat aan boord moet wees, voorskryf;
- (b) die mediese toerusting en mediese voorrade wat aan boord gehou word, behoorlik onderhou en gereeld geïnspekteer word, soos deur die bevoegde owerheid bepaal, deur verantwoordelike persone aangewys of goedgekeur deur die bevoegde owerheid; 30
- (c) die vaartuie 'n mediese gids dra wat aangeneem of goedgekeur is deur die bevoegde owerheid, of die jongste uitgawe van die *International Medical Guide for Ships*; 35
- (d) die vaartuie toegang het tot 'n voorafgereëelde stelsel van mediese advies aan vaartuie ter see per radio of satellietkommunikasie, met inbegrip van spesialisadvies, wat te alle tye beskikbaar moet wees;
- (e) die vaartuie 'n lys van radio of satellietstasies waardeur mediese advies verkry kan word, aan boord hou; en 40
- (f) mediese sorg gratis aan die visser voorsien moet word terwyl die visser aan boord of aan land in 'n vreemde hawe is, in soverre dit in ooreenstemming met die Lid se nasionale reg en praktyk is.

**BEROEPSVEILIGHEID EN GESONDHEID EN ONGELUKVOORKOMING 45**

**ARTIKEL 31**

Elke Lid moet wetsbepalings, regulasies of ander maatreëls aanvaar aangaande:

- (a) die voorkoming van beroepsongelukke, beroepsiektes en werkverwante risiko's aan boord van vissersvaartuie, met inbegrip van risiko-evaluering en -bestuur, opleiding en aanboordopleiding van vissers; 50
- (b) opleiding vir vissers in die hantering van tipes visgereedskap en in kennis van die visvangsbedrywighede waarby hulle betrokke sal wees;

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- (c) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of the safety and health of fishers under the age of 18;
- (d) the reporting and investigation of accidents on board fishing vessels flying its flag; and
- (e) the setting up of joint committees on occupational safety and health or, after consultation, of other appropriate bodies. 5

### ARTICLE 32

1. The requirements of this Article shall apply to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account the number of fishers on board, the area of operation, and the duration of the voyage. 10

2. The competent authority shall:

- (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and 15
- (b) require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels. 20

3. Fishing vessel owners shall:

- (a) ensure that every fisher on board is provided with appropriate personal protective clothing and equipment;
- (b) ensure that every fisher on board has received basic safety training approved by the competent authority; the competent authority may grant written exemptions from this requirement for fishers who have demonstrated equivalent knowledge and experience; and 25
- (c) ensure that fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned. 30

### ARTICLE 33

Risk evaluation in relation to fishing shall be conducted, as appropriate, with the participation of fishers or their representatives.

## SOCIAL SECURITY 35

### ARTICLE 34

Each Member shall ensure that fishers ordinarily resident in its territory, and their dependants to the extent provided in national law, are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers, including employed and self-employed persons, ordinarily resident in its territory. 40

### ARTICLE 35

Each Member shall undertake to take steps, according to national circumstances, to achieve progressively comprehensive social security protection for all fishers who are ordinarily resident in its territory. 45

- (c) die verpligtinge van vissersvaartuigeienaars, vissers en ander betrokkenes, met behoorlike inagneming van die veiligheid en gesondheid van vissers onder die ouderdom van 18;
- (d) die aanmelding en ondersoek van ongelukke aan boord van vissersvaartuie wat sy vlag hys; en
- (e) die opstel van gesamentlike komitees oor beroepsveiligheid en gesondheid of, ná raadpleging, van ander toepaslike liggame.

### ARTIKEL 32

1. Die vereistes van hierdie Artikel is van toepassing op vissersvaartuie van 24 meter en meer in lengte wat gewoonlik vir meer as drie dae ter see bly en, ná raadpleging, op ander vaartuie, met inagneming van die getal vissers aan boord, die bedryfsgebied en die duur van die vaart. 10
2. Die bevoegde owerheid moet:
  - (a) ná raadpleging, vereis dat die vissersvaartuigeenaar, ooreenkomstig nasionale wetsbepalings, regulasies, kollektiewebedingingsooreenkomste en praktyk, aanboordprosedures instel vir die voorkoming van beroepsongelukke, beserings en siektes, met inagneming van die spesifieke gevare en risiko's op die betrokke vissersvaartuig; en 15
  - (b) vereis dat vissersvaartuigeienaars, kapteins, vissers en ander tersaaklike persone voorsien word van genoegsame en geskikte leiding, opleidingsmateriaal, of ander gepaste inligting oor hoe om risiko's vir veiligheid en gesondheid aan boord van vissersvaartuie te evalueer en te bestuur. 20
3. Vissersvaartuigeienaars moet:
  - (a) verseker dat elke visser aan boord gepaste persoonlike beskermende klere en gereedskap kry; 25
  - (b) verseker dat elke visser aan boord basiese veiligheidsopleiding ontvang, soos goedgekeur deur die bevoegde owerheid; die bevoegde owerheid kan skriftelike vrywaring van hierdie vereiste toestaan vir vissers wat gelyke kennis en ervaring gedemonstreer het; en
  - (c) verseker dat vissers genoegsaam en redelik vertrouwd is met gereedskap en hoe dit gebruik word, met inbegrip van tersaaklike veiligheidsmaatreëls, voordat die vissers die toerusting gebruik of aan die betrokke bedrywigthede deelneem. 30

### ARTIKEL 33

Risiko-evaluering in verband met visvangs moet gedoen word, waar gepas, met die deelname van die vissers of hul verteenwoordigers. 35

## MAATSKAPLIKE SEKERHEID

### ARTIKEL 34

Elke Lid moet verseker dat vissers wat gewoonlik in sy grondgebied woonagtig is, en hul afhanklikes tot die mate in nasionale wetsbepalings voor voorsiening gemaak, geregtig is om voordeel te trek uit maatskaplikesekerheidsbeskerming onder omstandighede wat nie minder gunstig is as die omstandighede wat op ander werkers van toepassing is nie, met inbegrip van persone wat werk het en wat in eie diens is, wat gewoonlik in sy grondgebied woonagtig is. 40

### ARTIKEL 35

Elke Lid moet onderneem om stappe te doen, volgens nasionale omstandighede, om progressief omvattende beskerming ten opsigte van maatskaplike sekerheid vir alle vissers wat gewoonlik in sy grondgebied woonagtig is, te bereik. 45

**ARTICLE 36**

Members shall cooperate through bilateral or multilateral agreements or other arrangements, in accordance with national laws, regulations or practice:

- (a) to achieve progressively comprehensive social security protection for fishers, taking into account the principle of equality of treatment irrespective of nationality; and
- (b) to ensure the maintenance of social security rights which have been acquired or are in the course of acquisition by all fishers regardless of residence.

**ARTICLE 37**

Notwithstanding the attribution of responsibilities in Articles 34, 35 and 36, Members may determine, through bilateral and multilateral agreements and through provisions adopted in the framework of regional economic integration organizations, other rules concerning the social security legislation to which fishers are subject.

**PROTECTION IN THE CASE OF WORK-RELATED SICKNESS, INJURY OR DEATH**

**ARTICLE 38**

1. Each Member shall take measures to provide fishers with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death.
2. In the event of injury due to occupational accident or disease, the fisher shall have access to:
  - (a) appropriate medical care; and
  - (b) the corresponding compensation in accordance with national laws and regulations.
3. Taking into account the characteristics within the fishing sector, the protection referred to in paragraph 1 of this Article may be ensured through:
  - (a) a system for fishing vessel owners' liability; or
  - (b) compulsory insurance, workers' compensation or other schemes.

**ARTICLE 39**

1. In the absence of national provisions for fishers, each Member shall adopt laws, regulations or other measures to ensure that fishing vessel owners are responsible for the provision to fishers on vessels flying its flag, of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port. Such laws, regulations or other measures shall ensure that fishing vessel owners are responsible for defraying the expenses of medical care, including related material assistance and support, during medical treatment in a foreign country, until the fisher has been repatriated.
2. National laws or regulations may permit the exclusion of the liability of the fishing vessel owner if the injury occurred otherwise than in the service of the vessel or the sickness or infirmity was concealed during engagement, or the injury or sickness was due to wilful misconduct of the fisher.

**COMPLIANCE AND ENFORCEMENT**

**PART VII**

**ARTICLE 40**

Each Member shall effectively exercise its jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention including, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws or regulations.

### ARTIKEL 36

Lede moet deur bilaterale of multilaterale ooreenkomste of ander reëlings saamwerk, ooreenkomstig nasionale wetsbepalings, regulasies of praktyk:

- (a) om progressief omvattende beskerming ten opsigte van maatskaplike sekerheid vir vissers te bereik, met inagneming van die beginsel van gelykheid van behandeling ongeag nasionaliteit; en
- (b) om die handhawing van maatskaplikesekerheidsregte wat verkry is of verkry word deur alle vissers ongeag verblyf, te verseker.

