



Instruments relating to medical examination (seafarers)

Summary

The maritime labour instruments under review include **two Conventions concerned with the medical examination of seafarers**:

- [Medical Examination of Young Persons \(Sea\) Convention, 1921 \(No. 16\)](#);
- [Medical Examination \(Seafarers\) Convention, 1946 \(No. 73\)](#).

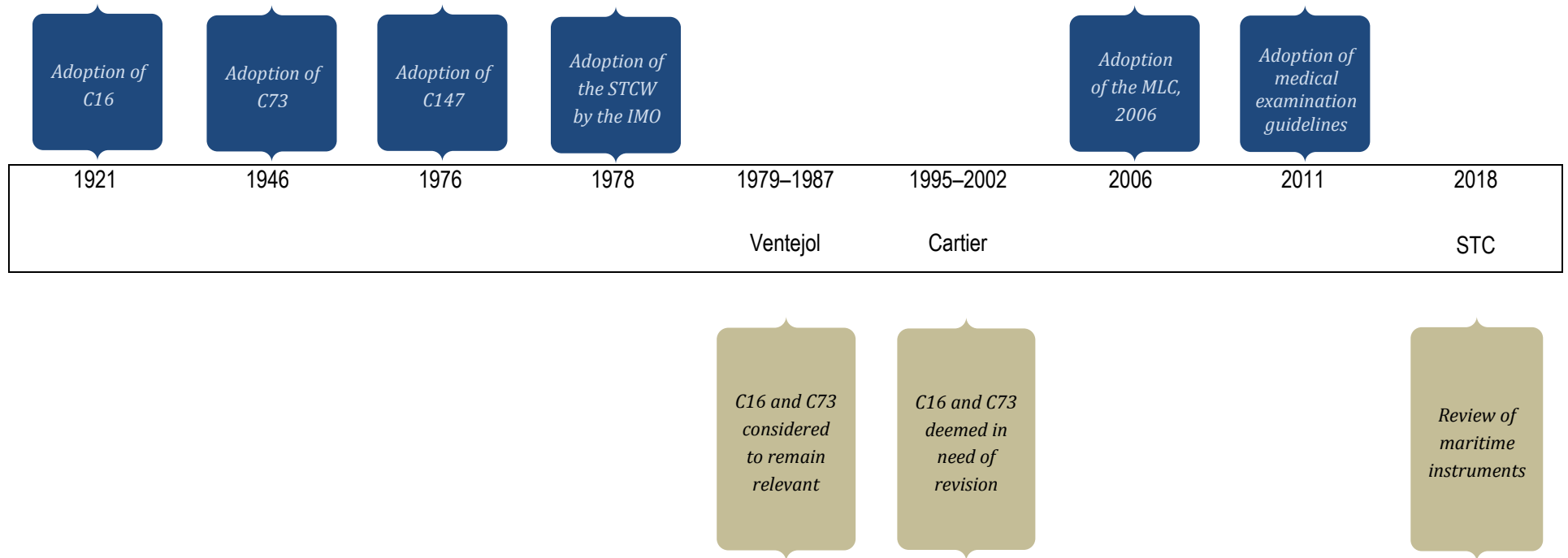
Status of the instruments under examination

	Recommendation of the Cartier Working Party	Follow-up since the Cartier Working Party
Convention No. 16	To be revised	Revised by the MLC, 2006
Convention No. 73	To be revised	Revised by the MLC, 2006

Possible actions to consider

1. To classify Convention No. 16 as “outdated” and review its possible withdrawal or abrogation at a later date.
2. To classify Convention No. 73 as “outdated” and review its possible withdrawal or abrogation at a later date.

