

## International Action Toward Social Security for Seamen

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*Possibly the first formal action of the United States in the field of social security was a system of health insurance for seamen established in 1798. In June 1946, at the maritime session of the International Labor Conference in Seattle, representatives of this country worked with delegates from more than 30 other governments that are members of the International Labor Office to draw up conventions and recommendations which foreshadow great eventual gains in the security and welfare of seamen the world over.*

IN THE two conventions and the two recommendations relating to social security for seafarers which were adopted by the maritime session of the International Labor Conference which met in Seattle during June 1946, the broad outlines of a program of social security protection for seamen throughout the world are traced for the first time in official international instruments. The two conventions, even if they are implemented by all the major maritime countries, will assure the carrying out of only a part of that program. For seamen employed on ships flying the flag of their country of residence, the social insurance protections guaranteed by the conventions are substantial and reasonably adequate. For nonresident seamen, the guarantees are very limited, though they go beyond those available today to nonresident seamen employed on the ships of a number of countries. The Conference recognized the importance of more adequate social security protection for nonresident seamen, but decided that at this time the most that could be accomplished was to point the way toward further international

agreement and cooperation through the adoption of a recommendation to member governments.

### *Background of the Seattle Conference*

Because of the international character of the shipping industry, the severity of competition, and the consequent importance of establishing international labor standards for the industry, the International Labor Organization has from its inception given special attention to maritime labor problems. Maritime matters are always considered by a special maritime session of the Conference. The first such session was held in 1920; the meeting just closed was the twenty-eighth session of the Conference and the sixth maritime session. A Joint Maritime Commission, which consists of representatives of shipowners and of seamen, and was established by the Governing Body of the International Labor Organization in 1920, meets between maritime sessions of the Conference to discuss and make recommendations with regard to any maritime labor problem referred to it by the Office or suggested for discussion by the members of the Commission.

Previous maritime sessions of the International Labor Conference have adopted 13 conventions, relating to such matters as the minimum age of employment, placement facilities, seamen's articles of agreement, officers' competency certificates, repatriation, shipowners' liability, holidays with pay, sickness insurance, and hours of work and manning. The conventions relating to the last three subjects are not yet in force, since they have thus far failed to receive the minimum

number of ratifications necessary to bring them into effect. All three of these conventions were adopted by the two maritime sessions of the Conference held in October 1936. Undoubtedly, the economic depression and the war interfered with the process of ratification in several countries.

It is of interest that the United States has ratified five International Labor conventions, all of them maritime conventions. Two of the five are among the conventions adopted in 1936 and not yet in force—the holidays with pay and the hours of work and manning conventions. The others, also adopted by the 1936 Conference, relate to officers' competency certificates, minimum age at sea, and shipowners' liability for sick and injured seamen.

There were no maritime sessions of the International Labor Conference between October 1936 and the meeting in Seattle in June 1946. Repeatedly during the war, however, the Governing Body of the ILO indicated its awareness of the urgency of planning for improved conditions for maritime workers immediately after the war was over. The Joint Maritime Commission met in 1942 and requested the ILO to submit to its next meeting a statement on the conditions of service of seamen in the principal maritime nations, and to consider the possibility of preparing an International Maritime Charter setting out guiding principles for social legislation for seamen throughout the world.

Before the ILO could act on the latter suggestion, the seamen themselves, through the Seamen's Section of the International Transport Workers' Federation and the International Mercantile Marine Officers' Association, presented their demands for improved conditions in the form of an International Seafarers' Charter.<sup>1</sup> The Charter was adopted by the seamen's representatives of 12 maritime countries at a conference held in London in July 1944. It set forth first the general basis for the seamen's demands:

The officers and men of the merchant navy hereby affirm that pro-

<sup>1</sup> International Transport Workers' Federation, *Proposals for an International Seafarers' Charter Adopted by the International Transport Workers' Federation and the International Mercantile Marine Officers' Association*. London, August 1944.

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Throughout the article the terms seafarers and seamen have been used as synonymous and as including officer ratings.

found changes are needed in the conditions under which they carry out their occupation, if the merchant navy is to rank as an industry providing a decent livelihood to those dependent on it.

. . . the international character of the shipping industry makes it imperative to seek the widest possible uniformity in the working conditions of the seafarers, as otherwise the standards of the most advanced countries will always be endangered by those of the countries lagging behind. During the present war it has proved possible to bring about a greater measure of uniformity than ever before in both the basic wage rates and other conditions of the seafarers of the United Nations. This creates an unprecedented opportunity for winning all the maritime nations for the acceptance of international minimum standards . . .

The seafarers' trade union organizations, carrying out the will of their memberships, have made a full contribution in the struggle against fascism and national socialism and have placed their services unreservedly at the disposal of the war effort, but they feel that when the period of relief and rehabilitation comes, it will be the time also for meeting the seafarers' justified claims for decent conditions as set forth in this Seamen's Charter, which in their opinion contains nothing that can be considered exaggerated and impossible of achievement in an efficiently operated industry.

There followed detailed demands with regard to wages, hours, accommodation, social security, and other matters. Finally the document called upon the ILO to arrange the necessary consultations between management, labor, and governments to bring into effect international agreements for carrying out the terms of the Charter.

This request became the major item on the agenda of the Joint Maritime Commission when it met in January of 1945. The Commission recommended that a tripartite preparatory technical conference of maritime countries be held in the fall of that year to prepare draft conventions on the various subjects included in the Seafarers' Charter, for presentation to a special maritime session of the International Labor Conference to be convened as soon thereafter as possible. There were three subjects on which the Commission had some question as to whether international minimum standards could be formulated in time for consideration by the preparatory conference or for action

by a maritime session to be held in 1946. These were continuous employment; entry, training, and promotion; and social insurance. Consequently arrangements were made to have these subjects studied in advance by special technical committees. The Special Committee on Social Insurance, with four shipowners' and four seafarers' representatives appointed by the Joint Maritime Commission and seven experts appointed respectively by the governments of the United States,<sup>3</sup> Australia, Belgium, France, the United Kingdom, the Netherlands, and Norway, met in London in July 1945. This committee made sufficient progress in formulating areas of agreement to lead the ILO to place the subject of social security for seafarers on the agenda for the preparatory conference.

The Maritime Preparatory Technical Conference met in Copenhagen in November 1945. As a result of its work, agreements were reached on the substance of a number of draft conventions and recommendations to be placed on the agenda of the full Conference for action. These agreements were prepared by the ILO in the form of draft texts and in this form became the basis for the work of the Seattle Conference.

#### *Organization of the Seattle Conference*

Thirty-two member nations sent delegations to the Seattle Conference. Twenty-three were complete delegations—that is, they included one worker, one employer, and two government delegates. The other countries sent government delegates only or, in two cases, one government and one worker delegate. Under the ILO Constitution, a worker delegate cannot vote if there is no employer delegate from his country, and vice versa. Government members of incomplete delegations are, however, entitled to vote. All the major maritime nations were represented by complete delegations.