### ARTIKEL 37

Ondanks die toerekening van verantwoordelikhede in Artikels 34, 35 en 36, kan Lede deur bilaterale en multilaterale ooreenkomste en deur bepalinge aanvaar in die raamwerk van streeksekonomiese-integrasie-organisasies, ander reëls maak aangaande die wetgewing op maatskaplike sekerheid waaraan vissers onderworpe is.

### BESKERMING IN DIE GEVAL VAN WERKVERWANTE SIEKTE, BESERING OF DOOD

### ARTIKEL 38

1. Elke Lid moet stappe doen om vissers te voorsien van beskerming, ooreenkomstig nasionale wetsbepalings, regulasies of praktyk, vir werkverwante siekte, besering of dood.

2. In die geval van besering weens beroepsongeluk of siekte, moet die visser toegang hê tot:

- (a) gepaste mediese sorg; en
- (b) die ooreenstemmende vergoeding ooreenkomstig nasionale wetsbepalings en regulasies.

3. Met inagneming van die kenmerke binne die visvangsektor, kan die beskerming in paragraaf 1 van hierdie Artikel bedoel verseker word deur:

- (a) 'n stelsel vir vissersvaartuigeienaars se aanspreeklikheid; of
- (b) verpligte versekering, werkersvergoeding of ander skemas.

### ARTIKEL 39

1. By gebrek aan nasionale bepalinge vir vissers, moet elke Lid wetsbepalinge, regulasies of ander maatreëls aanvaar om te verseker dat vissersvaartuigeienaars verantwoordelik is vir die voorsiening aan vissers aan boord van vaartuie wat sy vlag hys, van gesondheidsbeskerming en mediese sorg terwyl hulle in diens of in diens geneem of werkend is op 'n vaartuig ter see of in 'n vreemde hawe. Sodanige wetsbepalinge, regulasies of ander maatreëls moet verseker dat vissersvaartuigeienaars verantwoordelik is vir die betaling van uitgawes vir mediese sorg, met inbegrip van verwante materiële bystand en ondersteuning, tydens mediese behandeling in 'n vreemde land, totdat die visser gerepatrieer is.

2. Nasionale wetsbepalinge of regulasies kan die uitsluiting van die aanspreeklikheid van die vissersvaartuigeienaar toelaat indien die besering anders geskied het as in die diens van die vaartuig of indien die siekte of swakheid verberg is tydens indiensneming, of indien die besering of siekte weens opsetlike wangedrag van die visser opgedoen is.

## VOLDOENING EN AFDWINGING

### DEEL VII

### ARTIKEL 40

Elke Lid moet sy jurisdiksie en beheer oor vaartuie wat sy vlag hys doeltreffend uitoefen deur 'n stelsel in te stel vir die versekering van voldoening aan die vereistes van hierdie Konvensie, met inbegrip van, waar gepas, inspeksies, verslagdoening, monitering, klagteprosedures, gepaste strawwe en regstellende maatreëls, ooreenkomstig nasionale wetsbepalinge of regulasies.

**ARTICLE 41**

1. Members shall require that fishing vessels remaining at sea for more than three days, which:
  - (a) are 24 metres in length and over; or
  - (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater, carry a valid document issued by the competent authority stating that the vessel has been inspected by the competent authority or on its behalf, for compliance with the provisions of this Convention concerning living and working conditions. 5 10
2. The period of validity of such document may coincide with the period of validity of a national or an international fishing vessel safety certificate, but in no case shall such period of validity exceed five years.

**ARTICLE 42**

1. The competent authority shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under Article 41. 15
2. In establishing an effective system for the inspection of living and working conditions on board fishing vessels, a Member, where appropriate, may authorize public institutions or other organizations that it recognizes as competent and independent to carry out inspections and issue documents. In all cases, the Member shall remain fully responsible for the inspection and issuance of the related documents concerning the living and working conditions of the fishers on fishing vessels that fly its flag. 20

**ARTICLE 43**

1. A Member which receives a complaint or obtains evidence that a fishing vessel that flies its flag does not conform to the requirements of this Convention shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found. 25
2. If a Member, in whose port a fishing vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirements of this Convention, it may prepare a report addressed to the government of the flag State of the vessel, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health. 30
3. In taking the measures referred to in paragraph 2 of this Article, the Member shall notify forthwith the nearest representative of the flag State and, if possible, shall have such representative present. The Member shall not unreasonably detain or delay the vessel. 35
4. For the purpose of this Article, the complaint may be submitted by a fisher, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the vessel, including an interest in safety or health hazards to the fishers on board. 40
5. This Article does not apply to complaints which a Member considers to be manifestly unfounded.

**ARTICLE 44**

- Each Member shall apply this Convention in such a way as to ensure that the fishing vessels flying the flag of any State that has not ratified this Convention do not receive more favourable treatment than fishing vessels that fly the flag of any Member that has ratified it. 45

#### ARTIKEL 41

1. Lede moet vereis dat vissersvaartuie wat vir meer as drie dae op see bly wat:
  - (a) 24 meter en meer in lengte is; of
  - (b) gewoonlik verder as 200 seemyl van die kuslyn van die vlagstaat vaar of verby die buitenste rand van sy kontinentale plat vaar, watter afstand van die kuslyn ook al groter is, 'n geldige dokument uitgereik deur die bevoegde owerheid dra wat stel dat die vaartuig deur die bevoegde owerheid of namens die owerheid geïnspekteer is vir voldoening aan die bepalings oor lewens- en werksomstandighede van hierdie Konvensie. 5
2. Die geldigheidstydperk van sodanige dokument kan ooreenstem met die geldigheidstydperk van 'n nasionale of 'n internasionale veiligheidsertifikaat vir 'n vissersvaartuig, maar in geen geval mag so 'n geldigheidstydperk meer as vyf jaar wees nie. 10

#### ARTIKEL 42

1. Die bevoegde owerheid moet 'n voldoende getal gekwalifiseerde inspekteurs aanstel om sy verantwoordelikhede kragtens Artikel 41 te vervul. 15
2. By die instelling van 'n doeltreffende stelsel vir die inspeksie van lewens- en werksomstandighede aan boord van vissersvaartuie, kan die Lid, waar gepas, openbare instellings of ander organisasies magtig wat hy erken as bevoeg en onafhanklik om inspeksies uit te voer en dokumente uit te reik. In alle gevalle moet die Lid ten volle verantwoordelik bly vir die inspeksie en uitreiking van die tersaaklike dokumente oor die lewens- en werksomstandighede van die vissers op vissersvaartuie wat sy vlag hys. 20

#### ARTIKEL 43

1. 'n Lid wat 'n klagte ontvang of bewyse kry dat 'n vissersvaartuig wat sy vlag hys nie aan die vereistes van hierdie Konvensie voldoen nie, moet die nodige stappe doen om die aangeleentheid te ondersoek en verseker dat stappe gedoen word om enige gebreke wat gevind word, reg te stel. 25
2. Indien 'n Lid, in wie se hawe 'n vissersvaartuig in die normale gang van sy sake of vir bedryfredes aandoen, 'n klagte ontvang of bewyse kry dat die vaartuig nie aan die vereistes van hierdie Konvensie voldoen nie, kan hy 'n verslag voorberei vir die regering van die vlagstaat van die vaartuig, met 'n afskrif aan die Direkteur-generaal van die Internasionale Arbeidskantoor, en kan die nodige stappe doen om enige omstandighede aan boord wat duidelik nadelig vir veiligheid of gesondheid is, reg te stel. 30
3. By die doen van die stappe in paragraaf 2 van hierdie Artikel bedoel, moet die Lid die naaste verteenwoordiger van die vlagstaat onmiddellik in kennis stel en, indien moontlik, sodanige verteenwoordiger teenwoordig hê. Die Lid moet die vaartuig nie onredelik terughou of vertraag nie. 35
4. By die toepassing van hierdie Artikel, kan die klagte deur 'n visser, 'n professionele liggaam, 'n vereniging, 'n vakbond of, in die algemeen, enige persoon met 'n belang in die veiligheid van die vaartuig, met inbegrip van 'n belang in veiligheids- of gesondheidsgevaare vir die vissers aan boord, ingedien word. 40
5. Hierdie Artikel is nie van toepassing nie op klagtes wat die Lid meen ooglopend ongegrond is.

#### ARTIKEL 44

45

Elke Lid moet hierdie Konvensie toepas op so 'n wyse dat dit verseker dat die vissersvaartuie wat die vlag van enige Staat hys wat nie hierdie Konvensie bekragtig het nie, nie gunstiger behandeling ontvang as 'n vissersvaartuig wat die vlag hys van enige Lid wat dit bekragtig het nie.



**AMENDMENT OF ANNEXES I, II AND III**

**PART VIII**

**ARTICLE 45**

1. Subject to the relevant provisions of this Convention, the International Labour Conference may amend Annexes I, II and III. The Governing Body of the International Labour Office may place an item on the agenda of the Conference regarding proposals for such amendments established by a tripartite meeting of experts. The decision to adopt the proposals shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention. 5 10

2. Any amendment adopted in accordance with paragraph 1 of this Article shall enter into force six months after the date of its adoption for any Member that has ratified this Convention, unless such Member has given written notice to the Director-General of the International Labour Office that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification. 15

**FINAL PROVISIONS**

**PART IX**

**ARTICLE 46**

This Convention revises the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126). 20

**ARTICLE 47**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration. 25

**ARTICLE 48**

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of ten Members, eight of which are coastal States, have been registered with the Director-General. 30

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification is registered.