Instruments relating to the medical examination of seafarers – Chronology



I. Regulatory approach of the ILO with regard to the medical examinations of seafarers

A. Protection provided by ILO instruments ¹

1. The [Medical Examination of Young Persons \(Sea\) Convention, 1921 \(No. 16\)](#) was adopted in order to set out an obligation to produce a medical certificate, signed by a doctor who shall be approved by the competent authority, attesting fitness to work for all children and young seafarers under 18 years of age employed on vessels, ships or boats engaged in maritime navigation. ² The medical examination must be repeated each year. A temporary dispensation may be allowed in urgent cases. This Convention does not cover the fishing sector. ³
2. The [Medical Examination \(Seafarers\) Convention, 1946 \(No. 73\)](#) applies to every seagoing vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade, with some exceptions. ⁴ It does not apply to the fishing industry. ⁵ It calls for producing a certificate attesting to fitness for the work for which one is to be employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning sight, by a person authorized by the competent authority to issue such a certificate. This medical certificate is valid for two years; or six years insofar as it relates to colour vision. The competent authority shall, after consultation with the shipowners' and seafarers' organizations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate. 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 shipowner or of any organization of shipowners or seafarers.
3. The [Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#), for the most part, incorporates the content of the two aforementioned instruments of 1921 and 1946 under Regulation 1.2, while updating and furthering certain basic principles. It reaffirms that seafarers shall not work on a ship unless they are certified as medically fit to perform their

¹ The matter of the medical examination of fishers is covered by the [Medical Examination \(Fishermen\) Convention, 1959 \(No. 113\)](#) and the [Work in Fishing Convention, 2007 \(No. 188\)](#).

² Article 2 of Convention No. 16 allows for an exclusion for vessels upon which only members of the same family are employed

³ See International Labour Conference, Third Session, Geneva, 1921, [Resolutions proposed by the Maritime Commission](#): "It is understood that any Recommendations or Conventions regarding maritime affairs agreed on by this Conference do not cover the fishing industry".

⁴ Article 2 of Convention No. 73 states that, without prejudice to the steps which should be taken to ensure that the persons mentioned below are in good health and not likely to endanger the health of other persons on board, this Convention applies to every person who is engaged in any capacity on board a vessel except: a pilot not a member of the crew; persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company; travelling dockers (longshoremen) not members of the crew; persons employed in ports who are not ordinarily employed at sea.

⁵ Article 1, paragraph 3, of Convention No. 73 states that the Convention does not apply to: vessels of less than 200 tons gross register tonnage; wooden vessels of primitive build such as dhows and junks; fishing vessels; estuarial craft.

duties. This applies to all seafarers, including young seafarers under the age of 18. It addresses seafarers that have been refused a certificate or have had a limitation imposed on their ability to work, as well as the period of validity of certificates. The MLC, 2006, contains more detailed provisions governing the quality of the medical practitioner issuing the medical certificate. The medical practitioner shall be “duly qualified” and must enjoy “full professional independence”, which was not specified in the prior instruments. The MLC, 2006, contains stricter provisions for derogations from its obligations in urgent cases. The broader scope of the MLC, 2006, should be noted, which affords protection for seafarers, defined as “any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies”, that is to say “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.”⁶

B. Key dates for the instruments under review: Adoption and ratification

4. Convention No. 16 was adopted in 1921, and has 82 ratifications. Ratification of the MLC, 2006, has led to the denunciation of Convention No. 16 by 55 States to date;⁷ 27 member States remain bound by this Convention.⁸ There are 12 comments by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) awaiting a response as regards implementation issues.⁹

⁶ Article II, paragraph 4. The MLC, 2006 does not apply to warships or naval auxiliaries.

⁷ Pursuant to Article X of the MLC, 2006.

