

No. 8768

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 91) concerning vacation holidays with pay for seafarers (Revised 1949), adopted by the General Conference of the International Labour Organisation at its thirty-second session, Geneva, 18 June 1949

Official texts: English and French.

Registered by the International Labour Organisation on 26 September 1967.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 91) concernant les congés payés des marins (révisée en 1949), adoptée par la Conférence générale de l'Organisation internationale du Travail à sa trente-deuxième session, Genève, 18 juin 1949

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 26 septembre 1967.

No. 8768. CONVENTION (No. 91)¹ CONCERNING VACATION HOLIDAYS WITH PAY FOR SEAFARERS (REVISED 1949), ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS THIRTY-SECOND SESSION, GENEVA, 18 JUNE 1949²

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Paid Vacations (Seafarers) Convention, 1946, adopted by the Conference at its Twenty-eighth Session, which is included in the twelfth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,

Adopts this eighteenth day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Paid Vacations (Seafarers) Convention (Revised), 1949 :

¹ In accordance with paragraph 2 of article 13, the Convention came into force in respect of the following States on 14 September 1967, i.e., six months after the date on which ratification by nine of the States listed in that paragraph had been registered with the Director-General of the Organisation, including at least five States each having at least one million gross registrations of shipping :

State	Date of registration of ratification	State	Date of registration of ratification
Norway ^{a b}	29 June 1950	Poland ^{a b}	8 October 1956
France ^{a b}	26 October 1951	Netherlands ^{a b}	22 December 1961
Finland ^{a b}	22 December 1951	Belgium ^a	30 August 1962
Cuba	29 April 1952	Algeria	19 October 1962
Iceland	15 July 1952	Mauritania	8 November 1963
Portugal ^a	29 July 1952	Brazil ^{a b}	18 June 1965
Israel	30 March 1953	China ^a	14 March 1967

Subsequent ratification :

State	Date of registration	To take effect on:
Yugoslavia	11 August 1967	11 February 1968

^a States listed in paragraph 2 of article 13.

^b States having at least one million gross registrations of shipping.

² The Conventions adopted by the General Conference of the International Labour Organisation in the course of its first thirty-two sessions, i.e., up to and including Convention No. 98, were modified by the Final Articles Revision Convention, 1961.

Article 1

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels.

3. This Convention does not apply to

- (a) wooden vessels of primitive build such as dhows and junks ;
- (b) vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits ;
- (c) estuarial craft.

4. National laws or regulations or collective agreements may provide for the exemption from the provisions of this Convention of vessels of less than 200 gross register tons.

Article 2

1. This Convention applies to every person who is engaged in any capacity on board a vessel except

- (a) a pilot not a member of the crew ;
- (b) a doctor not a member of the crew ;
- (c) nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew ;
- (d) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings ;
- (e) persons not remunerated for their services or remunerated only by a nominal salary or wage ;
- (f) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;
- (g) travelling dockers (longshoremen) not members of the crew ;
- (h) persons employed in whale-catching vessels, in floating factories, or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers ;

(i) persons employed in port who are not ordinarily employed at sea.

2. The competent authority may, after consultation with the organisations of shipowners and seafarers concerned, exempt from the application of the Convention masters, chief navigating officers and chief engineers who by virtue of national laws or regulations or collective agreements enjoy conditions of service which are not less favourable in respect of annual leave than those required by the Convention.

Article 3

1. Every person to whom this Convention applies shall be entitled after twelve months of continuous service to an annual vacation holiday with pay, the duration of which shall be

- (a) in the case of masters, officers and radio officers or operators, not less than eighteen working days for each year of service ;
- (b) in the case of other members of the crew, not less than twelve working days for each year of service.

2. A person with not less than six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

3. A person who is discharged through no fault of his own before he has completed six months of continuous service shall on leaving such service be entitled in respect of each complete month of service to one and a half working days' leave in the case of a master, officer, or radio officer or operator, and one working day's leave in the case of another member of the crew.

4. For the purpose of calculating when a vacation holiday is due :

- (a) service off articles shall be included in the reckoning of continuous service ;
- (b) short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks in any twelve months shall not be deemed to break the continuity of the periods of service which precede and follow them ;
- (c) continuity of service shall not be deemed to be interrupted by any change