The United States Government delegates were Secretary of Labor Schwollenbach and Congressman Henry Jackson of Washington, a

<sup>3</sup> The United States Government member was I. S. Falk, Director of the Bureau of Research and Statistics, Social Security Board (now the Social Security Administration in the Federal Security Agency).

member of the House Merchant Marine and Fisheries Committee. Congressman Richard Welch of California, also a member of the House Merchant Marine and Fisheries Committee, was a substitute delegate and adviser. The United States Government delegation included 15 advisers from the several interested Government departments. The United States employer delegate was Maitland Pennington, Vice President of the National Federation of American Shipping. The United States worker delegate, Harry Lundberg, President of the Seafarers International Union of North America, was detained in San Francisco throughout June and sent as his substitute the vice president of his union, Morris Weisberger. The advisers to the workers' delegate were selected in about equal number from seamen's unions affiliated respectively with the American Federation of Labor and with the Congress of Industrial Organizations.

Congressman Jackson was elected President of the Conference, which formally opened on June 6 and closed on June 29. The several subject items on the agenda were referred to working committees, which considered in detail the draft conventions and recommendations prepared by the ILO on the basis of the agreements reached at the Copenhagen preparatory conference. The committees, like the Conference, are organized on a tripartite basis. In committee, however, the worker and the employer votes have equal weight with the government votes. When there are more government than employer or worker members on a committee, the votes of the latter two groups are appropriately weighted to give this result. All decisions in committee are made by a majority vote. The draft texts which the committees recommend to the Conference for adoption may also be amended in plenary session by a majority vote, but an affirmative vote by two-thirds of those present and voting is required for the final adoption of a convention or recommendation by the Conference.

#### *Scope of Agreements Reached by the Conference*

The Maritime Conference of 1946 adopted nine conventions and four recommendations, covering broadly

all major aspects of the conditions of employment and the standard of living of seamen. Both the total number of conventions and the scope of the subjects to which they relate make the session a notable one. This accomplishment was not achieved easily or without controversy. None of the conventions meets in full the demands of the seamen as set forth in the International Seafarers' Charter. None would guarantee conditions equal to or even approaching the most favorable which some seamen now enjoy. Every convention, if widely adopted, would result in substantial improvements in conditions for many of the world's seamen and in specific improvements for seamen even in countries with the most advanced conditions.

*Wages and hours.*—Perhaps the most important, and certainly the most controversial, of the actions taken by the Conference was the adoption of the Wages, Hours, and Manning Convention. This convention, if it is ratified by the number of countries necessary to bring it into force, will establish, for the first time, an international minimum wage for an industry. The wage agreed upon—£16 or \$64 a month for an able-bodied seaman—is in itself substantially below the \$162.50 a month which able-bodied seamen on American vessels now earn. It is much closer to the £20-a-month figure around which collective bargaining discussions in Great Britain and in a number of North European countries are currently centering. It is well above the wages paid to seamen in many parts of the world. If the minimum can be effectively enforced, it will mean for a large proportion of the world's seamen a floor of protection which may stand them in good stead if economic conditions or national trade rivalries result in increasingly severe competition for available world trade.

For purposes of the convention, the par value of the currency of members which are also members of the International Monetary Fund will be that currently in effect under the Articles of Agreement of the Fund. The members of the Conference were well aware of the problems which fluctuating currencies could create with respect to an international minimum wage. It was recognized that an untenable position

might result if in any country seamen's wages were forced far out of line with those of shore workers because seamen's wages alone were tied to an international monetary standard. Clearly, therefore, what the seaman may gain from this convention depends in large measure on the stability or instability of economic conditions throughout the world.

One of the controversial issues which came up in connection with almost every convention related to the treatment of Asiatic seamen. So far as wages are concerned, the compromise solution finally reached by the Conference permits the payment of an adjusted equivalent of the minimum wage in the case of ships which employ groups of seamen who are usually hired in larger numbers than would normally be employed. It is now customary for European ship-owners to employ more Indian or Chinese seamen per vessel than they would hire if the vessels were manned by Europeans, and to pay the Indian or Chinese seamen lower wages. The convention places some limit on the cutting of wages, by requiring that the total wage bill be the same (or approximately the same) no matter how the vessel is manned.

The convention also sets standards for hours of work, with provision for overtime pay or compensatory time off in port for any time worked beyond 8 hours a day and 48 hours a week by seamen (except those in the steward's department) on distant-trade ships, or beyond 24 hours in a 2-day period or 112 in a 2-week period for seamen on near-trade ships.

*Conditions on board ship.*—The Accommodation of Crews Convention, 1946, lays down detailed standards and specifications—in some important respects considerably below those in the more advanced countries—as to living space for the crew, lighting, ventilation, sanitary arrangements, hospital equipment, and similar matters affecting the life of the seamen on board ship. The Food and Catering (Ships Crews) Convention, 1946, provides for a central authority to supervise the standard of food supplies, catering, and cooking on board ship. The Certification of Ships Cooks Convention, 1946, stipulates that no one may be employed as a cook unless he holds a certificate of

qualification issued by a competent authority.

*Qualifications of seamen.*—Provision for certification of able-bodied seamen on the basis of minimum specified qualifications is called for by the Certification of Able Seamen Convention, 1946. Preemployment medical examinations to determine fitness for work, particularly as to hearing and sight of persons employed in the deck department, is required by the Medical Examination (Seafarers) Convention, 1946. A Vocational Training (Seafarers) Recommendation suggests certain principles which should be followed by member governments in the organization of training for sea service.

*Paid vacations.*—The importance to the seaman of a paid vacation of sufficient length to enable him to see his family and to rest from sea service received recognition in the adoption of the Paid Vacations (Seafarers) Convention, 1946. This convention would guarantee an annual paid vacation, after 12 months of continuous service, of not less than 18 days for masters, officers, and radio officers or operators and not less than 12 days for other members of the crew. A person with 6 but less than 12 months of service who leaves maritime employment, or a person discharged through no fault of his own before completing 6 months' service, is entitled to a proportionately reduced amount of paid leave.

*Social security.*—The Social Security (Seafarers) Convention, 1946, calls for the provision of social security protection to seamen in the event of sickness, disability, unemployment, old age, and death, which is at least as favorable as that extended to shore workers, and for specified protections whether or not similar rights are available to other workers. The Seafarers Pensions Convention, 1946, obligates ratifying countries to provide for seamen who retire from sea service old-age pensions of specified amounts at age 55 or age 60, or pensions costing at least 10 percent of the wages on which contributions are paid. These conventions and the two recommendations relating to social security are discussed in some detail below.

*Resolutions.*—The Conference adopted a number of resolutions

which, while they have no binding force, may point the way toward future action.