⁸ The following remain bound by Convention No. 16: Azerbaijan, Belarus, Brazil, Cameroon, Colombia, Costa Rica, Cuba, Djibouti, Dominica, Grenada, Guatemala, Guinea, Iraq, Kyrgyzstan, Mexico, Pakistan, Saint Lucia, Sierra Leone, Solomon Islands, Somalia, Tajikistan, United Republic of Tanzania, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Ukraine, Uruguay and Yemen. Chili and Jamaica have ratified the MLC, 2006; it is not yet in force for these States. The instrument of ratification of the MLC, 2006, by the United Republic of Tanzania was received by the Office, but has not yet been registered (awaiting statement regarding social security). In relation to Kyrgyzstan, in 2013, the CEACR noted the Government’s intention to denounce the set of Conventions relating to maritime navigation and fishing. In relation to the former Yugoslav Republic of Macedonia, the CEACR noted that the Government had indicated that this country has no maritime fleet or vessel registered under its flag, nor any legislation relating to the matters under the ILO maritime Conventions. Lastly, as regards Tajikistan, the CEACR noted that, in 2011, the Government had indicated that the country has no maritime fleet, and although the Convention has been ratified, it is not applied in law or in practice. The Convention could become relevant in the future if the country were to develop a merchant navy. In addition, this Convention was declared to apply to the following non-metropolitan territories: Hong Kong (China), French Polynesia (France), French Southern and Antarctic Territories (France), Greenland (Denmark), Guernsey (United Kingdom), Jersey (United Kingdom), Montserrat (United Kingdom), and St Helena (United Kingdom). Of the 27 member States still bound by Convention No. 16, only five are not parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended: Costa Rica, the former Yugoslav Republic of Macedonia, Kyrgyzstan, Somalia and Tajikistan.

⁹ These concern Djibouti (the Committee requests the Government to clarify whether, in urgent cases, a young person below the age of 18 years may embark without having undergone the necessary examination, always provided that such an examination shall be undergone at the first port at which the vessel subsequently calls); Dominica (attention drawn to the lack of specific national legislation regulating the medical examination of young seafarers); Solomon Islands (request for information on measures taken to ensure that the period of validity of medical certificates issued to persons below

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5. Convention No. 73 was adopted in 1946,¹⁰ and has 46 ratifications. Ratification of the MLC, 2006, has led to the denunciation of this instrument by 34 States to date; 12 member States remain bound by this Convention.¹¹ There are five CEACR comments awaiting a response with regard to implementation issues.¹²

II. Evolution of the instruments: From adoption to 2018

A. Status

6. During the examination conducted in the context of the work of the **Ventejol Working Party**, Convention No. 16 was classified in the category of “other instruments” and Convention No. 73 was classified under “instruments to be promoted on a priority basis.”¹³

the age of 18 years does not exceed one year); Pakistan (requested to take measures to ensure that the period of validity of medical certificates issued to persons below the age of 18 years, who work on board ships, does not exceed one year); Cameroon (request to provide a reply to the observations by unions); Costa Rica (request to clarify whether persons between 15 and 18 years of age are permitted to work on vessels engaged in coastal navigation); Iraq (request to indicate any concrete measures regulating the medical examination of young seafarers in accordance with the requirements of the Convention); Guatemala (request to adopt measures necessary to give effect to the Convention with regard to the preliminary and periodic medical examination of young persons engaged in maritime work); Guinea (no section of the Merchant Marine Code regulates the procedure for issuing medical certificates for seafarers); Greenland (Denmark) (request to take the necessary measures in order to bring the national legislation into conformity with the requirements of the Convention – no specific legislation on the medical examination of young seafarers); French Polynesia (request to indicate whether the six-monthly medical examination required under national legislation applies equally to seafarers under 18 years of age who are employed on board vessels of less than 10 tonnes); and Ukraine (request to clarify whether students of maritime navigation schools who are under 18 years of age may be authorized to be on board a ship for a training voyage, in which case they are obliged to undergo a medical examination and obtain a medical certificate).

¹⁰ It should be noted that Convention No. 73 is not a revision of Convention No. 16, which applies strictly to young seafarers.

