

2006 年海事勞工公約

2006 年 2 月 23 日 訂於日內瓦

Maritime Labour Convention, 2006

Feb 23, 2006 Geneva

2006 MLC

Preamble

序言

The General Conference of the International Labour Organization,

國際勞工組織大會，

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

經由國際勞工局召集，於2006年2月7日在日內瓦召開第94屆會議，並

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:

希望能制訂一彼此一致之單一公約，以盡可能地體現現有國際海事勞工公約及各建議書之所有最新標準，以及其他國際勞工公約，特別是下列公約之基本原則：

- the Forced Labour Convention, 1930 (No. 29);
- the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 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);
- the Worst Forms of Child Labour Convention, 1999 (No. 182);
- and

- 「1930年強迫勞動公約」(第29號)；
- 「1948年自由結社及保護組織權利公約」(第87號)；
- 「1949年結社權利及集體談判權利公約」(第98號)；
- 「1951年同酬公約」(第100號)；
- 「1957年廢除強迫勞動公約」(第105號)；
- 「1958年(就業及職業)歧視公約」(第111號)；
- 「1973年最低年齡公約」(第138號)；
- 「1999年童工惡劣勞動公約」(第182號)；並

Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and

意識到本組織促進勞動條件之核心使命，並

Recalling the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and

回顧1998年「國際勞工組織工作之基本原則及權利宣言」，並

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

另意識船員亦受國際勞工組織其他公約所保護，且享有業經確立且適用於其他所有人之基本權利及自由；並

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

認為航運業之全球化特點，船員需要予以特別保護，並

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 Watchkeeping for Seafarers, 1978, as amended, and

另意識到業經修訂之「1974年國際海上人命安全公約」及業經修訂之「1972年國際海上避碰規則公約」中有關船舶安全、人身保安及船舶品質管制之國際標準，及業經修訂之「1978年船員培訓、發證及當值標準國際公約」中之船員培訓及適任要求，並

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

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

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

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 inter- national 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.

回顧「1982年聯合國海洋法公約」所規定之一整體法律架構，海洋之所有活動均須在此架構下進行，其是海事部門進行國家、地區及全球性活動及合作之基礎，具有其戰略性意義，其完整性需要獲得維持，並

回顧「1982年聯合國海洋法公約」第94條特別確立船旗國對懸掛其旗幟之船舶上之勞動條件、船員配備及社會事務之責任及義務；並

回顧「國際勞工組織章程」第19條第8項規定，無論在任何情況下，大會所通過之任何公約或建議書或任何會員國批准任何公約均不能被視為影響該確保有關工人獲得優於公約或建議書所規定條件之法律、裁判、慣例或協議，並

決定此新公約之制訂應確保達到致力於體現勞動原則之各國政府、船舶所有人及工人盡可能且最廣泛之接受，且能便於更快速及能夠有效地實施及執行，並

決定於本屆會議之唯一議案通過某些建議，以完成此一公約，並

決定該建議應採取一國際公約形式；

於2006年2月23日通過以下公約，稱為「2006年海事勞工公約」。

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

一般義務

第1條

1. 批准本公約之各會員國承諾依第6條所規定之方式全面履行本公約之規定，以確保船員適當就業之權利。
2. 為確保有效實施及執行本公約之目的，會員國間應相互合作。

Definitions and Scope of Application

Article II

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;
 - (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

定義及適用範圍

第2條

1. 除另有特別規定外，就本公約目的而言：
 - (a) ”主管當局”乙詞係指有權就公約所規定之事項頒佈及實施具有法律效力之規則、命令或其他指示之首長、政府部門或其他當局；
 - (b) ”海事勞工符合聲明”乙詞係指於規則5.1.3所述及之聲明；
 - (c) ”總噸位”乙詞係指依據「1969年船

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);

- (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;
 - (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;
 - (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;
 - (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.
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.
 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.
 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

船噸位丈量國際公約」附錄一或任何其他後續公約中之噸位丈量規定計算所得之總噸位；對於國際海事組織所通過之臨時噸位丈量表所包括之船舶，總噸位為填寫在「國際噸位證書(1969)」「備註」欄內之總噸位；