One resolution affirmed the right of shipowners and seamen to form voluntary, self-governing associations; emphasized the need for collective bargaining; and urged governments to consult representative organizations of seamen and shipowners in the formulation and administration of national laws and regulations affecting seamen and the shipping industry.

Another resolution called on member states to consider the desirability of instituting continuous employment schemes for seamen and expressed the hope that at an early date another maritime session of the Conference would again consider the question and attempt to formulate a convention on the subject.

The Conference adopted resolutions requesting the ILO to look into the question of seamen's welfare in ports and methods of promoting it through international cooperation; and to make the necessary studies looking toward the development of international minimum standards for fishermen. It also adopted, against the opposition of the employers' group, a resolution calling on the ILO to consider the desirability of establishing the Joint Maritime Commission on a tripartite instead of the present bipartite basis. The employers thought that government participation in the work of the Commission would lessen its effectiveness.

There was also adopted a resolution submitted by the workers urging on all member governments prompt ratification of the conventions adopted by the Conference, as "the most eloquent tribute" possible to "the many sacrifices made by seafarers and the great devotion with which they performed their duties during the war," as well as proof of the sincerity of the pledges which were made to seafarers by many governments during the war.

#### *Ratification Provisions of Conventions Adopted by the Conference*

The problem of obtaining prompt ratification and effective enforcement of the conventions adopted by the Conference ran through all the discussions and influenced many of

the decisions made in committee and in plenary session.

A convention which has been adopted by an International Labor Conference has no force, other than the moral and educational force of an agreed standard, until it has been ratified by two or more countries. When it is ratified by the requisite number of countries, a convention becomes an international treaty and has the binding force of such a treaty. Each member agrees to submit annual reports to the ILO "on the measures which it has taken to give effect to the provisions of conventions to which it is a party." These reports are reviewed by a Committee of Experts and by a special tripartite committee of the International Labor Conference. The Constitution of the ILO also provides for complaints to the Governing Body by associations of employers and of workers that a member is not living up to the terms of a convention which it has ratified. There is also more formal procedure for referral to a Commission of Enquiry, and subsequently to the Permanent Court of International Justice, of complaints on the part of one member that another member is failing to live up to the international treaty obligations it assumed by ratification of an International Labor Convention. This enforcement machinery has never been invoked. The Seafarers' Charter had suggested the imposition of specific sanctions, in the form of higher harbor dues and the withholding of fuel supplies, on shipowners who refuse to accept or enforce the provisions of an international agreement. The question of enforcement of the terms of international agreements was not specifically discussed at Seattle. The problem is one which in a general form is now more appropriately the responsibility of the United Nations.

The question of the number of ratifications required to bring a convention into force did, however, receive major attention at the Seattle meetings. Most ILO conventions require ratification by only two countries to bring them into effect. The governments of many of the important maritime countries were unwilling to commit themselves to adopting the minimum wage, for instance, or other conditions of employment, unless

their main competitors undertook the same commitments. Consequently, the conventions on wages and hours, paid vacations, food and catering, and certification of ships' cooks require to bring them into force the ratification of 9 countries, out of a designated list of maritime countries, including 5 countries each of which has at least a million gross tons of shipping. At the present time, according to the figures of the United States Maritime Commission, only 7 countries have a million or more gross tons of shipping: the United States, the United Kingdom, Canada, Norway, the Netherlands, France, and Sweden. The wages and hours convention requires in addition that the ratifying countries have an aggregate tonnage of not less than 15 million tons. This provision means that either the United Kingdom or the United States will have to ratify before the convention can come into force.

The conventions on crew accommodations, social security, and medical examination of seafarers will come into effect upon ratification by seven maritime countries, four of which have a million or more gross tons of shipping. The Seafarers Pensions Convention requires ratification by five maritime countries, three of which have at least a million tons, and the Convention on Certification of Able Seamen requires ratification by only two member nations.

An attempt was made by the workers' group in the Social Security Committee to reduce the number of countries required to bring into force the general social security convention. The United States Government members supported this move. It was urged that the obligations undertaken by member governments ratifying that convention were of a sufficiently general character as not to raise the same kind of problem with regard to competitive position as did the wages and hours convention. The move was defeated, however, primarily on the grounds of the desirability of uniform ratification provisions in all the conventions. The majority vote in committee was for the requirement of nine countries, five of which had a million tons; the substitution of seven and four occurred as a result of a vote in plenary session. The more liberal ratification provisions in the Sea-

farers Pensions Convention reflects the knowledge on the part of the workers' group that it will be far more difficult to obtain ratification of this convention. It succeeded of adoption in the committee primarily because several of the major maritime countries, which had made clear their intention not to ratify the convention, abstained from voting on its provisions.

*Implementation by collective bargaining.*—A number of the conventions adopted at Seattle contain a new kind of provision with regard to the implementation of the obligations assumed by a member which ratifies them. Except insofar as the treaty was self-implementing—that is, the treaty itself effectively modified the laws of the land—it has hitherto been understood that the ratifying member would implement its treaty obligations by means of the appropriate national laws and regulations.<sup>3</sup> The conventions adopted at Seattle all provide, as do most similar documents, that the convention will remain in force for 10 years from the date on which it comes into force for a member, and if within a year of that time the member has not denounced the convention, it shall be bound by its provisions for another 10 years. Implementation of the terms of a convention over a period of years is thus required.

Serious questions as to the force and meaning of international undertakings were therefore raised by the proposal, first formally considered and acted upon at the Seattle Conference, that effect might be given to at least some provisions of conventions through collective agreements between the workers and employers concerned. The proposal was put forward to meet two difficulties. There is strong opposition in Great Britain—on the part of employers, workers, and the Government—to having wages, even minimum wages, fixed by legislation. Neither the seamen in Great Britain nor the shipowners were willing to have their traditional control over wages and employment condi-

<sup>3</sup>In the case of a federal state with limited power to act on labor matters, the Constitution of the ILO provides that the only obligation the government need undertake with respect to a convention relating to such matters is to call it to the attention of the constituent units which are competent to act,

tions through collective bargaining jeopardized by national legislation setting a minimum wage for seamen. In the second place it was argued that several important maritime countries might be very reluctant to enact national legislation fixing a minimum wage for seamen in terms of an international monetary standard until it became clear that there was reasonable expectation of stable currency and trade conditions in the world. The seamen in these countries would, however, probably obtain through collective bargaining wages at or above the minimum specified in the convention. In the interests of prompt and widespread ratification, it was therefore proposed that a country be permitted to give effect to a convention either through national laws or through collective bargaining.

Against this proposal there was urged the fact that collective bargaining agreements can be changed or abrogated much more easily than can national laws, and that other countries could not place the same reliance on the ratification of a convention by a country which intended to implement it by collective bargaining agreements.