**ARTICLE 49** 35

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. 40

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 within the first year of each new period of ten years under the terms provided for in this Article. 45

### WYSIGING VAN AANHANGSELS I, II EN III

#### DEEL VIII

##### ARTIKEL 45

1. Behoudens die tersaaklike bepalings van hierdie Konvensie, kan die Internasionale Arbeidskonvensie Aanhangsels I, II en III wysig. Die Beheerliggaam van die Internasionale Arbeidskantoor kan 'n item op die agenda van die Konferensie plaas aangaande voorstelle vir sodanige wysigings ingestel deur 'n drieparty vergadering van kundiges. Die besluit om die voorstelle deur te voer vereis 'n meerderheid van twee derdes van die stemme gebring deur die verteenwoordigers teenwoordig by die Kongres, met inbegrip van ten minste die helfte van die Lede wat hierdie Konvensie bekragtig het. 5 10

2. Enige wysiging aanvaar ooreenkomstig paragraaf 1 van hierdie Artikel tree in werking ses maande ná die datum van die aanvaarding daarvan vir enige Lid wat hierdie Konvensie bekragtig het, tensy sodanige Lid geskrewe kennis aan die Direkteur-generaal van die Internasionale Arbeidskantoor gegee het dat dit nie vir daardie Lid in werking sal tree nie, of slegs op 'n latere datum in werking sal tree by daaropvolgende geskrewe kennisgewing. 15

#### FINALE BEPALINGS

#### DEEL IX

##### ARTIKEL 46

20

Hierdie Konvensie hersien die "Minimum Age (Fishermen) Convention, 1959" (No. 112), die "Medical Examination (Fishermen) Convention, 1959" (No. 113), die "Fishermen's Articles of Agreement Convention, 1959" (No. 114), en die "Accommodation of Crews (Fishermen) Convention, 1966" (No. 126).

##### ARTIKEL 47

25

Die formele bekragtigings van hierdie Konvensie moet aan die Direkteur-generaal van die Internasionale Arbeidskantoor vir registrasie gekommunikeer word.

##### ARTIKEL 48

1. Hierdie Konvensie is slegs bindend op daardie Lede van die Internasionale Arbeidsorganisasie wie se bekragtigings by die Direkteur-generaal van die Internasionale Arbeidskantoor geregistreer is. 30

2. Dit sal in werking tree 12 maande ná die datum waarop die bekragtigings van tien Lede, waarvan agt kusstate is, by die Direkteur-generaal geregistreer is.

3. Daarna sal hierdie Konvensie in werking tree vir enige Lid 12 maande ná die datum waarop die Lid se bekragtiging geregistreer is. 35

##### ARTIKEL 49

1. 'n Lid wat hierdie Konvensie bekragtig het, kan dit opsê na verloop van tien jaar vanaf die datum waarop die Konvensie die eerste keer in werking tree, deur 'n handeling gekommunikeer aan die Direkteur-generaal van die Internasionale Arbeidskantoor vir registrasie. Sodanige opsegging moet nie in werking tree tot een jaar ná die datum waarop dit geregistreer is nie. 40

2. Elke Lid wat hierdie Konvensie bekragtig het en wat nie, binne die jaar wat op die verstryking van die tydperk van tien jaar in die voorafgaande paragraaf genoem, die reg van opsegging waarvoor hierdie Artikel voorsiening maak, uitoefen nie, is vir nog 'n tydperk van tien jaar gebind en kan daarna hierdie Konvensie opsê binne die eerste jaar van elke nuwe tydperk van tien jaar kragtens die voorwaardes waarvoor in hierdie Artikel voorsiening gemaak word. 45

**ARTICLE 50**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations that have been communicated by the Members of the Organization. 5

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

**ARTICLE 51** 10

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, declarations and denunciations registered by the Director-General.

**ARTICLE 52** 15

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, taking into account also the provisions of Article 45. 20

**ARTICLE 53**

1. Should the Conference adopt a new Convention revising this Convention, 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 49 above, if and when the new revising Convention shall have come into force; 25
- (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. 30

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 54**

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

**ANNEX I** 35

**EQUIVALENCE IN MEASUREMENT**

For the purpose of this Convention, where the competent authority, after consultation, decides to use length overall (LOA) rather than length (L) as the basis of measurement:

- (a) a length overall (LOA) of 16.5 metres shall be considered equivalent to a length (L) of 15 metres; 40
- (b) a length overall (LOA) of 26.5 metres shall be considered equivalent to a length (L) of 24 metres;
- (c) a length overall (LOA) of 50 metres shall be considered equivalent to a length (L) of 45 metres.

#### ARTIKEL 50

1. Die Direkteur-generaal van die Internasionale Arbeidskantoor moet alle Lede van die Internasionale Arbeidsorganisasie in kennis stel van die registrasie van alle bekragtigings, verklarings en opseggings wat deur die Lede van die organisasie gekommunikeer is. 5

2. Wanneer die Lede van die Organisasie in kennis gestel word van die registrasie van die laaste van die bekragtigings wat vereis word om die Konvensie in werking te laat tree, moet die Direkteur-generaal die Lede van die Organisasie attent maak op die datum waarop die Konvensie in werking sal tree.

#### ARTIKEL 51 10

Die Direkteur-generaal van die Internasionale Arbeidskantoor moet volle besonderhede van alle bekragtigings, verklarings en opseggings deur die Direkteur-generaal geregistreer aan die Sekretaris-generaal van die Verenigde Nasies kommunikeer vir registrasie ooreenkomstig Artikel 102 van die Stigtingsakte van die Verenigde Nasies. 15

#### ARTIKEL 52

Wanneer die Beheerliggaam van die Internasionale Arbeidskantoor dit nodig ag, moet hy 'n verslag oor die werking van hierdie Konvensie aan die Algemene Vergadering voorlê en moet oorweeg of dit wenslik is om die hersiening van die Konvensie in geheel of gedeeltelik op die agenda van die Vergadering te plaas, met inagneming van die bepalings van Artikel 45. 20

#### ARTIKEL 53

1. Indien die Vergadering 'n nuwe Konvensie aanvaar wat hierdie Konvensie hersien, dan, tensy die nuwe Konvensie anders bepaal:

(a) behels die bekragtiging deur 'n Lid van die nuwe hersiende Konvensie by regswerking die onmiddellike opsegging van hierdie Konvensie, ongeag die bepalings van Artikel 49 hierbo, indien en wanneer die nuwe hersiene Konvensie in werking sou getree het; 25

(b) met ingang van die datum waarop die nuwe hersiene Konvensie in werking tree, kan hierdie Konvensie nie meer deur lede bekragtig word nie. 30

2. Hierdie Konvensie sal in elk geval in werking bly in sy werklike vorm en inhoud vir daardie Lede wat dit bekragtig het maar nie die hersiende Konvensie bekragtig het nie.

#### ARTIKEL 54

Die Engelse en Franse weergawes van die teks van hierdie Konvensie het ewe veel gesag. 35

### AANHANGSEL I

#### GELYKWAARDIGHEID IN AFMETING

By die toepassing van hierdie Konvensie, waar die bevoegde owerheid, ná raadpleging, besluit om totale lengte (LOA) eerder as lengte (L) as basis van afmeting te gebruik: 40

(a) 'n totale lengte (LOA) van 16.5 meter word geag gelykwaardig aan 'n lengte (L) van 15 meter te wees;

(b) 'n totale lengte (LOA) van 26.5 meter word geag gelykwaardig aan 'n lengte (L) van 24 meter te wees; 45

(c) 'n totale lengte (LOA) van 50 meter word geag gelykwaardig aan 'n lengte (L) van 45 meter te wees.

ANNEX II

FISHER'S WORK AGREEMENT

The fisher's work agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable: 5

- (a) the fisher's family name and other names, date of birth or age, and birthplace;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work; 10
- (d) the name of the employer, or fishing vessel owner, or other party to the agreement with the fisher;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the fisher is to be employed or engaged; 15
- (g) if possible, the place at which and date on which the fisher is required to report on board for service;
- (h) the provisions to be supplied to the fisher, unless some alternative system is provided for by national law or regulation;
- (i) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage; 20
- (j) the termination of the agreement and the conditions thereof, namely:
  - (i) if the agreement has been made for a definite period, the date fixed for its expiry; 25
  - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
  - (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or fishing vessel owner or other party to the agreement with the fisher; 30
- (k) the protection that will cover the fisher in the event of sickness, injury or death in connection with service; 35
- (l) the amount of paid annual leave or the formula used for calculating leave, where applicable;
- (m) the health and social security coverage and benefits to be provided to the fisher by the employer, fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable; 40
- (n) the fisher's entitlement to repatriation;
- (o) a reference to the collective bargaining agreement, where applicable;
- (p) the minimum periods of rest, in accordance with national laws, regulations or other measures; and 45
- (q) any other particulars which national law or regulation may require.

