

# C113 - Medical Examination (Fishermen) Convention, 1959 (No. 113)

## Preamble

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 Forty-third Session on 3 June 1959, and

Having decided upon the adoption of certain proposals with regard to the medical examination of fishermen, which is included in 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 nineteenth day of June of the year one thousand nine hundred and fifty-nine the following Convention, which may be cited as the Medical Examination (Fishermen) Convention, 1959:

### *Article 1*

- 1. For the purpose of this Convention the term **fishing vessel** includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.
- 2. The competent authority may, after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist, grant exemptions from the application of the provisions of this Convention in respect of vessels which do not normally remain at sea for periods of more than three days.
- 3. This Convention shall not apply to fishing in ports and harbours or in estuaries of rivers, or to individuals fishing for sport or recreation.

### *Article 2*

No person shall be engaged for employment in any capacity on a fishing vessel unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner who shall be approved by the competent authority.

### *Article 3*

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- 1. The competent authority shall, after consultation with the fishing-boat owners' and fishermen's organisations concerned, where such exist, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.
- 2. When prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.
- 3. In particular the medical certificate shall attest that the person is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

### *Article 4*

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- 1. In the case of young persons of less than twenty-one years of age, the medical certificate shall remain in force for a period not exceeding one year from the date on which it was granted.
- 2. In the case of persons who have attained the age of twenty-one years, the competent authority shall determine the period for which the medical certificate shall remain in force.
- 3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

### *Article 5*

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Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees who shall be independent of any fishing-boat owner or of any organisation of fishing-boat owners or fishermen.

### *Article 6*

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

### *Article 7*

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

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

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*Article 8*

- 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.

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*Article 9*

- 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 shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

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*Article 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 and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

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*Article 11*

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.

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*Article 12*

- 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 8 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.

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*Article 13*

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