The provisions finally agreed to by the Conference contain a number of safeguards not explicitly included in the original proposal. Collective agreements which give effect to any provisions of a convention, or a combination of national laws and regulations and collective agreements, must cover *all* seamen to whom the provision in question applies. Each member nation is required to supply to the Director of the ILO the details of any such collective agreements. It also agrees to participate, by means of a tripartite delegation, in any committee which the ILO may set up to examine the measures taken to give effect to the convention. And it agrees to consider and to bring to the attention of the appropriate organizations of seamen and shipowners any observations or suggestions which such a committee may make as to the degree to which the collective agreements give full effect to the provisions of the convention.

With regard to social security measures, it was agreed that, in general, effect could be given to the provisions of the two conventions only through

legislation. However, in deference to the British position with regard to wage legislation, the general social security convention contains one provision which may be implemented through collective bargaining. That is the guarantee that seamen left ill abroad will receive payment for a specified period of an allowance equal to 100 percent of wages.

### Social Security for Seamen

To the seamen who were represented at the Seattle Conference, adequate social security protection for themselves and their families was one of the major goals to be sought through international action. In discussions of the relative position of seamen in different countries, it was frequently urged that the scope of social security protection afforded the seamen must be considered along with the level of wages paid.

In a number of countries, notably France and Belgium, seamen have for many years enjoyed, under special social insurance and pension systems, favorable treatment as compared with industrial workers generally. In other countries, seamen are covered for most risks under the general social insurance system. Because of the peculiar conditions of maritime employment, the shipowner has, for many centuries, carried special liabilities for the seaman's welfare.<sup>4</sup> Under the laws of all the major maritime countries, the shipowner is responsible for providing medical care to the seaman who is injured or falls ill on board or in the service of the ship, and where adequate care is not possible on board, for landing him in the nearest port and there obtaining care for him and for providing maintenance until he can be repatriated. The shipowner is also liable for payment of wages to the sick seaman while on board ship and, in several countries, for a specified period after he is put ashore. In most countries, also, the shipowner is responsible for repatriating a seaman left ill abroad, to his home port or to

<sup>4</sup>Many of the principles and rules of modern admiralty law in the United States and other countries can be traced back to the code, known as the Laws of Oleron, which was promulgated in the thirteenth century by Eleanor, Duchess of Guienne, to regulate commerce and trade in the Mediterranean. See *U. S. Code, Annotated*, Title 46, p. 215.

the port from which he sailed. The ancient right of the seaman to sue a shipowner for damages as a result of injuries sustained in the service of the ship has in most countries been superseded or supplemented by workmen's compensation legislation. Such legislation ordinarily establishes a fixed schedule of compensation for disability or death and makes it unnecessary for the worker to prove negligence on the part of the employer; it may still be necessary, however, for the worker to resort to court action to obtain benefits. In several countries, workmen's compensation for seamen (and for other workers) has been, or is about to be, replaced by publicly administered employment injury insurance.

Nevertheless, many seamen throughout the world today have little or no social security protection other than that of limited shipowners' liability and workmen's compensation rights. The lack of protection and gaps in protection arise partly from the fact that many seamen come from countries which have not yet established social insurance systems for any of their people—India, China, all of Indonesia, Africa, and parts of Central America. It arises also from the fact that many of the major maritime countries discriminate as between nationals and nonnationals or residents and nonresidents in their social insurance laws or their special seamen's systems, and in some cases in their shipowners' liability and workmen's compensation laws. The problem concerns not only the 50,000 or more Indian seamen who sail on ships registered in Great Britain, or the 30,000 Chinese who sail on ships of countries other than China. It concerns also the smaller, but in the aggregate significant, numbers of Norwegians, Irish, Greeks, and nationals of other countries who sail now on ships registered in one territory, now on those of another.

#### *Development of Social Security Proposals Considered at Seattle*

*The International Seafarers' Charter.*—The social security program envisaged by the seamen in the International Seafarers' Charter called for comprehensive protection for seamen in case of illness, incapacity, death, old age, and unemployment, with spe-

cial provisions for shipwrecked seamen and for merchant seamen detained as prisoners of war. "Although the seafarers are in favour of the widest possible statutory scheme of social services applicable to the whole of the population, they wish to observe that the special character of the shipping industry calls for special provisions. The question arises whether it would not be desirable to treat shipping as a more or less distinctive sector within the framework of a comprehensive scheme of social insurance."

The Charter specified in some detail the minimum amounts of benefits which should be payable in various circumstances. The benefit proposals were noteworthy in two major respects. The rates of several types of benefit were substantially higher in relation to wages and the retirement age was lower than those customary in systems for shore workers. International uniformity of benefit rates—as a proportion of wages—and of benefit conditions, and equality of treatment for nonresident seamen were postulated:

It is very important that seafarers shall come under the same regulations regardless of the flag of the ship. Such equality would entail another great advantage: it would make it possible to conclude reciprocity agreements between countries with a view either to including one another's subjects in the social insurance scheme of the country employing them, or to transferring premiums in respect of them so that they may continue to belong to the social insurance scheme of their own country.

*Special Committee on Seafarers' Insurance.*—Using and elaborating on the provisions of the Charter, the ILO developed a Model Scheme of social security for seafarers, which formed the basis for the discussions of the Special Committee on Seafarers' Insurance which met in London in July of 1945.<sup>5</sup> The Model Scheme, as interpreted in the course of these discussions, provided that seamen should be covered under the general social insurance system of their country of residence for those risks not specifically connected with their occupation. But it also provided that each

maritime country set up a special system for seamen, along identical lines and with uniform benefit rates. This special system would take over the shipowners' liability and would, further, provide compensation for all illness, incapacity, and death arising while the seaman was under articles of agreement. It would also pay special retirement pensions at age 55. If there were no general system of insurance, the special system would provide unemployment and old-age benefits and benefits in case of death or sickness not arising from employment. The special system would collect all contributions due on seamen's wages, making appropriate transfers to the general social insurance system—where one existed—to preserve the workers' rights under that system. Nonresidents would pay to the special scheme of the ship's country the same total contribution as would resident seamen, unless special arrangements were made for them to pay at the rate prevailing in their own country for those risks covered by general systems. For risks covered exclusively by the special scheme—that is, illness, incapacity, or death occurring during agreement—there would be complete and automatic equality of treatment for the resident and the nonresident seaman. For the other risks, nonresidents would be given protection under the system of their own country through reciprocal agreements for transfer of the appropriate share of contributions.