## AANHANGSEL II

### VISSERSWERKSOOREENKOMS

Die visserswerksooreenkoms moet die volgende besonderhede bevat, buiten in soverre die insluiting van een of meer daarvan onnodig gemaak word deur die feit dat die aangeleentheid op 'n ander manier deur nasionale wetsbepaling of regulasies, of 'n kollektiewebedingingsooreenkoms, waar van toepassing, gereguleer word: 5

- (a) die visser se van en ander name, geboortedatum of ouderdom, en geboorteplek;
- (b) die plek waar en datum waarop die ooreenkoms gesluit is;
- (c) die naam van die vissersvaartuig of vaartuie en die registrasienuommer van die vaartuig of vaartuie waarop die visser onderneem om te werk; 10
- (d) die naam van die werkgewer, of vissersvaartuigeienaar, of ander party tot die ooreenkoms met die visser;
- (e) die vaart of vaarte wat onderneem gaan word, indien dit bepaal kan word wanneer die ooreenkoms gesluit word; 15
- (f) die hoedanigheid waarin die visser in diens geneem of aangestel gaan word;
- (g) indien moontlik, die plek waarby en datum waarop die visser aan boord vir diens moet aanmeld;
- (h) die lewensmiddele wat aan die visser voorsien moet word, tensy nasionale wetsbepaling of regulasie vir 'n alternatiewe stelsel voorsiening maak; 20
- (i) die bedrag van lone, of die bedrag van die aandeel en die metode waarvolgens sodanige aandeel bereken word indien vergoeding op 'n aandeelgrondslag gaan geskied, of die bedrag van die loon en aandeel en die metode waarvolgens laasgenoemde bereken gaan word indien vergoeding op 'n gekombineerde grondslag gaan wees, en enige minimum loon waarop ooreengekom is; 25
- (j) die beëindiging van 'n ooreenkoms en die voorwaardes daarvan, naamlik:
  - (i) indien die ooreenkoms vir 'n bepaalde tydperk gesluit is, die datum vir die verstryking daarvan vasgestel;
  - (ii) indien die ooreenkoms vir 'n vaart gesluit is, die bestemming en die tyd wat ná aankoms moet verbygaan voor die visser ontslaan sal word; 30
  - (iii) indien die ooreenkoms vir 'n onbepaalde tydperk gesluit is, die voorwaardes wat 'n party die reg sal gee om dit nietig te verklaar, asook die vereiste kennistydperk vir nietigverklaring, met dien verstande dat sodanige tydperk nie minder vir die werkgewer, of vissersvaartuigeienaar of ander party tot die ooreenkoms met die visser mag wees nie; 35
- (k) die beskerming wat die visser sal dek in die geval van siekte, besering of dood in verband met diens; 40
- (l) die bedrag van betaalde jaarlikse verlof of die formule wat gebruik word om verlof te bereken, waar van toepassing;
- (m) die gesondheids- en maatskaplikesekerheidsdekking en -voordele wat aan die visser voorsien sal word deur die werkgewer, vissersvaartuigeienaar, of ander party of partye tot die visserswerksooreenkoms, soos van toepassing; 45
- (n) die visser se reg op repatriasie;
- (o) 'n verwysing na die kollektiewebedingingsooreenkoms, waar van toepassing;
- (p) die minimumrustydperke, ooreenkomstig nasionale wetsbepalings, regulasies of ander maatreëls; en
- (q) enige ander besonderhede wat nasionale wetsbepalings of regulasies kan vereis. 50

### ANNEX III

#### FISHING VESSEL ACCOMMODATION

##### GENERAL PROVISIONS

1. For the purposes of this Annex:
  - (a) “new fishing vessel” means a vessel for which:
    - (i) the building or major conversion contract has been placed on or after the date of the entry into force of the Convention for the Member concerned; or
    - (ii) the building or major conversion contract has been placed before the date of the entry into force of the Convention for the Member concerned, and which is delivered three years or more after that date; or
    - (iii) in the absence of a building contract, on or after the date of the entry into force of the Convention for the Member concerned:
      - the keel is laid;
      - construction identifiable with a specific vessel begins; or
      - assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less;
  - (b) “existing vessel” means a vessel that is not a new fishing vessel.
2. The following shall apply to all new, decked fishing vessels, subject to any exclusions provided for in accordance with Article 3 of the Convention. The competent authority may, after consultation, also apply the requirements of this Annex to existing vessels, when and in so far as it determines that this is reasonable and practicable.
3. The competent authority, after consultation, may permit variations to the provisions of this Annex for fishing vessels normally remaining at sea for less than 24 hours where the fishers do not live on board the vessel in port. In the case of such vessels, the competent authority shall ensure that the fishers concerned have adequate facilities for resting, eating and sanitation purposes.
4. Any variations made by a Member under paragraph 3 of this Annex shall be reported to the International Labour Office under article 22 of the Constitution of the International Labour Organisation.
5. The requirements for vessels of 24 metres in length and over may be applied to vessels between 15 and 24 metres in length where the competent authority determines, after consultation, that this is reasonable and practicable.
6. Fishers working on board feeder vessels which do not have appropriate accommodation and sanitary facilities shall be provided with such accommodation and facilities on board the mother vessel.
7. Members may extend the requirements of this Annex regarding noise and vibration, ventilation, heating and air conditioning, and lighting to enclosed working spaces and spaces used for storage if, after consultation, such application is considered appropriate and will not have a negative influence on the function of the process or working conditions or the quality of the catches.
8. The use of gross tonnage as referred to in Article 5 of the Convention is limited to the following specified paragraphs of this Annex: 14, 37, 38, 41, 43, 46, 49, 53, 55, 61, 64, 65 and 67. For these purposes, where the competent authority, after consultation, decides to use gross tonnage (*gt*) as the basis of measurement:
  - (a) a gross tonnage of 75 *gt* shall be considered equivalent to a length (*L*) of 15 metres or a length overall (LOA) of 16.5 metres;
  - (b) a gross tonnage of 300 *gt* shall be considered equivalent to a length (*L*) of 24 metres or a length overall (LOA) of 26.5 metres;
  - (c) a gross tonnage of 950 *gt* shall be considered equivalent to a length (*L*) of 45 metres or a length overall (LOA) of 50 metres.

##### PLANNING AND CONTROL

1. The competent authority shall satisfy itself that, on every occasion when a vessel is newly constructed or the crew accommodation of a vessel has been reconstructed, such vessel complies with the requirements of this Annex. The competent authority

### AANHANGSEL III

#### VISSERSVAARTUIGAKKOMMODASIE

##### ALGEMENE BEPALINGS

1. By die toepassing van hierdie Aanhangsel beteken:
- (a) “nuwe vissersvaartuig” ’n vaartuig waarvoor: 5
- (i) die bou- of groot ombouingskontrak geplaas is op of ná die datum van die inwerkingtreding van die Konvensie vir die betrokke Lid; of
  - (ii) die bou- of groot ombouingskontrak geplaas is voor die datum van die inwerkingtreding van die Konvensie vir die betrokke Lid, en wat drie jaar of meer ná daardie datum gelewer word; 10
  - (iii) by gebrek aan ’n boukontrak, op of na die datum van die inwerkingtreding van die Konvensie vir die betrokke Lid:
    - die kiel uitgelê is;
    - konstruksie wat met ’n bepaalde vaartuig vereenselwig kan word, begin word; of 15
    - montering begin het bestaande uit ten minste 50 ton of 1 persent van die geskatte massa van alle strukturele materiaal, watter ook al minder is;
- (b) “bestaande vaartuig” ’n vaartuig wat nie ’n nuwe vissersvaartuig is nie.
2. Die volgende is van toepassing op alle nuwe vissersvaartuie met dekke, behoudens enige uitsluitings ooreenkomstig Artikel 3 van die Konvensie voor voorsiening gemaak. Die bevoegde owerheid kan, ná raadpleging, ook die vereistes van hierdie Aanhangsel toepas op bestaande vaartuie, wanneer en in soverre hy bepaal dat dit redelik en moontlik is. 20
3. Die bevoegde owerheid, ná raadpleging, kan variasies aan die bepalinge van hierdie Aanhangsel toelaat vir vissersvaartuie wat gewoonlik minder as 24 uur op see bly waar die vissers nie in die hawe aan boord van die vaartuig bly nie. In die geval van sodanige vaartuie, moet die bevoegde owerheid verseker dat die betrokke vissers voldoende fasiliteite het om te rus, te eet en vir sanitasie. 25
4. Enige variasies kragtens paragraaf 3 van hierdie Aanhangsel deur ’n Lid gemaak kragtens artikel 22 van die Grondwet van die Internasionale Arbeidsorganisasie, moet by die Internasionale Arbeidskantoor aangemeld word. 30
5. Die vereistes vir vaartuie van 24 meter en meer in lengte kan toegepas word op vaartuie van tussen 15 en 24 meter in lengte waar die bevoegde owerheid bepaal, ná raadpleging, dat dit redelik en moontlik is. 35
6. Vissers wat aan boord van ’n voerderboot werk wat nie gepaste akkommodasie- en sanitasiefasiliteite het nie, moet aan boord van die moedervaartuig voorsien word van sodanige akkommodasie en fasiliteite.
7. Lede kan die vereistes van hierdie Aanhangsel aangaande geraas en vibrasie, ventilasie, verhitting en lugversorging en beligting, uitbrei na toe werksplekke en spasies wat vir berging gebruik word indien, ná raadpleging, sodanige toepassing gepas geag word en nie ’n negatiewe invloed op die werking van die proses of werksomstandighede of die gehalte van die vangste sal hê nie. 40
8. Die gebruik van bruto tonnemaat soos in Artikel 5 van die Konvensie bedoel is beperk tot die volgende gespesifiseerde paragrawe van hierdie Aanhangsel: 14, 37, 38, 41, 43, 46, 49, 53, 55, 61, 64, 65 en 67. Vir hierdie doeleindes, waar die bevoegde owerheid ná raadpleging besluit om bruto tonnemaat (*gt*) as grondslag van meting te gebruik: 45
- (a) ’n bruto tonnemaat van 75 *gt* word geag gelykwaardig aan ’n lengte (L) van 15 meter of ’n totale lengte (LOA) van 16.5 meter te wees; 50
  - (b) ’n bruto tonnemaat van 300 *gt* word geag gelykwaardig aan ’n lengte (L) van 24 meter of ’n totale lengte (LOA) van 26.5 meter te wees;
  - (c) ’n bruto tonnemaat van 950 *gt* word geag gelykwaardig aan ’n lengte (L) van 45 meter of ’n totale lengte (LOA) van 50 meter te wees;