- (d) “海事勞工證書”乙詞係指規則5.1.3所述之證書；
 - (e) “本公約要求”乙詞係指本公約之正文條款及規則及技術守則A部分中之各項要求；
 - (f) “船員”乙詞係指在本公約所適用於船上以任何職務受雇或從業或工作之任何人員；
 - (g) “船員僱傭協議”乙詞包括僱傭契約及協議條款；
 - (h) “船員招募及安置服務機構”乙詞係指公或私部門中從事代表船舶所有人招募船員或與船舶所有人安排船員上船之任何個人、公司、團體、部門或其他機構；
 - (i) “船舶”乙詞係指除專用於內河或在封閉水域內或其緊鄰水域或適用港口區域航行之船舶以外之船舶；
 - (j) “船舶所有人”乙詞係指船舶之所有人或從船舶所有人處承擔船舶經營責任並於承擔該責任時同意接受船舶所有人依據本公約所承擔之職責及責任之任何其他組織或個人，例如船舶經理人、代理人或光船承租人，無論其是否有任何其他組織或個人代表船舶所有人履行某些職責或責任。
2. 除另有明文規定外，本公約適用於所有船員。
 3. 如某人員是否應被視為本公約所適用之船員存有任何疑問時，應由各會員國主管當局與此問題所涉及之船舶所有人及船員組織進行協商後作出決定。
 4. 除另有明文規定外，本公約適用於除從事捕魚或類似捕撈之船舶及使用傳統方法建造之船舶，例如獨桅三角帆船及舢板以外之通常從事商業活動之所有船舶，無論其為公有或私有。本公約不適用於軍艦及軍事輔助船。
 5. 如本公約適用於某船或特定類別船舶存有疑問時，該問題應由各會員國主管當局與有關船舶所有人及船員組織進行協商後作出決定。
 6. 如主管機關確定目前對懸掛該會員國旗幟之某船或特定類別船舶適用第6條第1項所述技術守則之某些細

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.

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.

部規定為不合理或不可行，於該事項由國內法律或規定或集體談判協定或其他措施予以處理時，技術守則之有關規定即可不予適用。此決定僅能於與有關船舶所有人或船員組織協商後為之，且只能針對不從事國際航行之200總噸以下之船舶。

7. 一會員國依據本條第3或5或6項所做之任何決定均應向國際勞工局長通報，局長並應轉知本組織各會員。
8. 除另有明文規定外，述及本公約者，同時代表述及規則及技術守則。

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;
- (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.

基本權利及原則

第3條

就本公約內容，各會員國應自行確使其本國法律及規則之規定能尊重下列基本權利：

- (a) 結社自由及有效承認集體談判權利；
- (b) 消除任何形式之強迫及強制勞動；
- (c) 有效廢除童工勞動；及
- (d) 消除就業及職業方面之歧視。

Seafarers' Employment and Social Rights

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.
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.

船員僱傭及社會權利

第4條

1. 任一船員均有權獲得符合安全標準之安全且受保護之工作場所。
2. 任一船員均有權獲得公平之僱傭條件。
3. 任一船員均有權獲得適當之船上工作及生活條件。
4. 任一船員均有權享受健康保護、醫療、福利措施及其他形式之社會保障。
5. 各會員國於其管轄範圍內應確保本條上述各項所規定之船員就業及社會權利能依據本公約要求予以充分實施。除本公約另有特別規定外，該實施可透過國家法律或規則、透過可適用之團體談判協議或透過其他措施或實踐予以達成。