The Model Scheme thus was based on a completely international approach toward social security protection for seamen. Its implementation would still depend, of course, on concurrent action by all, or at least all the major, maritime countries of the world. The special technical committee which met in London, while indicating sympathy for the objectives of the Model Scheme, agreed that it was too rigid and inflexible to give much promise of widespread adoption. Moreover, the costs of the scheme—estimated for the United States at 50 percent or more of pay roll—were not to be lightly undertaken. The United States Government expert pointed out that unless all countries adopted the Model Scheme, it would result in inequities and gaps in the protection of seamen more serious than now exist,

<sup>5</sup> International Labor Office, *Social Security for Seafarers* (Studies and Reports Series M (Social Insurance), No. 19) 1945, pp. 62-80.

since for the nonemployment risks, a seaman outside his country of residence would be subject to heavy contributions but would have no protection unless there was a scheme in his own country to which his contributions could be transferred.<sup>6</sup>

As an alternative, the United States Government and shipowners' experts suggested that it is both more practical and more desirable to achieve social security for seamen through the national approach—encouraging the development of comprehensive social security protection for seamen in all countries as rapidly as possible, but respecting the essential characteristics of existing national programs in the different countries—and to provide supplementary protection on an international basis through reciprocal agreements. Specifically, they proposed that each country commit itself to equality of treatment for resident and nonresident seamen under its social insurance laws and to payment of benefits to qualified persons living outside the country. They suggested that nations might enter into agreements to act as agents for one another in taking claims and paying benefits, particularly for the short-term risks. They further proposed that lifetime continuity of protection for the long-term risks be assured through application to seafarers of the main provisions of the Maintenance of Migrants' Pension Rights Convention, 1935. This convention provides, in effect, for combining the wage or contribution credits for old-age, invalidity, and death benefits, of workers who have been employed during the course of their life in more than one country.

While there was no general agreement among the experts at the London meeting as to the scope and level of benefits which should be available to seamen, or as to the treatment of nonresidents, there was considerable support for some international action to encourage more adequate social security for seamen. Consequently, the ILO determined to present to the Maritime Preparatory Technical Conference which met in Copenhagen in November 1945 a suggested set of provisions which might form the basis for a draft convention.

<sup>6</sup> See International Labor Office, *Social Insurance* (Report VI, Maritime Preparatory Technical Conference), 1945.

*Action of the Copenhagen Preparatory Conference.*—The provisions submitted by the ILO<sup>7</sup> to the Copenhagen Conference set forth first the general principle that seamen and their dependents in any country should be entitled to benefits "at least equivalent to those to which industrial workers and their dependents are entitled in respect of the same contingencies." It thus accepted the national approach to social security for seamen. The Conference amplified and amended this principle by listing the contingencies with respect to which benefits should be payable and by specifying that for certain of them seamen should have protection whether or not similar protection was available to industrial workers generally.

The Office draft also called for special benefits for seafarers in two contingencies. With regard to the first—medical care, maintenance, and wages for a seaman left ashore outside his country of residence by reason of sickness or injury—there was much discussion at the Conference as to the detailed provisions, but general agreement as to the need for such special protection.

No such agreement obtained with respect to the second proposal—for payment of special pensions on retirement from sea service, at age 55 or 60 or at an age at least 5 years lower than the normal retirement age for industrial workers. Difference of opinion as to the need for special pension systems for seamen had been evident at the London meeting of experts and arose again at Copenhagen. A number of European countries already have, and wish to continue, special pension funds for seamen. For the United States, on the other hand, the general consensus of workers and shipowners and of the Government representatives at London and Copenhagen was that in this country it is preferable for the seamen to be covered under the general old-age and survivors insurance system. The seamen thus achieve maximum continuity of protection at a cost which reflects wide spreading of risk and maximum economy of operation. In the

<sup>7</sup> See International Labor Office, *Social Security for Seafarers* (Report II, 28th Session, International Labor Conference), 1946.

United Kingdom, also, seamen are covered under the general social insurance system. There appeared little likelihood that either the United States or the United Kingdom would ratify a convention which included a mandatory provision for special pensions. At the same time, the seamen and the governments of a number of the countries which now have such systems were not satisfied with a permissive provision but wished to have a binding international instrument which other countries could ratify. The compromise decided on by the Copenhagen Conference was to withdraw the pension proposals from the more general social security convention and to embody them in a separate draft convention.

The ILO text which was under discussion at Copenhagen also provided for equality of treatment of resident and nonresident seafarers in most contingencies. A number of practical difficulties were advanced, however, and the Copenhagen Conference finally determined to call for equality of treatment only with respect to shipowners' liability, and on a reciprocal basis with respect to workmen's compensation or employment injury insurance. The Conference also agreed on a draft recommendation urging members to enter into reciprocal agreements extending protection to nonresidents. This whole issue was raised again at Seattle and is discussed in more detail below.

#### *Actions on Social Security at the Seattle Conference*

The Social Security Committee of the Seattle Conference included 16 government, 8 employer, and 8 worker members.<sup>8</sup> The committee considered

<sup>8</sup> The governments represented were: Australia, Belgium, Canada, China, Denmark, France, Greece, India, Ireland, the Netherlands, Norway, Poland, Portugal, Sweden, the United Kingdom, and the United States of America. In addition, 5 governments which had requested representation on the committee but were refused because additional representatives of employers and workers were not available for assignment to the committee were named as substitute members: Cuba, Dominican Republic, Egypt, Mexico, and Turkey. The employer members of the committee came from the following countries: Belgium, China, France, India, Ireland, Norway, the United Kingdom, and the United States. The worker members were from Belgium, Cuba, France, India,

first the more general of the two draft conventions which had been prepared by the ILO on the basis of the decisions reached at Copenhagen.

The draft convention had two main substantive articles.<sup>9</sup> The first guaranteed to seamen and their dependents who are residents of and present in the territory of the ship on which the seaman is employed the following protections: medical care for the seaman and his dependents and cash benefits, in respect of incapacity for work, unemployment, old age, and death, not less favorable than those to which industrial workers in that country are entitled; and insofar as industrial workers and their dependents are not entitled to medical care or to cash benefits in case of incapacity and death, seamen should nevertheless be guaranteed these protections for themselves and their families.

The second major article provided certain substantive guarantees to seamen resident in the territory of the vessel on which they sail who are left behind in another territory by reason of sickness or injury arising during employment. These included (1) medical care, maintenance, and repatriation, and (2) an allowance equal to 100 percent of wages until the seaman is able to obtain suitable employment, or is repatriated, or until the end of a period of not less than 12 weeks, whichever first occurs. Further, if the seaman has not been able to find suitable employment or been repatriated by the end of the period during which this allowance is payable, he or his dependents must then become entitled to any unemployment, sickness, or workmen's compensation benefits to which he would be entitled were he present in his country of residence.

The committee had relatively little difficulty reaching agreement upon the scope and substance of the protections to be included in the convention.

the Netherlands, Norway, the United Kingdom, and the United States. The United States employer member of the committee was C. E. Shaw, of the Standard Oil Company of New Jersey, and the United States worker member was Seth Levine, of the CIO Maritime Committee.

<sup>9</sup> International Labor Office, *Social Security for Seafarers* (Report II, 28th Session, International Labor Conference), 1946.