##### BEPLANNING EN BEHEER

55

1. Die bevoegde owerheid moet seker maak dat, elke keer wanneer ’n vaartuig nuut gebou word, of die bemanningsakkommodasie van ’n vaartuig herbou is, sodanige vaartuig voldoen aan die vereistes van hierdie Aanhangsel. Die bevoegde owerheid



shall, to the extent practicable, require compliance with this Annex when the crew accommodation of a vessel is substantially altered and, for a vessel that changes the flag it flies to the flag of the Member, require compliance with those requirements of this Annex that are applicable in accordance with paragraph 2 of this Annex.

2. For the occasions noted in paragraph 9 of this Annex, for vessels of 24 metres in length and over, detailed plans and information concerning accommodation shall be required to be submitted for approval to the competent authority, or an entity authorized by it. 5

3. For vessels of 24 metres in length and over, on every occasion when the crew accommodation of the fishing vessel has been reconstructed or substantially altered, the competent authority shall inspect the accommodation for compliance with the requirements of the Convention, and when the vessel changes the flag it flies to the flag of the Member, for compliance with those requirements of this Annex that are applicable in accordance with paragraph 2 of this Annex. The competent authority may carry out additional inspections of crew accommodation at its discretion. 10 15

4. When a vessel changes flag, any alternative requirements which the competent authority of the Member whose flag the ship was formerly flying may have adopted in accordance with paragraphs 15, 39, 47 or 62 of this Annex cease to apply to the vessel.

## DESIGN AND CONSTRUCTION

### HEADROOM 20

1. There shall be adequate headroom in all accommodation spaces. For spaces where fishers are expected to stand for prolonged periods, the minimum headroom shall be prescribed by the competent authority.

2. For vessels of 24 metres in length and over, the minimum permitted headroom in all accommodation where full and free movement is necessary shall not be less than 200 centimetres. 25

3. Notwithstanding the provisions of paragraph 14, the competent authority may, after consultation, decide that the minimum permitted headroom shall not be less than 190 centimetres in any space—or part of any space—in such accommodation, where it is satisfied that this is reasonable and will not result in discomfort to the fishers. 30

### OPENINGS INTO AND BETWEEN ACCOMMODATION SPACES

1. There shall be no direct openings into sleeping rooms from fish rooms and machinery spaces, except for the purpose of emergency escape. Where reasonable and practicable, direct openings from galleys, storerooms, drying rooms or communal sanitary areas shall be avoided unless expressly provided otherwise. 35

2. For vessels of 24 metres in length and over, there shall be no direct openings, except for the purpose of emergency escape, into sleeping rooms from fish rooms and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or another approved material and shall be watertight and gas-tight. This provision does not exclude the possibility of sanitary areas being shared between two cabins. 40

### INSULATION

Accommodation spaces shall be adequately insulated; the materials used to construct internal bulkheads, panelling and sheeting, and floors and joinings shall be suitable for the purpose and shall be conducive to ensuring a healthy environment. Sufficient drainage shall be provided in all accommodation spaces. 45

### OTHER

1. All practicable measures shall be taken to protect fishing vessels' crew accommodation against flies and other insects, particularly when vessels are operating in mosquito-infested areas. 50

moet, in soverre dit moontlik is, voldoening aan hierdie Aanhangsel vereis wanneer die bemanningsakkommodasie van 'n vaartuig wesenlik verander word en, vir 'n vaartuig wat die vlag wat dit hys verander na die Lid se vlag, voldoening vereis aan daardie vereistes van hierdie Aanhangsel wat ooreenkomstig paragraaf 2 van hierdie Aanhangsel van toepassing is. 5

2. Vir die gevalle in paragraaf 9 van hierdie Aanhangsel genoem, vir vaartuie van 24 meter en meer in lengte, sal vereis word dat uitvoerige planne en inligting oor akkommodasie vir goedkeuring aan die bevoegde owerheid, of 'n entiteit deur die owerheid gemagtig, voorgelê word.

3. Vir vaartuie van 24 meter en meer in lengte, moet die bevoegde owerheid elke keer wanneer die bemanningsakkommodasie van die vissersvaartuig herbou of wesenlik verander is, die akkommodasie vir voldoening aan die vereistes van die Konvensie inspekteer, en wanneer die vaartuig die vlag wat dit hys na die Lid se vlag verander, vir voldoening aan die vereistes van hierdie Aanhangsel wat ooreenkomstig paragraaf 2 van hierdie Aanhangsel van toepassing is. Die bevoegde owerheid kan bykomende inspeksies van bemanningsakkommodasie op eie diskresie doen. 10 15

4. Wanneer 'n vaartuig van vlag verander, hou enige alternatiewe vereistes wat die bevoegde owerheid van die Lid wie se vlag die skip voorheen gehys het ooreenkomstig paragrawe 15, 39, 47 of 62 van hierdie Aanhangsel op om op die vaartuig van toepassing te wees. 20

## ONTWERP EN KONSTRUKSIE

### KOPRUIMTE

1. Daar moet voldoende kopruimte in alle akkommodasiespasies wees. Vir spasies waar vissers vir lang tydperke moet staan, moet die minimum kopruimte deur die bevoegde owerheid voorgeskryf word. 25

2. Vir vaartuie van 24 meter en meer in lengte, moet die minimum toegelate kopruimte in alle akkommodasie waar volle en vrye beweging nodig is, nie minder as 200 sentimeter wees nie.

3. Ondanks die bepalings van paragraaf 14, kan die bevoegde owerheid, ná raadpleging, besluit dat die minimum toegelate kopruimte nie minder as 190 sentimeter in enige spasie — of deel van enige spasie — mag wees in die akkommodasie nie, waar die owerheid tevrede is dat dit redelik is en nie ongemak vir die vissers sal veroorsaak nie. 30

### OPENINGE NA EN TUSSEN AKKOMMODASIESPASIES

1. Daar moet geen direkte opening vanuit viskamers en masjineriepasies in slaapkamers in wees nie, buiten vir die doel van nooduitgange. Waar redelik en prakties, moet direkte openinge vanuit galeie, stoorkamers, droogkamers of gemeenskaplike sanitêre areas moet vermy word, buiten waar daar uitdruklik anders bepaal word. 35

2. Vir vaartuie van 24 meter en meer in lengte, moet daar geen direkte openinge wees nie, buiten vir die doel van nooduitgange, in slaapkamers in vanuit viskamers en masjineriepasies of vanuit galeie, stoorkamers, droogkamers of gemeenskaplike sanitêre areas; daardie gedeelte van die skot wat sodanige plekke van slaapkamers skei en eksterne skotte moet doeltreffend van staal of 'n ander goedgekeurde materiaal gebou wees en moet waterdig en gasdig wees. Hierdie bepaling sluit nie die moontlikheid uit dat twee kajuite sanitêre gebiede deel nie. 40 45

### INSULASIE

Akkommodasiespasies moet genoegsaam geïnsuleer wees; die materiale wat gebruik word om interne skotte, paneelwerk en plaatbekleding en vloere en verbindings te bou, moet gepas wees vir die doel en moet bydra tot die skep van 'n gesonde omgewing. Behoorlike dreinerings moet in alle akkommodasiespasies voorsien word. 50

### ANDER

1. Alle praktiese stappe moet gedoen word om vissersvaartuie se bemanning se akkommodasie te beskut teen vlieë en ander insekte, veral wanneer vaartuie in gebiede met muskiete bedryf word.