¹¹ The following remain bound by Convention No. 73: Angola, Azerbaijan Djibouti, Egypt, Guinea Bissau, Kyrgyzstan, Peru, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uruguay. In addition, this Convention was declared to apply to the following non-metropolitan territories: Macau (China), French Polynesia (France), and the French Southern and Antarctic Territories (France). As regards the former Yugoslav Republic of Macedonia, Kyrgyzstan and Tajikistan, see footnote 8 above. Of the 12 member States which remain bound by Convention No. 73, only three are not parties to the STCW Convention of 1978: the former Yugoslav Republic of Macedonia, Kyrgyzstan and Tajikistan.

¹² These concern Azerbaijan (request for information concerning the manner in which the competent authority ensures effective supervision of the quality of the medical examination for non-resident, foreign seafarers); Djibouti (request for information on the measures taken towards implementation of the Convention); Guinea-Bissau (request for clarification regarding the period of validity of seafarers’ medical certificates); French Polynesia (request to indicate whether the HIV/AIDS test is included among the medical examinations required under the relevant legislation); Macau (China) (request to consult with the shipowners’ and seafarers’ organizations before making any changes or adjustments to the existing medical certificate).

¹³ See the reports of the Working Party on International Labour Standards, of [1979](#) and [1987](#).

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7. Based on the findings of the **Cartier Working Party**, the Governing Body decided that Conventions Nos 16 and 73 should be revised, including because one of the issues of the implementation of these Conventions was that fitness standards for seafarers vary widely at the international level.¹⁴

B. Application and consolidation

8. Convention No. 73 is listed in the Appendix to the [Merchant Shipping \(Minimum Standards\) Convention, 1976 \(No. 147\)](#), whereas Convention No. 16 is not. The States that have ratified Convention No. 147 are bound to ensure substantial equivalence¹⁵ of national laws and regulations to the Conventions or Articles of Conventions referred to in the Appendix to Convention No. 147, insofar as the State concerned is not otherwise bound to give effect to the Conventions in question. In this regard, of the 14 member States which remain bound by Convention No. 147, only five have ratified Convention No. 73. Therefore, nine States are bound to ensure substantial equivalence of their legislation to Convention No. 73, in accordance with Article 2(a) of Convention No. 147.¹⁶
9. Conventions Nos 16 and 73 have been revised by the [MLC, 2006](#), which for the most part reiterates the aim and content of these Conventions while substantially widening their scope of application. Convention No. 16 remains open to ratification, which is not the case for Convention No. 73.¹⁷

C. Situation in relation to international labour standards

10. The matter of the medical examination of seafarers has been the subject of various normative and technical initiatives since the adoption of Conventions Nos 16 and 73.
11. First, these Conventions were consolidated under the [MLC, 2006](#). Their content has therefore recently been thoroughly examined with a view to ensuring that it is up to date and in line with practices and needs in the industry. Accordingly, it should be noted that Regulation 1.2 of the [MLC, 2006](#), and the associated provisions of the Code closely follow the content of these two Conventions, Convention No. 73 in particular, by aligning with these. Moreover, the provisions of the [MLC, 2006](#) relating to the medical certificate fall under the scope of the working and living conditions of seafarers that must be inspected and approved by the flag State. With regard to the vessels for which the statutory certification applies under the [MLC, 2006](#), respect for the provisions relating to the medical certificate must be taken into account. The consolidation of Conventions Nos 16 and 73 into the [MLC](#) in 2006 thus enhances the effectiveness of ILO requirements on the medical examination of seafarers and makes them truly universal.

¹⁴ See [GB.277/LILS/WP/PRS/1/2](#).

¹⁵ ILO: *General Survey of the Reports on the Merchant Shipping (Minimum Standards) Convention (No. 147) and the Merchant Shipping (Improvement of Standards) Recommendation (No. 155), 1976*, Report III (Part 4B), International Labour Conference, 77th Session, Geneva, 1990, p. 39 ff.

¹⁶ Brazil, Costa Rica, Dominica, Iceland, Iraq, Israel, Trinidad and Tobago and United States.

¹⁷ See the Introductory Note prepared for the Third Meeting of the Special Tripartite Committee of the [MLC, 2006](#).