A motion by the employer members to limit the benefits guaranteed seamen and their dependents to those which are available to industrial workers in the country in question was defeated. However several members of the committee pointed out that countries like India would have great difficulty in providing medical care for the dependents of seamen in the absence of medical care provisions for workers and their dependents generally. Special medical care facilities for seamen could be established in ports, but the dependents of seamen might live in widely scattered villages. Consequently, in order to make it possible for such countries to ratify the convention, the section relating to medical care for dependents of seamen was amended to call only for medical benefits as favorable as those available to the dependents of industrial workers. The committee proposed, however, and the Conference adopted, a recommendation that members endeavor to provide proper and sufficient medical care for the dependents of seamen, pending the development of a medical care service covering workers and their dependents generally.

On the motion of the United States Government member, with some amendment by the committee, a provision was added calling for appropriate coordination or integration of any special provisions for seamen or their dependents with any general system providing corresponding and not less favorable benefits. The United States Government member indicated that in this country the preferred method of assuring social insurance protection to seamen and their dependents is under a general system, and that the world-wide trend is toward comprehensive basic protection and the integration, or at least coordination, of special systems with general systems. The committee accepted the amendment on condition that there be no obligation to integrate, rather than to coordinate, special measures with more general systems.

The committee made no major change in the article relating to benefits for seamen left abroad, though there were some editorial amendments to make more specific the meaning of the terms used. A motion by the employers' group to reduce from 100 percent to 75 percent of

wages the allowance to seamen left abroad was defeated.

The major issue which concerned the committee was the question of equal protection for resident and for nonresident seamen. The two substantive articles as drafted on the basis of the decisions reached at Copenhagen applied only to resident seamen; other articles extended limited guarantees to nonresidents. The workers' members of the committee introduced amendments which would have made the country of the ship on which a seaman was employed responsible for providing protection to nonresidents as well as to residents. On a record vote, there were 25 votes in favor of the principle of equal treatment for residents and nonresidents and 22 votes against this principle. Those voting in favor of equal treatment were the 8 worker members, the employer members from China and India, and the government members from the United States, the Netherlands, Poland, China, and India.<sup>10</sup> The Netherlands, like the United States, now covers nonresident as well as resident seamen under its social insurance laws.

The position of those governments which opposed equality of treatment for nonresidents was based on a number of theoretical and practical considerations, related to the general character of their social insurance systems. Where social insurance benefits are financed in large part, or in whole, from general revenues, there is a reluctance to extend the protections of the system to persons who have not been for most of their lives residents and at least potential taxpayers. The question of financing is important in two very different types of system. The French special pension system for seamen, for instance, which requires substantial contributions from seamen and shipowners, is also heavily subsidized by the State. The system covers only French nationals, thus excluding even residents who are not citizens. This exclusion and the State subsidy are justified on the grounds of the value for national defense of an experienced corps of merchant seamen who are nationals.

<sup>10</sup> In order to give equal weight to the votes of the three groups (see p. 18) in this committee, each employer and each worker vote counted as two votes.

The question of revenue sources is also important in a general and comprehensive system like that of New Zealand or Denmark, where benefits to supplement family income in a wide range of contingencies are financed primarily from income tax or general revenues. The trend toward more comprehensive social insurance programs draws much of its strength from a concept of universality of protection and lifetime protection for all members of the community. Under such a concept, benefit rights—even though technically related to a contribution or earnings record—are based on membership in the community rather than on employment in a specified industry or industries. Both theoretically and practically, such systems find it difficult to make provision for the person with only occasional employment in the country or on the country's ships. It should be noted that neither in Denmark or New Zealand or Australia, nor in Great Britain, is social security protection extended only to citizens or nationals. The test, rather, is that of residence, or residence for a specified length of time.

It was pointed out during the discussions of the Social Security Committee that, so long as the right to benefits is based on contributions or earnings over a substantial period of time, the nonresident seamen might well lose rather than gain by being "covered." For instance, under the new British social insurance program, even though a large share of the cost will be paid from general taxation, the worker's contribution (for all benefits) will be high. If nonresident seamen had to pay this contribution, they would seldom get fair value in return, since the qualifying condition for most benefits will be 50 weekly contributions a year either actually paid or credited without payment when the worker is receiving sickness or unemployment benefits. Even with more liberal qualifying requirements, such as those under the United States old-age and survivors insurance system, the protection afforded nonresidents may be more apparent than real. One solution to this aspect of the problem—application of the provisions of the Maintenance of Migrants' Pension Rights Convention—is discussed below.

Another practical difficulty in the way of extending equal protection to nonresidents results from the substantial differences which still obtain in the wages paid seamen in different countries, and which will not be eliminated by the wage and hour convention. Where insurance contributions and benefits are proportional to wages, the problem is not serious. Where benefits are in large part complementary to other income, as in New Zealand, or where contributions and benefits are flat uniform amounts for all workers, the situation is somewhat different. The British argued, for instance, that neither their contributions nor their benefits were appropriate in relation to the Indian seaman's wage and that it would be quite impractical for Great Britain to set up or to administer a separate benefit scheme for Indians in India or for other nonresidents in their countries of residence.

What Great Britain proposes, therefore, is to exempt nonresidents from paying contributions under the new social insurance system, as they are exempted at present. The employer will pay, as he does now, the regular employer contribution. At present, the shipowner's contribution goes into a special pension and welfare fund for British seamen. With respect to Indian seamen, the British Government has now offered to transfer the shipowners' contributions, in whole or part, to India, if the Indian Government sets up a social insurance system for Indian seamen. Plans for such a system are well advanced. The contribution and benefit rates will be determined by the Indian Government and will apply to all seamen, whether employed on Indian, British, or other vessels. The employee contribution can be collected by the Indian social insurance system when the seaman signs on or off articles in an Indian port. The British Government will then turn over to the Indian system an amount equal to the contributions that British shipowners would pay if they were subject to the Indian system, up to the amount of contributions actually paid by British shipowners to the British social insurance fund.

The Government member of the Social Security Committee from the United Kingdom indicated that his

Government was prepared to negotiate agreements on a reciprocal basis with other countries, a substantial number of whose residents were employed on British ships. In the case of European or other seamen who may sign on a British ship in almost any port, the home country of the seaman would have difficulty collecting the seaman's contribution, if there is one under its law. One possible arrangement would be for the British shipowner to collect the worker's contribution (at the same rates as for British seamen) and the British Government to transfer this contribution to the social insurance system of the worker's country of residence. At present, under a reciprocal agreement between Ireland and the United Kingdom, an Irish seaman on a British ship pays contributions under the British scheme of health insurance but is treated as insured under the corresponding Irish scheme, and vice versa. It may be noted that a British seaman employed on the ship of another country may maintain his social insurance rights under the British social insurance system by voluntary contributions.

