

Description: Convention concerning the Repatriation of Seafarers (Revised) (Note: Date of coming into force: 03:07:1991.)

Convention:C166

Place:Geneva

Session of the Conference:74

Date of adoption:09:10:1987

Subject classification: Conditions of Work

Subject: Seafarers

See the ratifications for this Convention

Display the document in: French Spanish

Status: Up-to-date instrument This Convention was adopted after 1985 and is considered up to date.

The General Conference of the International Labour Organisation, Having been convened in Geneva by the Governing Body of the International Labour Office and having met at its Seventy-fourth Session on 24 September 1987, and

Noting that since the adoption of the Repatriation of Seamen Convention, 1926, and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926, developments in the shipping industry have made it necessary to revise the Convention to incorporate appropriate elements of the Recommendation, and

Noting further that considerable progress has been made through national legislation and practice in providing for the repatriation of seafarers in various matters not covered by the Repatriation of Seamen Convention, 1926, and

Considering that further action by means of a new international instrument as regards certain additional aspects of the repatriation of seafarers would accordingly be desirable taking into account the widespread growth in employment of non-national seafarers in the shipping industry, and

Having decided upon the adoption of certain proposals with regard to the Revision of the Repatriation of Seamen Convention, 1926 (No. 23), and of the Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27), which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of October of the year one thousand nine hundred and eighty-seven the following Convention which may be cited as the Repatriation of Seafarers Convention (Revised), 1987.

#### PART I. SCOPE AND DEFINITIONS

##### Article 1

1. This Convention applies to every seagoing ship whether publicly or privately owned which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation and to the owners and seafarers of such ships.

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

3. In the event of doubt as to whether or not any ships are to be regarded as engaged in commercial maritime navigation or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the competent authority after consultation with the organisations of shipowners, seafarers and fishermen concerned.

4. For the purpose of this Convention the term seafarer means any person who is employed in any capacity on board a seagoing ship to which this Convention applies.

#### PART II. ENTITLEMENTS

##### Article 2

1. A seafarer shall be entitled to repatriation in the following circumstances:

(a) if an engagement for a specific period or for a specific voyage expires abroad

(b) upon the expiry of the period of notice given in accordance with the provisions of the articles of agreement or the seafarer's contract of employment

(c) in the event of illness or injury or other medical condition which requires his or her repatriation when found medically fit to travel

(d) in the event of shipwreck

(e) in the event of the shipowner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarer by reason of bankruptcy, sale of ship, change of ship's registration or any other similar reason

(f) in the event of a ship being bound for a war zone, as defined by national laws or regulations or collective agreements, to which the seafarer does not consent to go

(g) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

2. National laws or regulations or collective agreements shall prescribe the maximum duration of service periods on board following which a seafarer is entitled to repatriation

#### PART III. DESTINATION

##### Article 3

1. Each Member for which this Convention is in force shall prescribe by national laws or regulations the destinations to which seafarers may be repatriated.

2. The destinations so prescribed shall include the place at which the seafarer agreed to enter into the engagement, the place stipulated by collective agreement, the seafarer's country of residence or such other place as may be mutually agreed at the time of engagement. The seafarer shall have the right to choose from among the prescribed destinations the place to which he or she is to be repatriated.

#### PART IV. ARRANGEMENTS FOR REPATRIATION

##### Article 4

1. It shall be the responsibility of the shipowner to arrange for repatriation by appropriate and expeditious means. The normal mode of transport shall be by air.

2. The cost of repatriation shall be borne by the shipowner.

3. Where repatriation has taken place as a result of a seafarer being found, in accordance with national laws or regulations or collective agreements, to be in serious default of his or her employment obligations, nothing in this Convention shall prejudice the right of recovery from the seafarer of repatriation costs or part thereof in accordance with national laws or regulations or collective agreements.

4. The cost to be borne by the shipowner shall include:

(a) passage to the destination selected for repatriation in accordance with Article 3 above

(b) accommodation and food from the moment the seafarer leaves the ship until he or she reaches the repatriation destination

(c) pay and allowances from the moment he or she leaves the ship until he or she reaches the repatriation destination, if provided for by national laws or regulations or collective agreements

(d) transportation of 30 kg of the seafarer's personal luggage to the repatriation destination

(e) medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

5. The shipowner shall not require the seafarer to make an advance payment towards the cost of repatriation at the beginning of his or her employment, nor shall the shipowner recover the cost of repatriation from the seafarer's wages or other entitlements except as provided for in paragraph 3 above.

6. National laws or regulations shall not prejudice any right of the shipowner to recover the cost of repatriation of seafarers not employed by the shipowner from their employer.

##### Article 5

If a shipowner fails to make arrangements for or to meet the cost of repatriation of a seafarer who is entitled to be repatriated-

(a) the competent authority of the Member in whose territory the ship is registered shall arrange for and meet the cost of the repatriation of the seafarer concerned

(b) costs incurred in repatriating the seafarer shall be recoverable from the shipowner by the Member in whose territory the ship is registered

(c) the expenses of repatriation shall in no case be a charge upon the seafarer, except as provided for in paragraph 3 of Article 4 above.

#### PART V. OTHER ARRANGEMENTS

##### Article 6

Seafarers who are to be repatriated shall be able to obtain their passport and other identity documents for the purpose of repatriation.

##### Article 7

Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave accrued to the seafarer.

##### Article 8

A seafarer shall be deemed to have been duly repatriated when he or she is landed at a destination prescribed pursuant to Article 3 above, or when the seafarer does not claim his or her entitlement to repatriation within a reasonable period of time to be defined by national laws or regulations or collective agreements.

##### Article 9

The provisions of this Convention in so far as they are not otherwise made effective by means of collective agreements or in such other manner as may be appropriate under national conditions shall be given effect by national laws or regulations.

##### Article 10

Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

##### Article 11

The competent authority of each Member shall ensure by means of adequate supervision that the owners of ships registered in its territory comply with the provisions of the Convention, and shall provide relevant information to the International Labour Office.

##### Article 12

The text of this Convention shall be available in an appropriate language to the crew members of every ship which is registered in the territory of any Member for which it is in force.

#### PART VI. FINAL PROVISIONS

##### Article 13

This Convention revises the Repatriation of Seamen Convention, 1926.

##### Article 14

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

##### Article 15

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

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General of the International Labour Office.

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

##### Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

##### Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General of the International Labour Office shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

##### Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

##### Article 19

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

##### Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides-

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

##### Article 21

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