

MLC 2006

TITLE 4. HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

Regulation 4.4

Guideline B4.4 - Access to Shore-Based Welfare Facilities

Ref: <https://www.edumaritime.net/mlc-2006>

Source: <https://ilo.org>

Guideline B4.4.1 - Responsibilities of Members

1. Each Member should:
 - (a) take measures to ensure that adequate welfare facilities and services are provided for seafarers in designated ports of call and that adequate protection is provided to seafarers in the exercise of their profession; and
 - (b) take into account, in the implementation of these measures, the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.
2. Arrangements for the supervision of welfare facilities and services should include participation by representative shipowners' and seafarers' organizations concerned.
3. Each Member should take measures designed to expedite the free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore.
4. Members should cooperate with one another in promoting the welfare of seafarers at sea and in port. Such cooperation should include the following:
 - (a) consultations among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ships;
 - (b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
 - (c) organization of international sports competitions and encouragement of the participation of seafarers in sports activities; and
 - (d) organization of international seminars on the subject of welfare of seafarers at sea and in port.

Guideline B4.4.2 - Welfare Facilities and Services In Ports

1. Each Member should provide or ensure the provision of such welfare facilities and services as may be required, in appropriate ports of the country.
2. Welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:
 - (a) public authorities;
 - (b) shipowners' and seafarers' organizations concerned under collective agreements or other agreed arrangements; and
 - (c) voluntary organizations.

3. Necessary welfare and recreational facilities should be established or developed in ports. These should include:
 - (a) meeting and recreation rooms as required;
 - (b) facilities for sports and outdoor facilities, including competitions;
 - (c) educational facilities; and
 - (d) where appropriate, facilities for religious observances and for personal counseling.
4. These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use.
5. Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities or bodies of the countries of origin of the seafarers and of the flag States, as well as the international associations concerned, should consult and cooperate with the competent authorities and bodies of the country in which the port is situated and with one another, with a view to the pooling of resources and to avoiding unnecessary duplication.
6. Hotels or hostels suitable for seafarers should be available where there is need for them. They should provide facilities equal to those found in a good-class hotel, and should wherever possible be located in good surroundings away from the immediate vicinity of the docks. Such hotels or hostels should be properly supervised, the prices charged should be reasonable in amount and, where necessary and possible, provision should be made for accommodating seafarers' families.
7. These accommodation facilities should be open to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work. Without in any way infringing this principle, it may be necessary in certain ports to provide several types of facilities, comparable in standard but adapted to the customs and needs of different groups of seafarers.
8. Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.

Guideline B4.4.3 - Welfare Boards

1. Welfare boards should be established, at the port, regional and national levels, as appropriate. Their functions should include:
 - (a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of underutilized facilities; and
 - (b) assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.
2. Welfare boards should include among their members representatives of shipowners' and seafarers' organizations, the competent authorities and, where appropriate, voluntary organizations and social bodies.
3. As appropriate, consuls of maritime States and local representatives of foreign welfare organizations should, in accordance with national laws and regulations, be associated with the work of port, regional and national welfare boards.

Guideline B4.4.4 - Financing of Welfare Facilities

1. In accordance with national conditions and practice, financial support for port welfare facilities should be made available through one or more of the following:
 - (a) grants from public funds;
 - (b) levies or other special dues from shipping sources;
 - (c) voluntary contributions from shipowners, seafarers, or their organizations; and
 - (d) voluntary contributions from other sources.
2. Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.

Guideline B4.4.5 - Dissemination of Information and Facilitation Measures

1. Information should be disseminated among seafarers concerning facilities open to the general public in ports of call, particularly transport, welfare, entertainment and educational facilities and places of worship, as well as facilities provided specifically for seafarers.
2. Adequate means of transport at moderate prices should be available at any reasonable time in order to enable seafarers to reach urban areas from convenient locations in the port.
3. All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardize their freedom.
4. Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.

Guideline B4.4.6 - Seafarers in a Foreign Port

1. For the protection of seafarers in foreign ports, measures should be taken to facilitate:
 - (a) access to consuls of their State of nationality or State of residence; and
 - (b) effective cooperation between consuls and the local or national authorities.
2. Seafarers who are detained in a foreign port should be dealt with promptly under due process of law and with appropriate consular protection.
3. Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should, if the seafarer so requests, immediately inform the flag State and the State of nationality of the seafarer. The competent authority should promptly inform the seafarer of the right to make such a request. The State of nationality of the seafarer should promptly notify the seafarer's next of kin. The competent authority should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is detained.
4. Each Member should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports.
5. Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.