In view of the vote of the Social Security Committee for the principle of equal treatment of residents and nonresidents, an attempt was made to work out a formula which would assure protection to nonresidents and still be practical and possible of adoption. The committee recessed for 48 hours to allow time for informal discussions among and between the members of the workers', the employers', and the government groups.

The ILO staff prepared a draft which appeared to go a long way toward meeting the problem. It would have required a member who ratified the convention to provide social security protection (of the same scope as that assured to its own residents) to seafarers residing in the territory of any other member for whom the convention was in force, either (a) by applying its own social insurance schemes to the seafarer and, so far as practical, furnishing benefits under its scheme to the seafarer even when he was present in his own country through arrangements for the competent social insurance agency of that country to take claims and make pay-

ments as its administrative agent, or (b) by collecting contributions with respect to such seafarers and transferring them to the appropriate social insurance institution of their country of residence. The country of residence would be obligated to credit such contributions to the individual accounts of the seamen under its insurance system. There was a proviso to the effect that a member might refuse to collect and transfer contributions for seamen from any country if the number of such seamen was less than 100. A further proviso that the member should not be required to collect contributions at a rate higher than those it would collect from its own seamen would presumably have made it unnecessary for the very few countries having entirely noncontributory systems to do anything about nonresident seamen.

This proposal was not acceptable to the majority of governments concerned. The British Government member suggested that there might be circumstances in which one government would not want to transfer monies to another. In any case, he thought his government would want to gain some experience in the negotiation and administration of reciprocal agreements before it undertook an unconditional obligation to provide social security protection to nonresidents. A number of other government members supported this position. It became evident that the workers had nothing to gain by pushing through the committee a convention which might fail of adoption by the plenary session and which would probably not be ratified by most maritime countries.

Consequently, when the committee met again, it decided to take up first the draft recommendation relating to reciprocal agreements. Having thus done what it could toward encouraging equality of treatment for nonresidents, the committee returned to a consideration of the Social Security Convention. It agreed that the two substantive articles should apply only to seamen and their dependents who were residents of and present in the territory of the ship or to resident seamen left ill outside the territory. Some of these protections were then assured to nonresident seamen by subsequent Articles.

Equality of treatment for nonresidents would be required under national laws and regulations relating to the liability of the shipowner in respect of sickness, injury, or death or any other law providing for maintenance, medical care, and repatriation for seamen left ill abroad. There are some countries which now discriminate between residents and nonresidents even with respect to these rights. If the payment of wages to seamen left ill abroad is covered by shipowners' liability, as it is in the United States and many other countries, nonresident seamen would thus be guaranteed such payments by the terms of the convention. Where, as in Great Britain, provision for such payments is to be made through collective bargaining, the convention does not require similar treatment for nonresidents. With respect to protection for nonresident seamen left ill abroad, the Social Security (Seafarers) Convention, 1946, is less liberal than the Shipowners' Liability Convention, 1936, which placed on the shipowner primary responsibility for defraying the cost of medical care and paying a portion of wages to an incapacitated seaman for at least 16 weeks, even though he was repatriated before that time, and whether or not the seaman was a resident of the ship's country. However, the Shipowners' Liability Convention has been ratified by only the United States, Belgium, and Mexico and has not yet been implemented by the United States.

A member ratifying the Social Security (Seafarers) Convention, 1946, would also guarantee that the provisions of its laws relating to medical and cash benefits in case of employment injury would be applied equally to residents of other members for which the convention is in effective operation. There was considerable support for the position that, at least with respect to employment injury, the obligation to furnish protection should rest unconditionally on the employer or the country of the ship. Existing workmen's compensation laws for seamen in a number of countries do not now assure equal protection to residents and nonresidents. The existing British workmen's compensation scheme does apply equally, but according to present plans the new

industrial injury system which will replace workmen's compensation in 1948 will not automatically cover any nonresident seamen. In the case of employment injury benefits, the British Government is willing to agree unconditionally to extend protection to residents of any members which ratify the convention and is anxious to make suitable arrangements for other nonresident seamen, but it is not willing to make any commitments with regard to nonresident seamen generally.

The convention would also require equality of treatment for seamen and their dependents irrespective of nationality or race under shipowners' liability and compulsory sickness, unemployment, or employment injury insurance. The French Government member stated that his government intended to amend its laws, which now discriminate against nonnationals, to meet this provision. He could not, however, go along with a proposal by the United States Government member to extend the same guarantee to compulsory old-age and survivor insurance.

*Seafarers' Social Security (Agreements) Recommendation.*—The recommendation concerning agreements relating to the social security of seafarers, as finally amended by the committee and adopted by the Conference, urges members of the ILO to enter into agreements to assure that nonresident seafarers have social insurance protection either under the systems of their own country or those of the ship's country. It indicates that the ship's country should take the responsibility for seeing that—through special agreements or otherwise—nonresidents have protection against employment injury. It suggests several forms which such agreements might take: agreements for transfer of contributions, agreements for the social insurance institutions of one country to act as administrative agents for the other in taking claims and furnishing benefits, agreements to apply the provisions of the Maintenance of Migrants' Pension Rights Convention, 1935, or a combination of such methods.

The second and third methods were included on the motion of the United States Government member. The

transfer-of-contribution method is particularly applicable when large groups of nonresident seamen are involved. It is not likely ever to result in coverage for all nonresidents. It seemed important, therefore, to call attention to an alternative method of meeting the problem. This method would call for equal treatment of residents and nonresidents, as under old-age and survivors insurance and unemployment insurance in the United States. The problem of seamen having insufficient employment on the ships of one country to meet the qualifying requirements for the long-term benefits would be solved by applying to seamen the provisions of the Maintenance of Migrants' Pension Rights Convention. This convention provides that the insurance system of a ratifying country shall take into account periods spent in employment covered by a parallel insurance system of any other ratifying country for the purpose of determining eligibility for old-age, invalidity, and survivors benefits. The amount of benefit payable would be computed separately by each insurance system under which the worker qualified on the basis of his "totalized" employment. Each such insurance system would pay in full that part of its benefit which varied with the time spent in insurance under the system; and each such system would reduce, proportionately to the time spent in employment covered by other systems, that part of its benefit determined independently of the time spent in insurance. While some modifications in detail might be found desirable, this general method can appropriately be used in international agreements relating to seamen. Furthermore, this method can be used in combination with agreements for transfer of contributions. For instance, a Norwegian seaman might be employed in the course of his lifetime on Norwegian, British, and United States ships. If the appropriate international agreements had been reached, he would have credits under the Norwegian insurance system for his periods of employment on Norwegian and, through transfer of contributions, on British ships; these total credits would then be taken into account by Norway and by the United States in determining his benefits under the Norwegian and

the United States insurance systems.

For the short-term benefits, it was suggested that the combining of wage credits internationally seems neither feasible nor necessary, but arrangements should be made wherever possible to pay such benefits outside the territory of the insurance system. The method suggested was that of agency agreements similar to those which all the State unemployment compensation agencies in the United States now have with one another and which most of the States have with the Canadian unemployment insurance system.