2. Emergency escapes from all crew accommodation spaces shall be provided as necessary.

### NOISE AND VIBRATION

1. The competent authority shall take measures to limit excessive noise and vibration in accommodation spaces and, as far as practicable, in accordance with relevant international standards. 5

2. For vessels of 24 metres in length and over, the competent authority shall adopt standards for noise and vibration in accommodation spaces which shall ensure adequate protection to fishers from the effects of such noise and vibration, including the effects of noise- and vibration-induced fatigue. 10

### VENTILATION

1. Accommodation spaces shall be ventilated, taking into account climatic conditions. The system of ventilation shall supply air in a satisfactory condition whenever fishers are on board.

2. Ventilation arrangements or other measures shall be such as to protect non-smokers from tobacco smoke. 15

3. Vessels of 24 metres in length and over shall be equipped with a system of ventilation for accommodation, which shall be controlled so as to maintain the air in a satisfactory condition and to ensure sufficiency of air movement in all weather conditions and climates. Ventilation systems shall be in operation at all times when fishers are on board. 20

### HEATING AND AIR CONDITIONING

1. Accommodation spaces shall be adequately heated, taking into account climatic conditions.

2. For vessels of 24 metres in length and over, adequate heat shall be provided, through an appropriate heating system, except in fishing vessels operating exclusively in tropical climates. The system of heating shall provide heat in all conditions, as necessary, and shall be in operation when fishers are living or working on board, and when conditions so require. 25

3. For vessels of 24 metres in length and over, with the exception of those regularly engaged in areas where temperate climatic conditions do not require it, air conditioning shall be provided in accommodation spaces, the bridge, the radio room and any centralized machinery control room. 30

### LIGHTING

1. All accommodation spaces shall be provided with adequate light. 35

2. Wherever practicable, accommodation spaces shall be lit with natural light in addition to artificial light. Where sleeping spaces have natural light, a means of blocking the light shall be provided.

3. Adequate reading light shall be provided for every berth in addition to the normal lighting of the sleeping room. 40

4. Emergency lighting shall be provided in sleeping rooms.

5. Where a vessel is not fitted with emergency lighting in mess rooms, passageways, and any other spaces that are or may be used for emergency escape, permanent night lighting shall be provided in such spaces.

6. For vessels of 24 metres in length and over, lighting in accommodation spaces shall meet a standard established by the competent authority. In any part of the accommodation space available for free movement, the minimum standard for such lighting shall be such as to permit a person with normal vision to read an ordinary printed newspaper on a clear day. 45

2. Nooduitgange uit alle akkommodasiespasies vir bemanning moet, waar nodig, voorsien word.

### GERAAS EN VIBRASIES

1. Die bevoegde owerheid moet stappe doen om uitermatige geraas en vibrasies in akkommodasiespasies te beperk en, so ver moontlik, ooreenkomstig tersaaklike internasionale standaarde. 5

2. Vir vaartuie van 24 meter en meer in lengte, moet die bevoegde owerheid standaard aanvaar vir geraas en vibrasies in akkommodasiespasies wat genoegsame beskerming aan vissers bied van die uitwerking van sodanige geraas en vibrasies, met inbegrip van die uitwerking van uitputting wat deur geraas en vibrasies veroorsaak is. 10

### VENTILASIE

1. Akkommodasiespasies moet geventileer wees, met inagneming van klimaatstoestande. Die ventilasiestelsel moet lug in 'n bevredigende toestand voorsien wanneer vissers aan boord is.

2. Ventilasiereëlings of ander maatreëls moet nierokers beskerm van tabakrook. 15

3. Vaartuie van 24 meter en meer in lengte, moet toegerus wees met 'n ventileringsstelsel vir akkommodasie, wat beheer sal word ten einde die lug in 'n bevredigende toestand te onderhou en ten einde te verseker dat genoeg beweging van lug onder alle weersomstandighede en -klimaat voorkom. Ventileringsstelsels moet te alle tye werk wanneer vissers aan boord is. 20

### VERHITTING EN LUGVERSORGING

1. Akkommodasiespasies moet voldoende verhit wees, met inagneming van klimaatstoestande.

2. Vir vaartuie van 24 meter en meer in lengte, moet genoeg hitte deur 'n gepaste verhitingsstelsel voorsien word, buiten in vissersvaartuie wat uitsluitlik in tropiese klimaat bedryf word. Die verhitingsstelsel moet hitte in alle toestande voorsien, soos nodig, en moet werk wanneer vissers aan boord leef of werk, en wanneer toestande dit vereis. 25

3. Vir vaartuie van 24 meter en meer in lengte, met die uitsondering van vaartuie wat gereeld werksaam is in gebiede waar matige klimaatstoestande dit nie nodig maak nie, moet lugversorging in akkommodasiespasies, die brug, die radiokamer en enige gesentraliseerde masjieneriebeheerkamer, voorsien word. 30

### BELIGTING

1. Alle akkommodasiespasies moet genoegsaam belig word.

2. Waar moontlik, moet akkommodasiespasies belig word met natuurlike lig saam met kunsmatige lig. Waar slaapspasies natuurlike beligting het, moet 'n manier voorsien word om die natuurlike lig uit te blok. 35

3. Voldoende lig om by te lees moet vir elke slaapbank voorsien word saam met die normale beligting van die slaapkamer.

4. Noodbeligting moet in slaapkamers voorsien word. 40

5. Waar 'n vaartuig nie noodbeligting in menasies, gange en enige ander spasies wat vir noodontsnapping gebruik word of gebruik mag word, het nie, moet permanente nagbeligting in sulke spasies voorsien word.

6. Vir vaartuie van 24 meter en meer in lengte, moet beligting in akkommodasiespasies aan 'n standaard voldoen wat deur die bevoegde owerheid ingestel is. In enige deel van die akkommodasiespasie beskikbaar vir vrye beweging, moet die minimum standaard vir beligting wees dat dit 'n persoon met normale visie toelaat om 'n gewone, gedrukte koerant op 'n onbewolkte dag te lees. 45

## SLEEPING ROOMS

### GENERAL

Where the design, dimensions or purpose of the vessel allow, the sleeping accommodation shall be located so as to minimize the effects of motion and acceleration but shall in no case be located forward of the collision bulkhead. 5

### FLOOR AREA

1. The number of persons per sleeping room and the floor area per person, excluding space occupied by berths and lockers, shall be such as to provide adequate space and comfort for the fishers on board, taking into account the service of the vessel.
2. For vessels of 24 metres in length and over but which are less than 45 metres in length, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.5 square metres. 10
3. For vessels of 45 metres in length and over, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 2 square metres. 15
4. Notwithstanding the provisions of paragraphs 37 and 38, the competent authority may, after consultation, decide that the minimum permitted floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.0 and 1.5 square metres respectively, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers. 20

### PERSONS PER SLEEPING ROOM

1. To the extent not expressly provided otherwise, the number of persons allowed to occupy each sleeping room shall not be more than six.
2. For vessels of 24 metres in length and over, the number of persons allowed to occupy each sleeping room shall not be more than four. The competent authority may permit exceptions to this requirement in particular cases if the size, type or intended service of the vessel makes the requirement unreasonable or impracticable. 25
3. To the extent not expressly provided otherwise, a separate sleeping room or sleeping rooms shall be provided for officers, wherever practicable.
4. For vessels of 24 metres in length and over, sleeping rooms for officers shall be for one person wherever possible and in no case shall the sleeping room contain more than two berths. The competent authority may permit exceptions to the requirements of this paragraph in particular cases if the size, type or intended service of the vessel makes the requirements unreasonable or impracticable. 30

### OTHER 35

1. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in a place in the room where it can be conveniently seen.
2. Individual berths of appropriate dimensions shall be provided. Mattresses shall be of a suitable material.
3. For vessels of 24 metres in length and over, the minimum inside dimensions of the berths shall not be less than 198 by 80 centimetres. 40
4. Notwithstanding the provisions of paragraph 46, the competent authority may, after consultation, decide that the minimum inside dimensions of the berths shall not be less than 190 by 70 centimetres, where it is satisfied that this is reasonable and will not result in discomfort to the fishers. 45
5. Sleeping rooms shall be so planned and equipped so as to ensure reasonable comfort for the occupants and to facilitate tidiness. Equipment provided shall include berths, individual lockers sufficient for clothing and other personal effects, and a suitable writing surface.
6. For vessels of 24 metres in length and over, a desk suitable for writing, with a chair, shall be provided. 50
7. Sleeping accommodation shall be situated or equipped, as practicable, so as to provide appropriate levels of privacy for men and for women.