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12. Second, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, adopted by the International Maritime Organization (IMO), also contains relevant provisions (section A-I/9).¹⁸ In this regard, the MLC, 2006 states that a medical certificate issued in accordance with the requirements of the STCW shall be accepted by the competent authority for the purpose of Regulation 1.2. A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by the STCW, shall similarly be accepted.
 13. Third, the wide variation in practices internationally led to the joint adoption in 1997 by the WHO and the ILO of the set of guidelines on the medical examinations of seafarers, with a view to fostering a harmonized international framework on the matter. This initiative was renewed in 2011, with the adoption of new guidelines by the ILO Governing Body, with endorsement by the IMO Maritime Safety Committee. These guidelines¹⁹ include provisions for a model form in order to enhance the monitoring of seafarers' health at the international level.
 14. Lastly, one of the recurring issues vis-à-vis implementation of the maritime labour Conventions concerns their potential application to workers other than seafarers, as set out under the MLC, 2006. Specifically, a number of existing national laws set out a common framework for fishers and seafarers, drawing on these sector-specific Conventions. It should be recalled in this regard that the abrogation or withdrawal of a Convention does not affect any national legislation that has been adopted with a view to giving effect to it, or in general prevent a State from continuing to apply the instrument if it wishes to do so.²⁰

III. Key points to consider in deciding the status of the instruments

15. In the context of the review to determine the status of Conventions Nos 16 and 73 on the medical examination of seafarers, the following key considerations should be taken into account:
 1. Although Conventions Nos 16 and 73 have been consolidated into the MLC, 2006, they remain relevant, since:
 - Several States that have not ratified the MLC, 2006 remain bound by Conventions Nos 16 and 73.
 - Convention No. 73 is incorporated into the system of Convention No. 147, which, in this context, remains applicable to nine States.
 2. The STCW contains relevant provisions on the matter, compliance with which is considered as implementing the MLC, 2006. For example:

¹⁸ See M. McConnell, D. Devlin and C. Doumbia-Henry: *The Maritime Labour Convention, 2006* (Martinus Nijhoff Publishers, 2011), p. 251 ff.

¹⁹ See *Guidelines on the medical examinations of seafarers*, Geneva, ILO/IMO, 2013.

²⁰ See ILO: *Abrogation of four and withdrawal of two international labour Conventions*, Report VII(2), International Labour Conference, 106th Session, Geneva, 2017, p. 5.

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- Of the 27 member States that remain bound by Convention No. 16, only five are not parties to the STCW: Costa Rica, the former Yugoslav Republic of Macedonia, Kyrgyzstan, Somalia and Tajikistan.
 - Of the 12 member States that remain bound by Convention No. 73, only three are not parties to the STCW: the former Yugoslav Republic of Macedonia, Kyrgyzstan and Tajikistan.

IV. Possible action to consider with respect to the instruments

16. While the Cartier Working Party recommended including Conventions Nos 16 and 73 in the list of instruments to be revised, the adoption of the MLC, 2006 ensures an updated and relevant framework today. Nevertheless, both Conventions remain relevant for States which are not yet ready to ratify the MLC, 2006.

17. In the light of the foregoing, the Special Tripartite Committee (STC) might wish:

1. To classify Convention No. 16 as “outdated”.
2. To classify Convention No. 73 as “outdated”.
3. To request the Office to launch an initiative to promote ratification on a priority basis of the MLC, 2006 among those countries still bound by these Conventions.
4. To request the Office to provide the necessary technical assistance to States that have indicated their wish to denounce Conventions Nos 16 and 73 in the absence of any maritime interest, so that they may proceed with said denunciation.²¹
5. To review the status of Conventions Nos 16 and 73 at the forthcoming meeting of the STC in order to decide on its possible abrogation or withdrawal.

²¹ Convention No. 16 may be denounced at any time. Convention No. 73 may be denounced from 17 August 2025 to 17 August 2026.