#### *Seafarers' Pensions Convention.*—

The second social security convention adopted by the Conference relates to special pensions for seamen on retirement from sea service. This convention specifies the actual level of the benefits to be provided, though the formula is more flexible than that included in the Model Scheme or in the draft text considered at Copenhagen. The pensions payable, together with any other social security pension payable simultaneously to the pensioner, must amount to 1½ percent of the wages on which contributions were paid for each year of sea service if the retirement age is 55, and to 2 percent if the retirement age is 60; or they must be at such a level as to require a premium income of not less than 10 percent of taxable wages. The convention provides that seafarers collectively shall not contribute more than half the cost of the pensions payable under the scheme.

As was indicated earlier, this pensions convention was of particular interest to the workers and governments of a number of European countries that now have special pension schemes for seamen. Several government members indicated that they were waiting to see what agreements were reached on this convention before suggesting modifications in their seamen's pension legislation.

On the other hand, a number of government members indicated that their countries were committed to the principle of extending social security protection to seamen along with other workers under a general system, and could not be expected to ratify a convention calling for special pension schemes for seamen. On the final

vote in plenary session, the Seafarers' Pensions Convention, 1946, was adopted by a vote of 56 for and 16 opposed, with 25 abstentions. The United States Government delegates and the United States worker delegate were among those who abstained from voting. The United States employer delegate, together with all the other employer delegates except those from Belgium, France, and Poland, voted against the convention. In contrast, the Social Security (Seafarers) Convention, 1946, was adopted by a vote of 76 for and 14 opposed, with 2 abstentions.

#### *United States Position With Relation to Social Security for Seamen*

How does the social security protection which seamen on United States ships now enjoy compare with the standards embodied in the Social Security (Seafarers) Convention, 1946?

Seamen in this country have been covered under old-age and survivors insurance since 1940 and thus enjoy the same protection for the risks of old age and death as do industrial workers. The recently enacted legislation which brings seamen under the State unemployment insurance laws will presumably give seamen protection at least as favorable as that available to industrial workers generally, in case of unemployment.

Seamen sailing on American vessels are entitled to medical care in the marine hospitals and through the other facilities of the U. S. Public Health Service. These benefits are provided entirely from public funds. Under existing regulations a worker must apply for such care for the first time in a spell of illness within 90 days after signing off articles or he is regarded as being no longer a seaman. Some of the seamen's unions have urged that a worker who has had as much as 15 years of sea service should thereafter be entitled to medical care as a seaman for the rest of his life. Some such provision might be suggested by the terms of the convention. So far as scope of services is concerned, it is generally believed that this country now meets the standard of providing "proper and sufficient medical care" for seamen.

The convention further requires

that seamen should be entitled to cash benefits with respect to incapacity for work (whether due to employment injury or not) at least as favorable as those available to industrial workers and, if such benefits are not payable to industrial workers, they should nevertheless be provided for seamen.

For work-connected disabilities, most industrial workers in this country are covered by State workmen's compensation laws. Seamen are at present protected under the laws concerning shipowners' liability, and under the Jones Act they may sue for damages occasioned by the shipowners' negligence without the prepayment of court costs and with most of the usual employer's common law defenses abrogated. It is somewhat difficult to compare the protection which seamen and their dependents thus enjoy with that which industrial workers generally have under the 47 State workmen's compensation laws. Up to the present, the seamen themselves have preferred the system they now have. So long as that remains true, it would seem reasonable to say that seamen do enjoy protection, in case of work-connected disabilities, as favorable as that available to industrial workers generally, and that no change in our present laws is required to enable the United States to comply

with that provision of the convention.

So far as non-work-connected disabilities are concerned, we do not now meet the standards of the convention, since seamen like other workers lack income protection for long-continued disability and—except in two States—temporary sickness.

Under existing maritime law, seamen on United States ships are entitled to medical care, maintenance, and repatriation when left ill abroad. They are also entitled to 100 percent of wages until the end of the voyage, a period which may be either longer or shorter than the 12 weeks specified in the convention. If the United States were to ratify the convention, the provision relating to payment of wages might be determined to be self-implementing; that is to say, the courts might automatically read this guarantee into every shipping contract, as they now read the guarantee of wages until the end of the voyage. If they did not do so, it would need to be implemented either through legislation or collective bargaining agreements. Arrangements for the payment of unemployment (and sickness) benefits to qualified workers left abroad because of illness at the expiration of the 12 weeks and until they were repatriated could be made through administrative action by the

appropriate Federal and State agencies.

In one important respect—equality of treatment without regard to race, nationality, or residence—the social insurance program in the United States is in advance of the standard set by the Social Security (Seafarers) Convention, 1946.

Only one major addition to the social security protections now available to seamen on United States ships—cash benefits in case of non-work-connected sickness and disability—is thus necessary to make it possible for the United States to ratify and give effect to its obligations under the convention. This major gap would be filled, for seamen as for other workers, were legislation to be enacted carrying out recommendations which have already been made to the Congress by the President and the Social Security Board.

It is to be hoped that the United States will before long join with other nations in bringing the social security convention into effective operation, and thus be in a position to work effectively with them toward international agreements that will give full substance to the program which was foreshadowed at the Seattle Conference.

*(Continued from page 16)*

Council meeting, and the amended constitution will be put on the agenda for action by the General Assembly of the United Nations at its next meeting, scheduled for September. If action is favorable, signature of the new constitution by the delegates of member governments will then be in order. Ratification by the member governments and financial contributions are required, however, before the new organization can become operative. The major concern at this time is to obtain sufficient funds to finance operations by June 30, 1947, when UNRRA's Displaced Persons program in Europe is scheduled to terminate. The number of European refugees and displaced persons to be cared for is more than 984,000; figures for the Far East are not yet fully determined.

*World Health Organization.*—The Constitution of a World Health Organization was presented to 51 member governments of the United Nations and 13 other nonmember governments at a special session of the International Health Conference in New York on July 22. This Conference, which had been convoked by the Social and Economic Council on the recommendation of its Technical Preparatory Committee on Health, went into session on June 19 to draw up a constitution for the new world health organization. Before it can come into being, however, the constitution must be ratified by 26 members of the United Nations, with the approval, when necessary, of their national legislatures.

In the meantime, since ratification may take several months, the Council

established an Interim Commission consisting of representatives of 18 member governments. This commission will be responsible for preparing for the first session of the World Health Organization after the constitution comes into force and for drawing up proposals for organization, budget, and other necessary details. It is also empowered to enter into negotiations with the League of Nations Health Organization and certain other organizations in the field of health to effect the transfer of the functions and activities which have been assigned to the United Nations. A later issue of the BULLETIN will carry a description of the work of drawing up the constitution—called the "Magna Carta of health"—and of the aims and scope of the World Health Organization.