## SLAAPKAMERS

### ALGEMEEN

Waar die ontwerp, dimensies of doel van die vaartuig dit toelaat, moet die slaapplek so geleë wees dat dit die uitwerking van beweging en versnelling minimaliseer, maar sal onder geen omstandighede voor die botsingskot wees nie. 5

### VLOERGBIED

1. Die getal persone per slaapkamer en die vloer gebied per persoon, spasio opgeneem deur slaapbanke en sluitkaste uitgesluit, moet voldoende spasio en gemak vir die vissers aan boord voorsien, met inagneming van die diens van die vaartuig. 10
2. Vir vaartuie van 24 meter en meer in lengte, maar wat minder as 45 meter in lengte is, moet die vloer gebied per persoon van slaapkamers, vloer gebied opgeneem deur slaapbanke en sluitkaste uitgesluit, nie minder as 1.5 vierkante meter wees nie. 10
3. Vir vaartuie van 45 meter en meer in lengte, moet die vloer gebied per persoon van slaapkamers, spasio opgeneem deur slaapbanke en sluitkaste uitgesluit, nie minder as 2 vierkante meter wees nie. 15
4. Ondanks die bepalings van paragraawe 37 en 38, kan die bevoegde owerheid, ná raadpleging, besluit dat die minimum toegelate vloer gebied per persoon van slaapkamers, spasio opgeneem deur slaapbanke en sluitkaste uitgesluit, nie minder as onderskeidelik 1.0 en 1.5 vierkante meter moet wees nie, waar die bevoegde owerheid tevrede is dat dit redelik is en nie die vissers sal verontrief nie. 20

### PERSONE PER SLAAPKAMER

1. In soverre daar nie uitdruklik anders bepaal is nie, moet die getal persone wat toegelaat word om elke slaapkamer te beset, nie meer as ses wees nie.
2. Vir vaartuie van 24 meter en meer in lengte, moet die getal persone wat toegelaat word om elke slaapkamer te beset, nie meer as vier wees nie. Die bevoegde owerheid kan in bepaalde gevalle uitsonderings op hierdie vereiste toelaat indien die grootte, tipe of beoogde diens van die vaartuig hierdie vereistes onredelik of onprakties maak. 25
3. In soverre nie uitdruklik anders bepaal nie, moet 'n aparte slaapkamer of slaapkamers vir offisiere voorsien word, waar moontlik.
4. Vir vaartuie van 24 meter en meer in lengte, moet slaapkamers vir offisiere, waar moontlik, vir een persoon wees en in geen geval sal die slaapkamer meer as twee slaapbanke in hê nie. Die bevoegde owerheid kan in bepaalde gevalle uitsonderings op die vereistes van hierdie paragraaf toelaat indien die grootte, tipe of bedoelde diens van die vaartuig die vereistes onredelik of onprakties maak. 30

### ANDER 35

1. Die maksimum getal persone wat in enige slaapkamer geakkommodeer kan word moet leesbaar en onuitwisbaar aangedui word op 'n plek in die kamer waar dit maklik gesien kan word.
2. Individuele slaapbanke van gepaste afmetings moet voorsien word. Matrasse moet van 'n gepaste materiaal wees. 40
3. Vir vaartuie van 24 meter en meer in lengte, moet die minimum binne-afmetings van die slaapbanke nie minder as 198 by 80 sentimeter wees nie.
4. Ongeag die bepalings van paragraaf 46, kan die bevoegde owerheid, ná raadpleging, besluit dat die minimum binne-afmetings van die slaapbanke nie minder as 190 by 70 sentimeter moet wees nie, waar dit tevrede is dat dit redelik is en nie die vissers sal verontrief nie. 45
5. Slaapkamers moet so beplan en toegerus word dat dit redelike gemak vir die okkupeerders verseker en netheid moontlik maak. Toerusting wat voorsien word moet slaapbanke, individuele sluitkaste wat groot genoeg vir klere en ander persoonlike besittings is, en 'n gepaste skryfoppervlak, insluit. 50
6. Vir vaartuie van 24 meter en meer in lengte moet 'n lessenaar vir skryf, met 'n stoel, voorsien word.
7. Slaapakkommodasie moet geleë of toegerus wees, waar moontlik, ten einde gepaste vlakke van privaatheid vir mans en vir vrouens te voorsien.

### MESS ROOMS

1. Mess rooms shall be as close as possible to the galley, but in no case shall be located forward of the collision bulkhead.
2. Vessels shall be provided with mess-room accommodation suitable for their service. To the extent not expressly provided otherwise, mess-room accommodation shall be separate from sleeping quarters, where practicable. 5
3. For vessels of 24 metres in length and over, mess-room accommodation shall be separate from sleeping quarters.
4. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time. 10
5. For vessels of 24 metres in length and over, a refrigerator of sufficient capacity and facilities for making hot and cold drinks shall be available and accessible to fishers at all times.

### TUBS OR SHOWERS, TOILETS AND WASHBASINS

1. Sanitary facilities, which include toilets, washbasins, and tubs or showers, shall be provided for all persons on board, as appropriate for the service of the vessel. These facilities shall meet at least minimum standards of health and hygiene and reasonable standards of quality. 15
2. The sanitary accommodation shall be such as to eliminate contamination of other spaces as far as practicable. The sanitary facilities shall allow for reasonable privacy. 20
3. Cold fresh water and hot fresh water shall be available to all fishers and other persons on board, in sufficient quantities to allow for proper hygiene. The competent authority may establish, after consultation, the minimum amount of water to be provided.
4. Where sanitary facilities are provided, they shall be fitted with ventilation to the open air, independent of any other part of the accommodation. 25
5. All surfaces in sanitary accommodation shall be such as to facilitate easy and effective cleaning. Floors shall have a non-slip deck covering.
6. On vessels of 24 metres in length and over, for all fishers who do not occupy rooms to which sanitary facilities are attached, there shall be provided at least one tub or shower or both, one toilet, and one washbasin for every four persons or fewer. 30
7. Notwithstanding the provisions of paragraph 61, the competent authority may, after consultation, decide that there shall be provided at least one tub or shower or both and one washbasin for every six persons or fewer, and at least one toilet for every eight persons or fewer, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers. 35

### LAUNDRY FACILITIES

1. Amenities for washing and drying clothes shall be provided as necessary, taking into account the service of the vessel, to the extent not expressly provided otherwise.
2. For vessels of 24 metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided. 40
3. For vessels of 45 metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and toilets, and shall be adequately ventilated, heated and equipped with lines or other means for drying clothes. 45

### FACILITIES FOR SICK AND INJURED FISHERS

1. Whenever necessary, a cabin shall be made available for a fisher who suffers illness or injury.
2. For vessels of 45 metres in length and over, there shall be a separate sick bay. The space shall be properly equipped and shall be maintained in a hygienic state. 50

### MENASIES

1. Menasies moet so na as moontlik aan die galei wees, maar onder geen omstandighede mag dit voor die botsingskot geleë wees nie.
2. Vaartuie moet voorsien word van menasie-akkommodasie geskik vir hul diens. In soverre daar nie uitdruklik anders bepaal word nie, moet menasie-akkommodasie apart wees van slaapkwartiere, waar moontlik. 5
3. Vir vaartuie van 24 meter en meer in lengte, moet menasie-akkommodasie apart van slaapkwartiere wees.
4. Die dimensies en toerusting van elke menasiekamer moet voldoende wees vir die getal persone wat dit waarskynlik op een slag sal gebruik. 10
5. Vir vaartuie van 24 meter en meer in lengte, moet 'n vrieskas wat groot genoeg is en fasiliteite om warm en koue drinkgoed te maak, te alle tye beskikbaar en toeganklik vir alle vissers wees.

### BADDENS OF STORTE, TOILETTE EN WASBAKKE

1. Sanitêre fasiliteite, wat toilette, wasbakke, en baddens of storte insluit, moet voorsien word vir alle persone aan boord, soos gepas vir die diens van die vaartuig. Hierdie fasiliteite moet ten minste voldoen aan minimum standaarde van gesondheid en higiëne en redelike standaarde van kwaliteit. 15
2. Die sanitêre akkommodasie moet so ver moontlik so gebou wees dat dit kontaminasie van ander spasies elimineer. Die sanitêre fasiliteite moet redelike privaatheid voorsien. 20
3. Koue vars water en warm vars water moet beskikbaar wees aan alle vissers en ander persone aan boord, in voldoende hoeveelhede om vir behoorlike higiëne voorsiening te maak. Die bevoegde owerheid kan, ná raadpleging, die minimum hoeveelheid water wat voorsien moet word, bepaal. 25
4. Waar sanitêre fasiliteite voorsien word, moet dit ventilasie na buite hê, onafhanklik van enige ander deel van die akkommodasie.
5. Alle oppervlakke in sanitêre akkommodasie moet maklike en doeltreffende skoonmaak moontlik maak. Vloere moet 'n glyvaste dekbedekking hê.
6. Op vaartuie van 24 meter en meer in lengte, vir alle vissers wat nie kamers beset wat aan sanitêre fasiliteite gekoppel is nie, moet daar ten minste een bad of stort of beide, een toilet, en een wasbak vir elke vier persone of minder voorsien word. 30
7. Ongeag die bepalings van paragraaf 61, kan die bevoegde owerheid, ná raadpleging, besluit dat ten minste een bad of stort of beide en een wasbak vir elke ses persone of minder voorsien moet word, en ten minste een toilet vir elke agt persone of minder, waar die bevoegde owerheid tevrede is dat dit redelik is en nie die vissers sal verontrief nie. 35

### WASGOEDGERIEWE

1. Geriewe waar klere gewas en gedroog kan word, moet soos nodig voorsien word, met inagneming van die diens van die vaartuig, in soverre nie uitdruklik anders bepaal is nie. 40
2. Vir vaartuie van 24 meter of meer in lengte, moet voldoende fasiliteite vir die was, droog en stryk van klere voorsien word.
3. Vir vaartuie van 45 meter of meer in lengte, moet voldoende fasiliteite vir die was, droog en stryk van klere voorsien word in 'n kompartement apart van slaapkamers, menasies en toilette, en die fasiliteite moet voldoende ventilasie en verhitting hê en met lyne of ander maniere om klere droog te maak, toegerus wees. 45

### FASILITEITE VIR SIEK EN BESEERDE VISSERS

1. Wanneer dit ook al nodig word, moet 'n kajuit beskikbaar gestel word vir 'n visser wat siek of beseer is. 50
2. Vir vaartuie van 45 meter en meer in lengte, moet daar 'n aparte siekeboeg wees. Die spasie moet behoorlik toegerus wees en higiënies gehou word.