Implementation and Enforcement Responsibilities

Article V

實施及執行義務

第5條

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| <ol style="list-style-type: none"> 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. 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. 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. 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. 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. | <ol style="list-style-type: none"> 1. 各會員國應對其所管轄之船舶及船員實施及執行其為履行本公約所作出之承諾而制訂法律或規則或其他措施。 2. 各會員國應透過建立確保遵守本公約要求之制度，對懸掛其旗幟之船舶有效行使其管轄及控制，包括定期檢查、報告、監督及可適用之法律規定之法律程序。 3. 各會員國應確保懸掛其國旗之船舶持有本公約所要求之海事勞工證書及海事勞工符合聲明。 4. 本公約所適用之船舶，於其位於除船旗國以外之會員國港口時，依據國際法應受到該會員國之檢查，以確定其是否符合本公約要求。 5. 各會員國應對在其領土內設立之船員招募及安置服務機構能有效行使其管轄及控制。 6. 各會員國應對違反本公約要求之行為予以禁止，並應依據國際法，於其法律中規定制裁或要求採取改正之措施，該制裁或措施應足以阻止此種違反行為。 7. 各會員國應以確保懸掛未批准本公約之任何國家旗幟之船舶無法取得比懸掛已批准本公約之任何國家國旗之船舶更優惠待遇之方式履行本公約所課以之義務。 |
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Regulations and Parts A and B of The Code

規則及技術守則A部分及B部分

Article VI

第6條

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| <ol style="list-style-type: none"> 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. 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. 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: <ol style="list-style-type: none"> (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 | <ol style="list-style-type: none"> 1. 規則及技術守則A部分之規定具強制性。技術守則B部分不具強制性。 2. 各會員國保證尊重條款中所規定之權利及原則，並依技術守則A部分相關內容所規定之方式實施每項規則。此外，會員國另應充分考慮依技術守則B部分所規定之方式履行其義務。 3. 除本公約另有明文規定外，無法依技術守則A部分所規定之方式履行權利及原則之會員國，可透過實質上同等於A部分規定之國內法及條款之規定或其他措施予實施A部分。 4. 就本條第3項而言，法律、條款、團體協議或其他履約措施僅能於會員國自行確認下列情況時才能被視為實質上同等於本公約規定： <ol style="list-style-type: none"> (a) 其有助於充分達到技術守則A部分有關規定之總體目標及目的；且 (b) 其落實技術守則A部分之有關規 |
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Code concerned.

定。

Consultation with Shipowners' and Seafarers' Organizations

與船舶所有人及船員組織協商

Article VII

第7條

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.

如某會員國內無船舶所有人或船員之代表組織，本公約所要求與船舶所有人及船員組織進行協商之任何可能對本公約規定之違背、免除或其他彈性適用，僅能由該會員國透過與第13條所述之委員會協商決定。

Entry into Force

生效

Article VIII

第8條

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.
2. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered by the Director-General.
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 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.

1. 本公約之正式批准書應送請國際勞工局局長登記。
2. 本公約僅對其批准書已由國際勞工局局長登記之國際勞工組織會員國具有約束力。
3. 本公約應於總計占世界船舶總噸位33%之至少30個會員國批准書業經登記之日12個月後生效。
4. 此後對於任何會員國，本公約將於其批准書經登記日12個月後對其生效。

Denunciation

退出

Article IX

第9條

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.

1. 業已批准本公約之會員國自公約初次生效之日起滿10年後向國際勞工局局長通知退出並請其登記。此項退出應自登記日起一年後發生效力。
2. 於本條第1項所述10年期滿後之1年內未行使本條所規定之退出權利之會員國，即需再遵守10年，此後每當新的10年期滿，可依本條規定退出本公約。

Effect of Entry into Force

公約生效之影響

Article X

第10條

This Convention revises the following Conventions:

本公約修訂以下公約：

- 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)
- 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)
- 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)
- 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)
- 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)
- 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)
- 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)
- 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)
- 1920年(海上)最低年齡公約(第7號)
- 1920年(海難)失業賠償公約(第8號)
- 1920年船員安置公約(第9號)
- 1921年(海上)未成人體檢公約(第16號)
- 1926年船員協議條款公約(第22號)
- 1926年船員遣返公約(第23號)
- 1936年高級船員適任證書公約(第53號)
- 1936年(海上)帶薪假期公約(第54號)
- 1936年船舶所有人(對病、傷船員)責任公約(第55號)
- 1936年(海上)疾病保險公約(第56號)
- 1936年(海上)工時及配員公約(第57號)
- 1936年(海上)最低年齡公約(修訂)(第58號)
- 1946年(船上船員)食品及膳食公約(第68號)
- 1946年船上廚師發證公約(第69號)
- 1946年(船員)社會保障公約(第70號)
- 1946年(船員)帶薪休假公約(第72號)
- 1946年(船員)體檢公約(第73號)
- 1946年幹練水手證書公約(第74號)
- 1946年船員住艙公約(第75號)
- 1946年(海上)工資、工時及配員公約(第76號)
- 1949年(船員)帶薪休假公約(修訂)(第91號)
- 1949年船員住艙公約(修訂)(第92號)
- 1949年(海上)工資、工時及配員公約(修訂)(第93號)
- 1958年(海上)工資、工時及配員公約(修訂)(第109號)
- 1970年船員住艙(補充規定)公約(第133號)
- 1970年防止事故(船員)公約(第134號)
- 1976年(船員)連續就業公約(第145號)
- 1976年船員帶薪年休假公約(第146號)
- 1976年商船(最低標準)公約(第147號)
- 1976年商船(最低標準)公約(第147號)的1996年議定書
- 1987年船員福利公約(第163號)
- 1987年(船員)健康保護及醫療公約(第164號)
- 1987年(船員)社會保障公約(修訂)(第165號)
- 1987年船員遣返公約(修訂)(第166號)
- 1996年(船員)勞動檢查公約(第178號)
- 1996年船員招募及安置公約(第179號)
- 1996年船員工時及船舶配員公約(第180號)。

Depositary Functions

保存人職責

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.
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

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

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.
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.
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.

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. In the case of Members

第11條

1. 國際勞工局局長應將各會員國就本公約所交存之所有批准書、接受書及退出書之登記情況通報國際勞工組織之全體會員國。
2. 第8條第3項所規定之條件成就後，局長應提請本組織各會員國注意本公約開始生效的日期。

第12條

國際勞工局長應依照「聯合國憲章」第102條規定，將依據本公約登記之所有批准、接受及退出之詳細情況送請聯合國秘書長進行登記。

三方特別委員會

第13條

1. 國際勞工局應透過其所設立，對於海事勞工標準領域有特別專長之委員會，持續針對本公約之運作進行檢視及審議。
2. 依據本公約所處理之事項而言，委員會應由已批准本公約之各會員國政府所指派之兩名代表及本局經與聯合海事委員會協商後指定之船舶所有人及船員代表所組成。
3. 尚未批准本公約之會員國政府代表亦可參加委員會，然對依據本公約處理之任何事項無表決權。本局可邀請其他組織或機構以觀察員身份出席委員會。
4. 應針對委員會任一船舶所有人及船員代表票數予以加權，以保證船舶所有人組別及船員組別各自擁有出席有關會議並有表決權政府總數投票權半數以上。

公約之修正

第14條

1. 對本公約任何規定之修正可由國際勞工組織大會於「國際勞工組織章程」第19條及本組織所通過之公約議事規則之架構下予以通過。對技術守則之修正另可依第15條之程序予以通過。對於在修正通過前登記其本公約批准書之會員國，應將修正

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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

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.
2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the

案之文本送交給他們以供批准。

2. 本組織之其他會員國應依據「章程」第19條將經修正的公約文本送交他們以供批准。
3. 修正案應在總計占世界船舶噸位至少33%之至少30個會員國對修正案或經修正公約(視實際情況)之批准書業經登記後始視為已被接受。
4. 於章程第19條架構下所通過之修正案應僅針對批准書已交國際勞工局局長登記之本組織會員國具有約束力。
5. 對於本條第2項所述之任何會員國，修正案應於本條第4項所述之接受之日起12個月後生效，或於其對修正案之批准書登記之日起12個月後生效，以較晚者為準。
6. 於適用於本條第9項規定之情況下，對於本條第3項所述之會員國，經修正之公約應於本條第4項所述之接受之日起12個月後生效，或於其對公約之批准書登記之日起12個月後生效，以較晚者為準。
7. 對於其批准本公約之批准書在有關修正案通過之前登記，然尚未批准修正案之會員國，未作相關修正之公約應繼續對其有效。
8. 於修正案通過後，然於本條第4項所述日期之前登記對本公約之批准書之任何會員國，可在批准書後附上一份聲明，明確其批准書涉及者為未經相關修正之公約。
9. 對於批准書附有該份聲明時，本公約於批准書登記之日12個月後對該有關會員國生效。如批准書未附有該份聲明，或批准書於第4項所述日期或之後登記者，本公約於批准書登記之日12個月後對該有關會員國生效，且除非修正案另有規定外，於修正案依據本條第7項生效後，該修正案對該有關會員國具約束力。