### OTHER FACILITIES

A place for hanging foul-weather gear and other personal protective equipment shall be provided outside of, but convenient to, sleeping rooms.

### BEDDING, MESS UTENSILS AND MISCELLANEOUS PROVISIONS

Appropriate eating utensils, and bedding and other linen shall be provided to all 5  
fishers on board. However, the cost of the linen can be recovered as an operational cost  
if the collective agreement or the fisher's work agreement so provides.

### RECREATIONAL FACILITIES

For vessels of 24 metres in length and over, appropriate recreational facilities, 10  
amenities and services shall be provided for all fishers on board. Where appropriate,  
mess rooms may be used for recreational activities.

### COMMUNICATION FACILITIES

All fishers on board shall be given reasonable access to communication facilities, to 15  
the extent practicable, at a reasonable cost and not exceeding the full cost to the fishing  
vessel owner.

### ALLEY AND FOOD STORAGE FACILITIES

1. Cooking equipment shall be provided on board. To the extent not expressly  
provided otherwise, this equipment shall be fitted, where practicable, in a separate  
galley.

2. The galley, or cooking area where a separate galley is not provided, shall be of 20  
adequate size for the purpose, well lit and ventilated, and properly equipped and  
maintained.

3. For vessels of 24 metres in length and over, there shall be a separate galley.

4. The containers of butane or propane gas used for cooking purposes in a galley shall 25  
be kept on the open deck and in a shelter which is designed to protect them from external  
heat sources and external impact.

5. A suitable place for provisions of adequate capacity shall be provided which can be 30  
kept dry, cool and well ventilated in order to avoid deterioration of the stores and, to the  
extent not expressly provided otherwise, refrigerators or other low-temperature storage  
shall be used, where possible.

6. For vessels of 24 metres in length and over, a provisions storeroom and refrigerator  
and other low-temperature storage shall be used.

### FOOD AND POTABLE WATER

1. Food and potable water shall be sufficient, having regard to the number of fishers, 35  
and the duration and nature of the voyage. In addition, they shall be suitable in respect  
of nutritional value, quality, quantity and variety, having regard as well to the fishers'  
religious requirements and cultural practices in relation to food.

2. The competent authority may establish requirements for the minimum standards  
and quantity of food and water to be carried on board.

### CLEAN AND HABITABLE CONDITIONS 40

1. Accommodation shall be maintained in a clean and habitable condition and shall  
be kept free of goods and stores which are not the personal property of the occupants or  
for their safety or rescue.

2. Galley and food storage facilities shall be maintained in a hygienic condition.

3. Waste shall be kept in closed, well-sealed containers and removed from 45  
foodhandling areas whenever necessary.

### ANDER FASILITEITE

'n Plek waar toerusting vir slegte weer en ander persoonlike toerusting opgehang kan word, moet buite, maar naby, slaapkamers voorsien word.

### BEDDEGOED, MENASIEGEREI EN DIVERSE VOORRADE

Gepaste eetgerei en beddegoed en ander linne moet aan alle vissers aan boord voorsien word. Die koste van die linne kan as 'n bedryfskoste verhaal word indien die kollektiewe ooreenkoms of die visserswerkooreenkoms so bepaal. 5

### ONTSPANNINGSGERIEWE

Vir vaartuie van 24 meter en meer in lengte, moet gepaste ontspanningsgeriewe vir alle vissers aan boord voorsien word. Waar gepas, kan menasies vir ontspannings-aktiwiteit gebruik word. 10

### KOMMUNIKASIEGERIEWE

Alle vissers aan boord moet redelike toegang tot kommunikasiegeriewe gegee word, tot die mate wat dit moontlik is, teen 'n redelike koste en nie meer as wat dit die vissersvaartuigeienaar kos nie. 15

### GALEI- EN KOSBERGINGSGERIEWE

1. Kooktoerusting moet aan boord verskaf word. In soverre daar nie anders bepaal word nie, moet hierdie toerusting, waar moontlik, in 'n aparte galei aangebring word.
2. Die galei, of kookarea waar 'n aparte galei nie voorsien word nie, moet groot genoeg vir die doel, goed belig en geventileer wees, en behoorlik toegerus en onderhou word. 20
3. Vir vaartuie van 24 meter en meer in lengte, moet daar 'n aparte galei wees.
4. Propaan- en butaangassilinders wat vir kookdoeleindes in 'n galei gebruik word, moet op die oop dek gehou word in 'n skuiling wat ontwerp is om hulle van eksterne hittebronne en eksterne impak te beskerm. 25
5. 'n Geskikte plek vir genoeg proviand moet voorsien word wat droog, koel en goed-geventileer gehou kan word ten einde te voorkom dat die voorraad bederf en, in soverre nie uitdruklik anders bepaal nie, moet yskaste of ander bergplek met lae temperature gebruik word, waar moontlik.
6. Vir vaartuie van 24 meter en meer in lengte, moet 'n proviandstoorkamer en yskas en ander berging met lae temperature gebruik word. 30

### KOS EN DRINKBARE WATER

1. Kos en drinkbare water moet voldoende wees, met inagneming van die getal vissers, en die duur en aard van die vaart. Daarbenewens moet dit geskik wees ten opsigte van voedingswaarde, gehalte, kwantiteit en verskeidenheid, ook met inagneming van die vissers se geloofsvereistes en kulturele gebruike in verband met kos. 35
2. Die bevoegde owerheid kan vereistes instel vir die minimum standarde en hoeveelheid van kos en water wat aan boord gehou moet word.

### SKOON EN BEWOONBARE TOESTANDE

1. Akkommodasie moet in 'n skoon en bewoonbare toestand onderhou word en moet vry wees van goedere en voorrade wat nie die persoonlike eiendom van die okkupeerders of vir hulle veiligheid of redding is nie. 40
2. Galei en kosbergingsgeriewe moet higiënies gehou word.
3. Afval moet in toe, geseëde houers gehou word en uit koshanteringsgebiede verwyder word wanneer nodig. 45

### **INSPECTIONS BY THE SKIPPER OR UNDER THE AUTHORITY OF THE SKIPPER**

For vessels of 24 metres in length and over, the competent authority shall require frequent inspections to be carried out, by or under the authority of the skipper, to ensure that:

- (a) accommodation is clean, decently habitable and safe, and is maintained in a good state of repair;
- (b) food and water supplies are sufficient; and
- (c) galley and food storage spaces and equipment are hygienic and in a proper state of repair.

The results of such inspections, and the actions taken to address any deficiencies found, shall be recorded and available for review.

### **VARIATIONS**

The competent authority, after consultation, may permit derogations from the provisions in this Annex to take into account, without discrimination, the interests of fishers having differing and distinctive religious and social practices, on condition that such derogations do not result in overall conditions less favourable than those which would result from the application of this Annex.”.

### **INSPEKSIES DEUR DIE KAPTEIN OF ONDER DIE GESAG VAN DIE KAPTEIN**

Vir vaartuie van 24 meter en meer in lengte, moet die bevoegde owerheid vereis dat gereelde inspeksies gedoen word, deur of onder gesag van die kaptein, om te verseker dat:

- (a) akkommodasie skoon, ordentlik en bewoonbaar en veilig is en in 'n goeie toestand is;
- (b) kos- en watervoorrade voldoende is; en
- (c) galei en kosbergingspasies en toerusting higiënies en in 'n goeie toestand is.

Die uitslae van sodanige inspeksies, en die stappe wat gedoen is om enige tekortkominge wat gevind is te hanteer, moet aangeteken word en beskikbaar vir oorsig wees.

### **VARIASIES**

Die bevoegde owerheid, ná raadpleging, kan afwykings van die bepalings in hierdie Aanhangsel toelaat om sonder diskriminasie die belange in ag te neem van vissers met verskillende en onderskeidende geloofs- en sosiale praktyke, op voorwaarde dat sodanige afwykings nie lei tot algehele toestande wat minder gunstig is as dié wat sal voortvloei uit die toepassing van hierdie Aanhangsel nie.”.