技術守則之修正

第15條

1. 技術守則可依第14條所規定之程序予以修訂；且除另有明文規定外，亦可依據本條所規定之程序予以修訂。
2. 本組織任何會員國政府或被指定參加第13條所述委員會之船舶所有人

- 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.
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.
 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
 - (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.
 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 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
- 代表組別或船員代表組別可向國際勞工局長提出對技術守則之修正案。由一國政府提出之修正案必須得到至少5個已批准本公約之會員國政府之共同提議或支持，或得到本項所述船舶所有人代表組別或船員代表組別之共同提議或支持。
3. 經查核有關修正案之提案滿足本條第2項要求後，局長應立即將此提案連同任何適當之評論或建議通知本組織所有會員國，並請會員國於六個月內或理事會所規定之其他時間期限(不應少於3個月但不超過9個月)內提出其對該提議之意見或建議。
 4. 於本條第3項所述期限屆滿後，應將該提議連同會員國根據該項所提出之意見或建議要點提交給委員會召開會議審議。於下述情況下應視為修正案業獲委員會通過，如：
 - (a) 至少半數以上已批准本公約之會員國政府出席審議該提案之會議；且
 - (b) 委員會成員中至少有三分之二多數投票支持修正案；且
 - (c) 此多數票中至少包含對提議進行表決時，於會議登記之委員會成員中政府表決權之半數支持票、船舶所有人表決權之半數支持票及船員表決權之半數支持票。
 5. 依據本條第4項通過之修正案應提交下一屆大會批准。該批准要求出席大會代表三分之二多數投票支持。如未獲得是項多數，如委員會有意願，可將建議修正案送回委員會重新審議。
 6. 局長應將業經大會批准之修正案通知其對本公約之批准書在大會批准修正案前業經登記之任一會員國。下文稱此會員國為"批准會員國"。該通知應引用本條，並應規定提出任何正式異議之期限。然大會於批准時有決定其他不同期限(應至少為一年)者除外，此期限應為自通知之日起兩年。通知副本應送本組織其他會員國供其知曉。
 7. 除局長於規定期限內收到超過40%已批准本公約會員國之正式不同意見，且其代表不少於已批准公約會員國船舶總噸位之40%，大會所通過之修正案應視為已被接受。
 8. 視為已被接受之修正案應於規定期

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.

限結束之日6個月後對所有批准會員國生效，依據本條第7項正式表示不同意見且未依據第11項規定撤銷該不同意見之批准會員國除外。然：

- (a) 任何批准會員國可在規定期限結束前通知局長，其僅於將來明確通知其接受後，才受修正案之約束；及
 - (b) 任何批准會員國可在修正案生效之日前通知局長，於一確定期間內，其將不執行該修正案。
9. 本條第8(a)項所述通知中所指之修正案對做出該通知之會員國而言，應於該會員國通知勞工局長其接受修正案之日起6個月後對其生效，或於修正案初次生效之日對其生效，與較晚者為準。
10. 本條第8(b)項所述期間自修正案生效之日起不應超過1年或超過大會批准修正案時所確定之任何更長時間。
11. 對任一修正案正式表示過不同意見之會員國可隨時撤銷其不同意見。如局長於修正案生效後收到此撤銷通知，修正案應於該通知登記之日6個月後對該會員國生效。
12. 某修正案生效後，僅能批准經修正之公約。
13. 就海事勞工證書與已生效的公約修正案所涉事項有關之範圍：
- (a) 接受某項修正案之會員國無義務於簽發海事勞工證書方面將公約利益擴展到懸掛下述另一會員國旗幟之船舶：
 - (i) 依據本條第7項，正式表示對修正案之不同意見且未撤銷該不同意見者；或
 - (ii) 依據本條第8(a)款，通知其對修正案接受取決於後來的明確通知且尚未接受該修正案者；以及
 - (b) 某會員國依據本條第8(b)項作出於本條第10項規定之期間內其將不執行修正案之通知，接受該修正案之會員國於簽發海事勞工證書方面應將公約利益擴展至懸掛上述會員國旗幟之船舶。

Authoritative Languages

Article XVI

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

語言

第16條

本公約之英文本及法文本具同等效力。

Explanatory note to the Regulations and Code of the Maritime Labour Convention 勞工公約規則及守則之註釋

The Regulations and the Code

規則及技術守則

Title 1. Minimum requirements for seafarers to work on a ship

標題一、海員上船工作之最低要求。

- Regulation 1.1 – Minimum age
- Regulation 1.2 – Medical certificate
- Regulation 1.3 – Training and qualifications
- Regulation 1.4 – Recruitment and placement

- 規則1.1 最低年齡
- 規則1.2 體檢證書
- 規則1.3 培訓及資格
- 規則1.4 招募及安置

Title 2. Conditions of employment

標題二、僱傭條件

- Regulation 2.1 – Seafarers' employment agreements
- Regulation 2.2 – Wages
- Regulation 2.3 – Hours of work and hours of rest
- Regulation 2.4 – Entitlement to leave
- Regulation 2.5 – Repatriation
- Regulation 2.6 – Seafarer compensation for the ship's loss or foundering
- Regulation 2.7 – Manning levels
- Regulation 2.8 – Career and skill development and opportunities for seafarers' employment

- 規則2.1 海員僱傭協議
- 規則2.2 工資
- 規則2.3 工作或休息時間
- 規則2.4 休假權利
- 規則2.5 遣返
- 規則2.6 船舶滅失沉沒時對海員之補償
- 規則2.7 配員水準
- 規則2.8 海員職業發展及技能開發及僱傭機會

Title 3. Accommodation, recreational facilities, food and catering

標題三、起居艙室、娛樂設施、食品及膳食服務

- Regulation 3.1 – Accommodation and recreational facilities
- Regulation 3.2 – Food and catering

- 規則3.1 起居艙室及娛樂設施
- 規則3.2 食品及膳食服務

Title 4. Health protection, medical care, welfare and social security protection

標題四、健康保護、醫療、福利及社會保障保護

- Regulation 4.1 – Medical care on board ship and ashore
- Regulation 4.2 – Shipowners' liability
- Regulation 4.3 – Health and safety protection and accident prevention
- Regulation 4.4 – Access to shore-based welfare facilities
- Regulation 4.5 – Social security

- 規則4.1 船上及岸上醫療
- 規則4.2 船舶所有人責任
- 規則4.3 保護健康及安全及防止事故
- 規則4.4 獲得使用岸上福利設施
- 規則4.5 社會保障

Title 5. Compliance and enforcement

標題五、遵守與執行

- Regulation 5.1 – Flag State responsibilities
 - Regulation 5.1.1 – General principles
 - Regulation 5.1.2 – Authorization of recognized organizations
 - Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance
 - Regulation 5.1.4 – Inspection and enforcement
 - Regulation 5.1.5 – On-board complaint procedures
 - Regulation 5.1.6 – Marine casualties
- Regulation 5.2 – Port State responsibilities
 - Regulation 5.2.1 – Inspections in port
 - Regulation 5.2.2 – Onshore seafarer complaint-handling procedures
- Regulation 5.3 – Labour-supplying responsibilities

- 規則5.1 船旗國責任
 - 規則5.1.1 一般原則
 - 規則5.1.2 對認可組織之授權
 - 規則5.1.3 海事勞工證書及海事勞工符合聲明
 - 規則5.1.4 檢查及執行
 - 規則5.1.5 船上投訴程序
 - 規則5.1.6 海上事故
- 規則5.2 港口國責任
 - 規則5.2.1 於港口之檢查
 - 規則5.2.2 海員投訴之岸上處理程序
- 規則5.3 供給勞工之責任

Appendix A5-I

附錄A5-I

Appendix A5-II

附錄A5-II

Appendix A5-III

附錄A5-III

Appendix B5-I – EXAMPLE of a national Declaration

附錄B5-I 國家聲明範本